



JUNEE SHIRE COUNCIL

NOTICE ORDINARY COUNCIL MEETING – 17 OCTOBER 2023 COMMENCING AT 4:30PM IN THE COUNCIL CHAMBERS

OUR VISION

“June will be a great place to live, with a healthy civic pride. That will come about because the amenity of the Shire – social, recreational, cultural, environmental and visual – is the best quality possible given our circumstances. There will be an increase in population because of this, with the increase made up of people who are net contributors to the community.

“June will be prosperous and existing services and businesses will have been preserved and grown. The Shire will have economic development strategies recognising the different circumstances of urban and rural areas.

“June will be a place where innovative, responsive leadership and management occurs in all facets of community life.

“It will be an independent Local Government area with a strong sense of identity.”

OUR MISSION

The community and June Shire Council are to **Make Tracks** systematically and with determination towards the Shire **Vision.**”

OUR COMMUNITY VALUES

Proud and welcoming – we are proud of our Shire and as a friendly community we encourage and support new residents and business owners.

Innovative and progressive – we welcome new ideas and we seek to make changes that will improve the lifestyle of our community.

Inclusive – we have a perspective broader than the Shire boundary; our regional focus means we are tuned to the opportunities available through co-operation and partnerships.

Leadership and wisdom – we listen and act; we are prepared to take tough decisions in the best interests of the future of our people, our place and our economy.

HOW CAN A MEMBER OF THE PUBLIC SPEAK AT A COUNCIL MEETING?

Members of the public are welcome to attend meetings and address the Council. Registration to speak must be made by making application by 10:00am on the day of the meeting by filling out the Public Address Application Form found on the following link: [Public-Address-Application-Form-Council-Meetings](#)

AGENDA – 17 OCTOBER 2023

COUNCIL MEETING OPENS

ACKNOWLEDGEMENT OF COUNTRY

APOLOGIES

PRESENTATION

CONFIRMATION OF MINUTES – 19 SEPTEMBER 2023

DECLARATION OF INTERESTS

MAYORAL MINUTE - Nil

GENERAL MANAGER'S REPORT

1. FIRST QUARTERLY BUDGET REVIEW
2. JUNE SHIRE COUNCIL INFRASTRUCTURE DEFERRED PAYMENT POLICY
3. COUNCIL INVESTMENTS AND BANK BALANCES
4. DEVELOPMENT APPLICATION 2023/44 – 5 LOUGHAN ROAD (EXTENSION TO EXISTING SHED)
5. DEVELOPMENT APPLICATION 2023/51 – 29 TATHRA DRIVE, JUNE (DUAL OCCUPANCY AND HOME OCCUPATION)
6. DEVELOPMENT CONTROL PLAN AMENDMENTS
7. MOBILE FOOD AND DRINK VENDING VEHICLES POLICY

CORRESPONDENCE – Nil

COUNCIL COMMITTEE REPORTS - Nil

DELEGATES REPORTS

- Bush Fire Management Committee

NOTICES OF MOTIONS – Nil

LATE BUSINESS (MATTERS OF URGENCY) - Nil

QUESTIONS/STATEMENTS WITH NOTICE - Nil

INFORMATION BOOKLET

GENERAL MANAGER'S CONFIDENTIAL REPORT – RECOMMENDATIONS OF COMMITTEE OF A WHOLE MEETING

8. TENDER T2.2024 – ANNUAL WET PLANT HIRE
9. TENDER T2.2024 – ANNUAL DRY PLANT HIRE
10. TENDER T3.2024 – ANNUAL TENDER FOR PROVIDING TRAFFIC CONTROL SERVICES
11. TENDER T4.2024 – SUPPLYING AND DELIVERING DGB-DGS-AGGREGATES
12. TENDER T5.2024 – ANNUAL ROAD STABILISATION WORKS – PART SERVICES
13. TENDER T7.2024 – LORD STREET BRIDGE RECONSTRUCTION

ACKNOWLEDGEMENT OF COUNTRY *(Mayor)*

I would like to acknowledge the Wiradjuri people who are the Traditional Custodians of this land. I would also like to pay respect to Elders both past and present and extend that respect to other community members present.

COUNCIL MEETING AUDIO RECORDINGS *(Mayor)*

In accordance with Council's Code of Meeting Practice, this Council meeting is being recorded and will be placed on Council's webpage for public information.

All present at the meeting are reminded that by speaking you are agreeing to your view and comments being recorded and published.

I would also like to remind Councillors and staff that during all our discussions and deliberations, we should be respectful and mindful of others present. We should at all times listen without interrupting and use words that do not personalise an individual, nor should they be offensive in any way. Whilst discussion, debate and an open mind is encouraged, please let us all keep our discussions productive, civil and inclusive.

Junee Shire Council accepts no liability for any defamatory or offensive remarks or gestures during this Council Meeting.

OATH

I swear that I will undertake the duties of the office of Councillor in the best interests of the people of Junee and the Junee Shire Council and that I will faithfully and impartially carry out the functions, powers, authorities and discretions vested in me under the Local Government Act 1993 or any other Act to the best of my ability and judgment.

DISCLOSURE OF INTEREST

Pecuniary – An interest that a person has in a matter because of a reasonable likelihood or expectation of appreciable financial gain or loss to the person or another person with whom the person is associated.

(Local Government Act, 1993 section 442 and 443)

A Councillor or other member of a Council Committee who is present at a meeting and has a pecuniary interest in any matter which is being considered must disclose the nature of that interest to the meeting as soon as practicable.

The Councillor or other member must not take part in the consideration or discussion on the matter and must not vote on any question relating to that matter. *(Section 451)*.

Non-pecuniary – A private or personal interest the council official has that does not amount to a pecuniary interest as defined in the Act. These commonly arise out of family or personal relationships, or out of involvement in sporting, social, religious or other cultural groups and associations, and may include an interest of a financial nature.

A non-pecuniary conflict of interest exists where a reasonable and informed person would perceive that you could be influenced by a private interest when carrying out your official functions in relation to a matter.

If you have declared a non-pecuniary conflict of interest, you have a broad range of options for managing the conflict. The option you choose will depend on an assessment of the circumstances of the matter, the nature of your interest and the significance of the issue being dealt with. You must deal with a non-pecuniary conflict of interest in at least one of these ways.

- It may be appropriate that no action is taken where the potential for conflict is minimal. However, council officials should consider providing an explanation of why they consider a conflict does not exist.
- Limit involvement if practical (for example, participate in discussion but not in decision making or visa-versa). Care needs to be taken when exercising this option.
- Remove the source of the conflict (for example, relinquishing or divesting the personal interest that creates the conflict or reallocating the conflicting duties to another officer).
- Have no involvement by absenting yourself from and not taking part in any debate or voting on the issue as if the provisions in section 451(2) of the Act apply (particularly if you have a significant non-pecuniary conflict of interest).



JUNEE SHIRE COUNCIL

CONFIRMATION OF MINUTES ORDINARY MEETING



MINUTES OF THE ORDINARY MEETING OF JUNEE SHIRE COUNCIL HELD IN THE COUNCIL CHAMBERS, BELMORE STREET, JUNEE ON TUESDAY, 19 SEPTEMBER 2023.

PRESENT

Councillors N Smith, R Asmus, M Austin, R Callow, A Clinton, M Cook, D Carter, P Halliburton and M Knight.

STAFF

General Manager, Acting Director Engineering Services, Acting Director Planning and Community Development and Executive Assistant.

The meeting opened at 4.30pm.

CONFIRMATION OF MINUTES – ORDINARY MEETING HELD 15 AUGUST 2023

01.09.23 **RESOLVED** *on the motion of Cr R Asmus seconded Cr P Halliburton that the minutes of the Ordinary Meeting held on 15 August 2023, copies of which had been supplied to each Councillor, be confirmed.*

BUSINESS ARISING

Nil

DECLARATIONS OF INTEREST

Councillors were invited to disclose any Declarations of Interest related to the items of business in the report.

Councillor R Asmus declared a non-pecuniary non-significant interest in Item 15 as his parents live on Tathra Drive, Junee.

MAYORAL MINUTE

Nil

GENERAL MANAGER'S REPORT

The General Manager presented a report which dealt with Items 1 to 18.

I[GM] METHOD OF VOTING - MAYOR AND DEPUTY MAYOR ELECTION

02.09.23 **RESOLVED** *on the motion of Cr D Carter seconded Cr P Halliburton that Council use the ordinary ballot method of voting for the election of the Mayor and Deputy Mayor.*

CHAIRPERSON: _____

GENERAL MANAGER: _____

MINUTES OF THE ORDINARY MEETING OF JUNEE SHIRE COUNCIL HELD IN THE COUNCIL CHAMBERS, BELMORE STREET, JUNEE ON TUESDAY, 19 SEPTEMBER 2023.

2[CFO] ELECTION OF MAYOR

The Returning Officer, Mr Luke Taberner called for nominations for the position of Mayor.

Two nominations were received: Cr R Callow and Cr P Halliburton. Following an ordinary ballot, Cr R Callow was declared elected as Mayor.

3[CFO] ELECTION OF DEPUTY MAYOR

The Returning Officer, Mr Luke Taberner called for nominations for the position of Deputy Mayor.

Three nominations were received: Cr P Halliburton, Cr M Austin and Cr Clinton. Following an ordinary ballot, Cr M Austin was declared elected as Mayor.

PUBLIC FORUM

Mr Garry Salvestro, from Salvestro Planning and Mr Paul Jones from Pantathean BSD addressed the Council in relation to Development Application 2022/15 – animal boarding or training establishment located at 98 Murrulebale Road, Old Junee.

03.09.23 **RESOLVED** on the motion of Cr P Halliburton seconded Cr D Carter that the Council suspend Standing Orders and bring Item 16 forward; the time being 5.07pm.

04.09.23 **RESOLVED** on the motion of Cr N Smith seconded Cr P Halliburton that Standing Orders be resumed the time being 5.09pm.

16[TP] DEVELOPMENT APPLICATION 2022/15 – 98 MURRULEBALE ROAD, OLD JUNEE – ANIMAL BOARDING OR TRAINING ESTABLISHMENT

05.09.23 **RESOLVED** on the motion of Cr D Carter seconded Cr M Austin that Development Application No. 2022/15 from Mrs Anneleisa Jones for the operation of a Dog Breeding and Training Establishment, located on Lot: 3, DP846289, known as 98 Murrulebale Road, Old Junee be APPROVED subject to conditions of consent.

As required under Section 375A of the Local Government Act, the following is the record of voting for this planning matter.

FOR: Councillors R Asmus, M Austin, R Callow, M Cook, D Carter, P Halliburton, M Knight and N Smith.

AGAINST: Councillor A Clinton

CHAIRPERSON: _____

GENERAL MANAGER: _____

MINUTES OF THE ORDINARY MEETING OF JUNEE SHIRE COUNCIL HELD IN THE COUNCIL CHAMBERS, BELMORE STREET, JUNEE ON TUESDAY, 19 SEPTEMBER 2023.

4[CFO] SEATING PLAN

06.09.23 **RESOLVED** on the motion of Cr P Halliburton seconded Cr N Smith that the seating arrangements be: Cr P Halliburton, Cr D Carter, Cr M Knight, Cr M Cook, Cr M Austin, Cr N Smith, Cr R Asmus and Cr A Clinton.

5[GM] ADOPTION OF MEETING DATES AND TIMES

07.09.23 **RESOLVED** on the motion of Cr N Smith seconded Cr M Austin that Council endorse the proposed meeting dates for the period October 2023 to August 2024 with meetings commencing at 4:30pm.

- 17 October 2023
- 21 November 2023
- 19 December 2023
- 20 February 2024
- 19 March 2024
- 16 April 2024
- 21 May 2024
- 25 June 2024
- 16 July 2024
- 20 August 2024

6[CFO] NOTICES OF MOTION FOR LOCAL GOVERNMENT NSW ANNUAL CONFERENCE

08.09.23 **RESOLVED** on the motion of Cr N Smith seconded Cr P Halliburton that Local Government NSW vigorously pursues the retention of face-to-face banking services in rural and regional areas.

09.09.23 **RESOLVED** on the motion of Cr D Carter seconded Cr M Cook that Local Government NSW lobby to remove s119(5) of the Rural Fires Act 1997 referencing the vesting of Rural Fire Services equipment with NSW Councils.

7[EA] DISCLOSURE OF INTEREST RETURNS

10.09.23 **RESOLVED** on the motion of Cr M Austin seconded Cr N Smith that Council receives and notes the tabling of the annual Disclosures of Interests Returns in written form at the Ordinary Council meeting held on 19 September 2023.

8[CFO] REVOTES

11.09.23 **RESOLVED** on the motion of Cr N Smith seconded Cr R Asmus that the Council approve the Revote items to the 2023/2024 Financial Year as presented in this report.

CHAIRPERSON: _____

GENERAL MANAGER: _____

MINUTES OF THE ORDINARY MEETING OF JUNEE SHIRE COUNCIL HELD IN THE COUNCIL CHAMBERS, BELMORE STREET, JUNEE ON TUESDAY, 19 SEPTEMBER 2023.

9[CFO] DRAFT 2023 FINANCIAL STATEMENTS

12.09.23 **RESOLVED** on the motion of Cr P Halliburton seconded Cr N Smith that:

1. The Draft Financial Statements for the end of year 2023 be referred to the Audit Office of NSW contract auditor, Crowe Horwath for audit.
2. Council make the two Statements, as attached to this report, in relation to its Annual Financial Reports for the year ended 30 June 2023.
3. The Mayor and Deputy Mayor sign the statements on behalf of Council.
4. Council delegate authority to the General Manager to authorise the accounts for issue upon receipt of the audit report.

10[CFO] PARLIAMENTARY INQUIRY INTO REGIONAL BANK CLOSURES

13.09.23 **RESOLVED** on the motion of Cr M Knight seconded Cr P Halliburton that Council note the report on the Parliamentary Inquiry into Regional Bank Closures.

11[CFO] RATES AND CHARGES DEBT RECOVERY POLICY

14.09.23 **RESOLVED** on the motion of Cr N Smith seconded Cr M Cook that the current Rates and Charges Debt Recovery Policy be revoked and the revised Rates and Charges Debt Recovery Policy, as attached to this report, be adopted.

Note: That the period for notification be extended to 21 days in the policy.

12[CFO] COUNCIL INVESTMENTS AND BANK BALANCES

15.09.23 **RESOLVED** on the motion of Cr N Smith seconded Cr R Asmus that Council notes the Investment Report as of 31 August 2023, including the certification by the Responsible Accounting Officer.

13[RM] WORK HEALTH AND SAFETY POLICY (REVIEW)

16.09.23 **RESOLVED** on the motion of Cr N Smith seconded Cr M Cook that Council adopt the amended Work Health and Safety (WHS) Policy as attached to this report.

14[RM] WEED CONTROL AND MANAGEMENT PLAN (ADOPTION)

17.09.23 **RESOLVED** on the motion of Cr R Asmus seconded Cr M Knight that Council adopt the Weed Control and Management Plan after being on public exhibition for 28 days with no comments or feedback received.

CHAIRPERSON: _____

GENERAL MANAGER: _____

MINUTES OF THE ORDINARY MEETING OF JUNEE SHIRE COUNCIL HELD IN THE COUNCIL CHAMBERS, BELMORE STREET, JUNEE ON TUESDAY, 19 SEPTEMBER 2023.

Councillor D Carter advised the Council that he will be resigning from the Weeds Committee before the next Council meeting.

Councillor R Asmus left the Council Chambers at 5.31pm.

15[TP] DEVELOPMENT APPLICATION 2023/51 – 29 TATHRA DRIVE, JUNEE (DUAL OCCUPANCY AND HOME OCCUPATION)

18.09.23 **RESOLVED** on the motion of Cr N Smith seconded Cr D Carter that the Council suspend Standing Orders; the time being 5.32pm.

19.09.23 **RESOLVED** on the motion of Cr D Carter seconded Cr P Halliburton that Standing Orders be resumed the time being 5.39pm.

20.09.23 **RESOLVED** on the motion of Cr N Smith seconded Cr D Carter that this matter be deferred until the next meeting pending neighbour notification and further consideration on the appearance of the building and parking.

As required under Section 375A of the Local Government Act, the following is the record of voting for this planning matter.

FOR: Councillors M Austin, R Callow, A Clinton, M Cook, D Carter, P Halliburton, M Knight and N Smith.

AGAINST: Nil

Councillor R Asmus returned to the Council Chambers at 5.41pm.

COMMITTEE REPORTS

21.09.23 **RESOLVED** on the motion of Cr N Smith seconded Cr M Knight that the minutes of the Junee Shire Advisory Committee meeting held 24 August 2023, be received.

DELEGATES REPORTS

22.09.23 **RESOLVED** on the motion of Cr P Halliburton seconded Cr N Smith that the minutes of the Inland Rail Meeting A2I meeting held 23 August 2023, be noted.

23.09.23 **RESOLVED** on the motion of Cr N Smith seconded Cr R Asmus that the minutes of the Riverina Eastern Regional Organisation of Councils meeting held 25 August 2023, be noted.

24.09.23 **RESOLVED** on the motion of Cr M Knight seconded Cr M Austin that the report of the Sports Committee meeting held 10 August 2023 and 14 September 2023, be noted.

CHAIRPERSON: _____

GENERAL MANAGER: _____

MINUTES OF THE ORDINARY MEETING OF JUNEE SHIRE COUNCIL HELD IN THE COUNCIL CHAMBERS, BELMORE STREET, JUNEE ON TUESDAY, 19 SEPTEMBER 2023.

25.09.23 **RESOLVED** on the motion of Cr M Knight seconded Cr M Austin that the report of the REROE Energy and Innovation Conference held 13-14 September 2023, be noted.

26.09.23 **RESOLVED** on the motion of Cr M Knight seconded Cr N Smith that Council invite members of the Junee Shire Advisory Committee to participate as conference attendees at REROE in accordance with the same provisions that are extended to Councillors under the Council's Expenses and Facilities Policy.

NOTICE OF MOTION

Nil

LATE BUSINESS

27.09.23 **RESOLVED** on the motion of Cr M Austin seconded Cr M Cook that Cr N Smith be granted a leave of absence from the 17 October 2023 Ordinary Council meeting.

QUESTIONS ON NOTICE

Nil

INFORMATION BOOKLET

The information booklet was received and noted.

CONFIDENTIAL ITEM

28.09.23 At 5.57pm, Council **RESOLVED** on the motion of Cr N Smith seconded Cr M Austin to go into Closed Committee of the Whole under Section 10A (2):

- (c) information that would, if disclosed, confer a commercial advantage on a person with whom the council is conducting (or proposes to conduct) business.

17[CFO] RESIDENTIAL PROPERTY DEVELOPMENT

29.09.23 **RESOLVED** on the motion of Cr D Carter seconded Cr N Smith that Council adopt Option 1 contained in the report.

18[CFO] STAFF HOUSING INITIATIVE

30.09.23 **RESOLVED** on the motion of Cr N Smith seconded Cr M Cook that Council allocate an amount of \$630,000 in the September 2023 Quarterly Budget to provide for future staff housing.

CHAIRPERSON: _____

GENERAL MANAGER: _____

MINUTES OF THE ORDINARY MEETING OF JUNEE SHIRE COUNCIL HELD IN THE COUNCIL CHAMBERS, BELMORE STREET, JUNEE ON TUESDAY, 19 SEPTEMBER 2023.

19[GM] ORGANISATIONAL RESTRUCTURE

31.09.23 **RESOLVED** on the motion of Cr N Smith seconded Cr A Clinton that Council in accordance with Section 332 of the Local Government Act 1993 determine the structure in accordance with Option 1 detailed in the report.

REVERSION TO OPEN COUNCIL

32.09.23 **RESOLVED** on the motion of Cr D Carter seconded Cr P Halliburton that Council move out of Committee and revert to an open meeting of the Council, the time being 6.30pm.

33.09.23 **RESOLVED** on the motion of Cr M Knight seconded Cr N Smith that Council adopt the resolutions made in Closed Committee.

There being no further business, the meeting closed at 6.33pm.

CHAIRPERSON: _____

GENERAL MANAGER: _____



JUNEE SHIRE COUNCIL

GENERAL MANAGER'S

REPORT



Item I FIRST QUARTERLY BUDGET REVIEW

Author Chief Financial Officer

Attachments QBR Statement

RECOMMENDATIONS:

- 1. *That the Quarterly Budget Review Report, as at 30 September 2023, be received and noted.***

 - 2. *That Council approve the variations in the capital and operating budgets as detailed in the attached First Quarterly Budget Review Report for the 2024 financial year.***
-

SUMMARY

Council has reviewed its Capital and Operating budget in response to changing operational conditions.

Overall Council projects will have a nett unfavourable variance of \$1.4 million when increases in grants are offset against increased capital expenditure.

The reason for the unfavourable variance is unbudgeted expenditure on the purchase of 22 Boundary Street and an allowance for the construction of a Council house in Hayes Crescent. This QBR report increases the budget to allow for both of those items.

Council's cash position remains strong with \$11.8 million in the bank as at 30 September 2023. This figure is inflated due to approximately \$7 million of grants having been paid in advance. Council is expecting negative cashflow in from October to June due to the spending of these grants and is therefore projecting a closing cash balance of \$4.6 million at 30 June 2024.

BACKGROUND

Attached to this report are the following items which make up the Quarterly Budget Review Statement (QBR) for Juneeshire Council as at 30 September 2023.

- Income and Expenses Statement
 - By account code type
 - Notes on changes made
 - By activity

 - Capital Budget Review Statement
 - Notes on changes made

 - Cash and Investments Statement, with notes on Council's position.
-

CONSIDERATIONS

Council has reviewed its Capital and Operating budget in response to changing operational conditions.

The big changes for the quarter are:

- The approval of additional grants of \$1.023 and the corresponding spending on:
 - Street Beautification - \$734K – funded by SCCF Rd 5
 - Upgrading of JJRAC Stadium toilets - \$169K – funded by SCCF Rd 5
 - Replacement of the Rotex heating unit at the JJRAC Pool - \$120K – funded by LRCI Rd 4.

- Capital Spending on the purchase of 22 Broadway St (\$900K) and the construction of a new house at Hayes Crescent (\$650K). The purchase of Boundary St will be initially funded from working capital and a loan can be taken out if necessary. The construction of Hayes Crescent will be funded by a loan which will be drawn down at the commencement of construction.

A broad summary table of the changes to the budget is shown below:

PROS		CONS	
Operating			
Capital Grants	1,023,000	Developer Contributions	15,000
Interest Income	62,000		
Total Operating	1,085,000		15,000
Nett Operating Favourable Var	1,070,000		
Capital			
Saving on Improved access to public buildings	45,000	Purchase of 22 Boundary St	900,000
Saving on Street Beautification due to grant funding (w2299)	50,000	Construction of House	650,000
		Rotex Heating System at Pool	120,000
		Stadium Toilets Upgrade	169,000
		Street Beautification spending, funded by SCCF Rd 5 (w2299)	734,000
Total Capital	95,000		2,573,000
Nett unfavourable Capital	2,478,000		
Nett unfavourable Op and Capital	1,408,000		

GENERAL MANAGER'S REPORT TO THE ORDINARY MEETING OF JUNEE SHIRE COUNCIL HELD ON 18 OCTOBER 2023.

Notably there are no increases to operating spending in this QBR report. Council's main challenge going forward is the continued repair of flood damaged roads which are adequately funded and budgeted for.

Cash

Council was holding \$11.885 million in cash and investments as at 30 September 2023. This figure is inflated by the prepayment of several roads grants and 100% of the FAG grants. The overall cash balance is expected to decrease significantly over the remainder of the year to about \$4.6 million.

Council is in a position to meet its short-term commitments as and when they fall due and meet its longer-term debt commitments.

Council's cash position has been tight over recent years but has improved and should continue to improve over the longer term due to the approval of the SRV which will add about \$1.1 million per annum when fully implemented.

CONCLUSION

Although not strong, Council's financial position continues to improve. The income from the SRV will help to continue that trajectory. The cash balance is artificially high due to the pre-payment of grants and will reduce during the remainder of the financial year.

The changes to the budget are either funded by new grants or opportunistic capital investments that will benefit council in the longer term.

It is therefore recommended that Council approve the budget adjustments in the attached Quarterly Budget Review.



JUNEE SHIRE COUNCIL

ATTACHMENT TO ITEM I

17 OCTOBER 2023

Report by Responsible Accounting Officer

The following statement is made in accordance with Clause 203(2) of the Local Government (General) Regulations 2005:

30 September 2023

It is my opinion that the Quarterly Budget Review Statement for Junee Shire Council for the quarter ended 30/09/23 indicates that Council's projected financial position at 30/6/24 will be satisfactory at year end, having regard to the projected estimates of income and expenditure and the original budgeted income and expenditure.



Signed: _____

date: 12/10/2023

Luke Taberner
Responsible Accounting Officer

Income & Expenses Budget Review Statement

Budget review for the quarter ended 30 September 2023

Income & Expenses - Council Consolidated

(\$000's)	Original Budget 2023/24	Revotes	Revised Budget 2023/24	Variations for this Sep Qtr	Notes	Projected Year End Result	Actual YTD figures
Income							
Rates and Annual Charges	7,223		7,223			7,223	7,552
User Charges and Fees	2,624		2,624	-15	1	2,609	205
Interest and Investment Revenues	125		125	62	2	187	79
Other Revenues	494		494			494	130
Grants & Contributions - Operating	5,191		5,191			5,191	182
Grants & Contributions - Capital	473		473	1023	3	1,496	90
Other Income	199		199			199	
			-			-	
Total Income from Continuing Operations	16,329	-	16,329	1,070		17,399	8,238
Expenses							
Employee Costs	5,689		5,689			5,689	1,277
Borrowing Costs	363		363			363	78
Materials & Contracts	6,253	2,215	8,468			8,468	1,752
Depreciation	3,759		3,759			3,759	940
Legal Costs			-			-	-
Other Expenses	368		368			368	230
Initiative Expenses	-		-			-	
Net Loss from disposal of assets			-			-	
Share of interests in Joint Ventures			-			-	
Total Expenses from Continuing Operations	16,432	2,215	18,647	-		18,647	4,277
Net Operating Result from Continuing Operations	(103)	(2,215)	(2,318)	1,070		(1,248)	3,961
Net Operating Result from All Operations	(103)	(2,215)	(2,318)	1,070		(1,248)	3,961
Net Operating Result before Capital Items	(576)	(2,215)	(2,791)	47		(2,744)	3,871

Income & Expenses Budget Review Statement
Recommended changes to revised budget

Budget Variations being recommended include the following material items:

Notes Details

1	Due to lower than budgeted fees from Developer Contributions due to lower than expected DA's processed in the first quarter.
2	Due to higher balances of cash held than budgeted and increased interest rates. The higher cash balances are primarily due to grants paid in advance.
3	Due to approval of funding of \$734K for Street Beautification and \$169K for the upgrade of stadium toilets at JJRAC under the Stroger Country Communities Round 5 Grant. Also due to \$120K of funding for the replacement of the Rotex heating unit at the JJRAC pool.

Budget review for the quarter ended 30 September 2023

Income & Expenses - Council Consolidated

(\$000's)	Original Budget 2023/24	Revotes	Approved Changes				Revised Budget 2023/24	Variations for this Sep Qtr	Notes	Projected Year End Result	Actual YTD figures
			Other than by QBRs	Sep QBRs	Dec QBRs	Mar QBRs					
Income											
Executive Services	20					20			20	44	
Finance & Administration	9,207					9,207	62		9,269	5,351	
Community & Business	1,598					1,598	274		1,872	274	
Engineering Services	2,949					2,949	734		3,683	175	
Waste	1,253					1,253			1,253	1,083	
Sewer Network & Treatment	1,302					1,302			1,302	1,311	
Effluent Reuse Scheme						-			-		
Total Income from Continuing Operations	16,329	-	-	-	0	-	16,329	1070	-	17,399	8,238
Expenses											
Executive Services	1,464	131				1,595			1,595	396	
Finance & Administration	4,962					4,962			4,962	1,292	
Community & Business	2,677	-				2,677			2,677	597	
Engineering Services	4,663	2,084				6,747			6,747	1,558	
Waste Administration	1,140					1,140			1,140	184	
Domestic & Commercial Collection						-			-		
June Waste & Resource Recovery Centre						-			-		
Sewer Administration	1,526					1,526			1,526	250	
Sewer Network & Treatment						-			-		
Effluent Reuse Scheme						-			-	-	
Total Expenses from Continuing Operations	16,432	2,215				18,647			18,647	4,277	
Net Operating Result from Continuing Operations	-103	-2,215				(2,318)			(1,248)	3,961	
Net Operating Result from All Operations	(103)	(2,215)				(2,318)			(1,248)	3,961	

Capital Budget Review Statement

Budget review for the quarter ended 30 September 2023

Capital Budget - Council Consolidated

(\$000's)	Original Budget 2023/24	Approved Changes				Revised Budget 2023/24	Variations for this Sep Qtr	Notes	Projected Year End Result	Actual YTD figures
		22/23 Revotes	Sep QBRS	Dec QBRS	Mar QBRS					
Capital Expenditure										
01050 - Economic Development	0	59			59			59	7	
01080 - Property Development	0	0			-	1,550	1	1,550	87	
01230 - IT Services	35	0			35			35	0	
01310 - Buildings	324	644			968	-45	2	923	205	
01390 - JJRAC Operations & Management	98	169			267	289	3	556	10	
01430 - Library	0	297			297			297	18	
01630 - Parks & Reserves	90	130			220			220	0	
01640 - Depot								-		
01660 - Bridges	0	750			750			750	19	
01710 - Footpaths and Cycleways										
01730 - Roads	2,016	1,882			3,898			3,898	633	
01790 - Stormwater Infrastructure	0	42			42			42	17	
01810 - Public Amenities	50	0			50	684	4	734	5	
01830 - Cemetery Operations					-			-		
01860 - Plant Purchases	298	396			694			694	542	
02020 - Junee Waste and Resource Recovery Centre		36			36			36	9	
03010 - Sewer Network and Treatment	141	276			417			417	4	
Total Capital Expenditure	3,052	4,681	-	-	-	7,733	2,478	10,211	1,556	

Capital Budget Review Statement
Recommended changes to revised budget

Budget Variations being recommended include the following material items:

Notes Details

1	Due to \$900k for the purchase of 22 Boundary St and an allowance of \$650K for the construction of a new Council house on Council owned land in Hayes Crescent.
2	Due to the transfer to reserves of a non specific allowance of \$45K for Improved access to public buildings and footpaths. The money will be used to fund a specific project when identified.
3	Due to \$120K for the replacement of the Rotex heating system at the pool, which will be funded by the LRCI Round 4 grant, and \$169K for the Stadium toilets which will be funded by the SCCF Round 5 grant.
4	Due to an allowance of \$734K for street beautification funded by the SCCF Round 5 Grant. This is partially offset by \$50K which has been transferred to reserves and will be used to fund a specific project when identified.

Cash & Investments Budget Review Statement

Budget review for the quarter ended 30 September 2023

Cash & Investments - Council Consolidated

(\$000's)	Opening Balance 1/07/2023	Approved Changes			Revised Budget	Variations for this Sep Qtr	Notes	Projected Year End Result	Actual YTD figures
		Year End Adjustment	Sep QBRs	Mar QBRs					
Externally Restricted ⁽¹⁾									
Domestic Waste Management	146				146			146	
Sewer Fund	1,384				1,384	-		1,384	
Developer Contributions	378				378			378	
Community Transport - Vehicle Replacement	87				87	-		84	
Drainage/Stormwater Reserve	74				74	-		74	
Employee Leave Entitlement - Sewer & Waste	137				137	-		137	
Specific Purpose Unexpended Grants - General	3,074				3,074	(2,152)		3,000	
Specific Purpose Unexpended Grants (Rec as Revenue)	2,118				2,118	(1,483)		2,100	
					-			-	
Total Externally Restricted	7,398	-	-	-	7,398	(3,634)		3,764	7,303
⁽¹⁾ Funds that must be spent for a specific purpose									
Internally Restricted ⁽²⁾									
Employee Leave Entitlements	550				550			550	
Junee Caravan Park, Burns Park and Laurie Daly Oval	49				49	-		49	
Financial Assistance Grant	3,695				3,695	(3,695)		2,930	
Asset Management - General Fund	125				125			125	
Plant Replacement Fund	396				396	(396)		396	
Junee Historical Society - Sale Proceeds	15				15	(15)		15	
Bethungra Dam Reserve	61				61			61	
Gravel Pit Restoration	27				27	-		27	
Martel Memorial Trust Fund	4				4			4	
Specific Purpose Grants - Co-contribution	377				377	(377)		377	
Total Internally Restricted	5,299	-	-	-	5,299	(4,483)		816	4,534
⁽²⁾ Funds that Council has earmarked for a specific purpose									
Unrestricted (ie. available after the above Restrictions)	48				48			48	48
Total Cash & Investments	12,745	-	-	-	12,745	(8,117)		4,628	11,885

Cash & Investments Budget Review Statement

Comment on Cash & Investments Position

Council was holding a total of \$11.855 million in cash at 30 September 2023.

The expectation is that the total cash balance will decrease to \$4.6 million by 30 June 2024.

The significant reduction is due to the spending of operational and capital grants which have been paid to Council in advance.

This is lower than the previous year but still historically high when looking at the shire's recent history.

Investments

Investments have been undertaken in accordance with Council's Investment Policy.

At 31 March 2023 Council had \$6.25 million invested in term deposits and about \$2.53 million in an-online business saver account. The remaining \$241,000 was in its trading account.

Council will be looking to redeem term deposits over the next few months to pay for 22 Boundary St to pay for significant capital works such as River Road and to pay for the continued rectification of flood damaged roads.

Contracts Budget Review Statement

Budget review for the quarter ended 30 September 2023

Part A - Contracts Listing - contracts over \$150,000 entered into during the quarter

Contractor	Contract detail & purpose	Contract Value	Start Date	Duration of Contract	Budgeted (Y/N)
nil					

There are two contracts which will be entered into in October 2023.

1. Minimum reporting level is 1% of estimated income from continuing operations of Council or \$50,000 - whatever is the lesser.
2. Contracts listed are those entered into during the quarter being reported and exclude contractors on Council's Preferred Supplier list.
3. Contracts for employment are not required to be included.

Consultancy & Legal Expenses Budget Review Statement

Consultancy & Legal Expenses Overview

Expense	YTD Expenditure (Actual Dollars)	Budgeted (Y/N)
Consultancies	-	Y
Legal Fees	8,685	Y

Definition of a consultant:

A consultant is a person or organisation engaged under contract on a temporary basis to provide recommendations or high level specialist or professional advice to assist decision making by management. Generally it is the advisory nature of the work that differentiates a consultant from other contractors.

GENERAL MANAGER'S REPORT TO THE ORDINARY MEETING OF JUNEESHIRE COUNCIL HELD ON 18 OCTOBER 2023.

- If the developer has a Financial interest in or over the property they may have a mortgage over the relevant lands as well. That would be competing with the Council's right to a mortgage (and possibly the developer's banks) but normally this can be sorted out by way of a priority deed.

The policy has been amended to replace the mechanism of a caveat with a mortgage process.

POLICY BACKGROUND

The following information steps through the process of developing the policy as detailed in 27 June 2023 Council report.

The development of a draft policy was considered at a Councillor workshop held on the 17 April to establish how Council could play a more active role in assisting landowners to develop land that is deemed strategically important to the future growth of Juneeshire.

A deferred infrastructure payment arrangement for the provision of Council managed infrastructure was preferred.

Council resolved to place the draft policy on public exhibition inviting submission from interested parties.

This Policy mechanism potentially offers Council support by providing a percentage of upfront costs for public infrastructure (sewer, roads, stormwater) with a repayment obligation placed on the property developer to reimburse the Council as individual lots are sold.

The aim of the policy is to encourage projects to progress more quickly, by freeing up capital so that it can be diverted into other sunk costs associated with the property development.

At the Council meeting held on 16 May 2023 it was resolved that:

1. Council exhibit the Draft Juneeshire Infrastructure Deferred Payment Policy for public submissions for a period of 28 days commencing 18 May 2023.
2. Council receive a further report following the public exhibition period.

The exhibition period closed on the 15 June 2023. No public submissions were received. Councillor Clinton submitted the following questions on notice regarding the draft policy:

1. Turning to the fourth paragraph at point 2 titled "Background" it talks of "other rural councils". Other than Temora Council and Goldenfields Water, what other councils offer something similar?

Response: The purpose of acknowledging both Temora and Goldenfields Water in the report was to demonstrate that such policy practices existed within the public sector. We have made further enquiry with our regional counterparts on this matter, there were no additional like for like policies discovered.

There are many examples of NSW councils and utility providers having deferred payments for other matters such as headworks charges. Examples varied; some public authorities have a policy framework in place while others deal with matters on a case-by-case basis. Headworks charges are not related to construction of infrastructure but rather the cost of maintaining that infrastructure into the future. Headworks policy frameworks are not comparable with the Council's draft policy.

There are other development incentive policies which primarily deal with inward investment attraction which are linked to bringing new jobs to towns. In the main, the responses received indicated that most inquiries are dealt with individually or on the merit of each proposal, which is consistent with how Junee Shire has dealt with such matters.

2. *There is a large development near the soccer fields of some 50 odd sites that is community titled. In Clause 3 of the 'application' the policy specifically excludes Strata or Community Title developments. Why are we restricting such large developments in the future from taking part in this scheme?*

Response: Community title development infrastructure is typically constructed and maintained into the future by a body corporate or private management plan. In other words, the infrastructure is not owned or maintained by the Council. It also is constructed to a somewhat less required standard than public infrastructure, for example internal road may be narrow, sewer pipe diameter smaller.

The draft policy's purpose is directed towards activating mainstream residential land release. Strata title and community land development were considered out of scope in meeting the objective and intention of the policy. The other consideration is the Council's ability to meet a request to support one or more multi lot residential developments is not without limitation tied to its available cash to provide support at the time of considering a request.

The Council could remove the exclusion within the policy for strata and community title if there is strong support for it.

3. *In clause 5 on page 4 of the policy it states that an applicant is entitled to only one scheme. If a developer achieves the desires of this policy, why would you limit the developer to only one scheme?*

Response: The limitation to a single use of the policy was that presumably after attaining profit margins from selling all their land, the developer would/could reinvest those profits into new residential development without the need for further support. The intention of the policy is to stimulate opportunities for additional residential lots coming to market as soon as possible.

The Council will be constrained by the quantum of available cash reserves it can allocate to developers under this policy. If the Council were to assist a multi lot development that brings residential land to the market the policy will have met its intended purpose.

4. *If we have a developer who wants to pay \$80,000 a lot for civil works through this scheme for say 50 lots the cost is \$4,000,000. They chip in a million and the council advances him three million. The lots sell for say \$150,000. Looking at page 5, clause 6. b) ii) it states that "it will be at Council's discretion whether all of the of the complete deferred payment (some 3 million) is required to be paid on the sale of the first lot (some 150k)"*

Is this a risk that you think that a developer would accept? This runs contrary to the concept expressed throughout the policy that the repayments will occur as the lots are sold. Why are these words in the policy?

Response: The May report included a utility service figure of between \$40,000 and \$80,000/lot for all infrastructure, water, electricity, gas, telecommunications as well as Council owned infrastructure roads, sewer, and stormwater. The policy only deals with providing financial assistance for Council's own infrastructure which would be significantly less than \$80,000/lot.

Realistically, it would be out of reach for the Council to extend support of \$3m to a private development. The policy provides for the Council to determine what the level of support might be on a case-by-case basis.

However, the question refers to the sentence itself. *"it will be at Council's discretion whether all of the of the complete deferred payment is requires to be paid on the sale of the fist lot"*. The sentence has been removed from the policy to avoid ambiguity.

Another matter suggested at the May Council meeting was to reduce the minimum of five new lots to permit smaller type development "mums and dads property owners" to access the policy.

Response: There are reasonable costs associated with preparing legal advice, land title registrations or caveats plus the interest to be applied, all of which is passed onto the developer. These costs would be reasonably substantial and are likely to outweigh the advantage of the developer seeking a bank loan that would likely deliver a better financial proposition for smaller development.

Council is also mindful that the threshold requiring sufficient information up front to assess an application is high and targeted towards larger scale property developers or those who engage a consultant to manage their property development for them.

The other issue to consider is that smaller developments typically already have access to existing public roads and Council infrastructure so the effect of a contribution would be much smaller than larger developments. This calls into question the need to access the policy by smaller developers. The intention of the policy is targeted towards larger scale development which would derive multi lot residential outcomes.

CONSIDERATIONS

Policy

The policy (attached) has been prepared for Council consideration. The objectives of the Policy are to:

- Support the provision of a sufficient supply of residential land ready to meet demand in Junee.
- Assist with the progression of large-scale subdivision development that otherwise may not occur without financial assistance.
- Ensure that new subdivision development is appropriately designed to respond to reasonably expected future infrastructure needs and avoid future adverse impacts upon other development.
- Ensure that property developers within urban release areas are not unreasonably burdened by the up-front costs associated with major development infrastructure and that costs are shared by those who benefit from the infrastructure provision.

Risk Assessment

This adoption of this policy presents a financial risk to Council.

Council's Risk Appetite Statement indicates that Council is resistant to taking risk in this area and therefore prefers safer options when it comes to finance. However, the risk appetite statement says that Council will be more receptive to risk where there is a strong potential for beneficial outcomes.

Therefore, where council believes that a development will provide a benefit to the community it is reasonable for it to take on a greater level of risk.

The following legal mechanisms would assist Council to mitigate some of the risks associated with the scheme so that they would be within Council's Risk Appetite:

Funding Deed -An agreement between Council and the Developer that outlines the terms of the agreement will be required. This will include a list and cost of the works to be undertaken by Council and outline the value of the works to be repaid and the mechanism for repayment.

Registration of Mortgage - Council would require the registration of a Mortgage on the title of the land to be developed. The Mortgage will be shown when a title search is conducted by the purchaser's solicitor. The Mortgage will be released at the time of sale after the deferred infrastructure repayment has been provided.

Registration of Interest - A registered interest provides protection to Council in the event that the developer is placed into administration. With this protection, the Council, along with other registered interested parties, will be prioritised for payment from the disposal of assets owned the developer. A registered interest in the title provides security that the developer cannot assign the debt to the purchaser as part of the sale.

Where applications are assessed as complying with the policy framework a report would be prepared for Council's consideration. The elected Council being the body to determine whether any deferred infrastructure payment should proceed.

The risks associated with entering into a process can be mitigated with the introduction of prudent controls being placed on the developer. The policy provides for a range of controls that can be applied. During the assessment of any application if the risks are high then the Council can decline a request. Should unknown risks emerge during the assessment process of an application additional mitigation measures can be introduced at the discretion of the Council.

Governance

Where an application involves Council staff or Councillors who are directly involved with the assessment process, they would need to exclude themselves from any involvement in the process. If this is not practical the application will be referred to an external assessment process.

Property development would naturally involve a development application process. The policy clearly indicates that development consent must be obtained prior to consideration of the deferred infrastructure application. To further separate these two issues the Chief Financial Officer would be responsible for managing any application made under the policy with responsibility for the development applications being managed via Planning and Community Development directorate.

GENERAL MANAGER'S REPORT TO THE ORDINARY MEETING OF JUNEE SHIRE COUNCIL HELD ON 18 OCTOBER 2023.

The development infrastructure deferred payment agreement would be confidential between Council and the applicant. No details of the agreement may be disclosed by the applicant to another party without the written authorisation of the Council.

FINANCIAL

The Council ability to enter into an agreement would be limited to having sufficient cash to support the practical application of this Policy.

Legal expenses in preparing documentation are proposed to be borne by the property developer.

There is a proposed interest charge to be levied on the approved funded amount to offset any opportunity costs Council may have received through bank deposit interest.

CONCLUSION

The determination of the policy is a discretionary matter that rests with the Council.

The policy basically provides a statement of the Council's intention to facilitate and/or support for multi lot residential development which can be used in a proactive manner to attract interest from would-be property developers.



JUNEE SHIRE COUNCIL

ATTACHMENT TO ITEM 2

17 OCTOBER 2023





JUNEE SHIRE COUNCIL

**DEVELOPMENT
INFRASTRUCTURE
DEFERRED PAYMENT
POLICY**

Policy No:
Version 1.0
Adopted by Council:
Minute No:
Review Date:

PART A – OUTLINE

I. OBJECTIVES

This policy is aimed at fulfilling the following objectives:

Support the provision of a sufficient supply of residential ready land, to meet demand.

Assist the progression of large-scale subdivision development that may not occur without financial assistance.

Ensure that new subdivision development is appropriately designed to respond to reasonably expected future infrastructure needs and avoid future adverse impacts upon other development.

To ensure that property developers within urban release areas are not unreasonably burdened by the costs associated with major development infrastructure and that costs are shared by those who benefit from infrastructure provision.

2. BACKGROUND

The residential population of Junee is currently increasing. Alongside improving economic conditions and emerging employment opportunities, the demand for new subdivision development is high.

This policy aims to facilitate new multi lot residential land being made available for sale to support existing and future residents to build a new home to support ongoing population retention and growth, whilst contributing to employment opportunities in the construction industry over the short to medium term.

However, the high cost of servicing new development remains a constraint to opening up vacant urban zoned land to new subdivisions. This policy provides a framework for Council to consider requests from developers of proposed subdivisions to assist with managing the costs associated with Council owned infrastructure, specifically new roads, sewer and stormwater infrastructure.

The opportunity exists for Council to play a more active role in assisting landowners to develop land that is deemed strategically important to the future growth of Junee Shire. This could involve funding some or all of the upfront costs of infrastructure components over which the Council has responsibility for.

A portion of these costs, (as identified and costed during the planning stage), can be repaid to Council at the point at which the subdivided lots are sold. This releases capital to be redirected to ensure the project can progress more quickly. This initiative is similar to other schemes offered by Goldenfields Water County Council and other rural councils that place a high strategic priority on facilitating population and local economic growth.

3. APPLICATION

This policy applies to proposed residential land within Junee Shire. The Council offers this scheme to residential developers of land. Applications are assessed on a case-by-case basis.

The focus of this policy applies to major Council infrastructure that services multi lot development that creates five or more additional lots excluding Strata or Community Title lots. The policy does not apply to the costs associated with servicing privately owned or managed infrastructure.

Council officers will confirm that the proposed subdivision is permitted with consent in the land zone that applies to the subject land.

The application for deferred payment will not be finalised by Council until the proposal has a relevant development application approved by Council.

The applicant must agree in writing to statutory or legal controls that are specified in any deferred payment agreement.

PART B - PROCEDURES

4. APPLICATION PROCEDURE

A written application for consideration by Council for Development Infrastructure Deferred Payment is made by the land developer. The letter of request is considered on a preliminary basis by Council officers. Council officers will consider the following factors in assessing the request:

- Strategic importance of the site
- Current zoning of the land
- Proposed timeframe, start and end date for the residential property to be developed
- Estimated cost of Council infrastructure to service the development - roads, kerb and gutter, sewer, stormwater infrastructure
- Demonstrated demand for new development and/or demonstrated future lack of supply
- Provision of a business plan by the developer detailing development staging (if applicable), forecast development costs, forecast lot sale price and estimated sales period
- Financial capacity and level of financial commitment offered by the developer towards the residential property development
- Capability of the developer to undertake the project
- Proposed infrastructure design and response to reasonably expected future infrastructure needs (sewer and stormwater capacity, integration with existing road network)
- Current availability of Council funds to support a deferred infrastructure payment
- Current borrowing interest rates available to Council (if applicable)

Each of these factors will be considered as part of a written assessment report by Council officers.

Where Council officers consider that a request has reasonable merit, the request will be referred to Council for their consideration and determination.

The applicant will be notified of the outcome of Council's decision in writing.

Where an application involves Council staff or Councillors who are directly involved with the assessment process, the application will be referred to an external assessment process.

5. OPERATIONAL PROCEDURE

The developer of the subdivision is responsible for payment to Council of the initial \$50,000 (or 10% of infrastructure value, whichever is greater) of Council infrastructure costs (road, kerb and gutter, sewer and stormwater infrastructure) before works commence. Council will only consider to deferred payment of infrastructure costs above the initial \$50,000 (or 10% of infrastructure value, as applicable).

The repayment by the property developer to Council for the agreed amount of financial support offered is intended to be progressively repaid as individual lots are sold to the public.

If Council has been engaged to carry out the infrastructure work and it is determined that the value (less the initial \$50,000 or 10% of the infrastructure value) cannot be supported in full, the Council may require a higher initial payment prior to works commencing.

As a public utility provider, the Council is required to approve infrastructure designs that it will ultimately be responsible for, to ensure services that are provided are of sufficient standard to meet current and future expected demand.

The timeframe for repayment of the deferred infrastructure payments is a maximum of five years from the date of signing the agreement, or the completed sale of all lots proposed to be delivered subject to the Agreement, whichever is sooner.

Only one Development Infrastructure Deferred Payment will be granted per applicant, irrespective of whether development is staged or not.

The applicant will cover all legal costs incurred by Council in discharging responsibilities under this policy. The outstanding balance of advancements under this Policy will attract an administration fee equal to the T-Corp 5 year borrowing rate plus 0.5%. The administration fee will be calculated daily and invoiced quarterly to the developer, commencing on the day the maximum agreed advancement is reached, or the date from which it is determined that no further advancements will be required, whichever is sooner. Administration fees will not form part of the agreed maximum advancement amount.

The Development Infrastructure Deferred Payment agreement will remain confidential between Council and the applicant. No details of the agreement may be disclosed by the applicant to another party without the written authorisation of the Council.

6. LEGAL PROTECTIONS

The following legal mechanisms may be included to assist Council to mitigate the risks in providing a deferred payment to the Developer:

a) Funding Deed

An agreement between Council and the Developer that outlines the terms of the agreement. This will include a list and cost of the works to be undertaken by Council, or another contractor, and

outline the value of the works to be repaid and the mechanism for repayment. The agreement will also detail arrangements to protect the interests of Council in instances where there is a transfer of ownership of the subject land, situations where the developer falls into administration, or the subject land value becomes unviable to develop.

b) Registration of Mortgage

- i. Council requires a Mortgage on the title of the land to be developed. The Mortgage is disclosed on title searches by a purchaser's solicitor. The Mortgage being released at the time of sale coinciding with the repayment made to Council's solicitor reflected in the Agreement.

c) Registration of Interest

A registered interest provides protection to Council in the event that the developer is placed into administration. With this protection, Council, along with other registered interested parties, will be prioritised for payment from the disposal of assets owned the developer. A registered interest on title provides security that the developer cannot assign the debt to another purchaser as part of the sale.

7. LIMITATIONS TO THIS POLICY

This policy does not include the following:

- a) Development infrastructure that is not within the control of Council, such as water, electricity, telecommunications infrastructure.
- b) Development costs that are the direct responsibility of the developer, including site studies to support rezoning, Environmental Impact Statements, surveying, design costs, legal costs, land purchase, private driveways, servicing connections to new development.

Item 3 COUNCIL INVESTMENTS AND BANK BALANCES

Author Manager Finance and Business Services

Attachments Nil

RECOMMENDATION:

That Council notes the Investment Report as of 30 September 2023, including the certification by the Responsible Accounting Officer

PURPOSE

To provide a report setting out all money that the Council has invested under Section 625 of the *Local Government Act 1993*.

EXECUTIVE SUMMARY

In accordance with Clause 212 of the *Local Government (General) Regulation 2021*, a report stating the details of money invested must be presented to the Council monthly.

The report must include certification as to whether the investments have been made in accordance with the Act, Regulations, and Council's Investment Policy.

The Investment Report shows that Council has total cash and investments of \$11,855,252 comprising:

Trading Accounts -	\$190,817
At Call Accounts -	\$2,164,435
Investments -	\$9,500,000

Certification – Responsible Accounting Officer

I, Lloyd Hart, hereby certify that the investments listed in the attached reports have been made in accordance with Section 625 of the *Local Government Act 1993*, Clause 212 of the *Local Government (General) Regulation 2005*, and existing Investment Policies.

BACKGROUND

In accordance with Clause 212 of the *Local Government (General) Regulation 2021*, a report stating the details of money invested must be presented to the Council monthly.

The report must also include certification as to whether the investments have been made in accordance with the Act, the Regulations, and Council's Investment Policy.

GENERAL MANAGER'S REPORT TO THE ORDINARY MEETING OF JUNEES SHIRE COUNCIL HELD ON 18 OCTOBER 2023.

LINK TO STRATEGY

The report relates to the Community Strategic Plan Outcome of:

- Sustainable – Strategy 6.1 – Council is accountable and financially sustainable.

FINANCIAL CONSIDERATIONS

Actual investment income for the period from 1 July 2023 to date was \$93,055.71.

SOCIAL CONSIDERATIONS

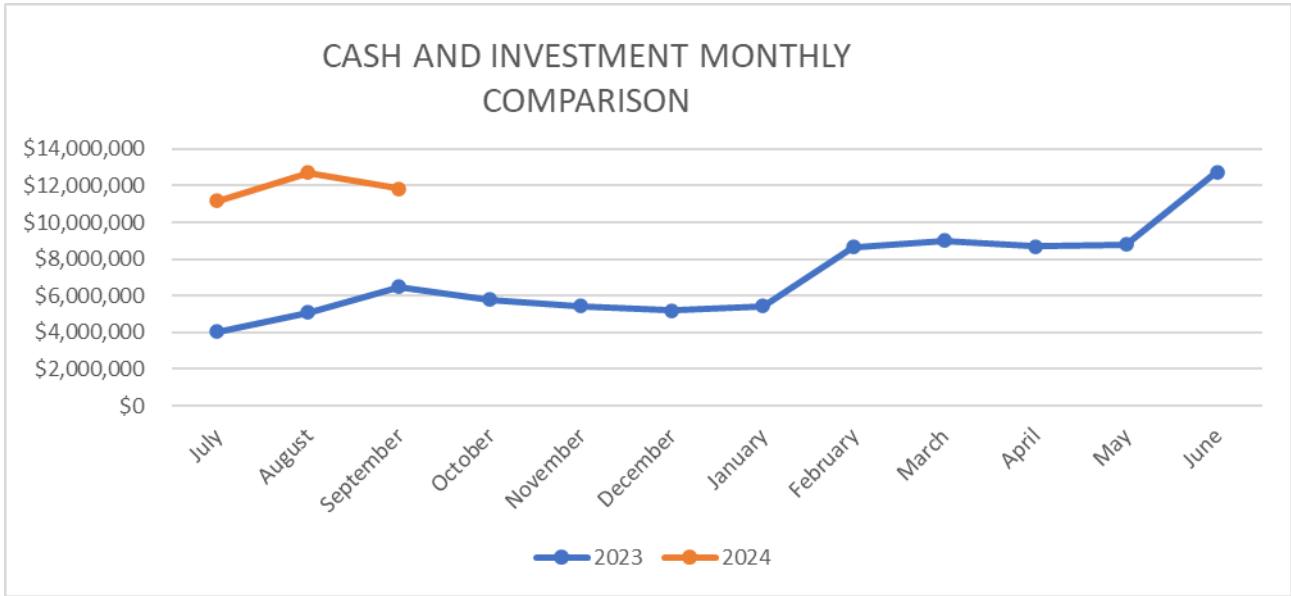
Council's investments are managed in accordance with Council's Investment Policy. Council's Investment Policy requires consideration of social responsibility when making investment decisions.

INVESTMENT BALANCES

INVESTMENT BALANCES						
As of 30 September 2023						
INSTITUTION	RATING	AMOUNT (\$)	MATURITY DATE	INTEREST RATE	INTEREST AT MATURITY (\$)	BENCHMARK – AusBond
Trading Accounts						
Commonwealth Bank of Australia	A1+	190,817	-	-	-	-
		190,817			-	
At Call Accounts						
Commonwealth Bank of Australia	A1+	2,164,435	At Call	4.10%	18,453.66	4.10%
		2,164,435			12,403.76	
Term Deposits						
National Australia Bank	A1+	-	Matured	-	18,000.00	-
National Australia Bank	A1+	-	Matured	-	15,904.11	-
National Australia Bank	A1+	-	Matured	-	10,969.86	-
AMP Bank	A2	-	Matured	-	23,058.90	-
Judo Bank	A3	-	Matured	-	6,669.18	-
AMP Bank	A2	500,000	04-Oct-23	4.75%	11,842.47	4.09%
AMP Bank	A2	500,000	31-Oct-23	5.00%	12,397.26	4.09%
MyState Bank	A2	500,000	08-Nov-23	5.00%	12,328.77	4.11%
AMP Bank	A2	500,000	27-Nov-23	5.50%	11,376.71	4.11%
AMP Bank	A2	500,000	29-Nov-23	5.20%	12,821.92	4.11%
Judo Bank	A3	500,000	11-Dec-23	5.30%	13,068.49	4.11%
Judo Bank	A3	1,000,000	22-Dec-23	5.70%	27,484.93	4.11%
National Australia bank	A1+	1,000,000	24-Jan-24	5.30%	26,136.99	3.98%
Bank of Queensland	A2	500,000	23-Feb-24	5.50%	18,006.85	3.98%
Bank of Queensland	A2	500,000	26-Mar-24	5.10%	12,575.34	3.98%
National Australia Bank	A1	1,000,000	08-Apr-24	5.05%	29,054.79	3.62%
Mystate Bank	A2	750,000	09-Apr-24	5.10%	22,740.41	3.62%
AMP Bank	A2	500,000	24-May-24	5.70%	25,767.12	3.62%
Australian Unity Bank	A2	500,000	19-Jun-24	5.55%	27,750.00	3.62%
Heritage and People's Choice	A2	750,000	04-Jul-24	5.30%	35,938.36	3.62%
		9,500,000			373,892.46	
Total Cash and Investment		11,855,252				

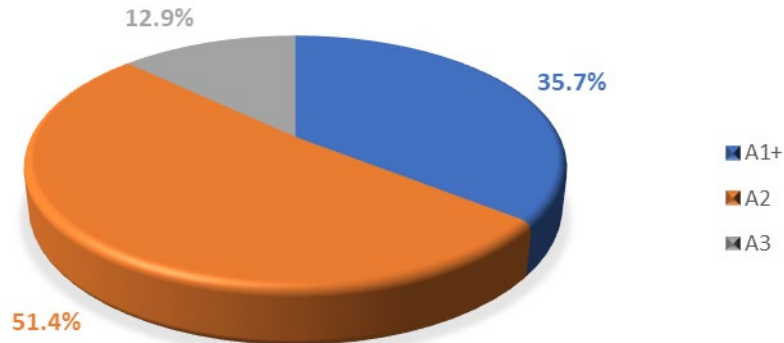
GENERAL MANAGER'S REPORT TO THE ORDINARY MEETING OF JUNEES SHIRE COUNCIL HELD ON 17 OCTOBER 2023.

Cash Comparative Analysis



Portfolio Analysis

COUNCIL INVESTMENT PORTFOLIO BY INSTITUTION RATING



Portfolio Credit Framework – Compliance with Investment Policy Requirements

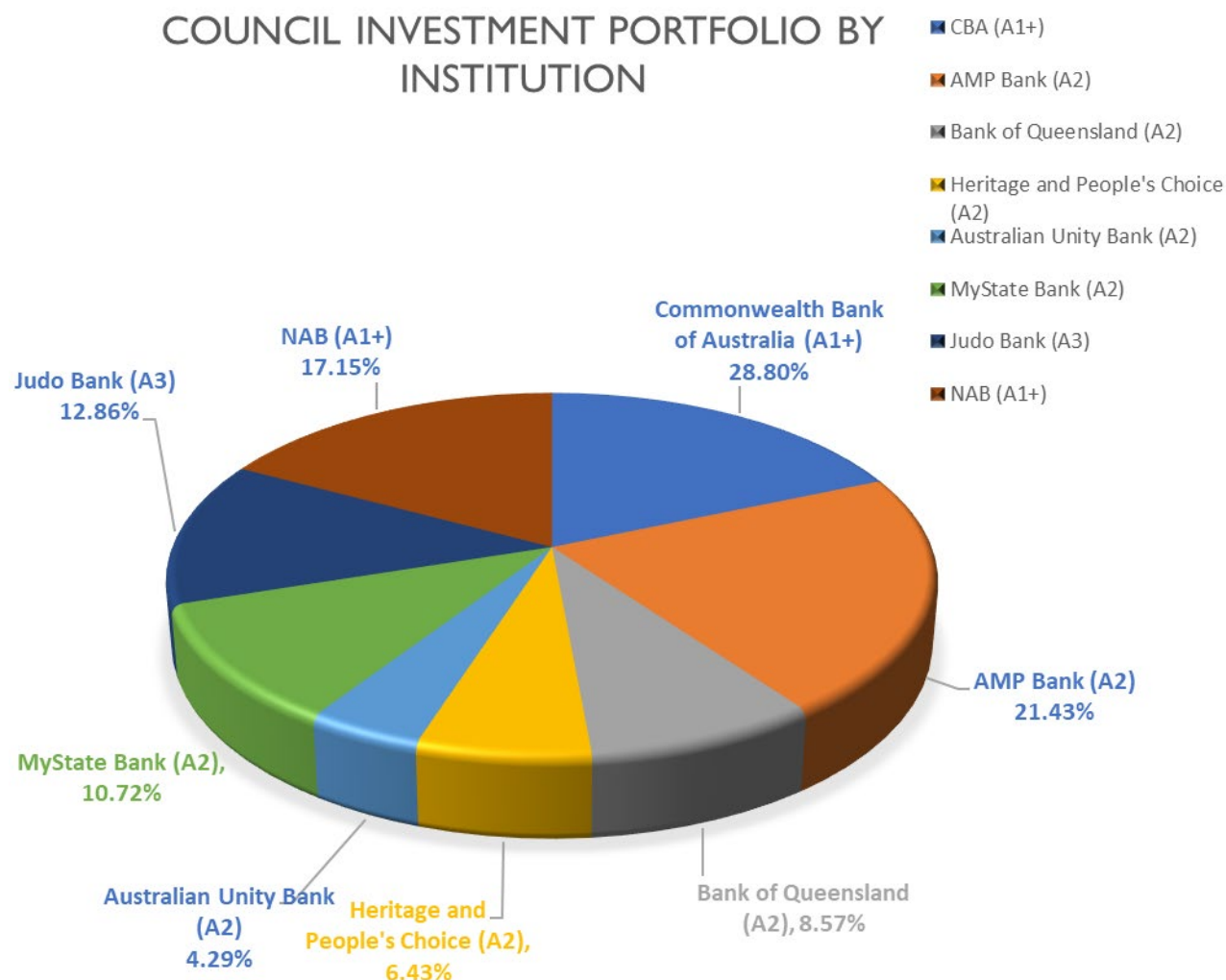
Clause 9a of the Council’s Investment Policy requires that the total percentage exposure within the market to any particular credit rating category be limited, as detailed in the table below:

S&P Long Term Rating	S&P Short Term Rating	Maximum %	Portfolio Complies with Policy?
AAA	A1+	100%	Yes
AA+	A1	100%	Yes
AA			
AA-			
A+	A2	75%	Yes
A			
A-			

GENERAL MANAGER'S REPORT TO THE ORDINARY MEETING OF JUNEES SHIRE COUNCIL HELD ON 17 OCTOBER 2023.

S&P Long Term Rating	S&P Short Term Rating	Maximum %	Portfolio Complies with Policy?
BBB+	A3	40%	Yes
BBB			
BBB-			
Unrated	Unrated	25%	Yes (\$Nil)

COUNCIL INVESTMENT PORTFOLIO BY INSTITUTION



Overall Portfolio Credit Framework – Compliance with Investment Policy Requirements

Clause 9b of the Council's Investment Policy requires that exposure to an individual institution be restricted by their credit rating so that single entity exposure is limited, as detailed in the table below:

S&P Long Term Rating	S&P Short Term Rating	Maximum %	Portfolio Complies with Policy?
AAA	A1+	50%	Yes
AA+	A1	50%	Yes
AA			
AA-			
A+	A2	35%	Yes
A			
A-			

GENERAL MANAGER'S REPORT TO THE ORDINARY MEETING OF JUNEES SHIRE COUNCIL HELD ON 17 OCTOBER 2023.

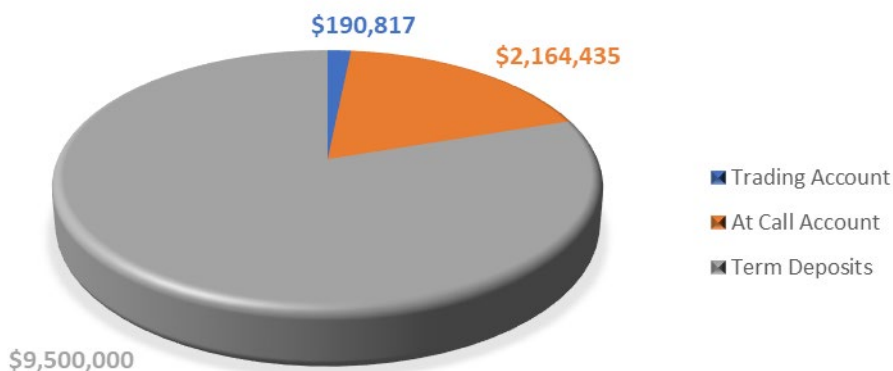
S&P Long Term Rating	S&P Short Term Rating	Maximum %	Portfolio Complies with Policy?
BBB+	A3	20%	Yes
BBB			
BBB-			
Unrated	Unrated	20%	Yes (\$Nil)

Term to Maturity Framework – Compliance with Investment Policy Requirements

Clause 9c of the Council’s Investment Policy requires Council’s investment portfolio is to be invested within the following maturity constraints:

Overall Portfolio Term to Maturity Limited			Portfolio Complies with Policy?
Portfolio % < 1 year	Min 65%	Max 100%	Yes
Portfolio % > 1 year < 3 years	Min 0%	Max 20%	Yes
Portfolio % > 3 years < 5 years	Min 0%	Max 15%	Yes
Portfolio % > 5 years	Min 0%	Max 0%	Yes

COUNCIL CASH AND INVESTMENT PORTFOLIO BY TYPE OF INVESTMENT



Statement of Investment Policy Compliance

Legislative Requirements		Compliant
Institutional Exposure Limits	Yes	Fully compliant
Portfolio Credit Rating Limits	Yes	Fully compliant
Term to Maturity Limits	Yes	Fully compliant

**Item 4 DEVELOPMENT APPLICATION 2023/44 – 5 LOUGHAN ROAD
(EXTENSION TO EXISTING SHED)**

Author Town Planner; Directorship: Planning and Community Development

Attachment s4.15 Development Assessment Report; Statement of Environmental Effects;
Submitted Plan Set; Additional Justification

RECOMMENDATION:

That Development Application No. 2023/44 from Mr A Coen for the development of an Extension to an Existing Shed located on Lot 20, DPI035451, known as 5 Loughan Road, Junee be APPROVED subject to the applicable Standard Conditions of Consent.

SUMMARY

The proposed development includes the extension of an existing shed on the subject land.

The proposed development requires a variation of more than 15% to a Junee Development Control Plan (DCP) 2021 control relating to the size of sheds in relation to dwelling houses.

BACKGROUND

The proposed extension to the shed will have a floor area of 150sqm (6m x 25m), in addition to the existing shed floor area of 372.3sqm (14.6m x 25.5m), for a total area of 522.3sqm. The extension will be constructed from a standard steel frame construction. The shed will be finished in a pre-coloured steel cladding consistent with the existing shed. The overall height of the extension is proposed to be approximately 4.33m, approximately 825mm shorter than the existing shed.

A variation has been requested to the Junee DCP 2021.

CONSIDERATIONS

Policy

State Environmental Planning Policies

No SEPPs are considered to be applicable to the proposed development.

Junee Local Environmental Plan 2012

The proposed development is considered to be an ancillary shed to a dwelling house as defined by the Junee LEP 2012. An ancillary shed to a dwelling house located in the R5 Large Lot Residential zone is a use that is permissible with consent under the land use table contained in the Junee LEP 2012.

GENERAL MANAGER'S REPORT TO THE ORDINARY MEETING OF JUNEE SHIRE COUNCIL HELD ON 17 OCTOBER 2023.

The objectives of the R5 Large Lot Residential zone are:

- *To provide residential housing in a rural setting while preserving, and minimising impacts on, environmentally sensitive locations and scenic quality.*
- *To ensure that large residential lots do not hinder the proper and orderly development of urban areas in the future.*
- *To ensure that development in the area does not unreasonably increase the demand for public services or public facilities.*
- *To minimise conflict between land uses within this zone and land uses within adjoining zones.*
- *To facilitate and promote an increased range of living opportunities by providing for low intensity residential development compatible with the rural characteristics of the locality.*

It is considered that the proposal is consistent with the objectives of the zone.

Clause 6.1 Earthworks: The proposed earthworks are considered to be ancillary to a permitted use on the site. It is considered the proposed earthworks will have minimal impact as outlined in the items for consideration under this clause of the LEP.

Clause 6.3 Stormwater Management: The proposed dwellings will be required to utilise the existing stormwater management arrangements on the site and direct any stormwater to Councils existing stormwater management infrastructure.

Clause 6.9 Essential Services: All essential services are available to the subject site. The proposed dwelling houses will be required to connect to these services.

Junee Development Control Plan 2021

Part C5 Ancillary Development: Sheds, Garages, Carports, Outbuildings and Pools/Spas of the Junee DCP 2021 is applicable to this development.

Section C5.2 requires that outbuildings in the R5 zone be not larger in floor area than the existing or proposed dwelling house. The proposed extension will significantly increase the overall floor area of the shed to 522.3sqm, where the existing dwelling has a floor area of 384.6sqm. This represents a variation of 35.8% to the control requiring outbuildings to be smaller than the dwelling house.

In this instance a variation could be supported due to the location and size of the existing shed, where the proposed extension will not significantly increase the existing bulk or scale of the existing shed.

Further detailed information on the compliance with the Junee DCP 2021 can be found in the attached s4.15 Development Assessment Report.

Risk Assessment

The approval of this application has minimal risk to Council, given the anticipated impact of the proposed development and the required variations.

Financial

The refusal or approval of this development application has minimal financial risk to Council. It should be noted however, any review or appeal of the determination may require additional staff resourcing and potential legal costs.

CONCLUSION

Development Application No. 2023/44 from Mr A Coen for the development of an Extension to an Existing Shed located on Lot 20, DPI035451, known as 5 Loughan Road, Junees be **APPROVED** subject to the applicable Standard Conditions of Consent, for the following reasons.

- The proposed development is considered to be generally consistent with the objectives and controls of the Junees Development Control Plan 2021, where the requested variation to these controls can be supported.
- The site is considered to be suitable for the proposed development, as required by the heads of consideration outlined in s4.15 of the Environmental Planning and Assessment Act 1979.
- The proposal does not significantly alter the existing character and amenity of the locality.



JUNEE SHIRE COUNCIL

ATTACHMENT TO ITEM 4

17 OCTOBER 2023

Comments or Recommendations: N/A
Additional Planning Commentary:
 Nil.

Development Specifics

Proposal involves the construction of an extension to an existing large shed.

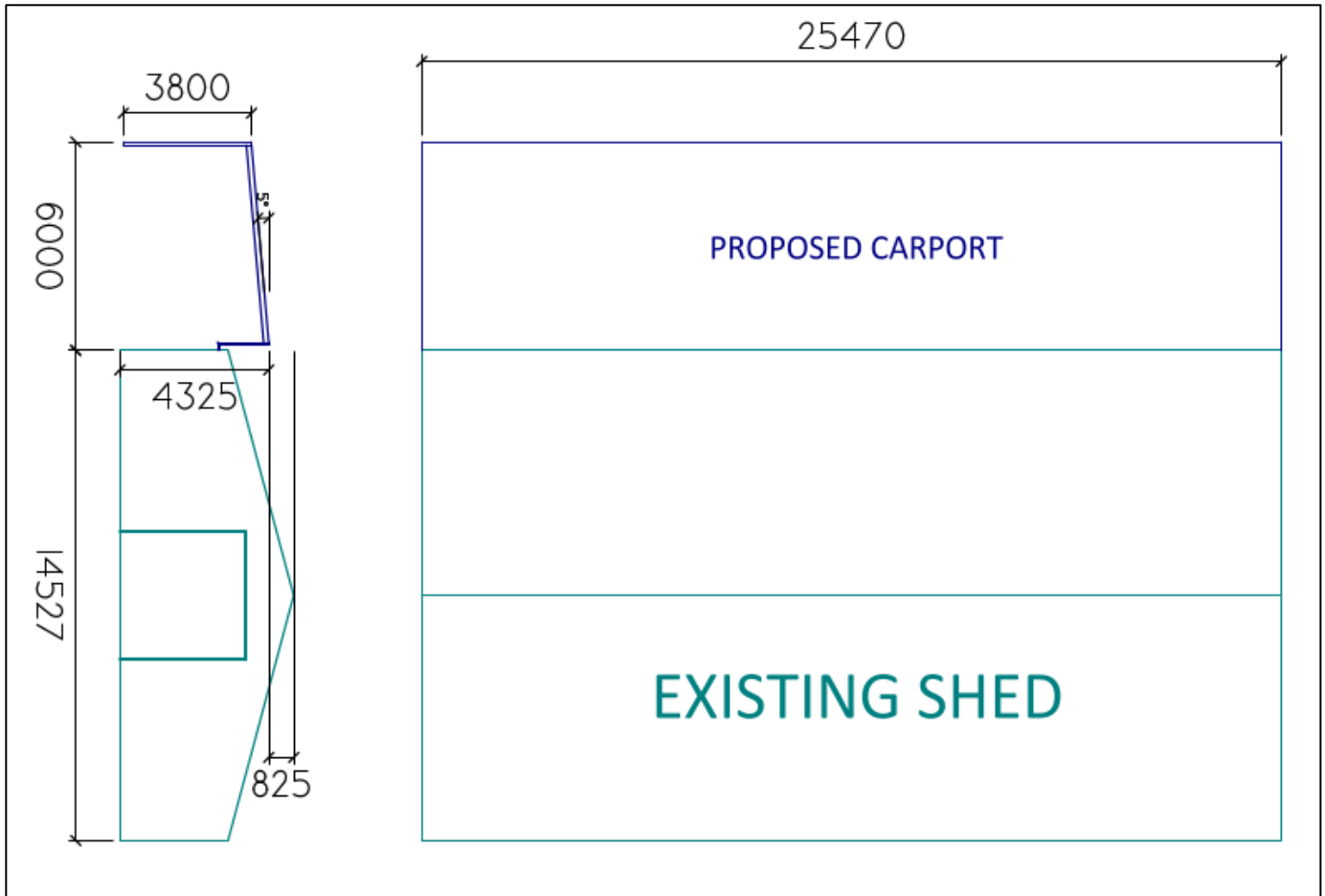


Figure 1: Proposed Development

The proposed extension will have a floor area of 150sqm (6m x 25m), in addition to the existing shed floor area of 372.3sqm (14.6m x 25.5m), for a total area of 522.3sqm. The extension will be constructed from a standard steel frame construction. The shed will be finished in a pre-coloured steel cladding consistent with the existing shed. The overall height of the extension is proposed to be approximately 4.33m, approximately 825mm shorter than the existing shed.

		The Provisions of Any Environmental Planning Instrument	
State Environmental Planning Policies (SEPPs)	Applicable?		
	State Environmental Planning Policies	Y	N
	State Environmental Planning Policy (Biodiversity and Conservation) 2021	<input type="checkbox"/>	<input checked="" type="checkbox"/>
	State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004	<input type="checkbox"/>	<input checked="" type="checkbox"/>
	State Environmental Planning Policy (Exempt and Complying Development Codes) 2008	<input type="checkbox"/>	<input checked="" type="checkbox"/>
	State Environmental Planning Policy (Housing) 2021	<input type="checkbox"/>	<input checked="" type="checkbox"/>
State Environmental Planning Policy (Industry and Employment) 2021	<input type="checkbox"/>	<input checked="" type="checkbox"/>	

State Environmental Planning Policy No 65–Design Quality of Residential Apartment Development	<input type="checkbox"/>	<input checked="" type="checkbox"/>
State Environmental Planning Policy (Planning Systems) 2021	<input type="checkbox"/>	<input checked="" type="checkbox"/>
State Environmental Planning Policy (Precincts–Central River City) 2021	<input type="checkbox"/>	<input checked="" type="checkbox"/>
State Environmental Planning Policy (Precincts–Eastern Harbour City) 2021	<input type="checkbox"/>	<input checked="" type="checkbox"/>
State Environmental Planning Policy (Precincts–Regional) 2021	<input type="checkbox"/>	<input checked="" type="checkbox"/>
State Environmental Planning Policy (Precincts–Western Parkland City) 2021	<input type="checkbox"/>	<input checked="" type="checkbox"/>
State Environmental Planning Policy (Primary Production) 2021	<input type="checkbox"/>	<input checked="" type="checkbox"/>
State Environmental Planning Policy (Resilience and Hazards) 2021	<input type="checkbox"/>	<input checked="" type="checkbox"/>
State Environmental Planning Policy (Resources and Energy) 2021	<input type="checkbox"/>	<input checked="" type="checkbox"/>
State Environmental Planning Policy (Transport and Infrastructure) 2021	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Ministerial Directions		
Section 117(2) – Ministerial Directions	<input type="checkbox"/>	<input checked="" type="checkbox"/>
SEPP Commentary: No SEPP's are considered to be applicable to the proposed development.		

The Provisions of Any Environmental Planning Instrument – Cont.			
Biodiversity Conservation Act 2016 No.63	Section 7.3 - Test for determining whether proposed development or activity likely to significantly affect threatened species or ecological communities, or their habitats	Applicable ?	
		Y	N
	<i>In the case of a threatened species, whether the proposed development or activity is likely to have an adverse effect on the life cycle of the species such that a viable local population of the species is likely to be placed at risk of extinction,</i>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
	<i>In the case of an endangered ecological community or critically endangered ecological community, whether the proposed development or activity– (i) is likely to have an adverse effect on the extent of the ecological community such that its local occurrence is likely to be placed at risk of extinction, or (ii) is likely to substantially and adversely modify the composition of the ecological community such that its local occurrence is likely to be placed at risk of extinction,</i>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
	<i>In relation to the habitat of a threatened species or ecological community– (i) the extent to which habitat is likely to be removed or modified as a result of the proposed development or activity, and (ii) whether an area of habitat is likely to become fragmented or isolated from other areas of habitat as a result of the proposed development or activity, and (iii) the importance of the habitat to be removed, modified, fragmented or isolated to the long-term survival of the species or ecological community in the locality,</i>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
	<i>whether the proposed development or activity is likely to have an adverse effect on any declared area of outstanding biodiversity value (either directly or indirectly),</i>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
	<i>whether the proposed development or activity is or is part of a key threatening process or is likely to increase the impact of a key threatening process.</i>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Comments	There are no known or anticipated impacts caused by the development on threatened species or communities that would require further assessment under the Biodiversity Conservation Act 2016.		
Local Environmental Plans (LEPs)	In Force LEPs		Applicable?
			Y N
	Junee Local Environmental Plan 2012		<input checked="" type="checkbox"/> <input type="checkbox"/>
	Land Zoning		Relevant?
			Y N
	R5 Large Lot Residential - Permissible with Consent		<input checked="" type="checkbox"/> <input type="checkbox"/>
	4.1 - Minimum subdivision lot size		<input type="checkbox"/> <input checked="" type="checkbox"/>
	4.1A - Minimum subdivision lot size for strata plan schemes in certain rural and residential zones		<input type="checkbox"/> <input checked="" type="checkbox"/>
	4.2 - Rural subdivision		<input type="checkbox"/> <input checked="" type="checkbox"/>
	4.2A - Erection of dual occupancies (attached) and dwelling houses on land in Zone RU1		<input type="checkbox"/> <input checked="" type="checkbox"/>
	4.2B - Erection of rural workers' dwellings in Zone RU1		<input type="checkbox"/> <input checked="" type="checkbox"/>
	4.2C - Exceptions to minimum lot sizes for certain rural subdivisions		<input type="checkbox"/> <input checked="" type="checkbox"/>
	4.6 - Exceptions to development standards		<input type="checkbox"/> <input checked="" type="checkbox"/>
	5.3 - Development near zone boundaries		<input type="checkbox"/> <input checked="" type="checkbox"/>
	5.4 - Controls relating to miscellaneous permissible uses		<input type="checkbox"/> <input checked="" type="checkbox"/>
	5.5 - Controls relating to secondary dwellings on land in a rural zone		<input type="checkbox"/> <input checked="" type="checkbox"/>
	5.10 - Heritage conservation		<input type="checkbox"/> <input checked="" type="checkbox"/>
	5.11 - Bush fire hazard reduction		<input type="checkbox"/> <input checked="" type="checkbox"/>
	5.13 - Eco-tourist facilities		<input type="checkbox"/> <input checked="" type="checkbox"/>
	5.16 - Subdivision of, or dwellings on, land in certain rural, residential or environment protection zones		<input type="checkbox"/> <input checked="" type="checkbox"/>
	5.18 - Intensive livestock agriculture		<input type="checkbox"/> <input checked="" type="checkbox"/>
	5.19 - Pond-based, tank-based and oyster aquaculture		<input type="checkbox"/> <input checked="" type="checkbox"/>
	5.20 - Standards that cannot be used to refuse consent—playing and performing music		<input type="checkbox"/> <input checked="" type="checkbox"/>
	6.1 - Earthworks		<input checked="" type="checkbox"/> <input type="checkbox"/>
	6.2 - Flood Planning		<input type="checkbox"/> <input checked="" type="checkbox"/>
	6.3 - Stormwater management		<input checked="" type="checkbox"/> <input type="checkbox"/>
	6.4 - Terrestrial biodiversity		<input type="checkbox"/> <input checked="" type="checkbox"/>
6.5 - Groundwater vulnerability		<input type="checkbox"/> <input checked="" type="checkbox"/>	
6.6 - Riparian land and watercourses		<input type="checkbox"/> <input checked="" type="checkbox"/>	
6.7 - Wetlands		<input type="checkbox"/> <input checked="" type="checkbox"/>	
6.8 - Salinity		<input type="checkbox"/> <input checked="" type="checkbox"/>	
6.9 - Essential Services		<input checked="" type="checkbox"/> <input type="checkbox"/>	
<p>LEPs Commentary: The proposed development is considered to be an ancillary shed to a dwelling house as defined by the Junee LEP 2012. An ancillary shed to a dwelling house located in the R5 Large Lot Residential zone is a use that is permissible with consent under the land use table contained in the Junee LEP 2012. The objectives of the R5 Large Lot Residential zone are:</p> <ul style="list-style-type: none"> To provide residential housing in a rural setting while preserving, and minimising impacts on, environmentally sensitive locations and scenic quality. 			

- To ensure that large residential lots do not hinder the proper and orderly development of urban areas in the future.
- To ensure that development in the area does not unreasonably increase the demand for public services or public facilities.
- To minimise conflict between land uses within this zone and land uses within adjoining zones.
- To facilitate and promote an increased range of living opportunities by providing for low intensity residential development compatible with the rural characteristics of the locality.

It is considered that the proposal is consistent with the objectives of the zone.

Stormwater management of the development will be directed to utilise the existing Council stormwater infrastructure. All utilities are available to the site and can be connected to the shed where required. Minor earthworks will be required to create pier foundations.

		The Provisions of Any Environmental Planning Instrument - Cont.	
Development Control Plans (DCPs)	DCPs	Applicable	
		Y	N
	June Shire Council Development Control Plan 2021	<input checked="" type="checkbox"/>	<input type="checkbox"/>
	Policies/S.94A Plans		
		Y	N
	Council Policies & Procedures - checked?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Relevant plans	<input checked="" type="checkbox"/>	<input type="checkbox"/>	

Part	Section	Comment
Part C: Residential and Rural Residential Development		
C2 Site Planning, Earthworks and Utilities	C2.1 Site Planning	The location of the proposed shed and extension are considered to be satisfactory, taking into consideration the location of the existing dwelling and the surrounding built form.
	C2.2 Water and Energy Efficiency	N/A
	C2.3 Earthworks	Minimal earthworks required.
	C2.4 Utilities	All utilities are available to the site and can be connected to the shed and extension as required.
	C2.5 Waste Management	The proposed shed and extension will not increase the demand for waste management services.
	C2.6 Letterboxes and Street Numbering	Letterbox and street numbering as existing.
C5 Ancillary Development: Sheds, Garages, Carports, Outbuildings and Pools/Spas	C5.1 Use	Shed and extension is not proposed to be utilised for any purpose other than for domestic storage or workshop.
	C5.2 Visual Impact and Amenity	The anticipated visual and amenity impacts resulting from the proposed shed are considered to be minimal in the context of the existing area. The proposed extension will be located to the rear of the existing large shed and will be screened from the majority of public viewpoints. An extensive cut was previously conducted to accommodate the existing shed, which will minimise the impact of the extension from neighbouring properties. The extension will be constructed from a pre-coloured metal cladding that will not be reflective. The proposed extension will significantly increase the overall floor area of the shed to 522.3sqm, where the existing dwelling has a floor area of 384.6sqm. This represents a variation of 35.8% to the control requiring outbuildings to be smaller than the dwelling house. In this instance a variation could be supported due to the location and size of the existing shed, where the extension will not significantly increase the existing bulk or scale of the existing shed.
	C5.4 Garages, Carports, Outbuilding and Sheds in R5 Large Lot Residential Zones	The proposed shed is located generally behind the existing dwelling and to the rear of the property. The shed overall exceeds the floor area of the dwelling, and is 4.3m in overall height, meeting the DCP requirement of 4.8m.

The Provisions of Any Environmental Planning Instrument - Cont.		
Planning Agreements (VPAs)	VPAs	Applicable
		Y N

	Any 93F VPAs or Draft VPAs?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
VPAs Commentary: N/A			
	Any Matters Prescribed by the Regulations		
Regulations	Regulations	Applicable?	
		Y	N
	Does Section 4 of the Regulations have any relevance?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
	Any specific items prescribed by the Regulations of relevance?*	<input type="checkbox"/>	<input checked="" type="checkbox"/>
	*(Clause 92, 93, 94 or 94A of the Regs)	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Regulations Commentary: No requirement to upgrade Fire safety			

	4.15(b) Matters for Consideration Likely Impacts of the Development
Primary Matters	Comments
Context & Setting	Suitable, the proposed shed is consistent within a large lot residential context and setting.
Site Design & Internal Design	The proposal has an adequate site design, being located to the rear of the existing shed.
Ecologically Sustainable Building Design	Not Applicable.
Access, Transport & Traffic	Nil impact, no additional traffic generation.
Public Domain	No significant impact to the public domain is anticipated as a result of the development.
Utilities	All utilities are available to the site and can be connected if required.
Heritage	No heritage impact anticipated; site is not located in a heritage conservation area.
Other Land Resources	No other land resources anticipated to be impacted - site has been developed for residential use.
Water	No impact to water anticipated.
Soils	Minimal impact on soils - small amount of excavation required for site preparation.
Air & Microclimate	Minimal impact anticipated - potential for dust generation during construction.
Flora & Fauna	Nil - no impacts to flora or fauna anticipated.
Waste	Small amount of construction waste anticipated.
Energy	Minimal impact anticipated.
Noise & Vibration	Additional construction noise anticipated - minimal impact.
Natural Hazards	The site is not considered to be flood or bushfire prone land.
Technological Hazards	No technological hazards anticipated.
Safety, Security & Crime Prevention	Not applicable.
Economic Impact on the Locality	Positive - investment in local businesses, property value etc
Social Impacts	Positive.
Construction	Standard steel frame construction. Other construction impacts considered to be minimal.

Cumulative Impacts	Overall cumulative impacts considered to be minimal.
Other?	N/A
Additional Planning Commentary: Overall impacts for the proposed shed extension is considered to be minimal. Proposal is suitable on the subject site and is consistent with the established character of the locality.	
Suitability of the Site for the Development.	
Primary Matters	Comments
Does the proposed development fit within the locality?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Are the site attributes conducive to the development?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Additional Planning Commentary: The site is considered to be suitable for the proposed development.	

	Any Submission Made in Accordance with the Act or the Regulations
Primary Matters	Comments
Are the issues raised of relevance to the DA?	N/A
Are relevant issues raised in the submissions being considered?	N/A
Additional Planning Commentary: Nil.	
	The Public Interest
Federal, State, Local Government Interests & Community Interests	Comments
Do any policy statements from Federal or State Governments have relevance?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Are there any relevant planning studies and strategies?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Is there any management plan, planning guideline, or advisory document that is relevant?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No _____
Are there any credible research findings applicable?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No _____
Have there been relevant issues raised in public meetings and inquiries?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No _____
Were there consultations and submissions made in addition to (d) above?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No _____
Will the health and safety of the public be affected?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No.
Additional Planning Commentary: The proposed is not considered to infringe on or detriment the public interest in any way.	

RECOMMENDATION	Approve Development Consent
<i>It is recommended that Development Application 2023/44 be granted approval, pursuant to Section 4.16 of the EP&A Act 1979, subject to the applicable Standard Conditions of Consent.</i>	
Additional Conditions:	
<ul style="list-style-type: none"> The proposed development is considered to be generally consistent with the objectives and controls of the Junee Development Control Plan 2021, where the requested variation to these controls can be supported. The site is considered to be suitable for the proposed development, as required by the heads of consideration outlined in s4.15 of the Environmental Planning and Assessment Act 1979. The proposal does not significantly alter the existing character and amenity of the locality. The proposed land use as confirmed by the applicant is for residential use 	

Name of Assessing Officer: Rohan Johnston - Town Planner

Signature of Assessing Officer:

Date: 11/10/2023



STATEMENT OF ENVIRONMENTAL EFFECTS

29 Belmore Street JUNEE
Postal Address: PO Box 93, JUNEE NSW 2663
Phone: (02) 6924 8100
Fax: (02) 6924 2497
Email: jsc@june.nsw.gov.au
Web: www.june.nsw.gov.au
ABN: 62 621 799 578

What is a Statement of Environmental Effects?

A Statement of Environmental Effects (SEE) is a detailed report that describes the proposed development and identifies any likely or potential impacts. The report will also outline proposed measures to mitigate these impacts. The statement includes written information about the proposed development that cannot be readily shown on the submitted plans and drawings.

A well prepared SEE allows opportunity to demonstrate the merits of the proposal. In contrast, a poorly prepared SEE often leads to requests for more information, delaying the assessment until matters have been resolved. The submission of a SEE is a chance to provide Council with logical, rational and reasonable arguments for the proposed development. It is also a chance to demonstrate that the environment has been considered in the design stage by highlighting concerns and the means proposed to avoid, minimise, mitigate or manage them.

When is a Statement of Environmental Effects required?

Under the provisions of Schedule 1 of the Environmental Planning and Assessment Regulation 2021, **all development applications** must be accompanied with a SEE. The complexity of an application will determine the extent of information to be provided.

What to include in a Statement of Environmental Effects

The SEE should address all the issues that are applicable to your proposal. As a minimum, the SEE is to address the following matters:

- a) A detailed description of the proposal
- b) the environmental impacts of the development,
- c) how the environmental impacts of the development have been identified,
- d) the steps to be taken to protect the environment or to lessen the expected harm to the environment,
- e) in some cases, the SEE will also have to consider any matters indicated by any guidelines issued by the Director-General.

An accurately prepared SEE will enable Council Officers to assess applications efficiently and avoid any delays in the assessment process. Council has the authority to reject an application that it regards as being insufficient or incomplete. For proposals that are likely to have minimum impact, a brief SEE will be sufficient.

The following **Statement of Environmental Effects Standard Form** can be used as a general guide for small scale development, such as:

- dwellings;
- carports;
- swimming pools;
- shed;
- boundary adjustments;
- dual occupancy; or
- change of use.



STATEMENT OF ENVIRONMENTAL EFFECTS

29 Belmore Street JUNEE
 Postal Address: PO Box 93, JUNEE NSW 2663
 Phone: (02) 6924 8100
 Fax: (02) 6924 2497
 Email: jsc@junees.nsw.gov.au
 Web: www.junees.nsw.gov.au
 ABN: 62 621 799 578

This Statement of Environmental Effects is not exhaustive and where insufficient information has been provided Council reserves the right to stop the assessment of the application pending the submissions of more detailed information.

Development applications which are of a larger scale will require a more detailed Statement of Environmental Effects

Proposal

Provide a detailed description of the proposed development	Carport/shed extension behind existing shed at 5 Loughan Rd
--	---

Site Analysis

Describe the existing use of the site:	Residence/Personal use
Describe the proposed use of the site:	Residence/Personal use
Are there any known site constraints: <i>Consider factors such as flooding, slope, bushfire, land contamination etc.</i>	No

Permissibility

Is the proposed use permissible in the zone under the Junees Local Environmental Plan 2012 (JLEP)? Does it meet the objectives of the zone:	Yes
Are there matters or provisions specified for consideration under the JLEP?	No
What sections of the Junees Development Control Plan (DCP) 2021 are applicable to the development? Is the development consistent with the controls of these sections?	C5.4 – see attachment
If the development does not strictly comply with standards of the JLEP and/or DCPs, does it have merit for the proposed variation?	Yes - see attached justification for variation

Context and setting

<p>Does the development fit with character of the area?</p> <p><i>Consider the compatibility of the development with adjoining/nearby land uses.</i></p>	<p>Yes, Matches all existing and his hidden behind</p> <hr/> <hr/> <hr/>
<p>Is the development consistent with the visual streetscape of the locality?</p> <p><i>Consider external alterations, signage etc.</i></p>	<p>Yes will not be seen from street</p> <hr/> <hr/> <hr/>
<p>Is the development affecting/ located near an item with heritage significance? If so, are there any likely impacts on this item due to the development?</p>	<p>No</p> <hr/> <hr/> <hr/>
<p>Will the proposed development affect privacy, views and/or overshadowing of adjoining properties?</p> <p><i>Shadow diagrams are required if there is potential for overshadowing or if the development is two storeys or more</i></p>	<p>No</p> <hr/> <hr/> <hr/>
<p>Will the proposed development generate offensive noise or vibration? If so, what measures will be used to mitigate the noise sources?</p>	<p>No</p> <hr/> <hr/> <hr/>

Operational Uses (for commercial uses only)

<p>Hours and days of operation:</p>	Please tick		From	To
	<input type="checkbox"/>	Sunday		
	<input type="checkbox"/>	Monday		
	<input type="checkbox"/>	Tuesday		
	<input type="checkbox"/>	Wednesday		
	<input type="checkbox"/>	Thursday		
	<input type="checkbox"/>	Saturday		
<p>Number of staff:</p>	<hr/> <hr/> <hr/>			
<p>Onsite activities:</p>	<p>Caravan and vehicle storage</p> <hr/> <hr/> <hr/>			

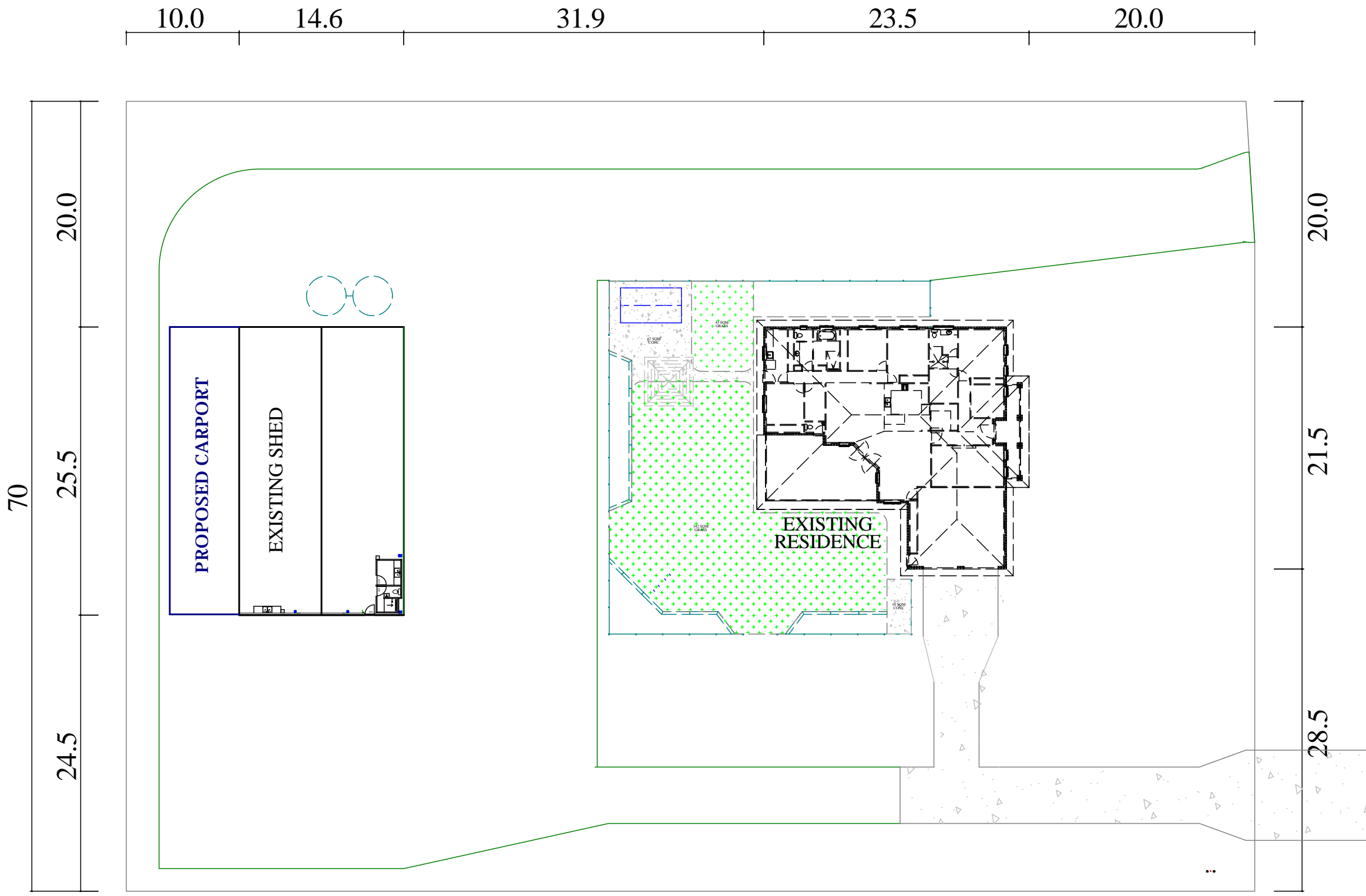
Type and quantity of raw materials, finished products and waste products to be stored onsite:	None
Identify any proposed hazardous materials or processes:	None
Does the development include skin penetration practices? Please describe accordingly: <i>Consider the provisions of the NSW Health Authority</i>	No
Does the development include food preparation practices? Please describe accordingly: <i>Consider the provisions of the NSW Food Act 2003 and FSANZ Food Standards</i>	No
Does the development include the placement of signs? Please indicate the number of signs and describe accordingly: <i>Consider the size, colours, wording, location, etc. Refer to SEPP No. 64 – Advertising and Signage</i>	No

Traffic and Access

Provide details of accessibility for vehicles, pedestrians, bicycles and disabled persons:	Existing driveway
Will local traffic movements or volume be affected? Provide details of traffic movements:	No
Will additional requirements for access, onsite car parking, loading and unloading be required?	No
How many onsite car parking spaces are provided for the development? <i>Refer to Council's DCP No. 20 – Off Street Parking Policy</i>	N/A

Utilities

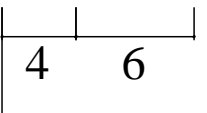
Does the development require access to reticulated water, sewer and storm water drainage systems? How will these be provided?	Yes, all storm water to existing tanks and overflow system
---	--



*PROPOSED CARPORT
FOR
ANDREW
&
LAUREN
COEN
5 LOUGHAN RD JUNEE
LOT 20
DP1035451*

LOUGHAN RD

20.0
21.5
28.5



100



REV.	DESCRIPTION	DATE
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REV.	DESCRIPTION	DATE
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NOTES:
STORM WATER TO EXISTING
ALL DIMENSIONS IN METERS
PLANS TO BE READ IN CONJUNCTION WITH
FAIR DINKUM SHED DRAWINGS

DRAWING ISSUE - FOR APPROVAL
DO NOT SCALE - IF IN DOUBT ASK
DRAWN ANDREW COEN DATE JUL 23

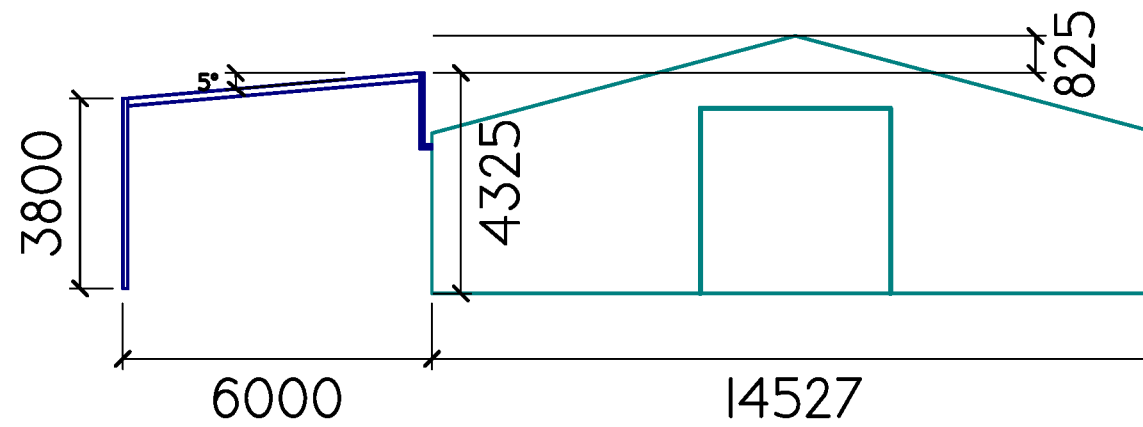
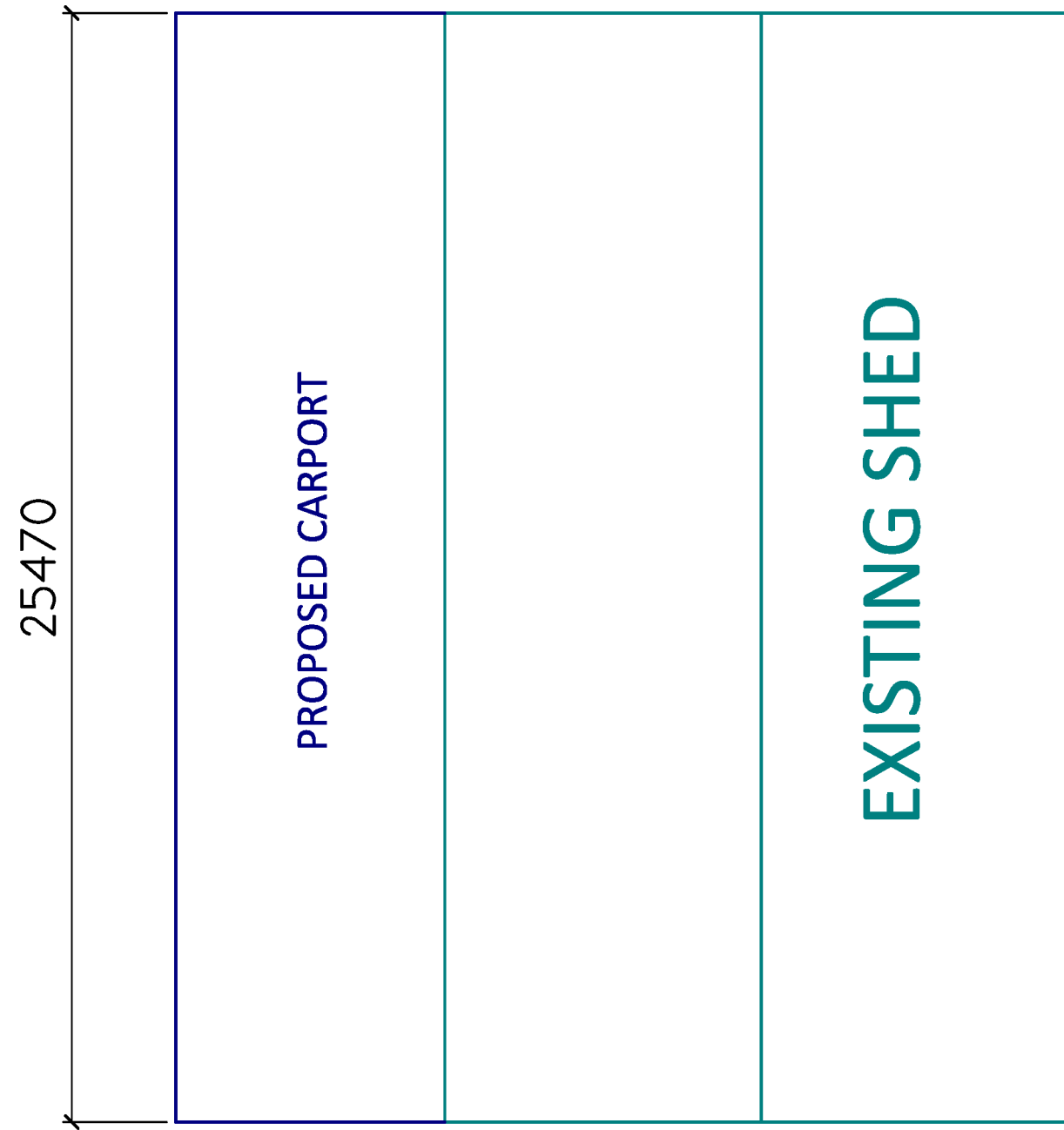
AWC
DRAFTING

ANDREW COEN
5 LOUGHAN RD
JUNEE N.S.W 2663
0418607848
andrew@coencranes.com

BRETT DUCK
BUILDING CONTRACTOR

58 PITT ST JUNEE NSW PH:0417288450 Lic:84703c

PROJECT A & L COEN CARPORT
TITLE SITE PLAN
SCALE NTS DRAWING NO. 5LRCP_001 REV.



REV.	DESCRIPTION	DATE
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NOTES:
 STORM WATER TO EXISTING
 ALL DIMENSIONS IN MILLIMETERS
 PLANS TO BE READ IN CONJUNCTION WITH
 FAIR DINKUM SHED DRAWINGS

DRAWING ISSUE - FOR APPROVAL

DO NOT SCALE - IF IN DOUBT ASK

DRAWN ANDREW COEN DATE JUL 23

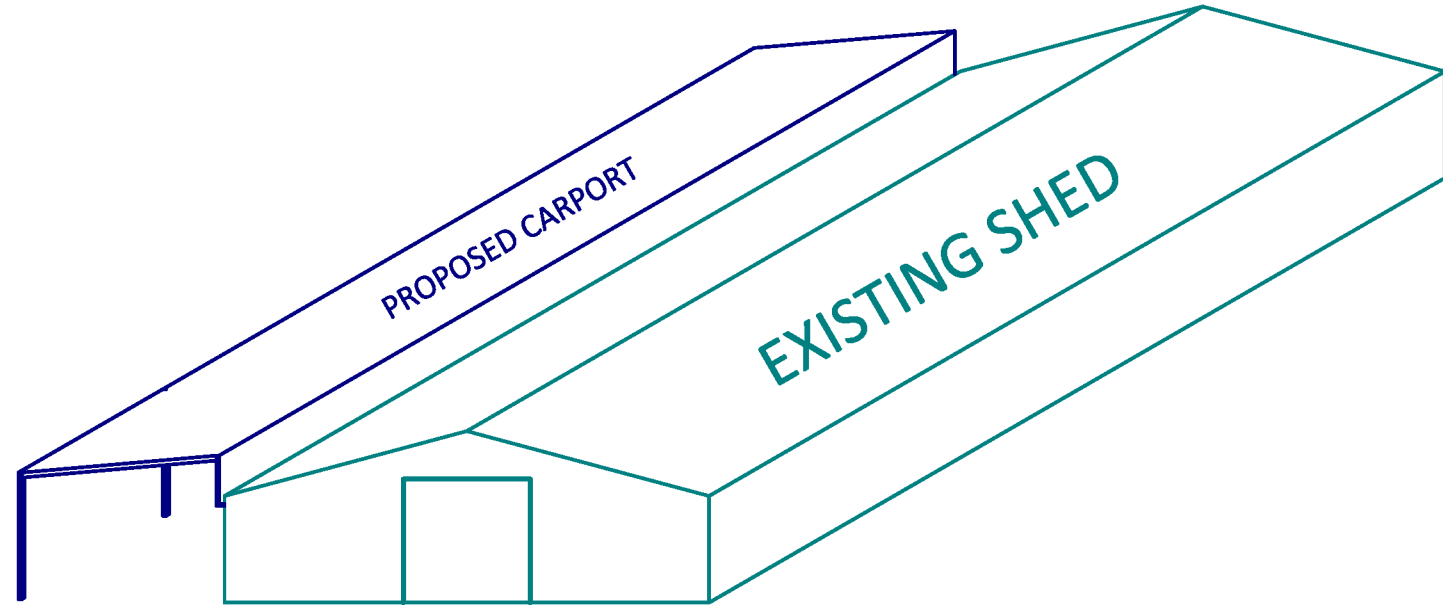
AWC
 DRAFTING

ANDREW COEN
 5 LOUGHAN RD
 JUNEE N.S.W 2663
 0418607848
 andrew@coencranes.com

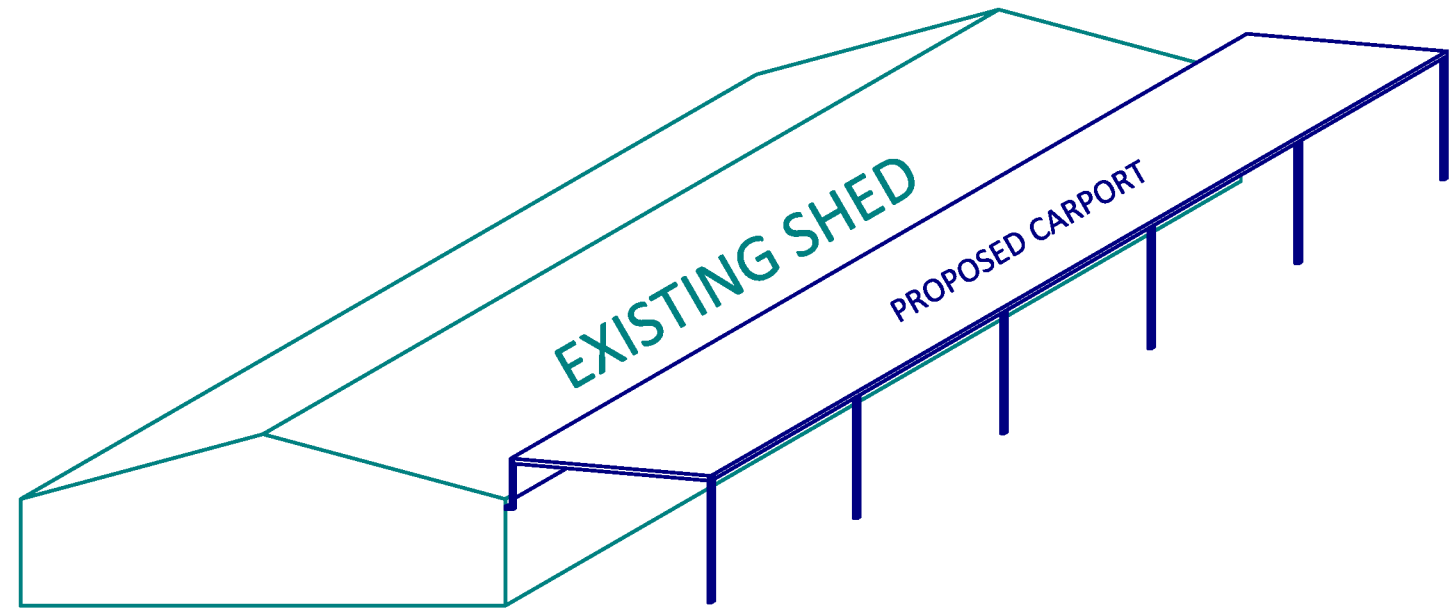
BRETT DUCK
 BUILDING CONTRACTOR

58 PITT ST JUNEE NSW PH:0417288450 Lic:84703c

PROJECT A & L COEN CARPORT
 TITLE PLAN AND ELEVATION
 SCALE NTS DRAWING NO. 5LRCP_002 REV.



LOOKING AT FRONT OF SHED
NORTH WEST ELEVATION



LOOKING AT REAR OF SHED
SOUTH EAST ELEVATION

REV.	DESCRIPTION	DATE
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REV.	DESCRIPTION	DATE
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NOTES:
STORM WATER TO EXISTING
ALL DIMENSIONS IN MILLIMETERS
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FAIR DINKUM SHED DRAWINGS

DRAWING ISSUE - FOR APPROVAL
DO NOT SCALE - IF IN DOUBT ASK
DRAWN ANDREW COEN DATE JUL 23

AWC
DRAFTING

ANDREW COEN
5 LOUGHAN RD
JUNEE N.S.W 2663
0418607848
andrew@coencranes.com

BRETT DUCK
BUILDING CONTRACTOR

58 PITT ST JUNEE NSW PH:0417288450 Lic:84703e

PROJECT A & L COEN CARPORT
TITLE ISOMETRIC VIEWS
SCALE NTS DRAWING NO. 5LRCP_003 REV.

To Whom it May Concern,

RE: Proposed carport, 5 Loughan Road, JUNEE

This letter is to support our development application to erect a carport to the rear of our existing shed, which will primarily store our caravans, trailers and collectable cars. We are committed to finding a solution which will allow us to store these items in a way that will not impact the street view or have a negative impact on adjacent properties. The existing shed has been erected with a 10m setback from the rear boundary and purposefully aligned behind our home from street view. The proposed carport would be located to the rear of the existing shed and would not be visible from the street view in front of our home, as per the photos in appendices. At present, we are unable to easily access our caravan when stored inside the existing shed due to height restrictions in the original DA. The maximum height for the roller doors on the Western side do not accommodate the height of the caravan.

We understand the size restrictions on outbuildings are to maintain a visually appealing neighbourhood that provides a consistent street view as well as ensuring adjacent properties and neighbours do not endure offensive and/or inconvenient outbuildings erected by others and believe this request will support the intended objectives.

Please see below responses to the performance criteria to confirm our intent to honour the objectives of the DCP, specifically sections C5.1, C5.2 and C5.4

C5.1 Use

Objective:

To preserve the residential nature of residential areas and minimise unlawful use and associated impacts to amenity.

Performance Criterion:

Outbuildings, garages and sheds are not to be used as a dwelling, habitable room, or home business/industry (without approval).

The proposed carport will not be habitable and will be used for storage which will contribute to the objective of C5.1 by ensuring that large recreational vehicles/caravans, trailers and additional vehicles will be stored out of sight and continue to preserve the residential nature of the area.

C5.2 Visual Impact and Amenity

Objectives: To ensure outbuildings and garages/carports will:

1. Not unreasonably impact or dominate views from the street or key public places;
2. Be in keeping with the scale and setting of the relevant land use zone, street and locality character;
3. Integrate with the dwelling design and surrounding landscaping and buildings;
4. Not significantly impact on the amenity of neighbouring properties (e.g. overshadow, noise)

Performance Criteria: Any garages, carports, outbuildings, sheds or pools/spas must:

- 1. Visibility: Demonstrate their size and location will not dominate the street and will be in keeping with the residential scale and setting. Generally, larger buildings will be more acceptable behind the dwelling (rear building line).**

Our existing shed was purposefully cut into the back of our block and positioned in line with our home to ensure minimal view from the street as to not unreasonably impact the aesthetics from all viewpoints around us. The proposed carport is at the rear of the existing shed when looking at our property from the street and should not be visible. The size of our existing shed and carport are of a reasonable size in comparison to the size of the block and would not impose on the visual appeal of our land or dwelling. There are neighbouring sheds of a larger size which are located on higher natural ground and detract the focus from our shed.

- 2. Setbacks/Amenity: Setbacks from boundaries and height are subject to assessment of the impacts on adjacent properties including, but not limited to: shadow/solar access, noise and visual amenity/privacy, colour and visibility, and addressing the National Construction Code (NCC) / fire separation requirements.**

As the proposed carport will be positioned behind the existing shed on level ground within the original site cut, it will not impact or overshadow any neighbouring properties and is in compliance with section C%.4.3.b of the DCP. The height of the carport will be lesser than the peak of the existing shed, this will cause no shadowing to adjacent properties. The proposed carport will be fabricated out of the same materials and colours as our existing shed to ensure continuity of the design and the positioning at the rear will integrate the carport with the existing landscape. The placement of the carport within the existing site cut will maintain full access by a vehicle around the perimeter of our block which is a safety and maintenance objective of ours.

- 3. Streetscape: Where buildings are located to the side of or in front of dwellings facing a street they must:**

As the proposed carport is at the rear of the block, purposefully positioned behind the existing shed which is in turn positioned behind the home, the streetscape will not be effected.

- a. Be subsidiary in bulk, height, scale and footprint to the principal dwelling or other buildings on the land;*
- b. Incorporate articulation to break down larger blank walls or facades; and*
- c. Use colours and materials that integrate with and complement the existing dwelling (though not necessarily replicate it), landscaping and street character.*

- 4. Colour/Materials: If the buildings are made of metal components and are visible from adjacent residences, public spaces or heritage items/heritage conservation areas, then they must be 41 constructed using low reflectivity/ factory pre-coloured external materials (or galvanised iron where required by Council).**

The proposed carport will be fabricated out of the same materials and colours as our existing sheds which are non-reflective colorbond colours, to ensure the carport is not visually offensive or distracting to adjacent properties.

- 5. Other Standards: Comply with any relevant requirements in the National Construction Code and Australian Standards.**

The proposed carport will comply with all relevant legislative requirements.

C5.4 Garages, Carports, Outbuilding and Sheds in R5 Large Lot Residential Zones

Objectives: To ensure outbuildings and garages/carports will:

1. Not unreasonably impact or dominate views from the street or key public places;
2. Be in keeping with the scale and setting of the relevant land use zone, street and locality character;
3. Integrate with the dwelling design and surrounding landscaping and buildings;
4. Not significantly impact on the amenity of neighbouring properties (e.g. overshadow, noise)

Performance Criteria: Any garages, carports, outbuildings, sheds or pools/spas must: **In addition to the visual impact/amenity controls above, any garages, carports, outbuildings or sheds in Zone R5 Large Lot Residential areas, must not exceed:**

1. A ridge height of 4.8m from existing ground level;

The proposed carport does not exceed a ridge height of 4.8m.

2. The floor area of the existing or proposed dwelling

The proposed carport does not exceed the floor area of the existing dwelling. The combined floor area of the proposed carport and existing shed would be larger than the floor area of the existing dwelling. Although the combined size of the existing shed and proposed carport would exceed the existing dwelling, the increased floor area would not be visible from the street and therefore have no visual impact whilst also providing storage for large recreational vehicles/caravans, trailers and additional vehicles which will preserve the residential nature of the area by not having such large objects visible and detracting from the aesthetics and streetscape.

3. A minimum setback of:

a. 10m; or

b. Where the dwelling on the allotment is within 50m of a public road, the outbuilding should be located behind the front building line of any dwelling.

The proposed carport is behind the existing shed which was purposefully placed behind the house.

Appendix 1 – entrance to property

View of end of Northern existing shed, slight view of corner post of carport



Appendix 2 – View from road

Slight view of peak of existing shed roof, carport will be concealed



Appendix 3 – View from road

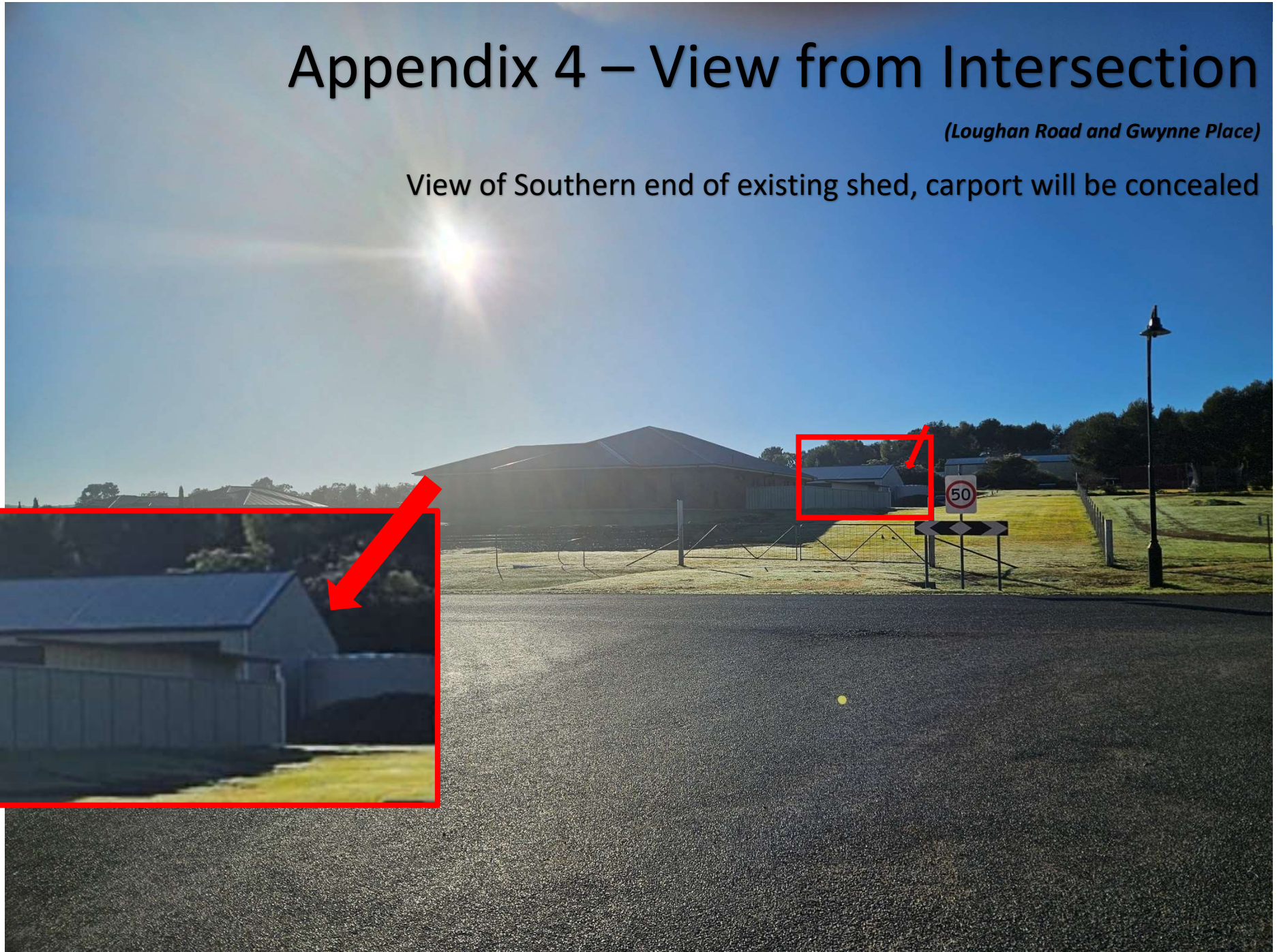
Existing shed concealed, carport will be concealed



Appendix 4 – View from Intersection

(Loughan Road and Gwynne Place)

View of Southern end of existing shed, carport will be concealed



Item 5 DEVELOPMENT APPLICATION 2023/51 – 29 TATHRA DRIVE, JUNEE (DUAL OCCUPANCY AND HOME OCCUPATION)

Author Town Planner; Directorship: Planning and Community Development

Attachment s4.15 Development Assessment Report; Statement of Environmental Effects; Submitted Plan Set

RECOMMENDATION:

That Development Application No. 2023/51 from Ms S Brown for the development of a dual occupancy and home business located on Lot: 5, DPI261405, known as 29 Tathra Drive, Junee be REFUSED CONSENT for the following reasons:

- ***The proposed development is considered to be inconsistent with the objectives and controls of the Junee Development Control Plan 2021, where the requested variations to these controls are not supported.***
 - ***The site is not considered to be suitable for the proposed development, as required by the heads of consideration outlined in s4.15 of the Environmental Planning and Assessment Act 1979.***
 - ***The proposal is inconsistent with the existing character and amenity of the locality.***
-

SUMMARY

The proposed development includes the construction of a dual occupancy and associated outbuilding to be utilised for the purpose of a home business.

The proposed development is recommended for refusal for noncompliance with the Junee Development Control Plan 2021 and that the development is not considered to be suitable for the subject site due to being inconsistent with the existing character of the locality.

The standard notification process was initiated as a result of the presentation of the application to the September Ordinary Council Meeting, resulting in four submissions being lodged with Council.

BACKGROUND

The proposed development includes the construction of a dual occupancy, with Dwelling 1 having a floor area of 80sqm (one bedroom) and Dwelling 2 having a floor area of 112sqm (two bedrooms). The dwellings will share a laundry and will be connected by a covered deck. The structure will be constructed from steel posts and steel bearers and joists. The dual occupancies will be finished with pre coloured steel cladding and roofing.

In addition to the dual occupancy, a separate outbuilding is proposed to be installed within the front setback to Tathra Drive for the purpose of conducting a home business. The proposed home business is intended to be a “wellness centre”, incorporating elements including yoga,

GENERAL MANAGER'S REPORT TO THE ORDINARY MEETING OF JUNEE SHIRE COUNCIL HELD ON 17 OCTOBER 2023.

massage and psychotherapy treatments. This business is proposed to accommodate a maximum of 8-10 members of the public for yoga classes (two hours per day), one-two members of the public during all other opening hours. The proposed operating hours for this business are 10.00am to 7.00pm, Monday to Saturday.

The outbuilding is proposed to be constructed from sympathetic materials to the proposed dual occupancy, being finished in pre coloured steel cladding and roofing. The floor area of the proposed 'wellness centre' will be 99.1sqm.

Additionally, contact was made with the applicant with regard to the proposed amount of carparking on the site. If Council were to approve the development, a condition of consent would be applied requiring the provision of car parking to be wholly within the site, and to cater for the maximum number of expected visitors to the site.

Public Submissions

Four submissions were received by Council during the standard notification period. The submissions generally were unsupportive of the development and raised concerns with visual and acoustic privacy, traffic and parking, as well as the general compatibility of the proposed land use within the existing character of the area.

CONSIDERATIONS

Policy

State Environmental Planning Policies

No SEPPs are considered to be applicable to the proposed development.

Junee Local Environmental Plan 2012

The proposed development is considered to be a *dual occupancy and home occupation* as defined by the Junee LEP 2012. Home occupation is defined as:

means an occupation that is carried on in a dwelling, or in a building ancillary to a dwelling, by one or more permanent residents of the dwelling and that does not involve –

- (a) *the employment of persons other than those residents, or*
- (b) *interference with the amenity of the neighbourhood by reason of the emission of noise, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, wastewater, waste products, grit or oil, traffic generation or otherwise, or*
- (c) *the display of goods, whether in a window or otherwise, or*
- (d) *the exhibition of any signage (other than a business identification sign), or*
- (e) *the sale of items (whether goods or materials), or the exposure or offer for sale of items, by retail, but does not include bed and breakfast accommodation, home occupation (sex services) or sex services premises.*

Dual occupancies and home occupations located in the R5 Large Lot Residential zone are uses that are permissible with consent under the land use table contained in the Junee LEP 2012. The objectives of the R5 Large Lot Residential zone are:

GENERAL MANAGER'S REPORT TO THE ORDINARY MEETING OF JUNEES SHIRE COUNCIL HELD ON 17 OCTOBER 2023.

- *To provide residential housing in a rural setting while preserving, and minimising impacts on, environmentally sensitive locations and scenic quality.*
- *To ensure that large residential lots do not hinder the proper and orderly development of urban areas in the future.*
- *To ensure that development in the area does not unreasonably increase the demand for public services or public facilities.*
- *To minimise conflict between land uses within this zone and land uses within adjoining zones.*
- *To facilitate and promote an increased range of living opportunities by providing for low intensity residential development compatible with the rural characteristics of the locality.*

It is considered that the proposal is generally consistent with the objectives of the zone.

Clause 6.1 Earthworks: The proposed earthworks are considered to be ancillary to a permitted use on the site. It is considered the proposed earthworks will have minimal impact as outlined in the items for consideration under this clause of the LEP.

Clause 6.3 Stormwater Management: The proposed dwellings will be required to utilise the existing stormwater management arrangements on the site and direct any stormwater to Council's existing stormwater management infrastructure.

Clause 6.4 Terrestrial Biodiversity: The proposed development is not considered to have any adverse impacts to the condition, ecological value or significance of the fauna or flora on the land. The development has been sited to minimise the need for the removal of vegetation from the site. The development will not significantly impact on the biodiversity structure, function or connectivity of habitat elements.

Clause 6.9 Essential Services: All essential services are available to the subject site. The proposed dwelling houses will be required to connect to these services.

Junees Development Control Plan 2021

A number of sections of the Junees DCP 2021 are applicable to this development, *including Part C6 Medium Density Dwellings and Part C5 Ancillary Development: Sheds, Garages, Carports, Outbuildings and Pools/Spas.*

Section C5.4 requires that outbuildings in the R5 zone be located to the rear of dwellings when within 50m of a public road. Given the size and prominence of the outbuilding, and inconsistency with the existing character and built form of the locality, a variation to this control is not supported.

Clause 3.1 sets out the setback requirements for dwellings in this location, where a minimum side setback of 10m is required. A variation has been requested to permit a 5m setback in this location. Due to the shape and nature of the lot and the 10m wide easement in this location, a variation to this control could be supported.

It is considered that the proposed development is inconsistent with the controls of these sections of the DCP, and only a variation to the side setback control would be supported.

Further detailed information on the development's compliance with local planning policies and principles is found in the s4.15 Development Assessment Report (The s4.15 Development Assessment Report has been included as an attachment to this report).

Risk Assessment

The rejection of this application has minimal risk to Council, given the anticipated impact of the proposed development and the required variations.

There is the possibility of the applicant requesting a review of any determination made, as permitted under Section 8.2 of the Environmental Planning and Assessment Act (EP&A Act) 1979. In addition, the applicant may appeal any determination to the Land and Environment Court, as permitted under Section 8.7 of the EP&A Act 1979.

Financial

The refusal or approval of this development application has minimal financial risk to Council. It should be noted however, any review or appeal of the determination may require additional staff resourcing and potential legal costs.

CONCLUSION

It is recommended Development Application No. 2023/51 from Ms S Brown for the development of a dual occupancy and home business located on Lot: 5, DPI261405, known as 29 Tathra Drive, Junee be **REFUSED CONSENT** for the following reasons:

- The proposed development is considered to be inconsistent with the objectives and controls of the Junee Development Control Plan 2021, where the requested variations to these controls are not supported.
- The site is not considered to be suitable for the proposed development, as required by the heads of consideration outlined in s4.15 of the Environmental Planning and Assessment Act 1979.
- The proposal is inconsistent with the existing character and amenity of the locality.



JUNEE SHIRE COUNCIL

ATTACHMENT TO ITEM 5

17 OCTOBER 2023

Application Summary	
Development Application No:	DA2023/51
Proposed Land Use:	<input checked="" type="checkbox"/> Residential <input type="checkbox"/> Commercial <input type="checkbox"/> Rural <input checked="" type="checkbox"/> Other
Property Description:	Lot: 5 Section: - DP: 1261405 Address: 29 Tathra Drive, Junee
Applicant:	Ms S P Brown
Owner/s:	Mr M D Coleman & Ms H G Howell
Proposed Development Classification:	<input checked="" type="checkbox"/> Local <input type="checkbox"/> Integrated <input type="checkbox"/> Designated
Assessing Officer:	Rohan Johnston - Town Planner
Development Application & Site History	
Details of Previous Consents (Last 5 years)	2018/31.2 – Boundary Adjustment
Previous Use	Vacant Large Lot Residential
Previous Subdivision(s) Affecting the Site	As above.
Easements/Restrictions on title	Easement for Overhead Powerlines – 10.82m to 16.775m wide along northern boundary.
Public Consultation	
Notifications – Adjoining Landowners:	Notification Required
Newspaper Advertisements:	Advertising Not Required
Exhibition Dates:	Start: 20/09/2023 End: 4/10/2023
No. of Submissions Received:	4
All Submissions Acknowledged?	Yes- all submissions acknowledged.
Referrals	
Date Government Agencies Referred to:	-
Agency Name:	<input type="checkbox"/> Rural Fire Service NSW <input type="checkbox"/> Office of Environment and Heritage <input type="checkbox"/> Department of Primary Industries <input type="checkbox"/> Department of Planning, Industry & Environment <input type="checkbox"/> Other – Insert details of Agency.
Agency Response/Conditions:	-
Internal Referrals:	<input type="checkbox"/> Engineering <input type="checkbox"/> GIS <input type="checkbox"/> Other
Comments or Recommendations:	-
Additional Planning Commentary:	Nil.

Development Specifics

The proposed development includes the construction of a dual occupancy and associated outbuilding to be utilised for the purpose of a home occupation.

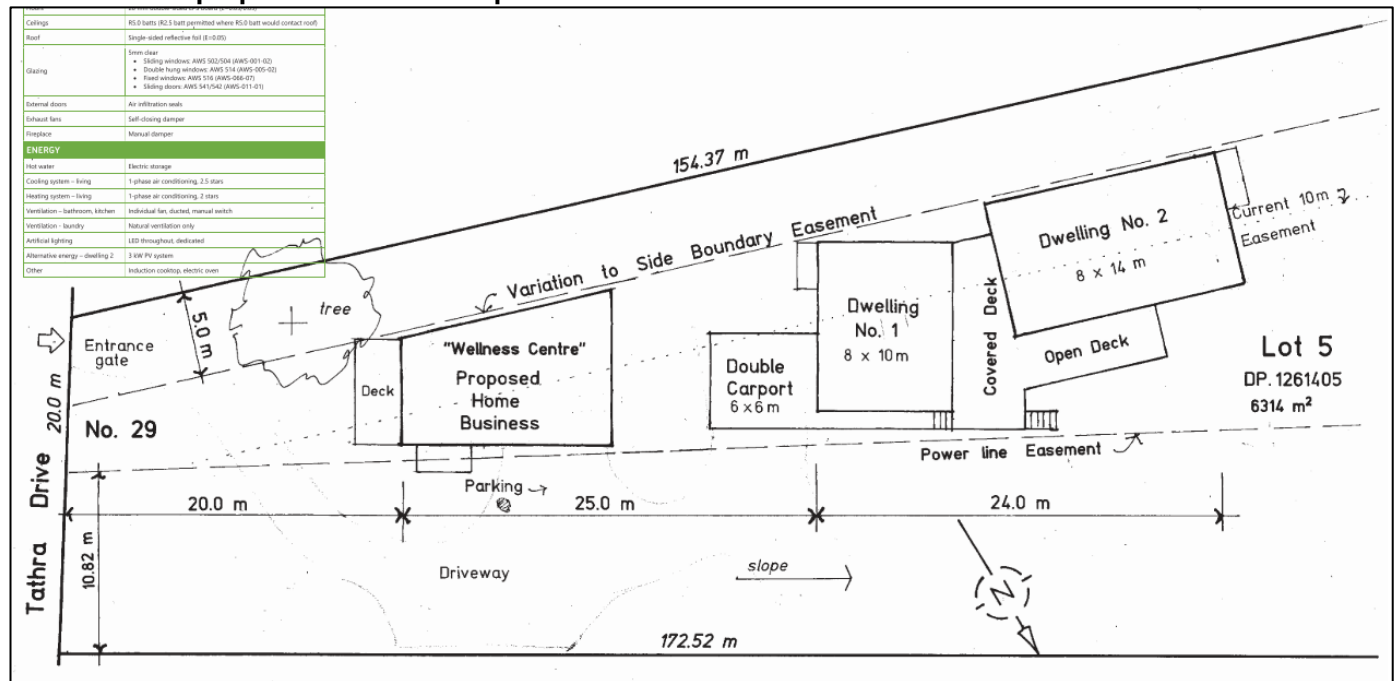


Figure 1: Proposed Development

The proposed development includes the construction of a dual occupancy, with Dwelling 1 having a floor area of 80sqm (1 bedroom) and Dwelling 2 having a floor area of 112sqm (2 bedroom). The dwellings will share a laundry and will be connected by a covered deck. The structure will be constructed from steel posts and steel bearers and joists. The dual occupancies will be finished with pre coloured steel cladding and roofing.

In addition to the dual occupancy, a separate outbuilding is proposed to be installed within the front setback to Tathra Drive for the purpose of conducting a home occupation. The proposed home occupation is intended to be a “wellness centre”, incorporating elements including yoga, massage and psychotherapy treatments. This business is proposed to accommodate a maximum of 8-10 members of the public for yoga classes (2 hours per day), 1-2 members of the public during all other opening hours. The proposed operating hours for this business are 10am to 7pm, Monday to Saturday.

The outbuilding is proposed to be constructed from sympathetic materials to the proposed dual occupancy, being finished in pre coloured steel cladding and roofing. The floor area of the proposed ‘wellness centre’ will be 99.1sqm.

Variations to the controls of the DCP are requested, being for 10m side setbacks in R5 zones and an outbuilding in the front setback of a dwelling house.

State Environmental Planning Policies (SEPPs)	The Provisions of Any Environmental Planning Instrument		Applicable?	
	State Environmental Planning Policies		Y	N
	State Environmental Planning Policy (Biodiversity and Conservation) 2021		<input type="checkbox"/>	<input checked="" type="checkbox"/>
	State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004		<input type="checkbox"/>	<input checked="" type="checkbox"/>
	State Environmental Planning Policy (Exempt and Complying Development Codes) 2008		<input type="checkbox"/>	<input checked="" type="checkbox"/>
	State Environmental Planning Policy (Housing) 2021		<input type="checkbox"/>	<input checked="" type="checkbox"/>
	State Environmental Planning Policy (Industry and Employment) 2021		<input type="checkbox"/>	<input checked="" type="checkbox"/>
	State Environmental Planning Policy No 65—Design Quality of Residential Apartment Development		<input type="checkbox"/>	<input checked="" type="checkbox"/>
	State Environmental Planning Policy (Planning Systems) 2021		<input type="checkbox"/>	<input checked="" type="checkbox"/>
	State Environmental Planning Policy (Precincts—Central River City) 2021		<input type="checkbox"/>	<input checked="" type="checkbox"/>
	State Environmental Planning Policy (Precincts—Eastern Harbour City) 2021		<input type="checkbox"/>	<input checked="" type="checkbox"/>

	State Environmental Planning Policy (Precincts—Regional) 2021	<input type="checkbox"/>	<input checked="" type="checkbox"/>
	State Environmental Planning Policy (Precincts—Western Parkland City) 2021	<input type="checkbox"/>	<input checked="" type="checkbox"/>
	State Environmental Planning Policy (Primary Production) 2021	<input type="checkbox"/>	<input checked="" type="checkbox"/>
	State Environmental Planning Policy (Resilience and Hazards) 2021	<input type="checkbox"/>	<input checked="" type="checkbox"/>
	State Environmental Planning Policy (Resources and Energy) 2021	<input type="checkbox"/>	<input checked="" type="checkbox"/>
	State Environmental Planning Policy (Transport and Infrastructure) 2021	<input type="checkbox"/>	<input checked="" type="checkbox"/>
	Ministerial Directions		
	Section 117(2) – Ministerial Directions	<input type="checkbox"/>	<input checked="" type="checkbox"/>
SEPP Commentary: There are no SEPPs or s177's considered to be applicable or relevant to the proposed development.			

The Provisions of Any Environmental Planning Instrument – Cont.			
Biodiversity Conservation Act 2016 No.63	Section 7.3 - Test for determining whether proposed development or activity likely to significantly affect threatened species or ecological communities, or their habitats	Applicable?	
		Y	N
	<i>In the case of a threatened species, whether the proposed development or activity is likely to have an adverse effect on the life cycle of the species such that a viable local population of the species is likely to be placed at risk of extinction,</i>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
	<i>In the case of an endangered ecological community or critically endangered ecological community, whether the proposed development or activity— (i) is likely to have an adverse effect on the extent of the ecological community such that its local occurrence is likely to be placed at risk of extinction, or (ii) is likely to substantially and adversely modify the composition of the ecological community such that its local occurrence is likely to be placed at risk of extinction,</i>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
	<i>In relation to the habitat of a threatened species or ecological community— (i) the extent to which habitat is likely to be removed or modified as a result of the proposed development or activity, and (ii) whether an area of habitat is likely to become fragmented or isolated from other areas of habitat as a result of the proposed development or activity, and (iii) the importance of the habitat to be removed, modified, fragmented or isolated to the long-term survival of the species or ecological community in the locality,</i>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
	<i>whether the proposed development or activity is likely to have an adverse effect on any declared area of outstanding biodiversity value (either directly or indirectly),</i>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
	<i>whether the proposed development or activity is or is part of a key threatening process or is likely to increase the impact of a key threatening process.</i>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Comments	There are no known or anticipated impacts caused by the development on threatened species or communities that would require further assessment under the Biodiversity Conservation Act 2016.		
Local Environmental Plans (LEPs)	In Force LEPs	Applicable?	
		Y	N
	Junee Local Environmental Plan 2012	<input checked="" type="checkbox"/>	<input type="checkbox"/>
	Land Zoning	Relevant?	
		Y	N
	R5 Large Lot Residential - Permissible with Consent	<input checked="" type="checkbox"/>	<input type="checkbox"/>
	4.1 – Minimum subdivision lot size	<input type="checkbox"/>	<input checked="" type="checkbox"/>
	4.1A – Minimum subdivision lot size for strata plan schemes in certain rural and residential zones	<input type="checkbox"/>	<input checked="" type="checkbox"/>
	4.2 – Rural subdivision	<input type="checkbox"/>	<input checked="" type="checkbox"/>
	4.2A – Erection of dual occupancies (attached) and dwelling houses on land in Zone RUI	<input type="checkbox"/>	<input checked="" type="checkbox"/>
	4.2B – Erection of rural workers' dwellings in Zone RUI	<input type="checkbox"/>	<input checked="" type="checkbox"/>
	4.2C – Exceptions to minimum lot sizes for certain rural subdivisions	<input type="checkbox"/>	<input checked="" type="checkbox"/>
	4.6 – Exceptions to development standards	<input type="checkbox"/>	<input checked="" type="checkbox"/>
	5.3 - Development near zone boundaries	<input type="checkbox"/>	<input checked="" type="checkbox"/>
	5.4 - Controls relating to miscellaneous permissible uses	<input checked="" type="checkbox"/>	<input type="checkbox"/>
5.5 – Controls relating to secondary dwellings on land in a rural zone	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
5.10 – Heritage conservation	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
5.11 – Bush fire hazard reduction	<input type="checkbox"/>	<input checked="" type="checkbox"/>	

5.13 – Eco-tourist facilities	<input type="checkbox"/>	<input checked="" type="checkbox"/>
5.16 - Subdivision of, or dwellings on, land in certain rural, residential or environment protection zones	<input type="checkbox"/>	<input checked="" type="checkbox"/>
5.18 - Intensive livestock agriculture	<input type="checkbox"/>	<input checked="" type="checkbox"/>
5.19 - Pond-based, tank-based and oyster aquaculture	<input type="checkbox"/>	<input checked="" type="checkbox"/>
5.20 - Standards that cannot be used to refuse consent—playing and performing music	<input type="checkbox"/>	<input checked="" type="checkbox"/>
6.1 - Earthworks	<input checked="" type="checkbox"/>	<input type="checkbox"/>
6.2 - Flood Planning	<input type="checkbox"/>	<input checked="" type="checkbox"/>
6.3 - Stormwater management	<input checked="" type="checkbox"/>	<input type="checkbox"/>
6.4 - Terrestrial biodiversity	<input checked="" type="checkbox"/>	<input type="checkbox"/>
6.5 - Groundwater vulnerability	<input type="checkbox"/>	<input checked="" type="checkbox"/>
6.6 - Riparian land and watercourses	<input type="checkbox"/>	<input checked="" type="checkbox"/>
6.7 - Wetlands	<input type="checkbox"/>	<input checked="" type="checkbox"/>
6.8 - Salinity	<input type="checkbox"/>	<input checked="" type="checkbox"/>
6.9 - Essential Services	<input checked="" type="checkbox"/>	<input type="checkbox"/>

LEPs Commentary: The proposed development is considered to be **Dual Occupancy and Home Occupation** as defined by the Junee LEP 2012. Dual occupancies and home occupations located in the R5 Large Lot Residential zone are uses that are *permissible with consent* under the land use table contained in the Junee LEP 2012. The objectives of the R5 Large Lot Residential zone are:

- To provide residential housing in a rural setting while preserving, and minimising impacts on, environmentally sensitive locations and scenic quality.
- To ensure that large residential lots do not hinder the proper and orderly development of urban areas in the future.
- To ensure that development in the area does not unreasonably increase the demand for public services or public facilities.
- To minimise conflict between land uses within this zone and land uses within adjoining zones.
- To facilitate and promote an increased range of living opportunities by providing for low intensity residential development compatible with the rural characteristics of the locality.

It is considered that the proposal is consistent with the objectives of the zone.

Clause 6.4 relates to Terrestrial Biodiversity, which is mapped as being present on the site. The following matters are required to be considered prior to making a determination for development application:

- a) whether the development is likely to have-
 - i. any adverse impact on the condition, ecological value and significance of the fauna and flora on the land, and
 - ii. any adverse impact on the importance of the vegetation on the land to the habitat and survival of native fauna, and
 - iii. any potential to fragment, disturb or diminish the biodiversity structure, function and composition of the land, and
 - iv. any adverse impact on the habitat elements providing connectivity on the land, and
- b) any appropriate measures proposed to avoid, minimise or mitigate the impacts of the development.

The proposed development is not considered to have any adverse impacts to the condition, ecological value or significance of the fauna or flora on the land. The development has been sited to minimise the need for the removal of vegetation from the site. The development will not significantly impact on the biodiversity structure, function or connectivity of habitat elements.

Minimal earthworks will be required to facilitate the proposed development. Stormwater will be required to be directed to Councils existing infrastructure where available.

	The Provisions of Any Environmental Planning Instrument – Cont.	
Development Control Plans (DCPs)	DCPs	Applicable
		Y N
	Junee Shire Council Development Control Plan 2021	<input checked="" type="checkbox"/> <input type="checkbox"/>
	Policies/S.94A Plans	
		Y N
	Council Policies & Procedures – checked?	<input checked="" type="checkbox"/> <input type="checkbox"/>
Relevant plans	<input checked="" type="checkbox"/> <input type="checkbox"/>	

Part	Section	Comment
Part C: Residential and Rural Residential Development		
C2 Site Planning, Earthworks and Utilities	C2.1 Site Planning	The development has been sited to the front of the lot to reduce impacts on natural features. A variation has been requested to the side setback requirements, which may impact on adjoining residential dwellings.
	C2.2 Water and Energy Efficiency	A BASIX Certificate with a pass score has been supplied with the application.
	C2.3 Earthworks	No earthworks are proposed in excess of 600mm.
	C2.4 Utilities	All reticulated services are available to the site and will be connected as required. No sewer is available to the subject site. An OSSM will be required to be installed.
	C2.5 Waste Management	Connection to Councils Sewer is not possible. An s68 application for a OSSM will be required to be lodged. Adequate site area is available for bin storage on each proposed lot.
	C2.6 Letterboxes and Street Numbering	Correct house numbering to be affixed to each dwelling, clearly identifying each dwelling.
C5 Ancillary Development: Sheds, Garages, Carports, Outbuildings and Pools/Spas	C5.1 Use	Proposed outbuilding is to be utilised for the purpose of a home occupation. The home occupation is shown on the submitted documentation as a “wellness centre”, involving yoga classes, massage and psychotherapy treatments. This business is proposed to accommodate a maximum of 8-10 members of the public for yoga classes (2 hours per day), 1-2 members of the public during all other opening hours. The proposed operating hours for this business are 10am to 7pm, Monday to Saturday.
	C5.2 Visual Impact and Amenity	The anticipated visual and amenity impacts resulting from the proposed shed are considered to be significant in the context of the existing area. The shed will be constructed from a pre-coloured metal cladding that will not be reflective and will be complementary to the proposed dual occupancy. Significant landscaping is also proposed to screen the proposed dual occupancy and home occupation from the public domain. The location of the proposed outbuilding is within the front setback to the dwelling, where the adjoining dwellings are generally located.
	C5.4 Garages, Carports, Outbuilding and Sheds in R5 Large Lot Residential Zones	The proposed dual occupancy is located within 50m of a public road. The proposed outbuilding is required by the DCP to be located behind the dwelling/dual occupancy. The proposed development includes an outbuilding in front of the proposed dual occupancy and is inconsistent with the DCP. This variation is not supported in this location as this arrangement is inconsistent with the existing built form in this locality.
C6 Medium Density Dwellings	C6.1 State Environmental Planning Policies	SEPP not applicable to the proposed development.
	C6.2 Suitability of the Site	The site is considered to be suitable for the proposed medium density development, considering access, transport, recreation, and amenity. The proposed dual occupancy is considered to be suitable in the existing and desired future character of the area. The proposed location for the outbuilding and home occupation are not considered to be suitable for the site.
	C6.3 Minimum Street Frontage	The minimum street frontage of 18m is considered to be met, with a width of approximately 20m to Tathra Drive.
	C6.4 - Density and Site Area	The overall site area of the lot is approximately 6309sqm, meeting this control.
	C6.5 Setbacks	The setback requirements for the site include primary front setbacks of 20m. Side and rear boundaries are required to have a setback of 10m. The proposed dual occupancy will be consistent with the DCP control for a front setback. A variation is required to the side setback requirements due to the shape of the lot and the existing electrical easement in this location. A variation could be supported to this control.
	C6.6 Site Coverage	The maximum impermeable site coverage permitted by the DCP is 70% of the total site area. The overall site coverage does not exceed 70%.


	C6.7 Height and Solar Access	The overall height of the dwellings will not exceed 9m in overall height. No privacy or overlooking impacts are anticipated to occur as result of the development. A minimum of 2 hours of solar access to each dwelling is considered to be maintained between 9am and 3pm during the winter solstice.
	C6.8 Presentation to Street and Driveways	The proposal is considered to be consistent with the controls of this section, at least one habitable room is orientated to the street for the proposed dwelling.
	C6.9 Noise and Visual Privacy	The development is considered to be generally consistent with the requirements of this section of the DCP, with regards to noise and visual privacy.
	C6.10 Private Open Space	The minimum private open space requirements for the development is a minimum of 40sqm per dwelling. The primary open space area must have a minimum area of 4m x 4m. The development is considered to be consistent with the DCP controls regarding private open space per dwelling.
	C6.11 Landscaping and Deep Soil Zones	The proposal includes details of onsite landscaping to be provided to each dwelling. It is considered that the development is consistent with this section of the DCP.
	C6.12 Fencing	No fencing is requiring approval is proposed to the frontage of either dwelling.
	C6.13 Solid Waste Management	Adequate onsite storage of bins is proposed.
	C6.14 Adaptability	Not Applicable – development does not involve more than 6 dwellings.
C8 Access and Parking	C8.1 Vehicle Parking	Suitable onsite parking is proposed as part of this development for the residential aspect of this development. Inadequate parking is proposed on site for the home occupation, where up to 10 participants will access the site for yoga classes. Due to the location of the site, it is considered that adequate parking for up to 10 vehicles may be required. Condition as condition of consent
	C8.2 New Driveways and Entrances in Urban Areas	Suitable access arrangements are proposed for each dwelling, with a shared driveway.

The Provisions of Any Environmental Planning Instrument – Cont.		
Planning Agreements (VPAs)	VPAs	Applicable
		Y N
	Any 93F VPAs or Draft VPAs?	<input type="checkbox"/> <input checked="" type="checkbox"/>
VPAs Commentary: N/A		
Any Matters Prescribed by the Regulations		
Regulations	Regulations	Applicable?
		Y N
	Does Section 4 of the Regulations have any relevance?	<input type="checkbox"/> <input checked="" type="checkbox"/>
	Any specific items prescribed by the Regulations of relevance?*(Clause 92, 93, 94 or 94A of the Regs)	<input type="checkbox"/> <input checked="" type="checkbox"/>
Regulations Commentary: No requirement to upgrade Fire safety		

4.15(b) Matters for Consideration Likely Impacts of the Development	
Primary Matters	Comments
Context & Setting	Significant, the proposed development is considered to be inconsistent with the existing and desired future context and setting of the locality.
Site Design & Internal Design	Minimal, the proposed development is considered to have an adequate site and internal design.
Ecologically Sustainable Building Design	BASIX Certificates provided with pass scores.
Access, Transport & Traffic	Moderate, additional traffic is considered to be inconsistent with the existing traffic levels of the residential area.
Public Domain	Minimal, no significant impacts on the public domain are anticipated as a result of this development.

Utilities	Minimal, all utilities are available within close proximity of the site and can be readily connected to.
Heritage	Minimal, there are no heritage items or conservation areas within close proximity to the subject site.
Other Land Resources	Minimal, no significant impacts to land resources are anticipated as a result of the development.
Water	Minimal, development will be required to connect to Councils stormwater management infrastructure.
Soils	Minimal impact.
Air & Microclimate	Minimal impact anticipated; site is proposed to be fully landscaped reducing potential for dust generation. No odour impacts anticipated.
Flora & Fauna	Nil, site has been previously developed for the purpose of residential development. No Flora or Fauna is proposed to be impacted by this development.
Waste	Standard residential waste generation anticipated, overall minimal impact.
Energy	Standard residential energy consumption anticipated; existing infrastructure suitable for proposed development.
Noise & Vibration	Minimal impact, standard residential noise generation anticipated. Proposed home occupation activity is not anticipated to generate significant amounts of incompatible noise.
Natural Hazards	Nil, site is not mapped as bushfire prone or flood prone land.
Technological Hazards	Minimal, development is not anticipated to generate any technological hazards.
Safety, Security & Crime Prevention	Positive, additional dwellings in location.
Economic Impact on the Locality	Positive, development of residential land for residential use, local trades and suppliers, additional spending in local economy from residents.
Social Impacts	Positive, additional residents in area.
Construction	Minimal impacts, some likely additional noise and air impacts such as dust and odour, consistent with standard residential construction. Additional traffic generated during construction including deliveries from heavy vehicles and multiple trades vehicles.
Cumulative Impacts	Overall impact is anticipated to be moderate, with standard impacts associated with residential dwellings and construction. The proposed outbuilding and home occupation have more significant impacts anticipated.
Other?	Nil.
Additional Planning Commentary: The overall impact of the development is considered to be inappropriate for the existing character and amenity of the area. The proposed traffic generation of the home occupation is also considered to be inappropriate for the existing residential amenity.	
Suitability of the Site for the Development.	
Primary Matters	Comments
Does the proposed development fit within the locality?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Are the site attributes conducive to the development?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Additional Planning Commentary: The proposed development is not considered to be consistent with the existing character of the locality	
Any Submission Made in Accordance with the Act or the Regulations	
Primary Matters	Comments
Are the issues raised of relevance to the DA?	Relevant matters were raised in the submissions, including visual and acoustic privacy, traffic and parking, and the general compatibility of the proposed land use within the existing character of the area. The submissions received were generally unsupportive of the proposal.
Are relevant issues raised in the submissions being considered?	The matters raised in the submissions have been taken into consideration in the assessment of this application.
Additional Planning Commentary: The matters raised in the submissions are generally relevant, especially in relation to traffic and parking generation and the general compatibility of the proposed land use within the existing large lot residential area. These issues have been identified in this report and form the basis of a recommendation to refuse the development.	

The Public Interest	
Federal, State, Local Government Interests & Community Interests	Comments
Do any policy statements from Federal or State Governments have relevance?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Are there any relevant planning studies and strategies?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Is there any management plan, planning guideline, or advisory document that is relevant?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No _____
Are there any credible research findings applicable?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No _____
Have there been relevant issues raised in public meetings and inquiries?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No _____
Were there consultations and submissions made in addition to (d) above?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No _____
Will the health and safety of the public be affected?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No.
Additional Planning Commentary: Nil.	

RECOMMENDATION	Refuse Development Consent
It is recommended that Development Application 2023/51 be refused, pursuant to Section 4.16 of the EP&A Act 1979, for the following reasons:	
<ol style="list-style-type: none"> 1. The proposed development is considered to be inconsistent with the objectives and controls of the Junee Development Control Plan 2021, where the requested variations to these controls are not supported. 2. The site is not considered to be suitable for the proposed development, as required by the heads of consideration outlined in s4.15 of the Environmental Planning and Assessment Act 1979 3. The proposal is inconsistent with the existing character and amenity of the locality. 	
Name of Assessing Officer: Rohan Johnston – Town Planner Signature of Assessing Officer: 	
Date: 10/10/2023	

Statement of Environmental Effects

Junee Shire Council

Proposal:

Home Occupation & Dual Occupancy dwellings 29 Tathra Drive, Junee.

Provide a detailed description of the proposed development:

The nature of the proposed home business is classified as a home occupation and will serve as a wellness Centre that will provide energy healing modalities to the Junee Community. This will include;

- Yin Yoga
- Massage
- Psychotherapy treatments

We request approval to build the Wellness Centre at the front of the block 20mtrs from the front streetscape with a floor space of approximately 90sq mtrs. The floor space includes space for yoga and two treatment rooms. The Wellness Centre will only accommodate a maximum of 8-10 people at any given time, for a period of 1 -2 hours for Yin Yoga sessions. All other sessions will be for 1-2 people at any given time. The floor size would be similar to a bed and breakfast accommodation which is permitted under the Councils Local Environmental plan (5.4)

There will be limited sound projected from the structure as all sound will be from the natural environment and when people are participating in session it is for reflection and silence. It will not impact on the serenity other residents currently experience in Tathra drive. The building structure design will complement the environment, current street scape and dual occupancy home. The home occupation will not overshadow any neighbouring homes and will be aesthetically pleasing to the eye as it needs to encourage people to come, relax and heal.

It is also important for clients to be able to access the Wellness Centre without having to drive to the back of the block or past our residential premises. This will ensure their safety as they have easier access to their treatment and support.

The front of the block will also be screened with traditional Australian plants and shrubs to create privacy.

We request the two dwellings be classified as dual occupancy, with two dwellings similar sizes that are joined together by a deck. The intention that we both being sisters can live together but separately in this community. We were both born and raised in Junee and want to return to the community to enjoy the peaceful environment and provide the community with a place of healing.

We request the variation in the building envelope for the dual occupancy homes so they can be built towards the front of the block for a variety of reasons. The building envelope at the rear of the block is still quite small and is on undulating ground with many big rocks and established trees. The established trees are the main reason for not wanting to build in this area. Building at the rear of the block would be expensive and would require considerable drainage as two natural waterways run through the block. Building at the rear is also not in keeping with the street scape.

The intention is to return the block to what would have been its original glory with the planting of native plants and shrubs across the block. It is intended that no current trees, shrubs, or rocks will be removed from the block. There are two natural waterways running through the block which will be maintained and conserved in their natural form.

Site Analysis

Describe the existing use of the site:

Vacant land with large electrical easement

Describe the proposed use of the site:

As a site for dual occupancy and home occupation.

Are there any known site constraints:

Towards the back of the property where the building envelope widens, there are two natural waterways crossing the land, sloping undulating rocky ground, electrical easement and large old trees. The shape of the property is also a constraint with the boundary and easement restrictions. The frontage is only 20mtrs wide.

Permissibility

Is the proposed use permissible in the zone under the Junee Local Environmental Plan 2012 (JLEP)? Does it meet the objectives of the zone:

The use of the land for dual occupancy and home occupation business does meet the objectives of the zone of RU5. However, we are requesting a variation of the zone's boundaries. The objectives are to not have buildings built on each other therefore the stipulation of 10m boundaries. However due to the constraints on the property we have asked for this variation to place our buildings and will follow measures to not impose by way of dominating the landscape with structures but to camouflage our buildings as much as possible and plant screens around the boundaries.

Are there matters or provisions specified for the consideration under the JLEP?

The boundaries and easements.

What are the relevant DCP's applicable to the development? Is the development consistent with the DCP's?

To provide residential housing in a rural setting while preserving, and minimising impacts on, environmentally sensitive locations and scenic quality through appropriate building siting, height, scale, and use of materials that blend into the natural environment.

1. Not unreasonably impact or dominate views from the street or key public places;
2. Be in keeping with the scale and setting of the relevant land use zone, street and locality character;
3. Integrate with the dwelling design and surrounding landscaping and buildings
4. Not significantly impact on the amenity of neighbouring properties (e.g overshadow, noise)

The proposed development is in keeping with the DCP's. It will still be adhering to the DCP if the variation is approved. There will be no impact from the development on neighbouring properties and the development will blend into the natural environment and is going to add to the character of the street.

If the development does not strictly comply with standards of the JLEP and/or DCP's does it have merit for the proposed variation?

Yes, it has merit for the proposed variation as the land slopes, the trees and the rocks would become the site area and this will denigrate the natural lay of the land and become costly. Furthermore, the boundaries and the easement force us to request a variation and build into the southern boundary.

Context and setting

Does the development fit with the character of the area?

The development does fit with the character of the area in that it will be a dwelling for 2 sisters to live and a home occupational business. The business is Yoga, massage and psychotherapy, so will enjoy the peace and the quiet and not disrupt the peace in the area. It will be next door to a child care and not impact on that business at all. The land use itself will be different in that we hope to regenerate the land and plant native trees and shrubs to create a privacy for our guests and us who wish to live there. We wish to use plants to screen us from the neighbour's sheep and dog kennels, hoping to minimise the barking dogs as much as possible.

The dwellings and the business are consistent with the character of the street, the buildings as you will see in our visual presentation will all be similar, non-imposing and with features of natural timber, stylish modern Colourbond iron and decks of timber. We would like to create a place of beauty.

Driving along the street, we hope to use our plants to create a native oasis. Places to sit in nature and just be. This is something you don't see in the street. As most buildings and outbuildings are very visible.

Is the development consistent with the visual streetscape of the locality?

Yes, we believe that is a requirement that we need for our business and place to live. We wish it to not stand out and not have any visual anomalies that would impact the area. There would be a sign hung from our gate stating this is the Wellness Centre. That is all. Visually as you drive along the street it will blend with the landscape and the building itself to be appealing small, and non-imposing. The buildings will not be as visible as the other buildings in the street, such as seeing large sheds as soon as you turn into Tathra drive. Our property

once we have purchased it depending upon the approval of the variation, will be more secluded. In fact, the next step on our agenda after purchasing would be to plant as much as we can.

Is the development affecting/located near an item with heritage significance? If so, are there any likely impacts on this item due to the development?

No.

Will the proposed development affect privacy, views and/or overshadowing of adjoining properties?

No. Please refer in regards to overshadow our elevation and also note that where the houses are built will be alongside dog kennels. The only view that each neighbour has would be into the property of 29 Tathra Drive.

Will the proposed development generate offensive noise or vibration? If so, what measures will be used to mitigate the noise sources?

No

Operational Uses (for commercial uses only)

Hours and days of operation:

Massage and psychotherapy are appointment based, appointments will be taken for 1hr or 1.5 hour sessions Monday to Saturday. Yin Yoga will have hour long classes on Monday's 10am & 5.30pm, Wednesday's 10am & 5.30pm, Saturday's 10am & 5.30pm.

Number of staff:

2

Onsite activities: Massage, Yin Yoga and consultations.

Type and quantity of raw materials, finished products and waste products to be stored onsite:

Identify any proposed hazardous materials or processes:

None

Does the development include skin penetration practices?

No

Does the development include food preparation practices?

No

Does the development include the placement of signs? Please indicate the number of signs and describe accordingly:

1 sign, hung from the front gate, saying Wellness Centre, possibly on a wooden plaque.

Traffic and Access

Provide details of accessibility for vehicles, pedestrians, bicycles and disabled persons:

There will be onsite parking for 3 vehicles opposite the Wellness Centre. A driveway under the electrical easement will be created leading to a carport attached to the dwellings of the residents.

Will local traffic movements or volume be affected?

No

Will additional requirements for access, onsite car parking, loading and unloading be required?

Clients can park along the road; however, we are making provisions for parking on the property, under the electrical easement. No extra provisions for unloading and loading are needed.

How many onsite car parking spaces are provided for the development?

3

Utilities

Does the development require access to reticulated water, sewer and storm water drainage systems? How will this be provided?

Yes. The development will require a treatment system for our sewerage and grey water. The system will be installed by a plumber, when the time comes to build.

Will the development result in an extension of the reticulated water, sewer or storm water drainage system?

No

Does the development include the installation of an onsite sewerage management system?

Yes

Describe other utilities that are/or required to be connected?

Yes we need electricity, telecommunications and water to our property.

Waste

Does the development involve the disposal of liquid trade waste?

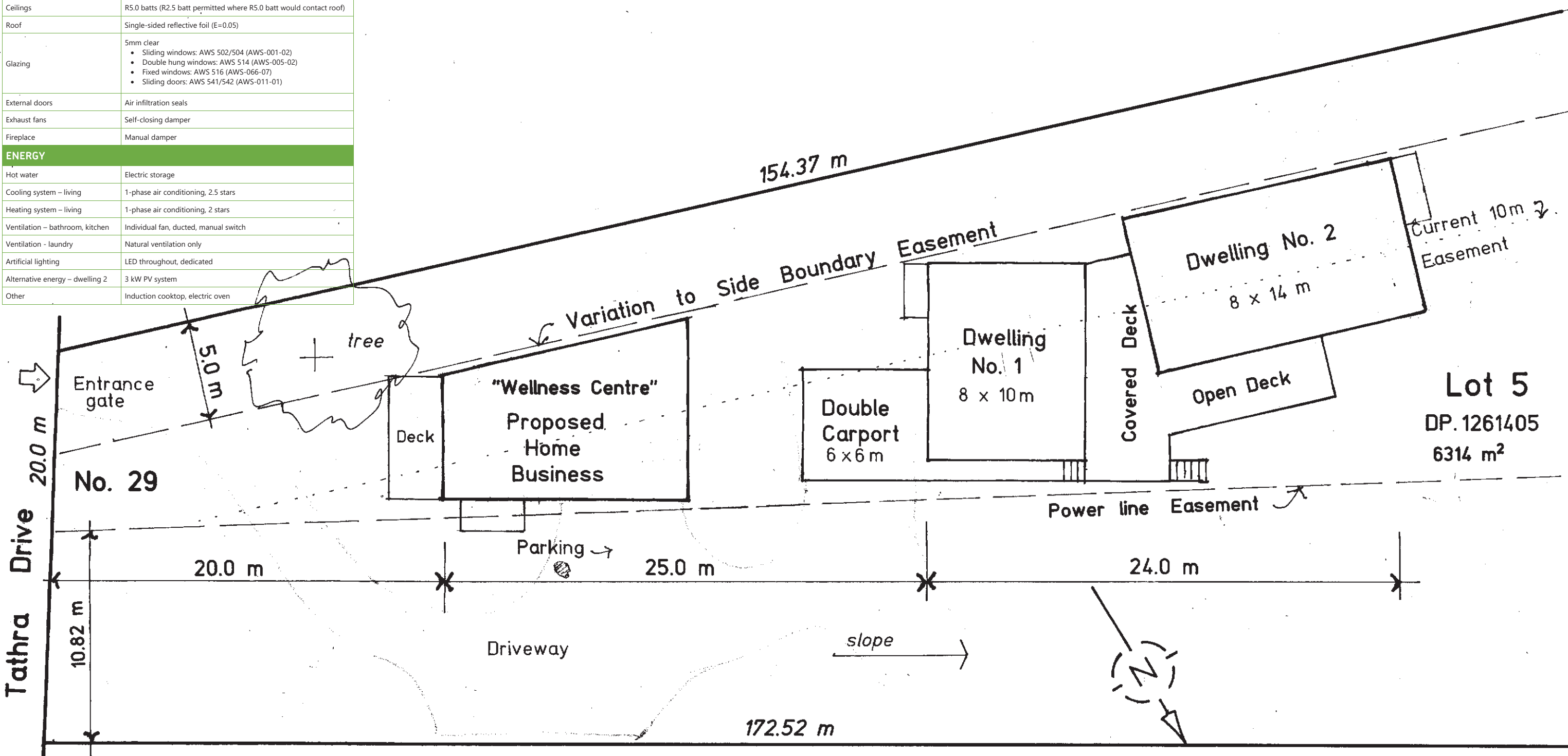
No

Additional Supportive Information

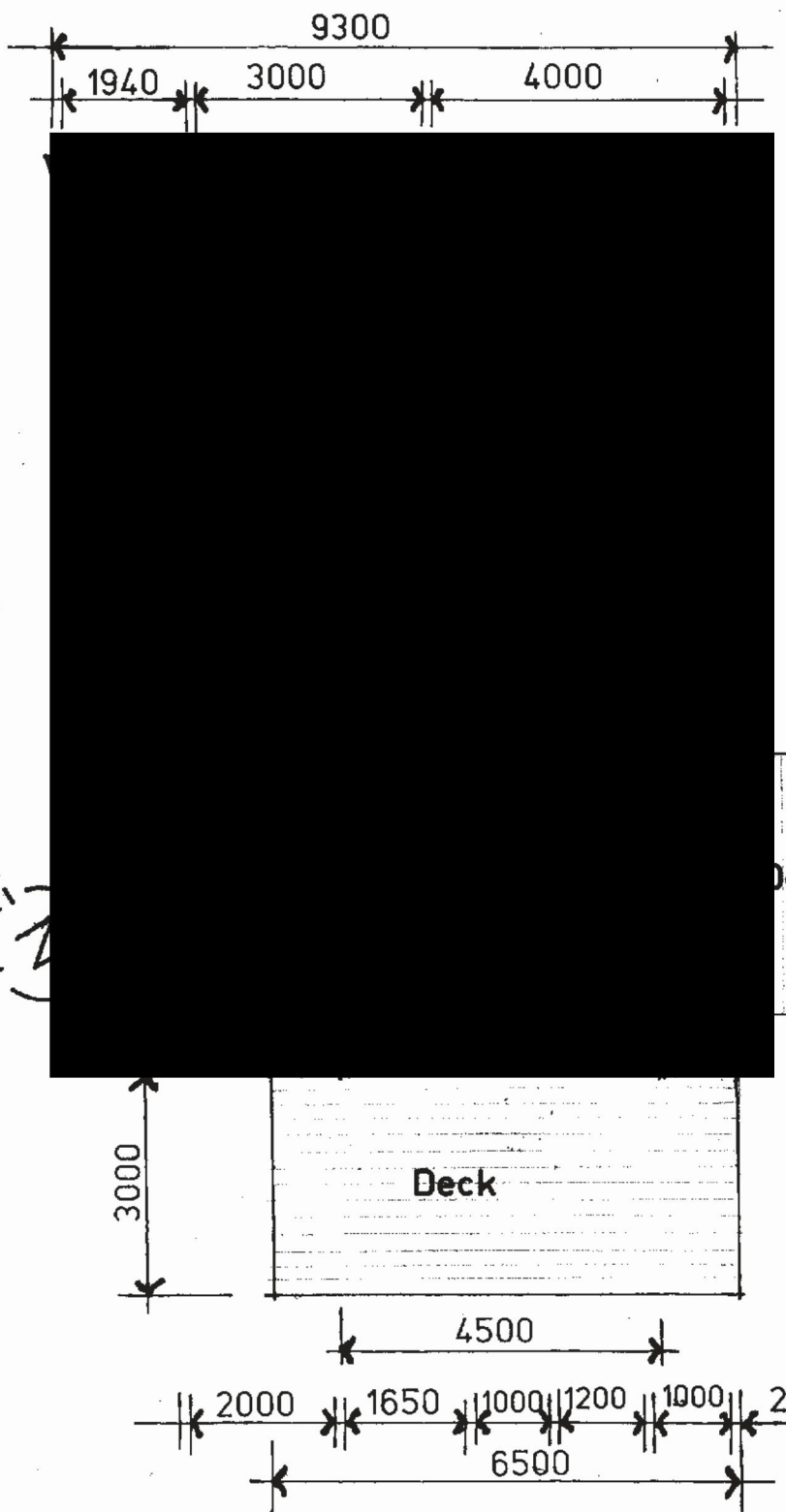
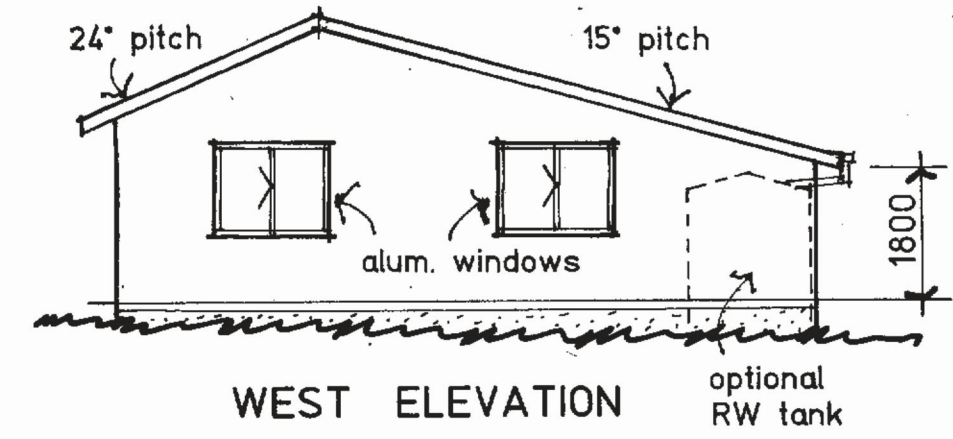
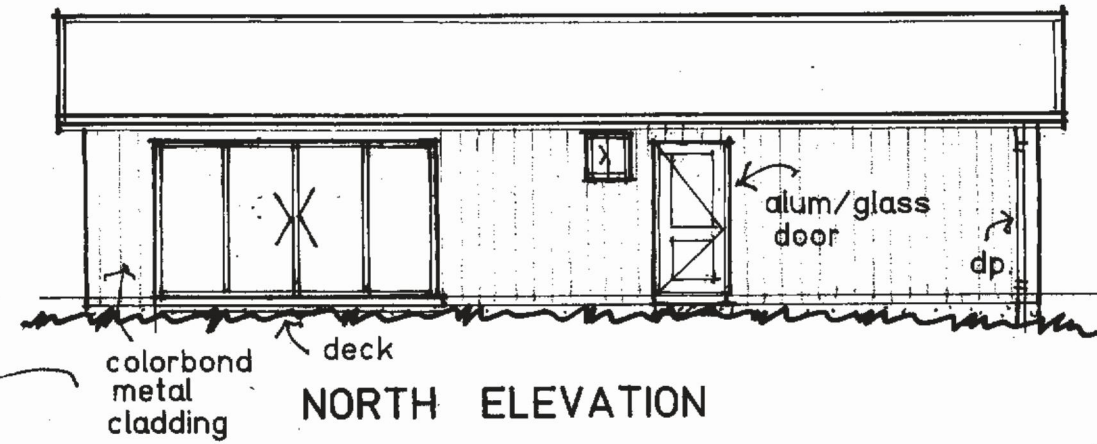
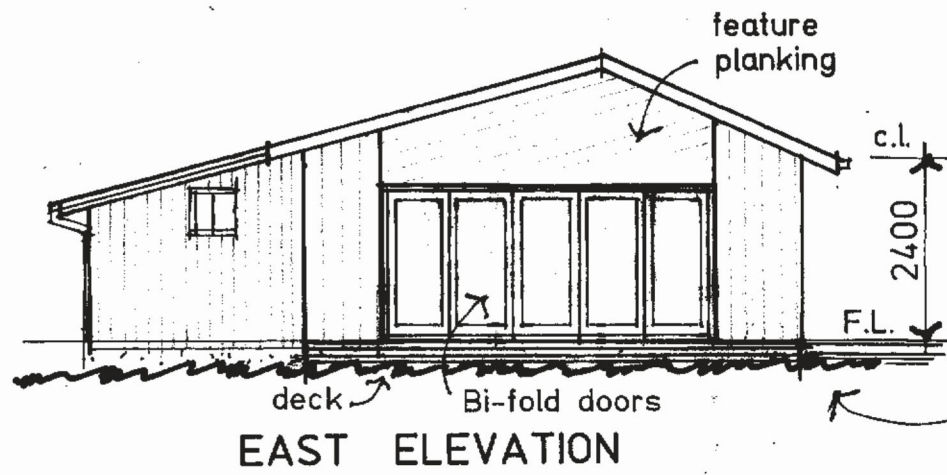
Schedule of BASIX Commitments	
ITEM	COMMITMENT
WATER	
Landscape	55 m ² indigenous or low water use (per dwelling)
Showerheads	<= 9 L/min
Toilets, taps	3 stars
THERMAL COMFORT	
External walls	Vapour permeable sarking (E=0.9), R2.5 batts
Internal walls – bath, laundry, wc	R2.5 batts
Floors	20 mm double-sided EPS board (E=0.05/0.05)
Ceilings	R5.0 batts (R2.5 batt permitted where R5.0 batt would contact roof)
Roof	Single-sided reflective foil (E=0.05)
Glazing	5mm clear <ul style="list-style-type: none"> Sliding windows: AWS 502/504 (AWS-001-02) Double hung windows: AWS 514 (AWS-005-02) Fixed windows: AWS 516 (AWS-066-07) Sliding doors: AWS 541/542 (AWS-011-01)
External doors	Air infiltration seals
Exhaust fans	Self-closing damper
Fireplace	Manual damper
ENERGY	
Hot water	Electric storage
Cooling system – living	1-phase air conditioning, 2.5 stars
Heating system – living	1-phase air conditioning, 2 stars
Ventilation – bathroom, kitchen	Individual fan, ducted, manual switch
Ventilation - laundry	Natural ventilation only
Artificial lighting	LED throughout, dedicated
Alternative energy – dwelling 2	3 kW PV system
Other	Induction cooktop, electric oven

5.2
Minimum star rating
NATIONWIDE HOUSE ENERGY RATING SCHEME
www.nathers.gov.au

#HR-Y0TIEJ-01 17/08/2023
Assessor: Beau Brown
Accreditation No.: DMN/19/1910
Address: 29 Tathra Drive, Junee, NSW, 2663
<http://www.hero-software.com.au/pdf/HR-Y0TIEJ-01>



SITE PLAN of 29 TATHRA DRIVE, JUNEE
1: 200
for Ms. Deanne WEALAND & Sharlene BROWN

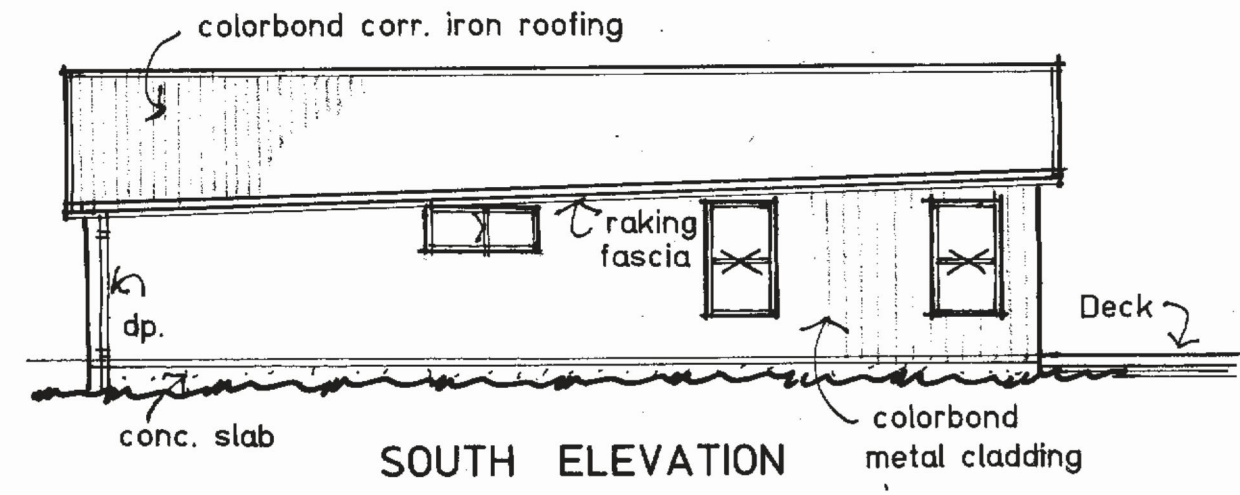


WINDOW SCHEDULE

- Yoga Room.....2100 x 4500 Bi-fold door
- Yoga Room.....2100 x 3600 sl. door
- WC.....600 x 600 sl. obsc.
- Entry Door.....2050 x 920 glass door
- Treatment 1.....1500 x 1500 sl.
- Treatment 2.....1500 x 1500 sl.
- Kitchen.....750 x 1500 sl.
- Yoga Room.....1500 x 900 DH
- Yoga Room.....1500 x 900 DH

FLOOR PLAN

Area: Building = 99.1 m²
Decks = 26.7 m²



PROPOSED "WELLNESS CENTRE"
at 29 Tathra Drive, Junee 2663 for
Ms. Deanne WEALAND & Sharlene BROWN

coota design

R. G. NIXON ACCREDITED BUILDING DESIGNER No. 6090

Drg. No. 2.

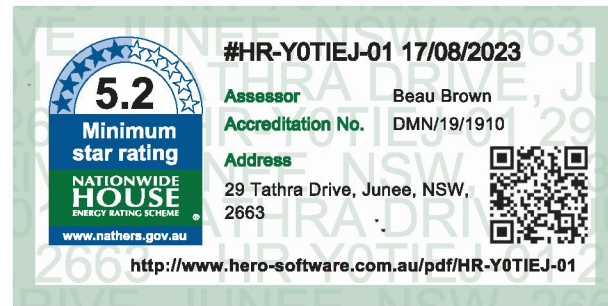


P.O. Box 286 Cootamundra 2590
Phone: 6943 1482
cootadesign@bigpond.com

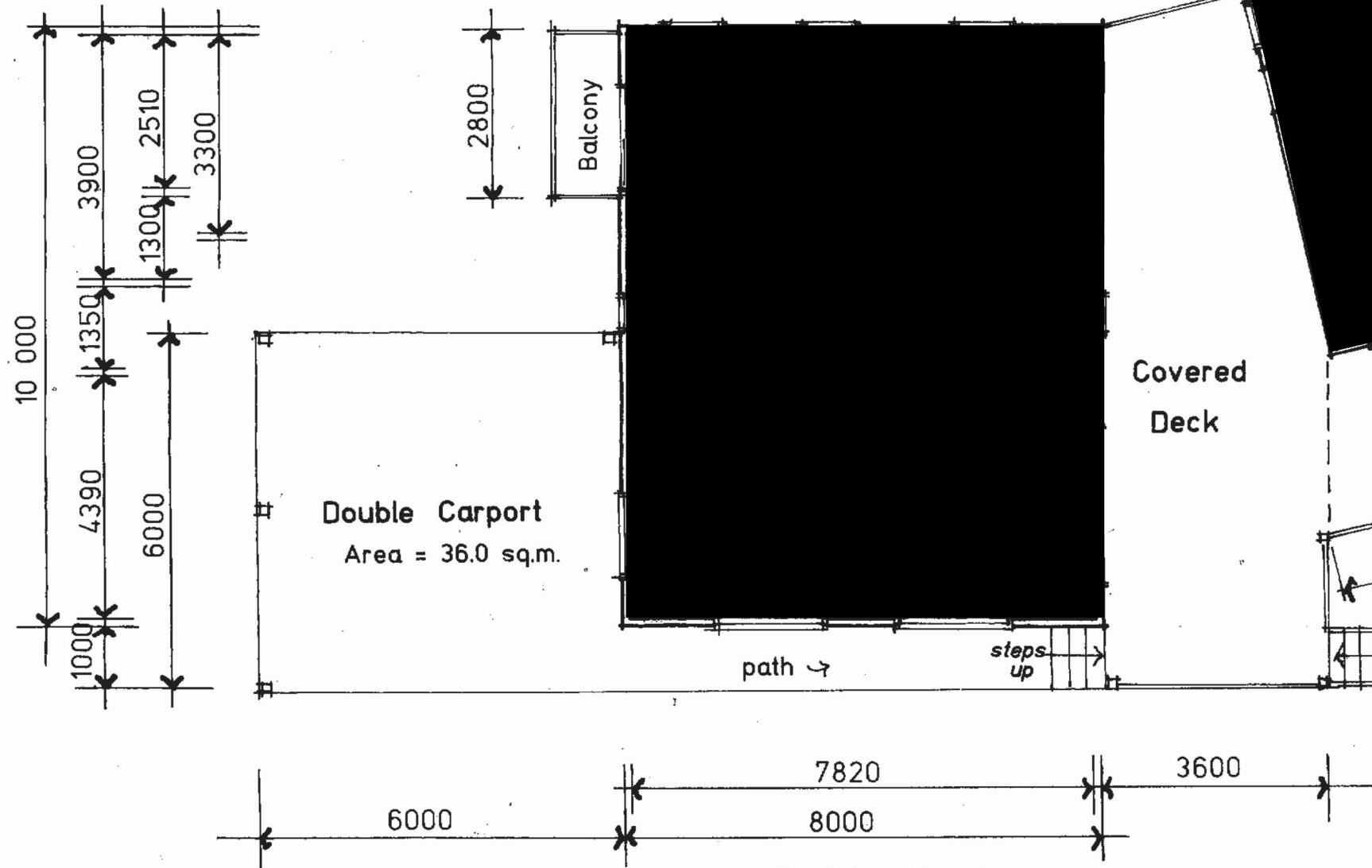
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Date: 26. 7. 23

WINDOW SCHEDULE Dwelling No.1

- Bedroom.....2100 x 1800 sl. door
- Bedroom.....1500 x 900 DH
- Bedroom.....1500 x 900 DH
- Bathroom.....900 x 900 sl. obsc.
- Mud Room.....900 x 700 sl.
- Living.....2100 x 2700 sl. door
- Living.....1500 x 1800 sl.
- Dining.....1500 x 1800 sl.
- Kitchen.....1000 x 1500 sl.



Dwelling No. 1
 Area = 80.0 sq.m.
 Balcony = 3.3 sq.m.



FLOOR PLAN

Covered Deck

Open Deck

Deck Area = 73.7 sq.m.

Double Carport
 Area = 36.0 sq.m.

Dwelling No. 2
 Area = 112.0 sq.m
 Balcony = 6.0 sq.m.

WINDOW SCHEDULE

Dwelling No.2

- Laundry.....900 x 900 sl.
- WC.....700 x 600 sl. obsc.
- Bed 2.....1200 x 1500 sl.
- Bath.....900 x 900 sl. obsc.
- Bed 1.....1200 x 450 fixed
- Bed 1.....1200 x 450 fixed
- Bed 1.....2100 x 1800 sl. door
- Living.....1500 x 1800 sl.
- Living.....1500 x 1800 sl.
- Dining.....2100 x 1800 sl. door
- Kitchen.....1200 x 1200 sl.
- Kitchen.....1000 x 1800 sl.



PROPOSED DUAL OCCUPANCY
 at 29 Tathra Drive, Junee 2663 for
Ms. Deanne WEALAND & Sharlene BROWN

coota design

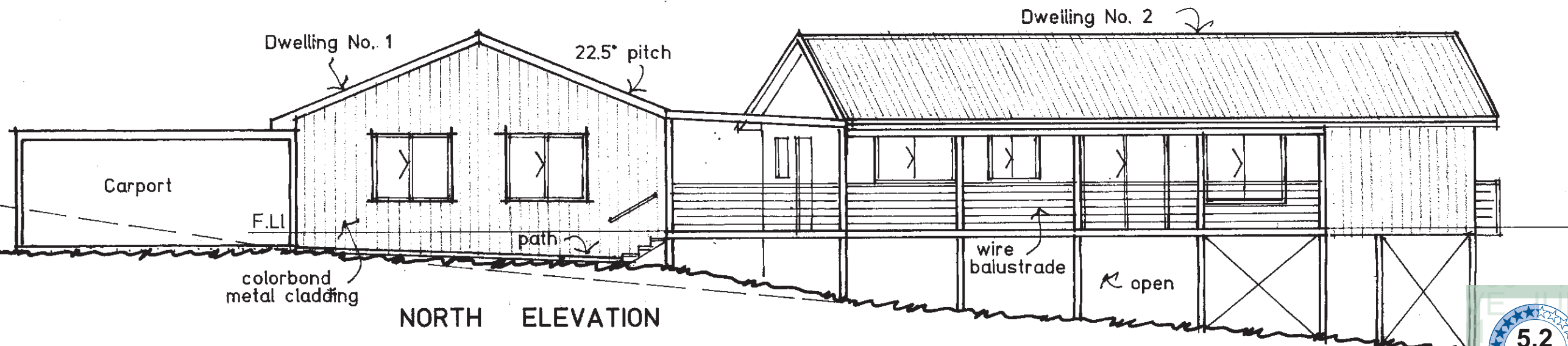
R. G. NIXON ACCREDITED BUILDING DESIGNER No. 6090

Drg. No.
3.



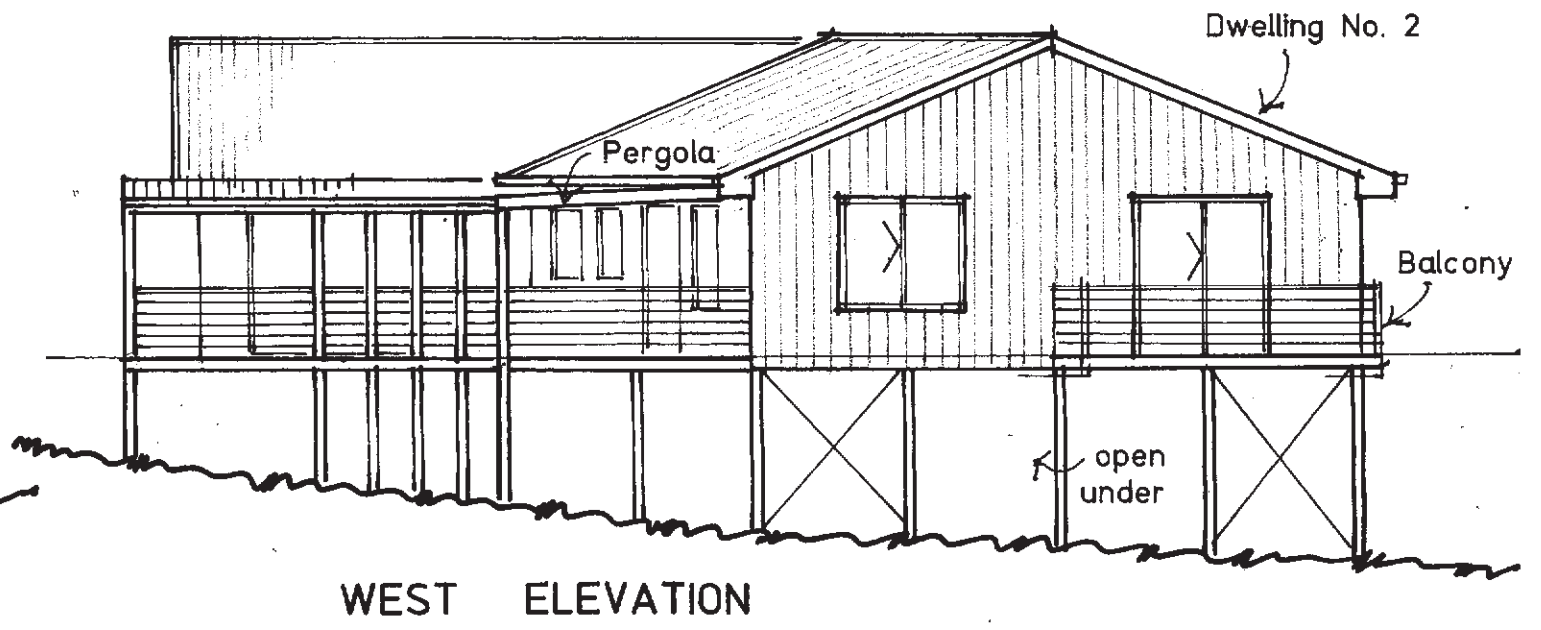
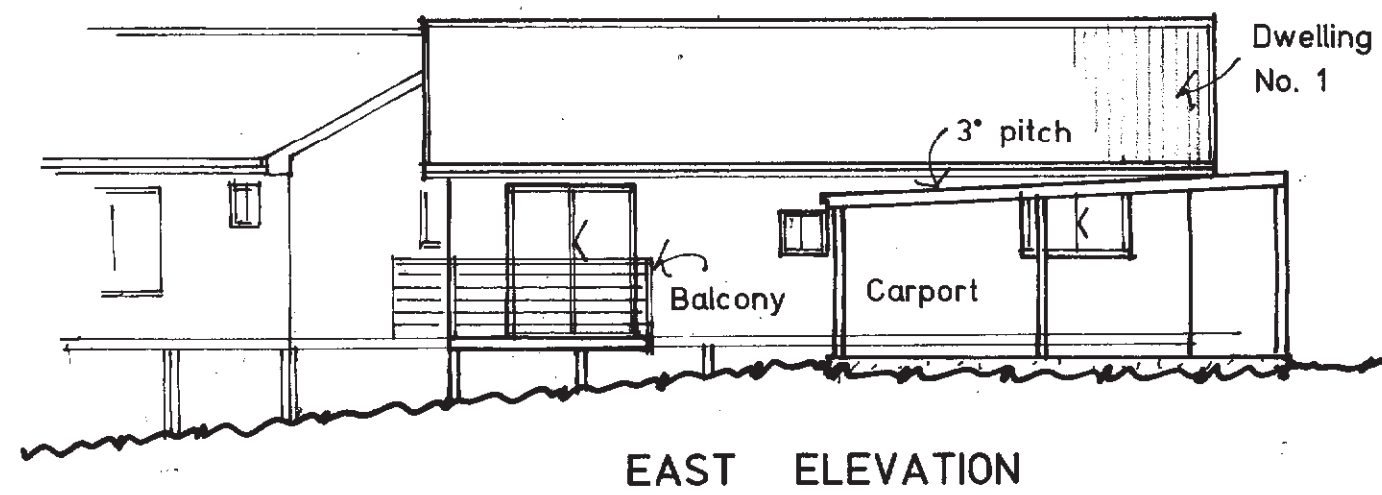
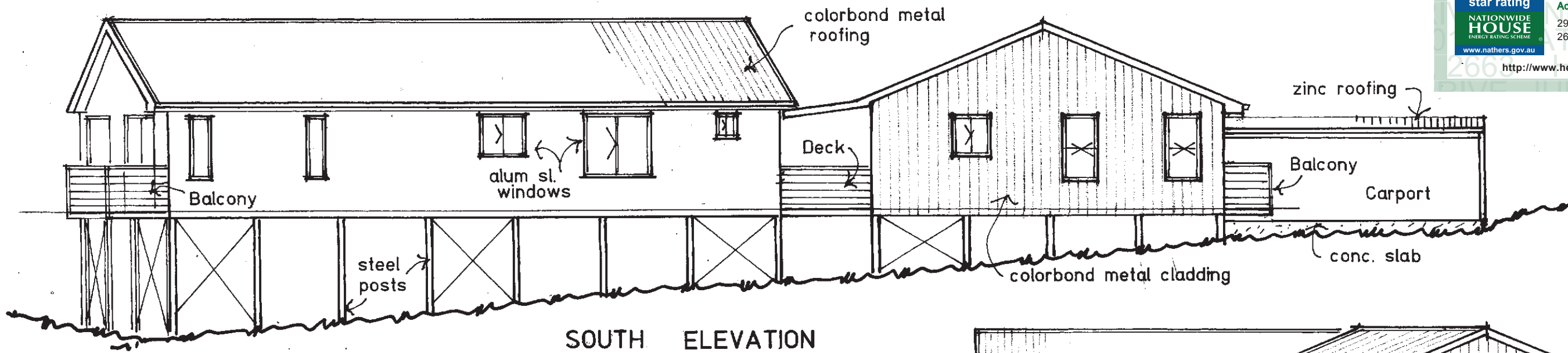
P.O. Box 286 Cootamundra 2590
 Phone: 6943 1482
 cootadesign@bigpond.com

Scale: 1:100
 Date: 25. 7. 23



#HR-Y0TIEJ-01 17/08/2023
 Assessor Beau Brown
 Accreditation No. DMN/19/1910
 Address 29 Tathra Drive, Junee, NSW, 2663
 www.nathers.gov.au
 http://www.hero-software.com.au/pdf/HR-Y0TIEJ-01

5.2
 Minimum star rating
 NATIONWIDE HOUSE ENERGY RATING SCHEME



PROPOSED DUAL OCCUPANCY
 at 29 Tathra Drive, Junee 2663 for
Ms. Deanne WEALAND & Sharlene BROWN

coota design

R. G. NIXON ACCREDITED BUILDING DESIGNER No. 6090



P.O. Box 286 Cootamundra 2590
 Phone: 6943 1482
 cootadesign@bigpond.com

Scale: 1:100
 Date: 27. 7. 23

Drg. No.
4.


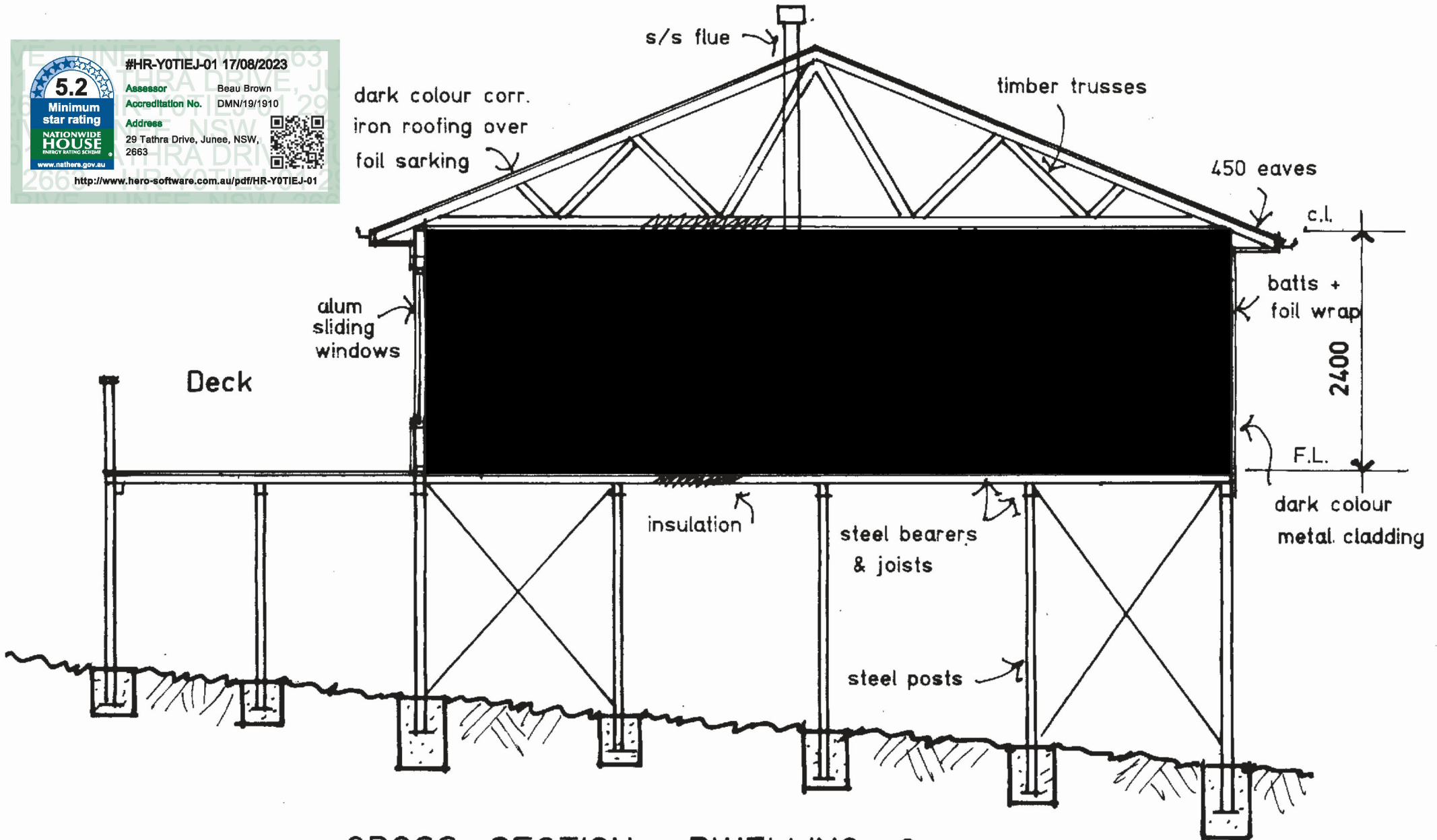
#HR-Y0TIEJ-01 17/08/2023

Assessor Beau Brown
Accreditation No. DMN/19/1910

Address
29 Tathra Drive, Junee, NSW,
2663

5.2
Minimum star rating
NATIONWIDE HOUSE
ENERGY RATING SCHEME
www.nathers.gov.au

<http://www.hero-software.com.au/pdf/HR-Y0TIEJ-01>

CROSS SECTION DWELLING 2.

DWELLING 1 Similar

29 Tathra Drive, Junee

Date: 26/09/2023

To: Rohan Johnston, Town Planner, Junee Council

Regarding: DA No. 2023/51 – New Dual Occupancy / Home Business – Wellness Centre

Address: 29 Tathra Drive JUNEE

Applicant: Ms S Brown

Thankyou for writing to us and providing us with the opportunity to write of our concerns of the proposal **(DA No. 2023/51 – New Dual Occupancy / Home Business – Wellness Centre)**.

Naturally, after receiving the proposal mentioned above, we as owners and occupants of the neighboring premises [REDACTED] do have concerns about both the proposed Business and Dual occupancy for which approval is being sought.

Our concerns center around the following points, I will do my best to articulate those concerns in a logical manner. These concerns all carry equal weighting in our eyes:

1. Privacy
 - a. Visual
 - b. Sound
2. Noise
 - a. Noise from guests
 - b. Noise from us
3. Security & Safety
 - a. Wellness Center Guests
 - b. Regeneration of bushland
4. Dust from cars

Privacy (Visual)

Both myself, my wife and 2 small children chose to build our dream home on Tathra drive in 2017. Since having moved here, we have enjoyed the privacy, quietness, and the low-stress lifestyle that the larger block-size affords to its residents. Our home, which sits at the front of our block (nearest Tathra Drive), is substantially higher than the adjoining block and would overshadow the wellness center and to an extent, the proposed dual occupancy. Due to the elevation of our home and primary living space (backyard), my family and I would be on "Full Display" to any of the proposed 8-10 wellness center guests and new residents any time we stepped into our backyard or back patio. Additionally, we would no longer be able to keep the blinds to our living room(s) opened as to avoid any strangers looking into our house. This would be a complete invasion of visual privacy, the primary reason for us choosing to live in this part of Junee and building where we have.

As occupants of the higher land, we would also have a direct line of sight to the wellness centers guests when they arrive and leave as they would be parking directly adjacent to our backyard, where our children play. Having only short 1.2m farm fences, guests to the wellness center would be able to easily and quickly see my house, backyard, contents and have easy access to my property and children. This is of great concern.

In regard to the proposed dwellings, they are situated in a manner that the open deck would be facing indirectly into our backyard/patio and primary living space, degrading that sense of visual

privacy that Tathra Drive affords. If approved, this would in affect feel as though someone is building, parking, inviting strangers to and running a business out of your backyard.

Privacy (Sound)

The saying "Sound travels a long way", is never truer in the country. My wife, myself and children love the sense of space and privacy that Tathra Drive and our home backyard affords. The proposed wellness center would mean that I could no longer have a normal volume conversation in my backyard without there being a chance that a guest may hear us or vice versa. We have a fire-pit/entertaining area, a backyard where the children play and a large patio area directly behind our house which would be in earshot of any guests. This is an undue restriction that is being placed on us, for simply living in our house and undertaking normal living functions i.e. Talking/Playing etc.

Noise – From Guests

We have concern with the amount of noise that will be produced from the guests, business and transportation of people arriving and going to the wellness center due to its proximity to our home. The proposed business operating schedule will mean that we can expect between 8-10 cars to arrive and leave, parking directly beside our home and backyard for a proposed 6 session(s) of 2 hours. This means that there is a potential for car, business, and guest noise of up to 120 times per week (based on 10 guests coming, using facilities and leaving based off the current schedule). If that schedule were to increase in terms of frequency or number of days that services are offered, we can see that this noise pollution potential grows exponentially.

Noise – From Us

As the occupants of the neighboring [REDACTED] we also have concerns about undue restrictions that would be placed on us if a Wellness Centre were to be established in such close vicinity to our home.

As young parents, we love nothing more than to have engaging play with our children, who can be very noisy and boisterous both inside and outside our home. Additionally, as a handyman myself, I like to use power tools, including lawnmowers, chainsaws, air compressors, drills, jackhammers etc. We have animals that bark and bleat, and cars that make noise. We love to have visitors and we love to play music from time to time on our patio.

With a proposed Wellness Center in such close vicinity to our house and primary living space, I would have to forgo any of the above activities and more in any of their proposed operating hours. My children would no longer be able to be noisy outside of our home, within any of their sessions, especially on school holidays and my family would be relegated to silence in these periods as to not impact this business. These are excessive restrictions that would be inadvertently placed on us. Is a residential lot, close to other homes with small children and animals a wise place to start a "Wellness Centre" that relies on meditation and peacefulness?

Security & Safety – Guests

We have concern with the frequency and amount of guests that would be attending the proposed “Wellness Center”. Like with any business, business attracts clientele. Due to the nature of the business, the clientele that may be seeking ‘healing’ may be unstable. These are not the types of people we wish to be arriving so close to our home and to have easy access to our young children should they be playing in the backyard, yet alone the home based day care operating next door. We would be forced to ensure that our children were not playing outside at any time guests were present due to that fact. We are also concerned about the guests ability to view all of our backyard and its contents at any given time, there is simply no ability to screen it off completely from view due to the elevation mentioned in my earlier point regarding privacy.

Safety – Bushland Regeneration

I love trees and I love the landscape that a rural lifestyle provides. I have serious concerns about the proposed willingness to ***“regenerate the land and plant native trees and shrubs to create a privacy for our guests and us who wish to live there”***. As you are very aware, we live on Large Lot Rural Residential land. This carries a greater risk of grassfires than living on a normal residential block. By proposing the re-planting of native Trees and Shrubs, to minimize privacy concerns is a double edged sword. Yes privacy may be regained, though the impacts from any fires would be substantially increased due to the load of fuel they would be planting in and around their home, business and surrounding homes. I do not believe this to be an adequate measure to any privacy concerns, as it raises larger concerns about the safety of myself, my family, and neighbours. To add to this, with the increased regeneration of native bushland and trees we will also see a rise in the amount of snakes and feral animals present on our blocks – something we all wish to avoid. Additionally, we are not willing to wait 10+ years for the proposed bush screening to provide adequate privacy/screening.

Dust

With the proposed wellness center, dwellings and driveways, and the wellness center parking being directly adjacent, we could expect to see an increase in dust from cars driving in close proximity to our home. With approximately **120** car movements over the week, according to the currently proposed schedule, is something that we strongly oppose due to our son suffering from asthma and allergies. These movements will have a direct impact on the health and wellbeing of my child, who has to remain inside when the lawns are mowed due to his asthma.

In conclusion

I hope at this point our opposition to a wellness center operating so close to our home is obvious. We formally oppose this development application in its entirety based upon our concerns of:

- Visual Privacy
- Audio Privacy
- Noise from the wellness center
- Undue noise restrictions placed on us and neighbors
- The unknown type of clientele being serviced and security risks that poses
- Proposed privacy screening (bush regeneration) and the risk that it presents
- Dust from cars

In summary, we oppose to any such business operating directly next to our home. We understand and appreciate the love and excitement of building and living in Tathra drive – it is magical place. Though any development should not come at the expense of the surrounding dwellings, their lifestyle and their privacy. We are also opposed to the location of the proposed dual occupancy dwellings for the same reasoning. In short, this does not appear to be a small “home-based occupational business”, and should not be treated as such. With car movements based on their current predicted schedules, equating to 120 movements directly beside my home – for this reason alone it is an unacceptable and undue proposition and we would have to make far too many adjustments to our lifestyle, safety and sanity to accommodate so many guests nearing our property, our kids and our home.

Alternative sites

There is more than enough adequate space at the rear of the block to construct a home or dual occupancy dwellings, that would have little to no privacy concerns with any of the existing neighbors. The same ‘steel-post’ type dwellings could be built at the rear, as the land is no more undulating than where the dwellings are currently proposed. Any drainage issues could easily be mitigated with an earthen bank to divert water flows and little to no modifications would need to be made to the existing building envelopes (see proposed site in red below).



Thankyou for reading our concerns. We love Junee, we love the people, we love the lifestyle, though we do not love this idea.

I look forward to your call.



-----Original Message - -

[REDACTED]
Sent: Tuesday, October 3, 2023 1:20 PM

To: Rohan Johnston <rohan.johnston@juneen.nsw.gov.au>; Juneen Shire Council <jsc@juneen.nsw.gov.au>

Subject: DA No 2023/51 Duel occupancy/home business-wellness centre 29 Tathra Dr. Attn Rohan Johnston.

Dear Rohan,

We are writing to express our surprise and concern re the application for a New duel occupancy/home business wellness centre proposed for 29 Tathra Dr Juneen.

As residents of Tathra Dr for over 20 yrs I bring attention to our contract upon building that this was purely residential and that no business could be established and operated from there/here.

I do not believe this has been altered as we have not been notified of a change.

Our concern regarding this business is it's close proximity to the two adjoining residences, their increased movement of traffic, the safety of said multiple vehicles entering and exiting but most concerning is that the [REDACTED] have primary school aged children being exposed in very close proximity to many individuals of differing ages, sex, backgrounds and localities attending at hours and days that have not been specified.

I note too the traffic of multiple comings and goings especially on that corner of our street could become very dangerous as the traffic now is minimal and being a No Through Rd there would be no opportunity of traffic "Flow". Also it has been stated the overflow of vehicles could park on the street! Where, may I ask, as one side slopes down close to road and further down on the same side is on the curve. The other side is tree lined and slopes as well. The applicant's propose to "hide" their buildings with plants and trees which I dispute since the main building is very close to the road with driveway necessity and a very small access. I believe these multiple buildings will still be visible and clustered between the [REDACTED]

Surely there is more suitable and approved land available for this kind of enterprise eg a landholder who wishes to sell off a piece of their property and partner with this idea.

We therefore respectfully implore the council to reject this application and keep Tathra Dr the peaceful congenial neighbourhood we all enjoy.

02.10.2023

[REDACTED]

Junee Shire Council,
Belmore Street,
JUNEE 2663

Date Received	3 OCT 2023
GDA 10	
Disposal Date	✓
Document ID	
Old File No	
Officer	TP

Dear Sir,

We were recently informed through our neighbours here in Tathra Drive, of a Development Application Proposal for a Well Being Centre to be built in our street.

We strongly object to this development for the following reasons.

1. When we purchased our retirement home here, we were informed that because of the Council classification (residential) of this place we would be unable to run a business from here. (This of course is not a problem for us as we are retired).

We would suspect that all of the blocks in this street would be under the same listing and would therefore deem this application ineligible.

2. Tathra Drive is a very narrow road which is not maintained well by Council, and at times we feel a forgotten people here. Roadside upkeep is done by the residents, and potholes also, are done by us.

In the 3 years we have been here we have seen Council maintenance on the road once. We do all pay rates here and are all very fire conscious and keep our paddocks mown and neat.

If this proposal was approved by Council there would be a great demand for better road upkeep and roadside maintenance that would be a cost to Council.

In conclusion we would like to see this area stay as it is, a quite and friendly neighbourhood and a safe one for families and retirees.

We would ask that you consider our objections. We await your decision.

Thanking you.

[REDACTED]

27.09.2023

To: Junee Shire Council

[REDACTED]

RE: DA No. 2023/51. New Dual Occupancy/Home Business – Wellness Centre

Address: 29 Tathra Drive Junee.

[REDACTED]

We are opposed to the development on the following grounds:

We chose Tathra drive to build our home because of the lifestyle amenity offered by these larger blocks and we built in accordance with Councils easement requirements. The premium space between neighbours provided by the easement requirements is important to honour the integrity of the estate's development.

Impediment of winter sun advantage:

The applicant has applied for the easements to be reduced by half, to five metres. Our loungeroom and outdoor living space is along the northern side of our home. We designed this side of the house with large windows to capture the low winter sun. We did this with the knowledge and understanding that due to the easement requirements the winter sun benefit would never become an issue.

Any building development would have to be toward the rear of the block and this was a substantial consideration for selecting the location of our family home. If this development were approved our line of sight would be directly up into proposed dwellings 1 and 2 which at their highest point will be about 7 metres high from their ground level. As our house is 2 to 3 metres lower again due to site cut we believe this would impede the winter sun benefit to our home and substantially impact our amenity.

Storm water concerns:

We are concerned that storm water run-off from the proposed dwellings as well as hard surfaced carpark areas will run directly on to our block as we are on the lower side of those dwellings and close to the boundary fence line. There was no mention of storm water mitigation in the Statement of Environmental Effects (SoEE). As it stands presently in times of heavy rainfall water runs off from this property to ours. The location of dwellings and hard surface areas directly above ours will reduce the ability of the ground to absorb and retain light to moderate rainfall as it does now and increase water egress into our property during lighter rainfall events

Screening concerns:

I [REDACTED] hold a Cert3 in Horticulture of which landscape design was a major component along with bush regeneration practices. The applicant claims they will screen and camouflage the dwelling. Given soil depth and water retention capacity, combined with planting along the southern side of a high building (limited sunlight) I estimate it will take anywhere from 7 to 10 years for screening to meet their claims and become effective and that is based on a generous assumption of 1 metre per year growth rate. Once that screening does become taller than the buildings it will only further exacerbate our issues with winter sun. These screening plants would be planted in the 5 metre easement space between their building and our fence. Any shrub or tree tall enough to screen a building up to 7 metres

high will have a canopy width greater than 5 metres diameter (2.5 metres radius of the trunk) and will eventually and inevitably encroach across the boundary fence line. We contest their claim that this development will not overshadow our property and that utilising plants to screen their building is a satisfactory solution.

Building Envelope:

Contrary to the applicants claims in the SoEE, the building envelope at the rear of 29 Tathra Drive is more than capable of catering to their needs and easily comply with easement requirements, especially given the applicants preference for raised dwellings as detailed in their application, rocks will not be an issue. Where the applicant claims; *'building at the rear of the block is not in keeping with the streetscape'* we submit that building within 5 metres of our boundary fence, substantially affecting our amenity and overshadowing our block and home is most definitely not in keeping with the streetscape.

Currently there are 19 houses in Tathra drive, 9 are located on or about 20 metres from the front of their property with 10 being located towards the rear of those properties. To be fair we could say that house locations are evenly divided between front and rear positioning, but to claim building at the front of the block is in keeping with or indicative of Tathra drive is not a true representation on the applicant's part.

Business usage and Traffic movements:

We have concerns if this development were approved it could lead to a further subdivision or modification to the intended use in the form of B&B or rental accommodation (as it stands as dual occupancy under the current proposal) if the business closed.

The applicants claim in the SoEE there will be *'no effect'* on local traffic movements or volume. They have stated that Yoga classes would run twice per day for three days a week catering for 8-10 people at any given time. They have allowed carparking space for three cars. This number of vehicles seems incongruous with the number of expected clients. Surely by their statement alone there is the possibility of 8-10 cars needing to park somewhere. They also state clients will be able to park on the roadside. The width of their block fronting Tathra Drive (not including the gate and driveway) is 17 metres. There is no curb and guttering and the roadside drain turns to mud under moderate rainfall as it also takes substantial runoff from further up the street. The road is 6 metres wide and the distance from the edge of the tarmac through the drain to the roadside embankment is 2 metres. This situation is not suitable in any way for clients to park safely. This will obstruct traffic as vehicles will need to be partially parked on the road. Taking the width of the road and roadside into account there is limited access for vehicles to conduct a U-Turn safely here. They would have to drive further around the road past other residents homes to find a suitable spot to turn around or conduct a 2 or 3 point turn in front of the block. There is no footpath here and the verge is not suited to regular foot traffic. As per council requirements they will also have to install a drainage pipe under their driveway which will lead to excavation work along the roadside drain, making it deeper and even less suitable for roadside parking.

Their stated later operating time of 5.30pm is in the middle of the window for residents returning home from work between 5.00pm and 6.00pm. To say this arrangement would not affect traffic flow or volume is simply incorrect. Moreso, once the business has opened there is nothing stopping them from expanding operating hours and days as well as engaging other professionals to utilise the centre

and conducting workshops, thus increasing clients and vehicles and exacerbating traffic issues. Current residents would have no control over the business' operations.

A business such as this is not in keeping with the intended use of this estate.

Increased septic outflow:

Houses on Tathra drive are families of five or less (mostly less). With the potential numbers of clients to the centre we have concerns about the increased septic outflow and potential environmental impact. Whilst a properly maintained bio-septic system works well there is always a degree of smell, particularly in times of high usage. The applicants propose to cater for up to 10 people twice per day, more if we take into account the other sessions offered, and then potentially expanding their business operating times. There was no mention or reference to utilising an increased capacity system in the SoEE, or that this could be a potential impact on the environment. A standard system catering for normal family usage will not be sufficient and certainly prone to malfunction when continuously overloaded.

Summary:

In the SoEE the applicants appear to have taken some liberty and licence when it comes to describing how the development will affect our property. They came to our house and spoke with my wife [REDACTED] a number of weeks ago however the description they provided (utilising small/tiny homes) is different to what is proposed. Also of note here is that the documents they have provided to the NSW Planning Portal are incomplete as of 26.09.2023 with respect to the dwelling elevations. They have provided elevations for dwellings 1 and 2 but not for the 'Wellness Centre' building, located closest to the front of the block as per the site plan.

Our opposition to this development is set out above but we are fundamentally opposed to this on the basis of (potentially) allowing dwellings to encroach on Councils standard 10 metre easement requirement for these lifestyle blocks. Space, limited traffic and separation from neighbours is the reason we chose to build our family home here. As potential neighbours, the irony is not lost on us that the owners of a 'wellness centre' have demonstrated little regard to our own wellness and wellbeing with this proposal.

Sincerely

[REDACTED]

Item 6 DEVELOPMENT CONTROL PLAN AMENDMENTS

Author Town Planner; Directorship: Planning and Community Development

Attachment Detailed List of Proposed Amendments to the Junee Development Control Plan 2021 and Submissions

RECOMMENDATION:

That Council proceeds with the exhibition and adoption of the proposed amendments to the Junee Development Control Plan 2021.

SUMMARY

Since the initial adoption of the Junee Development Control Plan (DCP) 2021, a number of controls have been identified through implementation to require amendment. These include more stringent controls on the maximum size of sheds, as well as various other updates as required.

The Council resolved to advertise those amendment at its meeting on 15 August. The intention of this report addresses public submissions and to consider adopting amendments to the Development Control Plan

BACKGROUND

The current Junee DCP 2021 has now been used in the assessment of development applications since its adoption on 23 April 2021. During the formulation of the DCP, it was intended that the document be periodically updated to address new challenges, community expectations and good practise for development outcomes.

To this effect, there have been a number of revisions identified that will assist in determining applications in line with community expectations and best practise, including:

- Addition of information relating to fees for variations to DCP controls (A1.11)
- Restriction on the amount of cut and fill permitted in residential areas (C2.3)
- Requirement for stormwater retention and slow-release mechanism where no formal Council Stormwater Infrastructure or inter-allotment drainage exists (C2.4)
- Clarification on setback applicability to outbuildings (C3.1 & C4.1)
- Amending setback definitions to include guidance for additions to rural dwelling additions (C4.1)
- Removal of attached garages from section C5 – move to C3.1
- Introduction of new maximum floor area for outbuildings in RU5 Village and R5 Large Lot Residential Zones (C5.3 & C5.4)
- Reduction in side and rear setbacks for Medium Density Residential development to 0.9m (C6.5)
- Clarification of easement width requirements and provision for future development. (F2.7)

GENERAL MANAGER'S REPORT TO THE ORDINARY MEETING OF JUNEE SHIRE COUNCIL HELD ON 17 OCTOBER 2023.

Since the August Council Meeting, the following control has been added as a result of community consultation and additional internal feedback:

- Addition of restriction of use of rear lanes as primary vehicular access for residential development (New Section - C6.15)

A list is provided as an attachment to this report detailing each change, with the current and proposed wording of the relevant sections of the DCP. Changes since the August Meeting have been highlighted for ease of reference.

A 28-day exhibition period has been conducted, with general public notification as well as targeted, direct engagement with local builders and consultants. Council also placed a notice on its website of the intended amendments to the DCP, in accordance with the Environmental Planning and Assessment Act 1979 – Schedule 1. As a result of this exhibition, a total of four submissions were received, predominantly from local builders and consultants.

The general subject of the submissions centred on the proposed changes to the cut and fill or retaining wall controls (C2.3). Concession have been included addressing concerns where side boundary clearance do not provide sufficient width to accommodate cut and fill provisions. The DCP provides a general minimum set of design guidelines, where there is site specific matters or constraints a developer can request a variation to the DCP guidelines to be considered.

In addition, a minor change was made to (C3.1) in the advertised amendment as a result of a submission regarding the front setback controls for attached garages, maintaining a consistent approach of 5m. This is slight change of 0.5m to this setback.

Other changes included strengthen the intention of existing clauses to ensure the rear lanes are not used as primary access for residential development without adequate upgrades to that road infrastructure being considered.

CONSIDERATIONS

Policy

The proposed amendments are not anticipated to impact the existing Junee Local Environmental Plan 2012.

The proposed amendments will make changes to the Junee Development Control Plan 2021, as outlined in the attached detail list.

No other policy impacts are anticipated by the proposed changes.

Risk Assessment

The notice and adoption of the proposed changes is considered to have minimal risk to Council. The changes will primarily affect the assessment of development applications.

Financial

No financial implications are anticipated in the exhibition or adoption of the proposed amendments to the DCP.

CONCLUSION

In summary, the proposed changes to the Junee Development Control Plan 2021 are intended to address and reflect some of the changes in community expectation in relation to certain development. There are also changes that relate to the day-to-day operation of the plan and increasing the legibility and ease of use of the document for staff and the public. The listed amendments are recommended to Council for adoption.



JUNEE SHIRE COUNCIL

ATTACHMENT TO ITEM 6

17 OCTOBER 2023



Section	Current Wording	Proposed Wording	Comment/Reason for addition
A1.11	N/A	Add to end of last paragraph: A fee is payable in these instances in accordance with Councils adopted Fees and Charges.	Provide consistency across all of Councils policies and inform the public that a fee is involved when making a DCP variation. This may encourage applicants to reconsider their design.
C2.3	(1) Cut and/or fill should be minimised by appropriate site planning, building orientation and design, taking into account the slope of the site, proximity to adjacent properties and <u>environmentally</u> sensitive areas, access, utilities and drainage requirements.	<p>(1) Cut and/or fill should be minimised by appropriate site planning, building orientation and design, taking into account the slope of the site, proximity to adjacent properties and environmentally sensitive areas, access, utilities and drainage requirements.</p> <p>The maximum cut and fill on site is not to exceed + or – 1200mm. Larger cut may be permitted where directly associated with the building design, eg. basement garage.</p> <p>Where practical, retaining walls should incorporate terracing in accordance with figure 1 and not exceed a height of 600mm. The separation between adjacent retaining walls should be twice the height of the tallest retaining wall. In cases where there are significant site constraints due to an irregular or small size lot and a taller retaining structure is the lone option the council may consider via a variation to this DCP a suitably design alternative from a structural engineer having regard to structural adequacy, adjoining properties, subsurface drainage to the street, appearance and landscaping.</p> <p>Where there are restricted setback conditions to side boundaries of less than 3.6m the requirement for terracing is not required.</p> <p>On corner lots where the restricted setback conditions to secondary boundary is less than 3.6m the requirement for terracing is not required. The council may require the installation of safety features in such situations.</p>	To reduce significant changes in levels between properties being created through large cut and fill earthworks. This has been occurring in some new development areas in Junee and leads to poor stormwater and urban design outcomes. Having a maximum cut and fill limit will encourage alternative building design such as spilt level and suspended floor.
C2.4	N/A	<p>Add Performance Criteria</p> <p>(9): Where direct discharge of stormwater to specific Council stormwater infrastructure such as kerb and gutter or inter-allotment drainage cannot be achieved, or when such infrastructure is not provided on sites within the RU5 Village zone, the development must include an onsite stormwater detention tank with reduced flow outlet</p>	To reduce the impacts of stormwater runoff during heavy rain events in areas where stormwater infrastructure is not readily available.

		<p>installed and connected to all (new and existing) roof areas over 20sqm.</p> <p>The required detention tank size shall be calculated at 2500L per 100sqm of roof area, or part thereof. The maximum diameter of the reduced size outlet shall not exceed 40mm.</p> <p>This detention capacity is to be provided in addition to any rainwater retention or domestic storage to fulfill BASIX or Council requirements.</p> <p>Contact Council to determine whether this requirement will apply to your development.</p>	<p>The requirements to ensure owners provide suitably sized stormwater detention storage onsite that are designed to slowly discharge stormwater over a longer period will reduce the pressure placed on rear laneways and other avenues for discharge especially during high volume stormwater events.</p>
C3.I	<p>1. Dwelling setbacks should be provided in accordance with the table below. Development elements to which road setback do not apply include:</p>	<p>1. Dwelling setbacks should be provided in accordance with the table below. Development elements to which road setback do not apply include:</p> <p>a) Sheds and Outbuildings</p>	<p>Add sheds and outbuildings as an additional clarification around applicability and calculation of setback distances.</p>
C4.I	<p>1. Setbacks in RU1 and R5 Zones are to meet the minimum setback requirements as identified in the table below. Additional setback distance may be required where there is a higher risk of conflict including, but not limited to:</p>	<p>1. Setbacks in RU1 and R5 Zones are to meet the minimum setback requirements as identified in the table below. The setback distances do not apply to sheds or outbuildings. Additional setback distance may be required where there is a higher risk of conflict including, but not limited to:</p>	
C4.I	<p>1. Setbacks in RU1 and R5 Zones are to meet the minimum setback requirements as identified in the table below. The setback distances do not apply to sheds or outbuildings.</p>	<p>1. Setbacks in RU1 and R5 Zones are to meet the minimum setback requirements as identified in the table below. The setback distances do not apply to sheds or outbuildings. Setback distances do not apply to additions and alterations to existing dwellings in the RU1 zone, where the setback distances in Section C3.1 will be applied.</p>	<p>Additional clarification around applicability and calculation of setback distances.</p> <p>There have been instances where lot boundaries are located close to an existing dwelling, but the lot is held in a larger holding, including the adjoining lot. In this case, it is more appropriate to apply lesser setbacks to additions and alterations.</p>
C5	<p>This Section applies to garages and carports (both detached and attached to a dwelling), sheds and a range of 'outbuildings' as well as pools and spas that are ancillary to a residential use.</p>	<p>This Section applies to detached garages and carports, sheds and a range of 'outbuildings' as well as pools and spas that are ancillary to a residential use.</p>	<p>Also remove additional references to attached garages throughout section.</p>

C3.1	N/A	Add performance criteria (2): Attached Garages/Carports: must: a. Be located at least 0.5m behind the front building line or 5m from the front boundary and not forward of the front building line of the dwelling; and b. not exceed: i. 50% of the front elevation of the building; or ii. Garage door 6 metres in width	Relocating the existing attached garage setback controls to the general dwelling setbacks is more logical and will increase the visibility of these controls in applicant's considerations.
C5.3	N/A	Add performance criteria (2d): Must not exceed 10% of the allotment area or 200sqm in area, whichever is the lesser.	Provide more clarity on the acceptable size of sheds and outbuildings for residential use in urban areas.
C5.4	N/A	Add performance criteria (3): Must not exceed 10% of the allotment area or 200sqm in area, whichever is the lesser.	
C6.5	Side and Rear Boundary 1.5m - single storey 3m - two storeys or greater	Side and Rear Boundary 900mm or NCC - single storey 1.5m - two storeys or greater	Maintain consistency for medium density development with standard residential development. Additional setback distance does not achieve better planning outcomes in practicality.
Insert C6.15	N/A	Insert Objective 1: To protect existing rear lanes from excessive impacts from traffic and stormwater. Insert Performance Criteria 1: Primary vehicular access or egress shall not be permitted from or to a rear lane for new residential dwellings, dual occupancies, or multi dwelling development unless augmented upgrades to rear lane infrastructure can be addressed to a primary public street intersection eg. kerb and gutter, drainage.	To prevent inappropriate use of rear lanes for primary access to residential development. Laneways are not generally suitable across Junee for primary access purposes.
F2.7	3. Protection: All lots should be designed so proposed (or likely) building envelopes or subdivision works: b) Where an easement does not exist, the building envelope must be located a minimum distance equivalent to the invert depth of the pipeline plus one (1) metre from the known utility location, and in accordance with utility authority requirements.	3. Protection: All lots should be designed so proposed (or likely) building envelopes or subdivision works: b) Any new easements are to be of a width in accordance with the infrastructure providers requirements. In the case of Council assets (sewer or stormwater), a minimum width of 3m is required to facilitate future access to this infrastructure if required. c) New easements being created as part of a subdivision maybe required to be extended beyond the physical infrastructure installed so that future connections to this infrastructure may be achieved.	Alignment with Council's Engineering Standards.

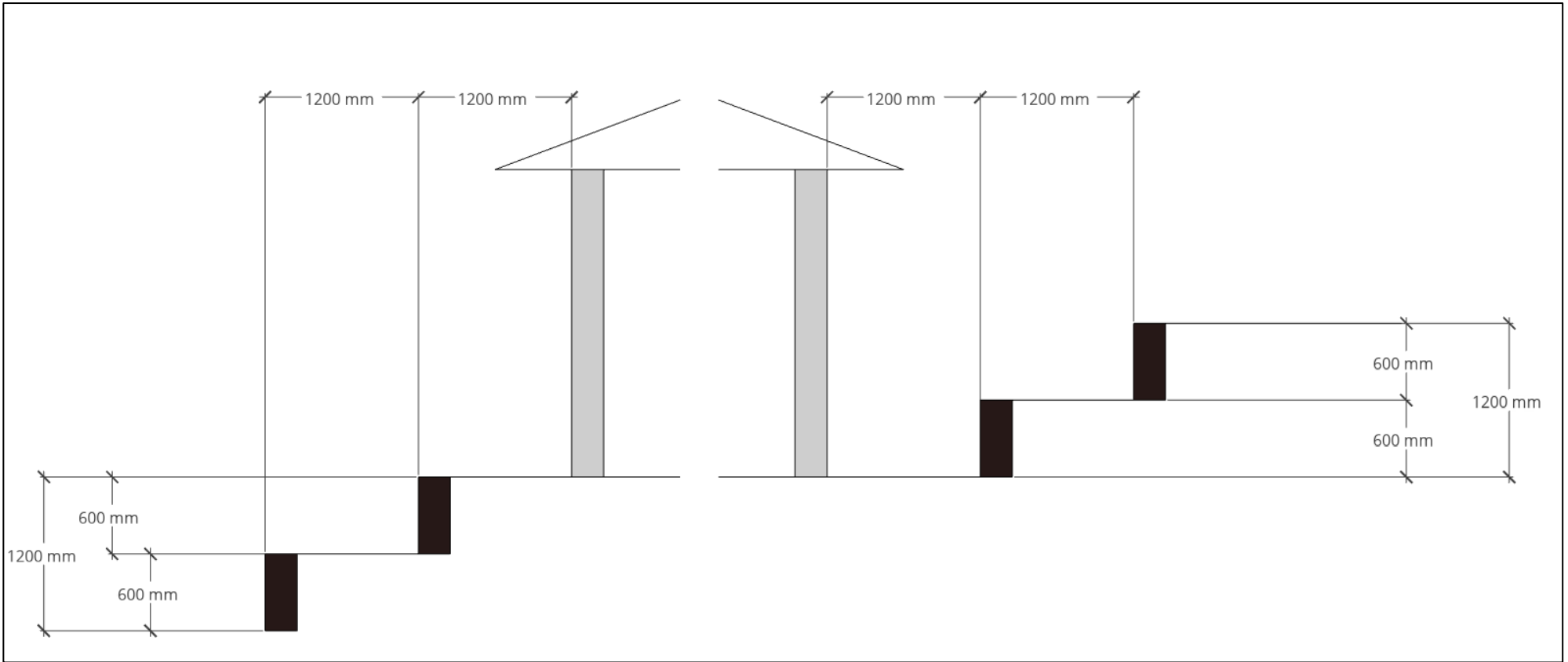


Figure 1: Cut and Fill Diagram



14 September 2023

General Manager
Junee Shire Council
PO Box 93,
JUNEE NSW 2663

Amendment to the Junee Development Control Plan

Thank you for the opportunity to provide comments to the proposed *Amendment to the Junee Development Control Plan (DCP)*.

The inclusion of overall cut and fill limitations in a DCP as proposed by Junee Council is in itself, not uncommon. It is understood that the Council is seeking to minimise the amount of cut and fill on sloping sites and encourage building designs which are more sympathetic to the topography of the land. The current DCP has a provision that cut and fill should be minimised, although the provision is not supported by any quantified provisions. This makes it somewhat subjective, and it could be argued that the inclusion of metrics does provide more certainty.

However, the basis for the proposal is that there have been examples of significant changes in levels in some new development. Excavation limits are in and of themselves not a policy objective and specific examples have not been provided – so the actual problem the council is trying to address is not clear. The aim needs to be clearly identified to avoid excluding more efficient and effective alternatives.

Clarifying the proposal

One of the most significant issues of the proposal is the limitation on the total variation to natural ground level of the site. The proposal reads as follows:

An overall cut or fill in excess of 1200mm from natural ground level will not be permitted for residential development.

As written, the proposal is unclear and could be read to imply that 1,200 mm is the total cut and fill combined, whereas Figure 1 suggest that there could be a combined cut and fill of 1,200 mm each. Verbal advice from Junee Shire Council indicates that intention is the latter, which should be clarified in the DCP.

Comparison to other Councils

Whilst many DCPs include cut and fill limitations there can be quite a variation in the specific height limits and additional conditions within each plan. Examples from surrounding areas include:

- Hilltops Council – maximum 1 metre cut and 1 metre fill.
- Leeton Shire Council – maximum 3 metres although only 1 metre where within 1 metre of boundary.
- Snowy Monaro Regional Council – maximum 1 metre cut and 1 metre fill although greater cut permitted where incorporated into the dwelling, e.g. basement garage.

If the interpretation in the previous section is correct, then proposal does bear some consistency with other Councils. Nonetheless, we remain concerned about the level of inflexibility that the current drafting introduces, and believes that there should be more capacity for industry to work with individual sites, while still retaining some tangible metrics that the Council is seeking to introduce.

Impact on usable block space

The proposal to limit the height of any retaining wall to 600 mm and requiring terracing twice the height of the wall is a significant limitation for smaller lots, as it may limit the useable open space. For example, take a typical block of 18 metres wide that slopes between the side boundaries and requires benching. Under the current proposal, it could require a setback of up to 3.4 metres on just one side alone.

For a typical standard (affordable) home with a frontage of 14 metres, it is clear that the DCP as drafted will not work. This scenario is likely to be repeated across a number of blocks and designs in different versions. An alternative may be to permit retaining walls above 600 mm where a suitable engineering solution or Council approval is required.

The proposal should also be amended so that it provides for deeper excavations where the retaining structure is incorporated into the dwelling, (i.e., basements, partially below ground walls).

It should also provide for deeper fill where the fill is retained within the footprint of the dwelling (i.e., dropped edge beams).

Interaction effects

Aside from its primary impacts, the proposal when considered with other policy objectives imposes other costs.

HIA and members hold concerns the proposal would lead to some land becoming unsuitable for development or built form techniques unviable under a holistic assessment of impacts including the following:

Compliance with NCC 2022 Energy Efficiency standards

The proposal will impact on compliance with impending changes to the National Construction Code in 2022 - including the 7-star requirement - where the restricted capacity to cut and fill will impact the built form. This will likely force more homes to adopt split level designs and/or suspended timber

floors, preventing more cost-effective alternatives in Junee climate by:

- limiting ground coupling through slab on ground, which would be beneficial for energy performance when achieving 7 stars.
- Increasing surface area from a split-level design affects solar absorptance decreasing energy performance, adding to material cost, labour and time to construct.

Accessibility

Moderately larger cuts would be advantageous to achieving access from the boundary to create more liveable dwellings. Placing limitations on the industry with respect to cutting and filling blocks will make it harder to achieve an accessible path of travel from a boundary to an entryway.

Split levels also increase the likelihood that facilities such as toilets and showers are spread across levels other than the entry level, contrary to Livable Housing Design Standard principles.

While the NSW Government is yet to mandate these NCC 2022 requirements in the state, this issue is obviously topical and has been identified as a priority by the National Building Ministers. The proposal will restrain the capacity of industry to voluntarily comply, or adjust should it become mandatory.

Siting and development

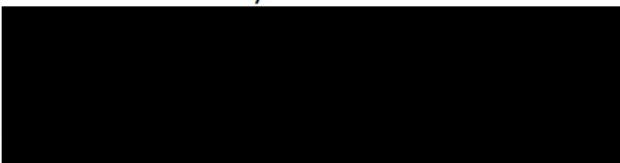
The proposal could reduce flexibility leading to some land being sterilised for common construction types or make marginal developments unviable. Retaining flexibility allows for efficiency in construction, overlooking and overshadowing (solar access) to be managed within other constraints.

Affordability

As noted in the comments with respect to the NCC 2022 and other interactions, there are concerns that the changes to the built form will increase the cost of housing for residents. Advice to HIA from members is that in most cases, leveling a block and using on ground slab construction will be more cost effective than split level and suspended timber floor designs.

Please do not hesitate to contact me on 0438 846 752 if you wish to discuss further.

Yours sincerely



Greg Weller
Executive Director
HIA ACT/Sthn NSW



BCM Design Centre Pty Ltd

13 Laurel Road
Lake Albert NSW 2650
Web: www.bcmdesign.com.au

Ph: 02 6922 6825
Email: info@bcmdesign.com.au

10th September 2023

Junee DCP amendments

To the General Manager

This letter is written to provide feedback to Junee Shire Councils proposed DCP 2021 amendments.

I have been involved with the building industry now coming on 30 years, initially as a builder and in the last 20 years as a Building Designer. BCM Design is involved with the design and documentation of many projects to Junee council and so felt it was important to have a say in regards to the proposed amendments.

Some of the amendments are a good step forward to improve current controls, whilst some others are quite resistive in nature and will prove detrimental to future development.

I will run through in order the amendments that I wish to comment on: -

C3 – Cut and fill

This is the amendment of most concern and on a standard residential block has the potential to make much of it unusable.

As residential development grows further out around the Junee area there is a good chance that development will be on a site with a moderate slope, after all Junee is pretty much surrounded by hills.

All blocks are different and it is important that the DCP has enough scope to allow for this.

What council is proposing would take up too much space on the block if it has a reasonable slope. Using the pictorial example council has provided the walls and associated spacing shown would take up approx. 5m width of a standard block (2 x 2.5m). Or basically a quarter of the block's width – or possibly even more if the block is only narrow. Again, all blocks are different shapes so have such a limiting control could really work against future development on particular blocks.

Yes, I agree it is important to have controls to prevent development on one block from effecting the block next door (the controls mentioned could perhaps work for say R5 – large lot residential where land restraints are not quite as important) but the solution council are putting forward is not a practical solution for standard residential blocks.

For council to encourage the use of split-level works against everything the new accessibility controls that were nearly introduced via the NCC set out to achieve.

The NSW government chose not to enforce the accessibility controls but it doesn't mean that the principles of accessible design are a bad thing and who knows, down the track the NSW government may change their minds regarding this section of the NCC and adopt it.

Providing a level surface throughout a design is safer for not only the elderly but also benefits those with a disability, a physical injury, or even those that have young children. Steps in a home should be minimised where possible.

The new 7-star NCC energy efficiency controls are favouring slab on ground construction and even more so waffle pod slabs (due to the polystyrene providing extra insulation), it will be harder to get a house to pass the thermal section in Basix that has a suspended floor.

C3.1

Perhaps instead of a 500mm setback, allow the garage to be equal with the house frontage – this can help with the roof lines and save another kick in the roof if it is not needed due to the house and roof already having articulation. This control has worked fine for Wagga since 2010.

If you want to ensure a car can park fully behind the building line – maybe change standards setbacks to 5.5m. then the garage can stay equal.

If people want a closer setback to the road, they can go complying development and then have the 1m setback to the garage.

C6.5

Great decision. Tick of approval.

New side setback distances are a good idea to bring in line with the existing NCC.

This control below is not on councils list to change, but whilst other changes are being made, I thought I would raise this one.

C6.6 - Site coverage.

Having completed a number of units in the Junee region in recent times this is the control I have had most issues with. I don't feel in today's climate that a unit development should have to have a minimum of 30% of the site landscaped.

Tenants don't want to water or look after gardens and is generally why they picked a unit in the first place to live, as they don't need the added responsibility – it could also be other aspects too, such as age, work (shift-work), money, or just physical constraints or disabilities.

The climate is getting hotter and areas becoming drier, and when water restrictions come back in, smaller water smart gardens are the way to go.

Landscaping is certainly needed in all developments as they provide a softening to the streetscape and help provide shading to the development but I certainly think this is a control that could use a closer look.

I would like to thank Junee Shire Council for the invite & opportunity to have a say on the proposed amendments.

I realise with DCP's you can't keep everyone happy, but it is also important to not make them too restrictive that you basically end up with something that is nearly resembling complying development controls. The aim of a DCP is to fill the hole where you are not fitting under a CDC, and the development needs a closer look by council.

Feel free to call me with any queries regarding this submission.

Regards



Brad Merrett
Director - BCM Design Centre Pty Ltd

Rohan Johnston

From: Mark Higginson <mark@higginsonhomes.com.au>
Sent: Wednesday, 30 August 2023 1:30 PM
To: Rohan Johnston
Subject: Re: Proposed Junee Development Control Plan 2021 Amendments

Hi Rohan,

I had a read over this, my main concern is Section C2.3.

An overall cut or fill in excess of 1200mm from natural ground level will not be permitted for residential development. Additionally, retaining walls must not exceed 600mm in height. To achieve the full permitted cut, sites are to be terraced in accordance with Figure 1. The distance between retaining walls is to be two times the height of the tallest retaining wall.

I think some consideration should be given for the side boundaries when it comes to this especially max wall height of 600mm then have to leave 1200mm then 600mm again, plus 1200mm off that wall to the house.

It is narrowing the width we can get a house to fit on. Especially if a lot is already narrow.

Unit developments are tight for space as it is, this will make tighter or add more costs to the build by split levelling/drop edges on slabs.

Ultimately your still achieving a 1200mm cut/fill, but limiting building area and/or adding more cost to builds.

Front to rear fall, fine, generally the blocks are longer than wide so can make this work here if needed.

If the new liveable housing provisions from NCC 2022 (yes not enforced in NSW, yet) come into play, split level design for a garage wont help the one entry point being flush. This adds steps from garages to porch's or ugly long ramps to the front of houses, let alone the costs. Having the option on a garage side to have a 1200mm high wall will help this get the garage up higher.

Regards

Mark Higginson



Higginson Homes & Constructions Pty Ltd

A.B.N 92 640 533 151
Licence no. 351997C
Mark mobile: 0407461639

From: Rohan Johnston <rohan.johnston@junee.nsw.gov.au>
Sent: 23 August 2023 16:58
Cc: Chris Imrie <chris.imrie@junee.nsw.gov.au>; Kylie Nell <kylie.nell@junee.nsw.gov.au>; Lloyd Hart <lloyd.hart@junee.nsw.gov.au>
Subject: Proposed Junee Development Control Plan 2021 Amendments



13TH September 2023

AMENDMENT TO JUNEE DEVELOPMENT CONTROL PLAN

To The General Manager Junee Shire Council

Troy Raulston is writing this submission in regards to section C2.3 cut and fill – retaining walls. Junee Council wording reason for addition –

To reduce significant changes in levels between properties being created through large cut and fill earthworks. This has been occurring in some new development in Junee and leads to poor stormwater and urban design outcomes. Having a maximum cut and fill limit will encourage alternative building design such as split level and suspended floor.

My concerns are –

- Most blocks are fine with a max 1200 cut and fill but to move the opportunity to build on those that wouldn't comply makes them unsaleable/devalued
- Retaining walls max 600mm high and if it's over needing that much distance to the next wall – this will be okay behind a building, but you cannot do that on the side boundaries, we will lose half the block.
- Encouraging split levels homes is working against the new Liveable Housing provisions - **National Construction Code**. Changes that will be coming are heavily waited on ease of accessibility.

Notable changes I would like to bring to your attention include;

- 1 x Entry door to be flush with external pavement. (This may be very hard to achieve or unable to achieve without ramps)
- Floor surfaces carpet to tile to be a maximum 5mm height difference no more for ease of accessibility.
- Split level and suspended floors cost more to build.
- Would you like to live in a split-level home when there is a better outcome of not having to?

If this change is to come in we will have a lot of development that is very close to the same building principals being carried out on the Waterworks Road Housing Development. I note that this entire subdivision is built on a hill with every house slab having large drop edges from the finished floor level to ground level.

Junee has always been highly regarded in the building industry to be easy to work with in relation to complying development and I really feel this will create a lot of disgruntled developers and small builders to shy away from future growth and in turn Junee will really struggle which has never been the case.

Yours Faithfully,



Director

Troy Raulston Constructions PTY LTD

Item 7 MOBILE FOOD AND DRINK VENDING VEHICLES POLICY

Author Environmental Health and Building Surveyor

Attachment Revised Mobile Food and Drink Vending Vehicles Policy

RECOMMENDATIONS:

1. ***That Council formally adopts the updated policy on Mobile Food and Drink Vending Vehicles policy.***

 2. ***Council rescinds the "Food Vending Vehicles and Temporary Food Premises Code Policy" and the "Itinerant Vendors and Standing Stalls Policy".***
-

SUMMARY

A newly revised policy document regarding Mobile Food and Drink Vending Vehicles has been developed and requires formal adoption by the Council.

BACKGROUND

Council staff have undertaken a comprehensive examination of an existing policy document, necessitating the Council's re-adoption.

During the review, it was discovered that the Council had two policies related to mobile food vans in effect, which could be consolidated into a more comprehensive policy document.

This revised policy aims to replace the "*Food Vending Vehicles and Temporary Food Premises Code Policy*" and the "*Itinerant Vendors and Standing Stalls Policy*" as neither of these documents included up-to-date information regarding approvals to operate on private and community land.

A revised policy was formulated, which incorporated the "Exempt Development" provisions available to operators trading on private land and the requirements for obtaining approval under Section 68 of the *Local Government Act 1993* when an operator wanted to trade on community land.

During the review, concerns were raised by local businesses about the impact of mobile food vendors on their local trade, and they sought some level of protection from the Council.

While the Council cannot control mobile vendor operations when trading on private lands (provided they complied with the development standards applicable for the activity to be "Exempt Development"), the Council can exert some level of control when operators trade on community land.

The revised policy document stipulates that a restrictive zone or buffer shall be established, prohibiting a vendor from establishing operations and conducting sales within 500 metres of a fixed premises business that primarily sells the same items.

GENERAL MANAGER'S REPORT TO THE ORDINARY MEETING OF JUNEESHIRE COUNCIL HELD ON 17 OCTOBER 2023.

The revised policy also encompasses updated information related to safe food handling guidelines provided by the NSW Food Authority, which was retained from the previous policy documents.

The formal adoption of this revised policy will afford protection to fixed-premises businesses while providing clear guidelines for mobile vendors operating on private and community lands.

CONSIDERATIONS

Policy

The revised "*Mobile Food and Drink Vending Vehicles Policy*" is intended to replace the existing "*Food Vending Vehicles and Temporary Food Premises Code Policy*" and "*Itinerant Vendors and Standing Stalls Policy*".

No further changes to the Junee Shire Council's policy register are being sought.

Risk Assessment

No risk is anticipated due to the revised policy's adoption.

Financial

There are little to no financial implications from adopting the revised policy.

CONCLUSION

That Council adopts the revised "*Mobile Food and Drink Vending Vehicles Policy*".



JUNEE SHIRE COUNCIL

ATTACHMENT TO ITEM 7

17 OCTOBER 2023





JUNEE SHIRE COUNCIL

MOBILE FOOD AND DRINK VENDING VEHICLES POLICY

ADOPTED:	15 October 1998
MINUTE NO:	18.1098
RE-ADOPTED:	21 February 2012
MINUTE NO:	18.02.12
RE-ADOPTED:	17 September 2013
MINUTE NO:	47.09.13
RE-ADOPTED:	15 August 2017
MINUTE NO:	14.08.17
RE-ADOPTED:	17 October 2023
MINUTE NO:	

OBJECTIVE

To minimise the potential for illness due to poorly handled or stored food.

To regulate the operation and location of vendors within the terms of local approvals or exempt development standards.

AIM

To ensure minimum standards of hygiene and cleanliness apply to the dispensing of food to the public within Junee Shire.

To ensure that vendors operate in a manner that protects local fixed premises businesses and provides fair commercial competition.

POLICY

The NSW Food Authority has produced several guidelines that apply to hygiene and construction requirements for food premises, mobile food vending vehicles and temporary events where food is sold.

In support of administering this Policy the Council uses two NSW Food Authority guidelines. The guidelines are the '**Mobile Food Vending Vehicles – Operation, Construction and Food Handling Guidelines**' and the '**Food Handling Guidelines for Temporary Events**'. Please see copies attached.

The State Environmental Planning Policy (Exempt and Complying Development Codes) 2008 Part2 Subdivision 27A, provides for the operation of *Mobile Food and Drink Outlets* as "Exempt Development" (meaning no formal planning approval is required).

For a vendor to conduct a mobile food vending or temporary premises the following specific development standards must be satisfied:

1. Have the consent of the owner of the land on which the development is carried out or, if a council or public authority has the control and management of the land, the consent, in writing, of the council or public authority, and
2. Not restrict any vehicular or pedestrian access to or from the land or entry to any building on the land, and
3. Not obstruct the operation of, or access to, any utility services on the land or on adjacent land, and
4. Not be located within the canopy of, or result in damage to, any tree growing on the land or on adjacent land, and
5. Not result in any damage to public property on the land or on adjacent land, and

6. If carried out on land in a residential zone—only be carried out between 7.00am and 7.00pm, and
 - a) If carried out on land immediately adjacent to a residential zone—only be carried out between 7.00am and 10.00pm, and
7. If located on a public place—have any approval required under section 68 of the *Local Government Act 1993*, and
8. If located on private land—be limited to one development on that land and not contravene any conditions of a development consent for any other use carried out on the land.

Food vendors seeking to operate on Council Community Land including Road Reserves will require an approval under section 68 of the *Local Government Act 1993*. Council will not grant approval for a vendor to operate within five hundred metres (500m) of a fixed premises business if the vendor is selling primarily similar liked items, for example, a mobile pizza van cannot operate on council-controlled land within 500m of a fixed premises food business selling pizza.

Discretion for not-for-profit organisations may be granted for one-off charity events.

Council does not however have control over individual food vendors operating in accordance with the “Exempt Development” standards or are operating during an organised market or event on public land.

GUIDELINES FOR MOBILE FOOD VENDING VEHICLES



Food
Authority

More resources at foodauthority.nsw.gov.au



[nswfoodauthority](https://www.facebook.com/nswfoodauthority)



[nswfoodauth](https://twitter.com/nswfoodauth)

July 2020

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Note:

This is a guidance document only and cannot cover all situations. Food businesses are required to comply with the provisions of the Food Standards Code and *Food Act 2003* (NSW).

Introduction

These guidelines inform businesses selling food from a mobile vending vehicle in NSW of their legal requirements in relation to the NSW *Food Act 2003* (the Act) and the Food Standards Code (the Code). They provide information on basic requirements such as power supply and waste disposal, and suggest ways to maintain food safety.

Businesses and local council environmental health officers (EHOs) can use this guide to assess compliance with the Act and the Code.

The primary aim of these guidelines is to make food businesses aware of their legal requirements and to suggest ways to assure food safety when selling food.

This guideline also provides businesses with a guide to applicable fees and charges that councils may levy.

Potential mobile food vendors should contact the local council prior to operating to check if a permit is needed by the council, if an inspection must be completed, if there are any applicable fees or if there are any other requirements,

What are mobile food vending vehicles?

A mobile food vending vehicle is any means of transport, whether self-propelled or not or designed to be movable from place to place, and which is used for selling food, whether on land, sea or air.

It includes vehicles used for on-site food preparation (e.g. hamburgers, hot dogs and kebabs), one-step food preparation (e.g. popcorn, fairy floss, coffee and squeezing juices), and the sale of any type of food including pre-packaged food.

It does not include food vending machines or food transport vehicles.

These guidelines cover all types of mobile food vending vehicles. They are comprehensive and the checklist provided within the document can be used to self-assess compliance with council requirements.

There are minimal requirements for mobile food vending vehicles selling only pre-packaged, low risk food.

Obligations on selling food

A person using a mobile food vending vehicle to store, prepare or sell food for human consumption, is deemed to be a 'food business' (e.g. mobile food business) This includes not-for-profit operations.

The Act defines a food business as any business or activity that involves the sale of food or the handling of any type of food for sale in Australia, with the exception of some primary food production activities.

A food business is required to sell safe and suitable food in accordance with the provisions of the NSW *Food Act 2003*, Food Regulation 2015 and Food Standards Code.

Note that 'food premises' includes 'vehicles'. Copies of the Food Standards Code (particularly 3.2.2 *Food Safety Practices and General Requirements* and 3.2.3 *Food Premises and Equipment*) are available on the Food Standards Australia New Zealand website at www.foodstandards.gov.au. Failure to comply with the requirements may lead to enforcement action. Depending on the food safety risk identified, this action may include a warning letter, improvement notice, penalty notice, seizure, prohibition or prosecution. The NSW Food Authority and councils generally follow an escalating enforcement policy. For more information see <http://www.foodauthority.nsw.gov.au/ip/audits-and-compliance/compliance>

Which agencies enforce the Act and Code?

In most cases, local councils are responsible for the food surveillance of the retail sector and enforce the requirements of the Act and Code; this includes food for retail sale from mobile food vending vehicles.

The Food Authority is only responsible for surveillance if there is processing of products that require a licence at that premises, such as:

- businesses that conduct food service to vulnerable persons
- high-risk plant product businesses
- businesses that handle or process meat
- businesses that further process seafood
- businesses that handle shellfish
- dairy producers, factories and vendors
- businesses that produce or process eggs and egg related products

Charities and community groups

Charities and community groups are those which do not derive funds for personal financial gain but direct any profits back to the community (e.g. local sports clubs, Lions and Rotary clubs).

The NSW *Food Act 2003* and [Food Standards Code](#) apply to all food businesses including those selling food for charity or community purposes. It is always an offence to sell food that is unsafe or unsuitable. Charities and community groups are exempt from some requirements:

- Notification of food business is not required if food sold is not potentially hazardous (e.g. scones) or is to be consumed immediately after thorough cooking (e.g. sausage sizzle)
- Food Safety Supervisor requirements do not apply
- Some labelling requirements do not apply; however, it is a requirement to provide information to customers on request about these allergenic ingredients:
 - cereals containing gluten
 - crustacean and their products
 - fish and fish products
 - egg and egg products
 - milk and milk products
 - peanuts and peanut products
 - sesame seeds and sesame seed products
 - soybean and soybean products
 - tree nuts and tree nut products
 - lupin.

Further information can be obtained from the NSW Food Authority or local councils.

Administration

Notification

A mobile food business must ensure their details have been notified to their local council prior to commencing trading for the first time. Businesses must notify their home jurisdiction council (i.e. location where vehicle is garaged), and the local councils where they intend to trade. Notification is a compulsory requirement.

Appropriate details for notification include:

- contact details for the food business including the name of the food business and the name and business address of the proprietor of the food business,
- the nature of the food business, and
- the location of all food premises of the food business that are within the jurisdiction of the enforcement agency.

Notification may be made to council in any form that includes the above details.

The only exceptions are:

- businesses licensed or notified with the NSW Food Authority, or
- not-for-profit fundraising events where there is sale of low risk food (e.g. tea/coffee and biscuits) or sale of food that is thoroughly cooked immediately before consumption (e.g. sausage sizzle).

Notification is a one-off process unless your details change, in which case you are required to provide an update to the appropriate authority.

Information should also be sought from the NSW Roads and Maritime Services regarding approval to sell on or at the side of roads.

Licensing

Mobile food vending vehicles do not require a Food Authority licence, unless undertaking the activities listed on page 5 of this document.

Council approvals

Local councils are generally responsible for the approval of mobile food vending vehicles. There may be costs associated with these approvals. Contact your local council for details.

The prior consent of every local council in whose area the vehicle will be used for storing, preparing or selling food, may be required. This includes street trading or operating on private land or public roads.

It is important to check the requirements with every local council you propose to work in prior to operation, as penalties may apply for not having the appropriate approvals.

Council approval may also be required for garaging or maintaining the mobile food vending vehicle at a particular premises, especially when the premises is used for storing food supplies and equipment used in connection with the vehicle's food business operation.

Food Safety Supervisor

Food businesses operating mobile food vending vehicles may need to appoint a Food Safety Supervisor (FSS) (refer to page 16 of this document for details). Ensure an FSS is appointed and the FSS certificate is available in the vehicle before commencement of operation.

Inspections

Inspections of mobile food vending vehicles are conducted by council's environmental health officers (EHOs) who are authorised officers under the *Food Act 2003*. The frequency of inspection can vary and may depend on any food safety risk of the food being handled or any previous enforcement history. They check that good food safety practices are in place, such as temperature control, cleanliness, hand washing and labelling (refer to checklist at end of this document).

If mobile food vending vehicles operate across council boundaries, most councils will use a home jurisdiction rule. This means the vehicle will be inspected by the council in which the vehicle is ordinarily garaged. That council is known as the 'home council'.

Other councils in which the vehicle trades are entitled to request to see a copy of the most recent inspection report (less than 18 months old) from the vehicle operator. If the report is satisfactory (i.e. only minor issues identified), the council EHO should not conduct a further inspection, unless there is a perceived risk to food safety and public health.

If a recent inspection report is not provided by the operator, is more than 18 months old, or has a major non-compliance issue outstanding, then the council EHO has the discretion to carry out an inspection and charge an inspection fee.

Mobile food vending vehicle operators/proprietors are responsible for organising to have an inspection when they begin to trade and providing a current inspection report to officers from another council in whose area they trade.

Carry your most recent inspection report with you whenever you are trading from your mobile food vending vehicle.

Fees and charges

The local council may charge fees for inspecting your food handling activities under the *Local Government Act 1993*. The fee amount can vary between councils.

Councils can levy an annual administration charge under the *Food Act 2003*. Only a council that carries out an inspection is allowed to levy the annual administration charge. Non-home councils are recommended not to levy the annual administration charge.

There may be other fees and charges levied by councils for vehicle approval to trade under other legislation. Check with the local council/s in which you trade to find out what fees and charges apply to you.

Conditions of operation

Maintenance

The vehicle and its associated fixtures, fittings and equipment must be kept clean and in a good state of repair and working order (i.e. free from dirt, fumes, smoke, foul odours and other contaminants).

Garbage and recyclable matter

Food business operators must ensure that:

- suitable and adequate garbage receptacles with tight-fitting lids are provided. When directed, a suitable receptacle should be provided outside the vehicle for depositing take-away food containers and other litter
- arrangements are made to dispose of garbage content each day or more frequently when the need arises
- recyclable, re-useable or compostable products are used wherever possible.

Animals and pests

Take all practicable measures to prevent pests (including birds, spiders and flying insects) from entering the food stall or coming into contact with any fixtures, equipment or parts of vehicles used to transport food.

Animals are not permitted to enter a food premises at any time. 'Assistance animals', as defined in section 9 of the *Disability Discrimination Act 1992*, are permitted in public dining and drinking areas. Assistance animals include guide dogs trained to help people with disabilities.

It is recommended that a regular pest control program be used.

Children in food preparation areas

For health and safety reasons, children should not be permitted to enter a mobile food vending vehicle.

Water and ice

- a) Potable water (i.e. safe for human consumption) must be used for washing or preparing food or as an ingredient in food. Town water supplies are considered potable. Using water from other sources may be suitable, but this should be checked with the local council.
- b) Only food-grade materials should be used to store water.
- c) Ice used to keep food cool or to add to food or drink must be potable.
- d) All hot water for washing purposes should be supplied from a suitable hot water system and should be piped so it can be mixed with cold water.

Waste disposal

The vehicle should be equipped with a waste water tank external to the vehicle, with a capacity of at least 50 litres, and have an outlet of sufficient diameter to facilitate easy flushing and cleaning.

Waste water must be disposed of lawfully. Please contact your local water authority prior to the event for advice.

Under no circumstances is liquid waste to be discharged on the ground or to a stormwater drainage system.

All sinks and hand wash basins should be provided with sanitary traps.

Electricity, gas supplies, fire extinguishers and work safety

- Food business operators (and event management) should ensure there is a sufficient supply of electricity for food handling activities, particularly for hot/cold food holding and heating water.
- Electricity should be supplied through proper supply poles equipped with all necessary safety devices (as required by legislation). All work should be carried out by a licensed electrician and conform to 'AS/NZS 3002-2008: Electrical Installations – Shows and Carnivals'. SafeWork NSW requires electrical appliances and leads to be tested at least annually, and identification tags attached.
- Fixed gas installations (such as in mobile food trucks) must be installed by a licensed gasfitter and comply with the appropriate provisions of 'AS/NZS 1596-2014: The Storage and Handling of LP Gas' and 'AS 5601-2000 (AG 601-2002: Gas Installations'. A current compliance plate should be attached to the vehicle for new installations or any changes made to existing gas appliances.
- All portable gas appliances and appliances connected to Liquefied Petroleum Gas (LPG) cylinders must be certified to comply with Australian Standards by a certifier accredited by NSW Fair Trading. Refer to the NSW Fair Trading webpage on gas appliances:
http://www.fairtrading.nsw.gov.au/ftw/Businesses/Product_safety/Gas_appliances.page.
- Portable gas appliances should be located on a non-combustible surface with safe clearance distances from combustible materials and in a well-ventilated location. LPG cylinders should be secured so they remain upright and protected from damage. Refer to Energy Safe Victoria's *Gas safety at public events* brochure and follow the gas safety checklist: http://www.esv.vic.gov.au/wp-content/uploads/2017/02/Gas-safety-at-public-events_brochure.pdf or contact SafeWork NSW for further information.
- Cartridge-operated appliances are not approved for use at public events. These appliances are commonly used in domestic situations and are fuelled by a disposable butane gas cartridge.
- A fire extinguisher and fire blanket should be supplied in any vehicle or stall where cooking or heating processes take place. Operators should be able to extinguish small fires if needed.
- Fire safety equipment should be easily accessible. The extinguisher should be suitable for dealing with the type of combustible materials present.
- Fire safety equipment should be tested annually and have current tagging in accordance with 'AS 1851-2012: Routine Service of Fire Protection Systems and Equipment'. Contact Fire and Rescue NSW for more information.
- All measures must be taken to comply with the requirements of SafeWork NSW to protect the health, safety and welfare of workers and visitors at the event. Contact SafeWork NSW for more information.

Pollution prevention

Operations should not cause any harm to the environment (i.e. air, water, noise and surrounding land). This is a requirement under the *Protection of the Environment Operations Act 1997*. For example, waste water should be discharged into the sewer system not onto the ground. Contact the local council for more information on the safe and legal disposal of waste water.

Facilities

Construction of vehicle

The design and construction of a mobile food vending vehicle must:

- be appropriate for the types of food stored, prepared and sold
- have adequate space for all activities and for all equipment to be used or stored
- allow easy cleaning and sanitising procedures of all structures and equipment
- prevent the entry of pests, dust, fumes, smoke and other contaminants where practicable
- exclude favourable sites for pests to harbour (live and breed).

The design and layout of a mobile food vending vehicle should be well planned and should take into consideration a range of key issues including but not limited to: maximising space without compromising food safety, using effective and durable construction materials, providing preparation and storage areas, hygiene requirements such as hand washing, and compliance with Food Safety Standards to ensure effective and acceptable operation.

Design principles should accommodate food safety flow of product and waste to minimise risks of food and equipment contamination. Separating particular processes must be considered including:

- raw and cooked foods
- hand washing facilities and utensil wash up areas
- storage facilities
- waste disposal areas

Separation of the driving compartment from food storage, handling and serving sections should be considered.

The construction standards required are dependent on the type, extent and frequency of food handling operations. As these standards can vary widely, it is recommended that before constructing or using a vehicle to sell food, the local council be approached and a clear agreement reached.

Floors

Floors are to be constructed of materials which are impervious and durable.

The intersections of walls to floors should be without corners (coved): tight jointed, sealed and dust proof.

Floors should be graded to the doorsill or, alternatively, a floor waste with a screwed removable plug is to be provided.

Floors that are unlikely to pose any risk of contamination of food handled in the vehicle may be exempted from the constructional requirements of these guidelines provided the food business has obtained council approval.

Walls

Walls are to be provided where they are necessary to protect food from contamination.

Walls must be finished with materials suitable for activities conducted in the vehicle and be easy to clean. Light coloured, high gloss, impervious surfaces are recommended.

Suitable wall materials in food preparation areas are stainless steel, aluminium sheeting, acrylic or laminated plastic sheeting or polyvinyl sheeting with welded seams.

Architraves, skirting boards, picture rails or similar protrusions should not be used on the walls.

Walls at the rear of cooking appliances should be surfaced with a material such as stainless steel, which extends from the canopy to the floor. Where a cooking appliance is sealed to the wall, the material should be lapped over the top edge of the appliance to provide a grease and vermin-proof seal. Cooking appliances should only be sealed to walls made of a non-combustible material.

A splashback should be installed to a minimum height of 300mm above any bench, sink or hand basin and should be constructed using an impervious waterproof material.

Ceilings

Ceilings are to be provided where they are necessary to protect food from contamination.

Ceilings must be finished with impervious materials suitable for activities conducted in the vehicle and be easy to clean. A light colour is recommended.

Where applicable, the ceiling height should be adequate to effectively conduct food handling activities.

Ceilings should be free of open joints, cracks and crevices.

The intersection of walls and ceilings should be tight jointed, sealed and dust proof.

Door and serving openings

All openings are to be fitted with close fitting doors and shutters where practicable to exclude dust, pests and other contaminants. These should be closed during transport.

Door and serving hatches should be finished internally with the same standard of material as the walls.

Pipes, conduits and wiring

Pipes, conduits and wiring should be concealed in or behind floors, walls and ceilings, or fixed on brackets providing at least 25 mm clearance between the pipe and adjacent surfaces, and 150mm between the pipe or conduit and adjacent horizontal surfaces.

Service pipes, conduits and wiring should not be placed in the recessed toe space of plinths or equipment.

Equipment and appliances

Equipment should be either built in with no cavities or mounted on castors capable of being easily moved to facilitate cleaning.

Cooking equipment should not be placed beneath windows, wall cupboards, serving openings, shelving or roof vents.

Lighting

Adequate lighting in accordance with Australian Standards is to be provided to ensure safe food handling.

In areas where exposed food is handled or stored, light fittings should be shatter-proof or fitted with suitable light diffusers (covers) to prevent contamination of food by broken light globe/tube glass.

Ventilation

There must be sufficient natural or mechanical ventilation to effectively remove fumes, smoke, steam and vapours.

Mechanical ventilation must comply with Australian Standards.

Storage racks should not be fitted above cooking and heating equipment as they can obstruct the airflow.

Hand washing facilities

A dedicated hand washing basin, separate from other facilities and used only for that purpose, must be provided.

Warm water is needed for effective hand washing. Hot and cold water must be delivered through a single outlet to a dedicated hand basin.

Liquid soap and single-use paper towels must be provided at or near the hand washing facility.

To allow easy cleaning of hands and arms the basin should be installed at bench height, not under a bench. It should not be obstructed by other equipment and appropriately fixed to the wall. Ideally an impervious splashback should be installed behind the basin.

An additional dedicated sink is required for washing of re-usable eating and drinking dinnerware and tableware.

Food handling

The requirements for handling food for sale for human consumption are outlined in 3.2.2 *Food Safety Practices and General Requirements* and 3.2.3. *Food Premises and Equipment* of the Food Standards Code. These are on the Food Standards Australia New Zealand website at www.foodstandards.gov.au.

The requirements also apply to pre-packaged food and low-risk food. Factsheets and user guides (including for charitable and community not-for-profit organisations) are available on the Food Authority website at www.foodauthority.nsw.gov.au.

Food suppliers

Obtain fresh produce and products from reputable suppliers, as generally they operate under strict quality guidelines. Keep copies of invoices for trace-back if needed in the future.

Preparing food at home

Notification of food business details, construction, facilities, labelling and food handling requirements of the *Food Act 2003* apply equally to home situations as to commercial operations. This also applies to pre-packaged and low-risk produce and foods.

Approval to use homes for food handling may also be required by local councils. The local council should be contacted in these situations. The factsheet [Home based and mixed food businesses](#) is on the Food Authority's website.

Food storage

- Food businesses must ensure that all foods are stored so that they are protected from likely contamination and that the environmental conditions will not adversely affect the safety or suitability of the food.
- There must be separately located storage facilities for items such as chemicals, clothing and personal belongings that may contaminate food or food contact surfaces.
- Food should be stored at least 150mm above the floor or in suitable containers and, where possible, kept out of direct sunlight.
- Ensure that potentially hazardous foods are received under temperature control and within their use-by date.
- Potentially hazardous foods such as poultry, meat, dairy products, seafood and egg-based products must be stored under temperature control. If intended to be stored frozen, the food must remain frozen during storage. (See guideline: [Potentially hazardous foods: Foods that require temperature control for safety](#)).
- Refrigeration facilities should be large enough to hold potentially hazardous foods under temperature control at all times. This may require the use of portable coolrooms. Do not overstock refrigerators or portable coolrooms as the air will not be able to circulate freely around the foods. Perishable cold foods should be kept cold.

Potentially hazardous foods and temperature control

One of the most common causes of foodborne illness is the storage and display of potentially hazardous foods at inadequate temperatures for extended periods. This can lead to the rapid and sustained growth of food poisoning bacteria.

Examples of potentially hazardous foods include:

- cooked meat
- dairy products
- seafood

- prepared salads, raw salad vegetables
- cooked rice and pasta
- processed soya bean products
- other processed foods containing eggs, beans, nuts or other protein-rich foods that contain any of the above foods such as sandwiches and quiches.

A food business must, when storing and displaying potentially hazardous food, store it under temperature control. If the food is intended to be stored frozen ensure the food remains frozen during storage and display. Temperature control means maintaining cold food at a temperature of 5°C or below, or hot food at 60°C or above.

Canned and bottled foods, dried or pickled products and some other processed foods such as dried pasta, pasteurised juices and dried powder products, are not considered to be potentially hazardous unless opened or reconstituted.

All food businesses that handle potentially hazardous foods are required to have a readily accessible, accurate, probe-type thermometer (+/- 1°C accuracy). Ensure the thermometer probe is cleaned and sanitised before it is used. It is good practice to monitor the temperature of hot or cold foods under operating conditions to ensure adequate temperature control is being maintained.

Additional information on potentially hazardous food and its management can be found in [Potentially hazardous foods: Foods that require temperature control for safety](#) and [Guidance on the 4-hour/2-hour rule](#) at www.foodauthority.nsw.gov.au.

Cross contamination

Adequate measures must be taken to prevent cross contamination from raw foods to cooked foods. This includes:

- ensuring there are separate utensils for cooked and raw meats, poultry and seafood
- covering all food unless it is being processed or prepared – unprotected food must not be left unattended
- keeping cooked meat and salads separate from raw meat, raw poultry, raw seafood and unwashed raw vegetables
- washing hands after handling raw meats, raw poultry, raw seafood and raw vegetables.

Food display

When displaying food, take all practicable measures to protect the food from likely contamination by customers, dust, fumes or pests. This may mean using plastic food wraps, sealed containers, sneeze barriers, food covers or other effective measures.

Crockery, wrappings and packaging

- Single-use, disposable eating and drinking utensils are recommended.
- If re-usable dinnerware or tableware is used, you will need to show an authorised officer that you use an appropriate method for cleaning and sanitising them (machine dishwashers are recommended).
- Crockery or plastic items that are chipped, cracked, broken or in a state of disrepair must not be used in connection with food.
- Packaging material must be suitable for food packaging and unlikely to cause food contamination. Only clean and unprinted paper, food wrap or packaging must be used for wrapping or storing food.

Single-use items

Single-use straws, eating utensils and other items that come into contact with food or the mouth of a person, must be protected from contamination until use and not re-used.

Skills and knowledge

All food businesses must ensure their food handlers have skills and knowledge in food safety and food hygiene matters appropriate to the type of foods they are preparing/handling and their work activities.

Charitable and community not-for-profit organisations are exempt from this requirement if they sell foods that are not potentially hazardous (e.g. cakes without cream, biscuits, bottled jam or pickles), or foods which are to be consumed immediately after thorough cooking (e.g. sausages, hamburgers and spring rolls). (See boxed section on page 6.)

Food Safety Supervisor

In addition to skills and knowledge requirements for all food handlers, certain food businesses need to appoint one Food Safety Supervisor (FSS). The FSS requirement applies if your business is processing and selling food by retail that is:

- ready-to-eat,
- potentially hazardous (i.e. requires temperature control), and
- unpackaged (i.e. not sold and served in the supplier's original package).

One FSS needs to be appointed for each food vending vehicle. A copy of the FSS certificate must be kept in the vehicle.

You do not need to notify the local council of your FSS.

Mobile food vending vehicles which are garaged in another state are required to have an FSS certificate if operating in NSW. FSS certificates can be obtained from the Food Authority for a small fee upon submission of appropriate training documents.

For more information on Food Safety Supervisor requirements go to www.foodauthority.nsw.gov.au/rp/fss-food-safety-supervisors.

Staff illness

A person who is unwell or suffering from a contagious illness must not handle food for sale. Symptoms may include cold or flu symptoms, diarrhoea, vomiting, sore throat with fever, fever or jaundice and infectious skin conditions.

A food handler must notify their supervisor if they know or suspect that they may have contaminated food.

Requirements for food handlers

When engaged in any food handling operation, a food handler must:

- not contaminate food or food contact surfaces with their body or clothing,
- prevent unnecessary contact with ready-to-eat food,
- wear only clean outer clothing,
- cover all dressing and bandages on exposed body parts with a waterproof dressing,
- not eat over uncovered food or food contact surfaces,
- not sneeze, blow or cough over uncovered food or surfaces likely to come into contact with food,
- not spit, smoke or use tobacco while working at the food premises, and
- not urinate or defecate except in a toilet.

Hand washing

A food handler must wash his or her hands using soap and warm water, then dry them with single-use, paper towels:

- before commencing or re-commencing handling food,
- immediately before handling ready-to-eat food after handling raw food,

- immediately after using the toilet,
- immediately after smoking, coughing, sneezing, using a handkerchief or tissue, eating, drinking or touching his or her hair, scalp or a body opening, and before using disposable gloves for handling food. If wearing gloves, you should change them as often as you are required to wash your hands.

Money handling/touching customers' hands when serving food

While the likelihood of contamination from customers' hands when exchanging money is low, consideration should be given to minimising the risk. Examples include using a disposable glove, or nominating one staff member to handle money only.

Cleaning and sanitising

- The vehicle must be maintained to a standard of cleanliness where there is no accumulation of garbage or recycled matter (except in appropriate containers), food waste, dirt, grease or other visible matter.
- All fixtures, fittings and equipment must be maintained and cleaned so there is no accumulation of food waste, dirt, grease or other visible matter.
- Eating and drinking utensils must be in a clean and sanitary condition immediately before each use.
- Bench tops, surfaces of equipment in contact with food, and storage appliances, must be kept in a clean and sanitary condition to reduce the likelihood of contaminating food. 'Sanitary' means cleaning first, followed by heat and/or chemical treatment at the right concentration, or some other process to reduce the number of bacteria to a level unlikely to compromise the safety of the food. 'Food-grade' chlorine-based sanitisers can be used for this purpose.
- The containers used for chemical storage should be appropriately labelled.
- Chemicals must not be stored near the food or any packaging likely to come in contact with food to avoid the risk of contamination.
- It is recommended that a documented cleaning schedule is devised and implemented.

Labelling

The following requirements are outlined in more detail in the Australia New Zealand [Food Standards Code](#) (FSC), which can be viewed on the Food Standards Australia New Zealand (FSANZ) website. For detailed advice on labelling requirements, please contact the Food Authority. Food that is not correctly labelled may be seized to protect consumers.

Pre-packaged products must be clearly labelled with:

- a description of the food, e.g. 'strawberry jam' or 'chocolate cake'
- the name and physical address of the supplier – a street address is needed, not a post office box number or email address
- production lot identification – this helps trace-back of food products that may be the cause of a foodborne illness or other food safety issues (date coding can in some circumstances satisfy the requirement for a lot number)
- mandatory, advisory or warning statements (refer to Standard *1.2.3 Mandatory Warnings and Advisory Statements and Declarations* of the Food Standards Code) are required for the following:
 - royal jelly
 - the presence of these allergenic foods: peanuts, tree nuts, sesame seeds, crustaceans, eggs, fish, milk, soybeans and lupin, as well as gluten and added sulphites
 - presence of pollen, propolis, quinine and caffeine (added either as caffeine or guarana)

- milk and milk substitute products advising that they are not suitable as a complete milk replacement in children under five
 - foods containing added phytosterols and phytosterols, advising about their appropriate consumption
 - foods containing aspartame, advising about the presence of phenylalanine
 - mandatory advisory statements on foods containing polyols and polydextrose, advising about the potential laxative effects if over consumed
 - unpasteurised goats milk (it is illegal to sell unpasteurised milk or dairy products in NSW, except for goats milk and products permitted under Standard 4.2.4A *Primary Production and Processing Standard for Specific Cheeses* of the [Food Standards Code](#))
- e) a list of ingredients including added water in descending order by ingoing weight
- f) date marking, e.g. 'best before' date to indicate how long the food will keep. (Note that some foods require a 'use-by' date and must not be sold after that date. Packaged foods that need to be consumed within a certain time for health and safety reasons should carry date marking in the form of a use-by date, along with other labelling details)
- g) storage conditions, if these are needed for health and safety reasons, or to achieve its stated storage life, e.g. 'Keep refrigerated'
- h) nutrition information panel – most packaged food should display a nutrition information panel (NIP); however, some foods are exempt from this requirement
- i) characterising ingredient – a characterising ingredient (% labelling) means it is mentioned in the name of the food. For example, for strawberry jam, the label should show the percentage (%) of strawberries in the ingredient list
- j) the country in which the food was made, produced or packaged, and whether it contains imported and/or local ingredients.

While unpackaged foods are exempt from most labelling requirements, consumers who have known allergies need to know if a particular ingredient is present in the food they are eating. Standard 1.2.3 of the [Food Standards Code](#) requires a warning statement about the presence of royal jelly to be displayed on or near the food containing it.

The presence of the other allergenic foods – listed under item d) above – needs to be indicated either by a display on or near the food, or declared to the purchaser on request. The presence of certain other foods, such as bee pollen, propolis, aspartame, guarana and phytosterols, trigger requirements for specific advisory statements.

Information about these requirements can be found in Standard 1.2.3 – *Mandatory Warning and Advisory Statements and Declarations* of the [Food Standards Code](#).

Food sold to raise money solely for charitable or community causes, and not for personal financial gain, are exempt from labelling requirements, except for the need to declare the presence of royal jelly. The presence of allergens, the directions for storage and use and the country of origin of seafood, pork and fresh fruit and vegetables need to be provided on request.

Checklist for mobile food vendor vehicles

This checklist is designed as a summary of the key issues for operators of mobile food vending vehicles. These requirements are based on the Food Safety Standards.

Construction and operation	✓
The vehicle's design and layout is appropriate for the intended use	
Driving compartment is separate to food area (recommended)	
Floors are impervious and easy to clean	
Construction and finish of wall and ceiling surfaces are satisfactory	
Cupboards and counter surfaces are satisfactory	
Design of cupboards and counters facilitates easy cleaning underneath and behind	
Openings are protected to minimise entry of dust, pests and other contaminants	
Adequate supply of potable water is available in the vehicle. Note: 'adequate' means enough potable water to ensure effective hand and utensil washing	
The vehicle has an accessible hand wash basin at all times	
The vehicle has liquid soap, single-use towels and warm water available at the hand wash basin(s)	
Ventilation is sufficient to remove fumes, smoke, steam and vapours	
Artificial lighting is adequate	
Waste disposal systems are satisfactory	
The vehicle and equipment are in a good state of repair and working order	
General food safety requirements	✓
Food is obtained from reputable suppliers	
Food is protected from contamination during transportation	
Food is packaged in a manner and using materials that protects it from contamination	
Potentially hazardous foods are only received at the correct temperature and within date coding	
Raw food is stored separately from prepared or ready-to-eat food	
The refrigerator or microwave oven is used when thawing frozen food	
Cold, ready-to-eat, potentially hazardous food is stored at or below 5oC	
Hot, ready-to-eat, potentially hazardous food is stored at or above 60oC	

Construction and operation	✓
Frozen food to be kept frozen is stored frozen	
Raw food is handled so as not to contaminate ready-to-eat food. Separate utensils are used during food processing (e.g. the utensils used for preparing raw meat are not used for preparing cooked meat or vegetables)	
When cooling cooked, potentially hazardous food, it is cooled: from 60°C to 21°C within two hours, and from 21°C to 5°C within a further four hours	
When heating potentially hazardous food, it is rapidly heated to 60oC or higher	
Potentially hazardous food is kept under temperature control	
There is a thermometer available where potentially hazardous food is handled (e.g. probe type accurate to +/- 1°C), and regular temperature checks are made	
Chemicals are kept away from food handling areas	
Food handling areas are kept free from dirt, dust, flies, pests and other contaminants	
The hand wash facility is only used for hand washing	
Administrative items and personal items are stored away from food	
Food handler hygiene	✓
Staff have appropriate food safety skills and knowledge	
Food handlers have been informed of their health and hygiene obligations	
Staff who are suffering from foodborne illness are to be excluded from food handling until a medical clearance has been obtained	
Staff wear clean clothing and have hygienic habits	
Food handlers wash their hands adequately and at appropriate times	
Food handlers are not contaminating food	
Cleaning and maintenance	✓
Floor, walls, ceiling, fixtures, fittings and equipment are maintained in a clean condition	
Re-usable eating and drinking utensils are cleaned and sanitised before each use	
Food contact surfaces of benches and equipment are sanitised before use and as required	
The vehicle and equipment are kept in a good state of repair and working order	
Containers for waste have close fitting lids and are removed at least daily or as required	
The vehicle is free from animals and pests. It is recommended that a regular pest control program be used	

Construction and operation	✓
Appropriate WorkCover requirements are met (i.e. fire safety, electrical and gas)	
Other necessary information	✓
Have you investigated restrictions on street or roadside trading?	
Have you enquired about inspection fees and council approval?	
Have you enquired about the appropriate public indemnity insurance?	

Contact information

Please contact your local council in the first instance, or the NSW Food Authority for further information.

Local Government NSW (NSW councils)

Tel: 02 9242 4000

Website: www.lgnsw.org.au/about-us/council-links

Email: lgnsw.org.au

NSW Food Authority

Tel: 1300 552 406

Website: www.foodauthority.nsw.gov.au

Email: food.contact@dpi.nsw.gov.au

Food Standards Australia New Zealand

Tel: 02 6271 2222 (Australia)

Website: www.foodstandards.gov.au/

SafeWork NSW

Tel: 13 10 50

Website: www.safework.nsw.gov.au

Email: contact@safework.nsw.gov.au

Fire and Rescue NSW

Tel: 02 9265 2999

Website: www.fire.nsw.gov.au

Email: info@fire.nsw.gov.au



Key definitions

Adequate supply of water

Potable water available at a volume, pressure and temperature adequate for the purposes for which the water is used.

Australian/New Zealand Standards

Australian Standard/New Zealand Standards are documents which are referenced by legislation to provide more detail on requirements and technical procedures. These standards can be purchased from Standards Australia on 1300 654 646 or by visiting its website at www.standards.com.au.

Coving

A curved junction between the floor and the wall.

Equipment

A machine, instrument, apparatus, utensil or appliance – other than a single use item – used or intended to be used in connection with food handling; includes any equipment used or intended to be used to clean the food premises or equipment.

Food business

A business, enterprise or activity (other than primary food production) that involves:

- handling of food intended for sale, or
- sale of food regardless of whether the business enterprise or activity concerned is of a commercial, charitable or community nature or whether it involves the handling or sale of food on one occasion only.

Food handler

Any person who directly engages in the handling of food, or who handles surfaces likely to come into contact with food for a food business.

Food premises/Vending vehicle

Any premises including land vehicles, parts of structures, tents stalls and other temporary structures, boats, pontoons, including premises used principally as a private dwelling; but not food vending machines or vehicles used only to transport food.

Food Safety Standards

These are part of the [Food Standards Code](#) (under the NSW *Food Act 2003* and *Food Regulation 2015*). They define requirements for food premises (which include vehicles), food handling practices, structural requirements and labelling.

Handling of food

Includes the making, manufacturing, producing, collecting, extracting, processing, storing, transporting, delivering, preparing, treating, preserving, cooking, thawing, serving or displaying of food.

Home council

The home council is the one in which the mobile food vending vehicle is ordinarily garaged.

Home jurisdiction rule

If mobile food vending vehicles trade across council boundaries, including its home council, most councils will use a home jurisdiction rule. This means that the home council will be the one to normally carry out the first food inspection on a mobile food vending vehicle and be the one to levy the annual administration charge.

The Food Authority recommends councils in subsequent areas where the vehicle operates do not levy the annual administration charge, and only inspect under conditions described at page 8 of this document.

Potable water

Water suitable (safe) for drinking

Potentially hazardous food

Food that must be kept at certain temperatures to minimise the growth of any pathogenic microorganisms that may be present in the food and/or to prevent the formation of toxins. This may include meat, seafood, dairy products, orange juice and cooked rice.

Sanitising

A process that significantly reduces the number of microorganisms present on a surface. This is usually achieved by using both heat and water, or chemicals.

'Sell' means:

- barter, offer or attempt to sell, or
- receive for sale, or
- have in possession, display, send, forward or deliver for sale, or
- dispose of for valuable consideration, or
- dispose to an agent for sale on consignment, or
- provide under contract of service, or
- supply food as a meal or part of a meal to an employee for consumption at work, or
- dispose of by way of raffle, lottery or other game of chance, or
- offer as a prize or reward, or
- give away for the purpose of advertisement or in furtherance of trade, or
- supply under a contract with accommodation, service or entertainment, or
- give the food away from a food business to a person, or
- sell for the purpose of resale.

Sewage

Discharge from toilets, urinals, basins, showers, sinks and dishwashers through a sewer or other means.

Sinks

Includes sinks for food preparation, cleaner's sink, utensil and equipment washing and personal hand washing basins.

Temperature control

Maintaining food at a temperature of:

- 5°C or below if this is necessary to minimise the growth of infectious or toxigenic microorganisms in the food so that the microbiological safety of the food will not be adversely affected for the time the food is at that temperature, or
- 60°C or above, or
- another temperature – if the business demonstrates that maintenance of the food at this temperature for the period of time for which it is so maintained will not adversely affect the microbiological safety of the food.

Unsafe and unsuitable food

Food is considered unsafe if it is likely to cause physical harm to a person who might later consume it, assuming they treated the food correctly after purchase.

Food is considered unsuitable if it is damaged, deteriorated or perished to an extent that affects its intended use, e.g. out of date, poor maintenance or poor storage of chemicals or contains a substance that is foreign to the nature of the food (i.e. foreign matter or chemicals which may have fallen into the food).

Warm water

Not hotter than 50°C in order to comply with Australian/New Zealand Standard 3500.4.2 (Plumbing and drainage: Part 4 – heated water services).

GUIDELINES FOR FOOD BUSINESSES AT TEMPORARY EVENTS

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Introduction

These guidelines inform businesses selling food at temporary events in NSW of their legal requirements in relation to the NSW *Food Act 2003* (the Act) and the Food Standard Code (the Code). They provide information on requirements such as power supply and waste disposal, and suggest ways to maintain food safety at the event.

Businesses and local council environmental health officers (EHOs) can use this guide to assess compliance with the Act and the Code.

The primary aim of these guidelines is to make food businesses aware of their legal requirements and to suggest ways to assure food safety when selling food.

This guideline also provides businesses with a guide to applicable fees and charges that councils may levy.

Food businesses wishing to sell food at temporary events should contact the council where the event is based prior to operating to check if a permit to trade on public land is required, if an inspection must be completed, if there are any applicable fees or if there are any other requirements.

What is a temporary event?

A temporary event is any occasion which is of limited duration or periodic in nature and where food is sold to consumers from a temporary structure or vehicle. Examples include fairs, festivals, markets and shows.

These guidelines cover all types of food businesses at temporary events and provide guidance for additional requirements when the temporary event continues over several days, introducing additional risks. The checklist provided in the document can be used to self-assess compliance with general requirements.

While mobile food vending vehicles often operate at temporary events, it is recommended that they refer to the Food Authority document [Guidelines for mobile food vending vehicles](#).

Obligations on selling food

A person handling or selling food or operating stalls used for selling food for human consumption, including drinks, produce, fruit and vegetables or pre-packaged food, is deemed to be a 'food business'. This includes not-for-profit operations.

A food business is required to sell safe and suitable food in accordance with the NSW *Food Act 2003* (the Act), which also mandates compliance with the national [Food Standards Code](#) (the Code). Of particular relevance for temporary events are parts 1.2 (labelling) and 3.1.1, 3.2.2 and 3.2.3 (food safety standards) of the Code, which can be accessed at www.foodstandards.gov.au

Failure to comply with the requirements may lead to enforcement action. Depending on the food safety risk identified, this action may include a warning letter, improvement notice, penalty notice, seizure, prohibition or prosecution. The NSW Food Authority and councils generally follow an escalating enforcement policy. For more information see <http://www.foodauthority.nsw.gov.au/ip/audits-and-compliance/compliance>

Which agencies enforce the Act and Code?

In most cases, local councils are responsible for the food surveillance of the retail sector and enforce the requirements of the Act and Code; this includes food for retail sale at temporary events.

The Food Authority is only responsible for surveillance if there is processing of products that require a licence at that premises, such as:

- businesses that conduct food service to vulnerable persons

- high-risk plant product businesses
- businesses that handle or process meat
- businesses that further process seafood
- businesses that handle shellfish
- dairy producers, factories and vendors
- businesses that produce or process eggs and egg related products

Charities and community groups

Charities and community groups are those which do not derive funds for personal financial gain but direct any profits back to the community (e.g. local sports clubs, Lions and Rotary clubs).

The NSW *Food Act 2003* and [Food Standards Code](#) apply to all food businesses including those selling food for charity or community purposes. It is always an offence to sell food that is unsafe or unsuitable. Charities and community groups are exempt from some requirements:

- Notification of food business is not required if food sold is not potentially hazardous (e.g. scones) or is to be consumed immediately after thorough cooking (e.g. sausage sizzle)
- Food Safety Supervisor requirements do not apply
- Some labelling requirements do not apply; however, it is a requirement to provide information to customers on request about these allergenic ingredients:
 - cereals containing gluten
 - crustacean and their products
 - fish and fish products
 - egg and egg products
 - milk and milk products
 - peanuts and peanut products
 - sesame seeds and sesame seed products
 - soybean and soybean products
 - tree nuts and tree nut products
 - lupin

Further information can be obtained from the NSW Food Authority or local councils.

Administration

Notification

Food businesses that trade at temporary events must notify their details to the local council prior to commencing trading for the first time. Businesses must notify their home jurisdiction council (i.e. location where food is prepared before sale at a temporary event), and the local councils where they intend to trade. Notification is a compulsory requirement.

Appropriate details for notification include:

- contact details for the food business including the name of the food business and the name and business address of the proprietor of the food business,
- the nature of the food business, and
- the location of all food premises of the food business that are within the jurisdiction of the enforcement agency.

Notification may be made to council in any form that includes the above details.

The only exceptions are:

- businesses licensed or notified with the NSW Food Authority, or
- not-for-profit fundraising events where there is sale of low-risk food (e.g. tea/coffee and biscuits) or sale of food that is thoroughly cooked immediately before consumption (e.g. sausage sizzle).

Notification is a one-off process unless your details change, in which case you are required to provide an update to the appropriate authority.

Licensing

Some retailers at temporary events require a Food Authority licence if there is an activity that requires a licence in the business, such as:

- businesses that conduct food service to vulnerable persons
- high-risk plant product businesses
- businesses that handle or process meat
- businesses that further process seafood
- businesses that handle shellfish
- dairy producers, factories and vendors
- businesses that produce or process eggs and egg related products

If you carry out one of these activities, contact the Food Authority well before the event to determine whether you require a licence.

Council approvals

Local councils are generally responsible for the approval of temporary events and the stalls retailing food (including alcohol) at that event. Some councils require development consent for temporary events, so you may be required to lodge a development application. Some councils require the temporary site itself to be registered/approved (for example, *s68 approval to operate* issued under the *Local Government Act 1993*).

It is important to check specific requirements with the local council well before the event.

To avoid unnecessary interruption to your business, have your valid council permit on display so that inspecting officers (and customers) can retrieve information about the stall operator if required.

Food Safety Supervisor

Food businesses operating at temporary events may need to appoint a Food Safety Supervisor (refer to page 16 of this document for details). Ensure this is done well before the event. You must keep a copy of the certificate at the stall and it is wise to have it on display for inspecting officers, which also provides the added benefit of promoting your investment in food safety to your customers.

Inspections

The inspection of stall operators trading at temporary events are conducted by council's environmental health officers (EHOs) who are authorised officers under the *Food Act 2003*. The frequency of inspection can vary and may depend on any food safety risk of the food being handled or any previous enforcement history. They check that good food safety practices are in place, such as temperature control, cleanliness, hand washing and labelling (refer to checklist at end of this document).

Small events where low-risk foods are sold may not require inspection. Large events, particularly where high-risk foods are sold or businesses have a poor compliance history, are likely to be inspected.

If stall operators trade across council boundaries, most councils will use a home jurisdiction rule. This means the stall operator will be inspected by the council local to where that business originates. That council is known as the 'home council'.

Other councils in which the stall operator trades are entitled to request to see a copy of the most recent inspection report (less than 18 months old) from the proprietor. If the report is satisfactory (i.e. only minor issues identified), the council EHO should not conduct a further inspection, unless there is a perceived risk to food safety and public health.

If a recent inspection report is not provided by the stall operator, is more than 18 months old, or has a major non-compliance issue outstanding, then the council EHO has the discretion to carry out an inspection and charge an inspection fee.

Stall operators/proprietors are responsible for organising to have an inspection when they begin to trade and providing a current inspection report to officers from another council in whose area they trade.

Carry your most recent inspection report with you whenever you are trading from your temporary stall.

Councils adopt a risk-based approach to determine when to inspect food businesses at temporary events. The risk factors considered are:

- number of food businesses trading at the event
- can the businesses provide (in advance) evidence of a satisfactory inspection by their home jurisdiction or other enforcement agency
- poor compliance history of businesses at the event
- any food safety complaints made against food businesses trading at the event
- type of food being sold at the event (PHF vs non PHF)
- estimated number of visitors to the event
- duration of the event

- access to facilities and services such as potable water, to waste water management staff toilets, waste management, electricity.

It is recommended that a business keep a copy of their last inspection report at their premises to demonstrate compliance history.

Fees and charges

The local council may charge fees for inspecting your food handling activities under the *Local Government Act 1993*. The fee amount can vary between councils.

Check with the local council/s in which you trade to find out what fees apply to you. There may be other fees and charges levied by councils for approval to trade under other legislation. Please contact your local council for details.

Councils can levy an inspection fee against the event organiser, or against the individual temporary food businesses.

The inspection fee levied can be:

- a fixed fee, or
- based on the council's hourly food inspection rate.

If council decides an additional inspection is required for a business (because of poor compliance), an inspection fee can be levied against the food business.



Conditions of operation

Location of food stalls

- Stalls should be set up on sealed ground and away from drainage lines to avoid cross contamination and maintain stall cleanliness. If only unsealed sites are available or where PHF is being prepared on site (the ground where food is being prepared and stored should be completely covered).
- Multi-day events that remain committed to trading regardless of weather conditions will need to implement further measures such as raised floors. Floor coverings must be easily cleaned and non-absorbent.
- The open side of the stall should not face prevailing winds to reduce dust, odour and insect problems.
- Stalls should be located away from toilets and garbage areas to prevent airborne contamination.

Toilets

Food business operators (and event management) must ensure that adequate toilet facilities are available for food handlers. This includes adequate hand washing facilities including the provision of warm water soap and an effective means of drying hands (e.g. paper towels). Multi-day events should have an appropriate ratio of staff only toilets to the number of food stalls trading. Using the [Building Code of Australia table F2.3](#), the recommended ratio for toilets in class 6 buildings (restaurant/café) is 1 toilet per 15 employees.

Maintenance

The food stall and its fixtures, fittings and equipment, toilets and hand washing facilities, as well as parts of vehicles used to transport food, must be kept clean, sanitised and in good, working order (i.e. free from dirt, fumes, smoke, odours and other contaminants). Timber surfaces should be avoided and if used must be maintained so they are non-absorbent and easily cleaned.

Garbage and recyclable matter

Food business operators (and event management) must ensure there are:

- adequate rubbish dumpsters located away from food stalls so that vermin and flying insects are not attracted to food preparation areas,
- adequately sized, enclosed rubbish bins at each food stall,
- arrangements to dispose of garbage at the end of the day, and
- recyclable, re-useable or compostable products wherever possible.

Animals and pests

Take all practicable measures to prevent pests (including birds, spiders, wildlife and flying insects) from entering the food stall or coming into contact with any fixtures, equipment or parts of vehicles used to transport food.

Animals are not permitted to enter a food stall at any time. 'Assistance animals', as defined in section 9 of the *Disability Discrimination Act 1992*, are permitted in public dining and drinking areas. Assistance animals include guide dogs trained to help people with disabilities.

Children in food stalls

For health and safety reasons, children should not be allowed to enter the preparation area of a food stall.

Camping in or near food stalls is not permitted. A designated area is usually set aside for staff camping at multi-day events.

Water and ice

- Potable water (i.e. safe for human consumption) must be used for washing and preparing food, or as an ingredient in food. Town water supplies are considered potable. Using water from other sources may be suitable but this should be checked with the local council.
- Only food-grade materials should be used to store water.
- Ice used to keep food cool or to add to food or drink must be made from potable water and treated as food. Do not break up ice bags on bare ground, use a food preparation sink or counter.

Facilities

Facilities should be constructed to ensure a good standard of food hygiene and allow for easy cleaning and maintenance (see diagrams on page 21).

Construction of temporary food stalls

Temporary food stalls include any structure set up for an occasional event such as a fete, fair, market or festival, where it can be demonstrated that food safety will not be compromised.

The standard of construction for temporary food stalls is:

- walls and ceiling where they are needed to protect food, ensuring there is adequate ventilation if using appliances connected to Liquefied Petroleum Gas (LPG) cylinders (this can be achieved by using a fine mesh wall material)
- entire food premises (including barbeques and cool rooms) to be adequately screened to reduce the risk of food contamination and to restrict public access
- floors to be in the form of a non-absorbent easily cleaned material (e.g. vinyl) cut larger than the floor area to enable it to be turned up at the wall and clipped or fixed into position. Floors in multi-day events should be raised to account for wet weather and should consider high traffic areas, i.e. between the stall and cool room. The event organiser may coordinate the construction of stalls and should consider these requirements
- walls to be non-absorbent and easily cleaned. The framework of the wall panels should support the fabric taut and rigid. No part of the walls should flap in the breeze or be unsecured
- ceiling to be of similar construction to the walls
- whole structure to be securely fixed together when assembled and protected against wind.

For pre-packaged and low-risk foods at single day events, there may be exemptions from certain construction requirements due to the reduced food safety risk. Contact the local council to enquire about exemptions. Examples of pre-packaged and low-risk foods are: pre-bottled or sealed jams, honey, pickles and drinks; pre-wrapped and sealed cakes, toffees and biscuits; whole fruit, vegetables and nuts intended to be washed or peeled before eating.

Fixtures

Food preparation surfaces (e.g. counters, shelves, stands) must be made from rigid, smooth and durable material, free of cracks or joints. Timber surfaces should be painted, laminated or clear finished. Shelves should be at least 150 mm off the floor to avoid cross contamination and facilitate effective cleaning and sanitising. Metal end sections should be sealed.

The preparation and display of food, including unpackaged ready-to-eat food, must be protected from likely contamination from customers. Sneeze barriers or other enclosures should be considered.

For pre-packaged and low-risk foods, there may be exemptions from certain facility requirements due to the reduced food safety risk. Contact the local council for details.

Cleaning, sanitising and hand washing facilities

- A sealed container of warm potable water (minimum capacity 10 litres) with a tap and suitable bowls or containers should be provided for cleaning, sanitising and hand washing. Clean towels, detergent and food-grade surface sanitiser must also be provided. For pre-packaged and low-risk foods, there may be exemptions from certain facility requirements due to the reduced food safety risk. You will need approval in writing from the local council if you wish to be exempt from providing warm potable water for hand washing. Multi-day events will require reticulated potable water supply usually provided by the event organiser.

- Reusable eating, drinking, dinnerware and tableware must be washed and sanitised in separate receptacles used only for that purpose. All food preparation utensils, equipment and eating utensils (reusable and disposable) must be stored a minimum 150mm off the ground.
- A hand washing facility, separate from other facilities and used only for that purpose, must be provided where it is easily and readily accessible, e.g. at the staff entrance to the stall. Warm water is needed for effective hand washing and delivered through a single outlet to a dedicated hand basin. Soap and single-use paper towels must be provided at the hand washing facility. Bars also require hand washing facilities.
- A suitable sanitising agent must be available for sanitising food utensils and food contact surfaces. Where utensils are stored in a sanitising solution between uses, the solution should be changed frequently to keep it clean.
- At multi-day events stall holders must include a separate sink for food preparation only.

Waste disposal

Waste water must be disposed of lawfully. Please contact your local water authority prior to the event for advice.

Multi-day event organisers will usually provide bulk waste water disposal containers and stall holders should make arrangements to pump their waste water to that container/location rather than carrying buckets.

A garbage bin with a tight-fitting lid should be provided in the stall for solid waste that is then emptied into the bulk bin frequently and at the end of the day's trade.

Food handling

The requirements for handling food for sale for human consumption are outlined in Standard 3.2.2 – *Food Safety Practices and General Requirements* and Standard 3.2.3 – *Food Premises and Equipment* of the [Food Standards Code](#). These are on the Food Standards Australia New Zealand website at www.foodstandards.gov.au.

These requirements also apply to pre-packaged food and low-risk food. Factsheets and user guides (including for charitable and community not-for-profit organisations) are available on the Food Authority website at www.foodauthority.nsw.gov.au.

Food suppliers

Obtain all food products from reputable suppliers, as generally they operate under strict quality guidelines. Keep copies of invoices to trace back if needed in the future.

Preparing food at home

Notification of food business details, construction of facilities, labelling and food handling requirements of the *Food Act 2003* apply to the preparation of food for sale from a home kitchen. They also apply to pre-packaged and low-risk produce and foods. Approval to use home kitchens as part of a food business may be required by local councils. Contact the local council for more information. The factsheet [Home-based food businesses](#) is available on the Food Authority's website.

Transport of food to events

All food and packaging for the event must be transported by vehicle so that dust, pests and other likely sources of contamination are excluded. Whole fruits and vegetables and grains which are to be further processed generally do not need to be transported under temperature control. (See the Food Authority's guideline [Potentially hazardous foods: Foods that require temperature control for safety](#)).

Foods that are required to be stored under temperature control or kept frozen must be placed under strict temperature control or frozen during transportation. Food-grade plastic or insulated containers with tight-fitting lids may be used for some foods. Where food comes into contact with the surface of the container, it should be impervious to moisture, constructed of a food-grade material and be capable of being easily cleaned and sanitised. Lids should not be removed from food containers when the vehicle is in motion or unattended.

Commercial food transport vehicles should be suitable for this purpose.

Food storage

- Food business operators must ensure that all foods are stored so that they are protected from likely contamination, and that the environmental conditions will not adversely affect the safety or suitability of the food.
- There must be separately located storage facilities for items such as chemicals, clothing and personal belongings, which may contaminate food or food contact surfaces.
- Food including packaged drinks and alcohol should be stored at least 150mm above the floor and kept out of direct sunlight.
- Potentially hazardous foods like poultry, meat, dairy products, seafood and egg-based products must be stored under temperature control. If intended to be stored frozen, the food must remain frozen during storage. (See [Potentially hazardous foods: Foods that require temperature control for safety](#)).



- Refrigeration facilities should be large enough to hold potentially hazardous foods under temperature control at all times. This may require the use of portable coolrooms. Do not overstock refrigerators or portable coolrooms, as the air will not be able to circulate freely around the foods. Food must be stored off the floor in cool rooms and freezers
- Coolrooms fridges and freezers should be located out of direct sunlight or otherwise shade. For multi-day events access to cool rooms should be a hard surface, e.g. duckboards.
- Cold foods should be stored at or below 5°C.
- Hot food appliances (bain maries and display cases) should enable hot foods to be kept at, or above, 60°C at all times.

Potentially hazardous foods and temperature control

One of the most common causes of foodborne illness is the storage and display of potentially hazardous foods at inadequate temperatures for extended periods. This can lead to the rapid and sustained growth of food poisoning bacteria.

Examples of potentially hazardous foods include:

- cooked meat
- dairy products
- seafood
- prepared salads, raw salad vegetables
- cooked rice and pasta
- processed soya bean products
- other processed foods containing eggs, beans, nuts or other protein-rich foods that contain any of the above foods such as sandwiches and quiches.

A food business must, when storing and displaying potentially hazardous food, store it under temperature control. If the food is intended to be stored frozen, ensure the food remains frozen during storage and display. Temperature control means maintaining cold food at a temperature of 5°C or below, or hot food at 60°C or above.

Canned and bottled foods, dried or pickled products and some other processed foods, such as dried pasta, pasteurised juices and dried powder products, are not considered to be potentially hazardous unless opened or reconstituted.

All food businesses that handle potentially hazardous foods are required to have a readily accessible, accurate, probe-type thermometer (+/- 1°C accuracy). Ensure the thermometer probe is cleaned and sanitised before it is used. It is good practice to monitor the temperature of hot or cold foods under operating conditions to ensure adequate temperature control is being maintained.

Additional information on potentially hazardous food and its management can be found in [Potentially hazardous foods: Foods that require temperature control for safety](#) and [Guidance on the 4-hour/2-hour rule](#) at www.foodauthority.nsw.gov.au.

Cross contamination

Adequate measures must be taken to prevent cross contamination from raw foods to cooked foods. This includes:

- ensuring there are separate utensils for cooked and raw meats, poultry and seafood
- covering all food unless it is being processed or prepared – unprotected food must not be left unattended
- keeping cooked meat and salads separate from raw meat, raw poultry and raw seafood
- washing your hands after handling raw meats, raw poultry, raw seafood and raw vegetables
- storing food, cooking and eating utensils off the floor
- having appropriate cleaning equipment (e.g. mops, buckets, brooms) for multi-day events and all-weather conditions
- changes of footwear so that in wet weather circumstances muddy shoes are not worn in the stall
- stall holders should considerer allocating single task (food preparation, cleaning, serving or handling money) to individuals as a strategy to reduce the potential for cross contamination especially during peak service periods.

Food display

When displaying food, you should take all practicable measures to protect the food from likely contamination by customers, dust, fumes or insects. This may mean using plastic food wrap, sealed containers, sneeze barriers, food covers or other effective measures.

Crockery, wrappings and packaging

- Single-use, disposable eating and drinking utensils are recommended.
- If re-usable dinnerware or tableware is used, you will need to show an authorised officer that you use an appropriate method for cleaning and sanitising them (machine dishwashers are recommended).
- Crockery or plastic items that are chipped, cracked, broken or are in a state of disrepair must not be used for food.
- Packaging material must be food-grade and unlikely to cause food contamination. Only clean and unprinted paper, food wrap or packaging must be used for wrapping or storing food.

Single-use items

Single-use straws, eating utensils and other items that come into contact with food and a person's mouth must be protected from contamination until use and not re-used.

Skills and knowledge

All food businesses must ensure that their food handlers have skills and knowledge in food safety and food hygiene matters appropriate to the type of foods they are preparing/handling and their work activities.

Charitable and community not-for-profit organisations are exempt from this requirement if they sell foods that are not potentially hazardous (e.g. cakes without cream, biscuits, bottled jam or pickles), or foods which are to be consumed immediately after thorough cooking (e.g. sausages, hamburgers and spring rolls). (See boxed section on page 5).

Food Safety Supervisor

In addition to skills and knowledge requirements for all food handlers, certain food businesses need to appoint one Food Safety Supervisor (FSS). The FSS requirement applies if your business is processing and selling food by retail (at a temporary event) that is:

- ready-to-eat
- potentially hazardous (i.e. requires temperature control)
- unpackaged (i.e. not sold and served in the supplier's original package).

One FSS needs to be appointed for the premises (i.e. the tent or stall structure). If you have more than one premises at the event, then a different FSS needs to be appointed for each premises. A copy of the FSS certificate for your FSS must be kept at the premises.

You do not need to notify the local council of your FSS.

Certain food businesses do not require an FSS, such as organisations selling food for community or charitable causes. See the Food Authority's website for details: <http://www.foodauthority.nsw.gov.au/rp/fss-food-safety-supervisors>.

Staff illness

A person who is feeling unwell or suffering from a contagious illness must not handle food for sale. Symptoms may include cold or flu symptoms, diarrhoea, vomiting, sore throat, fever, jaundice and infectious skin conditions.

A food handler must notify their supervisor if they know or suspect that they may have contaminated food.

Requirements for food handlers

When engaged in any food handling operation, a food handler must:

- not contaminate food or food contact surfaces with their body or clothing
- prevent unnecessary contact with ready-to-eat food
- wear only clean outer clothing
- cover all dressing and bandages on exposed body parts with a waterproof dressing
- not eat over uncovered food or food contact surfaces
- not sneeze, blow or cough over uncovered food or surfaces likely to come into contact with food
- not spit, smoke or use tobacco while working in the food stall
- not urinate or defecate except in a toilet.

Hand washing

A food handler must wash his or her hands using soap and warm water, then dry them with single-use, paper towels:

- before commencing or re-commencing handling food
- immediately before handling ready-to-eat food after handling raw food
- immediately after using the toilet
- immediately after smoking, coughing, sneezing, using a handkerchief or tissue, eating, drinking or touching his or her hair, scalp or a body opening, and before using disposable gloves for handling food. If wearing gloves, you should change them as often as you are required to wash your hands.

Money handling/touching customers' hands when serving food

While the likelihood of contamination from customers' hands when exchanging money is low, consideration should be given to minimising the risk. Examples include using a disposable glove or nominating one staff member to handle money only.

Cleaning and sanitising

- The food stall must be maintained to a standard of cleanliness where there is no accumulation of garbage or recycled matter (except in appropriate containers), food waste, dirt, grease or other visible matter.
- All fixtures, fittings and equipment must be maintained and cleaned and sanitised so there is no accumulation of food waste, dirt, grease or other visible matter.
- Eating and drinking utensils must be in a clean, sanitary and undamaged condition immediately before each use.
- Bench tops, surfaces of equipment in contact with food, and storage appliances must be kept in a clean and sanitary condition to reduce the likelihood of contaminating food. 'Sanitary' means cleaning first, followed by heat and/or chemical treatment at the right concentration, or some other process to reduce the number of bacteria to a level unlikely to compromise the safety of the food. 'Food-grade' chlorine-based sanitisers can be used for this purpose.
-
- The containers used for chemical storage should be appropriately labelled.
- Chemicals must not be stored near food or any packaging likely to come in contact with food to avoid the risk of contamination.
- On closing each night, stalls at multi-day events must be thoroughly cleaned and sanitised, waste should be removed from inside and near the stall, and all food secured in food-grade containers. Food preparation surfaces should be cleaned and sanitised again upon reopening as the stall, which is not vermin proof, is left unattended and unprotected from night time visitors (insects, vermin, and wildlife).

Labelling

The following requirements are outlined in more detail in the Australia New Zealand [Food Standards Code](#) (FSC), which can be viewed on the Food Standards Australia New Zealand (FSANZ) website. For detailed advice on labelling requirements, please contact the Food Authority. Food that is not correctly labelled may be seized to protect consumers.

Pre-packaged products must be clearly labelled with:

- a) a description of the food, e.g. 'strawberry jam' or 'chocolate cake'
- b) the name and physical address of the supplier – a street address is needed, not a post office box number or email address
- c) production lot identification – this helps trace-back of food products that may be the cause of a foodborne illness or other food safety issues (date coding can in some circumstances satisfy the requirement for a lot number)
- d) mandatory, advisory or warning statements (refer to Standard 1.2.3 of the [Food Standards Code](#)) are required for the following:
 - royal jelly
 - the presence of these allergenic foods: peanuts, tree nuts, sesame seeds, crustaceans, eggs, fish, milk, soybeans and lupin, as well as gluten and added sulphites
 - presence of pollen, propolis, quinine and caffeine (added either as caffeine or guarana)
 - milk and milk substitute products advising they are not suitable as a complete milk replacement in children under five

- foods containing added phytosterols and phytostanols, advising about their appropriate consumption
 - foods containing aspartame, advising about the presence of phenylalanine
 - mandatory advisory statements on foods containing polyols and polydextrose, advising about the potential laxative effects if over consumed
 - unpasteurised goats milk (it is illegal to sell unpasteurised milk or dairy products in NSW, except for goats milk and products permitted under Standard 4.2.4A – *Primary Production and Processing Standard for Specific Cheeses* of the [Food Standards Code](#))
- e) a list of ingredients including added water in descending order by ingoing weight
- f) date marking, e.g. 'best before' date to indicate how long the food will keep. (Note that some foods require a 'use-by' date and must not be sold after that date. Packaged foods that need to be consumed within a certain time for health and safety reasons should carry date marking in the form of a use-by date, along with other labelling details)
- g) storage conditions, if these are needed for health and safety reasons, or to achieve its stated storage life, e.g. 'Keep refrigerated'
- h) nutrition information panel – most packaged food should display a nutrition information panel (NIP); however some foods are exempt from this requirement
- i) characterising ingredient – a characterising ingredient (% labelling) means it is mentioned in the name of the food. For example, for strawberry jam, the label should show the percentage (%) of strawberries in the ingredient list
- j) the country in which the food was made, produced or packaged, and whether it contains imported and/or local ingredients.

While unpackaged foods are exempt from most labelling requirements, consumers who have known allergies need to know if a particular ingredient is present in the food they are eating. Standard 1.2.3 of the [Food Standards Code](#) requires a warning statement about the presence of royal jelly to be displayed on or near the food containing it.

The presence of the other allergenic foods – listed under item d) above – needs to be indicated either by a display on or near the food, or declared to the purchaser on request. The presence of certain other foods, such as bee pollen, propolis, aspartame, guarana and phytosterols, trigger requirements for specific advisory statements.

Information about these requirements can be found in Standard 1.2.3 – *Mandatory Warning and Advisory Statements and Declarations* of the [Food Standards Code](#).

Food sold to raise money solely for charitable or community causes, and not for personal financial gain, are exempt from labelling requirements, except for the need to declare the presence of royal jelly. The presence of allergens, the directions for storage and use, and the country of origin of seafood, pork and fresh fruit and vegetables, need to be provided on request.

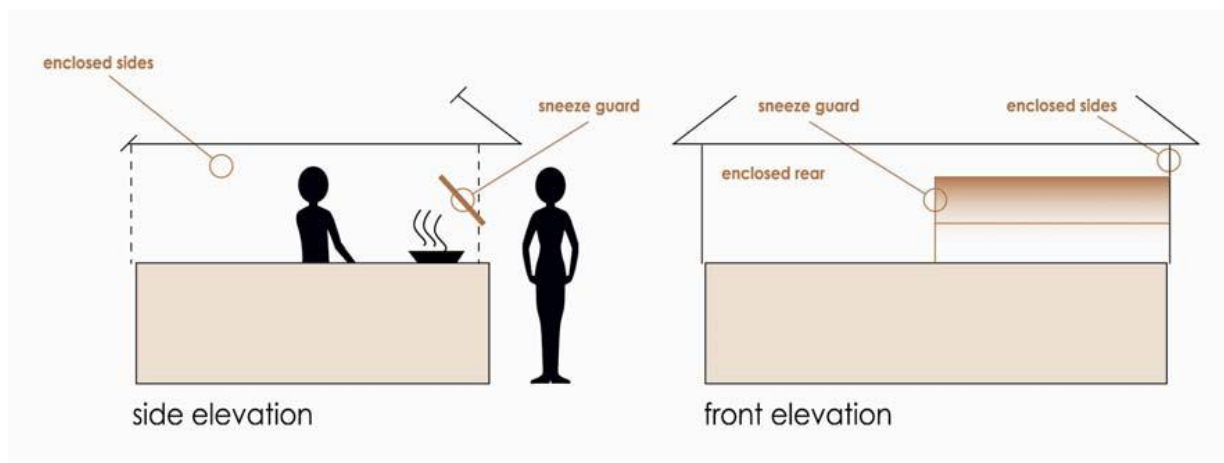
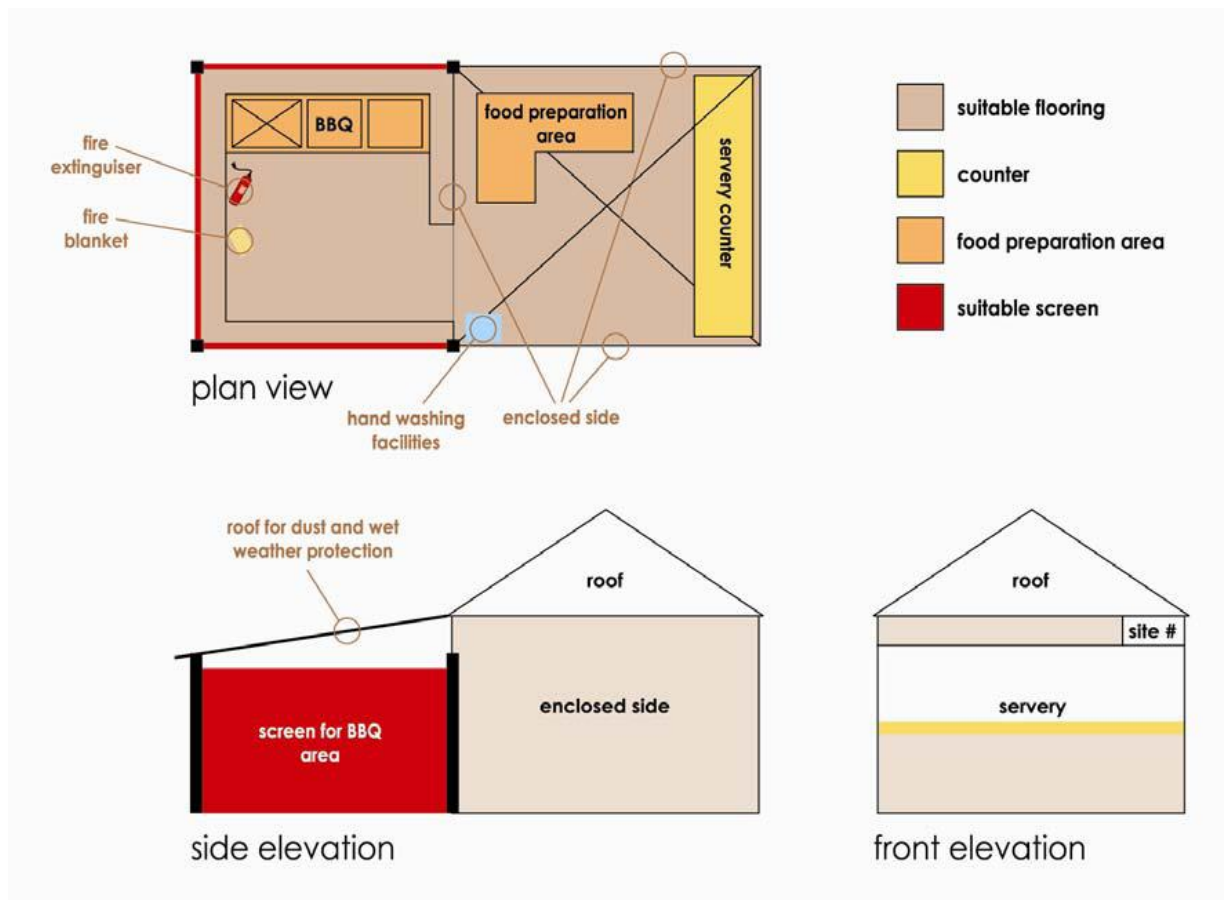
Electricity and gas supplies, fire extinguishers and work safety

- Food business operators (and event management) should ensure there is a sufficient supply of electricity for food handling activities, particularly for hot/ cold food holding and heating water.
- Electricity should be supplied through proper supply poles equipped with all necessary safety devices (as required by legislation). All work should be carried out by a licensed electrician and conform to 'AS/NZS 3002-2008: Electrical Installations – Shows and Carnivals'. SafeWork NSW requires electrical appliances and leads to be tested at least annually, and identification tags attached.
- Fixed gas installations (such as in mobile food trucks) must be installed by a licensed gasfitter and comply with the appropriate provisions of 'AS/NZS 1596-2014: The Storage and Handling of LP Gas' and 'AS 5601-2000 (AG 601-2002: Gas Installations'. A current compliance plate should be attached to the vehicle for new installations or any changes made to existing gas appliances.
- All portable gas appliances and appliances connected to Liquefied Petroleum Gas (LPG) cylinders must be certified to comply with Australian Standards by a certifier accredited by NSW Fair Trading. Refer to the NSW Fair Trading webpage on gas appliances:
http://www.fairtrading.nsw.gov.au/ftw/Businesses/Product_safety/Gas_appliances.page.
- Portable gas appliances should be located on a non-combustible surface with safe clearance distances from combustible materials and in a well-ventilated location. LPG cylinders should be secured so they remain upright and protected from damage. Refer to Energy Safe Victoria's *Gas safety at public events* brochure and follow the gas safety checklist: http://www.esv.vic.gov.au/wp-content/uploads/2017/02/Gas-safety-at-public-events_brochure.pdf or contact SafeWork NSW for further information.
- Cartridge-operated appliances are not approved for use at public events. These appliances are commonly used in domestic situations and are fuelled by a disposable butane gas cartridge.
- A fire extinguisher and fire blanket should be supplied in any vehicle or stall where cooking or heating processes take place. Operators should be able to extinguish small fires if needed.
- Fire safety equipment should be easily accessible. The extinguisher should be suitable for dealing with the type of combustible materials present.
- Fire safety equipment should be tested annually and have current tagging in accordance with 'AS 1851-2012: Routine Service of Fire Protection Systems and Equipment'. Contact Fire and Rescue NSW for more information.
- All measures must be taken to comply with the requirements of SafeWork NSW to protect the health, safety and welfare of workers and visitors at the event. Contact SafeWork NSW for more information.

Pollution prevention

Operations should not cause any harm to the environment (i.e. air, water, noise and surrounding lands). This is a requirement under the *Protection of the Environment Operations Act 1997*. Contact the local council for more information on the safe and legal disposal of waste water.

Temporary food stall layout



Temporary food stall checklist

Have you...?

1. Received the necessary approvals from the local council for:
 - home-based operations?
 - setting up at the event?
 - food vending vehicle inspection?
2. Notified your food business details to the appropriate authority?
3. Obtained public indemnity insurance?
4. Asked council about inspection fees?
5. Checked your stall will:
 - be located in a dust free area, away from toilets and garbage bins?
 - have sufficient supply of potable water?
 - have adequate wastewater disposal facilities?
 - have adequate garbage bins?
 - have power?
 - have suitable construction, e.g. floor, walls and ceiling?
 - have food handling facilities for storage, cooking, hot/cold holding, preparation and serving?
 - have cleaning and hand washing facilities?
 - address safety issues, e.g. fire control and SafeWork issues
6. Provided a suitable vehicle and containers for the transport and storage of the food?
7. Addressed food handling operations adequately, including:
 - all food handlers have adequate skills and knowledge for their activities?
 - checked if there are potentially hazardous foods involved? If **YES**, then have you:
 - provided adequate hot or cold storage facilities (e.g. portable coolrooms, adequate supply of ice, hot boxes)?
 - checked there is a thermometer?
 - checked a sanitiser is available?
 - checked that frozen foods can be correctly thawed?
 - organised designated staff to handle money only, while other staff serve ready-to-eat food using tongs or gloves?
 - provided adequate measures to protect food from contamination (e.g. lidded containers, sneeze barriers)?

- checked that eating and drinking utensils are protected from contamination until use?
- minimised the need for re-usable dinnerware and tableware?
- checked that packaged food is appropriately labelled?
- got adequate shelving so food is not stored on the ground?
- got adequate hand washing supplies, including soap and paper towels?

If you answered **NO** to any of these questions (except having potentially hazardous foods), then you may need to discuss these issues with the local council and/or change your management plan, before the event begins.



Contact information

Please contact your local council in the first instance, or the NSW Food Authority for further information.

Local Government NSW (NSW councils)

Tel: 02 9242 4000

Website: www.lgnsw.org.au/about-us/council-links

Email: lgnsw.org.au

NSW Food Authority

Tel: 1300 552 406

Website: www.foodauthority.nsw.gov.au

Email: food.contact@dpi.nsw.gov.au

Food Standards Australia New Zealand

Tel: 02 6271 2222 (Australia)

Website: www.foodstandards.gov.au

SafeWork NSW

Tel: 13 10 50

Website: www.safework.nsw.gov.au

Email: contact@safework.nsw.gov.au

Fire and Rescue NSW

Tel: 02 9265 2999

Website: www.fire.nsw.gov.au

Email: info@fire.nsw.gov.au



Key definitions

Adequate supply of water

Potable water available at a volume, pressure and temperature adequate for the purposes for which the water is used.

Australian/New Zealand Standards

Australian Standard/New Zealand Standards are documents which are referenced by legislation to provide more detail on requirements and technical procedures. These standards can be purchased from Standards Australia on 1300 654 646 or by visiting its website at www.standards.com.au.

Coving

A curved junction between the floor and the wall.

Equipment

A machine, instrument, apparatus, utensil or appliance — other than a single use item — used or intended to be used or in connection with food handling; includes any equipment used or intended to be used to clean the food premises or equipment.

Food business

A business, enterprise or activity (other than primary food production) that involves:

- handling of food intended for sale, or
- sale of food regardless of whether the business enterprise or activity concerned is of a commercial, charitable or community nature or whether it involves the handling or sale of food on one occasion only.

Food handler

Any person who directly engages in the handling of food, or who handles surfaces likely to come into contact with food for a food business.

Food premises/market stall

Any premises including land vehicles, parts of structures, tents stalls and other temporary structures, boats, pontoons, including premises used principally as a private dwelling but not food vending machines or vehicles used only to transport food.

Food Safety Standards

These are part of the [Food Standards Code](#) (under the NSW *Food Act 2003* and Food Regulation 2010). They define requirements for food premises (which include vehicles), food handling practices, structural requirements and labelling.

Handling of food

Includes the making, manufacturing, producing, collecting, extracting, processing, storing, transporting, delivering, preparing, treating, preserving, cooking, thawing, serving or displaying of food.

Home jurisdiction

The home jurisdiction rule recognises the enforcement agency (i.e. local council) in whose area food is prepared before sale at a temporary event or in the case of a mobile food vendor the area where the mobile food vending vehicle is garaged.

Potable water

Water suitable (safe) for drinking.

Potentially hazardous food

Food that must be kept at certain temperatures to minimise the growth of any pathogenic micro-organisms that may be present in the food and/or to prevent the formation of toxins. This may include meat, seafood, dairy products, orange juice and cooked rice.

Sanitising

A process that significantly reduces the number of micro-organisms present on a surface. This is usually achieved by using both heat and water or chemicals.

'Sell' means:

- barter, offer or attempt to sell, or
- receive for sale, or
- have in possession, display, send, forward or deliver for sale, or
- dispose of for valuable consideration, or
- dispose to an agent for sale on consignment, or
- provide under contract of service, or
- supply food as a meal or part of a meal to an employee for consumption at work, or
- dispose of by way of raffle, lottery or other game of chance, or
- offer as a prize or reward, or
- give away for the purpose of advertisement or in furtherance of trade, or
- supply under a contract with accommodation, service or entertainment, or
- give the food away from a food business to a person, or
- sell for the purpose of resale.

Sewage

Discharge from toilets, urinals, basins, showers, sinks and dishwashers through a sewer or other means.

Sinks

Includes sinks for food preparation, cleaner's sink, utensil and equipment washing and personal hand washing basins.

Temperature control

Maintaining food at a temperature of:

- 5°C or below if this is necessary to minimise the growth of infectious or toxigenic microorganisms in the food so that the microbiological safety of the food will not be adversely affected for the time the food is at that temperature, or
- 60°C or above, or
- another temperature – if the business demonstrates that maintenance of the food at this temperature for the period of time for which it is so maintained will not adversely affect the microbiological safety of the food.

Unsafe and unsuitable food

Food is considered unsafe if it is likely to cause physical harm to a person who might later consume it, assuming they treated the food correctly after purchase.

Food is considered unsuitable if it is damaged, deteriorated or perished to an extent that affects its intended use, e.g. out of date, poor maintenance or poor storage of chemicals or contains a substance that is foreign to the nature of the food (i.e. foreign matter or chemicals which may have fallen into the food).

Warm water

Not hotter than 50°C in order to comply with Australian/New Zealand Standard 3500.4.2 (Plumbing and drainage: Part 4 – heated water services).



JUNEE SHIRE COUNCIL

DELEGATES REPORTS



Riverina Zone

BUSH FIRE MANAGEMENT COMMITTEE MINUTES

Meeting: Post-Season Meeting 2023

Convened by: Tony Clough – A/BFMC Executive Officer

Location: Training Room, Riverina Zone RFS FCC, 208 Fernleigh Road, WAGGA WAGGA, NSW 2650

Date and time: Tuesday 4th April 2023, 1300 hours

Minutes by: Shania Corby – District Administration Officer, NSW Rural Fire Service

Table 1: Attendance Record

Members (alternate)	Organisation	Present	Apology	Absent
Andrew Hawthorne	NSW Rural Fire Service		X	
Tony Clough	NSW Rural Fire Service	X		
David Carter	NSW Rural Fire Service	X		
Roger Orr	NSW Rural Fire Service	X		
Scott Conlan	NSW Rural Fire Service		X	
Brad Stewart	NSW Rural Fire Service	X		
Shania Corby	NSW Rural Fire Service	X		
Bradley Zerbes	NSW Rural Fire Service	X		
Manisha Sthapit	ARTC			X
Michael Simons	ARTC	X		
Tina De Jong	Concrete JDC	X		
Scott Buchanan	Coolamon Shire Council	X		
Colby Farmer	Coolamon Shire Council			X
David Stapleton	Crown Lands		X	
Hannah Burley	Crown Lands	X		
Kevin Armour	Defence			X
Peter Green	Defence	X		
Wendy Frankham	Defence			
Eloise Peach	Environment NSW			X
Matt Rostron	Environment NSW	X		
Samuel Quinton	Essential Energy		X	
Shawn Eade	Essential Energy			
Brody Wickham	FCNSW		X	
Charlie Taylor	FCNSW		X	
Chad Kennis	FRNSW		X	
Daryl Mason	FRNSW			X
Michael Van Den Bout	FRNSW			X
Steven Evans	FRNSW	X		
Stewart Alexander	FRNSW	X		
Roger Bucholtz	FRNSW			X
Heinz Kausche	Junee Council		X	

Mason Schembri	Junee Council	X		
Ron Tilyard	LLS			X
James Walker	Lockhart Shire Council	X		
Peter Veneris	Lockhart Shire Council		X	
Stephen Cathcart	NPWS		X	
Alan Brown	NSW Farmer's Association			X
Winston Woodward	Police			X
David Chenery	Transport NSW		X	
Julian Hyde	UGL			X
Warren Faulkner	Wagga Wagga City Council	X		
Andrew Mason	Wagga Wagga City Council	X		

Observers / Support	Organisation	Present	Apology	Absent
Shania Corby	NSW Rural Fire Service	X		
Dianne Lippiatt	NSW Rural Fire Service	X		
Jack Driscoll	NSW Rural Fire Service	X		

Table 2: Documents Referred to in the Meeting

Document title	Author	Date
Bush Fire Management Committee Agenda	Bradley Stewart	4 th April 2023
Bush Fire Management Committee Minutes	Shania Corby	18 th October 2022
Riverina Bush Fire Risk Management Plan	Riverina BFMC	May 2018
Riverina Fire Trails Access Plan	Riverina BFMC	May 2020
Riverina Section 52 Plan	Riverina BFMC	Oct 2021
Bush Fire Management Committee Handbook	Bush Fire Coordinating Committee	2020

Minutes

Item 1 Welcome/Acknowledgement to Country Chair

Tony Clough (Chairperson) NSW Rural Fire Service welcomed all the BFMC members to the meeting. Superintendent Roger Orr, NSW Rural Fire Service also welcomed members and provided the acknowledgement of Country.

Item 2 Apologies Chair

As outlined above.

Item 3 Disclosure of Interests Chair

Nil.

Item 4 Confirmation of Minutes of Pre Season Meeting Minutes held 19th October 2022. Chair

The previous minutes were circulated prior to the meeting for members to revise.

Recommendation:

That the minutes of the meeting 19th October 2022 be accepted and confirmed as a true and accurate record of the meeting.

Moved: Charlie Taylor

Seconded: Andrew Mason

CARRIED

Item 5 Business arising from previous minutes - Action Items Chair

Nil.

Table 3. Outstanding Action Items from 19th October 2022 Meeting

Ref No.	Item Description	Responsible	Due Date	Status
n/a	n/a	n/a	n/a	n/a

Item 6 Correspondence Register Chair

- Multi Agency Meeting Summary- Rosewood Golf Club Thurs. 6 Oct 2022
- Riverina BFMC NSP Inspection Report Thurs 13 Oct 2022
- Draft Minutes Riverina BFMC Wed. 19 Oct 2022
- Bushfire Inquiry Recommendation 65b: ABC Emergency Broadcast Frequency Signage Rollout Thurs. 20 Oct 2022
- Memo - Certification of Wagga Wagga City Council BFPLM Mon. 5 Dec 2022
- Memorandum – Extensions BFD for 2022/23 Mon. 27 March 2023

Item 7A Report from Subcommittees [name] Subcommittee

Nil subcommittees.

Item 8A Progress on BFRMP strategies/tasks

Agency	Representative	Report
NSW RFS	Bradley Stewart	Report tabled.
FRNSW	Stewart Alexander	Verbal Report - Very minimal activity due to the extensive rain and floods. (La Nina) Activities were confined to assisting flood operations.
Local Land Services	No representative present	Report not submitted
NSW Police	No representative present	Report not submitted
DPI Crown Lands	Hannah Burley	Report tabled. Roger Orr queried if the Ellerslie Fire Trails, as referred to in the report, have aerial photos available as there has been some noise regarding accessibility of trails on the ridge, and could lead to concerns over the next 12 months. Hannah responded that there is some Go-Pro footage and she will send this to Roger.
	Josh Cameron (MS Teams)	Josh is running a traditional burning program in conjunction with the NSW Rural Fire Service, National Parks and Wildlife Services, Local Land Services and traditional land owners. The program will be trialled on country ready to burn and adhere to regulations using a lower intensity burn hazard control method.
Department of Defence	Peter Green	Verbal Report Peter commented there is no news or updates from Kapooka or RAAF.
NPWS	Matt Rostron	Report tabled. In addition to the report provided, Matt explained in more detail the need for Eastern Branch Trail at The Rock to be upgraded. There have been issues locating the fire trail, as it commences into open country and disappears.

		<p>A discussion was held amongst the BFMC to determine the geographical location and potential implications, ideas and alternatives and ownership of the trail.</p> <p>Bradley Stewart, NSW Rural Fire Service commented this has been mentioned in the past, however, it was not determined who owned the trail.</p>
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Recommendation:

That a proposed upgrade of the Eastern Branch Trail to Strategic Cat 1 be adopted into the FAFT Plan to allow for the upgrade of the trail.

Moved: Charlie Taylor

Seconded: Andrew Mason

CARRIED

Agency	Representative	Report
Forestry Corporation	Charlie Taylor	<p>Report tabled.</p> <p>In addition to Forestry Corporation's agency report, Roger Orr commented the FAFT funding has been problematic. It is challenging to spend the funding to be able to maintain the fire trails, due to weather and other events. It is beyond Bradley Stewart's ability to assist, as this has been going on 3 years.</p> <p>Bradley Stewart continued, saying it is difficult to get answers out of the Fire Trail meetings as the representative did not attend the last 2 meetings. And they have been pushed back until the next financial year, again.</p> <p>It was suggested that the BFMC XO to write a letter on behalf of the BFMC to ascertain updates regarding all the current issues faced.</p>

Recommendation:

BFMC XO to write a letter of recommendation to BFCC to request the status of the FAFT, due to the lack of inactivity over the last three years.

Moved: Charlie Taylor

Seconded: Peter Green

CARRIED

Agency	Representative	Report
Wagga Wagga City Council	Andrew Mason	Report tabled
Junee Shire Council	Mason Schembri	Report tabled
Lockhart Shire Council	James Walker	Verbal report - This season has been very quiet, consisting of a few local escaped burns and MVAs. Spraying and slashing has been continuing as per normal.
Coolamon Shire Council	Scott Buchanan	Report tabled
Essential Energy	No representative present	Report tabled
Transport NSW	No representative present	Report not submitted
ARTC	Michael Simmons (MS Teams)	<p>Verbal report - Michael has just taken over the Junee to Albury Corridor and will be the point of contact moving forward.</p> <p>Continuing to spray on the track and 3m on either side of the verge, as well as 300m either side of the level crossings and where accessible.</p>

		<p>In the past some of the hard to access areas have been burnt instead of spraying, however along main roads this can be difficult. The spray used is heavily regulated due to the strict environmental issues.</p> <p>David Carter, NSW Rural Fire Service, asked why there was no slashing or grading completed this year. Michael responded that, as far as he was aware, works were completed where accessible as the wet weather made this difficult. Michael will reach out to the contractor for further confirmation.</p> <p>Tony Clough, NSW Rural Fire Service asked how to better control the steam train rides that happened in the last couple of weeks as the train started quite a few fires.</p> <p>Michael commented that this is a contentious issue. The train rides are controlled by Transport NSW. The main issue was on the first day of the train rides, it was the first day of Autumn and therefore Transport NSW deemed the activity safe to continue as Summer had ended.</p>
UGL (replaced John Holland)	No representative present	Report not submitted.
NSW Farmer's Association	No representative present	Report not submitted.
Nature Conservation Council	Tina De Jong	Verbal report - Tina has been involved with the Cool Burns project at Local Land Care which has been well received by landowner's thus far. Tina is interested in getting more cool and cultural burns happening, and getting local land owners involved throughout the process. Tina to circulate this information and workshop dates to the members of the BFMC.
NSW RFS Area Command South Western	Brad Zerbes	Verbal report. Brad is new to this role within the BFMC, taking over from David Jones. Jack Driscoll has also recently started at NSW Rural Fire Service, South Western Area Command, as the Area Planning and Fire Behaviour Officer. Nil to report.

Item 8B Annual Works Plan

Table update on Annual Works Plans.

Item 8C Monthly HR Reports from BRIMS

None tabled.

Item 9 Report on Operations Coordination Plan

Operation Section 52 Plan – Update

We are currently waiting on the new Section 52 template to be circulated, some additional time will need to be spent revising the new template.

Bradley Stewart asked the BFMC members present to identify skill sets of people in their agencies that can fulfil IMT roles.

From an operational point of view, this season was relatively low in activity due to the rain and floods. The biggest fire was North of Temora where some staff from Riverina Zone RFS went over to assist. Additionally, there were a few escaped permit burn but overall a good season from an RFS perspective.

Item 10 Fire Access & Fire Trail Register

None tabled.

Item 11 Grant Funding

There are currently funds available through the portal. Bradley Stewart asked Councils to close off the records they have in Guardian for this year and reschedule them for next year. Bradley also suggested once applications are in Guardian, claim against them as expenditure is incurred, instead of waiting for the end of the financial year.

Item 12 Seasonal Outlook

Not tabled.

Item 13 Bush Fire Danger Period

Following consultation with the Riverina Zone Senior Leadership Team (SLT), the Bush Fire Danger Period (BFDP) was extended this year to Midnight Sunday 16th April. This process takes weeks due to the application to being gazetted. However, as soon as the change was approved, it commenced raining. This led to a significant number of permit notifications being received at the FCC. There was no leeway in revoking this decision as it goes to the Deputy Commissioner and Parliament.

Scott Buchanan, Coolamon Shire Council, queried why there is a condition of no burning on Sundays. Roger Orr responded that the SLT helped establish those conditions. Sunday is a legacy rule, and needs a consensus to be able to change.

Roger continued, there are significant changes coming to how Permits and Permit conditions are currently conducted. There will be heavier enforcement and little opportunity to plead ignorance once the changes are implemented.

A Permit is a legal document of which compliance has been at a low level to date.

Item 14 General Business

Andrew Mason, Wagga Wagga City Council, asked about the fleet auditing process – who owns the red fleet currently? Roger Orr responded that this query was better discussed at an SLA meeting, however the red fleet appliances are vested by Councils.

Brad Zerbes informed the committee that the idea of state wide BFMC meetings is being discussed. The idea is to ensure Districts and all BFMC Committees have more of an understanding of what is required at meetings, and to provide more consistency across agency reports, meeting minutes and when meetings are held.

Tony Clough and Roger Orr both agreed that there are too many meetings held currently. If there are some BFMCs that are not compliant or struggling with consistency, they should be contacted directly to resolve those issues rather than holding more meetings.

Tina De Jong, Nature Conservationist Council enquired about the BFMC handbook, and where to find it. Brad Stewart informed that it can be found online, as well as on Microsoft Teams. A review of the handbook is coming soon.

Item 15 Close

Meeting closed 14.25 hours

Table 4. Updated Action Items

Ref No.	Item Description	Responsible	Due Date	Status
8A	Eastern Branch FAFT upgrade.	NPWS	ASAP	
8A	Letter of recommendation from BFMC XO to the BFCC regarding the Fire Trails within the Riverina BFMC.	BFMC XO	ASAP	

8A	Tina to circulate Cool Burns info and workshop dates.	Tina De Jong	ASAP	
8A	Go Pro footage of Ellerslie Fire Trails sent to Roger Orr.	Hannah Burley		
8A	Michael to reach out to contractor in regards to the slashing/spraying not completed.	Michael Simmons		

Table 5. Next meeting

Date	Start time	Finish time	Location
October 2023	1300 hours	1400 hours	TBC



JUNEE SHIRE COUNCIL

INFORMATION BOOKLET





JUNEE SHIRE COUNCIL

INFORMATION BOOKLET

ORDINARY MEETING TUESDAY, 17 OCTOBER 2023

- 1[GM] COUNCILLOR DELEGATE MEETINGS**
- 2[HR] WORKERS' COMPENSATION/REHABILITATION**
- 3[DPCD] LIBRARY**
- 4[DES] WORKS PROGRAM**
- 5[RSO] ROAD SAFETY OFFICER**
- 6[DES] SEWERAGE SYSTEM**
- 7[DPCD] RANGER REPORT**
- 8[DES] SOLID WASTE REPORT**
- 9[EO] WEEDS**
- 10[DPCD] 10.7 CERTIFICATES**
- 11[DPCD] DEVELOPMENT/COMPLYING DEVELOPMENT DETERMINATIONS**
- 12[DPCD] HEALTH, BUILDING, PLANNING AND ENVIRONMENTAL INSPECTIONS**
- 13[DPCD] COMMUNITY AND RECREATION**
- 14[GM] CUSTOMER SERVICE REQUESTS SUMMARY**

1[GM] COUNCILLOR DELEGATE MEETINGS

Notification of Council committee meetings or community meetings for which Councillors may be attending.

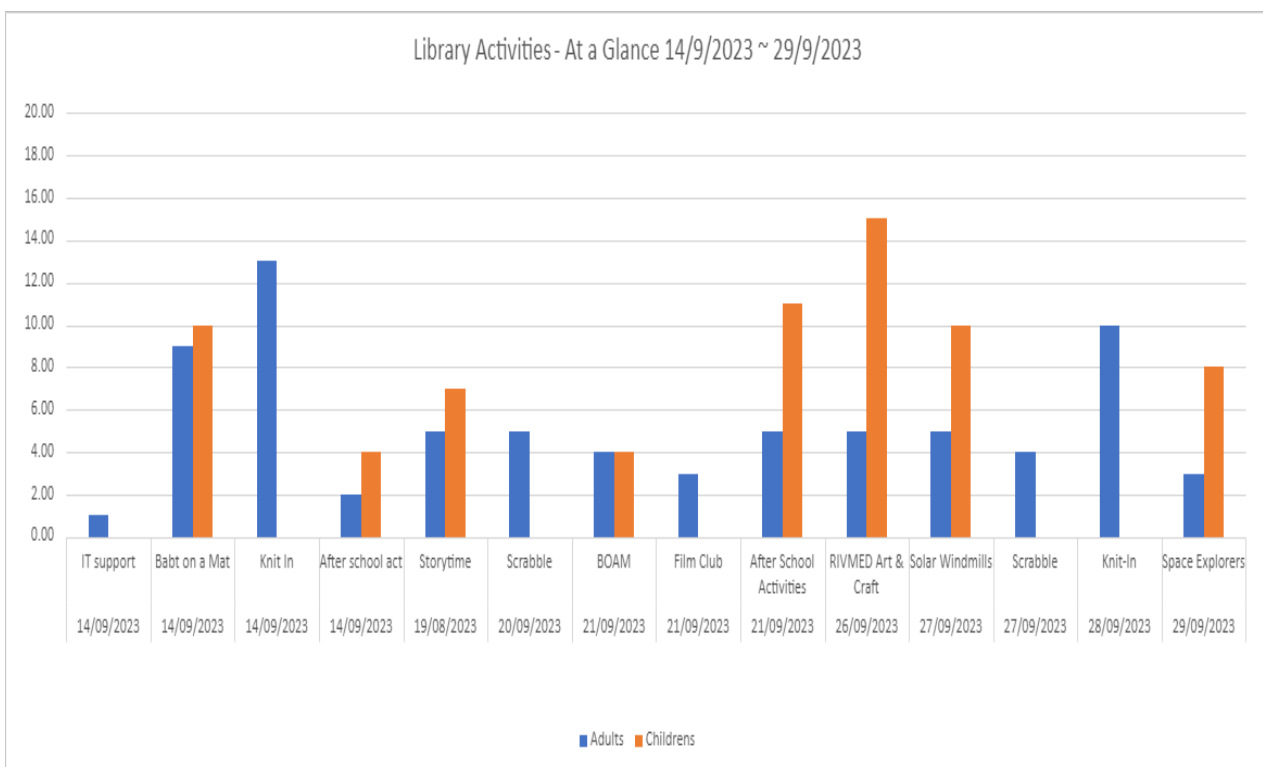
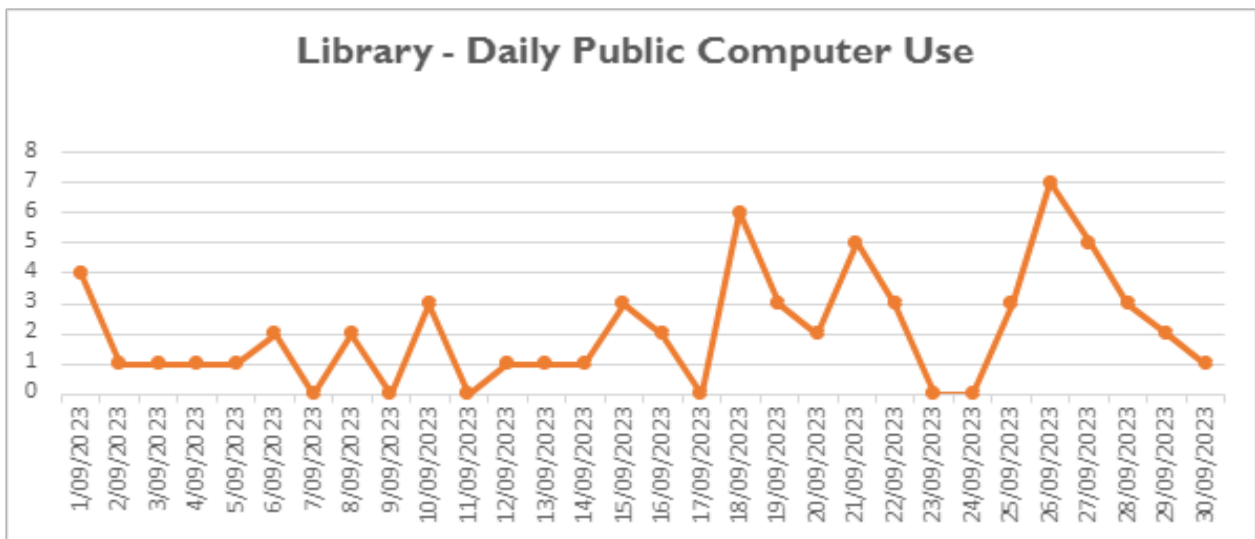
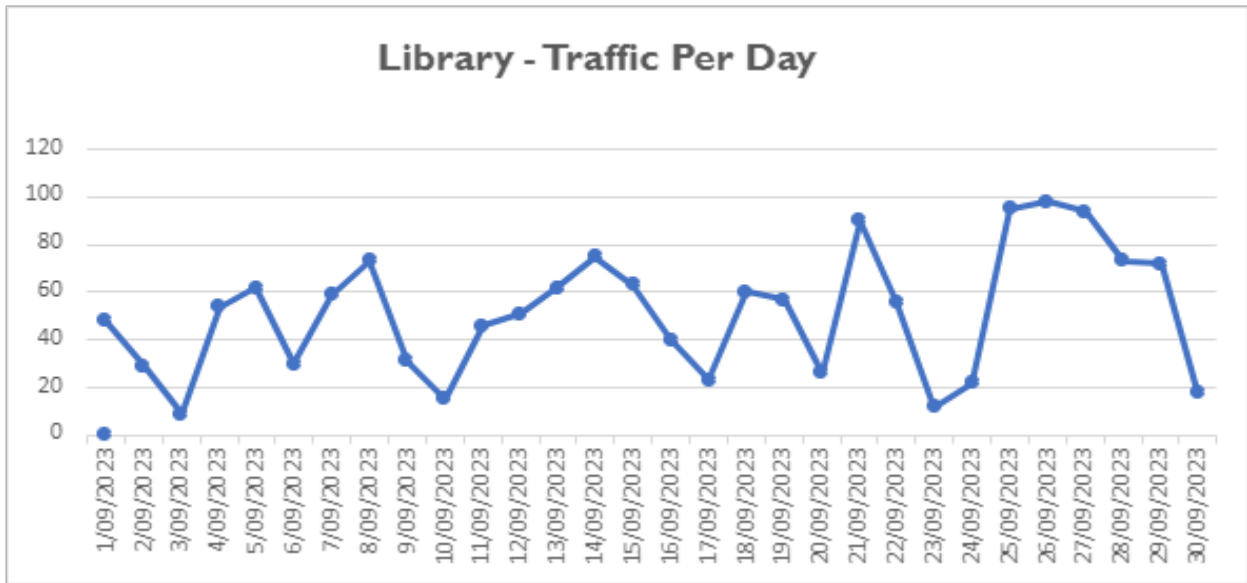
Council Committee and Delegate Meetings

Attendee	Delegate Meeting	Date
Councillor Halliburton	Riverina Regional Library Advisory Committee	18 October 2023
Councillor Halliburton	Inland Rail Community Consultative Committees: A2I	18 October 2023
Councillor Halliburton	I2S	19 October 2023
Mayor/General Manager	REROC Board Meeting	27 October 2023
Mayor/General Manager	RIVJO Board Meeting	27 October 2023
Councillor Carter	Riverina Zone, Rural Fire Service Bushfire Management Committee	October 2023
Councillor Clinton and Councillor Knight	Audit Risk & Improvement Committee	9 November 2023
Councillor Knight	June Sports Committee	9 November 2023
Mayor/General Manager	Police Community Liaison Meeting	5 December 2023
To be confirmed	Weeds Committee	5 December 2023
Director Engineering Services	Coolamon June Local Emergency Management Committee	6 December 2023
Mayor	REROC Executive Meeting	TBA
Councillor Carter	Riverina Zone Service Level Agreement Committee	TBA
Councillor Clinton and Councillor Halliburton	Senior Citizens Festival Committee	TBA
Councillor Cook	June Traffic Committee	As required
General Manager	Riverina Murray Regional Emergency Management Committee	As required

2[HR] WORKERS' COMPENSATION/REHABILITATION

There were no recordable incidents for the month of September 2023.

3[DPCD] LIBRARY



4[DES] WORKS PROGRAM

MR78 (Olympic Highway)

- Potholes patched.
- Rest areas and toilets have been maintained.
- Weekly safety inspections have been undertaken.
- Signs and guideposts have been maintained and replaced.
- Slashing.
- Heavy patching.
- Weed spraying.

MR 57 (Goldfields Way)

- Potholes patched, repaired wearing surfaces.
- Signs and guideposts maintained and replaced.
- Fortnightly safety inspections have been conducted.
- Slashing (ongoing).
- Heavy patching.
- Weed spraying.

MR243 (Regional Roads - Canola Way, Old Junee Road and Gundagai Road, Byrnes Road)

- Signs and guideposts maintained.
- Potholes patched, repaired wearing surfaces.
- Fortnightly safety inspections completed.
- Byrnes Road culvert works – ongoing.
- Slashing.
- Heavy patching.

Rural Sealed Roads

- Signs and guideposts maintained.
- Jet patched and cold mix patched various roads.
- Tar patching.
- River Road Stage 1 and 2 – ongoing.
- Murrulebale Road – slashing.
- Pikedale Road – slashing.
- Merv Turners Road – slashing.
- Parkwood Road – slashing.
- Oura Road – slashing.
- Wantabadgery Road – slashing.
- River Road – slashing.
- Eurongilly Road – slashing.
- McGledes Hill Road – slashing.

Rural Unsealed Roads

- Signs and guideposts maintained.
- Old Sydney – maintenance grading.
- Trevarthen – maintenance grading.
- Woodpark Lane – maintenance grading.

Urban Sealed Roads

- Jet patched various town streets.
- Stormwater issues rectified and managed.
- Fallen trees removed.
- Tar patching.
- Drainage works.

Junee

- General maintenance.
- Gutters/drains cleaned.
- Various Customer Action Requests completed.
- Footpath inspections.

Villages

- Rest area maintenance.

Parks And Gardens

- Mowed and whipper snipped the parks, ovals and cemeteries.
- Weeded the gardens.
- Carried out other routine gardening works.

5[RSO] ROAD SAFETY OFFICER (RSO)

- Attended Austroads Webinar session on 13 September 2023.
- Presented a Child Restraint information session at Junee Library on Thursday, 15 September 2023.
- *Look Out Before You Step Out* signs delivered to engineering team.
- Slow Down signage design proof has been approved. Awaiting production of the signs to now be finalised.
- Editorials and social media posts focusing on Harvest and Emergency vehicles was sent to each council. These items will be promoted throughout October and November via local newspapers, Council newsletters and social media.
- VMS Boards delivered for October Long Weekend. They were positioned on both Byrnes Road and Canola Way (near Old Junee). Traffic counters were also positioned at both sites. All data will be shared with Transport for NSW.
- RSO provided social media plan promoting *Motorcycle Awareness Month* in October.
- *Stepping On* presentation confirmed to be delivered by RSO at Junee Hospital on Tuesday, 7 November.
- Confirmed the following venues will take part in this year's *Plan B Win A Swag* competition: Junee Hotel, Red Cow Hotel, Junee Ex-Services Memorial Club and Junee Commercial Hotel

6[DES] SEWERAGE SYSTEM

- Over the month of September there was one choke in the mains and one choke in the services.
- Installed new sewer service connection at 3 Knight Street.
- Total inflow to the treatment plant for the month was 62ML with 19.8ML of effluent reused.
- Final effluent discharge totalled 23ML.
- Site tests indicate the process is still producing good effluent.

7[DPCD] RANGER REPORT

Abandoned/Impounded Vehicle

	Notices attached – impoundment process commenced	Vehicles impounded
July 2023	4	0
August 2023	4	0
September 2023	3	0

Impounded Dog Activity

During September 2023, there were no dogs impounded.

8[DES] SOLID WASTE REPORT

Junee Landfill Waste Facility (JLWF)

The Junee Transfer Station is functioning well with no issues or incidents at the site.

Rural Transfer Stations

All rural transfer stations were inspected on the 5 October 2023 and were in good condition.

9[EO] WEEDS

- Private property inspections carried out with no significant infestations found.
- High risk roadways inspected across the Shire.
- Staff have completed inspections of high-risk pathways and sites.
- Spraying of Boxthorn undertaken.
- Coolatai Grass sites controlled.
- Road shoulder spraying complete.
- Attended Henty field days; site was well attended.
- Staff attended Bio-control session in Orange. Will be working towards securing new agents for Horehound.

10[DPCD] S.10.7 CERTIFICATES

Average Processing time (Working Days) for last 10 Certificates	Two days
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11[DPCD] DEVELOPMENT/COMPLYING DEVELOPMENT DETERMINATIONS

DA/CDC No.	Development Type	Address	Determination Date	Determination
DA 2022/15	Review of Determination for Alteration/Additions to Existing Dog Training Facility	98 Murrulebale Road, Old Junee	19/09/2023	Approved by Council

DA/CDC No.	Development Type	Address	Determination Date	Determination
DA 2023/28	New Shed	3 Castle Street, Junee	21/09/2023	Approved by Delegation
DA 2023/41	New Multi-Dwelling Housing	2 Ducker Street, Junee	19/09/2023	Approved by Council
DA 2023/52	New Deck	125 Aerodrome Lane, Old Junee	21/09/2023	Approved by Council
DA 2023/55	New Dwelling	6 Walster Street, Junee	21/09/2023	Approved by Council
CDC 2023/8	New Swimming Pool	303 Dollarvale Road, Eurongilly	21/09/2023	Approved by Delegation

12(DPCD) HEALTH, BUILDING, PLANNING AND ENVIRONMENTAL INSPECTIONS

There were 58 health, building and planning inspections carried out during the month of September 2023.

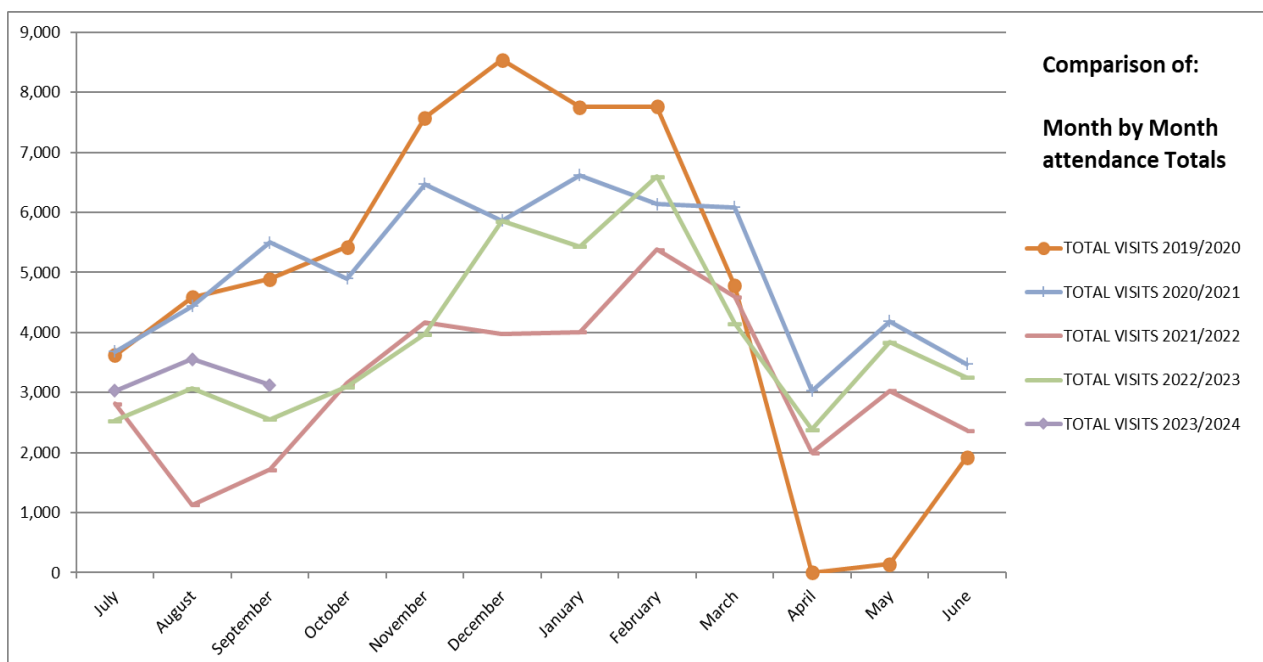
13[DPCD] COMMUNITY AND RECREATION

Junee Junction Recreation and Aquatic Centre - Statistics for September 2023

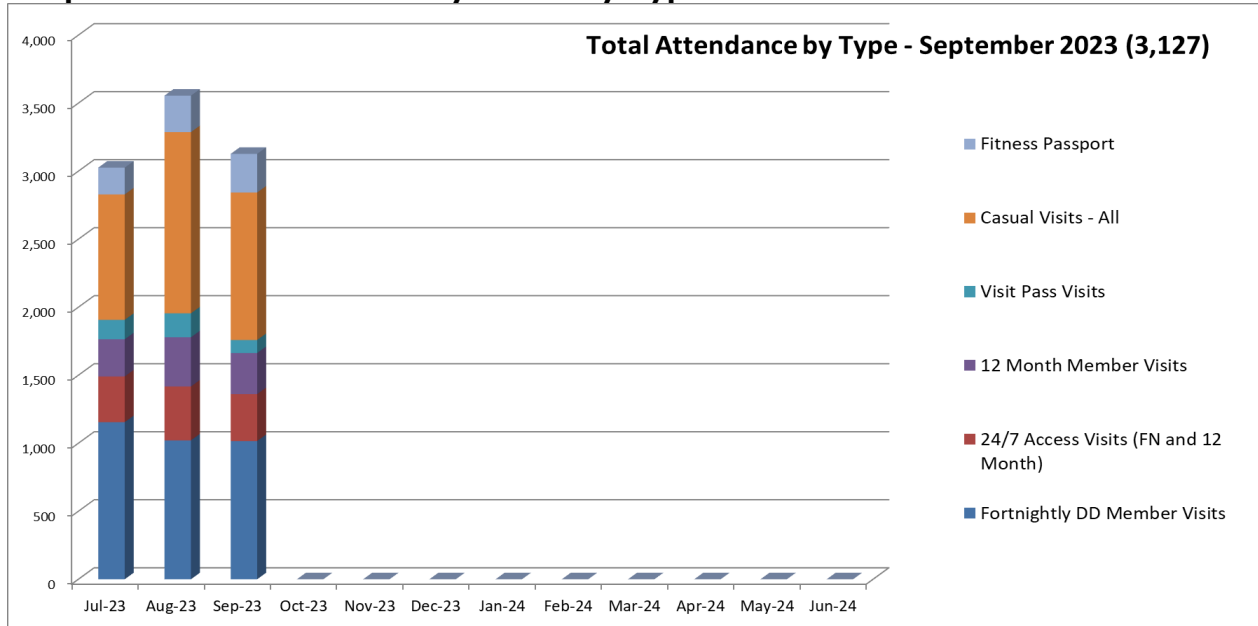
The following tables summarise the attendance and membership statistics at JJRAC for September 2023.

- With the weather heating up, we have seen membership numbers increase greatly (→ 22).
- Pool usage was reduced due to swimming lessons finishing and school holidays.

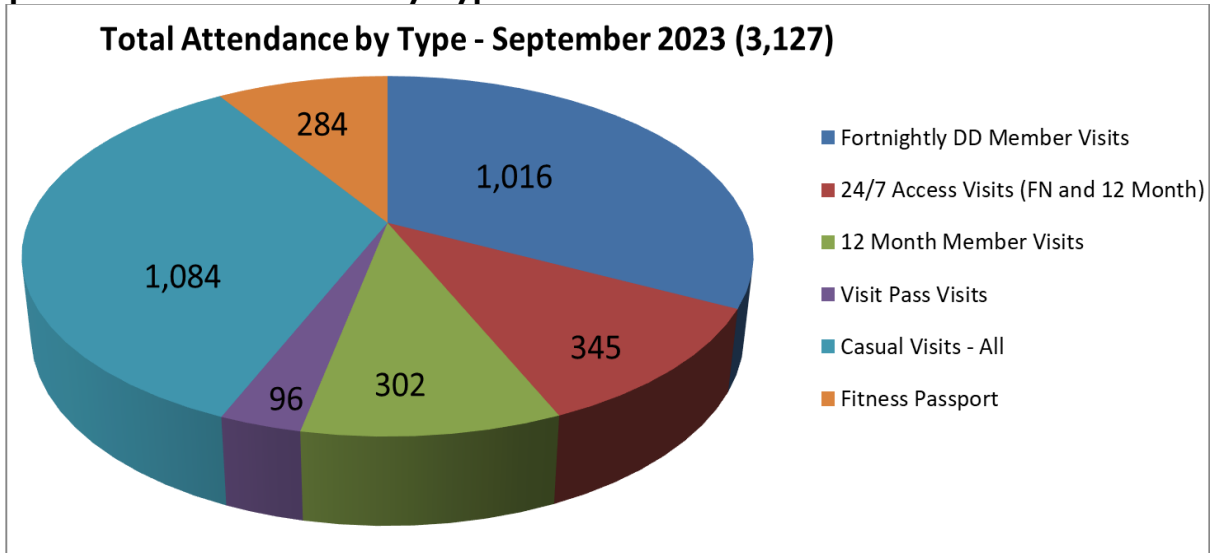
Graph I: Total Attendances by Month



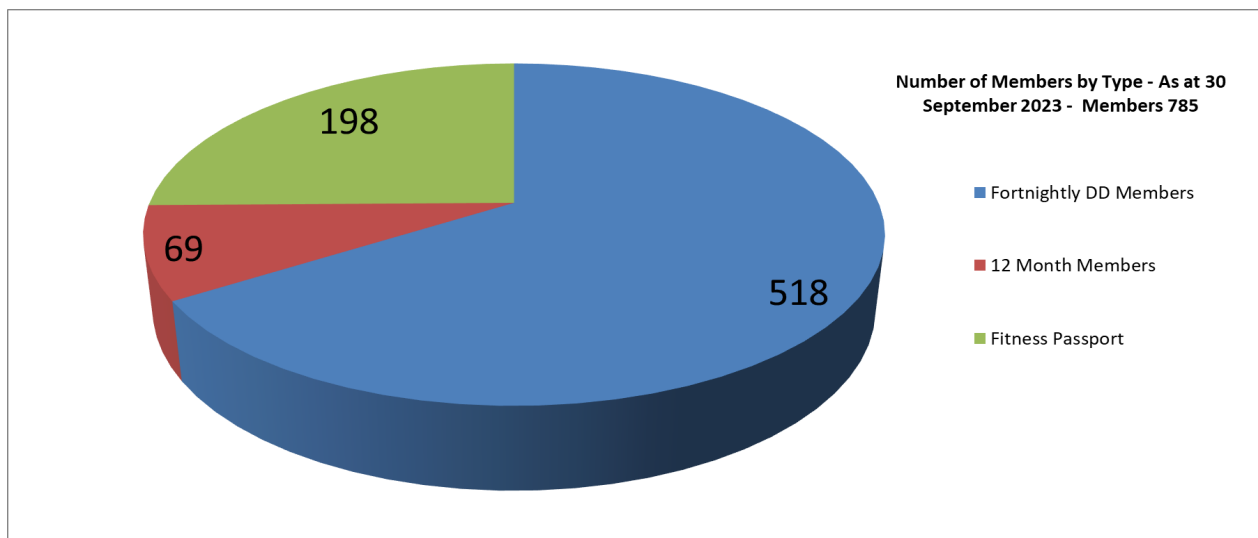
Graph 2: Total Attendances by Month by Type of Visit



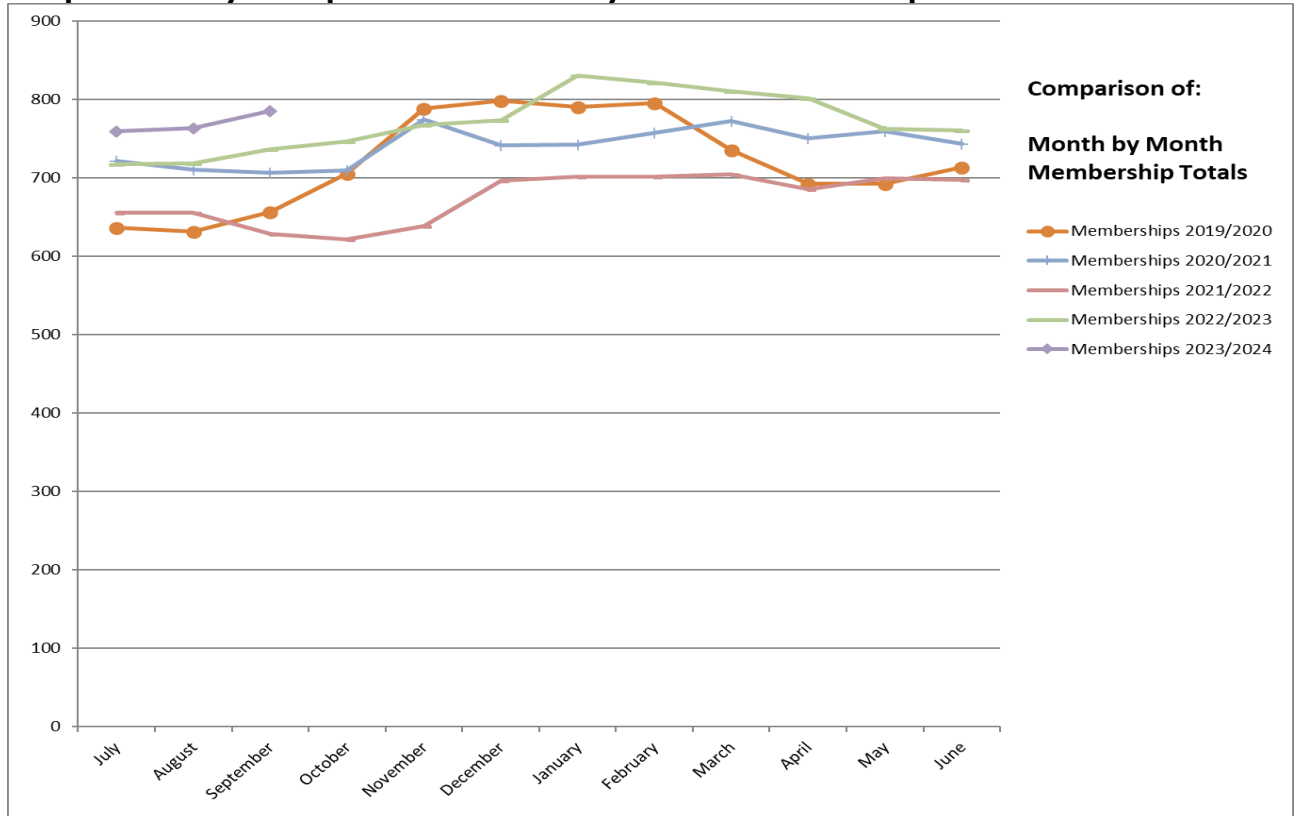
Graph 3: Centre Attendance by Type



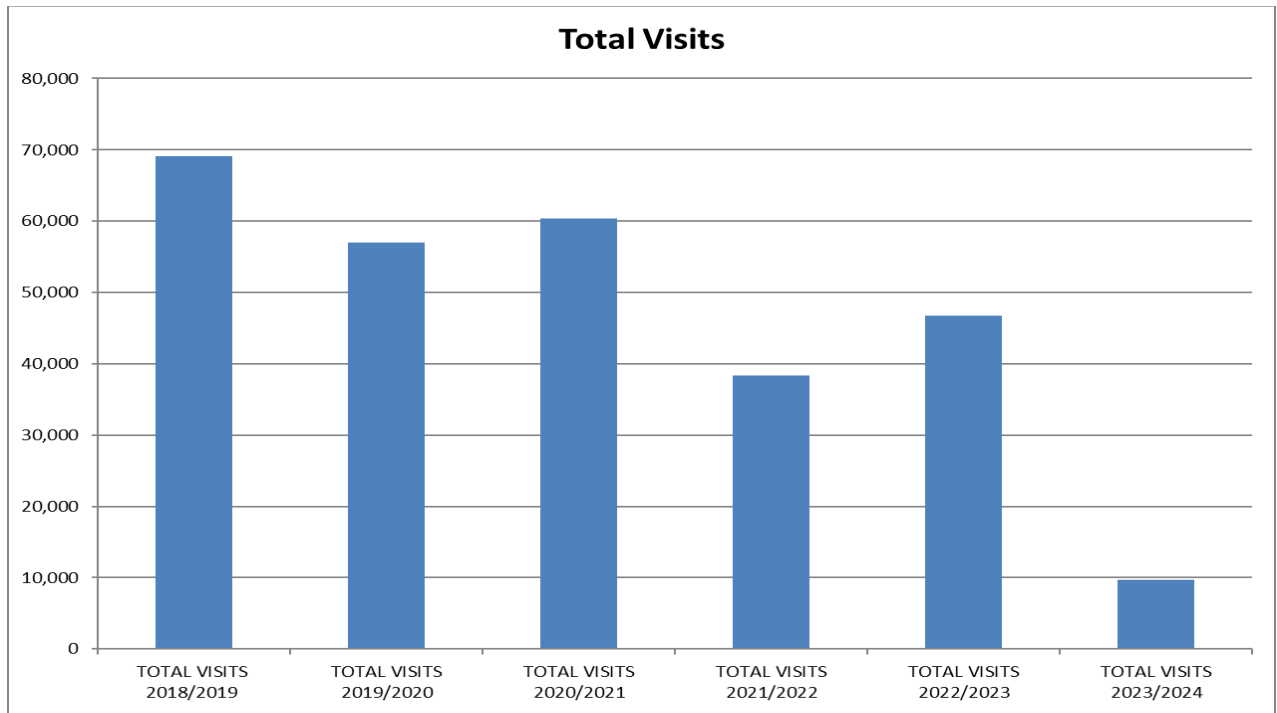
Graph 4: Membership Numbers by Type



Graph 5: Yearly Comparison of Month by Month Membership Numbers



Graph 6: Comparison of Visits by Year



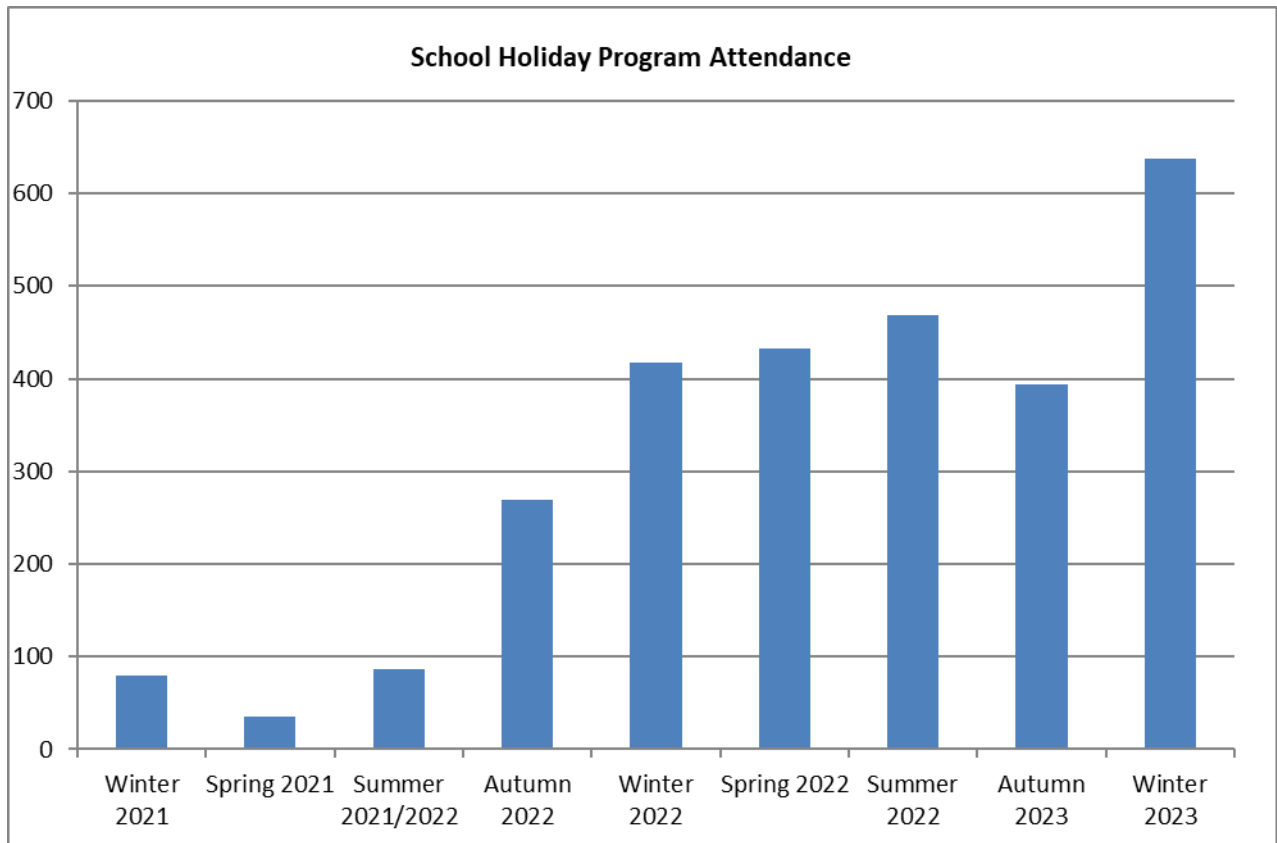
Social Media Statistics

JJRAC social media data. The following statistics were recorded:

MONTH	Facebook Page Likes	Facebook Page Reach	Instagram Page Followers
January 2023	1,840	8,370	775
February 2023	1,850	3,976	776
March 2023	1,853	1,905	777
April 2023	1,861	1,476	780
May 2023	1,883	2,976	784
June 2023	1,890	8,989	785
July 2023	1,899	3,085	785
August 2023	1,916	1,626	785
September 2023	1,947	6,049	785

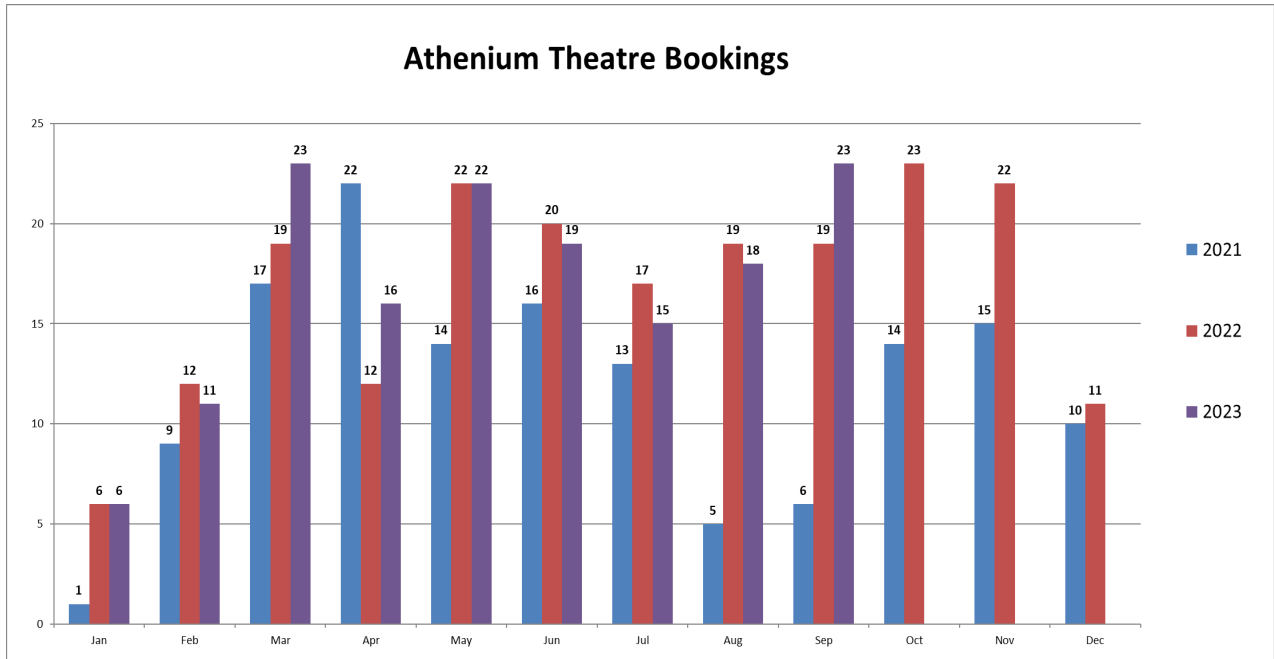
Community Development - Youth Program/Youth Council

N/A – NO SCHOOL HOLIDAYS IN SEPTEMBER (stats will be displayed in October report)

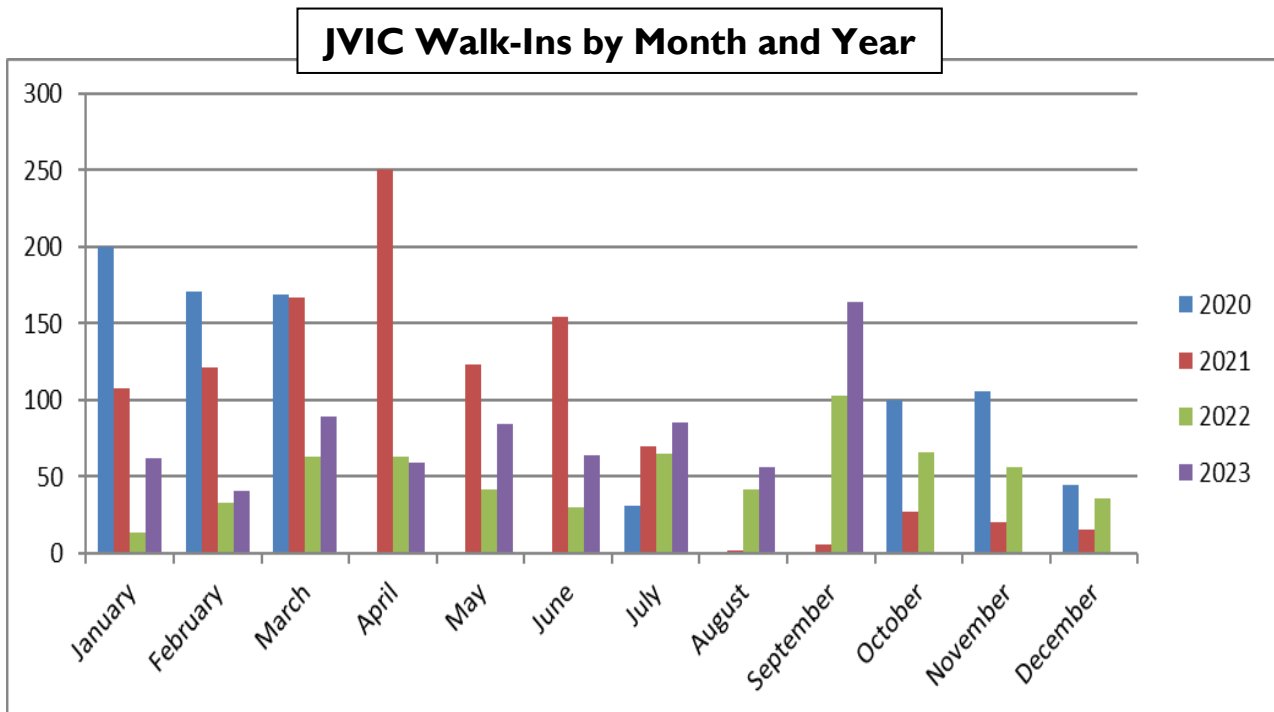


Junee Athenium Theatre

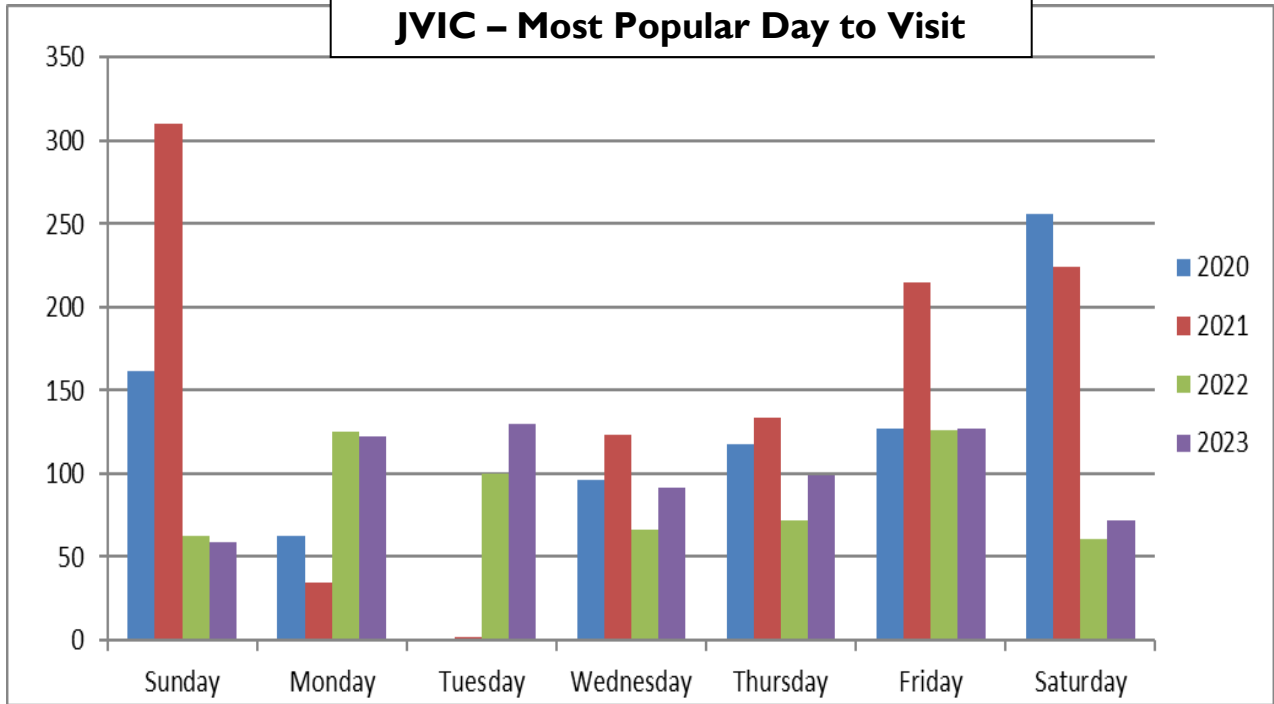
The Athenium Theatre remained constant throughout the reporting period with funding still in place from the NSW Government – movies have still been well attended.



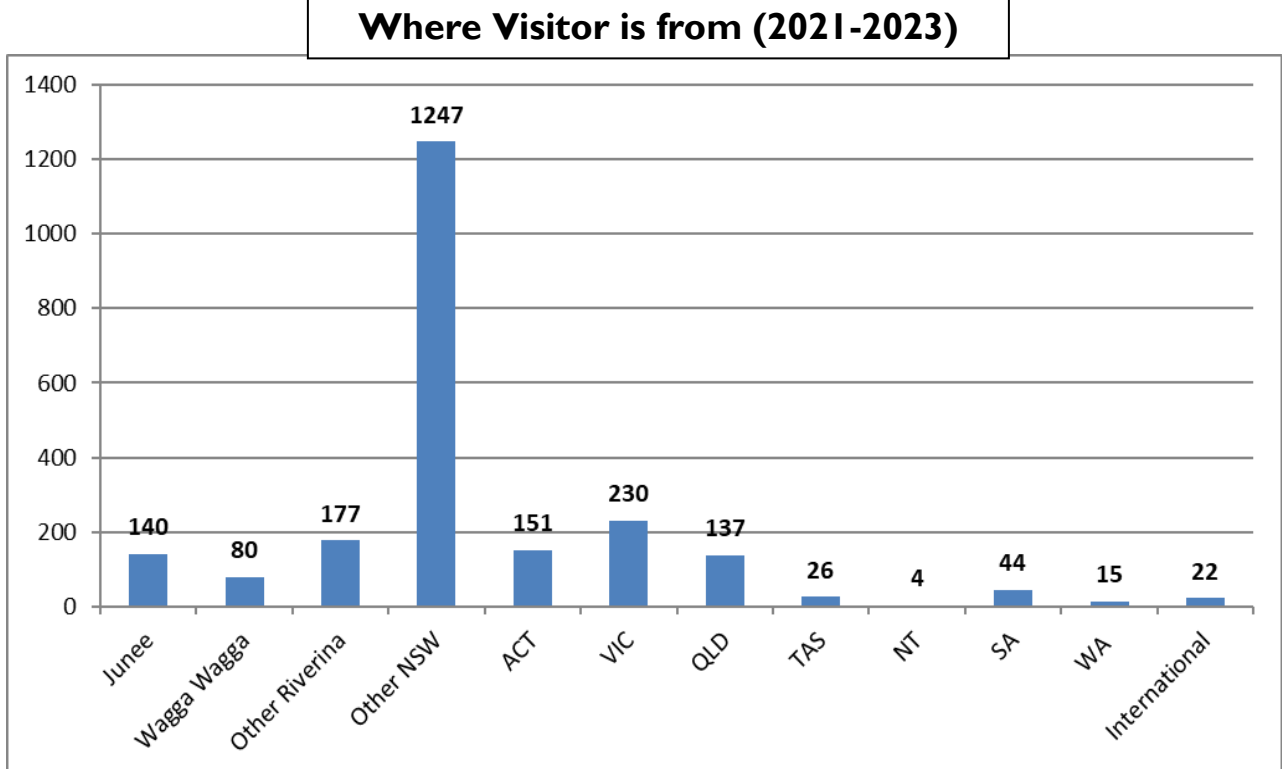
Visitor Information Centre



JVIC – Most Popular Day to Visit



Where Visitor is from (2021-2023)



I4[GM] CUSTOMER SERVICE REQUESTS SUMMARY

September Merit	Count of Function Name
Building Services	
General Enquiry	2
Cemeteries	
Maintenance	7
Environmental Issues	
Abandoned Vehicle	1
Dog Barking	2
Excess Vegetation Unsightly	11
Illegally Dumped Rubbish	1
Nuisance Animal	1
Infrastructure	
General Enquiry	8
Service Request	1
Parks and Reserves	
General/ Maintenance	5
Maintenance Request	5
Mowing	3
Service Enquiry	1
Public Toilets	
Maintenance Request	1
Waste Management	
Damaged Bin	12
General Enquiry	3
Grand Total	64