



21 May 2020

NOTICE OF ORDINARY COUNCIL MEETING

Your attendance is respectfully requested at the Ordinary Meeting of Cabonne Council convened for **Tuesday 26 May, 2020** commencing at **2.00pm**, at the Cabonne Council Chambers, Bank Street, Molong to consider the undermentioned business.

Yours faithfully

BJ Byrnes
GENERAL MANAGER

ORDER OF BUSINESS

- 1) Open Ordinary Meeting
- 2) Consideration of Mayoral Minute
- 3) Consideration of General Manager's Report
- 4) Resolve into Committee of the Whole
 - a) Consideration of Called Items
 - b) Consideration of Closed Items
- 5) Adoption of Committee of the Whole Report

Please be advised that this Council meeting is being recorded. By speaking at this meeting, you agree to being recorded. Please ensure that if and when you speak you are respectful to others and use appropriate language at all times. Cabonne Council accepts no liability for any defamatory or offensive remarks or gestures made during the course of this meeting. The recording of this meeting will be made publicly available on Council's website.



COUNCIL'S MISSION

“To be a progressive and innovative Council which maintains relevance through local governance to its community and diverse rural area by facilitating the provision of services to satisfy identified current and future needs.”

COUNCIL'S VISION

Cabonne Council is committed to providing sustainable local government to our rural communities through consultation and sound financial management which will ensure equitable resource allocation.

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CONFIDENTIAL ITEMS

Clause 240(4) of the Local Government (General) Regulation 2005 requires Council to refer any business to be considered when the meeting is closed to the public in the Ordinary Business Paper prepared for the same meeting. Council will discuss the following items under the terms of the Local Government Act 1993 Section 10A(2), as follows:

ITEM 1 CARRYING OF COMMITTEE RESOLUTION INTO CLOSED COMMITTEE OF THE WHOLE MEETING

Procedural

ITEM 2 ENDORSEMENT OF PROCEEDINGS OF CONFIDENTIAL MATTERS CONSIDERED AT COMMITTEE OF THE WHOLE MEETING

Procedural

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ITEM 1 - APPLICATIONS FOR LEAVE OF ABSENCE

REPORT IN BRIEF

Reason For Report	To allow tendering of apologies for councillors not present.
Policy Implications	Nil
Budget Implications	Nil
IPR Linkage	4.5.1.g - Code of Meeting Practice adopted and implemented.
Annexures	Nil
File Number	\\OFFICIAL RECORDS LIBRARY\GOVERNANCE\COUNCIL MEETINGS\COUNCIL - COUNCILLORS LEAVE OF ABSENCE - 1089253

RECOMMENDATION

THAT any apologies tendered be accepted and the necessary leave of absence be granted.

GENERAL MANAGER REPORT

A call for apologies is to be made.

ITEM 2 - DECLARATIONS OF INTEREST

REPORT IN BRIEF

Reason For Report	To allow an opportunity for councillors to declare an interest in any items to be determined at this meeting.
Policy Implications	Nil
Budget Implications	Nil
IPR Linkage	4.5.1.g - Code of Meeting Practice adopted and implemented.
Annexures	Nil
File Number	\\OFFICIAL RECORDS LIBRARY\GOVERNANCE\COUNCIL MEETINGS\COUNCIL - COUNCILLORS AND STAFF DECLARATIONS OF INTEREST - 2019 - 1089254

RECOMMENDATION

THAT the Declarations of Interest be noted.

GENERAL MANAGER REPORT

A call for Declarations of Interest.

ITEM 3 - DECLARATIONS FOR POLITICAL DONATIONS

REPORT IN BRIEF

Reason For Report	To allow an opportunity for Councillors to declare any Political Donations received.
Policy Implications	Nil
Budget Implications	Nil
IPR Linkage	4.5.1.g - Code of Meeting Practice adopted and implemented.
Annexures	Nil
File Number	\\OFFICIAL RECORDS LIBRARY\GOVERNANCE\COUNCIL MEETINGS\COUNCIL - COUNCILLORS DECLARATION OF POLITICAL DONATIONS - 1089255

RECOMMENDATION

THAT any Political Donations be noted.

GENERAL MANAGER REPORT

A call for declarations of any Political Donations.

ITEM 4 - MAYORAL MINUTE - APPOINTMENTS

REPORT IN BRIEF

Reason For Report	To allow noting of the Mayoral appointments plus other Councillors' activities Reports.
Policy Implications	Nil
Budget Implications	Nil
IPR Linkage	4.5.1.g - Code of Meeting Practice adopted and implemented.
Annexures	Nil
File Number	\\OFFICIAL RECORDS LIBRARY\GOVERNANCE\COUNCIL MEETINGS\MAYORAL MINUTES - 1089260

RECOMMENDATION

THAT the information contained in the Mayoral Minute be noted.

GENERAL MANAGER REPORT

A call for the Mayoral appointments and attendances as well as other Councillors' activities reports to be tabled/read out.

ITEM 5 - MAYORAL MINUTE - SUPPORT FOR LOCAL MEDIA

REPORT IN BRIEF

Reason For Report	To confirm continued support for local media outlets.
Policy Implications	Nil
Budget Implications	Nil
IPR Linkage	4.5.2.d - Provide effective communications and information systems
Annexures	Nil
File Number	\\OFFICIAL RECORDS LIBRARY\GOVERNANCE\COUNCIL MEETINGS\MAYORAL MINUTES - 1123642

RECOMMENDATION

THAT Council continue to support local media in Cabonne through advertising of public notices.

MAYORAL MINUTE

The Office of Local Government recently introduced temporary modifications to some regulations in response to the Covid-19 pandemic. In addition to these temporary measures, the Local Government (General) Regulation 2005 (the Regulation) has been amended to remove requirements for newspaper advertising. This amendment is not temporary and will continue to apply after the COVID-19 pandemic passes. Councils are now only required to publish notices such as tenders, development approvals and other information on their websites, or in such other manner that they consider necessary to bring it to the notice of the local community or other interested persons.

This is a concern for media outlets throughout the state with councils usually being one of the main advertisers for local and regional newspapers. The potential loss of advertising revenue at a time when they are already struggling would be a major impact on their business.

Additionally, our small communities rely on their local newspaper, be it weekly or monthly, to get information. These publications are an important tool for Council to communicate and engage with the community on matters affecting them and relying on providing information online only would disadvantage some residents, particularly the elderly and those are who are not technically adept or who have unreliable connections.

Council should commit to communicating and engaging with the community by continuing to advertise in local and regional newspapers within the Shire.

ITEM 6 - COMMITTEE OF THE WHOLE

REPORT IN BRIEF

Reason For Report	Enabling reports to be considered in Committee of the Whole to be called.
Policy Implications	Nil
Budget Implications	Nil
IPR Linkage	4.5.1.g. Code of Meeting Practice adhered to
Annexures	Nil
File Number	\\OFFICIAL RECORDS LIBRARY\GOVERNANCE\COUNCIL MEETINGS\GROUPING OF REPORT ADOPTION and BUSINESS PAPER ITEMS FOR NOTING REPORTS - 1089261

RECOMMENDATION

THAT Councillors call any items that they wish to be debated in Committee of the Whole.

GENERAL MANAGER REPORT

Council's Code of Meeting Practice allows for the Council to resolve itself into "committee of the whole" to avoid the necessity of limiting the number and duration of speeches as required by Clause 250 of the Local Government (General) Regulation 2005.

This item enables councillors to call any item they wish to be debated in "committee of the whole" at the conclusion of normal business.

The debate process during a 'normal' Council meeting limits the number and duration of speeches as required by Clause 250 of the Local Government (General) Regulation 2005.

Items should only be called at this time if it is expected that discussion beyond the normal debate process is likely to be needed.

ITEM 7 - GROUPING OF REPORT ADOPTION

REPORT IN BRIEF

Reason For Report	Enabling procedural reports to be adopted.
Policy Implications	Nil
Budget Implications	Nil
IPR Linkage	4.5.1.a - Provide quality administrative support and governance to councillors and residents.
Annexures	Nil
File Number	\\OFFICIAL RECORDS LIBRARY\GOVERNANCE\COUNCIL MEETINGS\GROUPING OF REPORT ADOPTION and BUSINESS PAPER ITEMS FOR NOTING REPORTS - 1089262

RECOMMENDATION

THAT Council note there are no items for grouping.

GENERAL MANAGER REPORT

Items that are considered to be of a procedural nature can be moved and seconded as a group.

There were no items for grouping in this month's business paper.

ITEM 8 - CONFIRMATION OF THE MINUTES

REPORT IN BRIEF

Reason For Report	Adoption of the Minutes
Policy Implications	Nil
Budget Implications	Nil
IPR Linkage	4.5.1.g - Code of Meeting Practice adopted and implemented.
Annexures	1. April 28 2020 Ordinary Council Meeting Minutes ↓
File Number	\\OFFICIAL RECORDS LIBRARY\GOVERNANCE\COUNCIL MEETINGS\COUNCIL - MINUTES - 2019 - 1089263

RECOMMENDATION

THAT the minutes of the Ordinary meeting held 28 April 2020 be adopted.

GENERAL MANAGER REPORT

The following minutes are attached for endorsement:

1. Minutes of the Ordinary Council meeting held on 28 April 2020.

ITEM 9 - RENEWABLE ENERGY ACTION PLAN

REPORT IN BRIEF

Reason For Report	Formal adoption and advising of commencement of projects.
Policy Implications	Nil
Budget Implications	Nil
IPR Linkage	5.7.2.a - Report on sustainability initiatives
Annexures	Nil
File Number	\\OFFICIAL RECORDS LIBRARY\ENVIRONMENTAL MANAGEMENT\PLANNING\RENEWABLE ENERGY ACTION PLAN - 1123665

RECOMMENDATION

THAT Council adopt the Renewable Energy Action Plan.

GENERAL MANAGER REPORT

Council will recall Constructive Energy presented the Renewable Energy Action Plan (REAP) at the March workshop. The REAP was developed after a detailed analysis of current electricity consumption and generation opportunities was conducted including a review of factors relating to installation and management of renewable energy infrastructure. The plan provides a knowledge base for Council to set out the options over the short to medium term for renewable energy projects.

Constructive Energy have now been engaged to proceed with the investigation of a Medium Scale Solar Generator identified as a proposed project in the Plan. This is a three-stage process; the preliminary stages of 1 and 2 Stage involve the following body of work:

Stage 1 Establish size and location of at least 4 potential mid-scale solar arrays

Complete GIS data analysis, site validation and Essential Energy Preliminary Network enquiries to establish limitations and viability of mid-scale arrays in or around each major centre with the LGA.

Stage 2 – Detailed conceptual modelling, identifying preferred partners and defining the project

Development of detailed financial/project model, development of specifications and documentation for an EOI, running the EOI and reporting to and assisting Council in selection of preferred provider.

Council has been able to proceed with both Stage 1 and 2 utilising unexpended funds within the current budget.

Providing council adopts the REAP as per the recommendation, Council can then move to full completion of these investigative stages. Council can then examine the outcome of these investigative stages and determine the viability of proceeding to Stage 3, being full project planning, documentation and delivery.

The SMART metering and load control installations identified in the Renewal Energy Action Plan has been provided for the draft 2020/21 budget for implementation early in the next financial year.

ITEM 10 - LOCAL GOVERNMENT WEEK 2020

REPORT IN BRIEF

Reason For Report	To determine activities for Local Government Week 2020
Policy Implications	Nil
Budget Implications	Nil
IPR Linkage	4.4.1.c - Provide assistance to community groups
Annexures	Nil
File Number	\\OFFICIAL RECORDS LIBRARY\RECREATION AND CULTURAL SERVICES\EVENTS MANAGEMENT\LOCAL GOVERNMENT WEEK - 2019 - 2023 - 1120932

RECOMMENDATION

THAT Council participate in Local Government Week 2020 activities subject to lifting of current Covid-19 restrictions.

ADMINISTRATION OFFICER'S REPORT

Local Government Week 2020 is due to take place from Monday 3 August until Sunday 9 August 2020.

This year's theme is 'Councils Do'. Local Government Week is designed to showcase the work councils do in their local communities, including the wide variety of services they provide.

This gives Council the opportunity to celebrate council services that extend beyond roads, rates and rubbish to include areas such as public libraries, childcare centres, sporting facilities, arts and culture, building and development etc.

Council will need to consider any activities held this year in line with any COVID-19 restrictions that are in place.

ITEM 11 - STRONGER COUNTRY COMMUNITIES FUND ROUND 3

REPORT IN BRIEF

Reason For Report	For Council to determine acceptance of partial funding offer
Policy Implications	Nil
Budget Implications	\$461,642 required from reserves which is \$30,488 less than originally nominated.
IPR Linkage	3.3.3.b - Maintain sporting facilities to safe operational standards
Annexures	Nil
File Number	\\OFFICIAL RECORDS LIBRARY\GRANTS AND SUBSIDIES\PROGRAMS\STRONGER COUNTRY COMMUNITIES FUND - ROUND 3 - 1122812

RECOMMENDATION

THAT Council:

1. Accept the offer of partial project funding by the NSW Government under Round 3 of the Stronger Country Communities Fund.
2. Use the co-funding nominated for the SCCF Canowindra lighting project towards the delivery of the two successful projects **and** locate another funding source from reserves for the potential success of other grant applications for this project (listed as option (b) in this report).

ACTING COMMUNITY ENGAGEMENT AND DEVELOPMENT MANAGER'S REPORT

BACKGROUND

At its September 2019 Ordinary meeting, Council resolved to submit three applications for funding under round three of the Stronger Country Communities Fund (SCCF).

The outcome of the applications is as follows:

- 1) Lighting Upgrade at Molong Rec project – funding request of \$200,000 and funding offer of \$169,433 (**-\$30,567**).
- 2) Yeoval Recreation Precinct Masterplan project - funding request of \$401,034 and funding offer of \$266,019 (**-\$135,015**).
- 3) Lighting Upgrade at Tom Clyburn Oval project – unsuccessful in this round however the project remains in contention for Building Better Regions funding.

CURRENT SITUATION

As a result of the partial funding offer for the two projects, Council must consider whether to modify its financial contribution to the projects or to reduce the scope of the projects to suit the funding.

With regard to the Canowindra lighting project, the BBRF program guidelines would allow, if successful, the Molong lighting project to be fully funded from both the BBRF grant and the SCCF grant, with no financial contribution from Council. This would then see the reserve amount available to be apportioned to the Canowindra lighting project, if it were then successful under the BBRF program.

Alternatively, if the Molong lighting project is not successful under BBRF and the Canowindra lighting project is successful, council may determine to co-fund the project from reserves at this time.

A further option available to Council is to consider a reduction of scope to the SCCF projects to suit the funding offered. The Molong lighting project is not able to be reduced in scope due to its nature, however the Yeoval project could be modified to suit the current funding.

Should the scope of the Yeoval project need to be reduced, two discrete elements can be removed to accommodate the funding level. The two items that can be removed are the resurfacing of the tennis courts and the installation of a hitting wall and associated line markings.

In summary, Council has three options, with option (b) being the recommendation:

- a) Use the co-funding nominated for the SCCF Canowindra lighting project towards delivery of the two successful projects **instead**; or
- b) Use the co-funding nominated for the SCCF Canowindra lighting project towards the delivery of the two successful projects **and** locate another

funding source from reserves for the potential success of other grant applications for this project; or

- c) Liaise with the Yeoval community to **reduce the scope** of the project to match the funding available and original contribution resolved.

ITEM 12 - CADIA PIPELINE AGREEMENT - DEED OF LEASE

REPORT IN BRIEF

Reason For Report	To seek Council's approval to affix the Common Seal on the Cadia Pipeline agreement
Policy Implications	Nil
Budget Implications	Annual rental income
IPR Linkage	5.5.1.c - Maintain a detailed knowledge and understanding of issues related to mining
Annexures	Nil
File Number	\\OFFICIAL RECORDS LIBRARY\ENVIRONMENTAL MANAGEMENT\MONITORING\CADIA MINE - 2018-2021 - 1123594

RECOMMENDATION

THAT Council authorise the affixing of the Common Seal to the Cadia Pipeline agreement and associated documents as required.

ADMINISTRATION MANAGER'S REPORT

Cadia Valley Operations (CVO) entered into leases with Blayney and Cabonne Councils commencing on 22 March 2001 and then subsequently entered into further leases with each Council for an additional area commencing on February 2014.

The leases have been renewed by CVO through its exercise of options. The new leases are on the same terms as the previous leases subject to any adjustments in the clauses that existed in the original leases. The only change to the clauses in each lease is the deletion of the option clause.

The "market review" of rent has been agreed by each of the Council's to be equal to a CPI increase in accordance with the submission that CVO made to each of the Councils. Each lease provides for the indexation of the rent to CPI for each year in the terms, except for a year where there is a market review.

The renewals of the 2001 leases provide that there is a review to market in 2030. To institute the market review, clause 3.4 states that the relevant Council needs to provide to CVO, not earlier than 3 months before the review date, its

assessment of the market review rent. Each of the renewals of the 2014 leases provided for market review every 5 years from 31 December 2020.

The new lease will expire on 21 November 2039.

ITEM 13 - MOLONG FLOODPLAIN MANAGEMENT ADVISORY COMMITTEE - TERMS OF REFERENCE ADOPTION

REPORT IN BRIEF

Reason For Report	Adoption of the Molong Floodplain Management Advisory Committee, considering submissions received throughout public exhibition.
Policy Implications	Adoption of Terms of Reference for Advisory Committee
Budget Implications	Nil
IPR Linkage	5.2.2.c - Implement Molong Floodplain Management Plan
Annexures	1. Molong Floodplain Management Advisory Committee - Terms of Reference.docx↓
File Number	\\OFFICIAL RECORDS LIBRARY\SEWERAGE AND DRAINAGE\FLOOD MITIGATION\MOLONG FLOODPLAIN - 1123738
Previous Items	19 - MOLONG FLOODPLAIN RISK MANAGEMENT COMMITTEE - TERMS OF REFERENCE - Council - 24 Mar 2020 2.00pm

RECOMMENDATION

THAT Council:

1. Adopt the Molong Floodplain Management Advisory Committee Terms of Reference; with the following amendment to be made:

Section 7 Membership

Mayor – As Chairperson, with one alternate position

Councillor – As Deputy Chairperson, with one alternate position.

2. Appoint a Councillor Representative to the Molong Floodplain Management Advisory Committee.
3. Authorise the General Manager to advertise for expressions of interest to fill the Local Community Representative positions.
4. Delegate authority to the Mayor, Councillor Representative of the Committee and the General Manager to receive the expressions of interest and appoint the Local Community Representatives.

5. Authorise the General Manager to write to the NSW State Emergency Services and NSW Office of Environment and Heritage to seek representation on the committee.

ACTING DIRECTOR OF ENGINEERING AND TECHNICAL SERVICES REPORT

Background

At its Ordinary Meeting of 24 March 2020, Council considered draft terms of reference for the formation of the Molong Floodplain Management Advisory Committee. At this meeting, it was resolved:

MOTION (Jones/Nash)

THAT Council endorse the Draft Terms of Reference for the Molong Floodplain Risk Management Committee and place the Draft Terms of Reference of public exhibition.

20/03/18 Carried

The draft terms of reference were placed on public exhibition, with the exhibition closing on 12 May 2020.

The purpose of the committee is to provide advice on the development and implementation of floodplain risk management studies relating to the Molong Township. Specifically, the committee:

- Provides a forum for the discussion of technical, social, economic, environmental and cultural issues; and
- Creates the opportunity for the views of key stakeholders to be identified and captured through the development and implementation of floodplain management plans.

Submission Received

One submission was received during the public exhibition period from the growMolong Inc. The growMolong Inc submission raises the following:

“Councillors, whilst we understand this is a role for council to decide, after viewing the December Council Meeting on You Tube, we were surprised at the negativity displayed by some Councillors to the formation of this Committee. With only 8 members proposed for this committee we believe there is no room for negativity and consequently these Councillors appear to have disqualified themselves from selection.

Local Community Representatives, only up to two. In our opinion this poses quite a problem and we were expecting to have the community given greater representation, bearing in mind the following:-

1. *The Manuel does not stipulate numbers, only local flood affected landholders, relevant industry bodies such as a chamber of commerce, members who can provide historic advice on local problems and perceived solutions, and forming a link between the committee and the local population in the flood prone area.*

2. *growMOLONG has shown leadership and has had the flooding of Molong on the Agenda from the start. We have recently worked with Council and the community to give this issue a higher priority. Therefore, we would propose a reallocation or expansion of the membership numbers to include three representatives from our group who display all the attributes above i.e.*
 - *Les Dean- President of growMOLONG, a life member of the Molong community who has experience every flood event since the 50's and had a lifetime commitment to the Molong Creek management including large scale clearing of willows whilst President of the Molong Streamcare Group (now dissolved)*
 - *Peter Crich- Manager of Spar Supermarket. Peter's business was heavily affected by flooding especially after the 2005 event and has made many attempts with Council and other groups to activate discussion to find a solution. Peter is under the impression that another 2005 event will leave the town without a supermarket. A committed businessman who will go the distance with such a committee.*
 - *David Eccleston- Retired Cabonne Council Engineer who in 2010 put together a workable solution to the flooding issue, and who served for many years in flood mitigation in Western Sydney."*

Commentary of Submission Received

With regard to Councillor representation on the committee, there are no guidelines that stipulate the appropriate number of Councillors or staff on a committee. The elected member representation needs to be of a sufficient number to enable:

1. Sufficient representation of the Council.
2. Be of a composition that represents the interests of the Cabonne Community.

These points should be considered by Council when determining the composition of elected member representatives on the committee.

Relating to the number of community representatives on the committee, the emphasis of these representatives according to the Floodplain Development Manual is:

- Formal link between the committee and local population.

- Provide historical advice on local problems and solutions.
- Consider implications on the greater community.
- Facilitate formal representation to the committee on behalf of the committee.

It is intended that the community representatives will be selected through an expression of interest process, with selection to fill the places on the committee based on those nominations which will best deliver the above intent. A review of other Council's Floodplain Management Committees indicates that two representatives is the norm for community members.

Suggested Modifications from Staff

During the public exhibition of the Terms of Reference, the following suggestions have been made from staff:

1. That one of the Council representatives of the committee be filled by the Mayor.
2. That community representatives be selected by the two Council representatives and the General Manager.

Regarding the Mayor on the committee, although the Mayor is an ex-officio member of the committee, it is not common for this role to be taken up. If it is intended for the Mayor to undertake the Chairpersons role on the committee, it is preferable to list the Mayor as a member of the committee.

With regard to the selection of community representatives, it is suggested that Council authorise the Council representatives and the General Manager to undertake the expression of interest process to select the members by resolution, rather than within the terms of reference.

Next Steps

The next steps for Council are is the appointment of representatives on the committee. This includes:

- Council to nominate its elected member representatives on the committee.
- Council to invite expressions of interest for community representatives on the committee.
- Once expressions of interest are closed, the Council representatives and the General Manager act as the selection panel for the community representatives.
- The State Emergency Service and Office Environment and Heritage be requested to elect their representatives on the committee.

It is expected that the first meeting of the Molong Floodplain Management Advisory Committee will be held in July 2020.

ITEM 14 - DEVELOPMENT APPLICATION 2019/0169 - SERVICE STATION, GASKILL STREET, CANOWINDRA

REPORT IN BRIEF

Reason For Report	For determination - over three submissions received.
Policy Implications	Nil
Budget Implications	Nil
IPR Linkage	4.5.3.a - Assess and determine planning and development applications to foster community growth within the shire
Annexures	1. Draft Conditions of Consent ↓
File Number	\\Development Applications\DEVELOPMENT APPLICATION\2019\03-2019-0169 - 1123649

RECOMMENDATION

THAT Development Application 2019/0169 for demolition, construction of a service station and installation of business identification signage at Lot 1 DP 852310, known as 19-23 Gaskill Street, Canowindra, be approved, subject to the conditions of consent in the attached Draft Notice of Approval.

TOWN PLANNER'S REPORT

ADVISORY NOTES

Record of voting

In accordance with s375A of the Local Government Act 1993, a division is required to be called when a motion for a planning decision is put at a meeting of Council or a Council Committee. A division under s375A of the Act is required when determining this planning application.

Political Disclosures

In accordance with s10(4) of the Environmental Planning and Assessment Act 1979, a person making a planning application to Council is required to disclose political donations and gifts made within 2 years prior to the submission of the application and concluding when the application is determined.

In accordance with s10(4) of the Environmental Planning and Assessment Act 1979, a person making a public submission to Council in relation to a planning application made to Council is required to disclose political donations and gifts made within 2 years prior to the submission being made and concluding when the application is determined.

Political donations and gifts (if any) to be disclosed include:

- All reportable political donations made to any local councillor or Council,
- All gifts made to any local councillor or employee of the Council.

Nil planning application disclosures have been received. Nil public submission disclosures have been received.

SUMMARY

The following report provides an assessment of the development application submitted for the demolition of a disused service station and the subsequent construction of a new service station and associated business identification signage, located at 19-23 Gaskill Street, Canowindra, being land described as Lot 1 DP 852310.

The application has been referred to council for determination, as during the exhibition periods, a cumulative total of 56 submissions were received including nine (9) supporting submissions. It is noted that several people made more than one submission during both exhibition periods. A summary of the submissions received is addressed in the later section of this report and have been addressed in detail throughout the body of this report.

It is recommended that the application be approved subject to the conditions of consent in the attached Draft Notice of Approval.

Applicant: Canowindra Petroleum Pty Ltd c/- RJ Sinclair Pty Ltd

Owner: Canowindra Petroleum Pty Ltd

Proposal: Demolition, service station construction & business identification signage

Location: 19-23 Gaskill Street, Canowindra – Lot 1 DP 852310

Zone: B2 Local Centre

Value: \$1,500,000

The proposed development is located within the confines of the Canowindra Heritage Conservation Area and is within proximity to the residential area and Central Business District of Gaskill Street. Accordingly, the main areas of consideration in the assessment of this application relates to, inter alia, traffic, noise, impacts on the residential amenity and the heritage impacts of the development upon the significance of the Canowindra Heritage Conservation Area. The proposal is permitted with the consent of council and is generally compliant with the relevant aims and objectives of the Cabonne Local Environmental Plan 2012 and Council's Development Control Plan. The potential impacts of the development have been addressed and can be managed appropriately by conditions of consent.

An assessment of the application against the relevant matters for consideration is provided in detail in the body of this report.

BACKGROUND

The application was lodged with council, on 14 June 2019, and was neighbour notified for a period of 14 days. After the first round of neighbour notification,

several submissions were received that generally raised concerns surrounding noise, traffic, location, and heritage.

The applicant has since revised the original drawings and has submitted revised plans to reflect the concerns raised in the submissions. The amended plans were neighbour notified and advertised a second time, which included notifying those who made submissions during the first round of notification.

Several submissions were again received during this period with concerns again raised that included, noise, traffic, location, and heritage. The notable changes in the revised plans comprised of the following:

- A contemporary pitched roof.
- A revised shopfront that reflects the traditional active commercial presentation to the street.
- A reduction in the height of the ID pylon sign to 4500 mm.
- The coloured graphic panels on the elevation of the store replaced with ACP cladding in silver grey, Windspray or Shale Grey, to reduce the visual prominence and utilise a traditional steel/galvanised iron type colour.

THE PROPOSAL

The proposal comprises the *demolition* and the subsequent construction of a service station and business identification signage at 19-23 Gaskill Street, Canowindra.



Figure 1 – Locality Plan

The works associated with the development comprise of:

- The demolition of the existing canopy and convenience store.
- The demolition of a metal shed and remanent concrete slabs.
- The removal of two existing underground petroleum storage tanks.
- New concrete driveways, crossovers, and internal hardstand areas.
- New convenience store.
- New canopy; and
- New underground petroleum storage tanks, line work and new fuel dispensers.

The development is proposed to operate 24 hours a day, 7 days a week with the site staffed between the hours of 05:00 am and 11:00 pm. Outside of the staffed hours, the refueling of vehicles will occur via credit card facilities located on the dispensers.

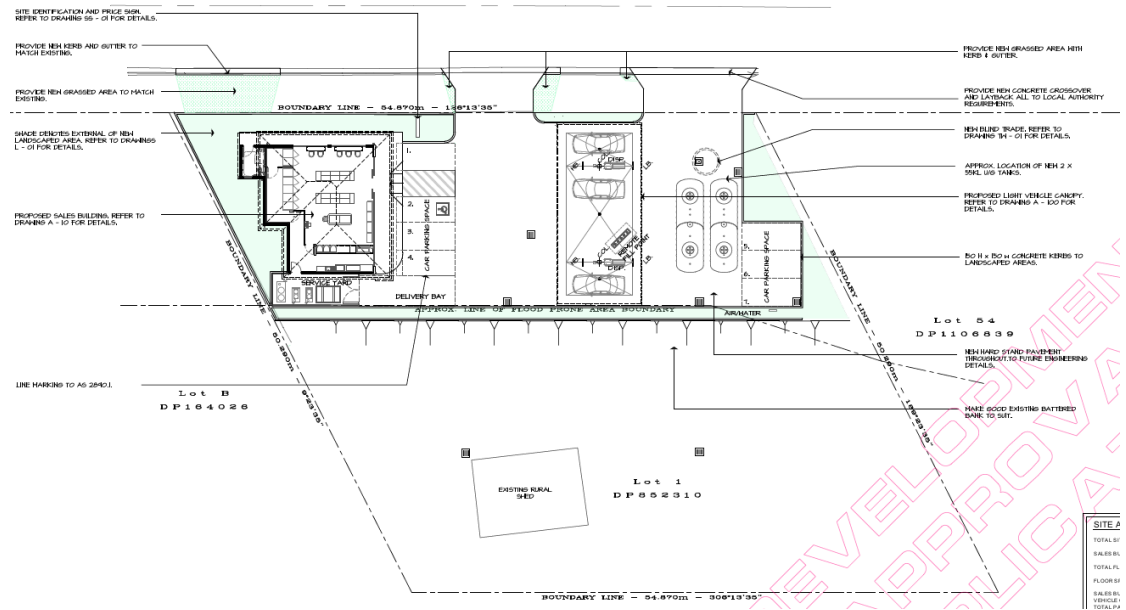


Figure 2 – Proposed Service Station

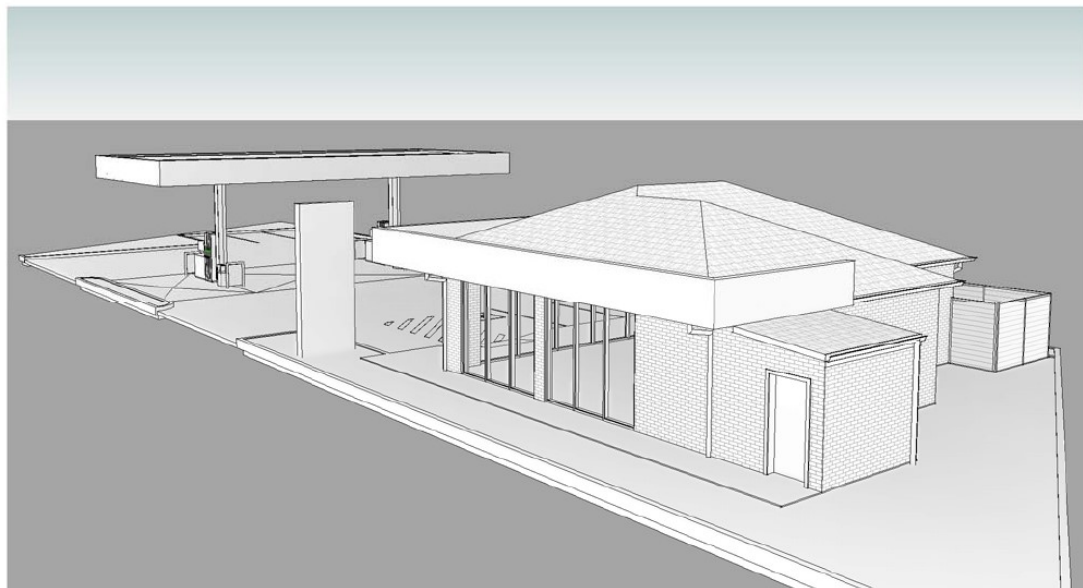


Figure 3 – 3D Visualisation

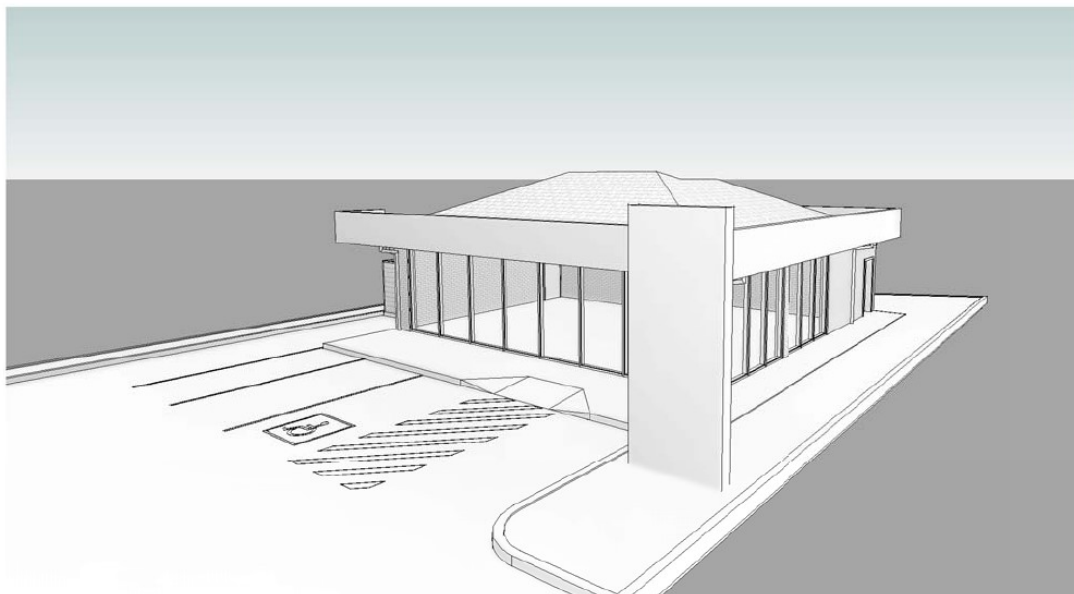


Figure 4 – 3D Visualisation

MATTERS FOR CONSIDERATION

Section 1.7 - Application of Part 7 of the *Biodiversity Conservation Act 2016* and Part 7A of the *Fisheries Management Act 1994*

Section 1.7 of the EP&A Act identifies that Part 7 of the Biodiversity Conservation Act 2016 (BC Act) and Part 7A of the Fisheries Management Act 1994 have effect in connection with terrestrial and aquatic environments.

There are four triggers known to insert a development into the Biodiversity Offset Scheme (i.e. the need for a BDAR to be submitted with a DA):

- Trigger 1: development occurs in land mapped on the Biodiversity Values Map (OEH) (clause 7.1 of BC Regulation 2017);
- Trigger 2: development involves clearing/disturbance of native vegetation above a certain area threshold (clauses 7.1 and 7.2 of BC Regulation 2017); or
- Trigger 3: development is otherwise likely to significantly affect threatened species (clauses 7.2 and 7.3 of BC Act 2016).

The fourth trigger (development proposed to occur in an Area of Outstanding Biodiversity Value (clause 7.2 of BC Act 2016) is generally not applicable to the Cabonne LGA; as no such areas are known to occur in the LGA. No further comments will be made against the fourth trigger.

Having regard to the relevant provisions, it is considered that the proposed development is not likely to significantly affect a threatened species. There are no observable habitat links or vegetation corridors to or from the land. The land is not identified, nor declared as an area of outstanding biodiversity value. The

land is surrounded by highly disturbed urban environments with limited habitat potential.

Considering the characteristics of the land and the minimal level of habitat provided on the site, the proposed development does not involve any threatening processes that could threaten the survival or evolutionary development of a species.

The subject property has no biodiversity habitat or value. A Biodiversity Development Assessment Report is not required to support this application.

In this regard, the development is considered to be satisfactory in respect to Section 7.3 of the Biodiversity Conservation Act 2016.

Section 4.15

Section 4.15 of the Environmental Planning and Assessment Act 1979 requires Council to consider various matters, of which those pertaining to the application are listed below.

PROVISIONS OF ANY ENVIRONMENTAL PLANNING INSTRUMENT s4.15(1)(a)(i)

Cabonne Local Environmental Plan 2012

Part 1 - Preliminary

Clause 1.2 - Aims of Plan

The broad aims of the LEP are set out under subclause 2. Those relevant to the application are as follows:

- (a) to encourage development that complements and enhances the unique character and amenity of Cabonne, including its settlements, localities, and rural areas,*
- (b) to provide for a range of development opportunities that contribute to the social, economic and environmental resources of Cabonne in a manner that allows present and future generations to meet their needs by implementing the principles of ecologically sustainable development,*
- (c) to facilitate and encourage sustainable growth and development that achieves the following—*
 - (i) contributes to continued economic productivity, including agriculture, business, tourism, industry and other employment opportunities,*
 - (ii) allows for the orderly growth of land uses while minimising conflict between land uses within the relevant zone and land uses within adjoining zones,*
 - (iii) encourages a range of housing choices and densities in planned urban and rural locations that is compatible with the residential and rural environment and meets the diverse needs of the community,*
 - (iv) promotes the integration of land uses and transport to improve access and reduce dependence on private vehicles and travel demand,*

- (v) protects, enhances and conserves agricultural land and the contributions that agriculture makes to the regional economy,*
- (vi) avoids or minimises adverse impacts on drinking water catchments to protect and enhance water availability and safety for human consumption,*
- (vii) protects and enhances places and buildings of environmental, archaeological, cultural or heritage significance, including Aboriginal relics and places,*
- (viii) protects and enhances environmentally sensitive areas, ecological systems, and areas that have the potential to contribute to improved environmental, scenic or landscape outcomes.*

The application is considered to be consistent with the aims of the Plan as discussed in the body of this report.

Clause 1.6 - Consent Authority

This clause establishes that, subject to the Act, Council is the consent authority for applications made under the LEP.

Clause 1.7 - Mapping

The subject site is identified on the LEP maps in the following manner:

Land zoning map	Land zoned B2 Local Centre
Lot size map	No Minimum Lot Size
Heritage map	Canowindra Heritage Conservation Area
Terrestrial Biodiversity Map	No biodiversity sensitivity on the subject land
Flood planning map	Within a flood zone
Natural resource – karst map	Not within a karst area
Drinking water catchment map	Not within a drinking water catchment area
Riparian land and watercourse map, groundwater vulnerability map	Groundwater vulnerable
Land reservation acquisition map	Not reserved for acquisition

Those matters that are of relevance are addressed in detail in the body of this report.

Clause 1.9A - Suspension of Covenants, Agreements and Instruments

This clause provides that covenants, agreements and other instruments which seek to restrict the carrying out of development do not apply with the following exceptions.

- covenants imposed or required by Council
- prescribed instruments under Section 183A of the *Crown Lands Act 1989*
- any conservation agreement under the *National Parks and Wildlife Act 1974*
- any trust agreement under the *Nature Conservation Trust Act 2001*
- any property vegetation plan under the *Native Vegetation Act 2003*
- any biobanking agreement under Part 7A of the *Threatened Species Conservation Act 1995*
- any planning agreement under Division 6 of Part 4 of the *Environmental Planning and Assessment Act 1979*.

Council staff are not aware of the title of the subject property being affected by any of the above.

Part 2 - Permitted or Prohibited Development

Clause 2.1 - Land Use Zones and Clause 2.3 - Zone Objectives and Land Use Table

The subject site is located within the B2 Local Centre zone. The proposed development is defined as demolition, service station, and business identification signage under the Cabonne Local Environmental Plan 2012 which means:

demolish, in relation to a heritage item or an Aboriginal object, or a building, work, relic or tree within a heritage conservation area, means wholly or partly destroy, dismantle or deface the heritage item, Aboriginal object or building, work, relic or tree.

service station means a building or place used for the sale by retail of fuels and lubricants for motor vehicles, whether or not the building or place is also used for any one or more of the following—

- (a) the ancillary sale by retail of spare parts and accessories for motor vehicles,
- (b) the cleaning of motor vehicles,
- (c) installation of accessories,
- (d) inspecting, repairing and servicing of motor vehicles (other than body building, panel beating, spray painting, or chassis restoration),
- (e) the ancillary retail selling or hiring of general merchandise or services or both.

business identification sign means a sign—

- (a) that indicates—
 - (i) the name of the person or business, and

- (ii) *the nature of the business carried on by the person at the premises or place at which the sign is displayed, and*
- (b) *that may include the address of the premises or place and a logo or other symbol that identifies the business,*

but that does not contain any advertising relating to a person who does not carry on business at the premises or place.

The proposed *demolition, service station and business identification signage* are permitted with consent for this zone. This application is seeking consent.

Clause 2.3 of LEP 2011 references the Land Use Table and Objectives for each zone in LEP 2011. These objectives for land zoned B2 Local Centre are as follows:

1 - Objectives of the B2 Local Centre Zone

- *To provide a range of retail, business, entertainment and community uses that serve the needs of the people who live in, work in and visit the local area.*
- *To encourage employment opportunities in accessible locations.*
- *To maximise public transport patronage and encourage walking and cycling.*
- *To encourage mixed-use development that will promote community activity and safety without compromising business development opportunities.*

With regard to the above objectives, the application is considered to be relatively consistent with the objectives of the zone as follows:

- With regard to the first stated objective, the development will serve the needs of the people who live in, work and visit the local area.
- In respect of the second stated objective, the proposal will create employment opportunities within the Central Business District of Canowindra.
- With regard to the third stated objective, the development does not disturb the adjacent footpath and its location within the CBD will encourage walking and cycling to the convenience store associated with the proposal.
- In respect of the fourth stated objective, the development of the site will not compromise business development opportunities and incorporates measures to ensure the community activities and safety is not adversely impacted.

In consideration of the above, the proposal is considered to be largely consistent with the objectives of the zone.

Clause 2.7 - Demolition Requires Development Consent

This clause triggers the need for development consent in relation to a building or work. This requirement does not apply to any demolition that is defined as exempt development.

The proposal involves demolition and the applicant is seeking the consent of Council. The demolition works proposed will have no significant impact on adjoining lands, streetscape, or public realm. Conditions have been recommended in respect of hours of operation, dust suppression and the need to investigate for, and appropriately manage the presence of, any materials containing asbestos.

Part 3 - Exempt and Complying Development

The application is not exempt or complying development.

Part 4 - Principal Development Standards

The Part 4 provisions are not relevant to the application.

Part 5 - Miscellaneous Provisions

5.10 - Heritage Conservation

Clause 5.10 seeks to conserve the environmental heritage of the Cabonne LGA, the heritage significance of heritage items and heritage conservation areas including associated fabric, settings, and views, to conserve archaeological sites, and to conserve Aboriginal Objects and Aboriginal Places of Heritage Significance.

Pursuant to Clause 5.10(2) development consent is required to:

- Demolish the disused service station; and
- Erect a building within a Heritage Conservation Area.

As the application is located within the Canowindra Heritage Conservation Area, the proposal was referred to Council's Heritage Advisor for consideration and comment. The following comments were provided:

Gaskill Street and the character of the town centre in Canowindra is rare within regional NSW with the following distinctive features:

- The streetscape has an unusual form known locally as 'bendy street' in view of the rare change in direction for a village commercial area.
- The Gaskill Street Conservation Area retains a large number of early and intact buildings.
- It has few structures and modern buildings to detract from the overall character; and

- The streetscape and public space are low key and have generally not been engineered to contemporary standards and character.

The character of the building:

- A simple outline with a canopy integrated into the design and capping the building form.
- The facility faces the street consistent with the traditional orientation in commercial areas; and
- There is extended glazing to the front and sides of the building.

The character of the setting and landscape:

- The planting in the vicinity is generally deciduous as it relates to gardens and consists of lower scale hedges and taller scale trees.
- The distant planting is mixed and consists of deciduous and native and is at the scale of trees. These are both towards the rear of Gaskill Street buildings and the SW portion of the subject site.

Council Staff and Heritage Advisor requested a redesign of the proposal that was more sympathetic and conducive to the Heritage Conservation Area. The changes recommended by Council's Heritage Advisor were implemented by the applicant by way of incorporating the recommendations into the design of the *service station*. A summary of the recommendations made by Council's Heritage Advisor is provided below:

DESIGN ELEMENT	COMMENT
A contemporary pitched roof is recommended in view of the context and setting.	Provided for the main building notwithstanding the accessible toilet.
The setback issue is appreciated, and mitigation will be required elsewhere to address the issue.	Some additional landscape planting has been provided and this provides for acceptable mitigation.
The removal of the link is appreciated however the impact of this on the overall character of the scheme is not substantial. Removal of the link was not previously recommended by the Advisor.	The proposal is now two separate structures, and this is acceptable.
A false shopfront is not consistent with the character and integrity of the Conservation Area. In the further development of the current proposal, the NE elevation of the C store should be fully glazed to reflect the traditional 'active' commercial presentations to the street.	The revised shopfront is a genuine shopfront and the merchandise layout as shown respects the presentation to the street whilst also offering good visibility for both staff and customers.
The coloured graphic panels on the elevation of the store should be replaced with ACP cladding in silver grey, Windspray or Shale Grey to reduce the visual prominence and utilise a traditional steel/galvanised iron type colour. White is not considered to be sympathetic and will be visually intrusive in the setting. Colorbond gates and fencing in Windspray are generally acceptable.	Acceptable subject to the provision of samples of the materials in the proposed colours.
Red brick is acceptable subject to all joints being flushed and a mortar colour matched to a traditional stone type mortar colour.	The technique needs to be fully stated on all the walls on all the elevations.
The ID pylon to be reduced in height to 4500mm. This would be acceptable subject to a final review of the graphics and the use of externally illuminated numerals. The use of digital numerals would not be acceptable in the Conservation Area.	Subject to further information on the graphics and the numeral style and external illumination and the removal of the Open 24hrs banner panel sign, which is superfluous, the pylon is accepted.

<p>A lighting plan, in particular the narrow cone lighting units in the canopy soffit, will need to illustrate light spill so as not to disturb the residential properties in the vicinity. A report and drawings are required to illustrate that the lights will not produce glare, will be concealed and that the illumination will be directed down to the surfaces.</p>	<p>A revised lighting support was submitted by the applicant which ensures that the lighting is concealed, and that glare does not adversely project into adjoining properties. Notwithstanding, conditions have been recommended to ensure that any lighting acts in a manner so as not to cause a nuisance to the locality.</p>
<p>The background/base colour to the parapets and elevations to be silver grey or Shale Grey to reduce the visual impact of the large structure in the setting and utilise a local traditional colour interpreting the galvanised iron.</p> <p>The use of black and white in the streetscape of the Heritage Conservation area is a substantial visual contrast. Black is not a colour evident on this scale in the Conservation Area. The visual impact is due to the contrast between the material and the background. In this case the general background is the sky given the height of the canopies and parapets.</p>	<p>Acceptable subject to the provision of samples of the materials in the proposed colours.</p>

The redesigned is considered to better accommodate the character of the proposal within the requirements of the Heritage Advisor to produce a sympathetic scheme that is superfluous to the significance of the Heritage Conservation Area. Accordingly, the revised submission is considered to have an acceptable impact on the Gaskill Street streetscape and the significance of the Canowindra Heritage Conservation Area.

When determining whether the demolition should be permitted in a Heritage Conservation Area, Council refers to the case of *Helou v Strathfield Municipal Council [2006] NSWLEC 66* which poses several matters that should be considered. Those matters are considered below:

1. *What is the heritage significance of the area?*

The Canowindra Heritage Conservation Area, consisting of a length of Gaskill Street, is aesthetically, highly important for the cohesiveness and consistency of the streetscape This is created largely through the parapets, verandahs and awnings which predominate on so many of the buildings. Another major contributing factor is the several bends in this distinctively shaped street, forming various enclosed vistas. Reflecting Canowindra's prosperity during

the early decades of the present century, the conservation area has historical significance.

The area is also significant as an example of a New South Wales rural town main street of the early Twentieth Century period. Included in the conservation area is a notable range of building forms and styles. Consisting of a major part of the commercial centre of this Central West town, the conservation area is of social significance to the local community. The retention of verandah posts on many of the buildings fronting the main street is an important architectural detail which has a unifying effect on the street. The concentration of these attractive and potentially attractive buildings in conjunction with a narrow and curving street creates short vistas and enclosed units when viewed from either the middle or the extremities. The human scale of the townscape here is an unusual experience which merits protection.

The Canowindra Heritage Conservation Area consists of a segment of Canowindra's main thoroughfare, Gaskill Street. It is highly significant as a streetscape, owing to the unusual shape of the curving street (which creates a range of enclosed views) and particularly the consistency created by the Street's collection of buildings on which parapets, verandahs and awnings predominate.

The street is distinguished by several fine nineteenth century and twentieth century buildings, some of which form groups. There are some modern buildings which are out of character with the fine streetscape. The most notable buildings include: The Royal Hotel, the Nursing Home, The Junction Hotel, Finn's Building, The Victoria Hotel, the Westpac Bank (formerly Bank of New South Wales) and the National Australia Bank (formerly CB Bank).

2. What contribution does the individual building make to the significance of the contribution area?

Council's Heritage Advisor has provided the following description of the existing building:

- *A simple outline with a canopy integrated into the design and capping the building form.*
- *The facility faces the street consistent with the traditional orientation in commercial areas; and*
- *There is extended glazing to the front and sides of the building.*

The traditional existing petrol station is a white designed structure and typical of the late 1950's period. The current proposal is a considerably larger structure with major elements shaped from a practical point of view as opposed to a design point of view. Therefore, the use of colours and design cues which seek to make the building visually recessive is better than using the existing white colour scheme.

3. *Is the building structurally unsafe?*

There is no evidence to suggest the existing building is structurally unsafe. The structure appears to be more dilapidated and typical of a disused building.

4. *If the building is or can be rendered structurally safe, is there any scope for extending or altering it to achieve the development aspirations of the applicant in a way that would have a lesser effect on the integrity of the conservation area than the demolition?*

The existing building is in a poor state and significantly dilapidated with the external walls, doors, and windows being in poor condition. Further, the current layout and orientation of the site is inadequately designed and does not appropriately cater to the public. The proposed development results in an improved design and site layout that aptly considers the planning constraints. The replacement building is of a quality that is sympathetic to the Conservation Area.

5. *Are these costs so high that they impose an unacceptable burden on the owner of the building? Is the cost altering or extending or incorporating the contributory building into a development of the site so unreasonable that demolition should be prohibited?*

The applicant states that the refurbishment of the current building would result in an unsustainable venture that would not meet the demands and needs of the public. Staff consider that the proposed development improves the design and siting of the buildings so that the replacement building is commensurate to the Conservation Area and its significance.

6. *Is the replacement of such quality that it will fit into the conservation area?*

The applicant has amended their designs to incorporate the recommendations of Council's Heritage Advisor. Council's Heritage Advisor is satisfied that the amended design is of a quality that is appropriate to the conservation area.

In consideration of the above and after applying the test established in *Helou v Strathfield Municipal Council [2006] NSWLEC 66*, Council Staff and Council's Heritage Advisor are of the opinion that the demolition of the existing, disused *service station* will have minimal impact upon the heritage significance of the Heritage Conservation Area. Accordingly, the proposed development is of a quality that the amended design is of a quality that is acceptable and appropriate to the heritage significance of the village. The proposed demolition works will not detrimentally affect the significance of the Conservation Area.

It is considered that the proposed development has been suitably designed to maintain the significance and integrity of the Canowindra Heritage Conservation Area. The proposal was evaluated by Council's Heritage Advisor who has made recommendations to ensure that the development enhances and complements the heritage significance of the Canowindra Heritage

Conservation Area. In this regard, the impact of the proposed development on the Heritage Conservation Area is acceptable and within reasonable limits.

Part 6 - Additional Local Provisions

6.1 - Flood Planning

This clause applies to land identified on the Flood Planning Map as a Flood Planning Area and requires that, before any consent is issued, Council must be satisfied that the proposal will:

- (a) *minimise the flood risk to life and property associated with the use of land,*
- (b) *allow development on land that is compatible with the land's flood hazard, taking into account projected changes as a result of climate change,*
- (c) *avoid significant adverse impacts on flood behaviour and the environment.*

Part of the subject land has been identified as being within the Flood Planning Area as per the below figure.

A Flood Impact Review was commissioned by the applicant to determine the potential impacts and the compatibility of the proposed development with the flood hazard of the land. The review, which was prepared by ACOR Consultants Pty Ltd, concludes that:

"the development walls are not located within the 1% AEP flood extend, ACOR concludes that the impact of the proposed development on flooding is null. Thus, no displacement of flooding and no impact on the adjoining properties or critical areas".

In this regard the proposed development is unlikely to change flooding regimes on or off the site and would be unlikely to cause or contribute to erosion, siltation or reduce riparian vegetation, and is therefore unlikely to create a cost burden on the community or neighbours. The impacts of the development upon the flood behaviour of the land is considered negligible.

6.2 - Stormwater Management

This clause applies to all industrial, commercial and residential zones and requires that Council be satisfied that the proposal:

- (a) *is designed to maximise the use of water permeable surfaces on the land having regard to the soil characteristics affecting onsite infiltration of water*
- (b) *includes, where practical, onsite stormwater retention for use as an alternative supply to mains water, groundwater or river water; and*
- (c) *avoids any significant impacts of stormwater runoff on adjoining downstream properties, native bushland and receiving waters, or if that impact cannot be reasonably avoided, minimises and mitigates the impact.*

A condition of consent has been recommended regarding the preparation of a Stormwater Management Plan in which an easement will be required to be

obtained for the proposed disposal method or an alternate hydrological solution be proposed. The Stormwater Management Plan shall include onsite retention measures such as bioretention basins/raingardens and/or the use of buried infiltration trenches that will appropriately manage runoff quality and volume. It is therefore considered that the above measures, once implemented, will result in the post development runoff levels not exceeding the predevelopment levels.

6.4 - Groundwater Vulnerability

This clause seeks to protect hydrological functions of groundwater systems and protect resources from both depletion and contamination. Large areas of the LGA, including the subject site, are identified with "Groundwater Vulnerability" on the Groundwater Vulnerability Map. This requires that Council consider:

- (a) *whether or not the development (including any onsite storage or disposal of solid or liquid waste and chemicals) is likely to cause any groundwater contamination or have any adverse effect on groundwater dependent ecosystems, and*
- (b) *the cumulative impact (including the impact on nearby groundwater extraction for potable water supply or stock water supply) of the development and any other existing development on groundwater.*

Furthermore, consent may not be granted unless Council is satisfied that:

- (a) *the development is designed, sited and will be managed to avoid any significant adverse environmental impact, or*
- (b) *if that impact cannot be reasonably avoided - the development is designed, sited and will be managed to minimise that impact,*
- (c) *if that impact cannot be minimised - the development will be managed to mitigate that impact.*

The proposal is not anticipated to involve the discharge of toxic or noxious substances and is therefore unlikely to contaminate the groundwater or related ecosystems. The proposal does not involve extraction of groundwater and will therefore not contribute to groundwater depletion. The design and siting of the proposal avoids impacts on groundwater and is therefore considered acceptable. Appropriate conditions of consent have been recommended to ensure environmental protection.

Clause 6.8 - Essential Services

Clause 6.8 applies and states:

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) *storm water drainage or on-site conservation,*
- (e) *suitable road access.*

In consideration of this clause, all utility services are available to the land and adequate for the proposal.

STATE ENVIRONMENTAL PLANNING POLICIES

State Environmental Planning Policy 55 Remediation of Land

State Environmental Planning Policy 55 - Remediation of Land (SEPP 55) is applicable. Pursuant to Clause 7 Contamination and remediation to be considered in determining development application:

- (1) *A consent authority must not consent to the carrying out of any 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 subject land has a site history of being used as a service station. A preliminary site investigation was undertaken and submitted in support of the application which found that the land concerned contained two underground fuel tanks which are accessible via dip/fill points east of the current sales building. The report comprised of identification and documentation of existing underground tanks at the site and involved the carrying out of soil vapour surveys to evaluate the degree of hydrocarbon contamination in the soil, therefore undertaking a Stage 1 assessment of the site in accordance with SEPP 55. The analysis of the soils confirmed low impacts of petroleum products within the site and the measured concentrations of other contaminations were low or trace.

Notwithstanding, the development involves the removal and excavation of the existing underground storage tanks and incidental pipework. Given that the use of the site will remain the same and the proposed use is not a sensitive use, the site is considered suitable in its current form. Accordingly, appropriate conditions of consent have been recommended to ensure that should any contaminants be found on site during works, the site will be appropriately remediated.

State Environmental Planning Policy (Koala Habitat Protection) 2019

Cabonne Council is identified within the SEPP Koala Habitat Protect Schedule as having Koala habitat. The applicant has not addressed the SEPP; however,

the subject land is generally cleared, and the proposed development will not impact upon any existing vegetation. There are no known sightings of Koalas in the locality, or sources of Koala habitat.

State Environmental Planning Policy 64 - Advertising and Signage

State Environmental Planning Policy 64 - Advertising and Signage (SEPP 64) is applicable and states in part:

3 Aims, Objectives etc

(1) This Policy aims:

(a) to ensure that signage (including advertising):

(i) is compatible with the desired amenity and visual character of an area, and

(ii) provides effective communication in suitable locations, and

(iii) is of high quality design and finish, and

(8) Granting of Consent to Signage

A consent authority must not grant development consent to an application to display signage unless the consent authority is satisfied:

(a) that the signage is consistent with the objectives of this Policy as set out in clause 3 (1) (a), and

(b) that the signage the subject of the application satisfies the assessment criteria specified in Schedule 1.

The application involves a mixture of signage and business identification signage. The signage proposed for the site is as follows:

- 4.5-metre-high ID pylon sign that consists of an internally illuminated site identification lightbox and internally illuminated fuel price board and graphics.
- 1 metre high, 3-metre-wide fascia signage that will be internally illuminated.
- 1 metre high, internally illuminated canopy fascia signage; and
- 0.78-metre-high leader board.

Given that the future operator is unknown at this stage, there is no content on the signage with regard to colour schemes and logos. Accordingly, Council can issue consent for the location and sizes of the signage detailed above; however, a condition of consent has been included requiring that separate approval be sought for the signage once an operator has been determined.

1 - Character of the Area

- *Is the proposal compatible with the existing or desired future character of the area or locality in which it is proposed to be located?*
- *Is the proposal consistent with a particular theme for outdoor advertising in the area or locality?*

The development is located in an area is a significant as a streetscape, owing to the unusual shape of the curving street (which creates a range of enclosed views) and particularly the consistency created by the street's collection of buildings on which parapets, verandahs and awnings predominate.

The street is distinguished by fine nineteenth century and twentieth century buildings, some of which form groups. There are some modern buildings which are out of character with the fine streetscape. The most notable buildings include: The Royal Hotel, the Nursing Home, The Junction Hotel, Finn's Building, The Victoria Hotel, the Westpac Bank (formerly Bank of New South Wales) and the National Australia Bank (formerly C B C Bank).

Signage in the area relates primarily to the nearby commercial uses and is typically fascia signage, flush wall mounted signage, and under awning signage. Accordingly, the scale of the proposed signage has been designed in consultation with Council's Heritage Advisor to ensure its consistency with the Heritage Conservation Area. Accordingly, the proposed signage is generally consistent with the character of the signage in the locality.

2 - Special Areas

- *Does the proposal detract from the amenity or visual quality of any environmentally sensitive areas, heritage areas, natural or other conservation areas, open space areas, waterways, rural landscapes or residential areas?*

The signage is located within the Canowindra Heritage Conservation Area. The signage has been designed and sited in consultation with Council's Heritage Advisor. The signage is not expected to detract from the amenity or visual quality of the area.

A condition of consent has been recommended requiring the applicant to obtain a future development consent for the signage once an operator has been found and logos and colours have been finalised.

3 - Views and Vistas

- *Does the proposal obscure or compromise important views?*
- *Does the proposal dominate the skyline and reduce the quality of vistas?*
- *Does the proposal respect the viewing rights of other advertisers?*

The proposed signage will not obscure any significant views, dominate the skyline or reduce the quality of vistas. The signage is considered to respect the viewing rights of other advertisers.

4 - Streetscape, Setting or Landscape

- *Is the scale, proportion and form of the proposal appropriate for the streetscape, setting or landscape?*
- *Does the proposal contribute to the visual interest of the streetscape, setting or landscape?*

- *Does the proposal reduce clutter by rationalising and simplifying existing advertising?*
- *Does the proposal screen unsightliness?*
- *Does the proposal protrude above buildings, structures or tree canopies in the area or locality?*
- *Does the proposal require ongoing vegetation management?*

The proposed signage is considered to have an acceptable level of streetscape amenity and compatibility and is largely commensurate with other signage in the area. Notably, the pylon sign has been reduced as part of the amended design to improve its integration within the locality.

5 - Site and Building

- *Is the proposal compatible with the scale, proportion and other characteristics of the site or building, or both, on which the proposed signage is to be located?*
- *Does the proposal respect important features of the site or building, or both?*
- *Does the proposal show innovation and imagination in its relationship to the site or building, or both?*

The proposed signage is largely compatible and commensurate with regard to the scale, proportion and other characteristics of both the site and the building. The proposal adequately respects the important features of both the site and the building.

6 - Associated Devices and Logos with Advertisements and Advertising Structures

- *Have any safety devices, platforms, lighting devices or logos been designed as an integral part of the signage or structure on which it is to be displayed?*

No safety devices are proposed. The final design of the signage is subject to the future tenant details.

7 - Illumination

- *Would illumination result in unacceptable glare?*
- *Would illumination affect safety for pedestrians, vehicles or aircraft?*
- *Would illumination detract from the amenity of any residence or other form of accommodation?*
- *Can the intensity of the illumination be adjusted, if necessary?*
- *Is the illumination subject to a curfew?*

The signage is proposed to be illuminated. Conditions of consent have been recommended that signage not be illuminated between the hours of 11.00pm and 7.00am. The use of digital numerals is not considered to be acceptable in the Conservation Area. The intensity and hours of illumination of the sign must

be varied if, at any time in the opinion of Council, injury is being caused to the amenity of the neighbourhood. Appropriate conditions are attached.

8 - Safety

- *Would the proposal reduce the safety for any public road?*
- *Would the proposal reduce the safety for pedestrians or bicyclists?*
- *Would the proposal reduce the safety for pedestrians, particularly children, by obscuring sightlines from public areas?*

The proposed signage does not pose any safety risk to pedestrians, cyclists, or drivers. Appropriate conditions have been recommended that prevents the signage from flashing, moving or being objectionably glaring or luminous.

State Environmental Planning Policy 33 – Hazardous and Offensive Development

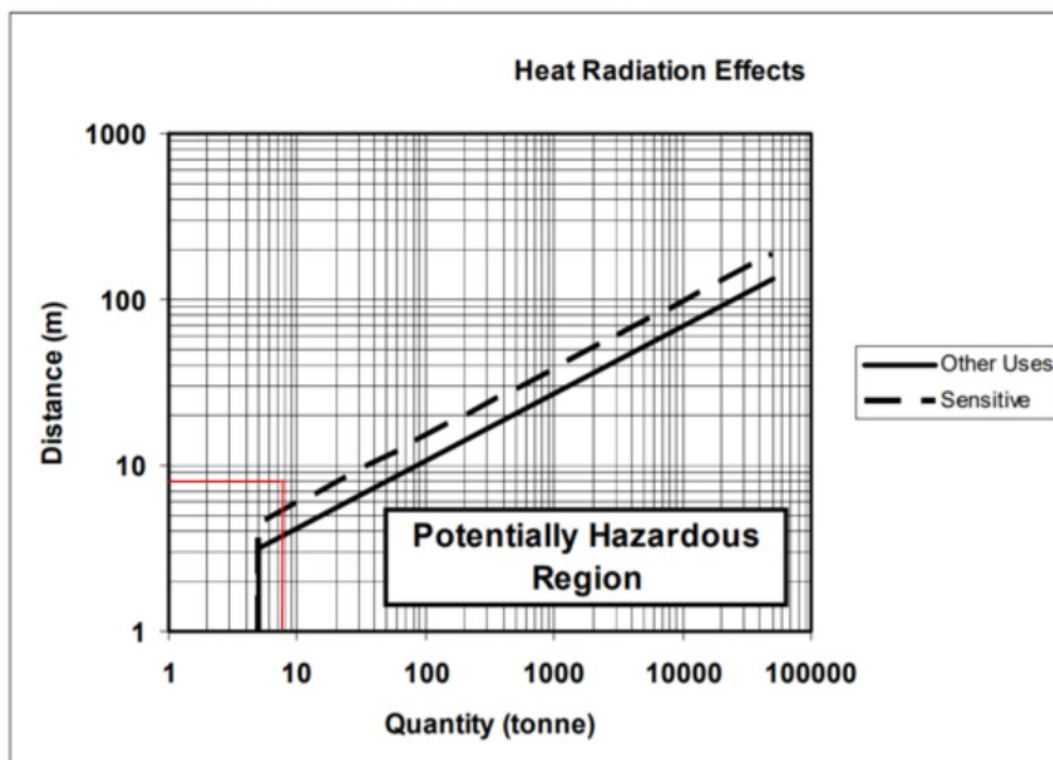
Given the nature of the development involving the retail sale and dispensing of fuel which is a dangerous good (noting that diesel is not included in the consideration of dangerous goods for the purpose of SEPP 33 unless it is stored with other Class II or III goods – which it is in this case), consideration of the provisions of SEPP 33, associated guidelines and the development applicability to those provisions is required.

The screening threshold assessment is predicated on a distance calculated from the nearest boundary outside of the development site. The document titled, "Applying SEPP 33" directs one to calculate the nearest site boundary, in this case 8.3 metres to the eastern boundary.

The SEPP relies on a series of guidelines and other papers to determine whether a development is potentially hazardous or potentially offensive. The guidelines adopt a threshold test based on the characteristics of a development and its setting and context (i.e. types of goods being stored, dispensed and transported, quantities, distances of fill points and dispensers from boundaries etc).

It should be noted that if a development falls below the relevant thresholds, the SEPP is considered to not apply to the development. The following is an assessment of the application against the relevant thresholds. The development is not a type that is listed as offensive development within the Applying SEPP 33 guidelines. As the storage of the fuel will be underground the total quantity held is divided by 5 to apply the relevant threshold test.

Figure 9: Class 3PGII and 3PGIII Flammable Liquids



Notwithstanding the above, the development rests outside of the applicable volumetric threshold test that would cause the development to be treated as potentially hazardous development. Moreover, accounting for the line thickness and a reasonable margin of error, the application rests well outside the "sensitive" and "other uses" potentially hazardous region.

Council can therefore be satisfied that the development is not considered potentially hazardous under a volumetric threshold test.

With respect to the delivery threshold, the development would be appropriately serviced by not more than three (3) deliveries per week, meaning the development sits well below the delivery threshold of 750 annual deliveries.

From the above it can be concluded that a preliminary hazard analysis (PHA) is not required, and therefore SEPP 33 does not apply to the development.

In this regard, a condition of consent has been recommended requiring the design, construction, and management of the development to occur in a manner consistent with all applicable legislation, Australian Standards and relevant policies to ensure any risk associated with the development is minimised.

PROVISIONS OF ANY DRAFT ENVIRONMENTAL PLANNING INSTRUMENT THAT HAS BEEN PLACED ON EXHIBITION 4.15(1)(a)(ii)

From 31 January to 13 April 2018 the Department of Planning and Environment publicly exhibited an Explanation of Intended Effect (EIE) and Draft Planning Guidelines for the proposed Remediation of Land SEPP, which will repeal and

replace State Environmental Planning Policy 55 – Remediation of Land (SEPP 55). Of note, the Draft Planning Guidelines state:

“In undertaking an initial evaluation, a planning authority should consider whether there is any known or potential contamination on nearby or neighbouring properties, or in nearby groundwater, and whether that contamination needs to be considered in the assessment and decision making process.”

“If the planning authority knows that contamination of nearby land is present but has not yet been investigated, it may require further information from the applicant to demonstrate that the contamination on nearby land will not adversely affect the subject land having regard to the proposed use.” (Proposed Remediation of Lands SEPP - Draft Planning Guidelines, Page 10).

The Draft SEPP requires in part that consideration be given to potential contamination on nearby or neighbouring properties and groundwater. Land adjoining the site is not identified or considered to be contaminated. The contamination status of neighbouring business lands will not impact on the modified development.

DESIGNATED DEVELOPMENT

The proposed development is not designated development.

INTEGRATED DEVELOPMENT

The proposed development is not integrated development.

PROVISIONS OF ANY DEVELOPMENT CONTROL PLAN s4.15(1)(a)(iii)

Development Control Plan 13 – Advertising and Signage in Conservation Areas

Development Control Plan 13 – Advertising and Signage in Conservation Areas (Molong and Canowindra) (“the DCP”) applies to the subject land.

An assessment of the proposed signage has been undertaken pursuant to the relevant matters prescribed by State Environmental Planning Policy 64 – Advertising and Signage and is acceptable. As SEPP 64 overrides the provisions of the DCP, no further assessment against DCP 13 is necessary.

PROVISIONS PRESCRIBED BY THE REGULATIONS s4.15(1)(a)(iv)

Demolition of a Building (clause 92)

The proposal involves the demolition of buildings and structures. A condition is attached requiring the demolition to be carried out in accordance with *Australian Standard AS2601 - 1991: The Demolition of Structures*.

Fire Safety Considerations (clause 93)

The proposal does not involve a change of building use for an existing building.

Buildings to be Upgraded (clause 94)

The proposal does not involve the rebuilding, alteration, enlargement, or extension of an existing building.

BASIX Commitments (clause 97A)

BASIX is not applicable to the proposed development. A Section J energy efficiency statement will be required to be submitted with the Construction Certificate application.

THE LIKELY IMPACTS OF THE DEVELOPMENT s4.15(1)(b)

Context and Setting

The subject land is located on the periphery of the Central Business District of the village of Canowindra. It is also located within the confines of the Canowindra Heritage Conservation Area. The surrounding development pattern comprises a variety of uses with the residential land uses comprising typically of single storey dwelling houses located to the north and east of the site, commercial premises to the west of the development and a vacant allotment to the south that appears to be cultivated agricultural land.

The subject land has been zoned B2 Local Centre which permits a range of commercial uses including the use of the site as a *service station*.

The proposed development is reasonably consistent with context and setting of the area. The interface between the residential area and development site is fairly ameliorated through fencing and landscaping of the site. The physical impacts of the proposed development are considered to be acceptable and the revised design has been undertaken in consultation with Council's Heritage Advisor so as to ensure the development is integrated appropriately within the Central Business District and Heritage Conservation Area. The impacts of the development upon the context and setting of the area are considered to be within reasonable limits and will not detract from the character of the Conservation Area.

Height, bulk and scale

When assessing the height, bulk and scale of a development, Council refers to the case of *Veloshin v Randwick Council [2007] NSWLEC 428*. The 'test' that is established in this case is considered below in relation to the proposed development:

How does the proposal's height and bulk relate to the height and bulk desired under the relevant controls?

There are no relevant controls restricting the height of the development in the area. Accordingly, the application needs to be consistent with the streetscape of the Heritage Conservation Area. The Heritage Conservation Area comprises a variety of land uses and building heights that are typically single storey. Notwithstanding, two storey buildings are also present in the streetscape. The proposed *service station* is consistent with the height of the single storey buildings in the locality. Further, staff requested that the ID pylon sign be reduced in scale in order to reduce its intrusiveness in the streetscape.

In this regard, Council's Heritage Advisor and staff are satisfied that the height, bulk and scale of the buildings and structures on the site is acceptable. The landscaping of the site will further assist in mitigating the visual bulk and expansiveness of the site.

Does the area have a predominant existing character and are the planning controls likely to maintain it?

The existing character of the area comprises predominantly of single storey brick veneer buildings with the occasional two storey building located within the confines of the Central Business District. It is highly significant as a streetscape, owing to the unusual shape of the curving street (which creates a range of enclosed views) and particularly the consistency created by the street's collection of buildings on which parapets, verandahs and awnings predominate.

The street is distinguished by several fine nineteenth century and twentieth century buildings, some of which form groups. There are some modern buildings which are out of character with the fine streetscape. The most notable buildings include: The Royal Hotel, the Nursing Home, The Junction Hotel, Finn's Building, The Victoria Hotel, Westpac Bank (formerly Bank of New South Wales) and the National Australia Bank (formerly C B C Bank).

The planning controls, as prescribed by Clause 5.10 of the CLEP 2012 requires development consent to be sought for works carried out in a Heritage Conservation Area (noting that maintenance of buildings does not necessarily require consent) will ensure that the existing character is maintained into the future. The proposed *service station* will be constructed of material and finished in colours as approved by Council's Heritage Advisor, which is sympathetic to the Heritage Conservation Area.

It is considered that the planning controls will maintain likely maintain the character of the area.

Does the proposal fit into the existing character of the area?

As discussed throughout the body of this report, the proposed development has been amended to fit into the existing character of the area.

Is the proposal consistent with the bulk and character intended by the planning controls?

Whilst there are no specific controls prescribed by the Cabonne Local Environmental Plan 2012 or Development Control Plan, the development is considered to be consistent with the existing bulk and character of the area. Conditions of consent have been recommended to minimise the impacts of the development on the surrounding neighbourhood.

Does the proposal look appropriate in its context?

The proposed development is considered to be appropriate in its context. The height of the building, canopy and signage is consistent with the advice of Council's Heritage Advisor and that of the streetscape.

In consideration of the above, the potential impacts of the development with respect to height, bulk and scale of the area are appropriate.

Neighbourhood Amenity

Having established the context and setting above, it is important to address the likely impacts upon the neighbourhood amenity. The Land and Environment Court established the following planning principle in *Seaside Property Developments Pty Ltd v Wyong Shire Council [2004]*.

As a matter of principle, at a zone interface as exists here, any development proposal in one zone needs to recognise and take into account the form of existing development and/or development likely to occur in an adjoining different zone. In this case residents living in the 2(b) zone must accept that a higher density and larger scale residential development can happen in the adjoining 2(c) or 2(d) zones and whilst impacts must be within reason they can nevertheless occur. Such impacts may well be greater than might be the case if adjacent development were in and complied with the requirements of the same zone. Conversely any development of this site must take into account its relationship to the 2(b) zoned lands to the east, south-east, south and south-west and the likely future character of those lands must be taken into account. Also in considering the likely future character of development on the other side of the interface it may be that the development of sites such as this may not be able to achieve the full potential otherwise indicated by applicable development standards and the like.

In consideration of the above, the subject land has a significant history of being used as a *service station* (disused). The subject land has been consistently zoned for commercial purposes. Accordingly, it is not unreasonable to expect a commercial use from occurring on the land, particularly given that the use is permissible under the provisions of the LEP. However, as outlined in the above judgement, the impact of the development should not come at the cost of an appropriate level of amenity to the adjoining neighbours. As detailed in the foregoing assessment, the design of the development will have a satisfactory level of impact upon the land within the adjoining zones and is unlikely to adversely affect the future development of adjoining land. The potential impacts of the development can be reasonably ameliorated through appropriate conditions of consent.

Heritage

As discussed in detail in previous sections of this report and after applying the test established in *Helou v Strathfield Municipal Council [2006] NSWLEC 66*, Council Staff and Council's Heritage Advisor are of the opinion that the demolition of the existing, disused service station will have minimal impact upon the heritage significance of the Heritage Conservation Area. Accordingly, the proposed development is of a quality that is acceptable and appropriate to the heritage significance of the Heritage Conservation Area. In this regard, the

impact of the proposed development on the Heritage Conservation Area is acceptable.

Noise

As a result of the development, it is likely that noise will be generated, during both the demolition/construction and operational phases of the development. The noise impacts of these activities can be controlled appropriately through design and installation. Accordingly, conditions have been recommended in the attached Draft Notice of Approval that require:

- A post occupation commissioning report be undertaken within three months of occupation which shall address and identify any non-compliances with the NSW Noise Policy for Industry 2017. Further, the conditions recommended require that should a non-compliance be identified, the applicant has 28 days to remedy the non-compliance: and
- The restriction of delivery and waste collection time for the development:
 - Fuel tanker deliveries to occur between 6 am and 12 am,
 - Other deliveries to occur between 6 am and 12 am,
 - No deliveries or servicing are to occur from 12 am to 6 am, and
 - Waste collection is restricted to weekdays between 7 am and 6 pm.

In consideration of the above, the development is acceptable in terms of noise impacts.

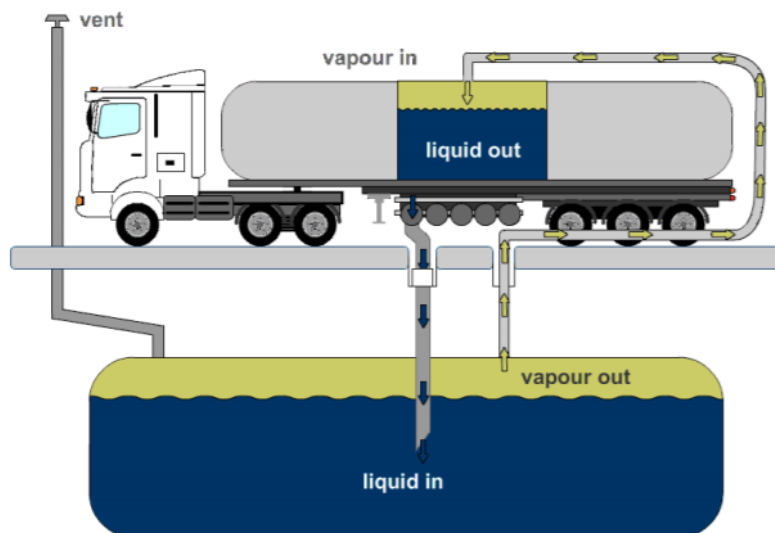
Site and Internal Design

The design of the proposed development has been addressed throughout the body of this report. Accordingly, the proposed development has been designed to respond to the key opportunities and constraints of the land and achieves a suitable internal layout and external appearance.

Air Quality

The potential for impacts upon the air quality relates predominantly to the vapour associated with fuel emissions. Accordingly, conditions of consent have been recommended regarding the installation and operation vapour recovery systems to minimise the potential impacts upon the air quality.

Vapour recovery was first introduced by the New South Wales Environment Protection Authority (EPA) to minimise the release of petrol vapours from service stations. The EPA refer to two stages of vapour recovery known as Vapour Recovery 1 (VR1) and Vapour Recovery 2 (VR2). VR1 captures the vapours that are displaced when a tanker is delivering fuel to a service station. As the underground tanks are refilled, the vapour from these tanks is pumped back into the tanker. A diagram of this process is shown below.



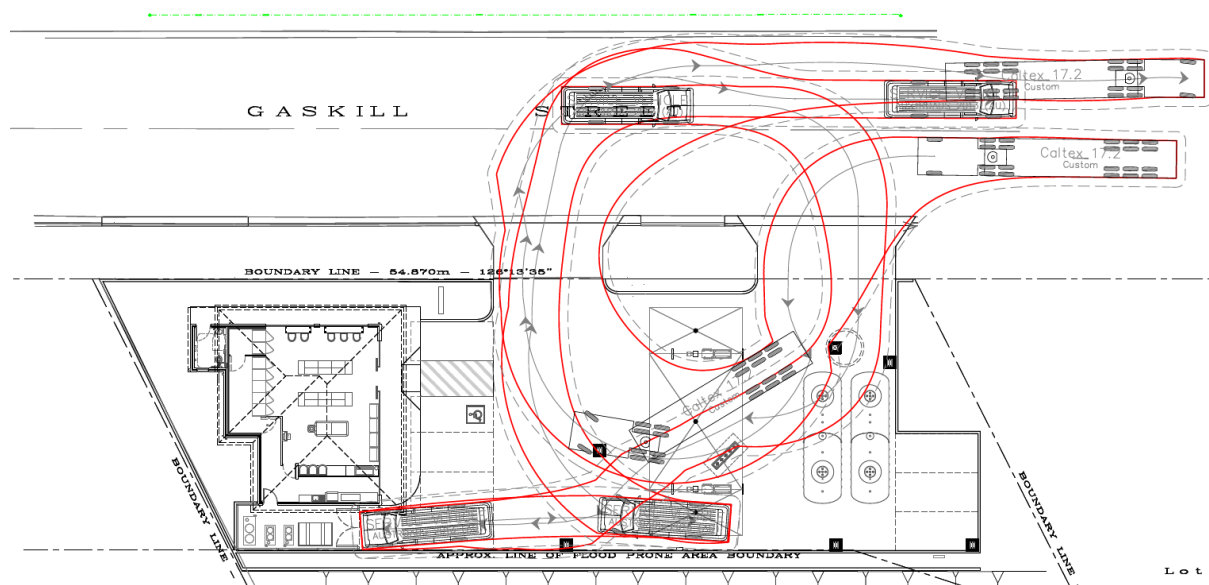
Vapour Recovery 1

Considering the size and scale of the development, it is considered that VR1 is sufficient to mitigate any potential impacts upon the air quality. The use of VR2 is not considered appropriate in this circumstance given the size of the proposed development.

VR2 is more common to metropolitan service stations where vapours are more likely to affect air quality. To ensure that a vapour recovery system is installed as described above, appropriate conditions of consent have been recommended to this effect.

Traffic, Access, and Transport

A Traffic Impact Assessment Report was submitted in support of the application. Due to the concerns raised by the community and Council staff, a revised Traffic Impact Assessment Report was provided which addresses vehicle access and pedestrian safety. The revised report now recognises that a 10-tonne load limit is in place for traffic in both directions on Gaskill Street. The previous submission was desktop prepared using only Google Maps, which failed to indicate the presence of all the load limit signs.



The Turning Study has been modified to allow for fuel deliveries using 17.2m semi-trailers accessing the proposed *service station* entirely from the Tilga Street end of Gaskill Street, rather than from the western end of Gaskill Street as shown in the previous submission. This modification will mean that fuel delivery trucks will not need to travel through the historic retail/ commercial section of Gaskill Street.

Whilst the RMS heavy vehicle driver handbook states that “*you may use a light traffic road when that road is your destination for a pick up or delivery and there is no alternative route*”, Council’s Development Engineer has recommended that the size and weight of fuel delivery vehicles be limited to smaller rigid trucks rather than semi-trailers as intended in the development proposal. Restricting fuel deliveries to access from Tilga Street would also reduce heavy vehicle movements along the length of Gaskill Street. These limitations would help to maintain the intended quiet village atmosphere of Gaskill Street. Accordingly, conditions have been recommended restricting the maximum length of vehicles that access the development site to be no longer than 12.5 metres.

Additionally, the Traffic Impact Assessment Report concludes that there will be approximately 37 vehicle trips per hour during the peak PM flow. In this regard, the proposed development is unlikely to adversely affect the existing traffic flow, vehicle movements, and level of service currently provided by Gaskill Street.

In regard to car parking, the RMS *Guide to Traffic Generating Developments* prescribes the following rate for car parking requirements:

Land Use	Car parking requirement	Total Space Required	Proposed
Service Station/Convenience Store	5 spaces per 100m ² GFA of convenience store	6 spaces for customers + 2 spaces for staff Total: 8 spaces	Car parking = 7 spaces Parking at pumps = 4 spaces

			Delivery Bay = 1 space Total: 12 spaces
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In consideration of the above, the applicant has provided a surplus of four (4) spaces. In this regard, the application is considered to satisfy the parking requirements prescribed by the RMS *Guide to Traffic Generating Developments*. Conditions of consent have been recommended requiring the car parking required is compliant with AS 2890.1 and AS 2890.6 Off-Street Parking for People with disabilities.

With the peak customer capacity of the proposed service station reduced from the original submission, it is assumed that fuel deliveries by semi-trailer would become less warranted, and that deliveries by smaller rigid trucks would suffice.

Access to the proposed Service Station will need to be upgraded with heavy duty reinforced concrete driveways in accordance with Council's Provision of Private Access Specification.

Accordingly, the development has been designed in a manner whereby all vehicles can enter and leave the site in a forward direction. The arrangement of the buildings, fuel dispensers and internal circulation and parking areas have been appropriately considered. Overall, the traffic and parking aspects of the development are satisfactory.

Views and Privacy

As discussed in detail throughout the body of this report, the visual presentation of the proposed *service station* to the street, neighbours and in relation to the Heritage Conservation Area are acceptable. The landscaping of the site will further assist in ameliorating any potential visual impacts. Further, the effect of the visual impacts between the development and Heritage Conservation Area is reduced as the design of the *service station* has incorporated the recommendations of Council's Heritage Advisor who is satisfied that the design is of a quality that is appropriate to the Conservation Area.

The site coverage and siting of the development will not unreasonably compromise the availability and enjoyment of any views or vistas to and from the subject land. In this regard, the visual impacts of the development, in this instance, are acceptable.

Social and Economic Impacts

The proposed development will generate employment opportunities during the construction and operational phases of the development. During the operational phase, the development will result in the employment of two staff members during peak periods and one staff member during off peak periods.

Furthermore, the development makes positive use of a currently disused service station within the village of Canowindra. The development will further facilitate employment opportunities and facilitate the introduction of a new business to the village.

Safety, Security and Crime Prevention

Typically, crime prevention is achieved by delineating public and private area, providing physical barriers and surveillance opportunities. The application was referred to the NSW Police for to undertake a review of the application. The NSW Police force provided the following comments and recommendations which have been recommended as conditions of consent:

There are no current crime trends impacting on the current site. Historically, there has been a high level of antisocial behaviour and criminal activity within the confines of the derelict building. This development will drastically reduce criminal activity.

Further, the NSW Police Force have recommended the following measures:

- Security patrols after hours.
- Back to base alarms and Hold/up security alarms for staff.
- Speed limit signage reading “max 10 kmph”.
- Display of trespassers will be prosecuted signage.
- Polycarbonate and impact resistant glass and glazing to all windows.
- Key operated to all windows.
- Speed bumps in car parks and access ways.
- Shrubs not above 900mm in height.
- A 3-5 metre space on either side of pathways, clear of plantings; and a
- Landscape maintenance plan.

The development is considered acceptable in relation to crime prevention. The public and private spaces of the development are well defined, and the orientation and openness of the site will allow for reasonable opportunities for natural surveillance.

Conditions of consent have been recommended requiring the preparation of a safety, security, and crime prevention plan of management. This will outline the measures that are to be implemented for the development in relation to safety, security, and crime prevention. The plan of management must detail measures such as, but not limited to:

- adequate staff training.
- holding an incident register on the site (including complaints).
- installation of a ‘panic button’ for emergencies.
- 24-hour CCTV surveillance of all areas of the development.

- money handling procedures.
- landscaping maintenance plan.
- theft procedures.
- external lighting.
- clear sightlines to forecourt; and
- restricted staff areas.

Heritage

Heritage has been addressed in detail in the body of this report.

It is considered that the proposed development has been suitably designed to maintain the significance and integrity of the Canowindra Heritage Conservation Area. The proposal was evaluated by Council's Heritage Advisor who has made recommendations to ensure that the development enhances and complements the heritage significance of the Canowindra Heritage Conservation Area.

Environmental Impacts

Whilst there is always the risk associated with the operational elements of a *service station*, the development is not likely to give rise to any significant environmental impacts that cannot be appropriately managed by conditions of consent. An assessment of the application against the SEPP 33 Guideline indicates that the development is not characterised as being a potentially hazardous development.

Notably, several conditions have been recommended to ensure that development operates within the confines of all Australian Standards, guidelines, and other supporting documentation regarding environmental management. Conditions have also been recommended to ameliorate any impacts during the demolition/construction and operational phase of the development to reduce the impacts of the development upon the environment.

Cumulative Impacts

In regard to the proposed development, it is considered that the development has the potential to have a cumulative impact on:

- The significance of the Canowindra Heritage Conservation Area.
- The local street network with respect to traffic flow and movements; and
- Residential amenity in regard to noise, light and air quality.

Notwithstanding the above and the potential cumulative impacts, it is considered that each issue has been appropriately assessed and can be managed reasonably by conditions of consent. The proposed development is considered suitable in its current context and the development of the site will not have a significant cumulative impact which exceeds the reasonable expectations of the community.

THE SUITABILITY OF THE SITE s4.15(1)(c)

The proposed development is located in the B2 Local Centre zone and is permissible with the consent of Council. The suitability of the site has been addressed in the above sections of the report. The development of the site will not create significant adverse impacts on the context and setting of the area. Additionally, the development of the site will not detrimentally affect the adjoining land and is unlikely to lead to land use conflict.

ANY SUBMISSIONS MADE IN ACCORDANCE WITH THE ACT s4.15(1)(d)

The proposed development is defined as "notifiable development" under the provisions of the Community Participation Plan. The application was first neighbour notified for the prescribed period of 14 days between the 20 June 2019 and Monday 15 July 2019 and at the end of that period 29 submissions were received. The submissions received during the first-round exhibition related primarily to environmental concerns, traffic movements, heritage impacts, lighting and visual impacts, noise and the impacts on the surrounding residential area. As a result of the submission raised, the applicant provided a revised development application to address measures to ameliorate the potential impacts raised in the submission period.

Accordingly, revised plans were received by Council and the application was advertised for the prescribed period of 14 days whereby all those who raised a submission during the first round, were notified of the amended plans and an advertisement was placed in the local newspapers and on Council's website. The application was on public exhibition from 15 January 2020 to 6 February 2020. During this period 27 submissions were received. The advertising of the application also included the following:

- Advertising in the Canowindra News on Wednesday 15 and Wednesday 22 January 2020.
- Advertised in the Canowindra Phoenix on Thursday 23 January 2020.
- Neighbour notified from Wednesday 15 January to Thursday 6 February 2020.
- Referred to NSW Police Force for comment.
- Referred to Canowindra Business Chambers for comment; and
- Displayed on Council's website.

A summary of the submissions and response are provided hereunder.

SUBMISSIONS SUMMARY	STAFF COMMENT
<p><u>Heritage</u></p> <ul style="list-style-type: none"> the design detracts from the significance of the Conservation Area 	<p>The issues concerning heritage have been addressed in detail throughout the body of this report. After applying the test established in <i>Helou v Strathfield Municipal Council [2006] NSWLEC 66</i>, Council staff and Council's Heritage Advisor are of the opinion that the demolition of the existing, disused service station will have minimal impact upon the heritage significance of the Heritage Conservation Area.</p> <p>The proposed development is of a quality that is acceptable and appropriate to the heritage significance of the Heritage Conservation Area.</p>
<p><u>Commercial Competition</u></p> <ul style="list-style-type: none"> there are existing service stations in Canowindra, another is not needed 	<p>Commercial competition is not a matter for consideration under the Environmental Planning and Assessment Act 1979.</p>
<p><u>SEPP 33 Hazardous and Offensive Development</u></p> <ul style="list-style-type: none"> the development should be considered as potentially hazardous due to its potential environmental impacts. 	<p>An assessment of the development against SEPP 33 and associated guidelines is provided in detail in the above sections of this report. The development rests outside of the applicable volumetric threshold test that would cause the development to be treated as potentially hazardous development. Council can therefore be satisfied that the development is not considered potentially hazardous under a volumetric threshold test.</p> <p>With respect to the delivery threshold, the development would be appropriately serviced by not more than three (3) deliveries per week, meaning the development sits well below the delivery threshold of 750 annual deliveries.</p> <p>From the above it can be concluded that a preliminary hazard analysis (PHA) is not required, and therefore SEPP 33 does not apply to the development.</p>

SUBMISSIONS SUMMARY	STAFF COMMENT
	<p>In this regard, a condition of consent has been recommended requiring the design, construction, and management of the development to occur in a manner consistent with all applicable legislation, Australian Standards and relevant policies.</p>
<p><u>Traffic</u></p> <ul style="list-style-type: none"> • large vehicles pose a safety risk • creates traffic congestion • traffic movements • location of car parking spaces 	<p>Several submissions were received regarding the potential impacts associated with increased vehicle movements along Gaskill Street. An assessment of the impacts of traffic associated with the development have been considered in detail throughout the body of this report.</p> <p>The arrangement of the buildings, fuel dispensers and internal circulation and parking areas have been appropriately considered. Notwithstanding, staff have recommended the restriction of vehicles greater than 12.5 metres from accessing the site. These limitations would help to maintain the intended quiet village atmosphere of Gaskill Street.</p> <p>Overall, the traffic and parking aspects of the development are satisfactory.</p>
<p><u>Flooding & Groundwater</u></p> <ul style="list-style-type: none"> • The site floods and fuel will leak into the river causing contamination. 	<p>The applicant has relocated the underground fuel tanks and fill points from the area subject to inundation as part of the amended design. The storage tanks and operation of the facility will be required to comply with all relevant guidelines and Australian Standards, particularly AS 4897-2008 – the design, installation and operation of underground petroleum storage systems which incorporates leak detection measures.</p> <p>The canopy area will be fully bunded to capture any spills at the bowsers. Accordingly, conditions have been recommended regarding the preparation of an environmental management plan to capture any spills, prevent contamination and the like.</p>

SUBMISSIONS SUMMARY	STAFF COMMENT
<p><u>Visual Impacts</u></p> <ul style="list-style-type: none"> • Detracts from the streetscape and views from private residences 	<p>The visual impacts of the proposed development have been detailed throughout the body of this report and are appropriate. The overall height, bulk and scale is considered appropriate for the site and any potential impacts have been reasonably ameliorated through site landscaping and the siting of the development.</p> <p>The site coverage and siting of the development will not unreasonably compromise the availability and enjoyment of any views or vistas to and from the subject land. In this regard, the visual impacts of the development are acceptable in this instance.</p>
<p><u>Lighting</u></p> <ul style="list-style-type: none"> • Lighting will cause a nuisance to adjoining property owners 	<p>Conditions have been recommended to ensure that all outdoor lighting (including illuminated signage) be in accordance with the <i>Australian Standard 4282-1997 Control of the obtrusive effects of outdoor lighting</i> so as to prevent the nuisance of lighting on adjoining properties.</p> <p>Additionally, Council has conditioned that any signage must not be illuminated between the hours of 11 pm and 7 am.</p>
<p><u>Noise</u></p> <ul style="list-style-type: none"> • Construction is lengthy and will generate noise • Idling engines and delivery noise 	<p>Whilst noise is likely to be generated during the construction and operational phases of the development, conditions of consent have been recommended to ensure that noise generated from the site does not contravene the <i>Protection of the Environment Act 1997</i>.</p> <p>Additionally, Staff have recommended conditions that require an assessment of noise emissions from the premises within three (3) months from the issue of any Occupation Certificate.</p> <p>This commissioning report is to indicate noise levels through monitoring of noise emanating from the normal peak use of the premises and determine if any noise mitigation measures are required to achieve compliance with the NSW Noise Policy for Industry.</p>

SUBMISSIONS SUMMARY	STAFF COMMENT
	<p>Any identified mitigation works shall be carried out within 28 days from the date of the commissioning report, and the operation of the premises shall be carried out in accordance with any recommendations set out in the report.</p>
<p><u>Air Quality</u></p> <ul style="list-style-type: none"> • Fuel emissions will impact the air quality 	<p>Petrol vapour from vehicles and service stations are a contributor to poor air quality. To reduce the petrol vapours that are likely to be generated from the development, Staff have recommended conditions regarding the installation of vapour recovery control equipment which will capture petrol vapour before it enters the atmosphere.</p> <p>Staff have recommended the installation of Vapour Recovery 1 (VR1) to capture fuel vapours. Conditions have also been recommended to ensure that impacts arising during the construction phase of the development are appropriately managed.</p>
<p><u>Zoning of the land</u></p> <ul style="list-style-type: none"> • Is a service station in a residential area permissible? • Application not consistent with the zone 	<p>The subject land is zoned B2 Local Centre. A <i>service station</i> as defined by the Cabonne Local Environmental Plan 2012, is permissible with the consent of Council.</p> <p>An assessment of the application against the objectives of the zone has been undertaken in the body of the report and the application is considered to be rather consistent with the zone objectives.</p>
<p><u>Contamination Report</u></p> <ul style="list-style-type: none"> • The contamination report provided in support of the application is not appropriate 	<p>The contamination report submitted in support of the application was prepared in 2013 and commissioned by the Environment Protection Authority (EPA) to undertake a preliminary contamination investigation.</p> <p>The report comprised of identification and documentation of existing underground tanks at the site and involved soil vapour surveys to evaluate the degree of hydrocarbon contamination in the soil, therefore undertaking a Stage 1 assessment of the site in accordance with SEPP 55.</p>

SUBMISSIONS SUMMARY	STAFF COMMENT
	<p>The analysis of the soils confirmed low impacts of petroleum products within the site and the measured concentrations of other contaminations were low or trace. The contamination status of the land is considered acceptable for the proposed development.</p>
<p><u>Consultation</u></p> <ul style="list-style-type: none"> • No consultation with Lachlan Valley Water, NSW Office of Water. • Not everyone knew about the proposal. 	<p>The application is not Integrated or Designated Development and is not required to be referred to external agencies for concurrence.</p> <p>As detailed in the body of this report, the application was advertised in local papers, neighbour notified and made publicly available on Council's website for perusal by the public.</p>
<p><u>Landscaping</u></p> <ul style="list-style-type: none"> • Proposed plantings are not suitable for the climate 	<p>A condition of consent has been recommended requiring the applicant to consider the scale of planting in proportion to the proposed development, consistent with the existing landscape character of the area, potential views, solar access, and privacy for neighbouring development.</p>
<p><u>Signage</u></p> <ul style="list-style-type: none"> • Details on the future tenant of the site is not reflected on the signage 	<p>The applicant is yet to enter into an agreement with a tenant for the operation of the site.</p> <p>A future development application will be required for the signage which will be required to show the colour scheme and logo of the tenant.</p>
<p><u>Climate Change</u></p> <ul style="list-style-type: none"> • Why are service stations being approved in a changing climate? 	<p>The proposed use is permissible land use within the B2 Local Central zone.</p> <p>An assessment of the application indicates that the impacts of the development can be managed appropriately to mitigate any potential impacts.</p>
<p><u>Operational Hours</u></p> <ul style="list-style-type: none"> • 24-hour operation unsuitable for the site 	<p>An assessment of the application demonstrates that the site is suitable for the development. The hours of operation are proposed to be 24 hours a day, 7 days a week.</p> <p>Appropriate conditions of consent have been recommended which aim to control the</p>

SUBMISSIONS SUMMARY	STAFF COMMENT
	potential impacts of a 24-hour operation particularly with respect to delivery hours, noise, and the illumination of signage.
<p><u>Devaluation of property values</u></p> <ul style="list-style-type: none"> A service station will devalue land and house prices 	The devaluation of property values is not a matter for consideration under the Environmental Planning and Assessment Act 1979.

PUBLIC INTEREST s4.15(1)(e)

The proposed development is considered to be of interest to the wider public due to the relatively localised nature of potential impacts. The proposal is not inconsistent with any relevant policy statements, planning studies, guidelines etc that have not been considered in this assessment.

SUMMARY

The proposed development is permissible with the consent of Council. The proposed development complies with the relevant aims, objectives, and provisions of Cabonne Local Environmental Plan 2012 (as amended) and Development Control Plan. A section 4.15 assessment of the development indicates that the development is, in this instance, acceptable. Attached is a draft Notice of Approval outlining a range of conditions considered appropriate to ensure that the development proceeds in an acceptable manner.

COMMENTS

The requirements of the Environmental Health and Building Surveyor and the Development Engineer are included in the attached Notice of Approval.

ITEM 15 - QUESTIONS FOR NEXT MEETING

REPORT IN BRIEF

Reason For Report	To provide Councillors with an opportunity to ask questions/raise matters which can be provided/addressed at the next Council meeting.
Policy Implications	Nil
Budget Implications	Nil
IPR Linkage	4.5.1.g. Code of Meeting Practice adhered to
Annexures	Nil
File Number	\\OFFICIAL RECORDS LIBRARY\GOVERNANCE\COUNCIL MEETINGS\nOTICES - MEETINGS - 1089264

RECOMMENDATION

THAT Council receive a report at the next Council meeting in relation to questions asked/matters raised where necessary.

GENERAL MANAGER REPORT

A call for questions for which an answer is to be provided if possible or a report submitted to the next Council meeting.

ITEM 16 - BUSINESS PAPER ITEMS FOR NOTING

REPORT IN BRIEF

Reason For Report	Provides an opportunity for Councillors to call items for noting for discussion and recommends remainder to be noted.
Policy Implications	Nil
Budget Implications	Nil
IPR Linkage	4.5.1.g - Code of Meeting Practice adopted and implemented.
Annexures	Nil
File Number	\\OFFICIAL RECORDS LIBRARY\GOVERNANCE\COUNCIL MEETINGS\PROCEDURES - 1089265

RECOMMENDATION

THAT:

1. Councillors call any items they wish to further consider.
2. The balance of the items be noted.

GENERAL MANAGER REPORT

In the second part of Council's Business Paper are items included for Council's information.

In accordance with Council's format for its Business Paper, Councillors wishing to discuss any item are requested to call that item.

ITEM 17 - MATTERS OF URGENCY

REPORT IN BRIEF

Reason For Report	Enabling matters of urgency to be called.
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Policy Implications	Nil
Budget Implications	Nil
IPR Linkage	4.5.1.a. Provide quality administrative support and governance to councillors and residents
Annexures	Nil
File Number	\\OFFICIAL RECORDS LIBRARY\GOVERNANCE\COUNCIL MEETINGS\nOTICES - MEETINGS - 1089267

RECOMMENDATION

THAT Councillors call any matters of urgency.

GENERAL MANAGER REPORT

Council's Code of Meeting Practice allows for the Council to consider matters of urgency which are defined as *"any matter which requires a decision prior to the next meeting or a matter which has arisen which needs to be brought to Council's attention without delay such as natural disasters, states of emergency, or urgent deadlines that must be met"*.

This item enables councillors to raise any item that meets this definition.

ITEM 18 - COMMITTEE OF THE WHOLE SECTION OF THE MEETING

REPORT IN BRIEF

Reason For Report	Enabling reports to be considered in Committee of the Whole.
Policy Implications	Nil
Budget Implications	Nil
IPR Linkage	4.5.1.g. Code of Meeting Practice adhered to
Annexures	Nil
File Number	\\OFFICIAL RECORDS LIBRARY\GOVERNANCE\COUNCIL MEETINGS\PROCEDURES - 1089268

RECOMMENDATION

THAT Council hereby resolve itself into Committee of the Whole to discuss matters called earlier in the meeting.

GENERAL MANAGER REPORT

Council's Code of Meeting Practice allows for the Council to resolve itself into "committee of the whole" to avoid the necessity of limiting the number and duration of speeches as required by Clause 250 of the Local Government (General) Regulation 2005.

This item enables councillors to go into "committee of the whole" to discuss items called earlier in the meeting.

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PRESENT Cllrs K Beatty (in the Chair), J Jones, M Nash, P Mullins, G Treavors, C Newsom, A Durkin, L Oldham, P Batten, K Walker, J Weaver and I Davison.

Also present were the General Manager, Director of Environmental Services, Acting Director of Engineering & Technical Services, Administration Manager, Finance Manager and IT Manager.

ITEMS FOR DETERMINATION

ITEM - 1 APPLICATIONS FOR LEAVE OF ABSENCE

MOTION (Weaver/Treavors)

THAT it be noted there were nil applications for leave of absence.

20/04/01 Carried

ITEM - 2 DECLARATIONS OF INTEREST

Proceedings in Brief

It was noted the General Manager declared an interest in Item 4 of the confidential business paper.

MOTION (Treavors/Oldham)

THAT the declaration of interest be noted.

20/04/02 Carried

It was noted the time being 2.03pm the Mayor announced the Ordinary meeting would be temporarily suspended to attend to a technical issue.

It was noted the time being 2.11pm the Mayor resumed the Ordinary meeting.

ITEM - 3 DECLARATIONS FOR POLITICAL DONATIONS

MOTION (Weaver/Oldham)

THAT it be noted there were nil declarations for political donations.

20/04/03 Carried

ITEM - 4 MAYORAL MINUTE - APPOINTMENTS

Proceedings in Brief

Clr Beatty

24/3/20 – Attended the Business Paper Review with the General Manager, directors and Deputy Mayor. Attended the Ordinary Council meeting.

25/3/20 – Attended the Molong Office for Western Area Health webinar. Attended meeting with the General Manager.

1/4/20 – Attended the Molong Office for NSW Health webinar. Attended webinar meeting with J.O. regarding Regional Water Strategies.

8/4/20 – Attended the Molong Office for a webinar with the working party regarding the Molong Community Centre project. Attended a meeting with the General Manager.

9/4/20 – Attended the Molong Office for webinar meeting with J.O., The Hon. Mark Coulton MP - Minister for Regional Health, Regional Communications and Local Government regarding COVID-19 issues.

14/4/20 – Attended the Molong Office for Councillor Workshop and meeting with Canowindra Councillors (via webinar meetings).

22/4/20 – Attended funding announcement at the Molong Recreation Ground by the Hon. Sam Faraway, MLC regarding Molong water and round three of Stronger Country Community Grants.

23/4/20 – Attended the Molong Office for webinar with councillors. Meeting with Canowindra councillors and the General Manager.

Clr Durkin

Wished to acknowledge the work done by the Canowindra Branch of Country Education Fund who have distributed approximately \$18,000 in the past couple of weeks for tertiary scholarships to young people and post high school studies, throughout the Cabonne Shire to assist them with studies, accommodation, textbooks and tools etc.

MOTION (Beatty/-)

THAT the information contained in the Mayoral Minute be noted.

20/04/04

Carried

ITEM - 5 MAYORAL MINUTE - COVID 19 FINANCIAL SUPPORT

MOTION (Treavors/Walker)

THAT Council:

1. Calls on the Federal Government and NSW Government to urgently deliver comprehensive and multifaceted financial support and stimulus packages to local government to enable them to continue to operate effectively and provide essential services during the COVID-19 pandemic.

2. Calls for the packages to include the following measures:
 - Increasing Financial Assistance Grants payments to 1% to help councils maintain essential functions and services, acknowledging the increased costs and mounting revenue losses arising from COVID-19 (and drought and bushfire where affected) as well as giving councils capacity to provide hardship assistance to businesses and residents.
 - Immediate financial assistance to support council employees, particularly those employed in early education and care.
 - Providing stimulus funding to councils for projects that will help sustain council operations and boost local economies. This could be achieved through increasing or bringing forward funding under existing funding programs or introducing new programs.
 - Increased access to TAFE, VET and other apprenticeship opportunities that council staff can undertake to address skill shortages, especially for staff in non-essential services who are unable to be redeployed.
3. Commends the NSW and Federal Governments on their stewardship during this crisis and commits to working in partnership to protect community health and sustain local economies through this crisis.
4. Write to the local State and Federal Member(s) Mr Philip Donato MP and the Hon Andrew Gee MP, Prime Minister the Hon Scott Morrison MP, NSW Premier the Hon Gladys Berejiklian MP, Federal Treasurer the Hon Josh Frydenburg MP, NSW Treasurer the Hon Dominic Perrottet MP, NSW Local Government Minister the Hon Shelley Hancock MP, Federal Minister for Local Government the Hon Mark Coultan, Federal Opposition Leader the Hon Anthony Albanese, NSW Opposition Leader Jodi McKay MP, Federal Shadow Minister for Local Government Jason Clare MP and NSW Shadow Minister for Local Government Greg Warren MP to confirm their support for increased financial assistance and stimulus funding for local government to help councils maintain essential services and employment during the COVID-19 pandemic.
5. Endorses Local Government NSW's sector-wide campaign to obtain financial assistance, employment support and stimulus funding for the local government sector.
6. Advise LGNSW President Linda Scott of the passage of this Mayoral Minute.

20/04/05 Carried

ITEM - 6 COMMITTEE OF THE WHOLE

Proceedings in Brief

Clr Jones requested that items 13 and 14 be moved to be debated in Committee of the Whole.

MOTION (Davison/Durkin)

THAT items 13 and 14 were called to be debated in Committee of the Whole.

20/04/06 Carried

ITEM - 7 GROUPING OF REPORT ADOPTION

MOTION (Weaver/Nash)

THAT items 8 to 10 be moved and seconded.

20/04/07 Carried

ITEM - 8 CONFIRMATION OF THE MINUTES

MOTION (Weaver/Nash)

THAT the minutes of the Ordinary meeting held 24 March 2020 be adopted.

20/04/08 Carried

**ITEM - 9 FUNDING AGREEMENT 'EVERYONE CAN PLAY' GRANT
PROGRAMME**

MOTION (Weaver/Nash)

THAT Council authorise the affixing of the Common Seal to the funding agreements under the Everyone Can Play Grant Round 2 for:

- | | |
|--|----------|
| 1. Canowindra Morris Park Inclusive Playground | \$87,430 |
| 2. Molong Recreation Ground Inclusive Playground | \$95,865 |

20/04/09 Carried

ITEM - 10 TREE MANAGEMENT POLICY

MOTION (Weaver/Nash)

THAT Council adopt the Tree Management Policy and note answer to Clr Newsom's question.

20/04/10 Carried

**ITEM - 11 REQUEST FOR DONATION EQUIVALENT TO FEES PAID FOR
DA 2020/0109**

MOTION (Walker/Weaver)

THAT Council donate from its s356 budget to the Canowindra Showground Racecourse Land Managers the sum of \$3,342.79, being the development application fee (excluding GST) paid to council in relation to DA 2020/0109 for amenities blocks at the Canowindra Showground.

20/04/11 Carried

**ITEM - 12 DRAFT RATES AND CHARGES HARDSHIP ASSISTANCE
POLICY FOR RATEPAYERS SUFFERING FROM THE EFFECTS
OF NATURAL DISASTERS**

Proceedings in Brief

Clr Nash noted that there are a number of residents currently experiencing hardship and the introduction of this policy will greatly assist these residents.

Clr Newsom queried the introduction of this policy, noting that this matter was raised approximately 18 months ago for residents suffering from drought and a policy was not put in place at that time and queried if this policy would be retrospective.

The General Manager explained that a request for hardship can include accumulated debt (including interest accrued) and that consideration would be on a case by case basis. The General Manager further explained that any submission received that may not fall within the guidelines of the policy could be reported to Council for consideration.

MOTION (Nash/Jones)

THAT Council adopt the draft Rates and Charges Hardship Assistance Policy.

20/04/12 Carried

It was noted that items 13 and 14 were moved to be debated in Committee of the Whole.

ITEM - 15 DRAFT SPONSORSHIP POLICY

MOTION (Newsom/Treavors)

THAT Council endorse the draft Sponsorship Policy and place the draft policy on public exhibition.

20/04/13 Carried

It was noted the time being 2.24pm the Mayor announced the Ordinary meeting would be temporarily suspended to attend to a technical issue.

It was noted the time being 2.26pm the Mayor resumed the Ordinary meeting.

ITEM - 16 CABONNE COMMUNITY CENTRE - DESIGN CHARETTE

OUTCOMES

Proceedings in Brief

Clr Durkin noted that in the first paragraph of the report there is a typing error. It should read: *In November 2019, Council engaged the services of King and Campbell Pty Ltd to undertake the process of architectural conceptualisation of a Cabonne Community Centre.*

MOTION (Jones/Mullins)

THAT Council endorse the concept plan – Option D, Cabonne Community Centre, as the final concept design, and move the project to detailed design and approvals phase

20/04/14 Carried

ITEM - 17 MOLONG BORE WATER SUPPLY PROJECT PROCUREMENT

MOTION (Treavors/Jones)

THAT Council:

1. In accordance with the Local Government Act 1993, section 55(3)(i) determine to not invite tenders, with the intent of entering into a contract, the Molong Bore Water Supply Project due to the following extenuating circumstances:
 - a) Establishment of emergency water supply is time bound to ensure security of the essential town water needs of Molong,
 - b) Cost of supply of water from Orange City of \$90,300 during the procurement time period, and
 - c) Provision of stimulus to the local economy effects and reduced accessibility to statewide contractors to undertake work following from COVID-19 restrictions.
2. Authorise the General Manager to seek quotations from selected contracting companies to construct the Molong Bore Water Supply Project.
3. Authorise the General Manager to enter into a contract with the successful quoting contracting company to construct the Molong Bore Water Supply Project.

20/04/15 Carried

ITEM - 18 MOLONG TOWN CENTRE UBRAN DESIGN PROJECT

MOTION (Nash/Mullins)

THAT:

1. The Molong Town Centre Review of Submissions Table, dated April 2020, be noted and a copy of the document sent to all submission makers for their information as well as uploaded onto Council's website for a period of no less than 21 days;
2. Council's General Manager commence preliminary enquiries with private land owners on the activation of the rear parking space of commercial premises north of Bank Street, Molong, to investigate possible connection opportunities to Bank Street and key attractors in the Molong Town Centre.
3. A further report be provided to Council following the engagement of the urban designer to set the program for the Enquiry-by-Design Phase and the completion of the Molong Town Centre Plan.

20/04/16 Carried

**ITEM - 19 CABONNE COMMUNITY PARTICIPATION PLAN PROPOSED
AMENDMENT**

MOTION (Walker/Nash)

THAT Council adopt the draft amendments to Cabonne Community Participation Plan to allow for a variation to exhibition requirements as required.

20/04/17 Carried

**ITEM - 20 LOCAL HERITAGE FUND APPLICATION - EUGOWRA
MASONIC LODGE**

MOTION (Batten/Mullins)

THAT Council allocates \$1,500 of the 2019/2020 Local Heritage Fund to Regina Nugent for the restoration of the Eugowra Masonic Lodge, Barrack Street, Eugowra.

20/04/18 Carried

ITEM - 21 QUESTIONS FOR NEXT MEETING

Proceedings in Brief

Clr Mullins requested that the Molong Creek Dam (Molong Water Supply) levels be provided regularly to enable the details to be published locally.

MOTION (Treavors/Durkin)

THAT it be noted there were nil questions for next meeting.

20/04/19 Carried

ITEM - 22 BUSINESS PAPER ITEMS FOR NOTING

Proceedings in Brief

It was noted Clr Davison called Item 5 to be further considered.

MOTION (Davison/Nash)

THAT:

1. Item 5 be further consider; and
2. The balance of the items be noted.

20/04/20 Carried

ITEM - 5 LACHLAN REGIONAL TRANSPORT COMMITTEE (LRTC)

Proceedings in Brief

Clr Davison commented on the letter from Deputy Prime Minister Mr McCormack and noted that there is little mention of the Parkes to Orange rail connection. The Mayor advised that in paragraph three of the letter it does state Sydney to Newcastle, Sydney to Wollongong and Sydney to Parkes but is unsure if those routes go through Orange. The Mayor commented that the matter does require further clarification.

Clr Mullins commented that there is intention to bring a train to Orange, and split the service in two – sending one to Parkes and one to Dubbo, meeting back in Orange and then traveling back to Sydney. Clr Mullins stated this would include a stop at Molong and noted the intention for the Molong station to be reopened in 2022/23.

MOTION (Davison/Mullins)

THAT the information be noted.

20/04/21 Carried

ITEM - 23 MATTERS OF URGENCY

MOTION (Newsom/Durkin)

THAT it be noted there were nil matters of urgency.

20/04/22 Carried

ITEM - 24 COMMITTEE OF THE WHOLE SECTION OF THE MEETING

MOTION (Treavors/Durkin)

THAT Council hereby resolve itself into Committee of the Whole to discuss matters called earlier in the meeting.

20/04/23

Carried

ITEM - 13 2020/2021 INTEGRATED PLANNING AND REPORTING

Proceedings in Brief

Clr Davison queried if the expenses for public halls included grants for hall improvements. The General Manager advised that the funds listed are for general operational expenditure.

Clr Davison queried the Canowindra Retirement Village – Design and Investigation. The General Manager advised the funds are for a concept design but could also be utilised for investigation into the governance of Council undertaking the project or whether it would be undertaken by developers or the Public Private Partnership that was originally put in place.

Clr Oldham stated that funding for the Cabonne Acquisitive Art Prize funding was not included in the Budget. The General Manager advised that some funding will rollover from the 2019/20 Budget and that a submission will be completed for the additional funds.

Clr Oldham queried the Molong Rotary Park Toilets – Project Preplanning item and noted those particular toilets are operated on a septic system and located in a floodplain area, she queried what the funds in the budget would be utilised for and suggested a review of the location of the toilet block. The Acting Director of Engineering and Technical Services advised that the intent of the funds in the budget are to undertake a design process but stated if Council wished to extend the scope to include a business case or options analysis that could be included in the scope.

Clr Batten commended the efforts of the Mayor, General Manager and Council staff for their efforts in securing external funding, acknowledging the recent funding announcements. Clr Batten commended the Budget as presented, noting Council still have healthy reserves which puts it in a good financial position should grant funding cease or reduce considerably in the future.

Clr Jones noted the media release from Local Government Minister, the Hon. Shelley Hancock advising Council of the one month extension to adopting its Operational Plan and Budget and wanted to note Council would not require the additional time to adopt the documents as this is a budget that Council have been working towards for two and half years, it is a budget that Council can be proud of and it shows that Council is in touch with its communities and meeting their expectations.

Clr Jones commented that a few years ago the trending phase in local government was fit for the future, and noted that the Budget presented today would provide confidence to Council staff and the communities of Cabonne that Council will maintain this level of service.

Clr Jones stated that with the unprecedented drought and the current global pandemic this budget provides an important economic stimulus for the Cabonne community and local business. It also shows the success Council has had in lobbying the state and federal governments for grant funding.

Clr Jones wished to thank Council staff for their ongoing work and acknowledged the efforts of the finance and engineering teams in preparing these plans for Council.

RECOMMENDATION (Walker/Oldham)

THAT Council:

1. Adopt the Draft Operational Plan 2020/2021.
2. Adopt the 2020/21 Draft Budget including Fees and Charges.
3. Publicly exhibit the Draft Budget and Operational Plan 2020/21 for a period of 28 days from Monday 4 May 2020.
4. Adopt an interest rate equivalent to the maximum allowable percentage allowed by the Office of Local Government for the 2020/2021 financial year to be charged on arrears of Rates and Charges.
5. Hold an Extraordinary Council meeting on 9 June 2020 to consider any submissions received.

1. Carried

ITEM - 14 QUARTERLY BUDGET REVIEW

RECOMMENDATION (Newsom/Davison)

THAT Council note the variances in the report and authorise those changes to be included in the 2019/2020 Council Budget.

2. Carried

It was noted the time being 3.06pm the Chair announced that the Council would now be resolving into a Closed Committee of the Whole.

CONFIDENTIAL ITEMS

**ITEM - 1 CARRYING OF COMMITTEE RESOLUTION INTO CLOSED
COMMITTEE OF THE WHOLE MEETING**

RECOMMENDATION (Weaver/Davison)

THAT the committee now hereby resolve into Closed Committee of the Whole for the purpose of discussing matters of a confidential nature relating to personnel or industrial matters, personal finances and matters which the publicity of which the Committee considers would be prejudicial to the Council or the individual concerned and that the press and the public be excluded from the meeting in accordance with the conditions of Council's Confidentiality Policy AND FURTHER that as reports to the Closed Committee of the Whole are likely to be confidential and their release prejudicial to the public interest and the provisions of Council's confidentiality policy, that copies of these reports not be made available to the press and public.

3. Carried

**ITEM - 2 ENDORSEMENT OF PROCEEDINGS OF CONFIDENTIAL
MATTERS CONSIDERED AT COMMITTEE OF THE WHOLE
MEETING**

RECOMMENDATION (Nash/Weaver)

THAT the Committee endorse the accuracy of the Report of the Proceedings of Confidential Matters at the Ordinary Council meeting held on 24 March 2020 and notes the recommendations recorded in the Official Ordinary Minutes of that meeting are sufficient to state the general effect of the proceeding in Closed Committee.

4. Carried

**ITEM - 3 CONTRACT 1039770 - DESIGN, CONSTRUCTION AND
DEMOLITION OF SAINT GERMAINS BRIDGE ON BOCOBRA
ROAD MANILDRA**

RECOMMENDATION (Durkin/Newsom)

THAT Council:

1. Accept the tender from Murray Constructions Pty Ltd for the design, construction & demolition of Saint Germain's Bridge on Bocobra Road, Manildra at the tendered price of \$621,456 including GST.
2. Authorise any variation to the contract for the project provided the variations are contained within the overall approved budget.

5. Carried

It was noted the time being 3.09 the General Manager declared an interest in the following item and left the meeting.

ITEM - 4 GENERAL MANAGER'S PERFORMANCE REVIEW

RECOMMENDATION (Newsom/Weaver)

THAT Council:

1. Note the conduct of the General Manager's annual performance review.
2. Provide any feedback on the General Manager's performance to the Mayor.

6. Carried

*

ITEM - 5 HARDSHIP SUPPORT REQUEST

RECOMMENDATION (Mullins/Nash)

THAT Council endorse the General Manager to negotiate an agreement as detailed in the Proceedings in Brief.

7. Carried

It was noted the time being 3.38pm the Mayor resumed the Ordinary meeting.

REPORT & RESOLUTIONS OF COMMITTEE OF THE WHOLE

MOTION (Nash/Jones)

THAT the Report and Recommendations of the Committee of the Whole Meeting held on Tuesday 28 April, 2020 be adopted.

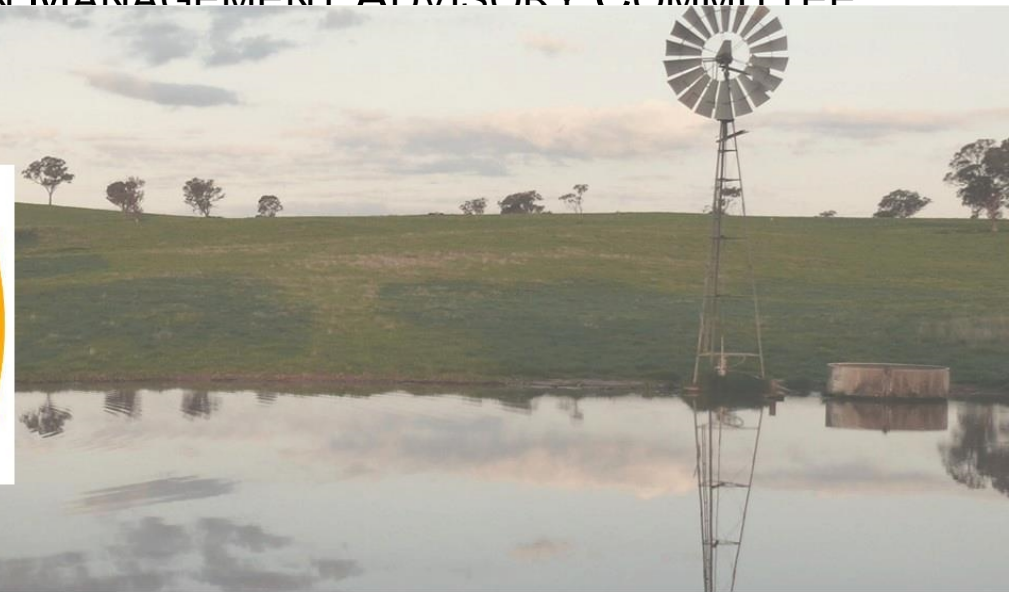
20/04/24 Carried

There being no further business, the meeting closed at 3.39pm.

CHAIRMAN.

Chairman of the Ordinary Meeting of Cabonne Council held on the 26 May, 2020 at which meeting the listed minutes were confirmed and the signature hereon was subscribed.

MOI LONG FLOODPLAIN MANAGEMENT ADVISORY COMMITTEE



Specifically, the committee:

- Provides a forum for the discussion of technical, social, economic, environmental and cultural issues; and
- Creates the opportunity for the views of key stakeholders to be identified and captured through the development and implementation of floodplain management plans

3. Term

Elected members continue as members of the committee until:

- The next ordinary election of the Mayor
- The next general election of Council

- The committee is disbanded or completes its purpose in accordance with these terms of reference

Other members continue until the committee is disbanded or completes its purpose in accordance with these Terms of Reference.

Any casual vacancy in elected members is filled by Council appointment. Any other casual vacancy is filled by the General Manager.

4. Role of the Committee

The committee operates as an 'advisory committee' of Council

5. Key Objective

The committee considers key issues such as the following:

- State Government policy for floodplain risk management
- Flood studies and network analysis
- Floodplain risk management studies, including priorities for management initiatives
- Floodplain risk management plan implementation, including oversight of floodplain risk mitigation works projects
- Priorities for future study and analysis
- Other matters as outlined for Floodplain Risk Management Committees as pertained within the NSW Governments Floodplain Development Manual

6. Responsibilities

The Committee may make recommendations to Council on all matters before it. These recommendations are submitted via the minutes of each meeting to Council for consideration. Substantial recommendations (including any requiring the expenditure of Council funds) are accompanied by a separate report to Council.

Committee recommendations considered purely or substantially 'operational' in nature will be directed to relevant directorates within the Council organisation by delegation of the General Manager. Advisory Committees do not have the power to incur expenditure, nor do they have the power to bind Council.

7. Membership

Formation of Committee

Membership of the Committee shall comprise the following voting members

- Councillors – up to 2 (Chair and Deputy Chair), with one alternate for each position
- Council Staff – up to 2, as delegated by the General Manager
- Local Community Representatives – up to 2, consisting of individuals whom;
 - Maintain a broad interest or technical understanding of floodplain management
 - A commitment to floodplain management for the Molong township

- A resident or business person living or working in or near a flood prone area
- Local NSW State Emergency Services Controller, or appointed representative
- Office of Environment and Heritage Representative

Other Attendance at Meetings

Attendance of other elected members is permitted; however no voting rights are entitled outside of the committee membership.

The Chairperson and/or the General Manager may invite community representatives, consultants or technical specialists in order to assist with advice to the committee. Invited community members and/or specialist do not have voting rights.

Meetings are not open to the general public.

Additional Council staff may be invited to attend meetings, but do not have voting rights.

8. Meetings

Meeting Schedule

Location, date and time for meetings may be decided by the Chair in consultation with the General Manager.

Quorum

The quorum for a meeting of the Committee is four (4) members. If a quorum is not present within 15 minutes of the scheduled commencement time, the meeting lapses.

Voting

In general, it is expected the Committee will develop recommendations by consensus. If however voting is required, the Chair has a casting vote.

Proceedings

The administrative provisions of Council's Code of Meeting Practice apply.

General business matters may be raised by members at any meeting without notice, however if the matter is substantial, a report is to be prepared and included on the agenda at a future meeting.

Minutes of each meeting are submitted to the next available Council Meeting.

9. Code of Conduct

All members of the committee are required to observe the provisions of Cabonne Council's Code of Conduct. The Code of Conduct is a series of guiding principles for all people involved with Council and covers such topics as conflicts of interest, gifts and benefits, responsible use of council information and resources, and how to make code of conduct complaints.

Committee members may encounter confidential or personal information retained by Council. If so, members are required to maintain the security of any confidential or personal information and not access, use or remove any information, unless the member is authorised to do so.

Members are not to speak to the media in their capacity as a member of the Committee.

Generally, committee members are required to act lawfully, honestly and fairly in their conduct related to Council. A breach of the Code of Conduct may lead to the member being expelled from the committee.

10. Document Control

These Terms of Reference are reviewed at least at the commencement of each term of Council.

Apart from any inconsequential editing, substantial amendments to the Terms of Reference are approved by Council.

Date	Description of Changes
24/03/2020	Terms of Reference endorsed by Council for public exhibition.

DRAFT CONDITIONS OF CONSENT

1. APPROVED PLANS AND SUPPORTING DOCUMENTS

The development shall be carried out in accordance with the approved stamped and signed plans and/or documentation listed below **except where modified by any following condition**. Where the plans relate to alteration or additions only those works shown in colour or highlighted/shaded are approved.

Reference/Dwg No	Title/Description	Prepared By	Date/s
16-066 – rev 4	Statement of Environmental Effects	RJ Sinclair	20 December 2019
Unreferenced	Environmental Site Assessment	Parsons Brinckerhoff	18 October 2013
Unreferenced	Heritage Impact Statements	Ian Rufus	June 2019
SY190899	Flood Review	ACOR Consultants	19 December 2019
Unreferenced	Traffic Impact Statement	Winning Traffic Solutions	March 2020
218934	Detail Survey	Geolyse	2 May 2018
16-066 CMP -01 DA2	Construction Management Plan	RJ Sinclair	20 December 2019
16-066 CMP-02 DA	Erosion and Sediment Control Plan	RJ Sinclair	October 2017
16-066 A-01 DA2	Existing Site Plan and Demolition Plan	RJ Sinclair	September 2018
16-066 A-02 DA 2	Proposed Site Plan	RJ Sinclair	September 2018
16-066 A-03 DA 2	Dimensioned Site Plan	RJ Sinclair	September 2018
16-066 A-04 DA 2	Streetscape Elevation	RJ Sinclair	May 2019
16-066 A-10 DA 2	Sales Building Floor Plan	RJ Sinclair	September 2019
16-066 A-11 DA 2	Sales Building Dimensioned Plan	RJ Sinclair	September 2018
16-066 A-12 DA 2	Sales Building Roof Plan	RJ Sinclair	September 2018
16-066 A-13 DA 2	Sales Building & Elevations	RJ Sinclair	September 2018
16-066 A-14 DA 1	Sales Building Perspectives	RJ Sinclair	December 2019
16-066 A-100 DA 2	Refuelling Canopy Plans	RJ Sinclair	August 2018
16-066 A-101 DA 2	Refuelling Canopy, Elevations & Sections	RJ Sinclair	September 2018
16-066 L-01 DA 2	Landscape Plan	RJ Sinclair	May 2019

16-066 L-02 DA 2	Landscaping Notes and Details	RJ Sinclair	May 2019
16-066 SS-01 DA 2	Signage Plan	RJ Sinclair	September 2018
16-066 SS-02 DA 2	Signage Detail	RJ Sinclair	September 2018
16-066 TW-01 DA 2	Trade Waste Plan	RJ Sinclair	September 2018
16-066 TW-02 DA 2	Trade Waste Details	RJ Sinclair	September 2018
16-066 SD-01 DA 2	Concept Stormwater Drainage Plan	RJ Sinclair	May 2019
16-066 TS-01 DA 2	Turning Study – Large Cars	RJ Sinclair	September 2018
16-066 TS-02 DA 3	Turning Study – Delivery Trucks	RJ Sinclair	September 2018
RJS0004-E01	Lighting Plan	Rubidium Light	21 May 2019

Note 1: *Modifications to the approved plans will require the lodgement and consideration by Council of a modification pursuant to Section 4.55 of the Environmental Planning and Assessment Act.*

Note 2: *A warning to all Accredited Certifiers. You should always insist on sighting the original Council stamped approved plans/documentation and not rely solely upon the plan reference numbers in this condition. Should the applicant not be able to provide you with original copies, Council will provide you with access to its files so you that may review our original copies of approved documentation.*

Note 3: *The approved plans and supporting documentation may be subject to conditions imposed under section 4.17 of the Act modifying or amending the development (refer to conditions of consent which must be satisfied prior to the issue of any Construction Certificate).*

(Reason: To confirm and clarify the terms of consent)

2. - CONSTRUCTION WITHIN BOUNDARY

All approved construction including but not limited to footings, walls, roof barges and guttering are to be constructed wholly within the boundaries of the premises.

(reason: to ensure compliance with approved plans)

3. - SEPARATE APPROVALS

Separate Development Approval shall be obtained for the *business identification signage*.

(Reason: To control the future development of the site)

4. COMPLIANCE WITH DISABILITY DISCRIMINATION ACT

This approval does not necessarily protect or guarantee against a possible claim of discrimination (intentional or unintentional) under the Disability Discrimination Act 1992, and the applicant/owner is therefore advised to investigate their liability under this Act.

Note: Disability (Access to Premises - Buildings) Standards 2010 - As of 1 May 2011, if access is provided to the extent covered by this Standard, then such access cannot be viewed as unlawful under the Disability Discrimination Act 1992.

(Reason: To inform of relevant access requirements for persons with a disability)

5. FOOD PREMISES - GENERAL

The construction and operation of the food premises shall comply with all applicable legislation/regulation and standards, including:

- The Food Act 2003
- Food Regulation 2015
- Food Standards Australia and New Zealand - Food Standards Code
- The cooking appliances require an approved air handling system designed in accordance with AS1668.1-1998 and AS1668.2-1991 or alternative solution satisfying the performance objectives of the Building Code of Australia. No approval is granted for the burning of wood fired fuel.
- The construction, fitout and finishes of the food premises must comply with Standard 3.2.3 of the Australian and New Zealand Food Standards Code under the Food Act 2003 and AS 4674 - Design, Construction and Fitout of Food Premises

(Reason: Compliance legislation and standards)

6. -LIGHTING

Any lighting on the site shall be designed so as not to cause a nuisance to other residences in the area or to motorists on nearby roads and to ensure no adverse impact on the amenity of the surrounding area by light overspill. All lighting shall comply with relevant standards in this regard.

(Reason: Protect amenity of surrounding area)

7. TREE PRESERVATION

All street trees and trees on private property that are protected under Cabonne Council's controls, shall be retained except where Council's prior written consent has been obtained.

(Reason: Tree preservation)

8. -WASTE MANAGEMENT PLAN

Requirements of the approved Waste Management Plan shall be complied with during site preparation and throughout demolition and construction. Waste management and its storage must not pose a threat to public health or the environment.

(Reason: Compliance with approval)

9. - CONSTRUCTION CERTIFICATE - PRIOR TO THE COMMENCEMENT OF ANY DEMOLITION WORKS

Where demolition is associated with the erection of a new structure, or an altered portion of or an extension to an existing building, the demolition of any part of a building is "commencement of building work" pursuant of section 6.6 of the Act. In such circumstance all conditions of this consent must be satisfied prior to any demolition work. This includes, but is not limited to, the issue of a Construction Certificate, appointment of a PCA and Notice of Commencement under the Act.

(Reason: Statutory Requirement)

10. DEMOLITION

Demolition - General

- a. That two (2) working days (i.e. Monday to Friday exclusive of public holidays) prior to the commencement of any demolition work, notice in writing is to be given to the Council. Such written notice is to include:
 - i. The date when demolition will commence,
 - ii. Details of the name, address and business hours contact telephone number of the demolisher, contractor or developer.
 - iii. The licence number of the demolisher, and relevant WorkCover licenses, (see minimum licensing requirements in (d) below, and
 - iv. copies of the demolisher's current public liability/risk insurance policy indicating a minimum cover of \$10,000,000.00.
- b. Demolition of buildings and structures must comply with all current and relevant Australian Standards.
- c. Demolition works are restricted as follows:
 - i. Monday to Saturday inclusive - 7:00am - 5:00pm
 - ii. Sundays and Public Holidays - No work
- d. At least two (2) working days (i.e. Monday to Friday exclusive of public holidays), the developer or demolition contractor must notify adjoining residents prior to demolition commencing advising the following:
 - i. The date when demolition will commence.
 - ii. Details of the name, address and business hours contact telephone number of the demolisher, contractor or developer.
 - iii. The telephone number of WorkCover's Hotline 13 10 50.

Demolition Involving the Removal of Asbestos

General Information Homes built or renovated prior to 1987 are likely to contain asbestos. Asbestos is most commonly found within eaves, internal and external wall cladding, ceilings and walls (particularly within wet areas such as bathrooms and laundries), and fences. Unless properly handled, asbestos disturbed or removed during renovations can cause the development of asbestos related diseases, such as asbestosis, lung cancer and mesothelioma.

To ensure work does not cause undue risk please see the following site for further information: www.asbestosawareness.com.au

Asbestos to be removed by licensed asbestos removalist

All works removing asbestos containing materials must be carried out by a suitably licensed asbestos removalist duly licensed with Workcover NSW, holding either a Friable (Class A) or a Non-Friable (Class B) Asbestos Removal License which ever applies AND a current WorkCover Demolition License where works involve demolition.

NOTE:

- Removal of asbestos by a person who does not hold a Class A or Class B asbestos removal license is permitted if the asbestos being removed is 10m² or less of non-friable asbestos (approximately the size of a small bathroom). Friable asbestos materials must only be removed by a person who holds a current Class A asbestos license.
- To find a licensed asbestos removalist please see www.workcover.nsw.gov.au

Compliance with applicable Legislation, Policies and Codes of Practice

Asbestos removal works are to be undertaken in accordance with the following:

- NSW Work Health and Safety Act and Regulation 2011.
- Safe Work Australia Code of Practice for the Management and Control of Asbestos in the Workplace [NOHSC:2018(2005)]
- NSW Government WorkCover Code of Practice - How to Safely Remove Asbestos.
- NSW Government WorkCover Code of Practice - How to Manage and Control Asbestos in the Workplace.

Clearance certificate

Following completion of asbestos removal works undertaken by a licensed asbestos removalist re-occupation of a workplace must not occur until an independent and suitably licensed asbestos removalist undertakes a clearance inspection and issues a clearance certificate.

Notification of asbestos removal works

At least two (2) working days (i.e. Monday to Friday exclusive of public holidays), the developer or demolition contractor must notify adjoining residents prior to the commencement of asbestos removal works. Notification is to include, at a minimum:

- The date and time when asbestos removal works will commence.
- The name, address and business hours contact telephone number of the demolisher, contractor and/or developer.
- The full name and license number of the asbestos removalist/s; and
- The telephone number of WorkCover's Hotline 13 10 50

Warning signs must be placed so they inform all people nearby that asbestos removal work is taking place in the area. Signs should be placed at all of the main entry points to the asbestos removal work area where asbestos is present. These signs should be weatherproof, constructed of light-weight material and adequately secured so they remain in prominent locations. The signs should be in accordance with AS 1319-1994 Safety signs for the occupational environment for size, illumination, location and maintenance.

Barricades

Appropriate barricades must be installed as appropriate to prevent public access and prevent the escape of asbestos fibres. Barricades must be installed prior to the commencement of asbestos removal works and remain in place until works are completed.

(Reason: To ensure compliance with the relevant legislation and to ensure public and work safety)

11. SITE SAFETY FENCING

Erect site fencing to a minimum height of 1.8m complying with WorkCover Guidelines, to exclude public access to the site throughout the demolition. The fencing must be erected before the commencement of any demolition work and maintained.

The site shall be maintained in a clean and orderly condition during demolition works.

Hoardings If applicable, a separate Hoarding Application for the erection of an A class (fence type) or B class (overhead type) hoarding along the street frontage(s) complying with WorkCover requirements must be obtained including:

- payment to Council of a footpath occupancy fee based on the area of footpath to be occupied and Council's Schedule of Fees and Charges before the commencement of work; and
- provision of a Public Risk Insurance Policy with a minimum cover of \$10 million in relation to the occupation of and works within Council's road reserve, for the full duration of the proposed works, must be obtained with a copy provided to Council.

(Reasons: Statutory Requirement and health and safety)

12. - EROSION AND SEDIMENT CONTROL DURING DEMOLITION

Erosion and sedimentation controls shall be in place prior to the commencement of demolition works and shall be maintained throughout the demolition of the building and any regrading of the ground levels, approved removal of vegetation etc.

The controls shall be installed in accordance with the details approved by Council and/or as directed by Council officers.

These requirements shall be in accordance with Managing Urban Stormwater - soils and Construction produced by Landcom (Blue Book). A copy of the Erosion and Sediment Control Plan must be kept on site during the demolition works and made available to Council officers on request.

(Reason: Environmental protection)

13. ACCESS FOR PEOPLE WITH DISABILITIES

Access for People with Disabilities Access for people with disabilities must be provided in accordance with the requirements of the Building Code of Australia, relevant Australian Standards and with regard to the Disability Discrimination Act 1992. Prior to the issue of a Construction Certificate, the plans shall demonstrate compliance. Note: Disability (Access to Premises - Buildings) Standards 2010 - As of 1 May 2011, if access is provided to the extent covered by this Standard, then such access cannot be viewed as unlawful under the Disability Discrimination Act 1992.

Plans and details of the disabled toilet/s complying with the relevant Australian Standards, the Building Code of Australia, and with regard to the Disability Discrimination Act 1992. Prior to the issue of a Construction Certificate, the plans shall demonstrate compliance.

Note: Disability (Access to Premises - Buildings) Standards 2010 - As of 1 May 2011, if access is provided to the extent covered by this Standard, then such access cannot be viewed as unlawful under the Disability Discrimination Act 1992.

The plans must be approved by the Accredited Certifier prior to issue of a Construction Certificate.

(Reason: To inform of relevant access requirements for persons with a disability)

14. - LONG SERVICE LEVY PAYMENTS

The payment of a long service levy as required under part 5 of the Building and Construction Industry Long Service Payments Act 1986, in respect to this building work, and in this regard, proof that the levy has been paid, is to be submitted to Council prior to the issue of a Construction Certificate. Council acts as an agent for the Long Services Payment Corporation and the levy may be paid at Council's Office.

15. -COLOUR SAMPLES

Provision of the final colour samples of the future tenant are to be provided to and approved by Council prior to the issue of a Construction Certificate.

(Reason: Heritage and Amenity)

16. CONSTRUCTION MANAGEMENT PLAN

Prior to the issue of a Construction Certificate, submit to the Accredited Certifier a Construction Management Plan that clearly sets out the following:

- (a) What actions and works that are proposed to ensure safe access to and from the site, and what protection will be provided to the road and footpath area from building activities, crossings by heavy equipment, plant and materials delivery, or static loads from cranes, concrete pumps and the like.
- (b) The proposed method of loading and unloading excavation machines, building materials, formwork, and the erection of any part of the structure within the site.
- (c) The proposed areas within the site to be used for a builder's site office and amenities, the storage of excavated material, construction materials and waste containers during the construction period.
- (d) How it is proposed to ensure that soil/excavated material is not transported on wheels or tracks of vehicles or plant and deposited on surrounding roadways.
- (e) The proposed method of support to any excavation adjacent to adjoining properties, or the road reserve - the proposed method of support is to be designed by a Chartered Civil Engineer.
- (f) A Soil and Water Management Plan detailing all sedimentation controls.

(Reason: Safety, amenity and protection of public infrastructure and the environment)

17. CONSTRUCTION TRAFFIC MANAGEMENT PLAN (CTMP)

Prior to the issue of a Construction Certificate, the applicant shall submit and have approved by Council's Engineers, a detailed Construction Traffic Management Plan (CTMP). The plan shall demonstrate how construction and delivery vehicles will access the development site during the demolition, excavation, and construction phase of the development.

The plan shall be certified by a suitably qualified and experienced traffic consultant and all traffic associated with the subject development shall comply with the terms of the approved Construction Traffic Management Plan. The following matters (at a minimum) must be addressed in the CTMP:

- (a) A detailed description and route map of the proposed truck/construction vehicle access routes.
- (b) The locations of any proposed Construction Works Zones along the site frontage.
- (c) Provide a construction schedule.
- (d) Tradesperson parking (parking shall be provided on-site where possible).
- (e) Provide relevant Traffic Control Plans (must be certified by a suitably qualified RMS ticket holder).
- (f) Provide relevant Pedestrian Management Plans.
- (g) A site plan which indicates site entrances and exits, turning areas within the site for construction and spoil removal vehicles allowing a forward ingress and egress for all construction vehicles on the site (superimposed truck swept path diagrams). Site entrances and exits shall be controlled by a certified traffic controller.

(Reason: Traffic safety and amenity during construction phase)

18. OBTAINING A CONSTRUCTION CERTIFICATE FOR BUILDING WORK

This Development Consent does not constitute approval to carry out construction work. Construction work may only commence upon the issue of a Construction Certificate, appointment of a Principal Certifying Authority (PCA), and lodgement of Notice of Commencement.

Please note that if demolition works forms part of the extent of works approved in the same application, then demolition must not commence prior to the issue of a Construction Certificate.

(Reason: Information)

19. LANDSCAPE PLAN

A landscape plan prepared by a qualified landscape architect or landscape consultant to a scale of 1:100 or 1:200, conforming to all relevant conditions of consent is to be submitted to the satisfaction of the Accredited Certifier with the Construction Certificate application. The plan must include the following information:

- location of all existing and proposed landscape features including materials to be used.
- delineate and identify all trees to be retained, removed or transplanted.
- existing and proposed finished ground levels.
- top and bottom wall levels for both existing and proposed retaining and free-standing walls and
- detailed plant schedule which includes proposed species listed by botanical (genus and species) and common names, quantities of each species, pot sizes and the estimated size at maturity.

Additional plantings are to be provided along the front setback of the development at the direction of Council's Environmental Services Department.

Consideration within the design should be given to the scale of planting in proportion to the proposed development, consistency with the existing landscape character of the area, potential views, solar access, and privacy for neighbouring development.

(Reason: Landscape quality)

20. CAR PARKING AREAS

The following traffic control measures shall be implemented on site:

- (a) Signage indicating "Entry Only" shall be prominently displayed at the entrance to the development.
- (b) Signage indicating "Exit Only" shall be prominently displayed at the exit to the development.
- (c) One-Way directional arrows shall be painted on the driveway pavement to indicate the required vehicular directional movement through the car parking area.

The above details shall be submitted to and approved by the Accredited Certifier prior to the issue of the Construction Certificate.

(Reason: Parking and access)

21. STOP SIGNS

Appropriate sign(s) shall be provided and maintained within the site at the point(s) of vehicular egress to compel all vehicles to stop before proceeding onto any public way.

(Reason: Adequate access and egress)

22. - PROTECTION OF PUBLIC PLACES

The adjoining or adjacent public area is not to be obstructed by any materials, vehicles, refuse skips and the like, under any circumstances unless approved in writing by Council. If the work involved in the demolition or construction of a building is likely to cause pedestrian or vehicular traffic in a public place to be obstructed or rendered inconvenient, or building involves the closure of a public place, a barrier, fence or hoarding shall be erected prior to the commencement of any work subject to approval of a Traffic Management Plan. An application to occupy public space is to be submitted to Council for approval prior to commencement of works. Where a hoarding is required, an application for hoarding is also to be submitted to and approved by Council prior to commencement of any work. Hoardings shall be erected to comply with the requirements of WorkCover, the Principal Certifying Authority and with relevant Australian Standards.

(Reason: Safety))

23. APPLICATION FOR A CONSTRUCTION CERTIFICATE

The applicant must apply to Council or an Accredited Certifier for a Construction Certificate to carry out the relevant building works that are approved by this consent. The details to be included in the application for a Construction Certificate are:

- (a) Architectural plans and specifications complying with the Building Code of Australia (BCA), relevant Australian Standards, and the development consent and conditions.
- (b) If Council issues the Construction Certificate, engineering details must be submitted for approval for all structural elements, including but not limited to, piers, footings, reinforced concrete slab, first floor joist layout, roof trusses, steel beams and the like. The details must be prepared by a practising consulting structural engineer. Also, a certificate from the engineer must be included certifying that the design fully complies with appropriate SAA Codes and Standards and the Building Code of Australia requirements. Note: The engineer/s undertaking certification must be listed on the National Professional Engineers Register under the appropriate category.

- (c) If an alternative solution to the “deemed to satisfy” provisions of BCA is proposed, the following details must be lodged:
- Performance requirements that the alternative solution intends to meet.
 - Assessment methods used to determine compliance with the performance requirements, including if and how each performance objective impacts on other requirements of the BCA; and
 - A statement about the person who prepared the alternate solution, indicating qualifications, experience insurance details, and membership of an approved accreditation body.

Note: The performance-based application may be required to be reviewed by a suitably qualified independent body at the applicant's expense. Any fees relating to any review are required to be paid prior to the issue of the Construction Certificate. (Reason: Statutory requirement)

24. DETAILED STORMWATER DRAINAGE SYSTEM DESIGN

A Stormwater Management Plan shall be submitted to Council or Accredited Certifier prior to the issue of a Construction Certificate. The Stormwater Management Plan shall detail the collection and disposal of all stormwater from the service station refuelling areas, forecourt, general vehicle circulation and parking areas and shall detail how stormwater will be collected and disposed of in accordance with NSW EPA practice note ‘Managing run-off from service station forecourts’ and to the satisfaction of Council’s Development Engineer.

Evidence is to be provided to Council or the Accredited Certifier showing satisfactory legal arrangements have been made for the disposal of stormwater into adjoining land. Alternatively, should this be unobtainable, the applicant is to provide an alternate disposal method to the satisfaction of Council’s Engineering Services Department.

The developments stormwater design is to include the incorporation of stormwater retention within the development, designed to limit peak outflows from the land to the pre-existing natural outflows up to the 100 year ARI frequency with sufficient allowance in overflow spillway design capacity to safely pass flows of lower frequency without damage to downstream developments.

The design of the detention storage is to be undertaken using the ILSAX rainfall-runoff hydrologic model or an approved equivalent capable of assessing runoff volumes and their temporal distribution as well as peak flow rates. The model is to be used to calculate the flow rates for the existing and post development conditions. The development flows are to be routed through the proposed storage within the model so that the outflows obtained are no greater than the flows obtained for the pre-existing natural flows. A report detailing the results of the analysis, which includes:

- Catchment plans showing sub-catchments under existing and developed conditions.
- Schematic diagram of the catchment model showing sub areas and linkages.
- Tabulation detailing the elevation, storage volume and discharge relationship; and

- Tabulation for the range of frequencies analysed, the inflows, outflows and peak storage levels for both existing and developed conditions.

Together with copies of the data files for the model and engineering designs plans of the required drainage system are to be submitted to Council prior to issue of a Construction Certificate.

Important Note: Construction Certificate Approval does not include approval for works external to the property. Where the proposed design extends beyond the property boundary, separate approval under Section 138 of the Roads Act 1993, must be obtained from Council prior to the commencement of works. The applicant is advised to contact Council for clarification of proposed works for which approval under Section 138 applies.

(Reason: Stormwater management)

25. WASTE MANAGEMENT PLAN

A submission of a detailed Waste Management Plan (WMP) for the proposed development to be provided to the PCA. Details relating to each stage of the development such as demolition, construction, and the ongoing waste disposal from the occupied premises shall be included in the WMP. The WMP must identify the types of waste that will be generated and all proposals to re-use, recycle or dispose of the waste.

Submission of the completed WMP shall be undertaken prior to the issue of a Construction Certificate.

(Reason: Waste Management Control)

26. PROVISION OF PRIVATE ACCESS

The existing access points to the property off Gaskill Street, Canowindra must be upgraded in accordance with Councils' Provision of Private Access Specification that is current at the time of application.

Council prior to any Construction Certificate being issued for the development or commencement of any upgrade to the existing accesses to the property from the adjoining road must issue an Access Construction Certificate.

A joint inspection with the Principal Certifying Authority is to be held prior to commencing construction of the access. Please telephone Council's Development Engineer on 6392 3271 to arrange a suitable date and time for the inspection.

Council prior to any Occupation Certificate being issued for the development must issue an Access Compliance Certificate for the access.

(Reason: To ensure that safe and practical access is provided to the subject land)

27. - EROSION AND SEDIMENTATION CONTROLS

Erosion and sedimentation controls must be provided to ensure:

- (a) Compliance with the approved Soil and Water Management Plan
- (b) Removal or disturbance of vegetation and topsoil is confined to within 3m of the approved building area (no trees to be removed without approval)
- (c) All uncontaminated run-off is diverted around cleared or disturbed areas
- (d) Silt fences or other devices are installed to prevent sediment and other debris escaping from the cleared or disturbed areas into drainage systems or waterways
- (e) All erosion and sediment controls are fully maintained for the duration of demolition/ development works
- (f) Controls are put into place to prevent tracking of sediment by vehicles onto adjoining roadways
- (g) All disturbed areas are rendered erosion-resistant by turfing, mulching, paving or similar (h) All water pumped or otherwise removed from excavations or basement areas is filtered to achieve suspended solids/non filterable residue levels complying with the Australian Water Quality guidelines for Fresh and Marine Waters
- (h) Pumped or overland flows of water are discharged so as not to cause, permit, or allow erosion before the commencement of work (and until issue of the occupation certificate).

Details of the proposed soil erosion and sedimentation controls to be implemented on site must be submitted with the Construction Certificate Application. Under no circumstances may any works commence prior to these details being approved by the Accredited Certifier and the controls being in place on the site

(Reason: Environmental protection)

28. STORMWATER CONNECTION TO PUBLIC DRAINAGE SYSTEM WITHIN PROPERTY

If a stormwater connection into Council's drainage system within a property is proposed, a separate application shall be submitted to Council under Section 68 of the Local Government Act for approval prior to the issue of a Construction Certificate. Council will undertake inspections of the connection at various stages (at exposure stage, connection stage and backfilling stage).

(Reason: Protection and Maintenance of Council assets)

29. GEO-TECHNICAL REPORT

A comprehensive geo-technical engineering report assessing the impact and safety of the proposed works shall be prepared by a suitably experienced and qualified geo-practitioner and submitted with any Construction Certificate. The report must include the results of subsurface investigations involving either test pits to rock, or preferably the drilling of cored boreholes (to 1m below the proposed final excavation level). The report shall describe inter alia: -

- (a) an indication of the nature and depth of any uncontrolled fill at the site.
- (b) an indication of the nature and condition of the material to be excavated.
- (c) indications of groundwater or see pages.
- (d) required temporary measures for support of any excavations deeper than 1m adjacent to property boundaries.
- (e) statement of required excavation methods in rock and measures required to restrict ground vibrations.
- (f) other geo-technical information or issues considered relevant to design and construction monitoring.

(Reason: Structural safety)

30. INSTALLATION OF STAGE 1 VAPOUR RECOVERY (VR1)

The applicant must install VR1 control equipment in accordance with Part 6 of the Protection of the Environment Operations (Clean Air) Regulation 2010 and the Standards and Best Practice Guidelines for Vapour Recovery at Petrol Service Stations current at the time of installation. The details of the VR1 control equipment demonstrating compliance with the above is to be provided to Council or an Accredited Certifier = prior to the issue of a Construction Certificate.

(Reason: Environmental Protection)

31. SAFETY SECURITY AND CRIME PREVENTION PLAN OF MANAGEMENT

A safety, security and crime prevention plan of management shall be prepared which outlines the measures that are to be implemented for the development in relation to safety, security, and crime prevention. The plan of management must detail measures such as, but not limited to:

- adequate staff training.
- holding an incident register on the site (including complaints).
- installation of a 'panic button' for emergencies.
- 24-hour CCTV surveillance of all areas of the development (liaison with NSW Police shall be undertaken to determine the length of time vision from the CCTV is to be stored onsite and made available to the Police).
- money handling procedures.
- landscaping maintenance plan.
- theft procedures.
- external lighting.
- clear sightlines to forecourt; and

- restricted staff areas.

The safety, security and crime prevention plan of management shall be submitted to and approved by the principle certifying prior to the issue of a Construction Certificate.

(Reason: Safety, Security and Crime Prevention)

32. - APPOINTMENT OF PRINCIPAL CERTIFYING AUTHORITY

No work shall commence in connection with this Development Consent until:

(a) A construction certificate for the building work has been issued by:

- (i) the consent authority; or
- (ii) an accredited certifier; and

(b) the person having the benefit of the development consent has:

- (i) appointed a principal certifying authority for the building work, and
- (ii) notified the principal certifying authority that the person will carry out the building work as an owner builder, if that is the case, and

(b1) the principal certifying authority has, no later than 2 days before the building work commences:

- a. notified the Council of his or her appointment, and
- b. notified the person having the benefit of the development consent of any critical stage inspections and other inspections that are to be carried out in respect of the building work, and

(b2) the person having the benefit of the development consent, if not carrying out the work as an owner-builder, has:

- (i) appointed a principal contractor for the building work who must be the holder of a contractor licence if any residential building work is involved, and
- (ii) notified the principal certifying authority of such appointment, and
- (iii) unless that person is the principal contractor, notified the principal contractor of any critical stage inspections and other inspections that are to be carried out in respect of the building work, and

(c) the person having the person having the benefit of the development consent has given at least 2 days' notice to the Council of the person's intention to commence the erection of the building.

Note: If the principal certifying authority is the Council, the nomination will be subject to the payment of a fee for the service to cover the cost of undertaking all necessary inspections and the issue of the appropriate certificates.

Under the Environment Planning and Assessment (Quality of Construction) Act, 2003, a sign must be erected in a prominent position on the work site showing the name, address and telephone number of the principal certifying authority; the name of the principal contractor (if any) for the building work and a telephone number at which that person may be contacted outside working hours.

That sign must also state that unauthorised entry is prohibited. The sign must not be removed until all work has been completed.

(Reason: Statutory requirements)

33. NOTICE OF COMMENCEMENT

No work shall commence until you submit a notice of commencement (form will be attached with issue of a Construction Certificate or available from our website) giving Council:

- (a) Not less than two (2) days' notice of the date on which it is proposed to commence work associated with this Development Consent.
- (b) Details of the appointment of a Principal Certifying Authority (either Cabonne Council or another Accredited Certifier)
- (c) Details of the name, address, and licence details of the Builder.

(Reason: Statutory Requirement)

34. SITE SAFETY FENCING

Erect site fencing to a minimum height of 1.8m complying with WorkCover Guidelines, to exclude public access to the site throughout the construction works. The fencing must be erected before the commencement of any work and must be maintained throughout works.

The site shall be secured in accordance with Clause 146 of the Environmental Planning and Assessment Regulation 2000. The site shall be maintained in a clean and orderly condition during demolition and construction works.

Hoardings If applicable, a separate Hoarding Application for the erection of an A class (fence type) or B class (overhead type) hoarding along the street frontage(s) complying with WorkCover requirements must be obtained including:

- payment to Council of a footpath occupancy fee based on the area of footpath to be occupied and Council's Schedule of Fees and Charges before the commencement of work; and
- provision of a Public Risk Insurance Policy with a minimum cover of \$10 million in relation to the occupation of and works within Council's road reserve, for the full duration of the proposed works, must be obtained with a copy provided to Council.

(Reasons: Statutory Requirement and health and safety)

35. PRINCIPAL CERTIFYING AUTHORITY (PCA) SIGN

Prior to commencement of any work, signage must be erected in a prominent position on the work site identifying:

- The Principal Certifying Authority (PCA) by showing the name, address and telephone number of the PCA.

- The Principal Contractor by showing the Principal Contractor's name, address, and telephone number (outside of work hours) for that person.
- The sign must state that unauthorised entry to the work site is prohibited.

Any such sign is to be maintained while the work is being carried out but must be removed when the work has been completed.

(Reason: Statutory Requirement)

36. SOIL & WATER MANAGEMENT DURING CONSTRUCTION

Landcom's "Managing Urban Stormwater - Soil and Conservation" August 1998 outlines the general requirements for the preparation of a soil and water management plan. All works shall be conducted in accordance with a soil and water management plan that has been submitted and approved by the Accredited Certifier prior to the commencement of works.

A copy of the plan shall be kept on-site and made available to Council's Officers on request. All erosion and sediment control measures must be maintained in a functional condition throughout the duration of the works.

(Reason: Environmental protection)

37. CONSTRUCTION HOURS

No construction or any other work-related activities shall be carried out on the site outside the hours of 7.00 am to 5.00 pm Mondays to Saturdays. No work to occur on Sundays and public holidays.

Where the development involves the use of jackhammers/ rock breakers and the like or other heavy machinery, such equipment may only be used between the hours of 7.00 am - 5.00 pm Monday to Friday only.

(Reason: Safety and amenity)

38. DISRUPTION OF TRAFFIC

During any construction works on the public road that is associated with this approval, the Applicant must provide appropriate signage and traffic control facilities as per the requirements of AS 1742.3 and the RTA "Traffic Control at Works Sites" manual.

(Reason: Safety and information)

39. DUST CONTROL

The following measures must be implemented (in part or in total) as directed by the Cabonne Council to control the emission of dust:

- (a) Dust screens must be erected around the perimeter of the site and be kept in good repair for the duration of the work.
- (b) All dusty surfaces must be wet down, and any dust created must be suppressed by means of a fine water spray. Water used for dust suppression must not be contaminated or allowed to enter the stormwater system.
- (c) All stockpiles of materials that are likely to generate dust must be kept damp or covered.
- (d) All stockpiles of soil or other materials shall be placed away from drainage lines, gutters or stormwater pits or inlets.
- (e) All stockpiles of soil or other materials likely to generate dust or odours shall be covered.
- (f) All stockpiles of contaminated soil shall be stored in a secure area and be covered if remaining more than 24 hours or as directed by the Cabonne Council.

(Reason: Environmental amenity)

40. PREVENTION OF NUISANCE

All possible and practical steps shall be taken to prevent nuisance to the inhabitants of the surrounding neighbourhood from windblown dust, debris, noise and the like during the demolition, excavation and building works.

(Reason: Health and amenity)

41. CONSTRUCTION MANAGEMENT PLAN

All development activities and traffic movements must be carried out in accordance with the approved Construction Management Plan.

All controls in the Plan must always be maintained. A copy of the Plan must always be kept on site and made available to the Accredited Certifier and Council on request.

(Reason: Compliance with condition of consent)

42. DAMAGE TO ADJOINING PROPERTIES

All precautions must be taken to prevent any damage likely to be sustained to adjoining properties. Adjoining owner property rights must be observed at all times. Where damage occurs to adjoining property all necessary repair or suitable agreement for necessary repairs are to be undertaken by the applicant in consultation with, and with the consent of, the affected property owner.

(Reason: Structural safety)

43. SITE REQUIREMENTS DURING DEMOLITION AND CONSTRUCTION

All of the following are to be satisfied/complied with during demolition, construction and any other site works:

- (a) All demolition is to be carried out in accordance with Australian Standards AS 2601-2001.
- (b) Demolition must be carried out by a registered demolition contractor.
- (c) A single entrance is permitted to service the site for demolition and construction. The footway and nature strip at the service entrance must be planked out with close boarded, hardwood timber footpath protection pads. The pad shall cover the entire width of the footpath opening for the full width of the fence.
- (d) No blasting is to be carried out at any time during construction of the building.
- (e) Care must be taken during demolition/ excavation/ building/ construction to prevent any damage to adjoining buildings.
- (f) Adjoining owner property rights and the need for owner's permission must be observed at all times, including the entering onto land for the purpose of undertaking works.
- (g) Any demolition and excess construction materials are to be recycled wherever practicable.
- (h) The disposal of construction and demolition waste must be in accordance with the requirements of the Protection of the Environment Operations Act 1997.
- (i) All waste on the site is to be stored, handled and disposed of in such a manner as to not create air pollution (including odour), offensive noise or pollution of land and/or water as defined by the Protection of the Environment Operations Act 1997. All excavated material should be removed from the site in the approved manner and be disposed of lawfully to a tip or other authorised disposal area.
- (j) Section 143 of the Protection of the Environment Operations Act 1997 requires waste to be transported to a place which can lawfully accept it. All non-recyclable demolition materials are to be disposed of at an approved waste disposal depot in accordance with legislation.
- (k) All materials on site or being delivered to the site are to generally be contained within the site. The requirements of the Protection of the Environment Operations Act 1997 must be complied with when placing/stockpiling loose material, disposing of concrete waste, or other activities likely to pollute drains or water courses.
- (l) Details as to the method and location of disposal of demolition materials (weight dockets, receipts etc.) should be kept on site as evidence of approved methods of disposal and recycling.
- (m) Any materials stored on site must be stored out of view or in such a manner so as not to cause unsightliness when viewed from nearby lands or roadways.
- (n) Public footways and roadways adjacent to the site must be fully maintained and cleared of obstructions during construction unless prior separate approval from Council is obtained including payment of relevant fees.
- (o) Building operations such as brick cutting, washing tools or paint brushes, and mixing mortar not be performed on the roadway or public footway or any other locations which could lead to the discharge of materials into the stormwater drainage system.

- (p) All site waters during excavation and construction must be contained on site in an approved manner to avoid pollutants entering into waterways or Council's stormwater drainage system.

(Reason: To ensure that demolition, building and any other site works are undertaken in accordance with relevant legislation and policy and in a manner which will be non-disruptive to the local area.)

44. CONTAMINATED LAND UNEXPECTED FINDS

In the instance works cause the generation of odours or uncovering of unexpected contaminants works are to immediately cease, Council is to be notified and a suitably qualified environmental scientist appointed to further assess the site.

The exposed material/excavation is to be evaluated by the supervising environmental consultant and an appropriate response determined in consultation with the applicant, which is agreed to by Cabonne Council's Director of Environmental Services.

Note: Council may also request that a NSW EPA accredited site auditor is involved to assist with the assessment of the contaminated land situation and review any new contamination information. The applicant must also adhere to any additional conditions which may be imposed by the accredited site auditor.

(Reason: To ensure compliance with Statutory Requirements)

45. REMOVAL OF UNDERGROUND STORAGE TANKS

Decommissioning and removal of underground storage tanks are to be supervised by a 'Duly Qualified Person', in accordance with, but not limited to:

- (a) The Protection of the Environment Operations (Underground Petroleum Storage Systems) Regulation 2014.
- (b) AS 1940 - 2004 The Storage and Handling of Flammable and Combustible Liquids.
- (c) AS 4976-2008 The removal and disposal of underground petroleum storage tanks.
- (d) Work Health & Safety Act 2011 and Work Health & Safety Regulation 2011.
- (e) WorkCover NSW requirements.

Note 1: Any work involving underground fuel tanks and piping is potentially dangerous and must be carried out by an experienced person in accordance with safety and work permit procedures. Further to this, WorkCover NSW requires notification of the abandonment or removal of underground fuel tanks. For further information contact WorkCover NSW, ph13 10 50 or workcover.nsw.gov.au

Note 2: A 'Duly Qualified Person' is a competent person with relevant experience in the removal and abandonment of underground fuel tanks as required by the UPSS Regulation 2008, and must be drawn from an environmental consultancy that is a member of the "Australian Convenience & Petrol Marketers Association" (ACAPMA) - Equipment and Services Council, or equivalent.

Completion of Remediation – Validation

On completion of remedial works, the site shall be validated, and a Validation Report submitted to the satisfaction of Environmental Services' Department, within 60 days of the completion of the works.

The Validation Report must be prepared by an appropriately qualified and experienced environmental consultant in accordance with the requirements of the relevant NSW EPA guidelines including the NSW EPA Guidelines for Consulting Reporting on Contaminated Sites 2011.

Note 3: The Protection of the Environment Operations (Underground Petroleum Storage Systems) Regulation 2014 requires the Validation Report to be submitted to Cabonne Council within 60 days of the removal of the underground fuel tanks.

(Reason: To ensure compliance with Statutory Requirements)

46. EXCAVATION PUMP-OUT

Water that has accumulated in any excavation is not to be pumped into any stormwater disposal system unless the approval of the Cabonne Council is obtained prior. The analytical results of any discharge must comply with relevant EPA and ANZECC standards for water quality and be made available to Council upon request. Any water to be discharged to Council's stormwater system shall not contain a concentration of suspended sediment exceeding 50mg/L, shall have a pH of between 6.5-8.0 and shall comply with the ANZECC Guidelines for Marine and Freshwater Quality for Protection of Aquatic Ecosystems (95% protection level for freshwater ecosystems); NSW Department of Housing, Managing Urban Stormwater – Soils and Construction).

Water testing shall be carried out by a suitably qualified environmental scientist. Water that does not comply with the above standards shall not be discharged to the stormwater system and shall be disposed of using alternative approved means. Results of water testing (if required) shall be provided to Council or in the Validation Report for remediation projects as required by the conditions of this consent. Documentation for the off-site disposal of water shall be included in the Validation Report.

NOTE: Other options for the disposal of excavation pump-out water include disposal to sewer with prior approval from Council or off-site disposal by a liquid waste transporter for treatment/disposal to an appropriate waste treatment/processing facility.

(Reason: Environmental Amenity)

47. NOISE - CONSTRUCTION

All works carried out on site during construction/ demolition/ excavation/ earthworks shall comply with the NSW Protection of the Environment Operations Act 1997, the Department of Environment and Climate Changes' Interim construction noise guideline' and AS 2436-2010 – 'Guide to noise and vibration control on construction,

demolition and maintenance sites' for the control of construction noise which specifies that:

- Construction period of 4 weeks and under – The L90 level measured over a period of not less than 15 minutes when the construction site is operating must not exceed the background level by more than 20 dB(A) at the boundary.
- Construction period greater than 4 weeks but not exceeding 26 weeks – The L90 level measured over a period of not less than 15 minutes when the construction site is operating must not exceed the background level by more than 10 dB(A) at the boundary.
- Construction period exceeding 26 weeks – The L90 level measured over a period of not less than 15 minutes when the construction site is operating must not exceed the background level by more than 5 dB(A) at the boundary.

Should complaints of a noise nuisance be substantiated, Council may require the acoustic treatment of the premises to ensure compliance with the NSW Department of Environment and Climate Changes 'Interim construction noise guideline' and AS 2436-2010 – 'Guide to noise and vibration control on construction, demolition and maintenance sites' for the control of construction noise. A further acoustic assessment & report will be required to be provided to Council assessing the premises in working order.

(Reason: Noise Attenuation)

48. OBSTRUCTION OF ROAD OR FOOTPATH

The use of the road or footpath for the storage of any building materials, waste materials, temporary toilets, waste bins or any other matter is not permitted unless approved by Council.

A Penalty Infringement Notice may be issued for any offence.

(Reason: Protection of infrastructure, safety & information)

49. PROTECTION OF PUBLIC PLACES

If the work involved in the demolition or construction of a building is likely to cause pedestrian or vehicular traffic in a public place to be obstructed or rendered inconvenient, or building involves the closure of a public place, a hoarding or fence shall be erected. Hoardings shall be erected to comply with the requirements of WorkCover and the Principal Certifying Authority.

(Reason: Safety)

50. COMPLIANCE WITH BUILDING CODE OF AUSTRALIA

All building work must be carried out in accordance with the provisions of the Building Code of Australia.

Note: Applicants who have lodged an objection and who have been granted exemption under clause 187(6) & 188(4) of the *Environmental Planning and Assessment Regulation 2000*, must comply with the Building Code of Australia in all other respects.

(Reason: Prescribed statutory control)

51. CRITICAL STAGE INSPECTIONS FOR BUILDING WORK

Where applicable inspections of the development site may be required to be undertaken at the following stages:

- (a) Prior to covering any stormwater drainage connections; and
- (b) After the building work has been completed and prior to any occupation certificate being issued in relation to the building.
- (c) Other.

If the person having the benefit of the development consent appoints Council as the PCA, Council will give written advice as to what critical stage inspections apply.

Prior to issuing an occupation certificate the PCA must be satisfied that the work has been inspected on the above occasions.

Except as provided by subclause (c), the inspections may be carried out by the PCA or, if the PCA agrees, by another certifying authority.

The final inspection detailed at subclause (c) may only be carried out by the PCA.

For each inspection, the principal contractor (*or owner-builder*) must notify the PCA at least forty-eight (48) hours in advance that the site is ready to be inspected prior to the commencement of work on the next stage.

(Reason: Statutory Requirements)

52. FOOD PREMISES - FINAL INSPECTION

Prior to the issue of an Occupation Certificate, a Final Food Premises Inspection report is to be obtained from Council confirming satisfactory compliance with applicable food legislation.

(Reason: To ensure compliance of the food premises with the Food Act 2003, Food Regulations 2015, Food Standards Australian and New Zealand - Food Standards Code and Australian Standard 4674-2004 Design, construction and fit-out of food premises)

53. CERTIFICATION OF ENGINEERING WORKS

Prior to occupation, the following documents must be submitted to the Principal Certifying Authority.

- (a) A Certificate from a Professional Civil Engineer whose qualifications are recognised by, and who is a current member of, Engineers Australia, and
- (b) "Works - As - Executed" drawings of the engineering works prepared by a Registered Surveyor or equivalent.

The abovementioned Certificate is to certify that:

- (i) the stormwater drainage system, and/or
- (ii) the car parking arrangement and area including circulating ramps, and/or
- (iii) any related footpath works, and/or
- (iv) the basement mechanical pump and well system, and/or
- (v) the proposed driveway and layback, and/or
- (vi) other civil works have been constructed in accordance with the Council approved plans and details and satisfies the design intent and complies with the appropriate SAA Codes, relevant Standards and Council's Policies and Specifications.

Two (2) copies of the above documents are to be provided to Council **prior to the issue of any Occupation Certificate.**

(Reason: Asset management)

54. CIVIL WORKS ON THE FOOTWAY

The Applicant is required to carry out the following works:

- Reconstruct sections of cracked or defective footpath along the full frontage of the site, and/or
- Reconstruct existing public drainage pit/pipe system, and/or
- Construct a new vehicular crossing, and/or
- Remove any redundant vehicular crossings and replace with kerb and gutter to match the adjoining.

The above works must be completed to the written satisfaction of Council **prior to issue of any Occupation Certificate.**

Note: The above works will require the submission of the relevant application for the works to be undertaken.

Where the Applicant nominates Council to undertake the civil and stormwater works, they must contact Council's Engineering Services Department in order to obtain an estimated cost for construction and contract to undertake the works.

(Reason: To preserve Council's assets and amenity)

55. OCCUPATION CERTIFICATE (SECTION 6.9 OF THE ACT)

A person must not commence occupation or use (*or change of use where an existing building*) of the whole or any part of a new building (within the meaning of section 6.10

of the Act) unless an Interim Occupation Certificate or Final Occupation Certificate has been issued in relation to the building or part.

The Principal Certifying Authority is required to be satisfied, amongst other things, that:

- All required inspections (including each applicable mandatory critical stage inspection) have been carried out; and
- Any preconditions to the issue of the certificate required by a development consent have been met.

Note: New building includes an altered portion of, or an extension to, an existing building.

(Reason: Statutory requirement)

56. EVIDENCE OF LAWFUL ASBESTOS DISPOSAL

An Occupation Certificate for a development involving the removal of asbestos must not be issued until such time the applicant provides the principal certifying authority with a copy of receipt/s confirming lawful disposal of asbestos waste.

NOTE: Asbestos waste must be disposed at a waste management facility licensed by the NSW Environment Protection Authority (EPA) to accept such waste. Contact NSW EPA on 131 555 or visit www.epa.nsw.gov.au for a list of waste management facilities licensed to accept asbestos waste.

(Reason: Health and Safety)

57. OPERATION OF STAGE 1 VAPOUR RECOVERY (VR1)

The proponent must comply with cl.69 of the POEO (Clean Air) Regulation 2010 prior to the petrol service station being operational.

(Reason: Environmental Protection)

58. STAGE 1 VAPOUR RECOVERY (VR1)

The proponent must ensure that all design, installation and testing of new or modified petrol service stations is performed by a **duly qualified person**, which is defined in the Regulation as, in relation to any activity, a person who has such competence and experience in relation to that activity as is recognised in the relevant industry as appropriate to carry out that activity.

(Reason: Environmental Protection)

59. TRAFFIC CONTROL DEVICES

Prior to the issue of a Final Occupation Certificate, the following must be installed:

- a. Signage is to be installed and designed in accordance with the RMS Sign 6-33 at the entrance to the development site restricting the overall vehicle length limit to 12.5 metres.
- b. "No Entry" (R2-4N) signs are to be provided on the land at each side of the exit driveways. The signs are to face the public (on Gaskill Street) to advise motorists not to enter the exit driveways.
- c. "No Entry" (R2-4N) signs are to be provided on the land on each side of the entry driveway. The signs are to face the site to advise motorists not to exit onto the Gaskill Street via the entry driveway.

(Reason: Traffic Control)

60. CARPARKING

A minimum of 5 onsite car parking spaces are to be provided on site each having minimum dimensions as follows:

Uncovered 2.5m x 5.2m

Each space is to be marked, sealed with a hard-standing material, and maintained. Visitor car parking spaces are to be well indicated as such by signage and shall be completed prior to the issue of an Occupation Certificate.

(Reason: Car Parking)

61. EMERGENCY PROCEDURES

Instructions concerning procedures to be adopted in the event of an emergency are always to be clearly displayed on the premises for both public and staff information prior to commencement of the use.

(Reason: Safety)

62. NOISE MONITORING

An assessment of noise emissions from the premises is to be provided to Council within three (3) months from the issue of any Occupation Certificate. This commissioning report is to indicate noise levels through monitoring of noise emanating from the normal peak use of the premises and determine if any noise mitigation measures are required to achieve compliance with the NSW Noise Policy for Industry.

Any identified mitigation works shall be carried out within 28 days from the date of the commissioning report, and the operation of the premises shall be carried out in accordance with any recommendations set out in the report.

The applicant shall provide Council with a copy of the Commissioning Report and certification that the development complies with the NSW Noise Policy for Industry within four (4) months from the issue of an Occupation Certificate

(Reason: Environmental Protection, Compliance & Amenity)

63. VEHICULAR CROSSINGS

Construction of new heavy-duty vehicular crossings, *including the layback if needed*, over the full width of the footpath to provide effective all-weather access to the site and a safe and nuisance-free surface over Council's footpath. Driveway to extend from the back of the layback/kerb to the property boundary.

All works shall be in accordance with Council's Drawing **BEFORE THE ISSUE OF AN OCCUPATION CERTIFICATE.**

(Reason: To provide for vehicle entry to the development)

64. FIRE SAFETY CERTIFICATE

A final Fire Safety Certificate shall be obtained in accordance with Part 9, Division 4 of the Environmental Planning and Assessment (Amendment) Regulation 2000, **prior to the issue of the Final Occupation Certificate** for the building.

A copy of the Fire Safety Certificate and fire safety schedule shall be: -

1. Forwarded to Cabonne Council.
2. Forwarded to the Commissioner of the New South Wales Fire Brigade; and
3. Prominently displayed in the building.

(Reason: Fire safety)

65. POLLUTION CONTROL

Storage tanks, fueling areas, product mixing, filling and preparation areas, repair work bays must be bunded and all wastewater collected and discharged to the sewer in accordance with the requirements of Cabonne Council. Documentary evidence of compliance must be submitted to Council or an Accredited Certifier **prior to occupation of the site.**

(Reason: Environmental Protection)

66. CERTIFICATION OF THE CONSTRUCTED STORMWATER DRAINAGE SYSTEM

The constructed stormwater drainage system shall be certified by a Professional Civil Engineer whose qualifications are recognised by, and who is a current member of, Engineers Australia, as being designed and installed in accordance with Council's Engineering Specifications, **prior to issue of the Final Occupation Certificate.**

(Reason: Adequate stormwater management)

67. BUSINESS PREMISES – AMENITY

The business shall be conducted at all times so that no interference occurs to the amenity of the area, adjoining occupations and residential premises.

(Reason: Amenity)

68. TRADING OUTSIDE THE BUILDING

At no time may any signs, sound amplification equipment and the like or goods for sale or display be placed on the public road, public footpath, service land, parking area and driveways, public or private pedestrian walkways, outside the shop or in the immediate vicinity without prior consent of Council.

(Reason: Safety and amenity)

69. WASTE & RECYCLING COLLECTION

Waste collection is restricted to weekdays between 7 am and 6 pm.

Bins and containers are to be removed from the kerbside within one hour of collection and returned to the designated 'Service Yard as shown on Drawing Number A-02, Amendment DA2, Job. No. 16-066 dated September 2018.

The garbage and recyclable storage and bins must be adequate to contain the volume and type of garbage and recyclable matter generated from the premises.

All garbage and recyclable matter must be enclosed in the waste bins with lids completely closed at all time

(Reason: To regulate noise and garbage collection arrangements)

70. LIGHTING

No flashing, moving or intermittent lighting, visible from any public place may be installed on the premises or external sign associated with the development.

All outdoor lighting (including illuminated signage) must be in accordance with the Australian Standard 4282-1997 Control of the obtrusive effects of outdoor lighting.

(Reason: Environmental amenity)

71. SIGNAGE - ILLUMINATION

Hours of Sign Illumination

Signage must not be illuminated between the hours of 11.00pm and 7.00am daily.

Flashing or Moving Signs

Signage must not flash or have any moving components.

Intensity of Sign Illumination

The intensity and hours of illumination of the sign must be varied if, at any time in the opinion of Council, injury is being caused to the amenity of the neighbourhood.

Digital Numerals

The use of digital numerals on the pylon sign is strictly prohibited.

Wiring

Any wiring to approved signage must be concealed within the fabric of the building or contained behind the sign and must not be visible on the facade of the building.

(Reason: To ensure compliance with approved plans and environmental amenity)

72. HOURS OF BUSINESS OPERATION

The development is permitted to operate 24 hours a day, 7 days a week, with the following exceptions:

- Fuel tanker deliveries to occur between 6 am and 12 am,
- Other deliveries to occur between 6 am and 12 am,
- No deliveries or servicing are to occur at nighttime from 12 am to 6 am, and
- Waste collection is restricted to weekdays between 7 am and 6 pm

(Reason: Ensure business operates between approved hours & Controls noise impacts)

73. LOADING

All loading and unloading operations shall be carried out wholly within the confines of the site, at all times. All delivery vehicles shall enter and leave the site in a forward direction.

(Reason: Adequate servicing)

74. VEHICLE MOVEMENTS

All vehicles entering or leaving the subject property shall be driven in a forward direction.

(Reason: Safety)

75. ROAD TANKER EGRESS

A clearly marked no parking area is to be delineated on site to ensure that road tanker egress is not hindered.

(Reason: Ensure road tanker egress not obstructed)

76. PORTABLE SIGNS

Portable signs or goods commonly described as 'sandwich boards' and the like for sale or display shall not be placed on the footway or other public areas.

(Reason: Amenity, health and safety)

77. ANNUAL FIRE SAFETY STATEMENT

Pursuant to Part 9, Division 5 of the Environmental Planning and Assessment Regulation (as amended) the owner of the building shall furnish Council with an Annual Fire Safety Statement from a competent person so as to certify the essential fire safety measures in the building. The Annual Fire Safety Statement shall be within 12 months of the issue of the fire safety certificate, and then on an annual basis.

A copy of the Fire Safety Statement obtained, and Fire Safety Schedule shall also be:
-

1. Forwarded to the Commissioner of the New South Wales Fire Brigade; and
2. Prominently displayed in the building

(Reason: Fire safety)

78. CHEMICAL STORAGE

All chemicals, paints and other liquids shall be stored in approved receptacles in an area that is bunded or has a spill containment system that will minimise the risk of pollution from liquid spills and leaks. Where applicable the construction of bunds must comply with the requirements of:

- Australian Standard AS 1940:2017: The storage and Handling of Flammable and Combustible Liquids.
- Australian Standard AS 4452:1997: The storage and Handling of Toxic Substances; and
- The Dangerous goods Act 1975

(Reason: Environmental protection)

79. CONTROL OF LITTER

The occupant or person in control of the premises must take all practicable steps to ensure that the area of public footpath or public area adjacent to the premises is maintained in a clean and tidy condition.

Where a litter problem arises and the offending material is found to usually include wrappers, containers or the like, and remains of goods or items which it might reasonably be assumed were purchased at the subject premises, the shopkeeper must comply with any direction of Cabonne Council with regard to the regular sweeping, collection and disposal of rubbish.

(Reason: Environmental health)

80. INDUSTRIAL WASTE MATERIALS

The applicant shall ensure that:

(a) Industrial waste materials must not be discharged onto the site, or onto neighbouring land or into any road, drain, pipeline or watercourse.

(b) Storage tanks, fuelling areas, product mixing, filling and preparation areas, and the like and wash bays provided for cleaning and maintenance of vehicles, machinery, equipment and the like, must be bunded and all waste water collected and discharged to the sewer in accordance with the requirements of Cabonne Council. Documentary evidence of compliance with the Council's requirements must be submitted to the Principal Certifying Authority, prior to use or occupation of the building.

(c) Any overflow or spillage of fuel, oil, solid or liquid chemicals, or the like, must be dealt with in accordance with the requirements for treatment of waste materials as set out in (a) and (b) of this condition.

(Reason: Environmental health)

81. NOISE, AIR OR WATER POLLUTION - PROTECTION OF THE ENVIRONMENT OPERATIONS ACT 1997

The activities carried out on site shall not constitute a nuisance in relation to noise, air or water pollution as specified under the Protection of the Environment Operations Act 1997.

(Reason: Environmental protection)

82. POLLUTION CONTROL

The use of the premises must incorporate facilities that will prevent the discharge of any pollutant, which may degrade the environment or be prejudicial to its inhabitants including but not limited to:

- (a) All pollution control devices (including drainage systems, sumps and traps) must be regularly maintained.
- (b) All liquid wastes must be collected and disposed of in a manner which does not pollute the stormwater system.
- (c) All paints, chemicals and other liquids shall be stored in approved receptacles which are to be housed in a suitably constructed bunded area.
- (d) Appropriate equipment and absorbent material must be provided and maintained in a prominent position in order to combat any spill.

(Reason: Environmental protection)

83. NOISE (GENERAL)

The use of the premises shall comply with the requirements of the Environmental Pollution Authority's Industrial Noise Policy 2000 and shall not give rise to the transmission of offensive noise as defined in the Protection of the Environment Operation Act 1997 (NSW).

(Reason: Noise Control and Amenity)

84. NOISE COMPLAINTS - GENERAL

The development must not cause offensive noise as defined by the *Protection of the Environment Operation Act 1997 (NSW)*. Following occupation, should complaints of a noise nuisance be received and substantiated by an authorised officer, an acoustic assessment shall be conducted by a qualified acoustic consultant and the resulting report shall be provided to Council for assessment. Should the recommendations in the report be accepted, the owner/occupier shall then implement all recommendations contained in the assessment report within a timeframe agreed to by Council.

(Reason: Noise Control and Amenity)

85. COMPLIANCE WITH NOISE CONTROL LEGISLATION

The applicant shall ensure that all activities within the premises comply with the relevant sections of the Protection of the Environment Operations Act 1997 and Regulations; the NSW Environment Protection Authority Industrial Noise Policy (2017) and relevant Australian Standards on Noise Control on Construction, Maintenance and Demolition Sites.

(Reason: Noise Control and Amenity)

86. SECURITY MANAGEMENT PLAN

Management must ensure the implementation of the Security Management Plan which specifies security patrol, surveillance and other security and response methods and security management of the public and private domain within and surrounding the site.

A Security Management Plan is to be approved by the PCA, prior to the issue of an Occupation Certificate.

(Reason: Amenity, health and safety)

87. - COMPLIANCE WITH CONDITIONS OF CONSENT

All conditions of this consent are to be complied with to the standards specified **prior** to any occupation.

(Reason: Statutory requirement)

88. - OCCUPATION CERTIFICATE

All buildings will require an Occupation Certificate **PRIOR** to occupation/use of the building.

(Reason: Statutory requirement)

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ITEM 1 - RESOLUTIONS REGISTER - INFOCOUNCIL - ACTIONS REPORTING

REPORT IN BRIEF

Reason For Report	To provide Council with a report on progress made in actioning its resolutions up to last month's Council meeting and any committee meetings held.
Policy Implications	Nil
Budget Implications	Nil
IPR Linkage	4.5.1.a. Provide quality administrative support and governance to councillors and residents
Annexures	1. Council ↓ 2. Traffic Light Report Summary ↓
File Number	\\OFFICIAL RECORDS LIBRARY\GOVERNANCE\COUNCIL MEETINGS\RESOLUTION REGISTER - 1089271

GENERAL MANAGER'S REPORT

InfoCouncil generated reports are annexed including actions up to the previous month's meetings resolutions.

Progress comments are provided until the final action comment which will also show "COMPLETE": that item will then be removed from the register once resolved by the council.

Attached also is the "traffic light" indicator system that enables the council to identify potential areas of concern at a glance.

Councillors should raise any issues directly with the directors as per the mayor's request.

ITEM 2 - INVESTMENTS SUMMARY

REPORT IN BRIEF

Reason For Report	Information provided in relation to Council's Investment Schedule.
Policy Implications	Nil
Budget Implications	Nil
IPR Linkage	4.5.4.b. Maximise secure income through investments
Annexures	1. Investments Summary April 2020 ↓
File Number	\\OFFICIAL RECORDS LIBRARY\FINANCIAL MANAGEMENT\FINANCIAL REPORTING\FINANCIAL REPORTS TO COUNCIL - 1122154

SENIOR ACCOUNTING OFFICER'S REPORT

Council's investments as 30 April 2020 stand at a total of \$40,108,294.27

Council's average interest rate for the month of April 2020 was 1.31%. The effect of the low cash rate is having a negative impact on term deposit rates offered by financial institutions. The Reserve Bank's official cash rate remained at 0.25% during the month of April. However, Council's average rate is higher than Council's benchmark rate of the 30 Day Bank Bill Swap Rate of 0.983%.

Council's investments are held with multiple Australian financial Institutions with varying credit ratings according to Council's Investment Policy. The annexure to this report shows a break up of each individual institution that Council invests with and its "Standard and Poor's" Credit Rating.

The Schedule of Investments for April 2020 is attached for Council's information.

ITEM 3 - RATES SUMMARY

REPORT IN BRIEF

Reason For Report	Information provided in relation to Council's Rates collections.
Policy Implications	Nil
Budget Implications	Nil
IPR Linkage	4.5.4.a - Level of rate of collection
Annexures	1. Rates graph April ↓
File Number	\\OFFICIAL RECORDS LIBRARY\FINANCIAL MANAGEMENT\FINANCIAL REPORTING\FINANCIAL REPORTS TO COUNCIL - 1119877

SENIOR RATES OFFICER'S REPORT

The Rate Collection Summary to 30 April 2020 is attached for Council's information. The percentage collected is 79.3% which is slightly higher to previous years,

Sale of land for overdue rates has been finalised, resulting in writing off arrears where there was no surplus funds.

ITEM 4 - COMMUNITY FACILITATION FUND

REPORT IN BRIEF

Reason For Report	To report on approved expenditure under the Community Facilitation Fund (CFF).
Policy Implications	Nil
Budget Implications	Within existing budget allocation

IPR Linkage	3.3.5.a. Review community need for new and upgraded facilities
Annexures	Nil
File Number	\OFFICIAL RECORDS LIBRARY\GRANTS AND SUBSIDIES\PROGRAMS\COMMUNITY FACILITATION FUND - 1121631

GENERAL MANAGER'S REPORT

Council adopted guidelines for the Community Facilitation Fund (CFF) in March 2015. The CFF was created for smaller community projects not originally included in the council's budget, to be allocated at the discretion of the Mayor and Deputy Mayor.

As a reminder, the guidelines for the CFF are as follows:

1. Projects where no existing vote for the works has been allocated or the vote is insufficient to complete the project.
2. Recipients must be community based not-for-profit groups.
3. Mayor and Deputy Mayor to jointly approve funds (with the General Manager as proxy if one is not available).
4. Allocation of funds to be reported to the next available Council meeting.
5. Limit of \$3,000 per allocation unless other approved by Council.

There was no allocation of funds was processed in the past month

ITEM 5 - LOCAL GOVERNMENT REMUNERATION TRIBUNAL

REPORT IN BRIEF

Reason For Report	To inform council of a delay in the Tribunal's determination of councillor fees for 2020/2021.
Policy Implications	Council's policy is that Council continue to pay fees to councillors and the Mayor at the maximum amounts
Budget Implications	Yes - increase in budget allocation to the value of increase in councillors remuneration adopted
IPR Linkage	4.5.1.c. Provide appropriate mechanisms for democracy and participation for Cabonne residents
Annexures	Nil
File Number	\OFFICIAL RECORDS LIBRARY\GOVERNMENT RELATIONS\LOCAL AND REGIONAL LIAISON\LOCAL GOVERNMENT REMUNERATION TRIBUNAL - 1121954

ADMINISTRATION OFFICER'S REPORT

The Local Government Remuneration Tribunal advised that the Annual Determination effective from 1 July 2020 has been delayed.

The *Local Government (General) Amendment (COVID-19) Regulation (No 2) 2020* has been made under the *Local Government Act 1993* and delays by 2 months, in response to the COVID-19 pandemic, the time within which the Local Government Remuneration Tribunal is required to determine the fees to be paid during the following year to councillors and mayors.

ITEM 6 - FUNDING APPROVED 'DROUGHT COMMUNITIES PROGRAMME EXTENSION'

REPORT IN BRIEF

Reason For Report	To inform Council of successful funding outcome
Policy Implications	Nil
Budget Implications	Nil
IPR Linkage	3.3.3.e - Maintain the council's properties to safe operational standards
Annexures	1. GrantAgreement_DCP000515.docx ↓
File Number	\\OFFICIAL RECORDS LIBRARY\GRANTS AND SUBSIDIES\PROGRAMS\DROUGHT COMMUNITIES PROGRAMME - ROUND 2 - 1122836

ACTING COMMUNITY ENGAGEMENT AND DEVELOPMENT MANAGER'S REPORT

Council has received confirmation that the projects presented for funding under the second round of the Commonwealth Government's Drought Communities Programme extension have been approved.

An announcement was made by Federal member Andrew Gee on Monday 11 May in Cudal.

The funding agreement has been accepted by the General Manager electronically, under delegation, as per the funding body's requirements.

ITEM 7 - REGIONAL DEVELOPMENT AUSTRALIA (RDA) CENTRAL WEST: COVID-19 BUSINESS IMPACT SURVEY

REPORT IN BRIEF

Reason For Report	Council to note the survey results
Policy Implications	Nil
Budget Implications	Nil
IPR Linkage	2.3.1.b - Continue to work with state, regional and local business groups to identify and implement assistance strategies and programs

Annexures	1. COVID-19 impact summary.pdf↓
File Number	\\OFFICIAL RECORDS LIBRARY\ECONOMIC DEVELOPMENT\REPORTING\COUNCIL REPORTS - 1123306

ACTING COMMUNITY ENGAGEMENT AND DEVELOPMENT MANAGER'S REPORT

Regional Development Australia (RDA) Central West conducted a survey across the Central West of NSW to assess the impacts of the COVID-19 pandemic on local businesses.

The survey results will inform planning to drive economic recovery across the region by helping local businesses respond to impacts on their employees, customers, and supply networks.

The survey was conducted over the period 7-30 April 2020, and over 100 responses were collected. It is pleasing to note that the Cabonne LGA had the highest number of responses to the survey.

The full report provided by RDA is attached and a summary of the survey results is presented below:

- The majority of responses, 20%, were from the Accommodation and Food Services sector, a major driver of the local economy
- 89% of responding businesses can be categorised as small or micro enterprises with less than 20 staff, well over half of these had five or less employees
- 91% of businesses reported an estimated drop in turnover or sales, with nearly 60% estimating a loss of 50% or more
- Businesses reported loss of customer sales (74%) and managing cash flow/meeting financial commitments (59%) as some of the biggest challenges facing their business as a result of the pandemic.
- Cutting costs and/or staff numbers, significant restructure of business operations and temporary closure of the business were the most cited changes local businesses were planning in response to the impacts of COVID-19.
- In regard to economic support measures put in place by the Federal and State Governments, waiving small business fees and charges from the State Government was cited as the most useful measure, and support of apprentices and trainees the least useful measure. The Jobkeeper payment was seen as useful by slightly more than 60% of respondents.

- Some respondents indicated that they were unable to access any support measures due to threshold requirements or other criteria, or that the uncertainty of business viability due to factors outside their control, such as supply chains, precluded some measures.

ITEM 8 - CANOWINDRA COMMUNITY BUS

REPORT IN BRIEF

Reason For Report	To update Council on grant available to upgrade Canowindra Community bus
Policy Implications	Nil
Budget Implications	Nil
IPR Linkage	4.4.1.c - Provide assistance to community groups
Annexures	Nil
File Number	\\OFFICIAL RECORDS LIBRARY\COMMUNITY RELATIONS\SPONSORSHIP - DONATIONS\SPONSORSHIP - DONATIONS - 2020 - 1123663

COMMUNITY SERVICES MANAGER'S REPORT

At Council's March meeting, Cr Weaver requested a report on the possibility of Council assisting the Canowindra community with the upgrade of its community bus.

Canowindra Rugby Club currently owns three aged buses that are regularly used by community groups and hired out for private use. Groups that currently hire the buses are mainly for the senior residents of Canowindra and include Home and Community Care, the Gentle Exercise group at the hospital, Happy Wanderers and Golden Oldies.

The Community Building Partnership (CBP) program is an avenue for the Canowindra Rugby Club to update its fleet. The CBP program opened on 4 May 2020 and closes on 12 June 2020. Successful applications will be announced November 2020.

Through the Community Building Partnership the NSW Government is investing in infrastructure projects that deliver positive social, environmental and recreational outcomes while promoting community participation, inclusion and cohesion.

In 2020, there is a maximum of \$300,000 to allocate in each electorate. Incorporated not-for-profit community organisations and local councils are eligible to apply for grants of between \$2500 and \$300,000. As a guide, the average grant awarded is around \$20,000.

Projects with contributions from their own or other sources will be considered favourably. Local councils are required to provide matched funding to the CBP grants. As total funding will be divided equally among the state electorates of

NSW, applications will be assessed against other proposed projects within the same electorate.

It is a very competitive grant process and would need to clearly outline how beneficial the service is to the community. Community groups are not required to contribute funding, however it strengthens the application if they do.

Council's Grants Coordinator has offered to assist the Canowindra Rugby Club with their own application if required.

ITEM 9 - CABONNE / BLAYNEY FAMILY DAY CARE AND CABONNE AFTER SCHOOL CARE

REPORT IN BRIEF

Reason For Report	To update Council on the impacts of COVID-19 on Council's children's services
Policy Implications	Nil
Budget Implications	Nil
IPR Linkage	3.1.1.d - Review financial sustainability of FDC, IH and AS Care services
Annexures	Nil
File Number	\\OFFICIAL RECORDS LIBRARY\COMMUNITY SERVICES\SERVICE PROVISION\FAMILY DAY CARE - FAMILIES AND CARERS - 1123766

COMMUNITY SERVICES MANAGER'S REPORT

Cabonne / Blayney Family Day Care (CBFDC)

In response to COVID-19 the Education Administration Levy has been postponed to allow educators to continue to be financially viable and available to our community members.

The Educator Administration Levy fee amount is dependent on whether educators are using the child care software Harmony. Educators are charged \$20/week if they are using Harmony, and \$23/week if they are not. This fee will be reintroduced from 18 May 2020 after most educators are in receipt of the Job Keeper payment. The initial predicted loss of \$6,328 has been revised, as after reinstating Educator Administration Levy the financial loss to the service to 30 June 2020 will be \$3,616.

On 2 April 2020, the Prime Minister announced free child care for all parents under the Early Childhood Education and Care (ECEC) relief package. Under this package all children are able to receive free care with the Federal Government paying services 50% of their revenue on the condition that services remain open. The ECEC is effective until 28 June 2020, with the potential to be extended.

Under the ECEC Relief Package CBFDC receive direct payments from the Federal Government. There are no financial contributions received from parents during this package.

Due to not receiving financial contributions from parents, CBFDC are not receiving the Parent Administration Levy which is charged at \$1.30 / child / hour. To 30 June 2020 this will result in a financial loss of \$40,340.

Under the ECEC relief package CBFDC are receiving \$13,330 per week, instead of the usual \$26,660. This is distributed to the 22 educators at a rate of 50% of their normal weekly payment. CBFDC are retaining a small portion of funding for the service. At present that amount is \$1,958 per week.

Educators as eligible for the Job Keeper payments as they are sole traders. Once the Educators are confirmed eligible and start to receive the \$750 weekly job keeper payments CBFDC will only top up their weekly payments from the ECEC package and a larger amount retained by the service. If all 22 educators are eligible for Job Keeper the weekly amount retained by the service will increase to \$3,946.

On 9 April 2020 the Premier announced the NSW State Government will be bridging the gaps in funding by providing the additional 50%. Latest correspondence received from NSW Department of Education confirms that payments will be made to Local Government providers as a lumps sum from June 2020 for the period 6 April to 3 July 2020.

Under the ECEC relief package **Cabonne's After School Care** services are only receiving 50% of funding, with no fees collected from parents. This is calculated at a loss of \$2,600 per week. From 6 April to 28 June 2020 this loss is \$31,200. However on 15 May 2020 confirmation was received from the Early Childhood Education Directorate that Mullion Creek, Blayney and Millthorpe After School Care services are eligible to receive the NSW State Government's funding. This funding will cover the \$31,200 loss.

Confirmation has not been received in regard to Cabonne / Blayney Family Day Care.

Manildra After School Care

Due to COVID-19 the Department of Education has placed a pause on the implementation of service applications and assessments. Applications received between 6 April and 28 June 2020 will not be assessed. Applications received prior to the 6 April which are not yet approved, which includes Cabonne's Manildra after school care application which was lodged on the 20 March 2020, will not be progressing unless there are exceptional circumstances. The only exceptional circumstances considered by the Department are those where there has been a transfer of ownership of an existing service or a new services that is intended to meet the critical care needs within the environment of the COVID-19 pandemic.

ITEM 10 - ENGINEERING & TECHNICAL SERVICES REPORT

REPORT IN BRIEF

Reason For Report	To update Council on the works in progress for the Engineering & Technical Services Dept.
Policy Implications	Nil
Budget Implications	Nil
IPR Linkage	4.5.1.a - Provide quality administrative support and governance to councillors and residents
Annexures	1. Council Engineering Report May 2020 - Annexure↓
File Number	\\OFFICIAL RECORDS LIBRARY\GOVERNANCE\REPORTING\ENGINEERING AND TECHNICAL SERVICES REPORTING - 1115158

ACTING DIRECTOR OF ENGINEERING AND TECHNICAL SERVICES REPORT

Please find attached to this report the updated information on 2019/20 works in progress for the Dept of Engineering & Technical Services.

ITEM 11 - MEDIAN PROCESSING TIMES 2020

REPORT IN BRIEF

Reason For Report	To provide information on median processing times.
Policy Implications	Nil
Budget Implications	Nil
IPR Linkage	4.5.3.a. Assess and determine development applications, construction certificate applications and Onsite Sewerage Management Systems (OSMS) to meet agreed service levels
Annexures	Nil
File Number	\\OFFICIAL RECORDS LIBRARY\DEVELOPMENT AND BUILDING CONTROLS\BUILDING AND DEVELOPMENT APPLICATIONS\REPORTING - DEVELOPMENT APPLICATIONS TO COUNCIL - 1122667

DIRECTOR OF ENVIRONMENTAL SERVICES' REPORT

Summary of median Application Processing Times over the last five years for the month of April:

<u>YEAR</u>	<u>MEDIAN ACTUAL DAYS</u>
2015	36
2016	14
2017	35
2018	21.5

2019	25
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Summary of median Application Processing Times for 2019:

<u>MONTH</u>	<u>MEDIAN ACTUAL DAYS</u>
January	22
February	12
March	22
April	28
May	
June	
July	
August	
September	
October	
November	
December	

ITEM 12 - DEVELOPMENT APPLICATIONS RECEIVED DURING APRIL 2020

REPORT IN BRIEF

Reason For Report	Details of development applications received during the preceding month.
Policy Implications	Nil
Budget Implications	Nil
IPR Linkage	4.5.3.a. Provide efficient and effective development assessment
Annexures	Nil
File Number	\\OFFICIAL RECORDS LIBRARY\DEVELOPMENT AND BUILDING CONTROLS\BUILDING AND DEVELOPMENT APPLICATIONS\REPORTING - DEVELOPMENT APPLICATIONS TO COUNCIL - 1122712

DIRECTOR OF ENVIRONMENTAL SERVICES' REPORT

Development Applications have been received during the period 01/04/2020 to 30/04/2020 as detailed below.

SUMMARY OF DEVELOPMENT APPLICATIONS RECEIVED

<u>TYPE</u>	<u>ESTIMATED VALUE</u>
Section 68 Only x 6	\$----
Modification to Demolition of 2 Existing Pavilions and Construction of 2 New Pavilions	\$----

Modification to Skillion Addition to Existing Men's Shed	\$----
Modification to Boundary Adjustment	\$----
Modification to Alterations & Additions to Existing Dwelling	\$----
Dwelling & Detached Shed	\$140,000
Shed	\$50,000
Alterations to Existing Building	\$52,700
Ancillary Dwelling	\$35,000
Shed	\$15,000
Demolition of Existing Dwelling & Construction of New Dwelling	\$1,500,000
Detached Shed	\$40,000
Shed	\$75,757
Relocation of Existing Dwelling Shed & 2 Lot Subdivision	\$30,000
Replace Front Awning	\$50,000
Demolition of Existing Shed & Grandstand and Construction of New Shed	\$57,600
Shed	\$19,000
Swimming Pool	\$19,500
Alterations & Additions	\$17,500
TOTAL: 24	\$2,102,057

SUMMARY OF COMPLYING DEVELOPMENT APPLICATIONS RECEIVED

<u>TYPE</u>	<u>ESTIMATED VALUE</u>
Alterations & Additions to existing Dwelling	\$582,000
TOTAL: 1	\$582,000

GRAND TOTAL: 25	\$2,684,057
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ITEM 13 - DEVELOPMENT APPLICATIONS APPROVED DURING APRIL 2020

REPORT IN BRIEF

Reason For Report	Details of development applications approved during the preceding month.
Policy Implications	Nil
Budget Implications	Nil

IPR Linkage	4.5.3.a. Provide efficient and effective development assessment
Annexures	Nil
File Number	\OFFICIAL RECORDS LIBRARY\DEVELOPMENT AND BUILDING CONTROLS\BUILDING AND DEVELOPMENT APPLICATIONS\REPORTING - DEVELOPMENT APPLICATIONS TO COUNCIL - 1122739

DIRECTOR OF ENVIRONMENTAL SERVICES' REPORT

Development Applications have been approved during the period 01/04/2020 to 30/04/2020 as detailed below.

SUMMARY OF DEVELOPMENT APPLICATIONS APPROVED

<u>TYPE</u>	<u>ESTIMATED VALUE</u>
Section 68 Only x 8	\$----
Boundary Adjustment	\$----
Boundary Adjustment	\$----
Boundary Adjustment	\$----
Modification to 3 Lot Rural Subdivision	\$----
Modification to Demolition of 2 Existing Pavilions & Construction of 2 New Pavilions	\$----
Dwelling	\$255,500
Alterations & Additions to Existing Dwelling	\$159,500
Transportable Dwelling	\$166,140
Alterations & Additions to Existing Dwelling	\$120,000
Dual Occupancy	\$600,000
Dwelling	\$465,080
Dwelling & Detached Shed	\$140,000
Demolition of Existing Dwelling & Construction of New Dwelling	\$1,500,000
Shed	\$15,000
TOTAL: 22	\$3,421,220

SUMMARY OF COMPLYING DEVELOPMENT APPLICATIONS APPROVED

<u>TYPE</u>	<u>ESTIMATED VALUE</u>
Dwelling	\$305,715
Alterations & Additions to Existing Dwelling	\$582,000
Swimming Pool	\$61,000
TOTAL: 3	\$948,715

GRAND TOTAL: 20	\$4,369,935
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Previous Month: 20	\$1,393,222
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ITEM 14 - BURIAL STATISTICS

REPORT IN BRIEF

Reason For Report	To provide information on burial statistics.
Policy Implications	Nil
Budget Implications	Nil
IPR Linkage	3.3.1.a - Maintain cemeteries in accordance with community requirements
Annexures	Nil
File Number	\\OFFICIAL RECORDS LIBRARY\PUBLIC HEALTH\CEMETERIES\REPORTING - BURIAL STATISTICS - 1122664

DIRECTOR OF ENVIRONMENTAL SERVICES' REPORT

<u>YEAR</u>	<u>NO OF BURIALS</u>
2006/07	59
2007/08	62
2008/09	57
2009/10	65
2010/11	40
2011/12	54
2012/13	54
2013/14	80
2014/15	66
2015/16	64
2016/17	41
2017/18	67
2018/19	77
2019/20	
July	5
August	6
September	8
October	7
November	8
December	2
January	7
February	2
March	5
April	5
May	
June	
Total	55

Meeting	Officer/Director	Section	Subject
Ordinary Meeting 30 October 2018	Heidi Thornberry Luke Taberner	For Determination	PURCHASE OF LAND FROM TRANSPORT NSW IN WATSON STREET, MOLONG
<u>MOTION</u> (Oldham/Batten)			
THAT:			
<ol style="list-style-type: none"> 1. Pursuant to Sections 186 and 187 of the <i>Local Government Act 1993 (NSW)</i> Council compulsorily acquire the land forming part of the Great Western Railway proclaimed in Government Gazette No. 289 of 17.7.1885 Folio 4562 and Government Gazette No. 232 of 9.6.1885 Folio 3629, being the area marked as "Lot 1" on the plan attached to the report (the Land) for the purpose of flood infrastructure in accordance with the requirements of the <i>Land Acquisition (Just Terms Compensation) Act 1991</i>. 2. Council make an application to the Minister for Local Government and the Governor for the compulsory acquisition of the Land. 3. Authority be granted to affix the Common Seal of Council to any acquisition documentation associated with the Land. 4. The land to be acquired is to be classified as Community Land. 			
13 May 2020 - 11:12 AM - Heidi Thornberry Awaiting document to affix seal			
09 Apr 2020 - 10:02 AM - Heidi Thornberry Awaiting document to affix seal			
16 Mar 2020 - 10:12 AM - Heidi Thornberry Awaiting document to affix seal			
22 Jan 2020 - 9:44 AM - Heidi Thornberry Awaiting document to affix seal			
22 Jan 2020 - 9:28 AM - Heidi Thornberry Awaiting document to affix seal			
05 Dec 2019 - 4:08 PM - Heidi Thornberry Awaiting document to affix seal			
11 Nov 2019 - 3:44 PM - Heidi Thornberry Awaiting document to affix seal			
09 Oct 2019 - 4:45 PM - Heidi Thornberry Awaiting document to affix seal			
09 Sep 2019 - 11:32 AM - Heidi Thornberry Awaiting document to affix seal			

14 Aug 2019 - 3:07 PM - Heidi Thornberry

Awaiting document to affix seal

09 Jul 2019 - 9:31 AM - Heidi Thornberry

Awaiting document to affix seal

13 Jun 2019 - 3:51 PM - Heidi Thornberry

Awaiting document to affix seal

14 May 2019 - 12:12 PM - Heidi Thornberry

Awaiting document to affix seal

16 Apr 2019 - 12:04 PM - Heidi Thornberry

Awaiting document to affix seal

12 Mar 2019 - 10:02 AM - Heidi Thornberry

Awaiting document to affix seal

13 Feb 2019 - 12:54 PM - Heidi Thornberry

Awaiting document to affix seal

06 Dec 2018 - 3:46 PM - Heidi Thornberry

Awaiting document to affix seal

15 Nov 2018 - 10:35 AM - Heidi Thornberry

Awaiting document to affix seal

Awaiting document to affix seal

Meeting	Officer/Director	Section	Subject
Ordinary Meeting 30 October 2018	Heidi Thornberry Luke Taberner	For Determination	COUNCIL TO ACQUIRE EASEMENTS OVER LAND IN EUGOWRA FOR THE PUZZLE FLAT CREEK FLOOD LEVEE

MOTION (Durkin/Newsom)

THAT:

1. Pursuant to Sections 186 and 187 of the *Local Government Act 1993 (NSW)* Council compulsorily acquire easements over the land described as:
 - a) Lot 1 in DP 432838 Eugowra;
 - b) Lot 3943 in DP 1200868 Eugowra;
 - c) Lot 148 in DP 750182 Eugowra;
 - d) Lot 7001 in DP 1125814 Eugowra;
 - e) Lot 88 in DP 750159 Eugowra; and
 - f) Lot 71 in DP 750182 Eugowra

as shown in the plans attached to the report for the purpose of flood levee infrastructure in accordance with the requirements of the *Land Acquisition (Just Terms Compensation) Act 1991*.

2. Council make an application to the Minister for Local Government and the Governor for the compulsory acquisition of the Land.
3. Authority be granted to affix the Common Seal of Council to any acquisition documentation associated with the Land.
4. The land to be acquired is to be classified as Community Land.
5. Should council be able to reach agreement for purchase by private treaty that the purchase proceed by that method.
6. Should Council not be granted permission to acquire the following:
 - a) Lot 1 in DP 432838 Eugowra;
 - b) Lot 3943 in DP 1200868 Eugowra;
 - c) Lot 7001 in DP 1125814 Eugowra; and
 - d) Lot 71 in DP 750182 Eugowra.

under the Land Acquisition (Just Terms Compensation) Act 1991 that a licence agreement be entered into for the area covered by the proposed easement.

13 May 2020 - 11:12 AM - Heidi Thornberry

Awaiting documents to affix seal

09 Apr 2020 - 10:14 AM - Heidi Thornberry

Awaiting documents to affix seal

10 Mar 2020 - 12:17 PM - Heidi Thornberry

Awaiting documents to affix seal

10 Mar 2020 - 11:48 AM - Heidi Thornberry

Awaiting documents to affix seal

22 Jan 2020 - 9:44 AM - Heidi Thornberry

Awaiting documents to affix seal

05 Dec 2019 - 4:08 PM - Heidi Thornberry

Awaiting documents to affix seal

11 Nov 2019 - 4:34 PM - Heidi Thornberry

Awaiting documents to affix seal

09 Oct 2019 - 4:45 PM - Heidi Thornberry

Awaiting document to affix seal

09 Sep 2019 - 11:32 AM - Heidi Thornberry

Awaiting documents to affix seal

14 Aug 2019 - 3:07 PM - Heidi Thornberry

Awaiting document to affix seal

09 Jul 2019 - 9:31 AM - Heidi Thornberry

Awaiting document to affix seal

13 Jun 2019 - 3:51 PM - Heidi Thornberry

Awaiting documents to affix seal

14 May 2019 - 12:12 PM - Heidi Thornberry

Awaiting documents to affix seal

02 Apr 2019 - 10:08 AM - Heidi Thornberry

Awaiting documents to affix seal

12 Mar 2019 - 10:02 AM - Heidi Thornberry

Awaiting documents to affix seal

13 Feb 2019 - 12:54 PM - Heidi Thornberry

Awaiting document to affix seal

06 Dec 2018 - 3:46 PM - Heidi Thornberry

Awaiting documents to affix seal

15 Nov 2018 - 10:35 AM - Heidi Thornberry

Awaiting documents to affix seal - Advised by Engineering Dept that document hasnt been sent to council yet

Meeting	Officer/Director	Section	Subject
Ordinary Meeting 27 November 2018	Heidi Thornberry Luke Taberner	Confidential Items	ACQUISITION OF LAND - KURRAJONG ROAD, MANILDRA

RECOMMENDATION (Nash/Weaver)

THAT Council:

1. Authorise purchase of 1.47 ha of land from Lot 243 DP 750150 for the purchase price of \$5,297.88.
2. Agree to pay all reasonable legal fees, survey fees and plan lodgement fees associated with the purchase.
3. Authorise the affixation of the Common Seal and appropriate signatures on any associated land transfer documents.

13 May 2020 - 11:13 AM - Heidi Thornberry

Awaiting document to affix seal

09 Apr 2020 - 10:16 AM - Heidi Thornberry

Awaiting document to affix seal

16 Mar 2020 - 10:12 AM - Heidi Thornberry
 Awaiting document to affix seal
 22 Jan 2020 - 9:44 AM - Heidi Thornberry
 Awaiting document to affix seal
 05 Dec 2019 - 4:08 PM - Heidi Thornberry
 Awaiting document to affix seal
 11 Nov 2019 - 4:54 PM - Heidi Thornberry
 Awaiting document to affix seal
 09 Oct 2019 - 4:45 PM - Heidi Thornberry
 Awaiting document to affix seal
 09 Sep 2019 - 11:32 AM - Heidi Thornberry
 Awaiting document to affix seal
 14 Aug 2019 - 3:07 PM - Heidi Thornberry
 Awaiting document to affix seal
 09 Jul 2019 - 9:31 AM - Heidi Thornberry
 Awaiting document to affix seal
 13 Jun 2019 - 3:51 PM - Heidi Thornberry
 Awaiting document to affix seal
 14 May 2019 - 12:12 PM - Heidi Thornberry
 Awaiting document to affix seal
 02 Apr 2019 - 10:07 AM - Heidi Thornberry
 Awaiting document to affix seal
 11 Mar 2019 - 1:02 PM - Heidi Thornberry
 Awaiting document to affix seal
 13 Feb 2019 - 12:54 PM - Heidi Thornberry
 Awaiting document to affix seal
 06 Dec 2018 - 3:49 PM - Heidi Thornberry
 Seal not required - COMPLETE

Meeting	Officer/Director	Section	Subject
Ordinary Meeting 24 September 2019	Naomi Schroder Bradley Byrnes	For Determination	BUILDING BETTER REGIONS FUND

RECOMMENDATION (Batten/Treavors)

THAT Council support and assess potential projects and report to Council prior to the closing date for funding under the Building Better Regions Fund.

13 May 2020 - 11:39 AM - Naomi Schroder
 ongoing - no outcome as yet
 16 Apr 2020 - 1:00 PM - Naomi Schroder

ongoing - no outcome as yet
 03 Mar 2020 - 10:18 AM - Naomi Schroder
 as above - outcome note expected until May/June
 13 Feb 2020 - 9:50 AM - Naomi Schroder
 BBRF projects confirmed at Dec meeting and submitted to funding body by deadline. outcome of applications not expected until May/June.
 06 Dec 2019 - 12:46 PM - Emma Tadros
 Ongoing
 11 Nov 2019 - 4:22 PM - Naomi Schroder
 Ongoing
 08 Oct 2019 - 11:42 AM - Naomi Schroder
 To discuss with CEDM and GM at next catch up as to process required.

Meeting	Officer/Director	Section	Subject
Ordinary Meeting 22 October 2019	Heidi Thornberry Luke Taberner	Confidential Items	SUPPLY, DELIVERY AND PLACEMENT OF SPRAYED BITUMINOUS SURFACING - CONTRACT 2019-2022

RECOMMENDATION (Batten/Weaver)

THAT Council:

1. Accept the tender from Downer EDI Limited for the Sprayed Bituminous Sealing Contract for the period 2019 – 2022; and
2. Authorise the signing and attachment of the Council Seal to the contract deed of agreement between Cabonne Council and Downer EDI Limited.

14 May 2020 - 10:26 AM - Heidi Thornberry
 Tony has sent document away for signing. Awaiting document to affix seal
 09 Apr 2020 - 10:52 AM - Heidi Thornberry
 Awaiting document to affix seal
 10 Mar 2020 - 12:38 PM - Heidi Thornberry
 Awaiting document to affix seal
 13 Feb 2020 - 10:07 AM - Heidi Thornberry
 Awaiting document to affix seal
 05 Dec 2019 - 4:29 PM - Heidi Thornberry
 Awaiting document to affix seal
 11 Nov 2019 - 4:22 PM - Heidi Thornberry
 Awaiting document to affix seal and to update contracts register

Meeting	Officer/Director	Section	Subject
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Ordinary Meeting 26 November 2019

Naomi Schroder

For Determination

REGIONAL AGRICULTURAL SHOW
DEVELOPMENT GRANTS PROGRAM

Bradley Byrnes

MOTION (Jones/Nash)

THAT Council:

Support Cudal Central Incorporated and the Cudal Agricultural & Pastoral Society Incorporated in their application to the Regional Agricultural Show Development Grants Program, by way of;

1. A financial co-contribution of up to \$66,000 from reserves;
2. A letter from Council confirming support and confirming availability of the financial co-contribution.

13 May 2020 - 11:38 AM - Naomi Schroder

Applications were unsuccessful.

COMPLETE

16 Apr 2020 - 1:00 PM - Naomi Schroder

ongoing - no outcome as yet

03 Mar 2020 - 10:19 AM - Naomi Schroder

no outcome advised as yet

13 Feb 2020 - 10:05 AM - Naomi Schroder

No outcome advised as yet.

06 Dec 2019 - 12:52 PM - Emma Tadros

Awaiting outcome of application

Meeting	Officer/Director	Section	Subject
Ordinary Meeting 26 November 2019	Roy Ansted Robert Cohen	For Determination	PROPOSED ROAD NAMING - UNNAMED LANE, BOWAN PARK

MOTION (Nash/Oldham)

THAT Council proceed with the naming of the road detailed in the associated report as "Asquith Lane" in accordance with Section 162 of the Roads Act, 1993.

12 May 2020 - 7:56 AM - Roy Ansted

Complete.

11 May 2020 - 8:32 AM - Roy Ansted

Asquith Lane has now been gazetted. A street sign will be erected in the near future.

16 Apr 2020 - 10:27 AM - Roy Ansted

No word from GNB re gazettal as yet, so will follow up next week.

09 Mar 2020 - 2:28 PM - Roy Ansted

The name "Asquith Lane" is in the process of being gazetted by GNB.

11 Feb 2020 - 8:53 AM - Roy Ansted

GNB has now approved of the name "Asquith Lane", and the name is now in the process of being gazetted.

05 Dec 2019 - 11:33 AM - Roy Ansted

Noted. Approval to now be sought from the GNB for approval of "Asquith Lane".

Meeting	Officer/Director	Section	Subject
Ordinary Meeting 26 November 2019	Heidi Thornberry Luke Taberner	For Determination	2020 CANOWINDRA CHALLENGE HOT AIR BALLOON FESTIVAL

MOTION (Walker/Newsom)

THAT:

1. Council enters into a legal agreement to provide a one-off loan of \$50,000 to be repaid over five years to Canowindra Challenge Inc. to conduct the 2020 Canowindra Challenge and balloon glow;
2. Funds for the loan be sourced from the Canowindra Town Improvement Fund;
3. The loan be made available after 1 March 2020 upon Council's satisfaction that necessary arrangements are in place to conduct the Canowindra Challenge and balloon glow in April 2020;
4. The loan be provided according to the requirements of the NSW Local Government Act for the making of loans to community groups and appropriate due diligence being undertaken;
5. Authority be given to the Mayor and General Manager to sign all documentation and affix Council seal as required.

13 May 2020 - 11:22 AM - Heidi Thornberry

Loan no longer required - COMPLETE

09 Apr 2020 - 10:52 AM - Heidi Thornberry

Awaiting Document to affix seal

10 Mar 2020 - 10:28 AM - Heidi Thornberry

Awaiting Document to affix seal

22 Jan 2020 - 9:44 AM - Heidi Thornberry

Awaiting Document to affix seal

05 Dec 2019 - 4:20 PM - Heidi Thornberry

Awaiting Document to affix seal

Outstanding Actions	Division: Committee: Ordinary Meeting Officer:	Date From: Date To:
Action Sheets Report		Printed: Friday, 15 May 2020 2:40:48 PM

Meeting	Officer/Director	Section	Subject
Ordinary Meeting 26 November 2019	Sarah Bellach Luke Taberner	For Determination	QUESTIONS FOR NEXT MEETING

MOTION (Mullins/Davison)

THAT Council receive a report at the next Council meeting in relation to the following items:

1. Any regulatory requirement for council swimming pools to have lane ropes installed permanently;
2. Any response given to those who have written to Council concerning the operation of the Molong swimming pool;
3. Financial details relating to the 2019 Daroo Business Awards for both Council and the Committee and budget projections for the 2020 awards; and
4. Canowindra Food Basket, possibility of Council assisting the food basket with financial assistance, and consideration of Council participating in the planning and development of the Community Life Centre and its operations.

14 May 2020 - 4:27 PM - Sarah Bellach

4. Waiting on more information from Councillor Newsom

17 Apr 2020 - 12:36 PM - Sarah Bellach

4. Waiting on more information from Councillor Newsom

10 Mar 2020 - 9:26 AM - Sarah Bellach

4. Waiting on more information from Councillor Newsom to complete report

14 Feb 2020 - 2:13 PM - Sarah Bellach

4. Report will go to March Council meeting

Meeting	Officer/Director	Section	Subject
Ordinary Meeting 25 February 2020	Jolene Pearson Luke Taberner	For Determination	WALUWIN COMMUNITY CENTRE - LEASE AGREEMENT WESTERN NSW LOCAL HEALTH DISTRICT

RECOMMENDATION (Davison/Weaver)

THAT Council:

1. Enter a varied lease with the Health Administration Corporation and Western NSW Local Health District for part of the building known as Waluwin Community Centre at the address known as part 103 Bank Street, Molong and Lot 11 DP 1127953. The lease is to expire on 30 November 2049 and includes an option for a further 40 years; and

2. Authorise the General Manager to execute any document necessary for the purposes of entering the varied lease, including the affixing of Council's Seal to any such document.

12 May 2020 - 9:41 AM - Jolene Pearson

Awaiting WNSWLHD to sign documents.

09 Apr 2020 - 3:33 PM - Jolene Pearson

Awaiting lease documentation.

10 Mar 2020 - 10:38 AM - Jolene Pearson

Awaiting lease documentation.

Meeting	Officer/Director	Section	Subject
Ordinary Meeting 25 February 2020	Heidi Thornberry Luke Taberner	For Determination	WALUWIN COMMUNITY CENTRE - LEASE AGREEMENT WESTERN NSW LOCAL HEALTH DISTRICT

RECOMMENDATION (Davison/Weaver)

THAT Council:

1. Enter a varied lease with the Health Administration Corporation and Western NSW Local Health District for part of the building known as Waluwin Community Centre at the address known as part 103 Bank Street, Molong and Lot 11 DP 1127953. The lease is to expire on 30 November 2049 and includes an option for a further 40 years; and
2. Authorise the General Manager to execute any document necessary for the purposes of entering the varied lease, including the affixing of Council's Seal to any such document.

13 May 2020 - 11:23 AM - Heidi Thornberry

Awaiting document to affix seal

09 Apr 2020 - 12:19 PM - Heidi Thornberry

Awaiting document to affix seal

Meeting	Officer/Director	Section	Subject
Ordinary Meeting 25 February 2020	Nathan Stubberfield Luke Taberner	For Determination	SOUTHERN LIGHTS NSW PROJECT

MOTION (Durkin/Nash)

THAT the Council proceed to implement the Southern Light Streetlighting Program.

13 May 2020 - 12:55 PM - Nathan Stubberfield

Roll out began 9/5/2020, expected to take 4 weeks.

16 Apr 2020 - 11:26 AM - Nathan Stubberfield

Project still progressing, COVID-19 delaying rollout.

12 Mar 2020 - 11:37 AM - Nathan Stubberfield

Project is progressing, working with Essential Energy. Trial of 20 lights expecting in Molong by end of March. Roll out to begin in April.

Meeting	Officer/Director	Section	Subject
Ordinary Meeting 24 March 2020	Robyn Little Bradley Byrnes	For Determination	LGNSW WATER MANAGEMENT CONFERENCE

MOTION (Weaver/Nash)

THAT Council authorise Ctrs Mullins, Nash and Weaver to attend the 2020 LGNSW Water Management Conference, subject to the event proceeding.

11 May 2020 - 10:50 AM - Robyn Little

No confirmation that event is proceeding to date.

09 Apr 2020 - 3:00 PM - Robyn Little

No confirmation whether conference is proceeding as yet.

Meeting	Officer/Director	Section	Subject
Ordinary Meeting 24 March 2020	Christopher Eldred Heather Nicholls	For Determination	DRAFT CABONNE LOCAL STRATEGIC PLANNING STATEMENT

MOTION (Newsom/Jones)

THAT Council endorse the Local Strategic Planning Statement and publicly exhibit the document for twenty-eight (28) days.

04 May 2020 - 1:10 PM - Christopher Eldred

Notification of LSPS closed 1/5/20. Submissions are being reviewed and a report sent to the June meeting.

16 Apr 2020 - 10:32 AM - Christopher Eldred

LSPS on notification.

Subsequent report will be sent to Council in the coming months.

Meeting	Officer/Director	Section	Subject
Ordinary Meeting 24 March 2020	Naomi Schroder Bradley Byrnes	For Determination	CANOWINDRA INTERNATIONAL BALLOON CHALLENGE

RECOMMENDATION (Mullins/Batten)

THAT Council provides funding of \$60,000 to pay creditors of Canowindra Challenge Inc to be funded from the Canowindra Town Improvement Reserve.

13 May 2020 - 11:38 AM - Naomi Schroder

16/17 payments processed, still awaiting new creditor form to be completed for Supagas.

06 May 2020 - 2:35 PM - Nathan Stubberfield

Action reassigned to Naomi Schroder by: Nathan Stubberfield

20 Apr 2020 - 11:21 AM - Emma Tadros

Funding to go through Creditors - In progress

Meeting	Officer/Director	Section	Subject
Ordinary Meeting 24 March 2020	Naomi Schroder Bradley Byrnes	For Determination	COMMUNITY FACILITATION FUND

RECOMMENDATION (Durkin/Newsom)

THAT Council approve expenditure from the Community Facilitation Fund for the following projects:

1. Contribution of \$5,860.50 to the Eugowra Steering Committee for development of a town masterplan.
2. Contribution of \$5,000 from the CFF and a further \$5,000 from the Canowindra Town Improvement Reserve to the Canowindra Business and Progress Association for the development of a town masterplan.

13 May 2020 - 11:37 AM - Naomi Schroder

Payment to Canowindra completed.

Eugowra Steering Committee is providing an invoice for payment from the masterplanning consultant in due course.

16 Apr 2020 - 1:02 PM - Naomi Schroder

In progress - payments to be completed ASAP

Meeting	Officer/Director	Section	Subject
Ordinary Meeting 24 March 2020	Weekes Tony Robert Cohen	Confidential Items	PROVISION FOR TRAFFIC CONTROL SERVICES CONTRACT

RECOMMENDATION (Durkin/Nash)

THAT Council:

1. Accept the tender from Midwest Traffic Management for the Contract 22/2019 Provision of Traffic control services; and
2. Authorise the signing and Common Seal to the contract instrument of agreement between Cabonne Council and Midwest Traffic Management.

15 May 2020 - 12:18 PM - Weekes Tony

Contract to be signed by the GM and attach Council seal.

09 Apr 2020 - 2:55 PM - Weekes Tony

Council has adopted recommendations

Meeting	Officer/Director	Section	Subject
Ordinary Meeting 24 March 2020	Heidi Thornberry Luke Taberner	Confidential Items	PROVISION FOR TRAFFIC CONTROL SERVICES CONTRACT

RECOMMENDATION (Durkin/Nash)

THAT Council:

1. Accept the tender from Midwest Traffic Management for the Contract 22/2019 Provision of Traffic control services; and
2. Authorise the signing and Common Seal to the contract instrument of agreement between Cabonne Council and Midwest Traffic Management.

13 May 2020 - 11:24 AM - Heidi Thornberry

Advised by Tony he has contact Blayney to get a copy of their contract sent. Once I have that contact I will affix seal and add the information to the contracts register

09 Apr 2020 - 11:11 AM - Heidi Thornberry

Information requested from Engineering Dept to update contracts register

Also awaiting document to affix seal

Meeting	Officer/Director	Section	Subject
Ordinary Meeting 24 March 2020	Heidi Thornberry Luke Taberner	Confidential Items	PROVISION OF TYRE RECYCLING SERVICE

RECOMMENDATION (Nash/Weaver)

THAT Council:

1. Confirms its acceptance and involvement in a regional contract with JLW Services for the Collection and Recycling of Waste Tyres;
2. Indicates its preference for collection and recycling of waste tyres from its waste facility based on Cage Rate; and
3. Authorise the signing and the application of the council's Common Seal to the contract instrument agreement between Cabonne Council, Netwaste and JLW Services.

13 May 2020 - 11:25 AM - Heidi Thornberry

Information added to contracts register - COMPLETE

09 Apr 2020 - 11:07 AM - Heidi Thornberry

Information requested from Enviro Dept to update contracts register

Meeting	Officer/Director	Section	Subject
Ordinary Meeting 24 March 2020	Matthew Christensen Robert Cohen	For Determination	QUESTIONS FOR NEXT MEETING

MOTION (Weaver/Durkin)

THAT Council receive a report at the next Council meeting in relation to the following matters:

1. Possibility of Council assisting the Canowindra community with the upgrade of its community bus; and
2. Does Council have a plan to manage the removal of trees from the edges of roads; and is Council able to issue permits to residents for the removal of these trees.

17 Apr 2020 - 12:04 PM - Matthew Christensen

A report will be prepared with regards to the Canowindra Community Bus for the Ordinary Meeting in May

Meeting	Officer/Director	Section	Subject
Ordinary Meeting 24 March 2020	Sarah Bellach Luke Taberner	For Determination	QUESTIONS FOR NEXT MEETING

MOTION (Weaver/Durkin)

THAT Council receive a report at the next Council meeting in relation to the following matters:

1. Possibility of Council assisting the Canowindra community with the upgrade of its community bus; and
2. Does Council have a plan to manage the removal of trees from the edges of roads; and is Council able to issue permits to residents for the removal of these trees.

14 May 2020 - 4:29 PM - Sarah Bellach

Report to May meeting for Canowindra Community bus assistance

Meeting	Officer/Director	Section	Subject
Ordinary Meeting 28 April 2020	Robyn Little Bradley Byrnes	For Determination	MAYORAL MINUTE - COVID 19 FINANCIAL SUPPORT

MOTION (Treavors/Walker)

THAT Council:

1. Calls on the Federal Government and NSW Government to urgently deliver comprehensive and multifaceted financial support and stimulus packages to local government to enable them to continue to operate effectively and provide essential services during the COVID-19 pandemic.
2. Calls for the packages to include the following measures:
 - Increasing Financial Assistance Grants payments to 1% to help councils maintain essential functions and services, acknowledging the increased costs and mounting revenue losses arising from COVID-19 (and drought and bushfire where affected) as well as giving councils capacity to provide hardship assistance to businesses and residents.
 - Immediate financial assistance to support council employees, particularly those employed in early education and care.
 - Providing stimulus funding to councils for projects that will help sustain council operations and boost local economies. This could be achieved through increasing or bringing forward funding under existing funding programs or introducing new programs.
 - Increased access to TAFE, VET and other apprenticeship opportunities that council staff can undertake to address skill shortages, especially for staff in non-essential services who are unable to be redeployed.
3. Commends the NSW and Federal Governments on their stewardship during this crisis and commits to working in partnership to protect community health and sustain local economies through this crisis.
4. Write to the local State and Federal Member(s) Mr Philip Donato MP and the Hon Andrew Gee MP, Prime Minister the Hon Scott Morrison MP, NSW Premier the Hon Gladys Berejiklian MP, Federal Treasurer the Hon Josh Frydenburg MP, NSW Treasurer the Hon Dominic Perrottet MP, NSW Local Government Minister the Hon Shelley Hancock MP, Federal Minister for Local Government the Hon Mark Coultan, Federal Opposition Leader the Hon Anthony Albanese, NSW Opposition Leader Jodi McKay MP, Federal Shadow Minister for Local Government Jason Clare MP and NSW Shadow Minister for Local Government Greg Warren MP to confirm their support for increased financial assistance and stimulus funding for local government to help councils maintain essential services and employment during the COVID-19 pandemic.
5. Endorses Local Government NSW's sector-wide campaign to obtain financial assistance, employment support and stimulus funding for the local government sector.
6. Advise LGNSW President Linda Scott of the passage of this Mayoral Minute.

11 May 2020 - 10:50 AM - Robyn Little
 Letters prepared and sent. COMPLETE

Meeting	Officer/Director	Section	Subject
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Outstanding Actions	Division: Committee: Ordinary Meeting Officer:	Date From: Date To:
Action Sheets Report		Printed: Friday, 15 May 2020 2:40:48 PM

Ordinary Meeting 28 April 2020	Naomi Schroder Bradley Byrnes	For Determination	FUNDING AGREEMENT 'EVERYONE CAN PLAY' GRANT PROGRAMME
<u>MOTION</u> (Weaver/Nash)			
THAT Council authorise the affixing of the Common Seal to the funding agreements under the Everyone Can Play Grant Round 2 for:			
1. Canowindra Morris Park Inclusive Playground	\$87,430		
2. Molong Recreation Ground Inclusive Playground	\$95,865		
30 Apr 2020 - 4:52 PM - Naomi Schroder document signed under seal and registered. Returned to funding body 30/04/2020 COMPLETE			

Meeting	Officer/Director	Section	Subject
Ordinary Meeting 28 April 2020	Matthew Christensen Robert Cohen	For Determination	TREE MANAGEMENT POLICY
<u>MOTION</u> (Weaver/Nash)			
THAT Council adopt the Tree Management Policy and note answer to Clr Newsom's question.			
15 May 2020 - 12:50 PM - Matthew Christensen Policy has been enacted, procedures being developed. COMPLETED			

Meeting	Officer/Director	Section	Subject
Ordinary Meeting 28 April 2020	Heather Nicholls Heather Nicholls	For Determination	REQUEST FOR DONATION EQUIVALENT TO FEES PAID FOR DA 2020/0109
<u>MOTION</u> (Walker/Weaver)			
THAT Council donate from its s356 budget to the Canowindra Showground Racecourse Land Managers the sum of \$3,342.79, being the development application fee (excluding GST) paid to council in relation to DA 2020/0109 for amenities blocks at the Canowindra Showground.			
30 Apr 2020 - 4:52 PM - Heather Nicholls COMPLETE			

Meeting	Officer/Director	Section	Subject
Ordinary Meeting 28 April 2020	Bradley Byrnes	For Determination	DRAFT RATES AND CHARGES HARDSHIP ASSISTANCE POLICY FOR RATEPAYERS SUFFERING FROM THE EFFECTS OF NATURAL DISASTERS

Bradley Byrnes

MOTION (Nash/Jones)

THAT Council adopt the draft Rates and Charges Hardship Assistance Policy.

06 May 2020 - 3:50 PM - Robyn Little
 NFA required. COMPLETE

Meeting	Officer/Director	Section	Subject
Ordinary Meeting 28 April 2020	Naomi Schroder Bradley Byrnes	For Determination	DRAFT SPONSORSHIP POLICY

MOTION (Newsom/Treavors)

THAT Council endorse the draft Sponsorship Policy and place the draft policy on public exhibition.

13 May 2020 - 11:36 AM - Naomi Schroder
 Draft policy publicly displayed as per requirements.
 COMPLETE

30 Apr 2020 - 4:52 PM - Naomi Schroder
 Draft policy put out for public display and comment from 4th May to 31 May.
 Posted on website and advert sent to media outlets.

Meeting	Officer/Director	Section	Subject
Ordinary Meeting 28 April 2020	Matthew Christensen Robert Cohen	For Determination	CABONNE COMMUNITY CENTRE - DESIGN CHARETTE OUTCOMES

MOTION (Jones/Mullins)

THAT Council endorse the concept plan – Option D, Cabonne Community Centre, as the final concept design, and move the project to detailed design and approvals phase

15 May 2020 - 12:51 PM - Matthew Christensen
 Architects informed of preferred option, commencing preparation for development application.
 COMPLETED

Meeting	Officer/Director	Section	Subject
Ordinary Meeting 28 April 2020	Matthew Christensen Robert Cohen	For Determination	MOLONG BORE WATER SUPPLY PROJECT PROCUREMENT

MOTION (Treavors/Jones)

THAT Council:

1. In accordance with the Local Government Act 1993, section 55(3)(i) determine to not invite tenders, with the intent of entering into a contract, the Molong Bore Water Supply Project due to the following extenuating circumstances:

- a) Establishment of emergency water supply is time bound to ensure security of the essential town water needs of Molong,
- b) Cost of supply of water from Orange City of \$90,300 during the procurement time period, and
- c) Provision of stimulus to the local economy effects and reduced accessibility to statewide contractors to undertake work following from COVID-19 restrictions.

2. Authorise the General Manager to seek quotations from selected contracting companies to construct the Molong Bore Water Supply Project.

3. Authorise the General Manager to enter into a contract with the successful quoting contracting company to construct the Molong Bore Water Supply Project.

15 May 2020 - 12:52 PM - Matthew Christensen

Procurement underway by select quotation process.

COMPLETED

Meeting	Officer/Director	Section	Subject
Ordinary Meeting 28 April 2020	Heather Nicholls Heather Nicholls	For Determination	MOLONG TOWN CENTRE UBRAN DESIGN PROJECT

MOTION (Nash/Mullins)

THAT:

1. The Molong Town Centre Review of Submissions Table, dated April 2020, be noted and a copy of the document sent to all submission makers for their information as well as uploaded onto Council's website for a period of no less than 21 days;
2. Council's General Manager commence preliminary enquiries with private land owners on the activation of the rear parking space of commercial premises north of Bank Street, Molong, to investigate possible connection opportunities to Bank Street and key attractors in the Molong Town Centre.
3. A further report be provided to Council following the engagement of the urban designer to set the program for the Enquiry-by-Design Phase and the completion of the Molong Town Centre Plan.

30 Apr 2020 - 4:53 PM - Heather Nicholls
 COMPLETE

Meeting	Officer/Director	Section	Subject
Ordinary Meeting 28 April 2020	Christopher Eldred Heather Nicholls	For Determination	CABONNE COMMUNITY PARTICIPATION PLAN PROPOSED AMENDMENT

MOTION (Walker/Nash)

THAT Council adopt the draft amendments to Cabonne Community Participation Plan to allow for a variation to exhibition requirements as required.

04 May 2020 - 1:11 PM - Christopher Eldred
 Completed. Revised CPP adopted and uploaded to planning portal and website

Meeting	Officer/Director	Section	Subject
Ordinary Meeting 28 April 2020	Sam Basha Heather Nicholls	For Determination	LOCAL HERITAGE FUND APPLICATION - EUGOWRA MASONIC LODGE

MOTION (Batten/Mullins)

THAT Council allocates \$1,500 of the 2019/2020 Local Heritage Fund to Regina Nugent for the restoration of the Eugowra Masonic Lodge, Barrack Street, Eugowra.

13 May 2020 - 12:06 PM - Sam Basha
 Sent to applicant for agreement.

COMPLETED

Meeting	Officer/Director	Section	Subject
Ordinary Meeting 28 April 2020	Deborah Jordan Robert Cohen	For Notation	LACHLAN REGIONAL TRANSPORT COMMITTEE (LRTC)

MOTION (Davison/Mullins)

THAT the information be noted.

14 May 2020 - 4:48 PM - Deborah Jordan
 Information noted.

COMPLETE

Meeting	Officer/Director	Section	Subject
Ordinary Meeting 28 April 2020	Jolene Pearson	For Determination	2020/2021 INTEGRATED PLANNING AND REPORTING

Luke Taberner

RECOMMENDATION (Walker/Oldham)

THAT Council:

1. Adopt the Draft Operational Plan 2020/2021.
2. Adopt the 2020/21 Draft Budget including Fees and Charges.
3. Publicly exhibit the Draft Budget and Operational Plan 2020/21 for a period of 28 days from Monday 4 May 2020.
4. Adopt an interest rate equivalent to the maximum allowable percentage allowed by the Office of Local Government for the 2020/2021 financial year to be charged on arrears of Rates and Charges.
5. Hold an Extraordinary Council meeting on 9 June 2020 to consider any submissions received.

12 May 2020 - 9:41 AM - Jolene Pearson

Documents currently on public exhibition.

Meeting	Officer/Director	Section	Subject
Ordinary Meeting 28 April 2020	Veronica Windus Luke Taberner	For Determination	QUARTERLY BUDGET REVIEW

RECOMMENDATION (Newsom/Davison)

THAT Council note the variances in the report and authorise those changes to be included in the 2019/2020 Council Budget.

13 May 2020 - 12:09 PM - Veronica Windus

Updated in Synergy.

COMPLETED

Meeting	Officer/Director	Section	Subject
Ordinary Meeting 28 April 2020	Surendra Sapkota Robert Cohen	Confidential Items	CONTRACT 1039770 - DESIGN, CONSTRUCTION AND DEMOLITION OF SAINT GERMAINS BRIDGE ON BOCOBRA ROAD MANILDRA

RECOMMENDATION (Durkin/Newsom)

THAT Council:

1. Accept the tender from Murray Constructions Pty Ltd for the design, construction & demolition of Saint Germain's Bridge on Bocobra Road, Manildra at the tendered price of \$621,456 including GST.
2. Authorise any variation to the contract for the project provided the variations are contained within the overall approved budget.

13 May 2020 - 12:06 PM - Surendra Sapkota

Letter of Acceptance has been sent to the contractor as per the Council's resolution.

COMPLETE.

Meeting	Officer/Director	Section	Subject
Ordinary Meeting 28 April 2020	Robyn Little Bradley Byrnes	Confidential Items	GENERAL MANAGER'S PERFORMANCE REVIEW

RECOMMENDATION (Newsom/Weaver)

THAT Council:

1. Note the conduct of the General Manager's annual performance review.
2. Provide any feedback on the General Manager's performance to the Mayor.

06 May 2020 - 3:49 PM - Robyn Little

Arrangements for Performance Review underway

Meeting	Officer/Director	Section	Subject
Ordinary Meeting 28 April 2020	Bradley Byrnes Bradley Byrnes	Confidential Items	HARDSHIP SUPPORT REQUEST

RECOMMENDATION (Mullins/Nash)

THAT Council endorse the General Manager to negotiate an agreement as detailed in the Proceedings in Brief.

06 May 2020 - 3:49 PM - Robyn Little

Meeting held Tuesday 5/5/20 and seeking further legal advice

Meeting	Officer/Director	Section	Subject
Ordinary Meeting 28 April 2020	Veronica Windus Luke Taberner	For Determination	FUNDING AGREEMENT 'EVERYONE CAN PLAY' GRANT PROGRAMME

MOTION (Weaver/Nash)

THAT Council authorise the affixing of the Common Seal to the funding agreements under the Everyone Can Play Grant Round 2 for:

- | | |
|--|----------|
| 1. Canowindra Morris Park Inclusive Playground | \$87,430 |
| 2. Molong Recreation Ground Inclusive Playground | \$95,865 |

13 May 2020 - 12:10 PM - Veronica Windus

COMPLETED

13 May 2020 - 12:10 PM - Veronica Windus

Noted Grant funds

Meeting	Officer/Director	Section	Subject
Ordinary Meeting 28 April 2020	Heidi Thornberry Luke Taberner	For Determination	FUNDING AGREEMENT 'EVERYONE CAN PLAY' GRANT PROGRAMME

MOTION (Weaver/Nash)

THAT Council authorise the affixing of the Common Seal to the funding agreements under the Everyone Can Play Grant Round 2 for:

- | | |
|--|----------|
| 1. Canowindra Morris Park Inclusive Playground | \$87,430 |
| 2. Molong Recreation Ground Inclusive Playground | \$95,865 |

01 May 2020 - 11:24 AM - Heidi Thornberry

Awaiting Document to Affix Seal

Seal affixed by GMPA on 28th April 2020 - COMPLETE

Meeting	Officer/Director	Section	Subject
Ordinary Meeting 28 April 2020	Emma Tadros Luke Taberner	For Determination	TREE MANAGEMENT POLICY

MOTION (Weaver/Nash)

THAT Council adopt the Tree Management Policy and note answer to Clr Newsom's question.

15 May 2020 - 12:17 PM - Emma Tadros

Updated and added to Policy Register - COMPLETE

Meeting	Officer/Director	Section	Subject
Ordinary Meeting 28 April 2020	Emma Tadros Luke Taberner	For Determination	DRAFT RATES AND CHARGES HARDSHIP ASSISTANCE POLICY FOR RATEPAYERS SUFFERING FROM THE EFFECTS OF NATURAL DISASTERS

MOTION (Nash/Jones)

THAT Council adopt the draft Rates and Charges Hardship Assistance Policy.

13 May 2020 - 11:00 AM - Emma Tadros

Updated and added to Policy File - COMPLETE

Meeting	Officer/Director	Section	Subject
Ordinary Meeting 28 April 2020	Emma Tadros Luke Taberner	For Determination	DRAFT SPONSORSHIP POLICY

MOTION (Newsom/Treavors)

THAT Council endorse the draft Sponsorship Policy and place the draft policy on public exhibition.

13 May 2020 - 11:01 AM - Emma Tadros

Policy placed on public display - COMPLETE

Meeting	Officer/Director	Section	Subject
Ordinary Meeting 28 April 2020	Veronica Windus Luke Taberner	Confidential Items	CONTRACT 1039770 - DESIGN, CONSTRUCTION AND DEMOLITION OF SAINT GERMAINS BRIDGE ON BOCOBRA ROAD MANILDRA

RECOMMENDATION (Durkin/Newsom)

THAT Council:

1. Accept the tender from Murray Constructions Pty Ltd for the design, construction & demolition of Saint Germain's Bridge on Bocobra Road, Manildra at the tendered price of \$621,456 including GST.
2. Authorise any variation to the contract for the project provided the variations are contained within the overall approved budget.

13 May 2020 - 12:11 PM - Veronica Windus

COMPLETED

13 May 2020 - 12:11 PM - Veronica Windus

Noted in Finance

Meeting	Officer/Director	Section	Subject
Ordinary Meeting 28 April 2020	Heidi Thornberry Luke Taberner	Confidential Items	CONTRACT 1039770 - DESIGN, CONSTRUCTION AND DEMOLITION OF SAINT GERMAINS BRIDGE ON BOCOBRA ROAD MANILDRA

RECOMMENDATION (Durkin/Newsom)

THAT Council:

1. Accept the tender from Murray Constructions Pty Ltd for the design, construction & demolition of Saint Germain's Bridge on Bocobra Road, Manildra at the tendered price of \$621,456 including GST.
2. Authorise any variation to the contract for the project provided the variations are contained within the overall approved budget.

01 May 2020 - 11:25 AM - Heidi Thornberry

Email sent to Engineering Dept to add contract information to register

Incomplete Resolutions - Summary

Risk	Totals	Month 1	Month 2	Month 3	Month 3+
Low	44	32	3	0	9
Medium	0		0	0	0
High	0				0

As at: 15 May 2020

Key:

Low Risk

Includes resolutions marked "Complete" pending the next Council meeting to be finalised; resolutions up to 2 months old with an initial comment; and resolutions not "Complete" (regardless of age), with initial and progress comments which are incomplete due to a legitimate reason.

Medium Risk

Includes resolutions not "Complete", up to 2 months old **without** a comment; and resolutions 3 months old with an initial comment but without a satisfactory or timely update.

High Risk

Includes resolutions not "Complete", with no initial comment 3+ months old; 3+ months old with initial comment but no update; and 3+ months old with initial comment and with updates but reason or legitimacy is "no or not known (to be shown as "No").

Cabonne Council
Schedule of Investments as at 30/04/2020

Annexure - Item 2

GENERAL FUND

Investing Institution	Credit Rating	Amount Invested	Interest Rate	Terms (Days)	Maturity Date
ANZ Bank	A1+	3,000,000	1.40%	182	29/05/2020
ANZ Bank	A1+	2,000,000	1.40%	270	12/10/2020
ANZ Bank	A1+	1,000,000	1.45%	366	12/10/2020
ANZ Bank	A1+	1,000,000	1.20%	365	9/03/2021
Bank of Qld	A2	2,000,000	1.60%	276	22/06/2020
Bank of Qld	A2	500,000	1.55%	365	14/10/2020
Commonwealth Bank	A1+	2,000,000	0.75%	120	12/08/2020
Commonwealth Bank	A1+	2,000,000	1.38%	183	12/06/2020
Commonwealth Bank	A1+	3,000,000	1.12%	184	16/09/2020
Commonwealth Bank	A1+	950,294	0.20%	24 Hour at call account	
Illawarra Mutual Build Society	A2	250,000	1.50%	274	7/08/2020
Illawarra Mutual Build Society	A2	500,000	1.50%	274	7/08/2020
Me Bank	A2	1,500,000	1.35%	180	8/09/2020
National Australia Bank	A1+	3,000,000	1.60%	211	1/05/2020
National Australia Bank	A1+	2,000,000	1.60%	211	1/05/2020
National Australia Bank	A1+	1,000,000	1.56%	213	14/05/2020
National Australia Bank	A1+	1,000,000	1.35%	245	2/11/2020
National Australia Bank	A1+	1,500,000	1.35%	245	2/11/2020
National Australia Bank	A1+	2,000,000	1.30%	365	10/03/2021
Reliance Credit Union	Unrated	500,000	1.80%	366	21/09/2020
Reliance Credit Union	Unrated	250,000	1.60%	366	30/10/2020
Suncorp-Metway	A1	1,000,000	1.50%	120	30/07/2020
Suncorp-Metway	A1	1,000,000	1.58%	210	25/05/2020
Suncorp-Metway	A1	2,000,000	1.50%	242	21/09/2020
Westpac Bank	A1+	Redeemed	0.00%	0	15/04/2020
Westpac Bank	A1+	1,000,000	1.53%	213	2/05/2020
Westpac Bank	A1+	1,000,000	1.60%	271	25/07/2020
Westpac Bank	A1+	3,000,000	1.63%	272	16/08/2020

GENERAL FUND INVESTMENTS \$ 39,950,294

TRUST FUND

Investing Institution	Credit Rating	Amount Invested	Interest Rate	Terms (Days)	
Commonwealth Bank	A1+	158,000	0.10%	24 Hour at call account	

TRUST FUND INVESTMENTS \$ 158,000

TOTAL INVESTMENTS \$ 40,108,294

INVESTMENT POLICY

Council's Investment policy states the aggregate of investments should not exceed the following percentages:

Standard & Poors Credit Short Term Rating	Maximum Percentage Total Investments
A1+	100%
A1 & A1-	50%
A2	10%
Unrated	2%

Council's Current Exposure of Total Investments

A1+	76.31%	\$ 30,608,294	
A1 & A1-	9.97%	\$ 4,000,000	
A2	11.84%	\$ 4,750,000	Due to lower funds in At Call and Redemption of A1+ Term Deposit
Unrated	1.87%	\$ 750,000	to aid cash flow during Covid-19 pandemic
Total Investments		\$ 40,108,294	

Council's Investment policy states the amount invested with any one financial institution should not exceed the following percentages:

Standard & Poors Credit Short Term Rating	Percentage per Institution
A1+	30%
A1 & A1-	20%
A2	10%
Unrated	2%

Council's Current Exposure per Institution

Commonwealth Bank	20.22%	\$ 8,108,294	A1+
National Australia Bank	26.18%	\$ 10,500,000	A1+
Westpac Bank	12.47%	\$ 5,000,000	A1+
ANZ	17.45%	\$ 7,000,000	A1+
Suncorp-Metway	9.97%	\$ 4,000,000	A1
Bank of Qld	6.23%	\$ 2,500,000	A2
Illawarra Mutual Building Society	1.87%	\$ 750,000	A2
Me Bank	3.74%	\$ 1,500,000	A2
Reliance Credit Union	1.87%	\$ 750,000	Unrated
Total Investments		\$ 40,108,294	

INVESTMENT MOVEMENTS

Council's Overall Total Investments have decreased due to variations in the Cashflow during the month of April.

	This Month	Last Month	July 2019
Total Investments	\$ 40,108,294	\$ 43,108,294	\$ 43,343,294
% Change	-7.48%		-8.07%

INTEREST RATE PERFORMANCE

Council's Average Interest rate for the month was 1.31%. The average rate movement is dropping due to the low cash rate and the flow on effect to term deposit rates offered in the market. The Reserve Bank's official cash rate remained at 0.25% for April. However, Council's average is still higher than Council's Performance Benchmark, the 30 Day Bank Bill Swap Rate of 0.983%.

Performance Benchmark 30 Day Bank Bill Swap Rate	Av Interest Rate This Month	Av Interest Rate Last Month	Av Interest Rate July 2019
0.983%	1.31%	1.39%	2.21%

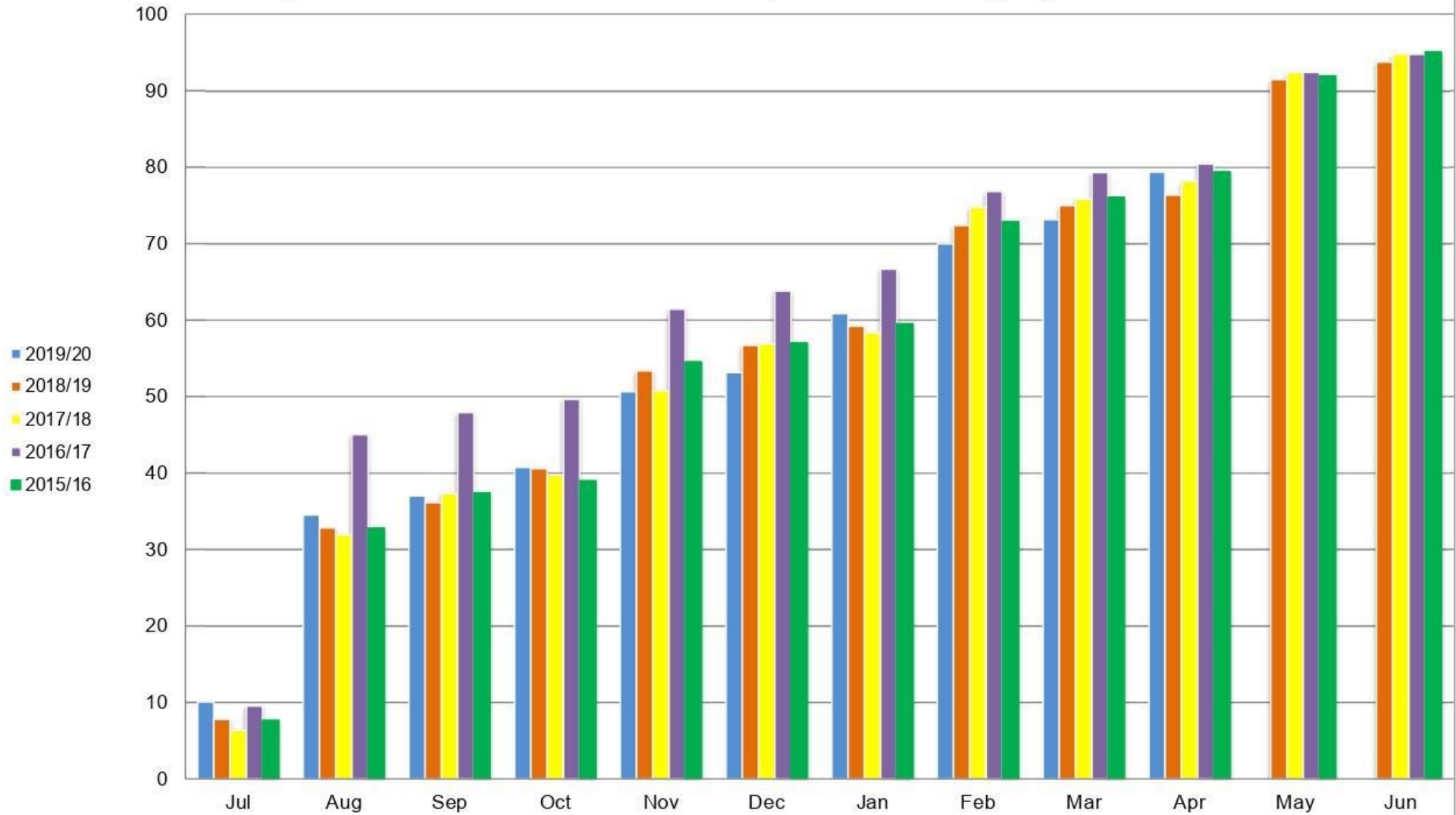
Bradley Byrnes

Responsible Accounting Officer

I hereby certify that the investments listed in this report have been made in accordance with Section 625 of the Local Government Act 1993, clause 212 of the Local Government

(Ge:

Comparison of Rate Collections period ending April 2020



Commonwealth Grant Agreement

between the Commonwealth represented by

Department of Industry, Science, Energy and Resources

and

CABONNE SHIRE COUNCIL

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Grant Agreement DCP000515

Once completed, this document, together with the Grant Details and the Commonwealth General Grant Conditions (Schedule 1), forms an Agreement between the Commonwealth and the Grantee.

Parties to this Agreement

The Grantee

Full legal name of Grantee	CABONNE SHIRE COUNCIL
Legal entity type (e.g. individual, incorporated association, company, partnership, etc)	Local government body
Trading or business name	CABONNE SHIRE COUNCIL
Any relevant licence, registration or provider number	
Australian Business Number (ABN) or other entity identifiers	41992919200
Australian Company Number (ACN)	
Registered for Goods and Services Tax (GST)?	Yes
Date from which GST registration was effective?	1/07/2000
Registered office - physical	Physical address 101 Bank St MOLONG NSW 2866
Registered office - postal	Postal address PO Box 17 MOLONG NSW 2866
Relevant business place (if different)	

The Commonwealth

The Commonwealth of Australia represented by the
Department of Industry, Science, Energy and Resources
of 10 Binara Street CANBERRA ACT 2600
ABN 74 599 608 295

Background

The Commonwealth has agreed to enter this Agreement under which the Commonwealth will provide the Grantee with a Grant for the purpose of assisting the Grantee to undertake the associated Activity.

The Grantee agrees to use the Grant and undertake each Activity in accordance with this Agreement and the relevant Grant Details.

Scope of this Agreement

This Agreement comprises:

- (a) this document;
- (b) the Supplementary Terms (if any);
- (c) the General Grant Conditions (Schedule 1);
- (d) the Grant Details;
- (e) any other document referenced or incorporated in the Grant Details.

If there is any ambiguity or inconsistency between the documents comprising this Agreement in relation to a Grant, the document appearing higher in the list will have precedence to the extent of the ambiguity or inconsistency.

This Agreement represents the Parties' entire agreement in relation to each Grant provided under it and the relevant Activity and supersedes all prior representations, communications, agreements, statements and understandings, whether oral or in writing.

Certain information contained in or provided under this Agreement may be used for public reporting purposes.

Grant Details DCP000515

A Purpose of the Grant

This Grant is being provided as part of the Drought Communities Programme - Extension

The objectives of the program are to deliver support to targeted drought-affected regions of Australia by funding:

- local community infrastructure and
- other drought relief projects.

The intended outcomes of the program are to:

- increase employment in regions by providing work for locals and/or farmers and farm labourers/staff/contractors whose employment opportunities have been affected by drought
- improve levels of economic activity in regions
- increase productivity in regions
- enable better retention of businesses, services and facilities.

B Activity

The Activity is made up of your Project and all eligible project activities as specified in these Grant Details.

Project title

Cabonne Council - Community Facility Improvements

Project scope and description

Council proposes to undertake a range of projects throughout its villages to enhance community facilities, stimulate local spending, utilise local resources and provide employment opportunities for local tradespeople. They comprise:

- repairs and maintenance to community buildings and halls in Yeoval, Eugowra, Gumble, Baldry and Borenore, including painting, access ramp installation, window replacement, fencing and other minor building works.
- upgrades of community recreational facilities at the Cargo Playground, Mullion Creek Reserve Playground, Molong Recreation Ground cricket nets, Molong Pool (hot water installation), and Dean Park clubhouse in Cudal
- installation of fencing at community facilities at the Molong Recreation Ground, Cudal Memorial Park Playground, Manildra Recreation Ground 'Jack Huxley Oval', and Manildra Pool
- installation of additional water-filling stations at Cargo and Cudal
- installation of solar panels and battery storage at the Canowindra Golf Club to contribute to making the venue more sustainable for the community well into the future
- footpath improvements to villages across the local government area
- developing an Adverse Events Plan (AEP) that addresses natural resource management; economic and community resilience; and communication and coordination

Project outcomes

Over the past 12 months the communities of Cabonne have been undertaking master-planning activities to capture and prioritise projects within their communities. The Council's nominated projects for this funding program have been sourced from the planning documents, in consultation with those communities.

The range of projects aim to provide outcomes to all of the towns and villages across the Shire. It is anticipated that the delivery of these projects will stimulate the local economy as they have been carefully selected to align with local procurement and delivery, thus providing much-needed economic boost to the local people and businesses. It is also anticipated that improvements to various community facilities identified will strengthen community fabric of the Shire's smaller villages, which have been highly impacted by the effects of drought.

Whilst it is not anticipated that there will be ongoing full time equivalent roles created out of this project, it is anticipated that these activities will support existing businesses and employees who may be at risk of job losses due to the persistent drought and other current instabilities.

An Adverse Events Plan will be developed that meets the needs of the community and considers the following: natural resource management; economic diversification and community resilience; and communication and coordination.

The Project will need to be located within the CABONNE SHIRE COUNCIL local government area.

In undertaking the Activity, the Grantee must comply with the requirements of the Grant Opportunity Guidelines (as in force from time-to-time).

You must notify us about events relating to the Project and provide an opportunity for the Minister or their representative to attend.

C Duration of the Activity

The Activity starts on 1/05/2020 and ends 160 days after the project end date (Completion Date).

Activity Schedule

The project starts on 1/05/2020 (project start date) and ends on 31/12/2020 (project end date).

In undertaking the Activity, the Grantee will meet the following milestones by the due dates.

Milestone Number	Milestone name and description	Due date
001	<p>Cabonne Footpaths Project</p> <p>Installation of a number of top priority footpaths across the Shire as per the Council's Pedestrian Access Mobility Plan (PAMP) and Bike Plan. Project will completed by local contractors.</p>	31 December 2020
002	<p>Community Building and Hall Improvements</p> <p>Repairs, maintenance and upgrades to be carried out at community buildings in Yeoval, Eugowra, Gumble, Baldry, and Borenore. The maintenance works consist of elements such as painting, access ramp installation, window replacement, fencing and other minor building/trade related works.</p>	31 December 2020
003	<p>Community Recreational Facility Improvements</p> <p>Upgrades to community recreational facilities utilising local suppliers and trades, comprising:</p> <p>Cargo Playground – installation of a solid steel shade shelter over the playground equipment, and a new picnic table and shelter.</p> <p>Mullion Creek Reserve Playground – installation of a solid steel shade shelter over the newly installed playground equipment.</p> <p>Molong Recreational Ground – installation of upgraded cricket practice nets to support the large number of junior and senior cricket teams in the area.</p> <p>Molong Pool – installation of a hot water system to the change room showers. This would be a valued improvement to the large contingent of swimming club members, early morning swimmers, aqua-aerobics attendees as well as general community users.</p> <p>Dean Park Cudal – the clubhouse building has been internally upgraded but needs exterior work, such as lining the eaves and under verandas to discourage birds nesting and ingress of dust/dirt; repair fasciae; and external painting. The site has a new tank and pump, which will be plumbed into the building to capture rainfall for irrigation. All located leaks will be repaired. Graveling of the driveway from the stock ramp at the entrance up to the clubhouse, and some additional tree planting will be carried out.</p>	31 December 2020
004	<p>Draft and develop an Adverse Event Plan</p> <p>Draft, develop and submit an Adverse Events Plan that addresses natural resource management; economic and community resilience; communication and coordination.</p>	31 December 2020
005	Fencing for Community Facilities	31 December 2020

	<p>Fencing of community facilities utilising local area suppliers and trades, comprising:</p> <p>Molong Recreational Ground – there are a number of recreational areas within the grounds as a whole including the oval, playground, scooter/skate ramp area, public toilets and other grassed areas. The proposed fencing would create a layer of safety between the playground and skate bowl area for the safety of younger children.</p> <p>Cudal Memorial Park Playground – upgrade to fencing around the site which sits on a busy corner of the Cudal Main Road, intersecting with the highway through to Canberra. It is the only playground in Cudal and is well-utilised by residents and travellers making comfort stops at the site. The intersection is busy with a very consistent stream of traffic and heavy vehicles.</p> <p>Manildra Recreational Ground 'Jack Huxley Oval' – installation of safety fencing between the playground and the vehicular access at the site. The Manildra community feel strongly about improving safety at this site and have been attempting to fund the improvements themselves through the local Progress Association.</p> <p>Manildra Pool – one of the seven pools in the Cabonne LGA is positioned on a triangular site with road frontage on all three sides. The carpark is also accessed from either side and so, it poses a danger to small children. The existing perimeter fencing covers only the actual pool area and consists of very dated chain wire and barb fencing and so, re-fencing of the entire site is proposed including providing vehicular separation at the same time.</p>	
006	<p>Sustainability at Canowindra Golf Club</p> <p>Installation of solar panels and battery storage to the community club to relieve some of the operational burden, and contribute to making the venue more sustainable for the community well into the future.</p>	31 December 2020
007	<p>Water filling stations at Cargo and Cudal</p> <p>Water filling stations to cover the remaining CTW/Cabonne service area.</p>	31 December 2020

D Payment of the Grant

The total amount of the Grant is \$1,000,000 (plus GST if applicable).

The Grant will be provided at up to 100.0 per cent of eligible expenditure as defined in the Grant Opportunity Guidelines.

The Grant will be paid over the following financial years subject to sufficient Program funding being available. The Commonwealth is not obliged to make a payment if it would result in the amount paid in a financial year exceeding the annual capped amount for that financial year as specified in this table.

Financial Year	Annual capped amount (GST excl)
2019/20	\$500,000

2020/21	\$500,000
Total amount (all financial years)	\$1,000,000

We will make an initial payment on execution of the grant agreement. We will make subsequent payments in advance, based on your forecast eligible expenditure as you achieve agreed milestones and adjusted for unspent amounts from previous payments. Payments are subject to satisfactory progress on the project.

We set aside 10 per cent of the total grant funding for the final payment. We will pay this when you submit a satisfactory final report demonstrating you have completed outstanding obligations for the project. We may need to adjust your progress payments to align with available program funds across financial years and/or to ensure we retain a minimum 10 per cent of grant funding for the final payment.

Invoicing

The Grantee agrees to allow the Commonwealth to issue it with a Recipient Created Tax Invoice (RCTI) for any taxable supplies it makes in relation to the Activity.

The Grantee agrees not to issue tax invoices in respect of any taxable supplies.

The Grantee acknowledges that where it is registered for Goods and Services Tax (GST) it will notify the Commonwealth if it subsequently ceases to be registered for GST.

GST means a tax that is payable under GST law as defined in the *A New Tax System (Goods and Services Tax) Act 1999* (Cth).

E Reporting

The Grantee agrees to provide the following reports to the Commonwealth representative in accordance with the Reporting Templates (Schedule 2).

Report Type	Period start date	Period end date	Agreed evidence	Due date
Drought Communities Programme Extension - Progress Report	01/05/2020	31/08/2020	Evidence to demonstrate progress of the project	30/09/2020
Drought Communities Programme Extension - End of Project Report	01/05/2020	31/12/2020	Evidence to demonstrate successful completion of the project	01/03/2021
Drought Communities Programme Extension - End of Project Report	01/05/2020	31/12/2020	Independent audit report	01/03/2021

During the Agreement period, we may ask you for ad-hoc reports on your project. You must provide these reports in the timeframes notified by the Commonwealth.

F Party representatives and address for notices

Grantee's representative and address

Grantee's representative name	Mrs Naomi Schroder
Position	Grants Coordinator
Postal address	PO Box 17 MOLONG NSW 2866
Physical address	101 Bank St MOLONG NSW 2866
Business hours telephone	0263923267
Mobile	0414398831
E-mail	naomi.schroder@cabonne.nsw.gov.au

Commonwealth representative and address

Name of representative	Anu George
Position	
Postal/physical address(es)	GPO Box 2013 CANBERRA ACT 2601
Business hours telephone	02 9397 1644
E-mail	Anu.George@industry.gov.au

The Parties' representatives will be responsible for liaison and the day-to-day management of the Grant, as well as accepting and issuing any written notices in relation to the Grant.

G Supplementary Terms

G1 Other Contributions

G1.1 Other Contributions means financial or in-kind contributions other than the Grant as set out below:

Contributor	Contribution (\$GST excl)
Grantee	\$
Other government funding	\$
Other non-government funding	\$

G1.2 The Grantee agrees to provide, or to ensure the provision of, the Other Contributions and to use them to undertake the Activity. If the Other Contributions are not provided in accordance with this clause, then the Commonwealth may:

- (a) suspend payment of the Grant until the Other Contributions are provided; or
- (b) terminate this Agreement in accordance with clause 18 of the General Grant Conditions.

G2 Activity budget

G2.1 The Grantee agrees to use the Grant and undertake the Activity consistent with the following budget

Eligible expenditure	Project cost
Suppliers, consultants and contracted labour	\$998,500
Materials	\$0
Equipment	\$0
Other costs	\$1,500
Total	\$1,000,000

Figures in the above table are GST inclusive amounts less GST credits that can be claimed in relation to the expenditure.

G3 Record keeping

G3.1 The Grantee agrees to:

- (a) maintain records that identify the receipt and expenditure of the Grant separately within the Grantee's accounts and records so that at all times the Grant is identifiable; and
- (b) keep financial accounts and records relating to the Activity so as to enable all receipts and payments related to the Activity to be identified and reported; and

G3.2 The Grantee agrees to maintain the records for five years after the Completion Date and provide copies of the records to the Commonwealth representative upon request.

G3.3 Term G3 survives the termination, cancellation or expiry of the Agreement.

G4 Audit

G4.1 The Grantee may be required to provide the Commonwealth with an independent audit report verifying that the Grant was spent in accordance with this Agreement.

G4.2 Independently audited financial acquittal reports must be audited by:

- (a) a Registered Company Auditor under the *Corporations Act 2001* (Cth); or
- (b) a certified practising accountant; or
- (c) a member of the Institute of Public Accountants; or
- (d) a member of Chartered Accountants Australia and New Zealand

who is not a principal member, shareholder, officer or employee of the Grantee or a related body corporate.

G5 Activity Material

Not applicable

G6 Access

G6.1 The Grantee agrees to give the Commonwealth, or any persons authorised in writing by the Commonwealth, access to premises where the Activity is being performed and to permit those persons to inspect and take copies of any Material relevant to the Activity.

G6.2 The Auditor-General and any Information Officer under the *Australian Information Commissioner Act 2010* (Cth) (including their delegates) are persons authorised for the purposes of clause 6.1.

G6.3 Term G6 does not detract from the statutory powers of the Auditor-General or an Information Officer (including their delegates).

G7 Equipment and assets

G7.1 The Grantee agrees to obtain the Commonwealth's prior written approval to use the Grant to purchase any equipment or asset for more than \$5,000 (including GST), apart from those listed in the Budget and/or detailed below:

- (a) Not applicable

G7.2 The Grantee agrees to maintain a register of all equipment and assets purchased for \$5,000 (including GST) or more with the Grant in the form specified below and to provide the register to the Commonwealth upon request.

Item number	Description	Total cost (including GST)
Reference	Description of the equipment or asset	Total cost of the equipment or asset

G7.3 The Grantee agrees to use the equipment and assets for the purposes of the Activity.

G7.4 The Grantee agrees that the proceeds of any equipment and assets purchased with the Grant disposed of during the Activity, must be treated as part of the Grant and used for the purposes of the Activity.

G8 Relevant qualifications or skills

Not applicable

G9 Activity specific legislation, policies and industry standards

G9.1 Without limiting the generality of Item G11 below, the Grantee agrees to comply with the requirements of the following legislation, policies and industry standards when undertaking the Activity:

- (a) The *Work Health and Safety Act 2011* (Cth), any corresponding regulations made under that Act and any relevant Code of Practice approved for the purpose of that Act ('WHS Laws').

Note: The Grantee must ensure the Activity is undertaken in a safe manner. The Grantee must not, and must ensure its Personnel do not, by act or omission place the Commonwealth in breach of its obligations under the WHS Laws.

- (b) State, Territory or Commonwealth laws relating to the employment or engagement of persons in any capacity where they may have contact with individuals under the age of 18 years, including all necessary Working With Children Checks.
- (c) National Principles for Child Safe Organisations, which have been accepted in draft form by the Commonwealth Government (available at: <https://www.humanrights.gov.au/national-principles-child-safe-organisations>)
- (d) The Building Code 2016¹ (Building Code) and the Australian Government Building and Construction WHS Accreditation Scheme² (WHS Scheme).]

G10 Commonwealth Material, facilities and assistance

Not applicable

G11 Jurisdiction

G11.1 This Agreement is governed by the law of the Australian Capital Territory.

G12 Grantee trustee of a Trust (if applicable)

G12.1 In this clause, 'Trust' means the trust specified in the Parties to the Agreement section of this Agreement.

G12.2 The Grantee warrants that:

- (a) it is the sole trustee of the Trust
- (b) it has full and valid power and authority to enter into this Agreement and perform the obligations under it on behalf of the Trust
- (c) it has entered into this Agreement for the proper administration of the Trust;

¹ The Building Code 2016 can be found at <https://www.abcc.gov.au/building-code/building-code-2016>

² The Australian Government Building and Construction OHS Accreditation Scheme can be found at <http://www.fsc.gov.au/sites/fsc/needaccredited/accreditationscheme/pages/theaccreditationscheme> .

- (d) all necessary resolutions, consents, approvals and procedures have been obtained or duly satisfied to enter into this Agreement and perform the obligations under it;
and
- (e) it has the right to be indemnified out of the assets of the Trust for all liabilities incurred by it under this Agreement.

Signatures

Executed as an agreement:

Commonwealth

Signed for and on behalf of the Commonwealth of Australia as represented by the Department of Industry, Science, Energy and Resources

Name	
Position	
Date	

Grantee

Full legal name of the Grantee	CABONNE SHIRE COUNCIL ABN:41992919200
Name of Authorised Representative	
Date	

Schedule 1 Commonwealth General Grant Conditions

1. Undertaking the Activity

The Grantee agrees to undertake the Activity in accordance with this Agreement.

2. Acknowledgements

The Grantee agrees to acknowledge the Commonwealth's support in Material published in connection with this Agreement and agrees to use any form of acknowledgment the Commonwealth reasonably specifies.

3. Notices

3.1 The Parties agree to notify the other Party of anything reasonably likely to affect the performance of the Activity or otherwise required under this Agreement.

3.2 A notice under this Agreement must be in writing, signed by the Party giving notice and addressed to the other Party's representative.

4. Relationship between the Parties

A Party is not by virtue of this Agreement the employee, agent or partner of the other Party and is not authorised to bind or represent the other Party.

5. Subcontracting

5.1 The Grantee remains responsible for compliance with this Agreement, including in relation to any tasks undertaken by subcontractors.

5.2 The Grantee agrees to make available to the Commonwealth the details of any of its subcontractors engaged to perform any tasks in relation to this Agreement upon request.

6. Conflict of interest

The Grantee agrees to notify the Commonwealth promptly of any actual, perceived or potential conflicts of interest which could affect its performance of this Agreement and agrees to take action to resolve the conflict.

7. Variation

This Agreement may be varied in writing only, signed by both Parties.

8. Payment of the Grant

8.1 The Commonwealth agrees to pay the Grant to the Grantee in accordance with the Grant Details.

8.2 The Commonwealth may by notice withhold payment of any amount of the Grant where it reasonably believes the Grantee has not complied with this Agreement or is unable to undertake the Activity.

8.3 A notice under clause 8.2 will contain the reasons for any payment being withheld and the steps the Grantee can take to address those reasons.

8.4 The Commonwealth will pay the withheld amount once the Grantee has satisfactorily addressed the reasons contained in a notice under clause 8.2.

9. Spending the Grant

9.1 The Grantee agrees to spend the Grant for the purpose of undertaking the Activity only.

9.2 The Grantee agrees to provide a statement signed by the Grantee verifying the Grant was spent in accordance with the Grant Details.

10. Repayment

10.1 If any of the Grant has been spent other than in accordance with this Agreement or any amount of the Grant is additional to the requirements of the Activity, the Grantee agrees to repay that amount to the Commonwealth unless agreed otherwise.

10.2 The amount to be repaid under clause 10.1 may be deducted by the Commonwealth from subsequent payments of the Grant.

11. Record keeping

The Grantee agrees to maintain records of the expenditure of the Grant.

12. Intellectual Property

12.1 The Grantee owns the Intellectual Property Rights in Material created undertaking the Activity.

12.2 The Grantee gives the Commonwealth a non-exclusive, irrevocable, royalty-free licence to use, reproduce, publish and adapt Reporting Material for Commonwealth Purposes.

12.3 The licence in clause 12.2 does not apply to Activity Material.

12.4 This Agreement does not affect the ownership of Intellectual Property Rights in Existing Material.

13. Privacy

When dealing with Personal Information in carrying out the Activity, the Grantee agrees not to do anything which, if done by the Commonwealth, would be a breach of an Australian Privacy Principle.

14. Confidentiality

The Parties agree not to disclose each other's confidential information without prior written consent unless required or authorised by law or Parliament.

15. Insurance

The Grantee agrees to maintain adequate insurance for the duration of this Agreement and provide the Commonwealth with proof when requested.

16. Indemnities

16.1 The Grantee indemnifies the Commonwealth, its officers, employees and contractors against any claim, loss or damage arising in connection with the Activity.

16.2 The Grantee's obligation to indemnify the Commonwealth will reduce proportionally to the extent any act or omission involving fault on the part of the Commonwealth contributed to the claim, loss or damage.

17. Dispute resolution

17.1 The Parties agree not to initiate legal proceedings in relation to a dispute unless they have tried and failed to resolve the dispute by negotiation.

17.2 The Parties agree to continue to perform their respective obligations under this Agreement where a dispute exists.

17.3 The procedure for dispute resolution does not apply to action relating to termination or urgent litigation.

18. Termination for default

The Commonwealth may terminate this Agreement by notice where it reasonably believes the Grantee:

- (a) has breached this Agreement; or
- (b) has provided false or misleading statements in their application for the Grant; or
- (c) has become bankrupt or insolvent, entered into a scheme of arrangement with creditors, or come under any form of external administration.

19. Cancellation for convenience

19.1 The Commonwealth may cancel this Agreement by notice, due to

- (a) a change in government policy; or
- (b) a Change in the Control of the Grantee, which the Commonwealth believes will negatively affect the Grantee's ability to comply with this Agreement.

19.2 The Grantee agrees on receipt of a notice of cancellation under clause 19.1 to:

- (a) stop the performance of the Grantee's obligations as specified in the notice; and
- (b) take all available steps to minimise loss resulting from that cancellation.

19.3 In the event of cancellation under clause 19.1, the Commonwealth will be liable only to:

- (a) pay any part of the Grant due and owing to the Grantee under this Agreement at the date of the notice; and
- (b) reimburse any reasonable expenses the Grantee unavoidably incurs that relate directly to the cancellation and are not covered by 19.3(a)

19.4 The Commonwealth's liability to pay any amount under this clause is subject to:

- (a) the Grantee's compliance with this Agreement; and
- (b) the total amount of the Grant.

19.5 The Grantee will not be entitled to compensation for loss of prospective profits or benefits that would have been conferred on the Grantee.

20. Survival

Clauses 10, 12, 13, 14, 16, 20 and 21 survive termination, cancellation or expiry of this Agreement.

21. Definitions

In this Agreement, unless the contrary appears:

Activity means the activities described in the Grant Details.

Activity Material means any Material, other than Reporting Material, created or developed by the Grantee as a result of the Activity.

Agreement means the Grant Details, Supplementary Terms (if any), the Commonwealth General Grant Conditions and any other document referenced or incorporated in the Grant Details.

Australian Privacy Principle has the same meaning as in the *Privacy Act 1988*.

Change in the Control means any change in any person(s) who directly exercise effective control over the Grantee.

Commonwealth means the Commonwealth of Australia as represented by the Commonwealth entity specified in the Agreement and includes, where relevant, its officers, employees, contractors and agents.

Commonwealth General Grant Conditions means this document.

Commonwealth Purposes does not include commercialisation or the provision of the Material to a third party for its commercial use.

Completion Date means the date or event specified in the Grant Details.

Existing Material means Material developed independently of this Agreement that is incorporated in or supplied as part of Reporting Material.

Grant means the money, or any part of it, payable by the Commonwealth to the Grantee as specified in the Grant Details.

Grantee means the legal entity specified in the Agreement and includes, where relevant, its officers, employees, contractors and agents.

Grant Details means the document titled Grant Details that forms part of this Agreement.

Intellectual Property Rights means all copyright, patents, registered and unregistered trademarks (including service marks), registered designs, and other rights resulting from intellectual activity (other than moral rights under the *Copyright Act 1968*).

Material includes documents, equipment, software (including source code and object code versions), goods, information and data stored by any means including all copies and extracts of them.

Party means the Grantee or the Commonwealth.

Personal Information has the same meaning as in the *Privacy Act 1988*.

Reporting Material means all Material which the Grantee is required to provide to the Commonwealth for reporting purposes as specified in the Grant Details.

Schedule 2 Sample reports

Appendix 1

Drought Communities Programme Extension - progress report requirements

You will need to provide the following information in your progress reports. The Commonwealth reserves the right to amend or adjust the requirements.

You must complete and submit your report on the [portal](#). You can enter the required information in stages and submit when it is complete.

Project progress

- a. Complete the following table, updating for all milestones shown in the Activity Schedule of your grant agreement.

Milestone	Agreed end date	Actual/ anticipated end date	Current % complete	Progress comments – work undertaken and impact any delay

- b. Where applicable, describe any project activities completed during the reporting period that are not captured in the table above.
- c. Is the overall project proceeding in line with your grant agreement?
If no, identify any changes or anticipated issues. Comment on any impacts on project timing and outcomes and how you expect to manage these.
- d. Are there any planned events relating to the project that you are required to notify us about in accordance with your agreement?
If yes, provide details of the event including date, time, purpose of the event and key stakeholders expected to attend.

Project outcomes

- a. Outline the project outcomes achieved to date.
- b. Provide details of project KPIs and the extent to which these have been delivered to date
- c. How many jobs have been created through your project in this reporting period.

Project expenditure

Provide the following information about your eligible project expenditure.

All expenditure should be GST inclusive, less GST credits you can claim. We may ask you to provide evidence of costs incurred.

Refer to the grant opportunity guidelines or contact us if you have any questions about eligible expenditure.

- a. What is the eligible expenditure you have incurred to date?
- b. What is the eligible expenditure you have incurred in this reporting period?
- c. What is the estimated eligible expenditure for the next reporting period?
- d. What is the estimated eligible expenditure for remaining reporting periods in current financial year (if applicable)?
- e. What is the estimated total eligible expenditure for future financial years?
- f. What is the estimated total eligible expenditure for the project?
- g. Briefly explain the reason for any changes between the forecast and actual expenditure for the current reporting period, and any significant changes to the forecast budget for the remainder of the project.
- h. Is the project expenditure broadly in line with the activity budget in the grant agreement?
If no, explain the reasons.

Certification

You must ensure an authorised person completes the report and can certify the following:

- the information in this report is accurate, complete and not misleading and that I understand the giving of false or misleading information is a serious offence under the *Criminal Code 1995* (Cth)
- the activities undertaken and the expenditure incurred is in accordance with the grant agreement
- I am aware of the grantee's obligations under their grant agreement
- I am aware that the grant agreement empowers the Commonwealth to terminate the grant agreement and to request repayment of funds paid to the grantee where the grantee is in breach of the grant agreement.

Appendix 2

Drought Communities Programme Extension - end of project report requirements

You will need to provide the following information in your progress reports. The Commonwealth reserves the right to amend or adjust the requirements.

You must complete and submit your report on the [portal](#). You can enter the required information in stages and submit when it is complete.

Project achievements

- a. Complete the following table, updating for all milestones shown in the Activity Schedule of your grant agreement.

Milestone	Agreed end date	Actual/ anticipated end date	Current % complete	Progress comments – work undertaken and impact any delay

- b. Where applicable, describe any project activities completed during the reporting period that are not captured in the table above.
- c. Attach any evidence required with this report to demonstrate progress or successful completion of your project.

Project outcomes

- a. Outline the project outcomes achieved by the project end date.
- b. Do the achieved project outcomes align with those specified in the grant agreement?
If no, explain why.
- c. Are there any planned events relating to the project that you are required to notify us about in accordance with your agreement?

If yes, provide details of the event including date, time, purpose of the event and key stakeholders expected to attend.
- d. Provide details of project Key Performance Indicators (KPIs) and the extent to which these were delivered.
- e. Provide details of how the project increased employment in your region by providing work for locals and/or farmers and farm labourers/staff/contractors whose employment opportunities have been affected by drought. Leave blank if not applicable to your project.

- Where applicable, indicate the total number of jobs (direct and indirect) that have been created by your project in the region.
 - Where applicable, provide a breakdown of created jobs, i.e. how many local residents/ farmers/ farm labourers/ staff/ contractors that are affected by drought in your region have been employed through your project?
- f. Provide details of how the project improved levels of economic activity and productivity in your region. Leave blank if not applicable to your project.
- g. Provide details of how the project enabled better retention of businesses, services and facilities. Leave blank if not applicable to your project.
- h. Attach copies of any published reports and promotional material, relating to the project.

Project benefits

- a. What benefits has the project achieved?
- b. What ongoing impact will the project have?
- c. Did the project result in any unexpected benefits?
If yes, explain why.
- d. Is there any other information you wish to provide about your project?
If yes, provide details.

Total eligible project expenditure

- a. Indicate the total eligible project expenditure incurred for each eligible expenditure item below. These categories align with the budget you provided in your application.
- All expenditure should be GST inclusive, less GST credits you can claim. We may ask you to provide evidence of costs incurred.
- Refer to the grant opportunity guidelines or contact us if you have any questions about eligible expenditure.
- i. Suppliers, consultants and contracted labour costs
 - ii. Materials costs
 - iii. Equipment costs
 - iv. Other costs (if other, provide details)
 - v. Total project
- b. Provide any comments you may have to clarify any figures.
- c. Was the expenditure incurred in accordance with the activity budget in the grant agreement?
If no, explain the reason for a project underspend or overspend, or any other significant changes to the budget.

Project funding

- a. Provide details of all cash contributions to your project. This includes your own contributions as well as any contributions from government (except this grant), project partners or others.

Certification

You must ensure an authorised person completes the report and can certify the following:

- the information in this report is accurate, complete and not misleading and that I understand the giving of false or misleading information is a serious offence under the Criminal Code 1995 (Cth)
- the activities undertaken and the expenditure incurred is in accordance with the grant agreement
- I am aware of the grantee's obligations under their grant agreement
- I am aware that the grant agreement empowers the Commonwealth to terminate the grant agreement and to request repayment of funds paid to the grantee where the grantee is in breach of the grant agreement.

Appendix 3

A template and related guidance for this report will be available on business.gov.au and [GrantsConnect](#).



REGIONAL DEVELOPMENT AUSTRALIA CENTRAL WEST

BUSINESS IMPACT SURVEY

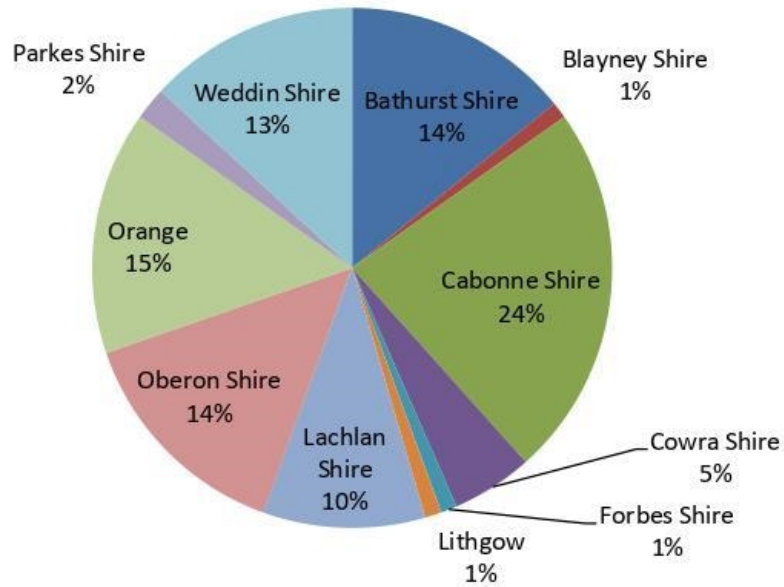
COVID-19

The survey was conducted throughout the Central West region of NSW over the period 7-30 April 2020. Over 100 responses were collected. A summary of the survey results are presented.



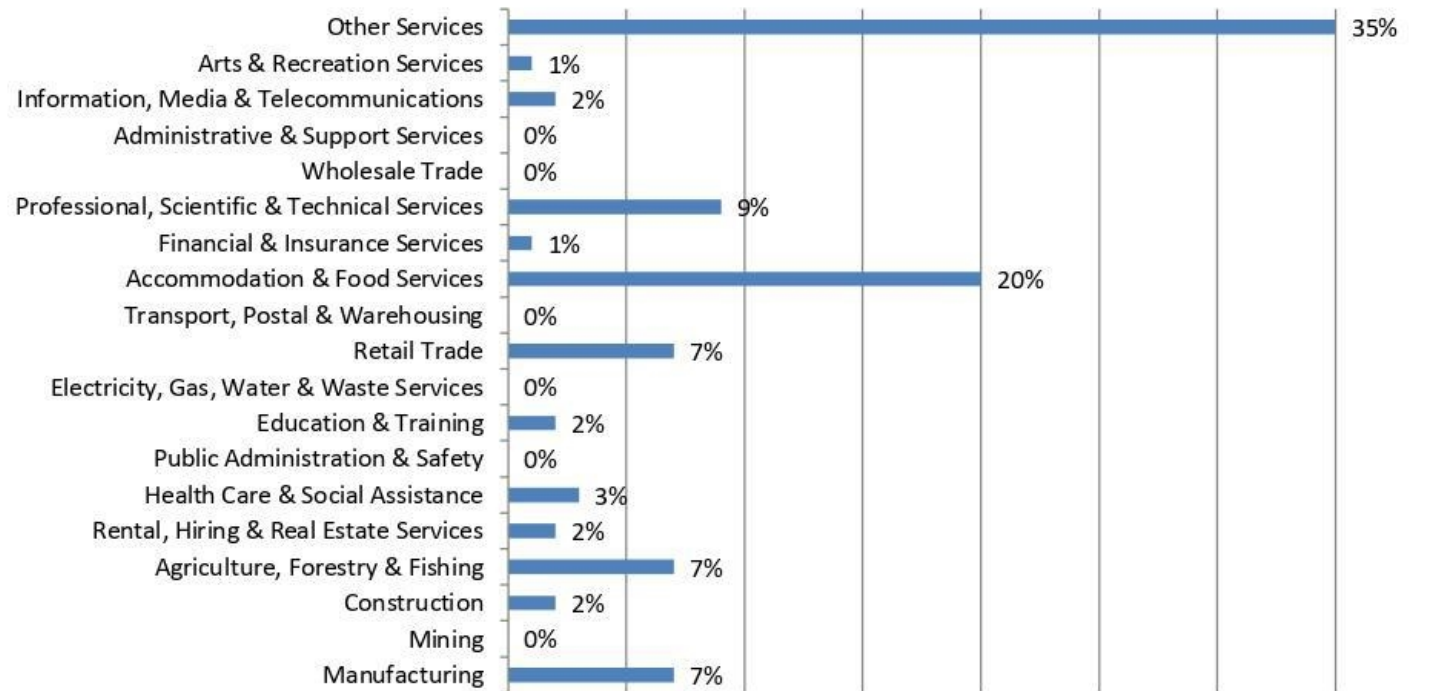
An Australian Government Initiative

Q1 Where in the Central West is your business located?

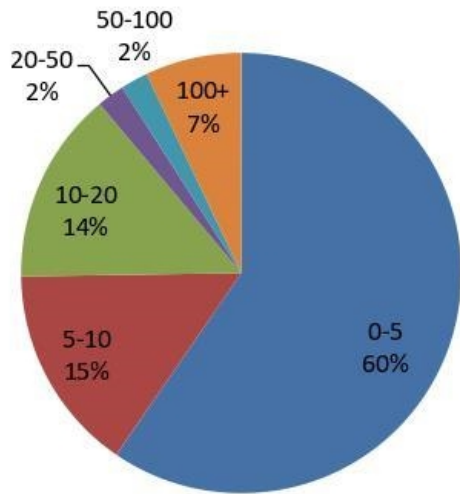


LGA	No. responses	% responses
Bathurst Shire	12	14
Blayney Shire	1	1
Cabonne Shire	20	23
Cowra Shire	4	5
Forbes Shire	1	1
Lithgow	1	1
Lachlan Shire	9	10
Oberon Shire	12	14
Orange	13	15
Parkes Shire	2	2
Weddin Shire	11	13

Q2 What is your primary business?

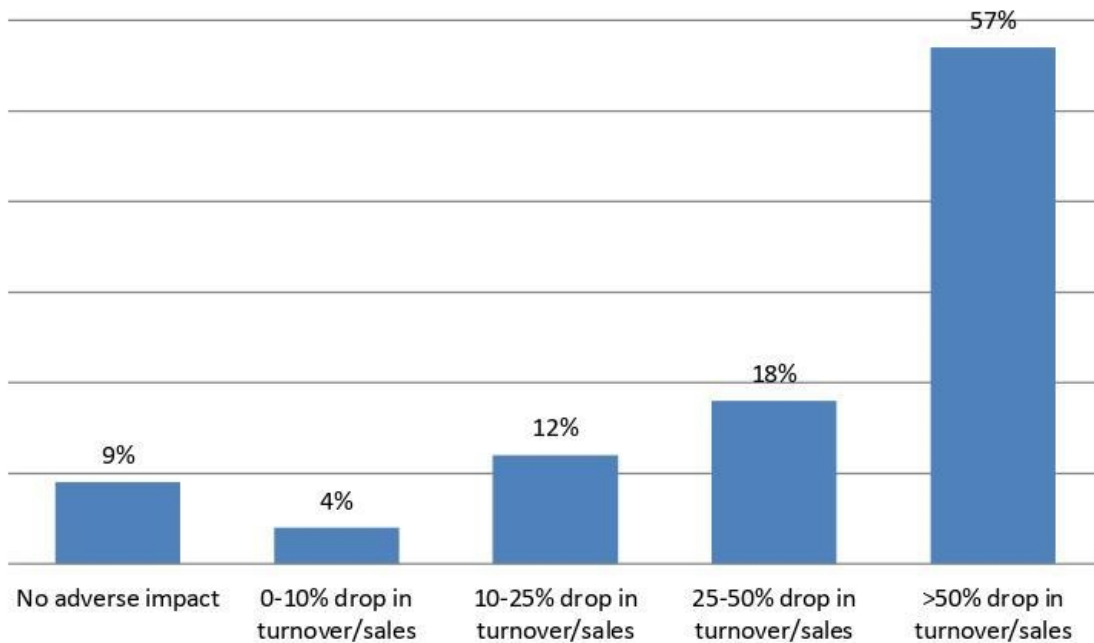


Q3 How many employees do you have?



No. employees	No. responses	% responses
0-5	51	59
5-10	13	15
10-20	12	14
20-50	2	2
50-100	2	2
100+	6	7

Q4 What is the estimated impact of COVID-19 on your business turnover (sales) for the next 3 months compared to normal operation?



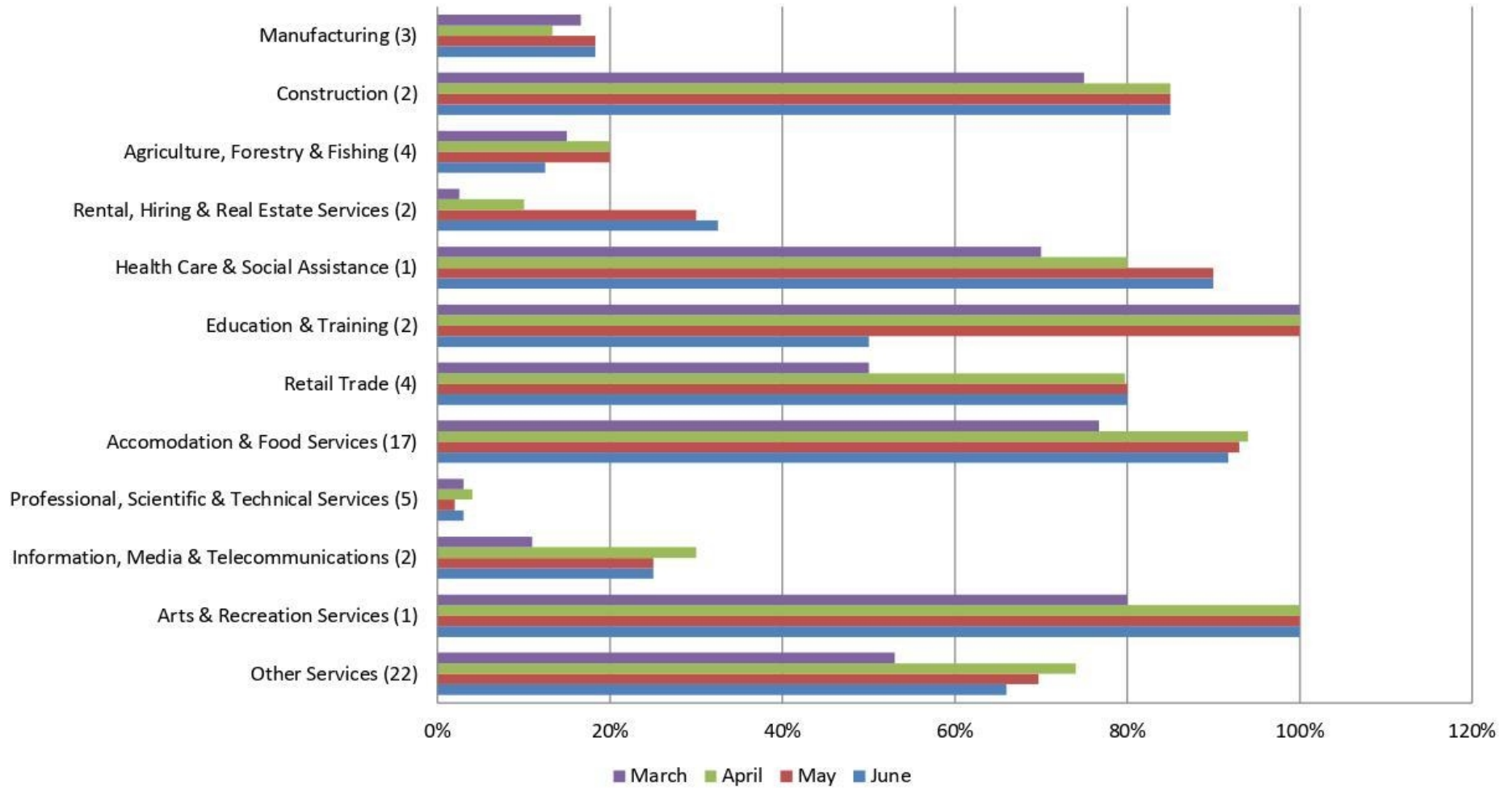
Q5 What are the biggest challenges your business is facing as a result of COVID-19?



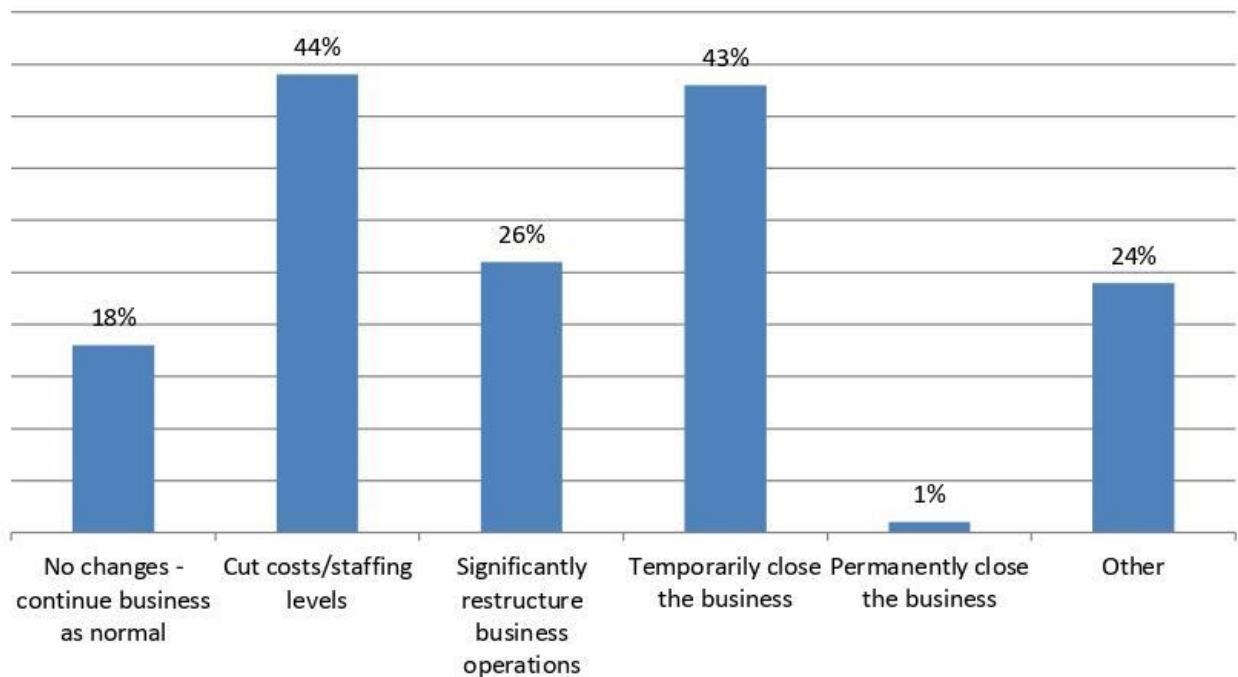
Responses in 'Other' included:

- We are a brand new restaurant business, opened early March and closed 23 March due to COVID-19. We have made significant personal investment into a business where we are now unable to generate income and have been ineligible for any Federal or State government support. We are in our rent-free period which ends in July, if we have to commence paying rent while not earning income it is possible we will never re-open.
- Loss of market share and damage to reputation.
- Loss of motivation and 17 years down the drain after 4 years of drought, smoke taint and COVID-19.
- Staff with temporary visas stuck offshore

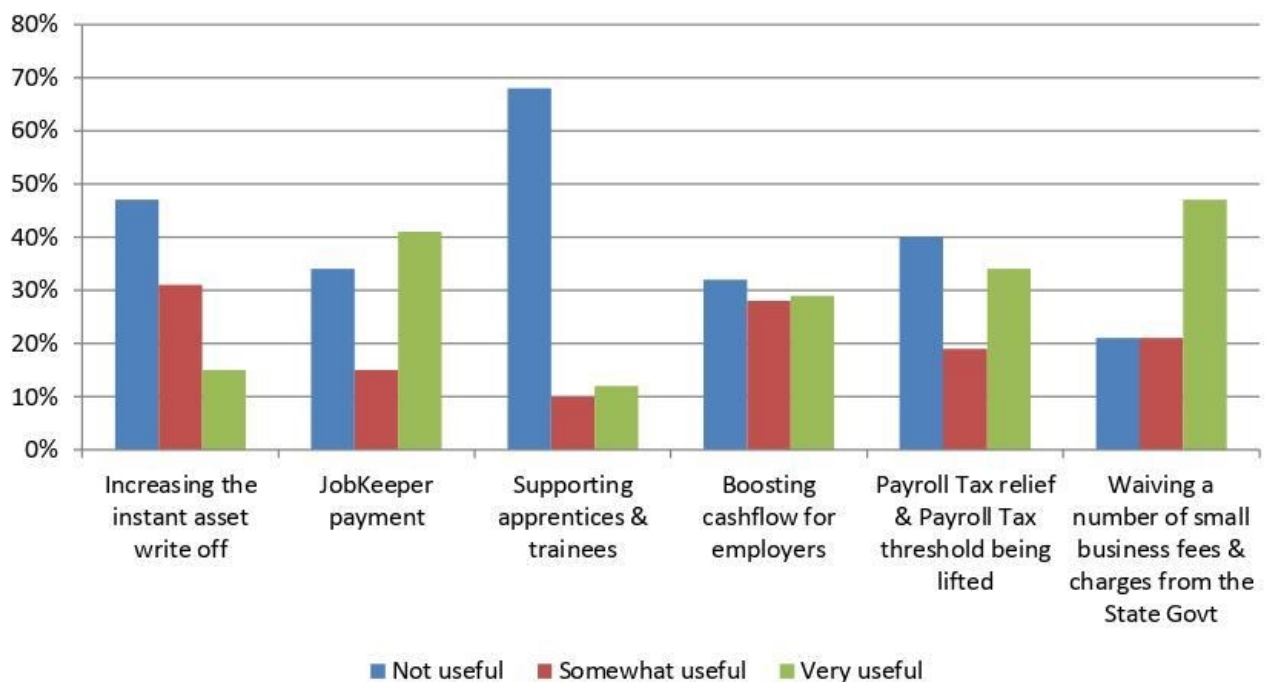
Q6 Percentage reduction of bookings/orders/sales/events cancelled?



Q7 What changes are you planning to make to your business in response to the impacts of COVID-19?



Q8 The NSW State Government and the Federal Government have worked closely together to deliver a suite of stimulus measures for local business including but not limited to those below. How would you rate the following measures?



Comments regarding the stimulus measures included:

- None of the above applied as a small business opened less than 12 months and with an annual turnover of less than 75k - we didn't have time in the three weeks we were open to get there.
- JobKeeper is not designed for those businesses that have been able to stay open and work hard to prevent a greater than 30% reduction in turnover. It is a penalty for working hard in daunting circumstances. The alternate test for turnover has been designed by people with no experience of running a business and has too many restrictions on eligibility.
- Nothing for sole traders if the spouse still works or if business affected, but still above a threshold
- We don't yet know full effect to our business as others actions will impact us. e.g. Printers closing down.
- Did not qualify for any assistance

ENGINEERING & TECHNICAL SERVICES REPORT – MAY 2020

LOCAL ROADS – CONSTRUCTION/SEALING

Project:	Objectives:	Budget:	Actual:	Start Date:	Length:	Status:
Bocobra Loop Road	2 kms new seal (Henry Parkes Way end)	\$102,620	\$112,803	Nov 2019	2 km's	Completed
Davis Road	1 km new seal, extension of existing seal.	\$78,948	\$48,273	Nov 2019	1 km's	Completed
Strachan Road	880m new seal (from Davis's Road to Carcoar Street)	\$66,873	\$41,824	Nov 2019	880 metres	Completed
Yuranigh Road	Extend existing seal 2kms	\$90,240	\$66,784	Jan 2020	2 km's	Completed
Gas Works Lane	Seal area and install kerb & guttering for parking	\$75,000	-	TBA	-	On going



Davis Road



Strachan Road

LOCAL ROADS - MAINTENANCE

Project:	Objectives:	Budget:	Actual	Start Date:	Length:	Status:
Grading	Rocky Ponds Road, Silverdean Lane, Carroll's Road, Thomas Road, Eurimbla Road, Broadwater Road, Belmore Road, Gullengamble Road, Geradan Road, Baldry Road, Garra Road, Cemetery Road, Burgess Lane, Kangarooobie Lane, Witherdins Lane, Belgravia Road, Tantalion Road, Culya Lane, Old Eurimbla Road, Gap Road, Larris Lee Road, Burrawong Road, Hazeldean Lane, Yellow Box Road, Bowens Lane, Nanimi Lane, Wilsons Lane, Meadowbank Road, Paling Yard Loop Road, Mitchelle Lane, Eulimore Road, Murrays Lane, Dripping Rock Road, Mackays Creek Road, part of Reedy Creek Road.	\$1,200,000	\$1,179,587	July 2020	-	Complete
Bitumen Patching	Longs Corner Road, Gumble Road, Square Road, Molong Street, Four Mile Creek Road, Cadia Road, Kerrs Creek Road, Eugowra township, Canowindra township, Cargo township	\$700,000	\$555,823	July 2020	-	Complete
Gravel Resheeting	Heifer Station Lane, Prattern Lane, Springvale Road, Googodery Road, Waldergrave Road, White Flat Road, Bournemouth Road	\$964,264	\$192,288	Feb 2020	End of May 2020	On going

Heavy Patching	Lower Lewis Ponds Road, Ophir Road, Clergate Road, Derowie Street, Longs Corner Road	\$1,079,568	\$513,072	Feb 2020	End of May 2020	On going
Reseals – Urban	Molong Cemetery Road, North Street, West Street, Suttor Street, Church Street, Rodd Street, East Street, Thompson Street	\$348,776	\$67,021	Mar 2020	End of May 2020	On going
Reseals – Rural	Garra Road, Norah Creek Road, Gundong Road, Baldry Road, Gumble Road	\$1,153,690	\$495,974	Mar 2020	End of May 2020	On going

REGIONAL ROADS – RESEALS & HEAVY PATCHING

Project:	Objectives:	Budget:	Actual	Start Date:	Length:	Status:
Reseals	MR237 & MR234	\$300,000	\$326,325	Apr 2020	3 km's	Completed 27/3/2020
Heavy Patching	MR237, MR234 & MR573	\$380,000	0	May 2020	-	June 2020

REGIONAL ROADS – REPAIR PROGRAM

Project:	Objectives:	Budget:	Actual	Start Date:	Length:	Status:
Rehabilitation	MR237	\$400,000	\$360,678	Feb 2020	1.2 km's	Completed 27/3/2020
Rehabilitation	MR573	\$400,000	\$47,243	May 2020	1.1 km's	June 2020

REGIONAL ROADS – BITUMEN PATCHING

Project:	Objectives:	Budget:	Actual:	Start Date:	Length:	Status:
Bitumen Patching	MR238, MR7511, MR237	\$270,000	\$186,512	July 2019	-	On going

RESOURCES FOR REGIONS

Project:	Objectives:	Budget:	Actual	Start Date:	Length:	Status:
Davys Plains Road	Shoulder widening, installation of safety fencing, delineation and curve advisory signage. Also, heavy patches completed	\$1,138,5000	\$1,365,179	Sept 2019	8 km's	Completed Dec 2019 Reseal completed March 2020

SAVING LIVES ON COUNTRY ROADS – RMS FUNDED PROJECTS

Project:	Objectives:	Budget:	Actual	Start Date	Length:	Status:
Ophir Road	Tree & vegetation removal completed	\$100,000	\$68,686	Roadworks to commence 2020/21	-	Completed
Obley Road	Tree & vegetation removal completed	\$770,000	\$31,656	Roadworks to commence 2020/21	-	Commence Sept 2020
Lake Canobolas/ Cargo Road Intersection	Works planned	\$400,000	-	-	-	RMS cancelled this project
Four Mile Creek	Shoulder widening, installation of safety fencing, delineation and curve advisory signage.	\$1,389,140	\$1,488,901	Feb 2020	1.4km	Completed May 2020

RMS FUNDED PROJECTS

Project:	Objectives:	Budget:	Actual	Start Date:	Length:	Status:
Bitumen patching	MR359, MR310, MR377, MR61 & SH7	\$447,177	\$308,457	July 2019	-	On going
RMS Ordered Works	Toogong Widening Project Project length – 4 kms from Bowens Lane intersection to Yellowbox Road intersection.	\$2,000,000	\$1,401,137	Commenced 3.7.19.	4 kms	Completed – Oct 2019
Reseals	MR61, MR377, SH7	\$687,995	\$598,942	Jan 2020	-	Completed – Jan 2020
Heavy Patching	MR61, MR310, MR377	\$607,043	\$364,894	Nov 2020	-	Completed – Nov 2020
Heavy Patching	Mitchell Highway	\$600,000	\$131,180	April 27/4/20	-	On going

ROADS TO RECOVERY

Project:	Objectives:	Budget:	Actual	Start Date:	Length:	Status:
Lemmons Road	1.6 kms, culvert widening, vegetation removal, pavement widening & seal	\$220,750	\$199,150	Oct 2019	1.6 km's	Completed Nov 2019
Fish Fossil Drive	1.9km, culvert widening, vegetation removal, pavement widening & seal	\$638,400	\$640,356	Dec 2019	1.9 km's	Completed Feb 2020
Casuarina Drive	1.2kms, culvert widening, vegetation removal, pavement widening & seal	\$375,000	\$372,080	Oct 2019	1.2 km's	Completed Dec 2019



Lemmons Road



Fish Fossil Drive



Casuarina Drive

FIXING COUNTRY ROADS

Project:	Objectives:	Budget:	Actual	Start Date:	Length:	Status:
Banjo Paterson Way 4 stages between Molong & Yeoval		\$2,079,000	\$1,974,000	June 2018	11.82 km's	On going
<i>Stage 1</i>	1.450km section near Nyora Lane including hot mix entrance to new industrial estate by Council's contractor	-	-	-	-	Completed
<i>Stage 2</i>	5.5km Burgoon Lane towards Cumnock	-	-	-	-	Completed
<i>Stage 3</i>	629m section near Avondale Road	-	-	-	-	Completed Nov 2019
<i>Stage 4</i>	Hanover Bridge towards Cumnock	-	-	Commenced 10.09.19	Completed except for causeway – Old Yullundry Road	Schedule for completion June/July



RESTART NSW FUNDING

Project:	Objectives:	Budget:	Actual	Start Date:	Length:	Status:
Vittoria Road	Construction	\$1,649,999	\$337,682	Commenced April 2020	5.5 km's	On going

DRAINAGE WORKS

Project:	Objectives:	Budget:	Actual	Start Date:	Length:	Status:
Eugowra	Two location identified	\$150,000	\$123,564	Jan 2020	-	Completed Jan 2020
South Bowen Park Road	Council to engage a Contractor	\$190,000	\$78,035	June 2020	-	Complete June 2020
Palings Yard Loop Road	Council to engage a Contractor	\$190,000	\$83,593	June 2020	-	Complete June 2020



Evelyn St, Eugowra



Karreena St, Eugowra



WATER & SEWER

Project:	Objectives:	Budget:	Actual	Timeframe
WHS Improvements at Molong Water Treatment Plant	To provide a safe working environment for staff and contractors	Indicative budget \$5000	In progress	Feb/March 2020

Water and Wastewater have made WHS improvements to the site at Molong Water treatment plant, chemical signage and storage has been updated. New signs have been placed to assist in an emergency including evacuation diagrams and phone numbers for notification.

Further safety equipment has arrived to aid in staff and public safety by the implementation of exclusion fencing for use during entry to confined spaces. The fencing will alert the public to the existence of an open confined space that may be a Hazard, such as an open sewer manhole in the street. The fencing will also improve worker safety by improving the awareness that a worker is present in the confined space and that any work being undertaken in the area must consider this. The fencing weighs 3 kg, allowing easy and ergonomic set up by staff.



TECHNICAL SERVICES

Project:	Objectives:	Budget:	Actual	Start Date:	Length/scope of works:	Status:
Restart NSW Regional Pipeline Project	Design and Construction of Orange to Molong Creek Dam potable pipeline	\$16,665,000 (total RNSW fund)	\$15,000,513	Completed.	9.9km	Completed.
	Design and construction of Molong to Cumnock and Yeoval Pipeline including Cumnock reservoir and Molong pump station.			Completed.	47.9km	Completed
	Design of Molong Creek Dam to Molong potable pipeline & Design of Molong to Manildra potable pipeline			31 Jan 2021	19.5km and 21.5km	Consultant engaged-work in progress.
	Design, land acquisition and construction of Molong new service water reservoir in the vicinity of existing high-level reservoir.			31 Jan 2021	1-1.6 ML capacity	Land acquisition in process.
Transport Assets revaluation 2020	Condition assessment and revaluation of transport asset	\$276,000	\$187,680	31 May 2020	Cabonne's transport assets.	Condition assessment is almost completed. Revaluation is in progress.

Project:	Objectives:	Budget:	Actual	Start Date:	Length/scope of works:	Status:
Construction of Saint Germain's Bridge	Construction of dual lane concrete bridge	\$1,289,000	\$22,557	30 Jun 2022	Design and construction of the dual lane bridge- approx. 22m.	Contractor recently engaged. Awaiting contractor's schedule of program.
Construction of Bangaroo Bridge	Construction of dual lane concrete bridge	\$1,511,895	\$62,779	30 Jun 2022	Design and construction of the dual lane bridge- approx. 30m.	Contractor recently engaged. Awaiting contractor's schedule of program.
Molong Recreational Ground Power Upgrade	3 Phase power supply to the recreational ground	\$105,210	\$94,928	31 Mar 2020	3 Phase power supply to the recreational ground	The project will be completed on Sunday 17 May 2020.
Construction and upgrade of Puzzle Flat Creek Levee	Construction of levee	\$2,424,106	\$487,368	15 Sep 2020 (as per the work plan submitted to funding agency).	Construction and upgrade of about 2km flood levee and sealing of associated Noble Street	Levee construction is in progress.
Molong Community Centre	Construction of Community Centre in Molong	\$1,057,514	\$105,765	30 June 2022	Construction of Community Centre in Molong.	Design is in progress & Plan of consolidation has been lodged with LRS for registration.
Molong Office Foyer Refurbishment	Refurbishment	\$100,000	\$74,442	30 April 2020	Painting, carpeting, lighting, air conditioning, installation of reception desk, installation of doors, installation of	Practically completed.

Project:	Objectives:	Budget:	Actual	Start Date:	Length/scope of works:	Status:
					automatic doors, installation of glass, installation of skylight, etc.	
Molong Showground Main Pavilion Refurbishment	Refurbishment	\$190,000	\$95,496	30 June 2020	Replacement of timber roof trusses, replacement of timber floors, replacement of steel claddings, replacement of ceilings, replacement of footings, replacement of timber beams and rafters, installation of vents, painting, etc.	Vents to be installed and external painting to be completed.

WATER AND WASTEWATER

Project:	Objectives:	Actual	Timeframe
Hydrant Maintenance	To improve operational efficiency and to maintain supply and infrastructure to Emergency services.	\$28,500	Completed – April 2020

Hydrant Maintenance was undertaken by TCM with Molong completed in the past month.

Previously Cumnock and Yeoval have been undertaken with Molong completed this month. As a water utility, hydrant maintenance is required to be undertaken each year to ensure hydrants are functional, able to be found and provide sufficient pressure and flow at each hydrant location. A record of each location has been produced by the contractor which also enables the Cabonne team to undertake any repair work necessary.

This work allows Cabonne Water assets to be maintained and functional ensuring safety to the community and consumers.



Project:	Objectives:	Estimated	Timeframe
Borenore Dam placement of two valves on the Raw Water main at Pete’s Pit	Installation of new valves to ensure integrity of water system and provide a secure water supply	\$20,500	Completed

To enable better control over our raw water sources, two new valves were cut into the Borenore Dam raw water main. This work occurred at 'Peter's Pit' where Molong creek Dam and Borenore Dam intersect. This allows Borenore Dam to be completely isolated from the system, or the ability to draw from the two sources if required.

The lower quality of water at Borenore dam has impacts on the water treatment process. The additional valves now allow for the blending of water from Borenore dam.

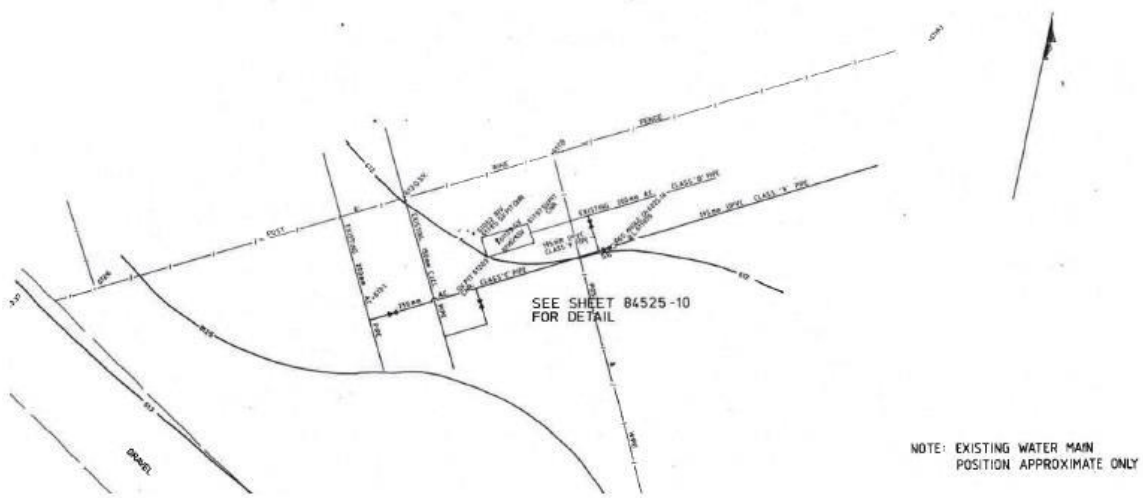


Image Above; 'Peter's Pit' - Where the Molong Creek Dam raw water main meets the Borenore dam original line



Image Above; Careful excavation around the two raw water mains from Borenore Dam



Image Above; New valves have been placed with back fill in progress

URBAN SERVICES

Project:	Objectives:	Budget:	Actual	Timeframe
Rubble Drain & Septic / Plumbing Upgrade Cargo Football Ground	To improve the septic facilities and plumbing infrastructure prior to football season	\$20,000	\$13900	New system installed – connections electrical & some plumbing lines being finalized

Cargo sports-field septic system upgrade has progressed. The system has been designed and sized appropriately, replacing the old system that encountered regular blockages and issues. The system chosen has utilised a 7500L tank, with a septic pump out system in place.



Project:	Objectives:	Non-Budget:	Actual	Timeframe
Replacement of 2000W Halide Bulbs – Canowindra Oval	Replacement & maintenance of high mounted bulbs-for recommencement of ground sports activities		\$9,267	Completed

Canowindra Sports oval lighting replacement has been completed to replace nonfunctional lights and components. This lighting will ensure sport can safely be undertaken on the Canowindra Oval during winter months.



Project:	Objectives:	Operational Budget	Actual	Timeframe
VEP – Tree planting recommencement	Provide specific targeted tree species to beautify Cabonne township environs	VEP- Budgets Canowindra-Cumnock Cudal		Recommended in May

