



JUNEE SHIRE COUNCIL

NOTICE ORDINARY COUNCIL MEETING – 19 DECEMBER 2023 COMMENCING AT 4:30PM IN THE COUNCIL CHAMBERS

OUR VISION

“Junee 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.

“Junee 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.

“Junee 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 Junee 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 – 19 DECEMBER 2023

COUNCIL MEETING OPENS

ACKNOWLEDGEMENT OF COUNTRY

APOLOGIES

PRESENTATIONS

- Andrew Cottrill, Regional Development and Engagement Manager – NBN Co
- Jessica Wood, Junee Shire Council - Youth Careers at Council Presentation

CONFIRMATION OF MINUTES – 21 November 2023

DECLARATION OF INTERESTS

MAYORAL MINUTE

GENERAL MANAGER'S REPORT

1. IPART REVIEW OF RATE PEG
2. JUNEE SHIRE INDUSTRIAL AREA FEASIBILITY ASSESSMENT
3. COUNCIL INVESTMENTS AND BANK BALANCES
4. DRAFT PUBLIC INTEREST DISCLOSURES (PID) POLICY
5. DEFERRED DEVELOPER SEWER HEADWORKS CHARGES
6. DRAFT MODEL CONTAMINATED LAND POLICY
7. RAIL CROSSING LX1472 NOTIFICATION OF CLOSURE
8. TRANSFER OF KEMP STREET TO JUNEE SHIRE COUNCIL
9. CEMETERIES ACT CHANGES
10. DRAFT PLAN OF MANAGEMENT FOR BETHUNGRA DAM RESERVE

CORRESPONDENCE – Nil

COUNCIL COMMITTEE REPORTS - Nil

DELEGATES REPORTS - Nil

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

11. DIRECT NEGOTIATION SALE OF LOT 7 DP 1252048

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

DISCLOSURE OF INTEREST AT MEETINGS

Name of Meeting: _____

Meeting Date: _____

Item/Report Number: _____

Item/Report Title: _____

I, _____ declare the following interest:
(name)

Pecuniary – Must leave Chamber, take no part in discussion and voting.

Non-Pecuniary – Significant Conflict – Recommended that Councillor/Member leaves Chamber, takes no part in discussion or voting.

Non-Pecuniary – Less than Significant Conflict – Councillor/Member may choose to remain in Chamber and participate in discussion and voting.

For the reason that:

Signed: _____ Date: _____

Council's Email Address – jsc@junees.nsw.gov.au



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, 21 NOVEMBER 2023.

PRESENT

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

STAFF

General Manager, Chief Financial Advisor, Director Engineering Services, Director Corporate and Community Development and Executive Assistant.

The meeting opened at 4.30pm.

LEAVE OF ABSENCE

01.11.23 **RESOLVED** on the motion of Cr R Asmus seconded Cr A Clinton that Councillor N Smith be granted a leave of absence from the 21 November 2023 Ordinary Council meeting.

ADDRESS BY DANNIELLE MACKENZIE, CROWE AUSTRALASIA

Ms Dannielle MacKenzie from Crowe Australasia addressed the Council and gave an overview and explanation of Council's 2022/2023 audit report.

02.11.23 **RESOLVED** on the motion of Cr M Knight seconded Cr M Austin that the Council note the presentation by Ms Dannielle MacKenzie from Crowe Australasia regarding Council's 2022/2023 financial audit results.

ADDRESS BY NATHAN PRATT – NDP ECONOMIC DEVELOPMENT

Mr Nathan Pratt from NDP Economic Development addressed the Council and gave an overview of Council's Economic Development Program annual progress.

03.11.23 **RESOLVED** on the motion of Cr R Asmus seconded Cr M Cook that the Council note the presentation by Mr Nathan Pratt from NDP Economic Development on Council's Economic Development Program annual progress.

CONFIRMATION OF MINUTES – ORDINARY MEETING HELD 17 OCTOBER 2023

04.11.23 **RESOLVED** on the motion of Cr A Clinton seconded Cr R Asmus that the minutes of the Ordinary Meeting held on 17 October 2023, copies of which had been supplied to each Councillor, be confirmed.

BUSINESS ARISING

Nil

CHAIRPERSON: _____

GENERAL MANAGER: _____

MINUTES OF THE ORDINARY MEETING OF JUNEE SHIRE COUNCIL HELD IN THE COUNCIL CHAMBERS, BELMORE STREET, JUNEE ON TUESDAY, 21 NOVEMBER 2023.

DECLARATIONS OF INTEREST

Councillors were invited to disclose any Declarations of Interest related to the items of business in the report. None were received.

PUBLIC FORUM

Nil

1(MAYOR) MAYORAL MINUTE

05.11.23 **RESOLVED** on the motion of Cr R Callow that the Mayoral Minute, as tabled at the meeting, be noted.

GENERAL MANAGER'S REPORT

The General Manager presented a report which dealt with Items 2 to 9.

2[CFO] ADOPTION OF 2022/23 FINANCIAL STATEMENTS

06.11.23 **RESOLVED** on the motion of Cr P Halliburton seconded Cr R Asmus that:

1. Council adopt the 2022/23 Financial Statements.
2. Note the presentation of Council's Financial Statements by the Auditors.

3[DCCD] COUNCIL INVESTMENTS AND BANK BALANCES

07.11.23 **RESOLVED** on the motion of Cr P Halliburton seconded Cr M Cook that Council notes the Investment Report as of 31 October 2023, including the certification by the Responsible Accounting Officer.

4[CFO] CLASSIFICATION OF 22 BOUNDARY STREET, JUNEE

08.11.23 **RESOLVED** on the motion of Cr M Knight seconded Cr D Carter that Council classify 22 Boundary Street, Junee as Operational Land pursuant to S31(2) of the Local Government Act (The Act).

5[CFO] RIVERINA EASTERN REGIONAL ORGANISATION OF COUNCILS (REROC) ANNUAL REPORT

09.11.23 **RESOLVED** on the motion of Cr M Austin seconded Cr M Knight that Council endorse and note the 2022-2023 Riverina Eastern Regional Organisation of Councils (REROC) Annual Report.

CHAIRPERSON: _____

GENERAL MANAGER: _____

MINUTES OF THE ORDINARY MEETING OF JUNEE SHIRE COUNCIL HELD IN THE COUNCIL CHAMBERS, BELMORE STREET, JUNEE ON TUESDAY, 21 NOVEMBER 2023.

6[DCCD] SERVICE NSW AGENCY AGREEMENT

10.11.23 **RESOLVED** on the motion of Cr M Cook seconded Cr R Asmus that:

1. The Council delegates authority to the General Manager to enter into a formal agreement with Service NSW.
2. Authorise any necessary documents for execution under the Common Seal of the Council.

7[CFO] OFFICE OPERATIONS – CHRISTMAS/NEW YEAR 2023/2024

11.11.23 **RESOLVED** on the motion of Cr P Halliburton seconded Cr M Knight that the following hours for office operations over the Christmas and New Year periods for 2023/2024 are:

- Council's office will be closed from 5.00pm on Friday, 22 December 2023 and will re-open at 9.00am on Tuesday, 2 January 2024.
- Junee Library and Visitor Information Centre will be open as follows:
 - Christmas Day 2023 - Closed
 - Boxing Day 2023 - Closed
 - 27 December 2023 - 10:00am to 2:00pm
 - 28 December 2023 - 10:00am to 2:00pm
 - 29 December 2023 - 10:00am to 2:00pm
 - 30 December 2023 - 9:00am to 1:00pm
 - 31 December 2023 - 10:00am to 2:00pm
 - News Years Day 2024 - Closed
- Community Transport Office will be closed at 5.00pm on Friday, 22 December 2023 and will re-open at 9.00am on Tuesday, 2 January 2024. Limited services for Community Transport will be available over this period by phoning 6924 4880 excluding Christmas Day.
- Junee Junction Recreation and Aquatic Centre will be open as follows:
 - 24 December 2023 - 6:00am to 4:00pm
 - Christmas Day 2023 - Closed
 - Boxing Day 2023 - Closed
 - 27 December 2023 - 10:00am to 7:00pm
 - 28 December 2023 - 10:00am to 7:00pm
 - 29 December 2023 - 10:00am to 7:00pm
 - 30 December 2023 - 7:00am to 7:00pm
 - 31 December 2023 - 7:00am to 7:00pm
 - News Years Day 2024 - 10:00am to 7:00pm
- Members with 24/7 Gym access will be able to access the gym facilities throughout this period with the exception of New Years Eve.

CHAIRPERSON: _____

GENERAL MANAGER: _____

MINUTES OF THE ORDINARY MEETING OF JUNEE SHIRE COUNCIL HELD IN THE COUNCIL CHAMBERS, BELMORE STREET, JUNEE ON TUESDAY, 21 NOVEMBER 2023.

- *Excluding essential services staff, the Works Depot closes from 4.30pm on Thursday, 21 December 2023 and will re-open Tuesday, 2 January 2024.*
- *Junee Waste Landfill Facility normal opening hour apply except for public holidays.*

8[DES] NOMINATION OF NEW WEEDS DELEGATE

12.11.23 **RESOLVED** on the motion of Cr M Austin seconded Cr R Asmus that:

1. *The resignation of the current Weeds Delegate is noted.*
2. *Cr R Callow be Junee Shire Councils new delegate to the Weeds Committee.*

9[DES] REGIONAL EMERGENCY ROAD REPAIR FUNDING

13.11.23 **RESOLVED** on the motion of Cr D Carter seconded Cr A Clinton that:

1. *An additional operational funding allocation of \$2,241,530 across the next four years from the Regional Emergency Road Repair Fund is received and noted.*
2. *The pausing of the Regional Roads Repair Funding Program for the next four financial years, totalling approximately \$63,000 per annum, is received and noted.*

14.11.23 **RESOLVED** on the motion of Cr M Cook seconded Cr R Asmus that:

3. *The funding split detailed in the body of the report is endorsed by Council for allocation at the next Quarterly Budget Review (QBR).*

COMMITTEE REPORTS

15.11.23 **RESOLVED** on the motion of Cr R Asmus seconded Cr M Knight that the minutes of the Junee Shire Council Audit Risk and Improvement Committee meeting, held on 9 November 2023, be received.

DELEGATES REPORTS

16.11.23 **RESOLVED** on the motion of Cr P Halliburton seconded Cr M Knight that the minutes of the Riverina Regional Library meeting held 18 October 2023, be noted.

17.11.23 **RESOLVED** on the motion of Cr P Halliburton seconded Cr M Knight that the minutes of the A2I Inland Rail Albury to Illabo Wagga Wagga Sub-Committee Community Consultative Committee meeting held 18 October 2023, be noted.

18.11.23 **RESOLVED** on the motion of Cr P Halliburton seconded Cr R Asmus that the minutes of the I2S Inland Rail Illabo to Stockinbingal Community Consultative Committee meeting held 19 October 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, 21 NOVEMBER 2023.

19.11.23 **RESOLVED** on the motion of Cr R Asmus seconded Cr M Knight that the minutes of the Riverina Eastern Regional Organisation of Councils (REROC) AGM meeting held 27 October 2023, be noted.

20.11.23 **RESOLVED** on the motion of Cr R Asmus seconded Cr M Knight that the minutes of the Riverina Eastern Regional Organisation of Councils (REROC) Board meeting held 27 October 2023, be noted.

NOTICE OF MOTION

Nil

LATE BUSINESS

Nil

QUESTIONS ON NOTICE

Nil

INFORMATION BOOKLET

The information booklet was received and noted.

There being no further business, the meeting closed at 6.11pm.

CHAIRPERSON: _____

GENERAL MANAGER: _____



JUNEE SHIRE COUNCIL

GENERAL MANAGER'S

REPORT



Item I IPART REVIEW OF RATE PEG

Author Chief Financial Officer

Attachments Nil

RECOMMENDATION:

That Council note the IPART Review of the Rate Peg Methodology – Final Report.

SUMMARY

The Independent Pricing and Regulatory Tribunal (IPART) have released a Review of the Rate Peg Methodology. The rate peg is the maximum amount that councils are allowed to increase their rates by without having to apply to IPART for a Special Rate Variation (SRV).

The aim of the review is to develop a methodology for setting the annual rate peg that better reflects the cost pressures on Local Government.

BACKGROUND

IPART set the rate-peg each year which Council relies on to increase its rates. Concern was first raised REROC and then by the Local Government industry about the fairness of the Rate-peg methodology.

IPART therefore consulted with Local Government. Council's submission to the consultation process was made through REROC. IPART's consultation found the following:

That IPART:

- Should improve the Local Government Cost Index (LGCI) so that it better reflects their actual costs.
- Address volatility in the rate peg associated with the lag between when the change in the LGCI is measured and when councils apply the resulting rate peg to their rates income.
- Better account for differences between individual councils and/or council types.
- Better reflect councils' actual labour costs, including by recognising their need to compete with private and public sector employers to attract and retain staff.
- Improve the population factor to better reflect changes in councils' base costs associated with population growth.
- Capture the change in costs due to external factors outside of councils' control – such as their Emergency Service Levy (ESL) contribution and managing the risks of climate change and natural disasters, and cyber.

CONSIDERATIONS

Given the results from its consultation process IPART then set developing a new Rate-peg methodology.

Rate-Peg Methodology

IPART have developed a new rate-peg methodology that will be used to set the rate-peg for the 2024/25 financial year and on-wards. The new methodology will use forward looking measures of councils' base costs. This addresses the issue of using lagged data in a volatile economic climate.

The following are the major changes to the methodology that will affect Junee. Under the new methodology IPART will:

1. Measure the annual change NSW base costs for three separate groups of councils (instead of one group) to better account for the diversity in their base cost patterns. These groups will be metropolitan, regional and rural councils. Junee will fall into the rural category.
2. Use a simpler model with forward looking indicators to measure price increases rather than Local Government Cost Index (LGCI). The new measure is the Base Cost change (BCC). It comprises three components that IPART considers will better capture councils' costs. They are:
 - Employee Costs – measured by the Local Government (State) Award.
 - Asset Costs – measured by the RBA's forecast change in the CPI adjusted to reflect the difference between changes in the Producer Price Index and the CPI.
 - All other operating costs - measured by the RBA's forecast change in the CPI.
3. Include a separate Emergency Service Levy (ESL) factor that reflects the annual change in each councils ESL contribution.
4. Use a refined population factor to measure the change more accurately in councils' residential populations by deducting prison populations from the residential population. This will directly impact Junee given that the town has a large prison.

Financial Sustainability

An interesting section of the report is Appendix D which is concentrated on the financial sustainability of councils. It highlighted the following:

The net operating position of councils has been deteriorating over time. This has not been the case for Junee in recent years, although the Junee's good results have partially been due to increased operating grants.

Rates represent about one-third of NSW councils' income. For Junee it is 20% but is likely to increase in future years due to the implementation of the SRV and a reduction in grants.

User fees have not been sufficiently indexed over time. Therefore, they have dropped from making up about 15.5% of Council's revenue to less than 12% today. In Junee's case they made up about 15.6% in 2023, but that year is distorted by the large amount of grants received in that year. In a more typical year, they make up about 18%. The main reasons for Junee having a higher percentage of user fees is income from RMCC works and JJRAC user charges.

Financial Assistance Grants per capita have halved in real value over the 30-year period from 1992 to 2022. This has not been the case in recent years with Junee where the amount of FAG's

GENERAL MANAGER'S REPORT TO THE ORDINARY MEETING OF JUNEES SHIRE COUNCIL HELD ON 19 DECEMBER 2023.

received have held their value, all be it the amount received has been distorted due to advance payments.

Own source revenue is lowest among rural councils at an average of 48%, indicating a heavier reliance on grants. Junees's own source revenue ratio was 47.3% in 2023 but is usually around 50%. This will increase in future years as the SRV takes effect and grants revert back to more normal levels. The benchmark is 60% which is difficult to attain for rural councils who tend to be grant dependent.

More than half of NSW councils do not meet the required infrastructure backlog ratio. Junees is one of these although our ratio has been improving to the extent that it is now 2.47% against a benchmark of less than 2%. The average backlog for all councils is 3.7%.

Some councils that need a Special Rate Variation to help with their financial sustainability were reluctant to apply for one due to the process being resource intensive and that it can be difficult to get agreement and support from the elected council. Needless to say, that this was not the case with Junees's most recent SRV application which received full support from Council.

The full report can be accessed via the following link:
https://www.ipart.nsw.gov.au/sites/default/files/cm9_documents/Final-Report-Review-of-the-rate-peg-methodology-August-2023.PDF

CONCLUSION

The new rate-peg methodology should serve councils better by more closely aligning the amount of the allowable rate peg with the increase in council's costs.

The Financial Sustainability section highlights the cost pressures on Local Government and shows that Junees is handling the financial challenges that these present.

Item 2 JUNEE SHIRE INDUSTRIAL AREA FEASIBILITY ASSESSMENT

Author General Manager

Attachments Yes

RECOMMENDATION:

That Council adopt the Junee Shire Industrial Area Feasibility Assessment report.

EXECUTIVE SUMMARY

Council commissioned an Industrial Area Feasibility Assessment (Study) with the assistance of the Regional NSW Business Case and Strategy Development Fund.

The purpose of the Study is to:

- Understand the market demand for industrial land in the Junee LGA.
- Conduct a feasibility analysis on the developing industrial land.
- Consider what options Council may take to enable the sufficient supply of Industrial land in the future.

HillPDA has completed their Study which is attached to this report.

BACKGROUND

To support the preparation of the Study a Councillor workshop was held 11 July 2023, to gauge the local climate and demand for the sufficient supply of Industrial Land, based on:

- There is demand for more industrial land and Council should encourage supply.
- Light industrial was the preference rather than heavy industrial.
- Variety of views on where the industrial land should be located.

HillPDA have now completed their market assessment and validation process. HillPDA presented their findings at a further Councillor workshop on 17 November 2023 which included discussion on options or support Council may facilitate to bring industrial land to market.

This report is seeking Council adoption of the Junee Shire Industrial Area Feasibility Assessment.

The Study

A number of locations for an industrial park were put forward for consideration. The preferred option was to develop the land immediately north of the town in accordance with the nominated area of the Local Planning Strategic Statement. This area has cost-effective access to services and utilities. For the purpose of the Study, a hypothetical parcel of land in this area was used to test the feasibility of developing industrial land.

GENERAL MANAGER'S REPORT TO THE ORDINARY MEETING OF JUNEESHIRE COUNCIL HELD ON 19 DECEMBER 2023.

The Study used the Argus Estate Master Development Feasibility model. The model provides a forecast cashflow of project revenues and costs discounted to a net present value (NPV) based on a target discount rate that reflects the level of project risk including planning, market, financial and procurement risks.

For a project of this scale to be viable it would be expected to achieve an internal rate of return (IRR) of around 14% to 17% in the private sector. It is worth noting that recent conditions have been highly unfavorable for the development industry in the areas of:

- Interest rates
- Lending requirements
- Market risk
- Fall in pre-sales
- Increasing risks on multiple fronts.

The analysis revealed a Project Internal Rate Return (IRR) of 18% over a project life of seven plus years. This assumes selling industrial land at \$125 per sqm at an average of eight lots per year.

Scenario testing within the model included a medium and slower Project IRR of 15% based on a project life of nine years (six lots sold per year) and 12% based on a project life of 13 years (four lots sold per year)

The exercise included a large development site of approximately 18 hectares divided into 60 industrial lots with an average size of 2,700sqm, including an internal access road and provision of necessary services and utilities.

The example used in the model is indicative, there are numerous variants that could be applied including staging a development which may affect the Project IRR in this model.

The onsite infrastructure costs can be calculated with a high degree of certainty, whereas the cost of augmenting utilities services for infrastructure to reach the property boundary is dependent on distance and capacity of existing services.

The Study includes a large development site with up to 60 lots. Any future proposal involving a smaller size, say half, may have a higher ratio of augmentation costs with a lower number of lots to sell. This can also negatively influence the IRR.

How can the Council support bringing industrial land to market.

The Council has indicated an interest in promoting or supporting strategic Industrial Land in Junee. The Study is a first step in understanding the market for such land and the associated cost involved in property development of this type. Options the Council may wish to consider included:

- **Rezone land** – Council could rezone land and leave it to private developer/s or landowner to develop. Council experience in rezoning residential land has been mixed. There have been favorable outcomes while some areas have been left undeveloped and vacant for a decade or more despite the high demand and low supply in the residential market.
- **Council develops the land** – In this option Council acquires the land or portion of land, rezones it, and develops it themselves. This is highly speculative and would require loan/s to service such activity. There may be funding programs to support the Council. Such a

GENERAL MANAGER'S REPORT TO THE ORDINARY MEETING OF JUNEES SHIRE COUNCIL HELD ON 19 DECEMBER 2023.

process, however, would be unlikely to cover 100% of the cost. The local demand for Industrial Land is insufficient to warrant Council isolated intervention.

- **Private public partnership** – In this option the Council undertakes the development on the land without acquiring the land but shares the revenue through a legal contract.
- **Grant funding** – Council could prepare a business case for State or Federal Government funding for enabling infrastructure.
- **Pre-selling** – Pre-selling lots 'off-the-plan' helps to de-risk the project by reducing market risk.
- **Staging** – eg. First selling lots directly fronting the existing road infrastructure (Old Junee Road) to advance some revenue ahead of capital works.
- **Combination** – in reality, it will likely involve a combination of these steps.

CONSIDERATIONS

Policy

Junee Shire Economic Development Plan (JSEDP) highlights a need for a sufficient supply of industrial land to support economic growth and employment.

Stakeholder engagement in preparing the JSEDP identified a low performing aspect of Junee business environment as lacking available industrial land and "aspirations for the future" business growth in tourism, hospitality and Industrial.

JSEDP's future planning included the following statement: "Grow jobs and broaden the industry base" which is supported by the following action "Prepare a feasibility study for the provision of additional industrial land".

Risk Assessment

The Junee Shire Industrial Area Feasibility Assessment is a guiding document. Any proactive action the Council may wish to pursue would be subject to further risk assessment.

Financial

The Junee Shire Council Industrial Area Feasibility Assessment is a guiding document. Any proactive action the Council may wish to pursue will be subject to further financial analysis.

CONCLUSION

The Junee Shire Council Industrial Area Feasibility Assessment provides a reasonable base from which the Council can consider its role to assist bringing Industrial land to the market. The Study has used a reputable financial model that indicates that a reasonable rate of return can be achieved, although this is dependent on completing land sales over a set timeframe. There is no certainty in forecasting sale numbers turning into actual sales.

GENERAL MANAGER'S REPORT TO THE ORDINARY MEETING OF JUNEE SHIRE COUNCIL HELD ON 19 DECEMBER 2023.

Council's public interest in the matter is linked to growing the local economy. In rural communities such as Junee Shire it is not without precedent that councils involve themselves in facilitating property development where there is insufficient take up by the private sector.

The Council should endorse the Junee Shire Council Industrial Area Feasibility Assessment report as a signal to the Business community it is open to supporting an adequate supply of Industrial Land. It will also provide a clearer direction on facilitating potential future opportunities as they arise.



JUNEE SHIRE COUNCIL

ATTACHMENT TO ITEM 2

19 NOVEMBER 2023



JUNEE SHIRE INDUSTRIAL AREA

Feasibility Assessment



Prepared for Junee Shire Council

December 2023

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Quality Assurance

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Quality Control

This document is for discussion purposes only unless signed and dated by a Principal of HillPDA.

Reviewer

Signature



Dated

13/12/23

Report Details

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1.0 INTRODUCTION

Junee Shire has a current population of almost 6,500, which is expected to increase by a further 1,200 by 2040. In its Local Strategic Planning Statement Council identified a need for more serviced industrial land to provide jobs and services for the growing population. Junee has no available industrial zoned sites for future businesses.

Council had considered several location options for an industrial precinct and settled on the area immediately to the north of Junee township on the western side of Old Junee Road as identified in the LSPS.

HillPDA was engaged by Council under supervision of NDP Economic Development to assess the feasibility of an industrial precinct in this area. This report summarises the findings of that assessment.

This report is structured in the following chapters:

- Chapter 1: Introduction
- Chapter 2: Market appraisal: considers the market appetite for serviced industrial land in Junee, sales and other relevant data in Junee, Wagga Wagga and other surrounding towns.
- Chapter 3: Development option: provides a description of development and development costs
- Chapter 4: Feasibility assessment: summarises the key performance indicators from the financial modelling of a hypothetical development of the land for an industrial estate.
- Chapter 5: Discusses project risks and implementation steps to ensure delivery while mitigating those risks.

2.0 MARKET APPRAISAL

2.1 Stakeholder consultation

A workshop with Councillors was held on the 11 July 2023 to gauge opinions on market appetite for industrial land uses in Junee. There was general consensus amongst the Councillors that Junee has no industrial sites available for new businesses yet there is latent demand for industrial sites. Most attention has been in Wagga Wagga and recently Coolamon has attracted market interest. Junee offers a cheaper alternative to Wagga Wagga. Most likely businesses in the industrial park would be light industrial land uses serving the local or sub-regional area including agri-businesses.

There were mixed opinions regarding possible use of the railway line and preferred locations for an industrial estate. Suggestions included Old Junee and Illabo as well as Junee. Notwithstanding there was general agreement that land was needed for an industrial estate.

Coolamon was often noted by Councillors as a successful business estate although it still hasn't been formally marketed. There are no confirmed sales transactions. This is a long piece of land stretching 1.1km fronting Wade Street and backing onto the railway line. Its main advantage is that little work is required to develop the site. It does not require the construction of a new road. Coolamon Shire Council advises that the lots will range in size from 2,000sqm to 2,900sqm and that there has been strong interest with an end sale price of around \$125/sqm.

Conversations with local agents have indicated that due to the limited availability of industrial land in Junee, this is an untested product and the appetite for industrial land by locals is unknown. The price point of land in Junee would need to be economical to attract buyers from Wagga Wagga industrial estate which is about a 20 minute commute.

2.2 Industrial sales

Activity in the industrial property market in Junee has been quiet over the past three years with no new transactions or long-term leases. By contrast Wagga Wagga has been quite active. Recent transactions are summarised below.

Table 1: Recent freehold sale transactions

Address	Sale price Sale date	Land area \$/sqm (unimproved)	Comments
35-37 Dobney Avenue, Wagga Wagga	\$3,600,000 Mar, 2022	2,744sqm \$364	Near regular shaped parcel of land sold as an investment industrial/showroom asset. Underlying zone of E3 Productivity Support. Deducting an estimate of the value of the depreciated improvements shows an underlying unimproved land value of around \$1m.
5-7 Dobney Avenue, Wagga Wagga	\$1,250,000 Jul, 2022	2,087sqm \$263	Older style multi-tenant industrial/showroom building. Underlying zone of E3 Productivity Support. Deducting an estimate of the value of the depreciated improvements shows an underlying unimproved land value of around \$0.7m.
27 Dobney Avenue, Wagga Wagga	\$1,300,000 Aug, 2022	2,144sqm \$373	Older style industrial building. Underlying zone of E3 Productivity Support. Deducting an estimate of the value of the depreciated improvements shows

Address	Sale price Sale date	Land area \$/sqm (unimproved)	Comments
			an underlying unimproved land value of around \$0.8m.
1 Mortimer Place, Wagga Wagga	\$720,050 Oct, 2022	1,043sqm \$479	Older style industrial building. Underlying zone of E4 General Industrial. Deducting an estimate of the value of the depreciated improvements shows an underlying unimproved land value of around \$0.5m.
43 Dobney Avenue, Wagga Wagga	\$1,200,000 Dec, 2022	2,719sqm \$257	Older style multi-tenant industrial/showroom building. Underlying zone of E3 Productivity Support. Deducting an estimate of the value of the depreciated improvements shows an underlying unimproved land value of around \$0.7m
2 Berthong Street Cootamundra	\$429,000 Jul, 2022	7,118sqm \$21	Older style warehouse. Underlying zone of E4 General Industrial. Deducting an estimate of the value of the depreciated improvements shows an underlying unimproved land value of around \$0.15m
2-10 King Drive, Cootamundra	\$550,000 Mar, 2023	5,169sqm \$54	Older style warehouse. Underlying zone of E4 General Industrial. Deducting an estimate of the value of the depreciated improvements shows an underlying unimproved land value of around \$0.28m

Recent strata sales in Wagga Wagga is shown in the table immediately below.

Table 2: Recent industrial strata sale transactions

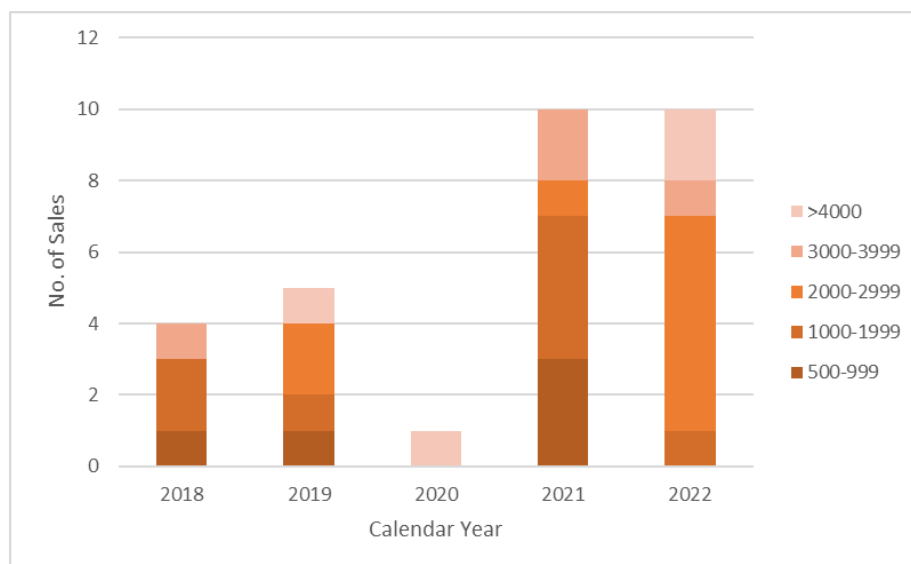
Address	Sale price Sale date	Building area \$/sqm	Comments
1/181 Hammond Avenue East Wagga Wagga	\$731,500 June 2022	378sqm \$1,935	Modern industrial unit built circa 2015
3/181 Hammond Avenue East Wagga Wagga	\$616,000 Mar. 2022	336sqm \$1,833	As above
7/181 Hammond Avenue East Wagga Wagga	\$390,000 May 2022	171sqm \$2,281	As above
7 & 8/24 Houtman Street, Wagga Wagga	\$605,000 Jul. 2021	261 \$2,318	Brand new complex

No. 7/24 Houtman Street, Wagga Wagga is on the market with an an asking rent of \$28,000 per annum which equates to \$199/sqm of building area.

2.3 No. of Sales in Wagga Wagga

Activity has been high in the post COVID period as depicted by the number of sales shown in the chart immediately below.

Figure 1: Sales volume by size between 2018 and 2022



Source: Source: CoreLogic RPData

2.4 Vacant land sales

Recent vacant land sales are shown in the table immediately below.

Table 3: Vacant industrial land

Address	Sale price Sale date	Land area \$/sqm (unimproved)	Comments
64 Pearson Street, Wagga Wagga	\$7,970,000 Feb. 2022	46,720sqm \$171/sqm	Near regular shaped parcel of land purchased by Bunnings which indicated interest in relocating to the site. Minimally improved. Underlying zone of E3 Productivity Support.
5 Barrett Street Cootamundra	\$137,500 July 2022	4,101sqm \$34/sqm	Irregular shaped and flat parcel of land. Sealed street frontage, kerbed and guttered, power and water available. Underlying zone of E4 General Industrial.
101-173 Cowcumbra Street Cootamundra	\$850,000 Mar. 2023	23.45ha \$3.62/sqm	Irregular shaped of land. Partly flood prone land. Recently being used as a 5 megawatt solar farm with battery energy storage facility
3 Dangar Place, East Wagga Wagga	\$740,000 Oct. 2022	6,167sqm \$120/sqm	Near regular shaped parcel of land. Located within a new industrial subdivision. Underlying zone of E4 General Industrial.
6 Dangar Place, East Wagga Wagga	\$552,640 May 2023	5,024sqm \$110/sqm	Near regular shaped parcel of land. Located within a new industrial subdivision. Underlying zone of E4 General Industrial.

As shown in the above table there is considerable variation in sale price on dollar per square metre basis. Due to the limited availability of industrial land in Junee and inactivity over the past several years serviced industrial land is an untested product and the appetite for industrial land is unknown.

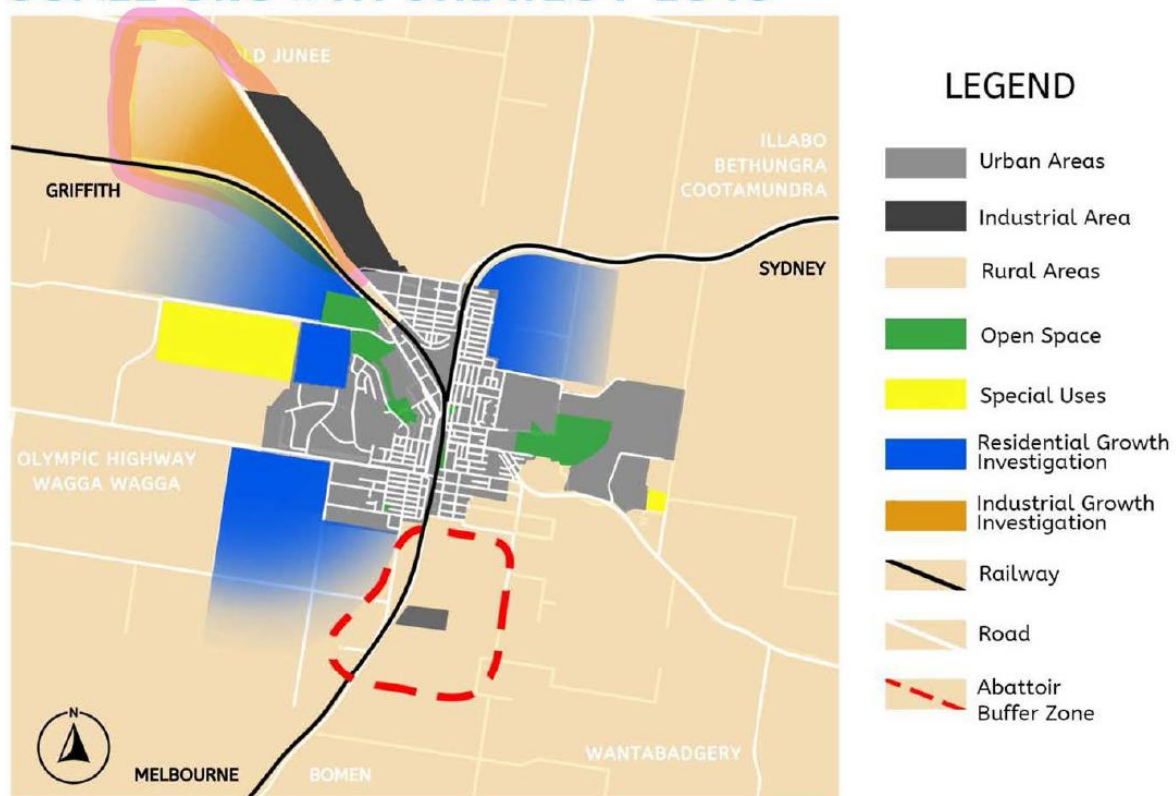
However effective demand is restricted by supply. Inactivity can be the result of supply constraints rather than lack of demand and that the market could be more active if the level of supply was increased. The view from Councillors and industry representatives is that there is some latent demand for industrial land but without increasing supply the market will remain inactive. In the implementation section we'll look at options for providing industrial lands with methods to de-risk the process for Council.

3.0 DEVELOPMENT OPTION

Several locations for an industrial park were previously investigated by Council. The preferred location was immediately north of the town. This land was preferred due to its proximity to the town centre and relatively straightforward to service. The land is currently zoned RU1 and would require rezoning. It was identified in the LSPS for investigation for future industrial land as depicted in the diagram immediately below.

Figure 2: Industrial land investigation area

JUNEE GROWTH STRATEGY 2040



Source: Junee Local Strategic Planning Statement 2020

For the purpose of the feasibility testing we have assumed a hypothetical industrial estate 18.9 hectares in size comprising an internal road and 60 industrial lots with an average size of 2,700sqm. This is a preferable size for small lot subdivision predominantly for urban services although there is flexibility to have varying lot sizes.

MJM Consulting Engineers costed the hypothetical development including subdivision, road construction and servicing (water, sewer, drainage, power and NBN) at around \$15.55m net of GST. This includes design costs, application fees and contingencies but excludes land costs, developer contributions, finance and marketing costs. This calculates to \$96/sqm of developable land.

4.0 FEASIBILITY ASSESSMENT

4.1 Feasibility methodology

The feasibility of the proposed industrial estate was done using the Argus Estate Master Development Feasibility (EM) model (which was developed by HillPDA prior to the sale of Estate Master to Argus). The model provides a forecast cashflow of project revenues and costs discounted to a net present value (NPV) based on a target discount rate that reflects the level of project risk including planning, market, financial and procurement risks.

For a project of this scale to be viable we would expect to achieve an internal rate of return of around 14% to 17% and a development margin of 17% or more.

Please note that recent conditions have been highly unfavourable for the development industry including recent rises in interest rates, tightening of lending requirements, an increase in market risk combined with a sharp fall in pre-sales, increasing developer contributions and planning risk, recent escalation in construction costs, supply chain constraints and an increase in procurement risk and cost overruns. In theory these conditions should push hurdle rates up, but this is having significant impacts on residual land values making it difficult to procure development sites. For the purpose of the feasibility testing, we have assumed that conditions will improve over the next year or two.

4.2 Feasibility results

The summary of the feasibility results is shown in the table immediately below.

Table 4: Summary of Project Returns

	Total AUD	AUD Per Saleable hectare	AUD Per Ha of Site Area	% of Total Net Costs	Total Exc GST
Revenues					
Gross Sales Revenue	23,496,525	1,450,403	1,243,202	125.1%	23,496,525
Less Selling Costs	(499,024)	(30,804)	(26,403)	-2.7%	(499,024)
NET SALES REVENUE	22,997,501	1,419,599	1,216,799	122.4%	22,997,501
Less GST paid on all Revenue	-	-	-	0.0%	
TOTAL REVENUE (after GST paid)	22,997,501	1,419,599	1,216,799	122.4%	22,997,501
Costs					
Land Purchase Cost	567,000	35,000	30,000	3.0%	567,000
Land Acquisition Costs	23,440	1,447	1,240	0.1%	23,440
Construction Costs	15,592,158	962,479	824,982	83.0%	15,592,158
Professional Fees	372,959	23,022	19,733	2.0%	372,959
Statutory Fees	52,971	3,270	2,803	0.3%	52,971
Section 7.12	159,301	9,833	8,429	0.8%	159,301
Project Contingency (Reserve)	1,138,605	70,284	60,244	6.1%	1,138,605
Pre-Sale Commissions	88,389	5,456	4,677	0.5%	88,389
Finance Charges (inc. Fees)	76,096	4,697	4,026	0.4%	76,096
Interest Expense	712,750	43,997	37,712	3.8%	712,750
TOTAL COSTS (after GST reclaimed)	18,783,669	1,159,486	993,845	100.0%	18,783,669
Performance Indicators					
		Per Saleable hectare	Per Ha of Site Area		Total Exc GST
¹ Net Development Profit	4,213,832	260,113	222,954		
³ Development Margin (Profit/Risk Margin)	22.43%				
⁴ Residual Land Value	1,083,783	66,900	57,343		1,083,783
⁵ Net Present Value	459,364				
⁶ Benefit Cost Ratio	1.0359				
⁷ Project Internal Rate of Return (IRR)	18.00%				
⁸ Residual Land Value	1,018,440	62,867	53,886		1,018,440

Footnotes:

- 1 Development Profit: is total revenue less total cost including interest paid and received
- 3 Development Margin: is profit divided by total costs (exc selling & leasing costs)
- 4 Residual Land Value: is the maximum purchase price for the land whilst achieving the target development margin.
- 5 Net Present Value: is the project's cash flow stream discounted to present value. It includes financing costs but excludes interest and corp tax.
- 6 Benefit:Cost Ratio: is the ratio of discounted incomes to discounted costs and includes financing costs but excludes interest and corp tax.
- 7 Internal Rate of Return: is the discount rate where the NPV above equals Zero.
- 8 Residual Land Value (based on NPV): is the purchase price for the land to achieve a zero NPV.

The above financial returns are quite good for an industrial land development of this type. The development margin appears healthy at more than 22% but this performance indicator is less relevant than the project IRR given the project life of 7 plus years.

Project IRR is strong at 18% and is above the target of 14% to 17% as mentioned above. However this is predicated on the assumptions of eight lots being sold per annum with a sale value of \$125/sqm and escalating at 4% per annum. Any change to one or more of these assumptions would impact the financial returns considerably.

4.3 Assumptions

Assumptions in the modelling include the following:

1. Project commencement is January 2024
2. Rest period is months.

3. An upfront land cost was included at \$30,000 per hectare sourced from comparable non-urban site sales of broad acreage land in the Junee LGA since July 2000.
4. Early planning commences immediately.
5. Development occurs in two stages.
6. Construction for Stage 1 commences in Month 15 and spans 9 months.
7. Pre-selling lots commences in Month 9.
8. Average sales rate is 8 lots per annum.
9. The cost of roads, kerb and gutter, landscaping and services was sourced from MJM.
10. The cost of professional services and application fees was sourced from MJM.
11. A 7.0% contingency on total project costs (net of land and finance costs) was included.
12. Professional fees and application fees (development application, construction certification, long service levy and miscellaneous fees) were sourced from MJM.
13. A Section 7.12 was included at 1% of design and construction cost paid immediately before construction for each stage of works.
14. All above costs were escalated a 4.0% per annum up to commencement of each stage of works.
15. Sale of lots is assumed at \$125/sqm net of GST.
16. Revenues are assumed to escalate at 4.0% per annum up to exchanged dates.
17. Sales commission, marketing and legal costs on sale was included at 2.5% of gross sales revenue.
18. All costs above are expressed net of GST.
19. The project is funded using developer's equity of \$2m drawn down first. Thereafter future costs are funded by debt and project revenue. Debt is unlimited and interest is charged monthly in arrears and capitalised at 7% per annum (0.58% per month).

4.4 Risk assessment

As shown in the summary table above the project is viable if development is staged and the lots are sold at a rate of 8 lots per annum with a current price of \$125/sqm. The project IRR is 18% which is a good return.

However there is a considerable level of market risk with the project and in particular there is a high level of uncertainty with the rate of sale of lots. Scenario analysis was undertaken to test the impact of slower rates of sale on project returns – 6 lots per annum and 4 lots per annum. The results are shown in the table below.

Table 5: Scenario Testing – Project returns under varying market take-up rates

Scenarios	Strong	Medium	Slow
	Good market - Project life = 7 years Industrial Land Subdivision - Sale of 8 lots per annum 60 Lots	Medium Market - Project life = 9 years Industrial Land Subdivision - Sale of 6 lots per annum 60 Lots	Slow Market - Project life = 13 years Industrial Land Subdivision - Sale of 4 lots per annum 60 Lots
Revenues			
Gross Sales Revenue	23,496,525	24,601,096	26,422,006
Less Selling Costs	(499,024)	(524,375)	(566,775)
TOTAL REVENUE (after GST paid)	22,997,501	24,076,721	25,855,231
Costs			
Land Purchase Cost	567,000	567,000	567,000
Land Acquisition Costs	23,440	23,440	23,440
Construction (inc. Construct. Contingency)	15,592,158	16,158,336	17,025,350
Professional Fees	372,959	384,736	402,272
Statutory Fees	52,971	55,038	58,124
Section 7.12	159,301	165,101	173,976
Project Contingency (Reserve)	1,138,605	1,179,770	1,242,745
Pre-Sale Commissions	88,389	90,653	93,775
Finance Charges (inc. Fees)	76,096	77,350	79,919
Interest Expense	712,750	863,137	1,228,629
TOTAL COSTS (after GST reclaimed)	18,783,669	19,564,561	20,895,231
Performance Indicators			
	1	2	3
¹ Gross Development Profit	4,213,832	4,512,160	4,960,000
³ Development Margin (Profit/Risk Margin)	22.43%	23.06%	23.74%
⁴ Residual Land Value (Target Margin)	1,083,783	1,150,276	1,189,056
⁶ Net Present Value	459,364	14,330	(585,924)
⁹ Project Internal Rate of Return (IRR)	18.00%	15.08%	11.91%
¹⁰ Residual Land Value (NPV)	1,018,440	581,084	(14,078)
<ul style="list-style-type: none"> 1. Development Profit: is total revenue less total cost including interest paid and received 3. Development Margin: is profit divided by total costs (exc selling & leasing costs) 4. Residual Land Value: is the maximum purchase price for the land whilst achieving the target development margin. 6. Net Present Value: is the project's cash flow stream discounted to present value. It includes financing costs but excludes interest and corp tax. 9. Internal Rate of Return: is the discount rate where the NPV above equals Zero. 10. Residual Land Value (based on NPV): is the purchase price for the land to achieve a zero NPV. 			

Project IRR is considerably lower when market take-up is reduced to four lots per annum. However an IRR of 12% is still a good result under this pessimistic scenario. A greater risk is if there is no escalation in end sale values and/or the price of the lots need to be discounted to sell. This could result in negative profit. A sales rate of four lots per annum combined with no escalation in end sale values results in a negative margin of 10% and a project IRR of 0.4%.

In the next section we consider some options for implementation to facilitate the delivery of the industrial estate while minimising risk to Council.

5.0 RISK MANAGEMENT AND IMPLEMENTATION

As discussed above the main risk the project is market risk. Other risks include planning risk and procurement risk including capital costs and cost overruns. Planning risk is unlikely to impact Council's budget as significantly as market and procurement risk. It can however affect the timing of the project and delay economic development and job creation.

As stated above construction costs and procurement risk has increased considerably over the past couple of years, but we expect conditions to normalise over the next few years and that capital works can be delivered cost effectively through more price competitive tendering.

Market risk is the strongest risk to project success. Below are some options and/or steps to assist in reducing project risk while ensuring project objectives are met. Some of these options can be combined.

5.1 Rezone the land.

Council could rezone the land and then simply leave it to the land owners to develop. The main advantage with this option is little capital outlay for Council and little financial risk. The main disadvantage with this option is that it will not ensure delivery of the industrial estate. It is dependent on the land owners committing to development.

Note that whatever delivery method is used, rezoning will be necessary to develop the land for industrial purposes.

5.2 Council develops the land

In this option Council acquires the land or portion of land, rezones it, and develops it themselves. While this option gives Council more certainty of outcome it means that Council accepts full project risk. On the upside there is an opportunity for Council to make an investment return.

This option relies on a land owner willing to sell their site to Council. To avoid possible escalation from speculation, Council should negotiate and acquire the site prior to rezoning.

5.3 Private public partnership

In this option Council undertakes the development on the land without acquiring the land. This is a joint venture whereby the land owner contributes the land to the project and Council develops it into industrial lots. Revenue sharing between the equity partners is arranged through a legal contractual agreement. There are some advantages with this arrangement which can reduce financial exposure to Council and reduce various ancillary costs such as stamp duty on acquisition and interest costs. However it can involve considerable legal and accounting costs.

5.4 Grant funding

Council could prepare a business case for State or Federal Government funding for enabling infrastructure. The main case for grant funding is that infrastructure costs are high and neither Council nor the land owners have the budget for it. Grant funding is therefore essential to ensure the project objectives of job growth and economic development in Junee and the delivery of essential services.

5.5 Pre-selling

Pre-selling lots 'off-the-plan' helps to de-risk the project by reducing market risk. If bank financing is sought, then the bank is likely to require a proportion of pre-sales before lending.

5.6 Staging

The financial modelling assumed a two staged development. A further option is a three staged development with the first lots directly fronting the existing road infrastructure (Old Junee Road). The advantage with this option is it advances some revenue ahead of capital works which improves the cash flow and reduces interest costs. The disadvantage with this option is that it results in a higher number of properties with direct frontage to the existing road. It would require an extension of the 50kmph zone along the Old Junee Road.

5.7 Suggested next steps for Council

Suggested next steps for Council is provided immediately below. These steps have been suggested to assist in advancing the industrial precinct without Council over-committing or exposing itself to significant risks.

1. Meet and discuss with land owners interested in developing industrial land in Junee LGA.
2. Provide contextual information and support that might facilitate development of additional industrial land.
3. Investigate what suitable grants might be available to help to deliver the necessary infrastructure to support industrial land development.
4. Consider any suitable planning proposals for additional industrial land on their merits and with reference to Council's relevant strategies.
5. In consultation with the NSW Department of Planning, take the necessary steps to rezone land for industrial uses.
6. Continue working with the land owners to encourage development for industrial uses promptly.

Disclaimer

1. This report is for the confidential use only of the party to whom it is addressed ("Client") for the specific purposes to which it refers and has been based on, and takes into account, the Client's specific instructions. It is not intended to be relied on by any third party who, subject to paragraph 3, must make their own enquiries in relation to the issues with which this report deals.
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4. This report and its attached appendices are based on estimates, assumptions and information provided by the Client or sourced and referenced from external sources by HillPDA. While we endeavour to check these estimates, assumptions and information, no warranty is given in relation to their reliability, feasibility, accuracy or reasonableness. HillPDA presents these estimates and assumptions as a basis for the Client's interpretation and analysis. With respect to forecasts, HillPDA does not present them as results that will actually be achieved. HillPDA relies upon the interpretation of the Client to judge for itself the likelihood of whether these projections can be achieved or not.
5. Due care has been taken to prepare the attached financial models from available information at the time of writing, however no responsibility can be or is accepted for errors or inaccuracies that may have occurred either with the programming or the resultant financial projections and their assumptions.
6. This report does not constitute a valuation of any property or interest in property. In preparing this report HillPDA has relied upon information concerning the subject property and/or proposed development provided by the Client and HillPDA has not independently verified this information except where noted in this report.
7. In relation to any valuation which is undertaken for a Managed Investment Scheme (as defined by the Managed Investments Act 1998) or for any lender that is subject to the provisions of the Managed Investments Act, the following clause applies:

This valuation is prepared on the assumption that the lender or addressee as referred to in this valuation report (and no other) may rely on the valuation for mortgage finance purposes and the lender has complied with its own lending guidelines as well as prudent finance industry lending practices, and has considered all prudent aspects of credit risk for any potential borrower, including the borrower's ability to service and repay any mortgage loan. Further, the valuation is prepared on the assumption that the lender is providing mortgage financing at a conservative and prudent loan to value ratio.

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Item 3 COUNCIL INVESTMENTS AND BANK BALANCES

Author Director Corporate and Community Development

Attachments Nil

RECOMMENDATION:

That Council notes the Investment Report as of 30 November 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 \$13,555,369 comprising:

Trading Accounts -	\$3,577,132
At Call Accounts -	\$478,237
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.

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 \$167,624.56.

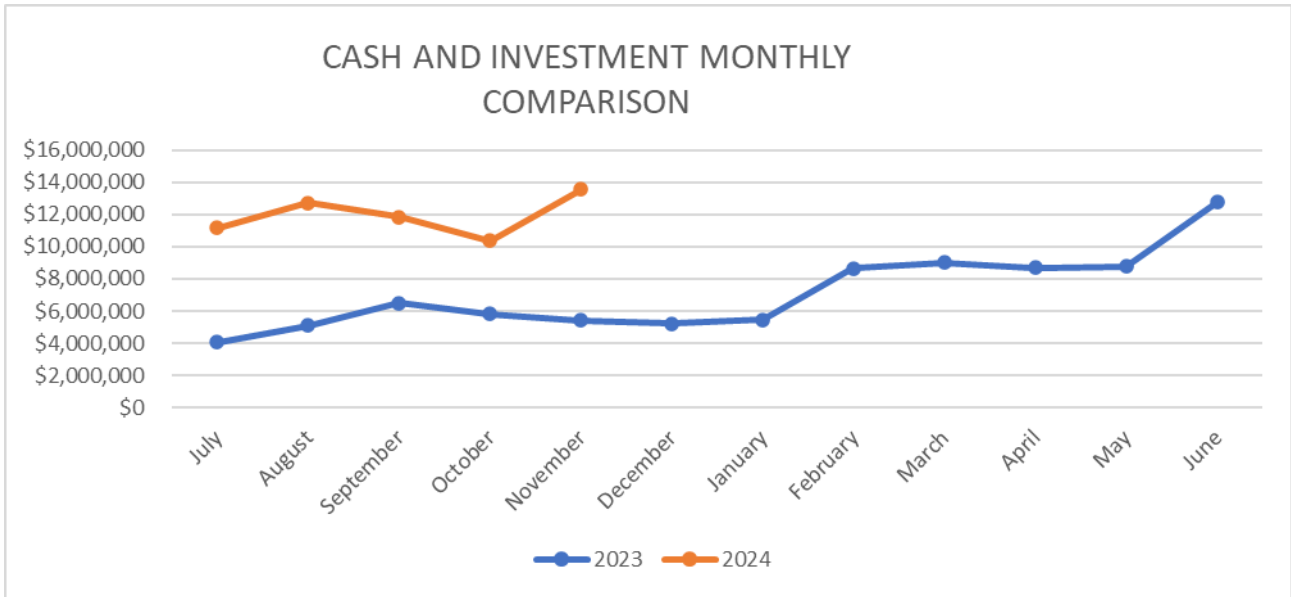
SOCIAL CONSIDERATIONS

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

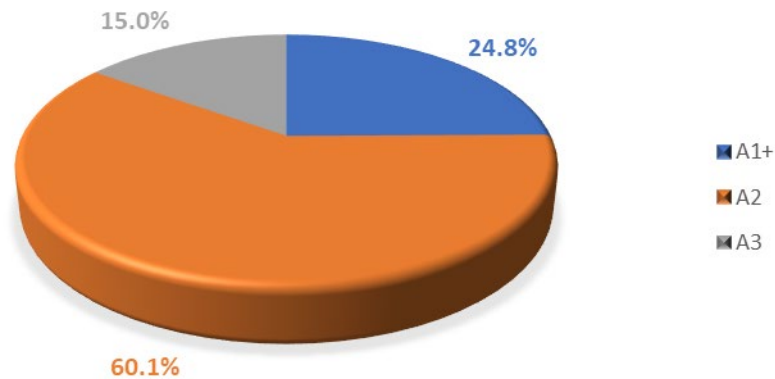
INVESTMENT BALANCES						
As of 30 November 2023						
INSTITUTION	RATING	AMOUNT (\$)	MATURITY DATE	INTEREST RATE	INTEREST AT MATURITY (\$)	BENCHMARK – AusBond
Trading Accounts						
Commonwealth Bank of Australia	A1+	3,577,132	-	-	-	-
		<u>3,577,132</u>				
At Call Accounts						
Commonwealth Bank of Australia	A1+	478,237	At Call	4.10%	32,255.38	4.10%
		<u>478,237</u>			<u>32,255.38</u>	
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	-	Matured	-	11,842.47	-
AMP Bank	A2	-	Matured	-	12,397.26	-
MyState Bank	A2	-	Matured	-	12,328.77	-
AMP Bank	A2	-	Matured	-	11,376.71	-
AMP Bank	A2	-	Matured	-	12,821.92	-
AMP Bank	A2	500,000	01-Dec-23	4.75%	3,773.97	4.33%
Judo Bank	A3	500,000	11-Dec-23	5.30%	13,068.49	4.33%
Judo Bank	A3	1,000,000	22-Dec-23	5.70%	27,484.93	4.33%
National Australia bank	A1+	1,000,000	24-Jan-24	5.30%	26,136.99	4.19%
Bank of Queensland	A2	500,000	23-Feb-24	5.50%	18,006.85	4.19%
Bank of Queensland	A2	500,000	26-Mar-24	5.10%	12,575.34	4.17%
National Australia Bank	A1	1,000,000	08-Apr-24	5.05%	29,054.79	4.17%
Mystate Bank	A2	750,000	09-Apr-24	5.10%	22,740.41	4.17%
AMP Bank	A2	500,000	01-May-24	5.15%	12,910.27	4.17%
Mystate Bank	A2	500,000	06-May-24	5.25%	12,945.21	4.17%
AMP Bank	A2	500,000	24-May-24	5.70%	25,767.12	4.17%
AMP Bank	A2	500,000	27-May-24	5.20%	12,964.38	4.17%
Australian Unity Bank	A2	500,000	27-May-24	5.40%	13,315.07	4.17%
Australian Unity Bank	A2	500,000	19-Jun-24	5.55%	27,750.00	3.80%
Heritage and People's Choice	A2	750,000	04-Jul-24	5.30%	35,938.36	3.80%
		<u>9,500,000</u>			<u>429,801.36</u>	
Total Cash and Investment		13,555,369				

Cash Comparative Analysis



Portfolio Analysis

COUNCIL INVESTMENT PORTFOLIO BY INSTITUTION RATING

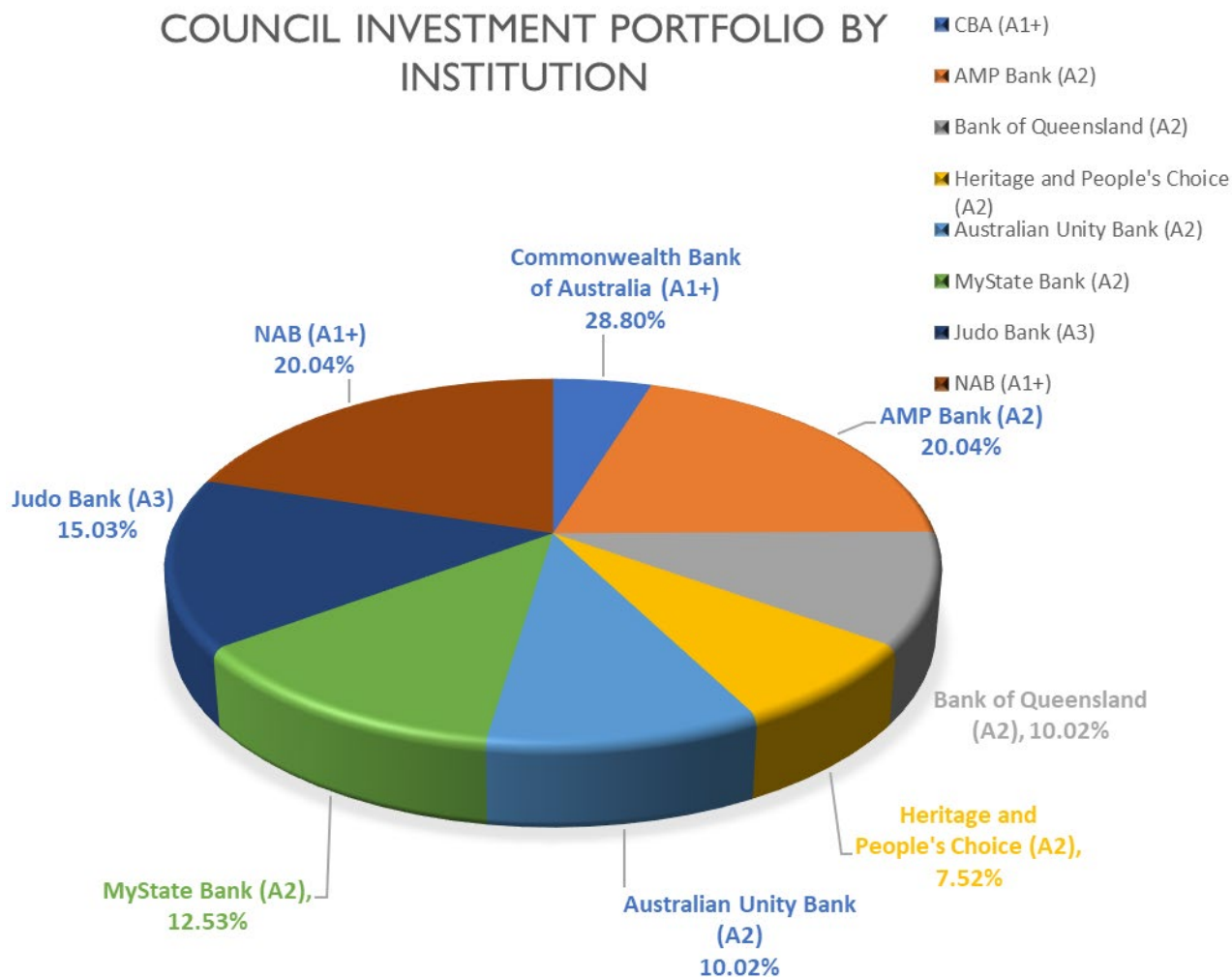


Portfolio Credit Framework – Compliance with Investment Policy Requirements

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-			
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:

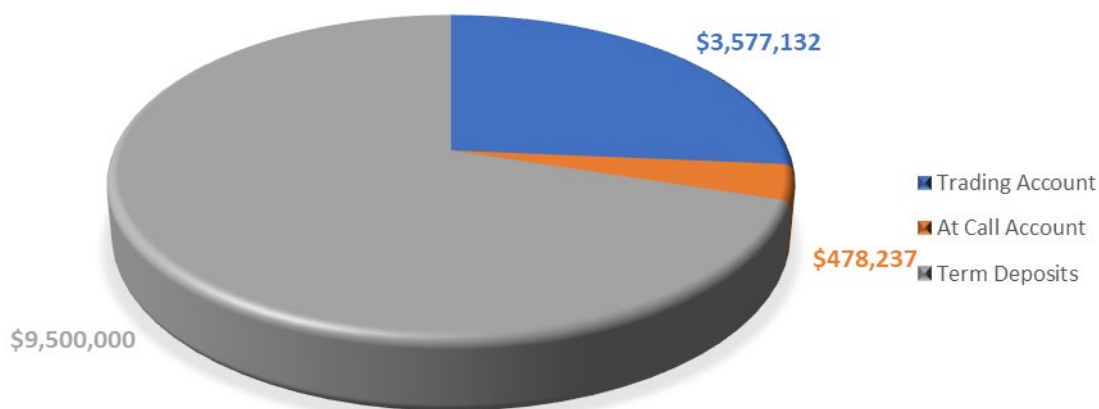
S&P Long Term Rating	S&P Short Term Rating	Maximum %	Portfolio Complies with Policy?
AAA	A1+	50%	Yes
AA+	A1	50%	Yes
AA			
AA-			
A+	A2	35%	Yes
A			
A-			
BBB+	A3	20%	Yes
BBB			
BBB-			
Unrated	Unrated	20%	Yes (\$Nil)

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 DRAFT PUBLIC INTEREST DISCLOSURES (PID) POLICY

Author Executive Services Officer

Attachments Draft Public Interest Disclosures Policy

RECOMMENDATION:

That Council adopt the amended Public Interest Disclosure Policy as attached to this report.

SUMMARY

The purpose of this report is to adopt the amended Public Interest Disclosures Policy (PID Policy). There has been a number of changes to the existing policy which are detailed below.

BACKGROUND

The existing policy is still somewhat relevant but requires updating due to legislative changes to the *Public Interest Disclosures Act 2022* (PID Act) and changes in the organisational structure.

CONSIDERATIONS

The following updates have been made to the policy:

1. Change name of policy from Internal Reporting Policy to Public Interest Disclosure Policy for clarification that this policy deals with PID reports and not internal grievances. Also, to use terminology consistent with the PID Act.
2. Format change for improved document control and provision to include PID handling procedure and reporting form as required by the PID Act and to assist in good management of reports.
3. Clarification of primary roles and responsibilities in particular appointing:
 - a) Chief Financial Officer as the Disclosure Coordinator rather than the Director Corporate and Community Services to align to key areas of responsibility.
 - b) Executive Services Officer as the Disclosure Officer.
4. Elaboration on the information detailing available protections for PID makers in accordance with updates to the PID Act.

CONCLUSION

The amended Public Interest Disclosure Policy meets the requirements of the Public Interest Disclosure Act and has been developed to be consistent with the NSW Ombudsman model.

On the basis it is an update to an existing policy, it is recommended it be adopted by Council without exhibition. However, as required by the PID Act and given the complexity and importance of PIDs, it is necessary that after adoption all staff and Councillors be presented with training before March 2023.



JUNEE SHIRE COUNCIL

ATTACHMENT TO ITEM 4

19 NOVEMBER 2023





JUNEE SHIRE COUNCIL

**PUBLIC INTEREST
DISCLOSURES POLICY**

CONTROLLED DOCUMENT INFORMATION

Authorisation Details:

Controlled document no.	[no.]
Document type	Policy
Document name	Public Interest Disclosures Policy
Version no.	2
Department	Finance
Distribution	External
Approval type	council resolution [date/minute no.]
Version start date	[date]
Review due	Four years from endorsement, unless statutorily required sooner

Appendices:

Annexure	Description
A	Public Interest Disclosures Reporting Form
B	Public Interest Disclosures Report Handling Procedure

Document History:

Version	Version start date and minute no.	Description	Author
1	20 August 2013 06.08.13	First version.	
2		<ul style="list-style-type: none">Updated policy name from Internal Reporting Policy to Public Interest Disclosures Policy.Adapt to new policy framework template.To reflect new Model Policy from NSW Ombudsman and recent changes to the Public Interests Disclosures Act 2022.To include reporting procedure and form.	Jessica Wood Executive Services Officer.

Related Document Information, Standards and References:

Related Legislation	Public Interest Disclosures Act 2022 Independent Commission Against Corruption Act 1988 Government Information (Public Access) Act 2009 Ombudsman Act 1974
Related Policies	Code of Conduct Fraud and Corruption Prevention Policy Fraud Control Plan
Other References	NSW Ombudsman Independent Commission Against Corruption Information and Privacy Commission NSW Audit Office Employee Assistance Program

A. INTRODUCTION

I. OBJECTIVES

All agencies in NSW are required to have a Policy under section 42 of the *Public Interest Disclosures Act 2022* (PID Act)

Junee Shire Council takes reports of serious wrongdoing seriously and adheres to the objectives of the PID Act. We have zero tolerance of corruption, maladministration, and the waste of public resources. We encourage a speak up culture, where public officials are encouraged to report any conduct that they reasonably believe involves wrongdoing.

The integrity of Council relies upon our staff, volunteers, contractors, and subcontractors speaking up when they become aware of wrongdoing.

This policy sets out:

- a) How Council will support and protect you if you come forward with a report of serious wrongdoing.
- b) How we will deal with the report and our other responsibilities under the PID Act.
- c) Who to contact if you want to make a report.
- d) How to make a report.
- e) The protections which are available to you under the PID Act.

This Policy also documents our commitment to building a speak up culture. Part of that speak up culture is having in place a framework that facilitates public interest reporting of wrongdoing by:

- a) Protecting those who speak up from detrimental action.
- b) Taking appropriate action to investigate or otherwise deal with reports of wrongdoing.

This Policy should be read in conjunction with Council's Code of Conduct, Fraud and Corruption Prevention Policy and Plan.

The internal reporting system is not intended to be used for staff grievances, which should be raised via normal supervisor and staff communication channels. If a staff member makes a report under this Policy which is substantially a grievance, the matter will be referred to Human Resources to be dealt with as a grievance or dispute matter.

2. SCOPE

This policy applies to the following people who are considered public officials for the purpose of this Policy:

- a) A Council employee including permanent, temporary and casual staff.
- b) A Councillor.
- c) A person employed in the service of Council including, labour hire and consultants.
- d) A person providing services or exercising functions on behalf of Council, including a contractor, subcontractor including the employees of the contractor.
- e) A volunteer.

This policy does not apply to residents and other people who have received services from Junee Shire Council and want to make a complaint about those services. Such complaints can be made by completing Council's online form on our website or by phoning 02 6924 8100.

Other public officials who work in and for the public sector, but do not work for Junee Shire Council may use this policy if they want information on who they can report wrongdoing to within Junee Shire Council.

The General Manager, other nominated disclosure officers, managers and supervisors within Council have specific responsibilities under the PID Act. This Policy also provides information on how people in these roles will fulfil their responsibilities.

If you require further information about this Policy, how public interest disclosures will be handled and the PID Act you can:

- a) Confidentially contact a nominated disclosure officer within Council.
- b) Contact the PID Advice Team within the NSW Ombudsman.
- c) Access the NSW Ombudsman's PID guidelines which are available on its website.
- d) Seek independent legal advice.

B. ROLES AND RESPONSIBILITIES

I. KEY POSITIONS

a) General Manager

The General Manager has ultimate responsibility for maintaining the internal reporting system and workplace reporting culture, and ensuring Junee Shire Council complies with the PID Act.

The General Manager is responsible for:

- i. Fostering a workplace culture where reporting is encouraged.
- ii. Receiving disclosures from public officials.
- iii. Ensuring there is a system in place for assessing disclosures.
- iv. Ensuring Junee Shire Council complies with this Policy and the PID Act.
- v. Ensuring that reports made under Council's Code of Conduct are dealt with in accordance with adopted procedures.
- vi. Ensuring that Council has appropriate systems for:
 - overseeing internal compliance with the PID Act
 - supporting public officials who make voluntary PIDs
 - implementing corrective action if serious wrongdoing is found to have occurred
 - complying with the reporting obligations.

Where the report is about the Disclosure Coordinator the General Manager assumes the responsibilities of the Disclosure Coordinator.

b) Disclosure Coordinator

The Disclosure Coordinator has a central role in Junee Shire Council's internal reporting system.

The Disclosure Coordinator can receive and assess reports and is the primary point of contact. Junee Shire Council's Disclosure Coordinator is the **Chief Financial Officer**.

The Disclosure Coordinator is responsible for:

- i. Assessing reports to determine whether or not a report should be treated as a PID, and to decide how each report will be dealt with (either under delegation or in consultation with the General Manager).
- ii. Coordinating Council's response to a report.
- iii. Acknowledging reports and providing updates and feedback to the reporter.
- iv. Assessing whether it is possible and appropriate to keep the reporter's identity confidential.

- v. Assessing the risk of reprisal and workplace conflict related to arise out of a report and develop strategies to manage any risk identified.
- vi. Where required, providing support to staff involved in the reporting or investigating process.

Where the report is about the Disclosure Officer the Disclosure Coordinator assumes the responsibilities of the Disclosure Officer.

c) Disclosure Officer

The Disclosure Officer is an additional point of contact within the internal reporting system.

They can provide advice about the system and the internal reporting policy, receive reports of wrongdoing and assist public officials to make reports.

Junee Shire Councils Disclosure Officer is the **Executive Services Officer**.

The Disclosure Officer is responsible for:

- i. Receiving reports from public officials.
- ii. Receiving reports when they are passed on to them by managers or supervisors.
- iii. Ensuring that any oral reports that have been received are recorded in writing.
- iv. Directing reports to the Disclosure Coordinator for assessment.
- v. Providing six-monthly reports to the NSW Ombudsman in accordance with the PID Act.

d) Mayor

The Mayor can receive reports from public officials about the General Manager. Where the Mayor receives such reports, the Mayor has the same responsibilities as a Disclosure Officer.

e) Managers and Supervisors

The responsibilities of managers and supervisors include receiving reports from employees that report to them or that they supervise and passing on such reports to the disclosure officer.

2. COUNCILLORS AND EMPLOYEES

All Councillors and employees must:

- a) Report suspected serious wrongdoing or other misconduct.
- b) Use their best endeavours to assist in an investigation of serious wrongdoing if asked to do so by a person dealing with a voluntary PID.
- c) Treat any person dealing with or investigation reports of serious wrongdoing with respect.

All Councillors and employees must not take detrimental action against any person who has made, may in the future make, or is suspected of having made, a PID.

3. GOVERNANCE

The Chief Financial Officer and the Executive Services Officer are responsible for:

- a) Reviewing and updating this policy and supporting systems.
- b) Disseminating of information including providing training and information to staff on the PID Act, affirming the important of reporting wrongdoing and the protections available to them under the PID Act.
- c) Maintaining a secure and confidential process for public officials to make disclosures.

C. TYPES

I. Reports, Complaints and Grievances

Public officials should report any suspected wrongdoing within Junee Shire Council. When a public official reports a suspected or possible wrongdoing in the public sector, their report will be a PID if it has certain features which are set out in the PID Act.

Some internal complaints or internal grievances may also be PIDs, if they have the features of a PID. If an internal complaint or grievance is a report of serious wrongdoing, we will consider whether it is a PID. If it is a PID, we will deal with it as set out in this policy. If a staff member makes a report under this policy which is substantially a grievance, this matter may be referred to Human Resources.

There are three types of PIDs in the PID Act. These are:

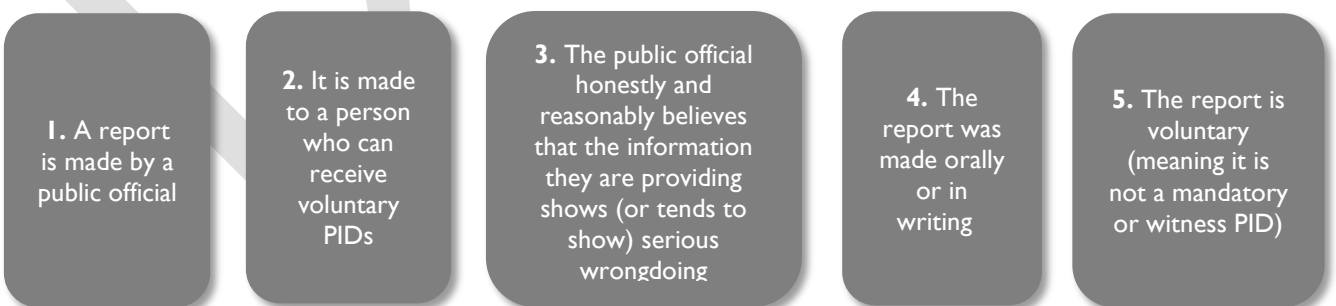
- a) *Voluntary* – This is a PID where a report has been made by the public official because they decide, of their own accord, to come forward and disclose what they know.
- b) *Mandatory* – This is a PID where the public official has made a report about serious wrongdoing because they have a legal obligation to make that report, or because making that report is an ordinary aspect of their role or function in an agency.
- c) *Witness* – This is a PID where a person discloses information during an investigation of a serious wrongdoing following a request or requirement of the investigator.

This Policy primarily relates to making a voluntary PID and how Junee Shire Council will deal with them. People who make a mandatory or witness PID are still entitled to protection. More information about mandatory and witness PIDs can be found in the Ombudsman's guidelines.

Voluntary PIDs are the kind of PIDs most people have in mind when they think about public interest reporting and 'whistleblowing'.

They involve a public official making a report because they have information that they believe shows (or tends to show) serious wrongdoing, where they are not under a legal obligation to make that report and where it is not an ordinary part of their role to report such wrongdoing.

A report is a voluntary PID if it has the following five features, which are set out in sections 24 to 27 of the PID Act:



If the report has all five features, it is a voluntary PID.

You will not be expected to prove that what you reported actually happened or is serious wrongdoing. You do have to honestly believe, on reasonable grounds, that the information you are reporting shows or tends to show serious wrongdoing.

Even though you do not have to prove the serious wrongdoing happened or provide evidence, a mere allegation with no supporting information is unlikely to meet this test.

If we make an error and do not identify that you have made a voluntary PID, you will still be entitled to the protections under the PID Act.

2. Reportable Categories

Reports must be of one or more of the following categories of serious wrongdoing to be a voluntary PID as defined by the PID Act:

- a) Corrupt conduct.
- b) Serious maladministration.
- c) A government information contravention.
- d) A local government pecuniary interest contravention.
- e) A privacy contravention.
- f) A serious or substantial waste of public money.

Reports must state what category of serious wrongdoing is being reported.

D. REPORTING

I. Form

Reports can be made as follows:

- a) In writing
- b) Orally

Junee Shire Council has a form that can be used to make a report, a copy of which is annexed to this policy.

Reports must include:

- a) Date time and location of key events.
- b) Name(s) of people involved in the suspected wrongdoing, their role, title and how they were involved.
- c) Your relationship to the person.
- d) Your explanation of the matter you are reporting.
- e) How you became aware of the matter you are reporting.
- f) Possible witnesses.
- g) Other information that supports your report.

2. To Whom

Reports should be provided to the appropriate person listed in section B of this policy.

At Junee Shire Council, we value transparency and take concerns seriously. If you have any concerns or require assistance, please reach out to the Disclosure Coordinator. Your communication will be dealt with the utmost discretion.

3. Management of Reports

When a disclosure officer receives a PID report the following steps will be taken:

- a) You will receive an acknowledgment that your report has been received.
- b) We will assess which type of PID category the matter relates to and thereafter advise you of how we intend to deal with it.
- c) In the case the report is deemed to not be a voluntary PID the matter will be dealt with pursuant to our code of conduct and general grievance process. We will advise you of our reason for doing so.
- d) If the matter is deemed to be a voluntary PID and we decide to investigate the matter, we will provide you with updates every three months.
- e) We have the right to internally investigate or to appoint an external investigator.
- f) We have the right to refer the report to another agency if necessary such as ICAC pursuant to Section 11 of the *Independent Commission Against Corruption Act 1988*.
- g) Once an investigation is complete, you will be provided with a summary detailing the findings and any actions taken.

E. PROTECTIONS

We understand that people making voluntary PIDs may want their identity and the fact that they have made a report to be confidential. When you make a voluntary PID you receive special protections under the PID Act.

We are committed to taking all reasonable steps to protect you from detriment as a result of having made a PID. We are also committed to maintaining your confidentiality as much as possible while the PID is being dealt with.

We will not tolerate any type of detrimental action being taken against you because you have made a report, might make a report or are believed to have made a report. The maker of a voluntary PID is protected in the following ways:

- **Protection from detrimental action**

- A person cannot take detrimental action against another person because they have made a voluntary PID or are considering making a PID. Detrimental action includes bullying, harassment, intimidation or dismissal.
- Once we become aware that a voluntary PID by a person employed or otherwise associated with Junee Shire Council that concerns serious wrongdoing relating to Junee Shire Council has been made, we will undertake a risk assessment and take steps to mitigate the risk of detrimental action occurring against the person who made the voluntary PID.
- It is a criminal offence for someone to take detrimental action against a person because they have made or may make a voluntary PID.
- A person may seek compensation where unlawful detrimental action has been taken against them.
- A person can apply for a court order (injunction) where detrimental action is threatened or has occurred (for example, an order to prevent dismissal or to require reinstatement).
- Note that a person who makes a PID can still be subject to reasonable management action (such as ordinary performance reviews and performance management). Provided such action is not taken because of the PID, it is not detrimental action under the PID Act.

- **Immunity from civil and criminal liability**

Some public officials are often subject to a duty of confidentiality that prevents them disclosing certain information that they obtain or become aware of at work. Sometimes, in order to make a PID, public

officials will need to breach or disregard such confidentiality duties. If that happens, a public official cannot be disciplined, sued or criminally charged for breaching confidentiality.

- **Confidentiality**

Public officials and agencies must not disclose information tending to identify a person as the maker of a voluntary PID unless doing so is permitted by the PID Act.

- **Protection from liability for own past conduct**

The Attorney General can give the maker an undertaking that a disclosure of their own past conduct will not be used against them if a person discloses their own wrongdoing or misconduct while making a report. This undertaking can only be given on application by an integrity agency to the Attorney General.

Under the PID Act, information tending to identify a person as the maker of a voluntary PID (known as identifying information) is not to be disclosed by a public official or agency, except for in these circumstances:

- Where the person consents in writing to the disclosure.
- Where it is generally known that the person is the maker of the voluntary PID because of their voluntary self-identification as the maker.
- When the public official or Council reasonably considers it necessary to disclose the information to protect a person from detriment.
- Where it is necessary the information be disclosed to a person whose interests are affected by the disclosure.
- Where the information has previously been lawfully published.
- When the information is disclosed to a medical practitioner or physiologist for the purpose of providing treatment or counselling to the person disclosing the information.
- When the information is disclosed for the purposes of proceedings before the Court or tribunal.
- When the disclosure of the information is necessary to deal with the disclosure effectively.
- If it is otherwise in the public interest to disclose the identifying information.

If Junee Shire Council becomes aware of an allegation that a detrimental action offence has occurred or may occur, we will:

- Take all steps possible to stop the action and protect the person(s).
- Take appropriate disciplinary action against anyone that has taken detrimental action.
- Refer any evidence of a detrimental action offence to the Commissioner of Police and the ICAC or the Law Enforcement Conduct Commission (whichever is applicable).
- Notify the NSW Ombudsman about the allegation of a detrimental action offence being committed.

We will not disclose identifying information unless it is necessary and authorised under the PID Act and we will do everything we practically can do to not unnecessarily disclose information on the maker of the report.

If confidentiality cannot be maintained or is unlikely to be maintained the Disclosures Coordinator will advise the person who made the report and provide support to the person to reduce any detrimental action.

If you experience adverse treatment or detrimental action, such as bullying or harassment, you should report this immediately. You can report any experience of adverse treatment or detrimental action directly to Junee Shire Council or to an integrity agency.

F. REVIEWS AND DISPUTE RESOLUTION

1. Internal Review

People who make voluntary PIDs can seek an internal review of the following decisions made by Junee Shire Council:

- a) That Council is not required to deal with the report as a voluntary PID.
- b) To stop dealing with the report because Council decided it was not a voluntary PID.
- c) To not investigate the serious wrongdoing and not refer the report to another agency.
- d) To cease investigating the serious wrongdoing without either completing the investigation or referring the report to another agency for investigation.

Council will ensure internal reviews are conducted in compliance with the PID Act.

Applications for review are to be sent to the General Manager and must:

- a) Made in writing in writing.
- b) Lodged within 28 days of the person being informed of Council's decision.
- c) State the reasons why you consider Council's decision should not have been made.
- d) Detail any other relevant information or provide relevant documentation.

The General Manager may nominate a disclosure officer who was not directly involved in the matter to conduct the review.

2. Voluntary Dispute Resolution

If a dispute arises between Junee Shire Council and a person who has made a report which is, or may be, a voluntary PID, we may request the NSW Ombudsman conciliate the dispute. Conciliation is a voluntary process and will only be suitable for disputes where Council and the maker of the report are willing to resolve the dispute.

G. OBLIGATIONS

1. Record-keeping

Junee Shire Council must keep full and accurate records with respect to all information received in connection with the PID Act. This ensures that Council complies with its obligations under the *State Records Act 1998*.

All information received in relation to suspected acts of wrongdoing will be stored securely within Council's electronic document management system and managed in accordance with Council's Records Management Policy. Only authorised officers (including the General Manager, Disclosures Coordinator and Disclosures Officer) will have access to these records.

2. Reporting

Each year Junee Shire Council will provide an annual return to the NSW Ombudsman which includes:

- a) Information about voluntary PIDs received by Council during each return period (yearly with the start date being 1 July).
- b) Action taken by Council to deal with voluntary PIDs during the return period.
- c) Details of how Council promoted a culture in the workplace where PIDs are encouraged.

3. Compliance

Junee Shire Council will provide appropriate training to disclosure officers, manager and supervisors on their roles and responsibilities under the PID Act. All staff will receive annual information and formal training on induction.

This policy will be reviewed regularly to ensure that it remains up to date and effective.

H. CONTACTS

I. Contact Us

Reports can be made using the Junee Shire Council PID Reporting Form . The form is a secure and confidential way for public officers to make a PID. Any information provided on the form will be treated with the utmost discretion and will only be shared with those who need to know to investigate the matter.

Public officers who are unsure about whether the wrongdoing they have witnessed or become aware of is serious enough to warrant a PID can contact the Disclosure Coordinator or Disclosure Officer.

To be a PID, a report of serious wrongdoing must generally be made to a person's own manager, supervisor or to a disclosure officer. Contact details are per below:

- a) **Disclosure Coordinator**
Luke Taberner
Chief Financial Officer
e: luke.taberner@juneensw.gov.au
t: 02 6924 8100

- b) **Disclosure Officer**
Jessica Wood
Executive Services Officer
e: jessica.wood@juneensw.gov.au
t: 02 6924 8100

2. NSW Integrity Agencies

The PID Act classifies certain agencies as integrity agencies. These are the external agencies to which a public official might wish to make a PID, outside of Junee Shire Council.

Agency	What they investigate	Contact
The NSW Ombudsman	Most kinds of serious maladministration	e. info@ombo.nsw.gov.au t. 1800 451 524
The Auditor-General	Serious and substantial waste of public money by auditable agencies	e. governance@audit.nsw.gov.au t. 02 9275 7100
Independent Commission Against Corruption	Corrupt conduct and fraud	e. icac@icac.nsw.gov.au t. 1800 463 909
The Inspector of the Independent Commission Against Corruption	Serious maladministration by the ICAC	e. icac_executive@icac.nsw.gov.au t. 02 9228 3023
Office of the Local Government	Local government pecuniary interest contraventions	e. olg@olg.nsw.gov.au t. 02 4428 4100
The Privacy Commissioner	Privacy contraventions	e. ipcinfo@ipc.nsw.gov.au t. 1800 472 679
The Information Commissioner	Government information contraventions	e. ipcinfo@ipc.nsw.gov.au t. 1800 472 679

ANNEXURE A

JUNEE SHIRE COUNCIL PID REPORT FORM

Public officers can use the form to make a report under the *Public Interest Disclosures Act 2022* and disclose serious wrongdoing that they have witnessed or become aware of in the course of their work.

Completed forms must be sent to persons nominated in section B of this policy. Please retain a copy for your own records.

Details of the reporter		
Full name:		
Position:		Preferred contact method
Telephone number:		<input type="checkbox"/> Telephone
Email:		<input type="checkbox"/> Email
Postal address		<input type="checkbox"/> Post
Details of the wrongdoing being reported		
Category:	corrupt conduct / serious maladministration / government contravention / pecuniary interest contravention / privacy contravention / serious or substantial waste of public money (circle)	
Description, for example: <ul style="list-style-type: none"> What happened? Where did this happen? When did this happen? Is it still happening? How did you become aware of this? Attach an additional page if required.		
People involved in the alleged wrongdoing		
Name	Position	
Other people who may have witnessed or have additional information		
Name	Position	
Supporting evidence		
Description of information or evidence		
	<input type="checkbox"/> Attached	No. of pages:
	<input type="checkbox"/> Attached	No. of pages:
I honestly believe that the above information shows or tends to show wrongdoing.		
Signature of reporter	Date of report	
Report submitted to: _____	by: email / post / in person (circle)	

ANNEXURE B

JUNEE SHIRE COUNCIL PID REPORT HANDLING PROCEDURE

Reporting handling procedure to assist with managing a report of wrongdoing by a public official.

1. Report is received

- a) Reports may be received in various ways, including by post, online, by phone, email, social media or in person.
- b) Reports can be received by:
 - i. Mayor (if relating to the General Manager)
 - ii. General Manager
 - iii. Disclosure Coordinator
 - iv. Disclosure Officer
 - v. Manager or Supervisor

2. Record and Acknowledge

- a) Report details to be provided to the Disclosure Coordinator and entered in the PID register.
- b) Within two business days of being notified of the report, the Disclosure Coordinator will either verbally or via written correspondence contact report maker to:
 - i. Acknowledge the report.
 - ii. Arrange for a report form to be completed by the report maker.
 - iii. Provide support that the report maker may need.
 - iv. Agree on the preferred communication method.
 - v. Supply contact information and summary of next steps.
- c) In the case of an anonymous report, the Disclosure Coordinator will arrange for the officer who received the report to complete a report form within two business days of being notified of the report.
- d) The Disclosure Coordinator will file an electronic copy of the report form in Councils electronic records management system ("ERMS") and ensure it is marked confidential.

3. Assess

- a) The Disclosure Coordinator will consider:
 - i. Junee Shire Councils jurisdiction.
 - ii. Involvement of any other organisations.
 - iii. Feasibility of the report makers suggestion.
 - iv. Severity, urgency and complexity.
 - v. Health and safety implications.
 - vi. Impact on the individual, the general public and Junee Shire Council.
 - vii. Potential to escalate.
 - viii. If there is more than one issue, they may need to be dealt with separately.
- b) The Disclosure Coordinator will summarise their assessment in writing a save a copy in Councils ERMS and ensure it is marked confidential.

4. Course of Action

- a) More information required
 - i. If it is deemed that more information is required, the Disclosure Coordinator will contact the report maker and seek further information or clarification.
 - ii. A summary of the information must be detailed in writing and saved in Councils ERMS marked confidential.
- b) Voluntary PID
 - i. The Disclosure Coordinator will advise the report maker in writing of the decision to investigate and provide three monthly updates to the report maker.
 - ii. The Disclosure Coordinator will provide the report maker with contact information for professional support.
 - iii. If confidentiality cannot be maintained, the Disclosure Coordinator will inform the report maker in writing.
 - iv. A final summary of findings and actions will be sent to the report maker within five working days of the investigation concluding.
- c) Not a Voluntary PID

If the report is deemed **not** to be a voluntary PID, the matter will be dealt with pursuant to Councils code of conduct and general grievance process. The Disclosure Coordinator will advise the report maker in writing of the decision.

5. Final Steps

- a) Once the report has been investigated, a summary of the findings and suggested actions will be compiled by the Disclosure Coordinator and reported in writing to the General Manager. The report must be saved to Councils ERMS and marked confidential.
- b) The General Manager will be responsible for the implementation of corrective actions.
- c) The Disclosure Officer will update the status of the report in the PID Register and inform the NSW Ombudsman.

6. Other

- a) The Disclosure Coordinator may nominate the Disclosure Officer to carry out steps on their behalf in this procedure. Nomination must be directed in writing.
- b) Where the report is about the General Manager, the Mayor will have the same responsibilities as the General Manager in this procedure.
- c) Where the report is about the Disclosure Coordinator, the General Manager will have the same responsibilities as the Disclosure Coordinator in this procedure.
- d) Where the report is about the Disclosure Officer, the Disclosure Coordinator, will have the same responsibilities as the Disclosure Officer in this procedure.

Item 5 DEFERRED DEVELOPER SEWER HEADWORKS CHARGES

Author Director Corporate and Community Development

Attachments Nil

RECOMMENDATION:

That Council endorse the request for development incentives for Junee Lifestyle Village Pty Ltd adhering to the terms outlined within the report.

EXECUTIVE SUMMARY

This report seeks your endorsement for the postponement of sewer headworks infrastructure charges for Junee Lifestyle Village Pty Ltd (JLV). The proposed development incentives include a five-year deferred payment period, full payment at the time of each lot sale, and interest charges for any outstanding debts. The first five lots of the multi-lot subdivision must be paid for.

The Council is in the process of developing a comprehensive Development Incentives Policy for sewer headworks charges. This policy, slated for presentation to the Council in February 2024, aims to establish a structured framework for evaluating and implementing future development incentives.

The forthcoming policy seeks to enhance transparency, consistency and fairness in decision-making, providing a clear roadmap for the Council and developers. The intent is to align these incentives with broader community goals, fostering responsible and sustainable growth while ensuring thoughtful use of public resources.

BACKGROUND

JLV has formally requested the postponement of sewer headworks charges for their development project at Park Lane, Junee. The background to this request is to encourage and stimulate economic growth and assist with the deferment of these charges.

Sewer headworks applies to each additional lot created by subdivision where those lots are required to connect to the Sewer Network. The sewer headwork charge per lot is the fee as set in Council's annual fees and charges. The 2023/24 fee is \$1919 per lot. Headwork charges contribute to capacity upgrades and renewal of the existing Sewer system required to accommodate the additional demand from development.

JVL development is creating 54 lots which will be developed over time. The impost of levying all the lots being created upfront at land registration stage is consider excessive. The practice of staged payment for headwork charges by water and sewer operator is considered reasonable.

TERMS OF THE PROPOSAL

1. Eligibility Criteria:

Applicable exclusively to multi-lot subdivisions with a minimum of five lots.

2. Deferred Payment Period:

The life of the agreement is limited to the sale of all lots specified, or **five years**, whichever is the lesser.

3. Payment Conditions:

Payment in full is mandatory upon the sale of each lot at settlement. Without any lot sales, full payment will be required at the completion of the five-year term.

4. Interest Charges:

Outstanding debts beyond the settlement period will incur interest charges and may be subject to additional recovery actions as determined by Junee Shire Council. Moreover, any remaining outstanding debts beyond the agreement's duration will attract interest charges and be subject to recovery actions at the discretion of Junee Shire Council.

5. Mandatory Payment for the First Five Lots:

JLV must pay for the initial five lots, ensuring an initial contribution to headworks charges.

6. Agreement:

The arrangement shall be committed to an appropriate agreement between JLV and Junee Shire Council.

CONSIDERATIONS

Policy

The proposed incentives align with the Council's commitment to supporting responsible and sustainable development within Junee Shire. This arrangement seeks to strike a balance between promoting development and ensuring responsible financial management.

Risk Assessment

The interest charges act as a safeguard against non-compliance, ensuring financial sustainability of the incentive program.

CONCLUSION

In conclusion, endorsing the request for development incentives for Junee Lifestyle Village aligns with our commitment to promoting sustainable growth within Junee Shire. It is recommended for Council to provide endorse the proposed arrangement, adhering to the terms outlined above.

Item 6 DRAFT MODEL CONTAMINATED LAND POLICY

Author Director Corporate and Community Development

Attachments Draft Model Contaminated Land Policy

RECOMMENDATIONS:

- 1. That Council advertise the Draft Model Contaminated Land Policy for public exhibition and comment from the 20 December 2023 to the 4 February 2024.***
 - 2. Receive a further report following the public exhibition period.***
-

EXECUTIVE SUMMARY

The following report outlines the draft Model Contaminated Land Policy (Model Policy), detailing its background, considerations, and recommended outcomes. This document serves as a precursor to the public exhibition phase, during which the draft policy will be open for comment for a period of 28 days.

BACKGROUND

RAMJO/REROC commenced the generation of resources and information with the assistance of the NSW Environmental Protection Authority (EPA) under the Council Regional Capacity Building program on contaminated land.

As an outcome of that program, RAMJO/REROC developed a Model Contaminated Land Policy and Guidance documents to assist Councils in navigating the requirements and responsibilities of Council in relation to the management and assessment of development on contaminated and potentially contaminated land, under the relevant legislation, including the Environmental Planning and Assessment Act 1979 and the State Environmental Planning Policy (Resilience and Hazards) 2021.

The draft Model Policy is in response to the requirements of Chapter 4 ('Remediation of Land') of the State Environmental Planning Policy (Resilience and Hazards) 2021 (Resilience and Hazards SEPP), emphasising the need for a comprehensive framework addressing contaminated sites.

The policy aims to consider the identification, assessment, and management of contaminated land within the Junee Shire Council local government area, ensuring compliance with regulatory standards and fostering sustainable development practices.

Council currently has a Contaminated Land Management Policy that was adopted on 15 November 2016. This new policy will repeal that document, once adopted.

The updated Policy includes revisions such as:

- An update of the risk-based approach for the assessment of site contamination.
- Extending the risk-based approach to include Underground Petroleum Storage Systems (UPSS), and
- To expand the coverage of the best practice resources.

The 'optional' risk-based approach for Council to manage its regulatory oversight primarily addresses to the inspection and monitoring of UPSS sites. Council possesses the discretion to undertake monitoring activities at these sites to ascertain ongoing compliance with Development Consent and/or the UPSS Regulation 2019.

The clauses within the draft Model Policy do not mandate Council to conduct UPSS inspections and monitoring but rather present a risk-based strategy that Council may choose to employ. This approach is intended to facilitate informed decision-making concerning the initiation of a UPSS inspection program.

The 'optional' nature of the risk-based approach is further complemented by the introduction of new 'best practice resources,' including instructional documents and tools.

POLICY

Junee Shire Council currently has an existing written policy or procedural document in relation to contaminated land. The new policy will repeal the existing Contaminated Land Management Policy 2016 but will exercise the same function as that document.

This document will assist in the management of existing contaminated lands and will assist in the assessment of development applications on lands that are known or are suspected to be contaminated.

RISK ASSESSMENT

The draft Model Policy does not present any further implications for the Council regarding the administration of contaminated and potentially contaminated land. Clauses related to contaminated land remain unaltered, except for those addressing changes in the regulatory framework that the Council has already implemented.

This encompasses the incorporation of Local Planning Direction 4.4, necessitating the attachment of a 'preliminary site investigation' report to a planning proposal only under specific triggered conditions.

Incorporated into the draft Model Policy is a new section dedicated to UPSS. This section outlines requirements of an 'appropriate regulatory authority' as per the UPSS Regulation 2019.

The newly introduced UPSS section outlines an 'optional' risk-based approach for the Council to proactively address the risks associated with the continual operation and maintenance of UPSS within our local government area.

To further support Council decision-making processes, 'best practice resources' have been furnished, aligning UPSS requirements with specific Council business processes. These resources

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

are designed to provide guidance and information, aiding the Council in determining the extent, if any, to which UPSS are managed within our local government area.

FINANCIAL

There is no budget impact associated with this recommendation.

CONNECTION WITH IPR

The anticipated future adoption of the Policy will guide good governance associated with land-use.

CONCLUSION

It is recommended that Council schedule the draft Model Policy for public exhibition for a period of 48 days given the extended break over the Christmas period. During this period, interested parties are invited to review the document and provide feedback before its formal adoption.



JUNEE SHIRE COUNCIL

ATTACHMENT TO ITEM 6

19 NOVEMBER 2023

A decorative graphic on the right side of the page, consisting of a blue curved shape with a white outline and a gold wavy line, extending from the bottom towards the top.



JUNEE SHIRE COUNCIL

Contaminated Land Policy 2023

VERSION 1.0 - DECEMBER 2023

DRAFT



1. Purpose

The purpose of this policy is to establish a framework that outlines how Council will act in good faith with the *Contaminated Land Planning Guidelines* when considering the potential of site contamination in its land-use planning and development control decision-making processes.

2. Objectives

This policy aims to:

- enable Council to consider the likelihood of land contamination as early as possible in land-use planning and development control processes
- avoid any inappropriate restrictions on land use
- ensure a proposed change in land use or any development will not increase the risk of harm to human health and the environment
- ensure any contaminant is remediated to a level that complies with relevant contamination criteria as required by regulation, thereby ensuring the land is suitable for its intended use
- enable Council to provide accurate and timely information and advice to inform and support decision-making in land-use planning and development control processes
- enable the community to be informed of Council's requirements regarding the management of contaminated land
- enable Council to exercise its land-use planning and development control functions with a reasonable standard of care and diligence.

3. Scope

This policy provides information to internal and external stakeholders, interested parties and the broader community on Council's position on managing land contamination.

This policy applies to all land within the Junee Local Government Area.

This policy is predicated on the requirements of Chapter 4 ('Remediation of Land') of the *State Environmental Planning Policy (Resilience and Hazards) 2021 (Resilience and Hazards SEPP)*,¹ as elaborated in its contaminated land planning guidelines.²

This policy is applicable to staff involved in Council land-use planning and development control functions, as well as in waste management and in managing public land and Council assets.

This policy is also applicable to:

- a principal certifying authority
- consultants (for example, strategic and statutory planning, contaminated land practitioners, underground petroleum storage systems practitioners)
- property developers
- landowners and/or managers
- members of the public.

4. Definitions

Term	Definition
Abbreviations	
ARA (appropriate regulatory authority)	Under section 6(3) of the <i>POEO Act</i> , Council is declared as the ARA for matters under the <i>UPSS Regulation</i> .

¹ The content of Chapter 4 of the *Resilience and Hazards SEPP* was formerly the *State Environmental Planning Policy No. 55 – Remediation of Land* (guidelines for which can be found in *Managing Land Contamination: Planning Guidelines: SEPP55 – Remediation of Land*, <https://www.epa.nsw.gov.au/-/media/epa/corporate-site/resources/clm/managing-contaminated-land-guidelines-remediation.pdf>).

² These guidelines, referred to in the *Resilience and Hazards SEPP*, are those found in Schedule 6(3) of the *Environmental Planning and Assessment Act 1979*.

Term	Definition
PCA (principal certifying authority)	A certifier can be either a council or a registered certifier. A registered certifier is also known as a private certifying authority. Certifiers have statutory obligations and functions under the <i>Building and Development Certifiers Act 2018</i> , the <i>EP&A Act</i> and other legislation, including the <i>Building and Development Certifiers Regulation 2020</i> . This includes issuing construction and occupation certificates under Part 6 of the <i>EP&A Act</i> .
UPSS (underground petroleum storage system)	A system of tanks, pipes, valves and other equipment that is designed to either contain petroleum or to control its passage into, out of, through or within the system. The system includes any structure through which petroleum routinely passes from one part of the system to another.
Legislation	
<i>Contaminated Land Management Act 1997 (CLM Act)</i>	Establishes a process for the EPA to identify, investigate and (where appropriate) order the remediation of land if the EPA considers the land to be significantly contaminated.
<i>Contaminated Land Planning Guidelines</i>	Under Schedule 6 section 3 of the <i>EP&A Act</i> , the Minister can notify the publication of planning guidelines related to contaminated land under the <i>Resilience and Hazards SEPP</i> for purposes of Schedule 6 section 2 ('good faith' provisions) of the <i>EP&A Act</i> .
<i>Environmental Planning and Assessment Act 1979 (EP&A Act)</i>	The principal legislation of the NSW planning system that governs land-use planning and development control functions in NSW.
<i>Protection of the Environment Operations Act 1997 (POEO Act)</i>	Establishes a framework to protect, control and investigate pollution.
<i>Protection of the Environment Operations (Underground Petroleum Storage System) Regulation 2019 (UPSS Regulation)</i>	Establishes a framework for the design, installation, operation, maintenance and decommissioning of an underground petroleum storage system. Also designates Council as the 'appropriate regulatory authority' to administer the requirements of the <i>UPSS Regulation</i> .
<i>State Environmental Planning Policy (Exempt and Complying Development Codes) 2008 (Exempt and Complying Development Codes SEPP)</i>	Establishes the rules and standards for exempt and complying development.
<i>State Environmental Planning Policy (Resilience and Hazards) 2021 (Resilience and Hazards SEPP)</i>	Outlines a planning framework for the remediation of contaminated land. Formerly known as SEPP55 – Remediation of Land.

Processes	
Category 1 remediation work	Remediation work that requires the consent of Council under the <i>Resilience and Hazards SEPP</i> .
Category 2 remediation work	Remediation work not requiring the consent of Council under the <i>Resilience and Hazards SEPP</i> .
Detailed site investigation	An investigation to define the extent and degree of contamination, to assess the potential risk posed by contaminants to health and the environment, and to obtain sufficient information for developing a remediation action plan if required. Reporting requirements for a detailed site investigation are as outlined in the <i>National Environmental Protection (Assessment of Site Contamination) Measure 1999</i> (amended 2013) and in relevant guidelines made by the EPA regarding reports to be prepared by contaminated land consultants.
Independent review	An evaluation by an independent expert, with the appropriate competencies and qualifications, of the work of a primary consultant for all types of contaminated sites.
Initial evaluation	A process undertaken by Council to consider the potential for land to be contaminated, and the impacts of that contamination on the suitability of the land for proposed uses, when determining development applications or when preparing environmental planning instruments.
Preliminary site investigation	An investigation to identify any past or present potentially contaminating activities; provide a preliminary assessment of site contamination; and, if required, provide a basis for a detailed investigation. Reporting requirements for a preliminary site investigation are as outlined in the <i>National Environmental Protection (Assessment of Site Contamination) Measure 1999</i> (amended 2013) and in relevant guidelines made by the EPA regarding reports to be prepared by contaminated land consultants.
Remediation	The remediation of contaminated land is the (i) preparation of an environmental management plan (if required); (ii) removal, dispersal, destruction, reduction, mitigation or containment of the land contamination; and (iii) elimination or reduction of any hazard arising from the land contamination (including by preventing the entry of persons or animals on the land).
Remediation action plan	A plan that sets out remediation goals and that documents the proposed process for remediating a site. Reporting requirements for a remediation action plan are outlined in the relevant guidelines made by the EPA regarding reports to be prepared by contaminated land consultants.
Validation	The process of determining whether the objectives for remediation and any conditions of development consent have been achieved. A report on the validation is to detail the site work undertaken and demonstrate compliance with the remedial action plan for the site, and compliance with the contaminated land planning guidelines and all other applicable regulatory requirements. Reporting requirements for validation are elaborated in the relevant guidelines made by the EPA regarding reports to be prepared by contaminated land consultants.
Terms	
Authorised officer	Authorised officers have regulatory powers and functions under environment protection legislation, as prescribed in Council's delegations of authority.

Complying development certificate	A certificate indicating approval for straightforward residential, commercial and industrial development, generally for building works larger than exempt development.
Contaminated land	Contaminated land is typically land that have been used for industrial or agricultural activities, or individual sites that store chemicals, such as service stations and dry cleaners <i>Also see - Appendix 2</i>
Contamination	The presence in or under the land of a substance above the concentration at which the substance is normally present in or under that land at the same locality, being a presence that poses a risk of harm to human health or any other aspect of the environment (section 5 of the <i>CLM Act</i>). <i>Also see – ‘pollution incident’</i>
Development control plan	Provides detailed planning and design guidelines to support the planning controls in the local environmental plan developed by Council.
Environmental management plan	An environmental management plan for contaminated land documents the mitigation measures and/or monitoring requirements where full clean-up of a site is not feasible or where the onsite containment of contamination is proposed.
EPA guidelines	Guidelines made or approved by the EPA in relation to managing site contamination.
Investigation area	Land declared to be an investigation area by a declaration in force under Part 3 Division 2 of the <i>CLM Act</i> .
Local environment plan	A plan that guides planning decisions for Council through zoning and development controls. Amendments to the local environment plan are through planning proposals.
Newbury test	The Newbury test states that a condition of consent must be imposed for a planning purpose (not an ulterior one); must fairly and reasonably relate to the development that is the subject of the development application; and must not be so unreasonable that no planning authority would have imposed it.
Planning proposal	Council may draft a planning proposal to amend a local environment plan and submit it to the department for Gateway determination.
Pollution incident	An incident or set of circumstances during or as a consequence of which there is or is likely to be a leak, spill or other escape or deposit of a substance, as a result of which pollution has occurred, is occurring or is likely to occur. It includes an incident or set of circumstances in which a substance has been placed or disposed of on premises. <i>Also see – ‘contamination’</i>
Section 10 planning certificates	Formerly section 149 planning certificates. Section 10 planning certificates provides information regarding the development potential of a parcel of land. There are two types of planning certificates – section 10.7(2) and section 10.7(5). These certificates show the zoning of the property, its relevant state, regional and local planning controls and other property constraints such as land contamination, level of flooding and bushfire prone land. Section 10.7(5) certificates also include advice from ‘other authorities’ and certain information that Council holds on a property that is relevant to the land but is not disclosed in a section 10.7(2) certificate.

Sensitive receptor	Receiving environment or sensitive receiver. This is either a use of land for residential, educational, recreational or childcare purposes, or for the purposes of a hospital, or land identified as sensitive environmental land.
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5. References

The following legislation and standards are referenced in this policy:

- **Legislation**
 - *Building and Development Certifiers Act 2018*
 - *Building and Development Certifiers Regulation 2020*
 - *Contaminated Land Management Act 1997*
 - *Conveyancing Act 1919*
 - *Environmental Planning and Assessment Act 1979*
 - *Environmental Planning and Assessment Regulation 2021*
 - *Environmentally Hazardous Chemicals Act 1985*
 - *Government Information (Public Access) Act 2009*
 - *Home Building Act 1989*
 - *Local Government Act 1993*
 - *Local Planning Directions*
 - *National Environment Protection (Assessment of Site Contamination) Measure 1999* (as amended)
 - *Protection of the Environment Operations Act 1997*
 - *Protection of the Environment Operations (Underground Petroleum Storage Systems) Regulation 2019*
 - *Protection of the Environment Operations (Waste) Regulation 2014*
 - *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008*
 - *State Environmental Planning Policy (Resilience and Hazards) 2021*, Chapter 4 ('Remediation of Land')
 - *Water Management Act 2000*
 - *Workplace Health and Safety Act 2011*
 - *Workplace Health and Safety Regulation 2017*
- **Guidelines**
 - *Guide to Complying Development (2022)*
 - *Guide to Writing Conditions of Consent (2021)*
 - *Guidelines for Implementing the Protection of the Environment Operations (Underground Petroleum Storage Systems) Regulation 2019 (2020)*
 - *Guidelines for the Vertical Mixing of Soil on Former Broad-Acre Agricultural Land (2003)*
 - *Noise Policy for Industry*
 - *Interim Construction Noise Guideline*
 - *Liquid Trade Waste Management Guidelines (DPIE, 2021)*
 - *Managing Land Contamination: Planning Guidelines: SEPP55 – Remediation of Land (1998)* (and its revised form, the *Contaminated Land Planning Guidelines*, when released)
 - *Managing Urban Stormwater: Soils and Construction (4th ed., LANDCOM, March 2004)*
 - *Waste Classification Guidelines (2014)*
 - Statutory guidelines made or approved by the NSW EPA under the *Contaminated Land Management Act 1997*
 - Non-statutory guidance documents made by the NSW EPA
- **Standards**
 - *Australian Standard AS 1940-2017: Storage and Handling of Flammable and Combustible Liquids*
 - *Australian Standard AS 4897-2008: The Design, Installation and Operation of Underground Petroleum Storage Systems*
 - *Australian Standard AS 4976-2008: The Removal and Disposal of Underground Petroleum Storage Tanks.*

Best practice resources are available to assist Council in implementing this policy. These resources are listed in Appendix I.

6. Content

6.1. Policy statement

1. Council acknowledges that land contamination poses a risk of harm to human health and the environment.

6.2. Responsibilities

1. Council will act in good faith with the *Contaminated Land Planning Guidelines* by ensuring due care and diligence in considering land contamination in Council's land-use planning and development control functions.
2. Council will identify, evaluate and manage contaminated land so as to not increase the risk of harm to human health and the environment:
 - a. when preparing or making a planning instrument (including a planning proposal) and a development control plan (Part 3 of the *EP&A Act*)
 - b. when considering the potential for land contamination in development assessment and consent processes (Part 4 of the *EP&A Act*) and in environmental impact assessment processes (Part 5.1 of the *EP&A Act*)
 - c. in building and subdivision certification processes (Part 6 of the *EP&A Act*)
 - d. when managing public land and assets, including land managed or under the control of Council
 - e. when managing waste, including contaminants in soil.
3. Council will not approve a development application or lodge a planning proposal unless it is satisfied, based on information available to it under this policy, that that land is suitable, or can be made suitable, for its proposed use.
4. Council will consider the potential of land contamination in a process to furnish the contaminated land information that is required on planning certificates (section 10.7 of the *EP&A Act*).
5. With respect to sites with operational or abandoned underground petroleum storage systems, Council acknowledges that it is the ARA under the *UPSS Regulation*. Council also acknowledges the regulation of these sites is also under various other legislation administered by state departments and agencies, including SafeWork NSW and NSW Fair Trading.

6.3. Information management

1. Council will maintain and update a contaminated land site register so as to comply with section 59(2) of the *CLM Act* in furnishing contaminated land information on planning certificates under section 10.7 of the *EP&A Act*.
2. The contaminated land site register will include information on actual and potential land contamination to inform its land-use planning and development control functions in alignment with the *Contaminated Land Planning Guidelines*.
3. The list of sites in the contaminated land site register will be compiled, maintained and updated in good faith in the interests of responsible land-use planning and development control and is to be used as a first point of reference by Council.
4. Information on actual or potential land contamination contained in Council's contaminated land site register is to be supplied to the public only by either:
 - a. issuing a section 10.7 planning certificate under the *EP&A Act*
 - b. a Council officer with delegation to approve the release of reports identified in Appendix 3 that have been provided to Council
 - c. providing access to information and documents in accordance with *Local Government Act 1993* and *Government Information (Public Access) Act 2009*.

Contaminated land site register

5. Council's contaminated land site register should contain accurate and reliable information for individual parcels of land on:
 - a. land-use history and zoning so as to flag the potential for land contamination for a parcel of land if Council reasonably suspects historical land use or zoning may indicate a use of land involving a potential land use or activity listed in Appendix 2
 - b. artefacts received by Council in relation to
 - i. reports on the assessment of site contamination listed in Appendix 3
 - ii. site audit statements
 - iii. EPA notifications under section 59(1) of the *CLM Act*

- iv. notification for category 2 remediation works
 - v. notification of completion of category 1 and category 2 remediation works
 - c. any land-use restrictions on the land relating to possible contamination, such as notices issued by the EPA or other regulatory bodies.
- 6. If an EPA notification under section 59(1) of the *CLM Act* lists reports on the assessment of site contamination, Council will request copies of these reports to be included in its contaminated land site register.
- 7. Council will either modify an existing record or create a new record in its contaminated land site register if it approves a new or significant modification (as defined by the *UPSS Regulation*) to an existing underground petroleum storage system.
- 8. Information contained in this register is to be used by Council in
 - a. furnishing contaminated land information required on section 10.7 planning certificates under the *EP&A Act*
 - b. determining the suitability of land for its proposed use
 - c. determining conditions of development consent so as to not increase the risk of harm, to human health and the environment, of an approved use of land.
- 9. Council will consider the potential for contamination of adjacent land in any process prescribed in section 6.3(8).
- 10. Council will update records in the contaminated land site register with:
 - a. information provided to it in relation to the (actual or potential) contamination status of land, including notifications, notices and orders, and reports on the assessment of site contamination
 - b. information obtained from Council's inspection and monitoring of contaminated sites and from the inspection of sites operating underground petroleum storage systems
 - c. information directly obtained by Council in land-use planning and development control processes from
 - i. EPA online databases, in relation to sites subject to an investigation order and/or regulation under the *CLM Act*
 - ii. SafeWork NSW, in relation to underground petroleum storage systems licensed under Schedule 11 of the *Workplace Health and Safety Regulation 2017*
 - iii. NSW Fair Trading, in relation to registered retail fuel service stations
 - iv. other sources of information used as input into an assessment of historical land use.
- 11. In lieu of a contaminated land site register, Council should identify and assess historical land use using information identified in section 6.3(10)(c) in any process prescribed by section 6.3(8).

Section 10.7 planning certificate

- 12. Council will furnish contaminated land information required on section 10.7(2) planning certificates including:
 - a. whether any adopted Council policy restricts the development of land subject to the planning certificate if Council knows or reasonably suspects land contamination
 - b. information prescribed by section 59(2) of the *CLM Act*
 - c. whether the land was or remains the subject of a preliminary investigation order under section 10(1)(a)–(b) of the *CLM Act*
 - d. whether the land is a remediation site
 - e. information on the potential of contamination of the land subject to the planning certificate due to its historical or current use. This information may be furnished using the annotations provided in Appendix 4 of this policy.
- 13. Council may furnish additional contaminated land information on section 10.7(5) planning certificates, including:
 - a. report(s) possessed by Council and identified in Appendix 3 relating to the assessment or regulation of site contamination of that land or adjacent land
 - b. a statement that the site has been assessed and/or remediated
 - c. a statement that any person relying on the certificate is advised to consider these artefacts and to seek Council's advice regarding further development of the site.

6.4. Council land-use planning function

- 1. Council will consider land contamination in land-use planning processes in accordance with processes, procedures and standards prescribed by the *Contaminated Land Planning Guidelines*.
- 2. Council will consider the potential for land to be contaminated when there is a proposed change in the permissible uses of that land.

3. Council will not include land in a zone that would permit a change of use of that land from the existing use unless:
 - a. Council has considered whether the land is contaminated
 - b. if the land is contaminated, Council is satisfied that the land is suitable in its contaminated state or can be made suitable for its proposed use after remediation, for all purposes for which land in the zone concerned is permitted to be used
 - c. if the land requires remediation to be made suitable for any purpose for which land in that zone is permitted to be used, Council will impose conditions in development consent and approvals under Parts 4 and 5 of the *EP&A Act* to ensure the land is suitable for its proposed use through remediation prior to or during development works.

Initial evaluation

4. Council will undertake an initial evaluation to investigate the potential for land contamination when preparing or making a planning instrument, development control plan or planning proposal (rezoning proposal) under Part 3 of the *EP&A Act*, using the potential land uses and activities listed in Appendix 2 as a guide in this evaluation.

Preliminary site investigation

5. In alignment with *Local Planning Directions 4.4* ('Remediation of Contaminated Land'), Council will prepare and submit a preliminary site investigation report with a planning proposal if that proposal seeks to rezone land to a proposed use that is a sensitive receptor (as defined by this policy), and there is no knowledge (or incomplete knowledge) as to whether that and adjacent land involve a land use or activity listed in Appendix 2.
6. The preliminary site investigation is to be carried out in accordance with the requirements of relevant guidelines made or approved by the NSW EPA in alignment with the requirements of the *CLM Act*. The proponent is responsible for engaging a suitably qualified consultant to undertake this investigation.
7. Council will require a preliminary site investigation to be provided if it reasonably suspects, from an initial evaluation, that land may be contaminated because of the land's history (or historical zoning), condition or other information known to Council.
8. If the risk of contamination of land subject to a land-use planning process makes the land unsuitable for its proposed use, and it is not feasible to make the land suitable (that is, remediate the land) for its proposed use, Council will either:
 - a. restrict the range of permissible uses of that land in planning instruments
 - b. elect not to proceed with the planning proposal to rezone that land.
9. If the preliminary site investigation identifies that the land can be made suitable for its proposed use through remediation, Council will include provisions in its local environment plan or development control plan that ensure the potential for contamination and the suitability of land for any proposed use is further addressed prior to the development of that land.

6.5. Council development control function

6.5.1. Development assessment

1. In alignment with section 4.15(1)(c) of the *EP&A Act*, Council shall consider land contamination in subdivision and development applications, particularly when a change in land use is proposed. This is to ensure that contaminated land:
 - a. is suitable for its proposed use in its contaminated state
 - b. can be made suitable for its proposed use through remediation
 - c. presents no increased risk of harm to human health and the environment.
2. Council will undertake an initial evaluation to identify and consider the possibility of all forms of potential contamination based on an assessment of the historical or current use of that or adjacent land, particularly if the historical or current use is a use or activity listed in Appendix 2, and the proposed use is a sensitive receptor.
3. If the initial evaluation identifies a potential for land contamination then, in alignment with section 4.6(4) of the *Resilience and Hazards SEPP*, Council will initiate an assessment of site contamination (as prescribed in section 6.5.4 of this policy) to ascertain the nature and extent of contamination.

6.5.2. Exempt and complying development

1. Development must not be carried out on land designated as 'significantly contaminated land' within the meaning of the *CLM Act* for complying development specified for Codes identified in section 1.19 under Part 1 of the *Exempt and Complying Development Codes SEPP*.
2. During development work on land subject to a complying development certificate, if land contamination is detected or reasonably suspected, Council requires that:
 - a. all development work immediately cease
 - b. Council and the EPA be notified of the potential contamination
 - c. the notification be sent by the PCA or by the person who issued the complying development certificate.
3. Exempt development must not be carried out on land designated as 'significantly contaminated land' within the meaning of the *CLM Act*.

6.5.3. Development consent

1. Council will, under section 4.17 of the *EP&A Act*, impose conditions in development consent to ensure there is no increased risk of harm to human health and the environment associated with:
 - a. development works (including complying development) on land that is known to be or is potentially contaminated
 - b. onsite management of contaminants in soil, including
 - i. soil used as infill at a development site (that is, virgin excavated natural material)
 - ii. soil that may contain asbestos
 - iii. contaminated soil from remediation works
 - c. offsite management of contaminants in soil, including waste material generated during remediation for offsite processing (a waste classification report³ must be provided prior to transporting waste material offsite)
 - d. the detection of contamination on land that is subject to a complying development certificate
 - e. the ongoing operation of an approved use of land that involves a land use or activity listed in Appendix 2.
2. Standard conditions prescribed by Council in development consent related to contaminated land are those either:
 - a. contained in the *Council Guidance on Implementing the Contaminated Land Policy* document
 - b. developed by the NSW Department of Planning and Environment and located in the NSW Planning Portal (voluntary contaminated land conditions)
 - c. developed by Council in accordance with the NSW Department of Planning and Environment's *Guide to Writing Conditions of Consent* and which align with the 'Newbury Test'.
3. Council can impose a condition of development consent that requires the applicant to:
 - a. prepare a report on the assessment of site contamination, and to submit this report to Council prior to issuance of a subdivision works or construction certificate
 - b. submit a validation report to Council prepared by a certified consultant prior to commencing development works, confirming the land has been made suitable through remediation for its proposed use, and whether any ongoing monitoring is required to manage residual site contamination
 - c. prior to lodging a construction certificate, provide Council with the design specifications for a new or significantly modified underground petroleum storage system that was prepared by a 'duly qualified person' (within the meaning of the *UPSS Regulation*)
 - d. prior to lodging an occupation certificate, provide Council with
 - i. works as executed plans related to the installation of new or significantly modified underground petroleum storage systems by a 'duly qualified person'
 - ii. a copy of the fuel system operation plan that has been prepared in accordance with the *UPSS Regulation*
 - e. engage an accredited site auditor to review an assessment of site contamination and reports thereon, including a validation report. This is most appropriate for high-risk sites involving a change in land use to a sensitive receptor.

³ <https://www.epa.nsw.gov.au/-/media/epa/corporate-site/resources/contaminated-land/20p2233-consultants-reporting-on-contaminated-land-guidelines.pdf>

6.5.4. Assessment of site contamination

1. Council will require:
 - a. investigations on the nature and extent of land contamination to be undertaken by appropriately qualified contaminated land consultants
 - b. reports on these investigations to be prepared, or reviewed and approved by, an appropriately qualified and certified consultant in accordance with relevant guidelines made by the NSW EPA.

Preliminary site investigation

2. If the initial evaluation identifies a potential for land contamination, then, in alignment with section 4.6(4) of the *Resilience and Hazards SEPP*, Council will require a preliminary site investigation to be submitted with a subdivision works or development application to carry out development where the land concerned is:
 - a. land that is within an investigation area (within the meaning of the *CLM Act*)
 - b. land on which development for a purpose listed in Appendix 2 is currently being, or is known to have been, carried out
 - c. to the extent to which it is proposed to carry out development on it for residential, educational, recreational or childcare purposes, or for the purposes of a hospital – land
 - i. in relation to which there is no knowledge (or incomplete knowledge) as to whether development for a purpose listed in Appendix 2 has been carried out
 - ii. on which it would have been lawful to carry out such development during any period in respect of which there is no knowledge (or incomplete knowledge).
3. Council will also require a preliminary site investigation when:
 - a. Council reasonably suspects the land is contaminated because of its historical use (or zone), its condition or other information known to Council
 - b. the land has been investigated and/or remediated, but there is insufficient information available to Council on the nature and extent of contamination and/or remediation works undertaken, or the circumstances have changed
 - c. there are restrictions on, or conditions attached to, the use of the land by a regulatory or planning authority that are or may be related to contamination, but there is insufficient information available to Council on the nature and extent of contamination
 - d. Council records show that the land is associated with pollution incidents or the illegal dumping of waste
 - e. the land is adjacent to land historically or currently being used for a purpose listed in Appendix 2, and Council reasonably suspects it is likely that this use may have contaminated the land subject to the preliminary site investigation
4. The preliminary site investigation is to be carried out in accordance with the requirements of relevant guidelines made or approved by the NSW EPA in alignment with the requirements of the *CLM Act*. The applicant is responsible for engaging a suitably qualified consultant to undertake this investigation.

Detailed site investigation

5. Council will require a detailed site investigation to be undertaken when either:
 - a. the results of the preliminary site investigation state the potential for or existence of contamination that may not be suitable for the proposed use of the land
 - b. Council is not satisfied with the content and/or completeness of the preliminary site investigation.
6. Council may request the preliminary and detailed site investigations to be combined when the land is known to be contaminated.
7. The detailed site investigation is to be carried out in accordance with the requirements of relevant guidelines made or approved by the NSW EPA in alignment with the requirements of the *CLM Act*. The applicant is responsible for engaging a suitably qualified consultant to undertake this investigation.
8. A report on the detailed site investigation must include a statement as to whether the land is suitable for its proposed use or if remediation is necessary to make the land suitable for its proposed use. If remediation is required, the report must list the feasible remediation options available.

Remediation action plan

9. A remediation action plan is to be provided to Council if the report on the preliminary or detailed site investigation states that the land is not suitable for its proposed use but can be made suitable through remediation.
10. Prior to determining a subdivision or development application, Council must be satisfied that remedial measures have been or will be undertaken in accordance with the remediation action plan lodged with Council.
11. A remediation action plan must identify, upon completion of remediation works, the need for ongoing land management due to residual contamination. This plan may also include an outline of the environmental management plan.

Validation report

12. A validation report must be lodged with Council after remediation works have been completed.
13. Where applicable, Council will include a condition of development consent requiring this report to be provided to Council prior to issuance of the subdivision works or construction certificate.

Remediation works

14. Remediation work that is ordinarily category 2 remediation work but which is ancillary to designated development that requires development consent under Part 4 of the *EP&A Act* and an environmental impact statement under Part 5 of the *EP&A Act* may, as an applicant chooses, either:
 - a. be made part of the subject of the development application for the designated development instead of being made the subject of a separate development application
 - b. be treated as category 2 remediation work, which does not require the consent of Council.
15. All remediation work must be consistent with the *Contaminated Land Planning Guidelines* and carried out in accordance with guidelines made or approved by NSW EPA as required by the *CLM Act*.
16. Council requirements regarding site management of remediation works are outlined in Appendix 5 and are required to be included in a remediation action plan.
17. Council must be notified within 30 days of the completion of remediation works, in alignment with section 4.14(2) of the *Resilience and Hazards SEPP*. This notice is required to include:
 - a. information prescribed in section 4.15 of the *Resilience and Hazards SEPP*
 - b. a validation report.

Category 1 Remediation works

18. Remediation work that requires development consent is category 1 remediation work. Category 1 remediation work is remediation work that is either:
 - a. identified in section 4.8(a)–(f) of the *Resilience and Hazards SEPP*
 - b. not being work to which section 4.11(b) of the *Resilience and Hazards SEPP* applies
 - c. not carried out in accordance with the site management provisions outlined in Appendix 5.

Category 2 remediation work

19. Remediation work that does not require development consent is category 2 remediation work. Section 4.11 of the *Resilience and Hazards SEPP* defines what constitutes category 2 remediation work.
20. Council must be notified of the intent to undertake category 2 remediation work at least 30 days before commencement. This notification is to include the information identified in section 4.13(3) of the *Resilience and Hazards SEPP*.
21. Council also requires the following information to be lodged 14 days before commencing these works:
 - a. a copy of the preliminary site investigation report, detailed site investigation report and remediation action plan for these works
 - b. a copy of the soil and water management plan, where applicable (that is, for the management of flooding and of contaminants in soil)
 - c. the contact details of the contractor responsible for remediation works and of the party responsible for ensuring compliance of remediation work with all relevant regulatory requirements.
22. A validation report is to be submitted to Council upon the completion of category 2 remediation works.
23. For category 2 remediation works associated with underground petroleum storage systems, Council requires:

- a. if a storage system is to be decommissioned, that the person responsible for the storage system notify Council no later than 30 days before the storage system is decommissioned or removed, and that the notification include both
 - i. a report on the assessment of site contamination, which is likely to be a report on the preliminary site investigation
 - ii. a remediation action plan
- b. if a storage system is decommissioned, that the person responsible for the storage system either
 - i. submit a site report (preliminary site investigation report) to Council no later than 60 days after the system is decommissioned
 - ii. submit the site report and a validation report to Council if remediation of the site is required, and submit these 60 days after the completion of the remediation works
- c. if a storage system is to be modified and involves the removal or replacement of an underground petroleum storage tank, that the person responsible
 - i. not commission the modified underground petroleum storage system unless the reports prescribed by this clause are submitted to Council
 - ii. submit an updated fuel system operation plan to Council
 - iii. prepare, in accordance with guidelines made by the NSW EPA, the reports prescribed by this clause.

Site audit

24. Specific circumstances that may trigger an independent review ('audit') of information pertaining to an assessment of site contamination (including reports thereon) include when Council either:
 - a. reasonably suspects that information provided by the applicant is incorrect or incomplete,
 - b. needs to verify that information provided by the applicant adheres to appropriate standards, procedures, and guidelines,
 - c. does not have the capacity to technically review reports on the assessment of site contamination.
25. A statutory site audit is required only when there is a requirement to demonstrate compliance with:
 - a. a requirement under the *CLM Act*
 - b. an approved voluntary management proposal
 - c. a requirement imposed by at least one of the following:
 - i. the *CLM Act*
 - ii. the *Resilience and Hazards SEPP*
 - iii. the *EP&A Act* (that is, development consent or any other approval under this Act)
 - d. any other requirement imposed by or under a relevant Act.
26. Independent review ('audit') can be undertaken by a consultant with the necessary competencies and qualifications.
27. A statutory site audit must be undertaken by a site auditor accredited under the relevant provisions of the *CLM Act*.
28. For statutory site audits (within the meaning of the *CLM Act*), Council must be provided:
 - a. the site audit statement that outlines the conclusions of a site audit
 - b. the site audit report that summarises the information reviewed by the accredited site auditor.
29. Requirements of site auditors are prescribed in the relevant guidelines made by the NSW EPA on the site auditor scheme under the *CLM Act*.
30. Costs associated with an independent review, or the site audit process are with the applicant.

Environmental management plan

31. An environmental management plan is required when either:
 - a. residual contamination on land requires ongoing management to manage the risk of harm to human health and the environment, especially when onsite containment of contamination is proposed or is in place,
 - b. there are restrictions on the use of the land due to contamination.
32. An environmental management plan is to consider:
 - a. suitable management systems (active or passive)
 - b. potential for intrusive works, including any works arising from the maintenance of service infrastructure or exempt and complying development works,
 - c. ecologically sustainable development
 - d. management of offsite contamination.

33. Council can, under section 4.17 of the *EP&A Act*, include a condition of development consent that requires an applicant to prepare and submit to Council an environmental management plan.
34. An environmental management plan is to be prepared in accordance with the requirements prescribed by the NSW EPA *Practice Note: Preparing Environmental Management Plans for Contaminated Land*.
35. An environmental management plan is to be prepared by an appropriately qualified contaminated land consultant and can be reviewed by an accredited site auditor. Environmental management plans prepared to comply with the *CLM Act* must be prepared, or reviewed and approved by, a contaminated land consultant who is certified under a certification scheme recognised by the NSW EPA.
36. Notations indicating that land is subject to an environmental management plan are required in:
 - a. section 10.7(2) and 10.7(5) planning certificates under the *EP&A Act*
 - b. covenants registered on a land title under section 88B of the *Conveyancing Act 1919*.
37. Provisions of environmental management plans must be legally enforceable. Council can rely on section 4.17 of the *EP&A Act* to include, as a condition of development consent, that an ongoing environmental management plan be prepared and may also consider orders under section 124 of the *Local Government Act 1993*.

6.5.5 Maintaining compliance with development consent

Contaminated land

1. Council will monitor sites subject to an environmental management plan in accordance with any role or responsibility prescribed to it under that plan.
2. Council may monitor sites subject to remediation works to confirm that those works are undertaken in accordance with the site management provisions in Appendix 5.

Underground petroleum storage system

3. Council authorised officers may inspect and monitor these sites to ensure that the operation of underground petroleum storage systems maintains compliance with development consent and does not present an increased risk of harm to human health or the environment through site contamination (for example, through leaks and spills). The following are excluded:
 - a. sites with operational or abandoned underground petroleum storage systems licensed under Schedule 1 of the *POEO Act*
 - b. Council-owned or managed sites with operational or abandoned underground petroleum storage systems for which the NSW EPA is the ARA.
4. The inspection and monitoring of underground petroleum storage systems will focus on:
 - a. retail fuel service stations
 - b. fuel depots
 - c. multipurpose premises with retail fuel service (for example, general stores and post offices).
5. Council monitoring of these sites will be proportionate to the risk of harm posed by the underground petroleum storage system, which is to be determined by Council as a function of:
 - a. the age of underground petroleum storage tanks
 - b. existence of an onsite fuel system operation plan
 - c. evidence of loss monitoring
 - d. evidence leak detection
 - e. proximity to a sensitive receptor, which would also include both
 - i. irrigation channels for agricultural use
 - ii. the use of groundwater for potable water use.
6. Council may determine and/or amend the potential risk of harm for an individual underground petroleum storage system site using information obtained from any of the following:
 - a. an annual inspection
 - b. an inspection at a frequency commensurate with the risk of the site
 - c. an assessment of responses provided to the Council's survey of underground petroleum storage system sites by the person responsible for the underground petroleum storage system, with the survey to be sent every 2 years
 - d. a formal notification received by Council under Part 5.7 of the *POEO Act* in relation to a potential leak in the underground petroleum storage system
 - e. any other notification sent to Council regarding the operation or decommissioning of the underground petroleum storage system
 - f. notifications under sections 91 and 96 of the *POEO Act* in relation to clean-up and prevention notices, respectively

- g. the finding of an abandoned underground petroleum storage tank on public or private land.
7. Artefacts generated from Council’s inspection and monitoring of underground petroleum storage systems are to be kept in Council’s electronic document and records management system and linked to Council’s contaminated land site register and/or to Council’s database of underground petroleum storage systems.

6.6. Duty to notify

1. Where Council considers that contamination on a site triggers the duty to report contamination under clause 60 of the *CLM Act*, and it is not clear whether or not the polluter or site owner has reported the contamination, Council may notify the EPA.
2. Where the land is under Council management and/or control, or Council is the polluter of land, Council will notify the EPA in accordance with clause 60 of the *CLM Act*.

6.7. Public land

1. Community or public land (or part thereof) under Council’s control or management that is known to be contaminated will be managed so as to not increase the risk of harm to human health and the environment.⁴

6.8. Use of consultants

1. Contaminated land investigations will be undertaken by, and reports on these investigations are to be prepared, or reviewed and approved by, an appropriately qualified and certified consultant in accordance with relevant guidelines made by the NSW EPA.
2. The design and installation of underground petroleum storage systems will be undertaken by duly qualified persons within the meaning of the *UPSS Regulation*.

7. Documentation

This policy is supported by a range of capacity resources, documents, forms and templates that are either included or referred to in:

- Appendix 1 – ‘Best Practice Resources on Managing Contaminated Land’ (including the *Council Guidance on Implementing the Contaminated Land Policy*) to assist and inform Council’s navigation of the contaminated land regulatory landscape
- Appendix 2 – ‘Potential Land Uses and Activities That May Cause Site Contamination’
- Appendix 3 – ‘Artefacts Generated in the Process of Managing Contaminated Land’
- Appendix 4 – ‘Annotations for Section 10.7 Planning Certificates on Contaminated Land’
- Appendix 5 – ‘Site Management Provisions for Remediation Works’.

8. Authorisation

Authorisation	Adopted by Junee Shire Council 12 December 2023	
Review Date	December 2027	
Record of Amendments		

⁴ <https://www.epa.nsw.gov.au/your-environment/contaminated-land/managing-contaminated-land/procedures-for-land-managers>

Appendix I – Best practice resources on managing contaminated land

The resources listed in Table A1.1 below are based on *Managing Land Contamination: Planning Guidelines: SEPP55 – Remediation of Land (SEPP55 Guidelines)*, guidelines made or approved by the EPA and on resources developed by the EPA and other NSW councils. They have been updated, where applicable, to reflect changes in the regulatory landscape.

The resources are also provided for processes ancillary to managing contaminated land, including underground petroleum storage systems, onsite and offsite management of contaminants (including waste material) in soil, and the selection of consultants, among other processes.

A draft revision of the *SEPP55 Guidelines* (that is, the *Contaminated Land Planning Guidelines*) was released by the NSW Department of Planning and Environment in 2018 but has yet to be finalised at the time of finalising the model policy. As already noted, the Contaminated Land Framework includes (where appropriate) elements of the draft guidelines.

Table A1.1: Best practice resources available to Council on managing contaminated land and underground petroleum storage systems

Resource	Author	Description
<i>Assessment of Site Contamination Reports</i>	RAMJO-REROC, Ballina and Bathurst CRCB projects	A resource to assist Council to ascertain the completeness of the report and to assist in the interpretation and use of its content. Also includes checklists to provide Council with a degree of confidence and certainty on the report.
<i>Managing Offsite Transport of Soil</i>	Ballina, RAMJO-REROC and FNWJO CRCB projects	A resource outlining best practices in the offsite management of soil, including soil that includes waste materials generated during remediation, for offsite processing.
<i>Managing Asbestos in Development Control Processes</i>	FNWJO CRCB project	A resource for Council on managing asbestos in its operations. It is complementary to the Council <i>Asbestos Management Policy</i> .
<i>A Guide to Selecting a Consultant</i>	RAMJO-REROC and Ballina CRCB projects	An important resource for Council to identify the required competencies and qualifications of consultants for specific stages of the assessment of site contamination, in the design and installation of underground petroleum storage systems, and in managing asbestos.
<i>A Guide to Retail Service Station Owners on Managing UPSS Systems</i>	NSW EPA (updated by RAMJO-REROC and FNWJO CRCB projects)	A quick reference guide on the obligations of owners, operators and site managers of UPSS infrastructure. This guide is a retired NSW EPA resource that has since been updated by RAMJO and its collaborators.
<i>UPSS and Council ARA Responsibilities</i>	RAMJO-REROC CRCB project	A quick reference guide for Council on their responsibilities as the ARA regarding UPSS systems.
<i>Decommissioning an Underground Petroleum Storage Tank or System</i>	NSW EPA	A fact sheet for Council on the process to decommission an underground petroleum storage system.
Statutory guidelines made or approved by the EPA	NSW EPA	The NSW EPA has made or approved a range of statutory guidelines dealing with different types of contamination. These guidelines are to be considered by accredited site auditors, contaminated land consultants, and those with a duty to report contamination to the NSW EPA.

Non-statutory guidelines made or approved by the EPA	NSW EPA	The NSW EPA has made or approved a range of non-statutory guidance documents dealing with different types of contamination. These guidance documents are to be considered by accredited site auditors, contaminated land consultants, and those with a duty to report to the EPA.
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Note: RAMJO = Riverina and Murray Joint Organisation; REROC = Riverina Eastern Regional Organisation of Councils; CRCB = Council Regional Capacity Building; FNWJO = Far North West Joint Organisation.

Appendix 2 – Potential land uses and activities that may cause site contamination

Information provided in this appendix is taken from the Department of Planning and Environment's draft *Contaminated Land Planning Guidelines*. This information relates to activities that may cause contamination, as well as industries and associated chemicals that may cause contamination. The coverage of activities, industries and associated chemicals are largely the same when compared to the corresponding table in the *SEPP55 Guidelines*. Differences are presented in *italics*.

The information in these tables is to be used as a guide by Council in an initial evaluation of the potential for site contamination. However, a conclusive find as to whether land is 'contaminated' or 'not contaminated' can only be determined after a preliminary site investigation or a detailed site investigation.

Table A2.1: Activities that may cause site contamination

Acid and alkali plant and formulation	Iron and steel work
Agricultural and horticultural activities	Landfill sites
Airports	Metal treatment
Asbestos production and disposal	Mining and extractive industries
Battery manufacture and recycling	Oil production and storage
Breweries and distilleries	Paint formulation and manufacture
Chemical manufacture and formulation	Pesticide manufacture, formulation and use
Council depots	Power stations
Defence works	Printing shops
Drum reconditioning works	Railway yards
Dry-cleaning	Research institutions (laboratories)
Electrical manufacturing (transformers, capacitors)	Scrap yards
Electroplating and heat treatment premises	Service stations and fuel storage facilities (depots)
Engine works	Sheep and cattle dips
Explosives industry	Smelting and refining
Firefighting training and the use of firefighting foams	Tanning and associated trades
Foundries	Waste processing, storage and treatment
Fuel storage	Water and sewerage treatment plants
Gas works	Wood preservation
Hospitals	

Source: Table 1 in Appendix 1 of the Department of Planning and Environment's draft *Contaminated Land Planning Guidelines*. The use of *italics* indicates an activity not identified in these guidelines but is known to cause site contamination.

Table A2.2: Industries and associated chemicals that may cause contamination

Industry or activity	Main chemical group	Associated chemicals
Agricultural and horticultural activities		See – 'chemical manufacture and use' ('fertiliser', 'fungicides', 'herbicides' and 'pesticides').
Airports	Hydrocarbons	Aviation fuels (total petroleum hydrocarbons, kerosene), PFAS

Industry or activity	Main chemical group	Associated chemicals
	Metals	Particularly lead, aluminium, magnesium, chromium, chlorinated solvents
Asbestos production and disposal	Asbestos	Asbestos (bonded and fibrous). Be aware of assessments in areas of naturally occurring asbestos. ¹
Battery manufacture and recycling	Acids	Sulfuric acid
	Metals	Lead, manganese, zinc, cadmium, nickel, cobalt, mercury, silver, antimony
Breweries and distilleries	Alcohol	Ethanol, methanol, esters
Chemical manufacture and use	Acid and alkali	Mercury; chlorine (chloralkali process); sulfuric, hydrochloric and nitric acids; sodium and calcium hydroxides
	Adhesives and resins	Polyvinyl acetate, phenols, formaldehyde, acrylates, phthalates
	Drum reconditioning works	Chemicals, paints, resins, tars, adhesives, oils, fuels, solvents, drum residues
	Dyes	Chromium, titanium, cobalt, sulfur organic compounds, nitrogen organic compounds, sulfates, solvents
	Explosives	Acetone, nitric acid, ammonium nitrate, pentachlorophenol, ammonia, sulfuric acid, nitroglycerine, calcium cyanamide, lead, ethylene glycol, methanol, copper, aluminium, bis(2-ethylhexyl) adipate, dibutyl phthalate, sodium hydroxide, mercury, silver
	Fertiliser	Calcium phosphate, calcium sulfate, nitrates, ammonium sulfate, carbonates, potassium, copper, magnesium, molybdenum, boron, cadmium, arsenic
	Flocculants	Aluminium
	Foam production	Urethane, formaldehyde, styrene
	Fungicides	Carbamates, copper sulfate, copper chloride, sulfur, chromium, zinc
	Herbicides	Ammonium thiocyanate, carbamates, organochlorines, organophosphates, arsenic, mercury, triazines
	Paints	<u>Heavy metals</u> – arsenic, barium, cadmium, chromium, cobalt, lead, manganese, mercury, selenium, zinc, titanium <u>Solvents</u> – toluene oils, either natural (for example, pine oil) or synthetic, hydrocarbon
	Pesticides	<u>Active ingredients</u> – arsenic, lead, organochlorines, organophosphates, sodium tetraborate, carbamates, sulfur, synthetic pyrethroids <u>Solvents</u> – xylenes, kerosene, methyl isobutyl ketone, amyl acetate, a wide range of chlorinated solvents
	Pharmaceutical	<u>Solvents</u> – acetone, cyclohexane, methylene chloride, ethyl acetate, butyl acetate, methanol, ethanol, isopropanol, butanol,

Industry or activity	Main chemical group	Associated chemicals
		pyridine methyl ethyl ketone, methyl isobutyl ketone, tetrahydrofuran
	Photography	Hydroquinone, sodium carbonate, sodium sulfite, potassium bromide, monomethyl para-aminophenol sulfate, ferricyanide, chromium, silver, thiocyanate, ammonium compounds, sulfur compounds, phosphate, phenylene diamine, ethyl alcohol, thiosulfates, formaldehyde
	Plastics	Sulfates, carbonates, cadmium, solvents, acrylates, phthalates, styrene
	Rubber	Carbon black
	Soaps, detergents	<u>General</u> – potassium compounds, phosphates, ammonia, alcohols, esters, sodium hydroxide, surfactants (sodium lauryl sulfate), silicate compounds <u>Acids</u> – sulfuric acid and stearic acid <u>Oils</u> – palm, coconut, pine, tea tree
	Solvents	<u>General</u> – ammonia <u>Hydrocarbons</u> – for example, BTEX <u>Chlorinated organics</u> – for example, tetrachloroethene (perchloroethylene) trichloroethene, trichloroethane, dichloroethane, carbon tetrachloride, methylene chloride
Council depots		Hydrocarbons, PAH, asbestos, heavy metals, pesticides, herbicides, PFAS
Defence works		Hydrocarbons, PFAS, asbestos See also – ‘chemical manufacture and use’ (‘explosives’), ‘foundries’, ‘engine works’, ‘service stations and fuel storage facilities (depots)’
Dry-cleaning	Chlorinated solvents	Tetrachloroethene (perchloroethylene), trichloroethylene, 1,1,1-trichloroethane, carbon tetrachloride, white spirit (mixed hydrocarbons)
Electrical manufacturing	Solvents, metals	PCBs (transformers and capacitors), solvents, tin, lead, copper, mercury
Engine works	Hydrocarbons, metals, solvents, acids, alkalis, refrigerants	<u>Refrigerants</u> – chlorofluorocarbons, hydro chlorofluorocarbons, hydrofluorocarbons
	Antifreeze	Particularly aluminium, manganese, iron, copper, nickel, chromium, zinc, cadmium, lead, and oxides, chlorides, fluorides and sulfates of these metals
Foundries	Metals	Particularly aluminium, manganese, iron, copper, nickel, chromium zinc, cadmium, lead, and oxides, chlorides, fluorides and sulfates of these metals
Firefighting training and the	PFAS	Hydrocarbons, solvents, chlorinated solvents, inorganics

Industry or activity	Main chemical group	Associated chemicals
use of firefighting foam		
Gas works	Inorganics	Asbestos, ammonia, cyanide, nitrate, sulfide, thiocyanate, aluminium, antimony, arsenic, barium, cadmium, chromium, copper, iron, lead, manganese, mercury, nickel, selenium, silver, vanadium, zinc
	Organics	BTEX, phenolics, PAHs and coke
Hospitals	Waste	Asbestos, various
	Radioactive material	Diagnostic and therapeutic isotopes
Iron and steel work	Organics, metals	BTEX; phenolics; PAHs; metals and oxides of iron, nickel, copper, chromium, magnesium, manganese and graphite
Landfill sites	Gases, metals, organics	Methane, carbon dioxide, ammonia, sulfides, heavy metals, organic acids, hydrocarbons, asbestos
Marinas	Antifouling paints	Copper, tributyltin See also – ‘engine works’, ‘metal treatments’ (‘electroplating’ metals)
Metal treatment	Electroplating	<u>Metals</u> – nickel, chromium, zinc, aluminium, copper, lead, cadmium, tin <u>Acids</u> – sulfuric, hydrochloric, nitric and phosphoric acids <u>General</u> – sodium hydroxide, 1,1,1-trichloroethane, tetrachloroethylene, toluene, ethylene glycol, cyanide compounds
	Liquid baths	carburising Sodium, cyanide, barium, chloride, potassium chloride, sodium chloride, sodium carbonate, sodium cyanate
Mining and extractive industries		Arsenic, mercury and cyanides. See also – ‘chemical manufacture and use’ (‘explosives’). Aluminium, arsenic, copper, chromium, cobalt, lead, manganese, nickel, selenium, zinc and radio radionuclides. The list of heavy metals should be decided according to the composition of the deposit and known impurities. Consideration should be given to chemicals associated with any mineral processing that also occurred on the mine site. PFAS chemicals associated with firefighting equipment to protect mining infrastructure
Oil production and storage		See – ‘service stations and fuel storage facilities (depots)’
Paint formulation and manufacture		See – ‘chemical manufacture and use’ (‘paints’)
Pesticide manufacture, formulation and use		See – ‘chemical manufacture and use’ (‘pesticides’)

Industry or activity	Main chemical group	Associated chemicals
Power stations		Asbestos, PCBs, fly ash metals, water treatment chemicals
Printing shops		Acids, alkalis, solvents, chromium, trichloroethene, methyl ethyl ketone <i>See also</i> – ‘chemical manufacture and use’ (‘photography’)
Railway yards		Hydrocarbons, asbestos, arsenic, phenolics (creosote), heavy metals, nitrates, ammonia
Research Institutions (laboratories)		Various, depending on the nature of work being carried out. A case-specific evaluation is required.
Scrap yards		Hydrocarbons, metals, solvents, asbestos
Service stations and fuel storage facilities (depots)	Petroleum hydrocarbons, PAHs and lead	Aromatic hydrocarbons, BTEX, naphthalene, PAHs, phenols, lead
Sheep and cattle dips		Arsenic, organochlorines, organophosphates, carbamates, synthetic pyrethroids
Smelting and refining		Metals, fluorides, chlorides and oxides of copper, tin, silver, selenium lead, and aluminium
Tanning and associated trades	Various	<u>Metals</u> – chromium, manganese, aluminium <u>General</u> – ammonium sulfate, ammonia, ammonium nitrate, arsenic phenolics, formaldehyde, sulfide, tannic acid
Water and sewerage treatment plants	Metals and chemicals used in water treatment and wastewater and biosolids treatment	Aluminium, arsenic, cadmium, chromium, cobalt, lead, nickel, fluoride, lime, zinc
Waste processing, storage and treatment	Fire retardants, plastics	Polybrominated diphenyl ethers, PFAS, plasticisers
Wood preservation	Metals	Chromium, copper, arsenic, naphthalene, ammonia, pentachlorophenol, dibenzofuran, anthracene, biphenyl, ammonium sulfate, quinoline, boron, creosote, organochlorine pesticides

Note: PFAS = per- and polyfluoroalkyl substances; BTEX = benzene, toluene, ethylbenzene, xylene; PAH = polycyclic aromatic hydrocarbons; PCB = polychlorinated biphenyl.

Source: Table 2 in Appendix 1 of the Department of Planning and Environment’s draft *Contaminated Land Planning Guidelines*. The use of *italics* indicates an activity not identified in these guidelines but is known to cause site contamination.

¹ <https://trade.maps.arcgis.com/apps/PublicInformation/index.html?appid=87434b6ec7dd4aba8cb664d8e646fb06>

Appendix 3 – Artefacts generated in the process of managing contaminated land

Table A3.1 lists artefacts either prepared by or for Council in a process to consider and assess site contamination. These artefacts should be retained in Council’s electronic document and records management system and also linked to the respective record in Council’s contaminated land site register.

These artefacts can also be provided with section 10.7 planning certificates under the *EP&A Act*.

Table A3.1: Artefacts generated in a process to assess site contamination

Process	Artefact	Prepared by	Description
Initial evaluation	Checklist	Council	To guide Council’s consideration of the potential for site contamination.
Preliminary site investigation	Report on the preliminary site investigation	Consultant	Reports the possibility of potential contamination based on historical land use. It includes the development of the conceptual site model.
	Checklist	Council	Confirms whether the requirements of the investigation have been met.
Detailed site investigation	Report on the detailed site investigation	Consultant	Defines the extent and degree of contamination and assesses potential risks posed to health and the environment by contaminants. The investigation is also used to obtain sufficient information for the development of a remediation action plan if required.
	Checklist	Council	Confirms whether the requirements of the investigation have been met.
Remediation	Remediation action plan	Consultant	A plan that sets out remediation objectives and documents the proposed remediation process.
	Validation report	Consultant	Reports on whether the objectives for remediation and any conditions of development consent have been achieved.
Site audit	Site audit report	Consultant	A summary of information reviewed by the accredited site auditor.
	Site audit statement	Consultant	An outline of the conclusions of a site audit.
Environmental management plan		Consultant	Outlines the mitigation measures and/or monitoring requirements where the full clean-up of a site is not feasible or where onsite containment of contamination has been proposed.

Table A3.2 lists key artefacts generated in a process to regulate contaminated land and underground petroleum storage systems.

These artefacts should be retained in Council’s electronic document and records management system, and also linked to the respective record in Council’s contaminated land site register.

These artefacts may also be included on section 10.7 planning certificates under the *EP&A Act*.

Table A3.2: Artefacts generated in a process to regulate contaminated land and underground petroleum storage systems

Process	Artefact	Prepared by
EPA notices and orders under the <i>CLM Act</i>	Preliminary investigation order	EPA
	Significant contaminated land notice	EPA
	Management order	EPA
	Voluntary management proposal	Landowner, or person managing an activity that caused the site contamination
	Environmental management plan	EPA/landowner
	Revocation of orders under the <i>CLM Act</i>	EPA
Pollution prevention	Waste classification report	Person responsible for remediation
	UPSS inspection form	Council
	Contaminated land investigation form	Council
	<i>POEO Act</i> section 91 clean-up notice	Council/EPA
	<i>POEO Act</i> section 96 prevention notice	Council/EPA
	Leak notification under the <i>POEO Act</i> Part 5.7	Council / UPSS operator
	Fuel system operation plan	Council / UPSS operator
	Loss monitoring reports	Council / UPSS operator
	Leak detection reports	Council / UPSS operator
Decommissioning of a UPSS (category 2 remediation works)	Development application	
	Notifications (leak notification)	UPSS owner
	Validation report	Consultant
Information management	<i>POEO Act</i> section 192 and 193 requests for information	Council
	Survey of UPSS operators	Council
Compliance	Penalty infringement notices	Council

Note: UPSS = underground petroleum storage system.

Appendix 4 – Annotations for section 10.7 planning certificates on contaminated land

Council is required to include contaminated land information on section 10.7 planning certificates. This requirement is anchored in:

- the *EP&A Act*
 - section 10.7(2), as elaborated by the *Environmental Planning and Assessment Regulation 2021*
 - section 10.7(5), in relation to advice on other matters affecting the land
 - section 10.7(6), in relation to furnishing of contaminated land information in good faith with Schedule 6 of the *EP&A Act*
- section 10(1) in schedule 2 of the *Environmental Planning and Assessment Regulation 2021* in relation to whether an adopted Council policy restricts the development of land because of site contamination
- the *CLM Act*
 - section 10(1)(a)–(b), in relation to preliminary investigation orders issued by the EPA for the land
 - section 44, in relation to the EPA’s repeal or revoking of orders and notices issued under section 10 of the *CLM Act*
 - section 59(2), in relation to matters that are to be included in section 10.7 planning certificates.

The information required to be included on a planning certificate is outlined in Table A4.1. Council must note that information prescribed under section 59(2) of the *CLM Act* pertains to land that ‘is’ subject – not ‘was’ subject – to the prescribed regulatory processes. However, Council can elect to include this historical information on planning certificates in accordance with its *Contaminated Land Policy*.

Table A4.1: Contaminated land information required on section 10.7 planning certificates

Planning certificate	Contaminated land information
Section 10.7(2)	<p>A statement that Council has adopted a policy to restrict the development of land because of the actual or potential likelihood of that land being contaminated.</p> <p>See Table A4.2 for annotations that Council can use.</p> <p>At the date of issue of the planning certificate, a statement that the land to which the planning certificate relates is:</p> <ul style="list-style-type: none"> • significantly contaminated land within the meaning of the <i>CLM Act</i>, including whether only part or all of the land is significantly contaminated • subject to a management order under the <i>CLM Act</i> • the subject of an approved voluntary management proposal under the <i>CLM Act</i> • subject to an ongoing maintenance order under the <i>CLM Act</i> • the subject of a site audit statement under the <i>CLM Act</i>. <p>Council may elect to include information on the potential of site contamination because the historical use of that land is known or reasonably suspected by Council to be an activity identified in Appendix 2.</p> <p>See Table A4.2 for annotations that Council can use.</p>
Section 10.7(5)	<p>Information provided on section 10.7(2) planning certificates and additional information Council may elect to disclose pertaining to the actual or potential contamination of the land.</p> <p>See Table A4.2 for annotations that Council can use.</p>

Table A4.2: Annotations for additional information on section 10.7 planning certificates for land that is or may be contaminated

Situation	Annotation
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<p>Council has identified that the land:</p> <ul style="list-style-type: none"> • has a previous land-use history that could have involved the use of contaminants on the site (for example, the land may have been used for an activity listed in Appendix 2) • is known to be contaminated but has not been remediated. 	<p>'Council has adopted by resolution a policy on contaminated land that may restrict the development of the land.</p> <p>This policy is implemented when zoning or land-use changes are proposed on lands that have previously been used for certain purposes.</p> <p>Consideration of Council's adopted policy and the application of provisions under relevant State legislation is warranted.'</p>
<p>Council has identified that the land is known to contain contaminants but that it has been remediated for a particular use or range of uses, and some contamination remains on the site (for example, encapsulated).</p>	<p>'Council has adopted by resolution a policy on contaminated land that may restrict the development of the land.</p> <p>This policy is implemented when zoning or land-use changes are proposed on lands that are considered to be contaminated or on lands that have been remediated for a specific use.</p> <p>Consideration of Council's adopted policy and the application of provisions under relevant State legislation is warranted.'</p>
<p>Council records do not contain a clear site history without significant gaps in information, and Council cannot determine whether the land is contaminated and, therefore, the extent to which Council's policy should apply.</p>	<p>'Council has adopted by resolution a policy on contaminated land that may restrict the development of the land.</p> <p>This policy is implemented when zoning or land-use changes are proposed on lands that have previously been used for certain purposes. Council records do not have sufficient information about the previous use of this land to determine whether the land is contaminated.</p> <p>Consideration of Council's adopted policy and the application or provisions under relevant state legislation is warranted.'</p>

Note: The information in this table applies where Council has adopted a policy to restrict the development of land because of the actual or potential likelihood of that land being contaminated.

Appendix 5 – Site management provisions for remediation works

Council can impose site management provisions for proposed remediation works. Council will request that these provisions be included in a remediation action plan that is to be lodged to Council prior to commencing these works. Council will require remediation works to be carried out in accordance with the remediation action plan.

The site management provisions listed in Table A5.1 are taken from the *Resilience and Hazards SEPP* and amended to reflect best practice site management, as included in the draft *Contaminated Land Planning Guidelines* and in other Council contaminated land policies.

Remediation work must comply with the requirements of the:

- *CLM Act*
- *Contaminated Land Planning Guidelines*
- *Resilience and Hazards SEPP*
- *POEO Act*.

Council will also require the validation report to be lodged with Council within 60 days of the completion of remediation works and, where applicable, prior to the issuance of a subdivision or construction certificate.

Table A5.1: Site management provisions to be included in a remediation action plan

Parameter	Provision to be included in a remediation action plan
Air quality	<p>Emissions of dust, odour and fumes from a remediation site are to be appropriately controlled and in accordance with relevant regulations and guidelines made or approved by the EPA.</p> <p>These may include but are not limited to:</p> <ul style="list-style-type: none"> • ensuring no onsite burning of material • maintaining equipment in a functional manner to minimise exhaust emissions • covering vehicles transporting soil (including contaminated soil) and/or infill onsite or offsite • establishing dust suppression and control measures to minimise windborne emissions of dust, having regard to site-specific wind conditions • monitoring and managing odours, including the use of a hydrocarbon mitigating agent on the impacted areas and materials • covering stockpiles of contaminated soil that remain onsite for more than 24 hours (see 'stockpiles' for additional provisions) • regularly monitoring air quality throughout remediation work.
Bunding	<p>Any areas used for remediation or the stockpiling of construction materials or contaminated soils shall be controlled to contain surface water run-off and run-on and be designed and constructed so as to prevent the leaching of contaminants into the subsurface or groundwater.</p> <p>Locate stockpiles and construction materials away from drainage lines and provide bunding of disturbed areas and excavations to prevent run-off to waterways or stormwater where necessary.</p> <p>All surface water discharges from the banded areas to Council's stormwater system shall not contain detectable levels of the contaminants of concern and must comply with the relevant EPA and ANZECC standards for water quality.</p> <p>Any discharge must satisfy the provisions of the <i>POEO Act</i>.</p>
Capping or containment of contaminated soil	<p>Capping of contaminated soil should occur only after alternative remediation works have been investigated, particularly in urban zoning or areas identified as future growth in Council's local environment plan or development control plan.</p>

Parameter	Provision to be included in a remediation action plan
	<p>Contaminated soil is only permitted to be capped if it does not prevent any permitted use of the land and if it can be demonstrated that there will be no ongoing impacts on human or environmental health.</p> <p>Capping of contaminated soil that exceeds zoning permissible levels is classified as category I remediation work and may only be permitted with development consent.</p> <p>The soil investigation levels for urban redevelopment in NSW are contained in <i>National Environment Protection (Assessment of Site Contamination) Measure 1999</i> (as amended).</p> <p>Where the proposed remediation involves the onsite containment of contaminated material, the need for a continuing monitoring program should be assessed by both the 's consultants and Council. To ensure that future owners of the site are aware of the contaminated material and any ongoing maintenance and monitoring, Council may impose a consent condition on any subsequent development application for the subject site, requiring a covenant to be registered on the title of the land that gives notice of the existence of onsite containment of the contaminated soil. The covenant may also bind the owners or any future owners to the responsibility of ongoing monitoring and maintenance (as described in an environmental management plan) and any future remediation works required.</p> <p>Records of any maintenance undertaken on the site shall be kept for future reference and provided to Council annually.</p> <p>The cost of preparing the covenant is borne by the applicant.</p>
Consultants	<p>Ensure consultants (or contractors) undertaking the remediation works have the required competencies and qualifications.</p> <p>Remediation work requiring validation by a site auditor (that is, a statutory site audit) must use a site auditor accredited under Part 4 of the <i>CLM Act</i>.</p> <p>Validation of remediation work that is not a statutory site audit is to be undertaken by a consultant with the necessary competencies and qualifications.</p>
Consultation	<p>Written notification to adjoining owners and occupants is to occur at least two days prior to commencing remediation works.</p> <p>This notification is to include:</p> <ul style="list-style-type: none"> • the estimated length of remediation work • the hours of remediation work • the contact details of the site manager. <p>Signage visible from the road and adjacent to site access is to display the site manager and remediation contractor contact details for the duration of the works.</p>
Decommissioning of underground petroleum storage systems	<p>The removal of all UPSSs is to be undertaken in accordance with the:</p> <ul style="list-style-type: none"> • <i>UPSS Regulations</i> • SafeWork NSW requirements • <i>Australian Standard AS 4976-2008: The Removal and Disposal of Underground Petroleum Storage Tanks.</i> <p>Decommissioning of an underground petroleum storage tank or system must be undertaken by a duly qualified person who holds a demolition licence from SafeWork NSW and is competent and experienced in the task.</p> <p>Following the removal of an underground petroleum storage tank or system, the site area, which includes bowser lines and fuel lines, shall be assessed, remediated</p>

Parameter	Provision to be included in a remediation action plan
	<p>if need be and validated in accordance with the requirements above and with guidelines made or approved by the NSW EPA.</p> <p>All documents must be submitted to Council, including (but not limited to) a validation report (or tank pit validation) prepared in accordance with relevant guidelines made or approved by the EPA.</p>
Erosion and sediment control	<p>An erosion and sediment control plan (ESCP) shall be prepared and submitted to Council for approval prior to commencing remediation works.</p> <p>The ESCP shall be developed with regard to the requirements detailed in Council's <i>Soil and Water Management Policy</i> and Council's <i>Engineering Guidelines and Technical Specifications</i> and must include leachate collection and disposal.</p> <p>Sediment control structures shall be provided to prevent sediment from entering drainage systems, particularly where surfaces are exposed or where soil is stockpiled.</p> <p>All erosion and sediment control measures must be maintained in a functional condition throughout the remediation works.</p> <p>Vehicles are to be cleaned prior to leaving the site.</p> <p>Also see – 'soil and water management' for related provisions.</p>
Hazardous material	<p>Hazardous and industrial wastes arising from the remediation work shall be removed and disposed of in accordance with the requirements of the NSW EPA and SafeWork NSW, together with the:</p> <ul style="list-style-type: none"> • <i>Workplace Health and Safety Act 2011</i> • <i>Workplace Health and Safety Regulation 2017</i> • <i>CLM Act</i> and subordinate regulations • <i>Environmentally Hazardous Chemicals Act 1985</i> and subordinate regulations. <p>Under the <i>POEO Act</i>, the transportation of Schedule I hazardous waste is a scheduled activity and thereby required by the EPA to be carried out by a transporter licensed by the NSW EPA.</p> <p>Also see – 'waste' for additional related site management provisions.</p>
Health and safety	<p>All works associated with remediation works must comply with workplace health and safety legislation and other applicable SafeWork NSW requirements.</p> <p>This requires:</p> <ul style="list-style-type: none"> • the preparation of a health and safety plan • site fencing, public safety warning signs and security surveillance (where applicable) to be established for the remediation site.
Hours of work	<p>All remediation work (including the delivery and removal of materials or equipment) shall be limited to the following hours of work (unless through an alternative mutual agreement in writing with Council):</p> <ul style="list-style-type: none"> • Monday to Saturday – 7.00 am to 5.00 pm • Sunday and Public Holidays – no remediation work is permitted <p>Note: The hours of work listed above are in accordance with the <i>Exempt and Complying Development Codes SEPP</i>.</p>
Importation of infill	<p>All fill imported to the site shall be validated as virgin excavated natural material as defined in the <i>POEO Act</i> to ensure that it is:</p> <ul style="list-style-type: none"> • suitable for the proposed land use from a contamination perspective

Parameter	Provision to be included in a remediation action plan
	<ul style="list-style-type: none"> • compatible with the existing soil characteristics for site drainage purposes. <p>Council may, in certain instances, require the details of the appropriate validation of imported fill material to be submitted with any application for the future development of the site. Hence, all fill imported onto a site is to be validated by one or both of the following methods during remediation works:</p> <ul style="list-style-type: none"> • Imported fill should be accompanied by documentation from the supplier that certifies that the material is not contaminated, based upon analyses of the material or the known past history of the site where the material is obtained. • Sampling and analysis of the fill material should be conducted in accordance with the NSW EPA <i>Sampling Design Guidelines</i> to ensure that the material is not contaminated. <p>Fill should be imported and exported in accordance with the provision of a virgin excavated natural material exemption or an NSW resource recovery order and exemption.</p> <p>Fill is permitted for use provided that it:</p> <ul style="list-style-type: none"> • is not itself contaminated, particularly with waste material (including asbestos) • is weed and pest free • is compatible with the existing soil characteristics so as not to adversely affect site drainage.
Landscaping and rehabilitation	<p>The remediation work site must be stabilised to ensure that no offsite impacts occur on the site after completion. This requires:</p> <ul style="list-style-type: none"> • the preparation of a landscaping plan • landscaping of the site in accordance with the landscape plan • the progressive stabilisation and revegetation of disturbed areas in accordance with the landscape plan. <p>There shall be no removal or disturbance to trees or native understorey without prior written consent obtained through Council's tree preservation order process.</p> <p>All trees that will be retained on the site must be suitably protected from damage during remediation works. This includes the provision of protective fencing to protect the root zone of these trees. The fencing must extend, at a minimum, to the drip line of each tree.</p> <p>No stockpiling, storage, excavation, vehicle parking or vehicle movement is to occur within the root zone protection area. Tree protection fencing must remain in place until the end of remediation works.</p> <p>All exposed areas shall be progressively stabilised and revegetated upon the completion of remediation works.</p>
Noise and vibrations	<p>Any noise and vibrations from the site shall be limited by complying with the NSW EPA's <i>Noise Policy for Industry (2017)</i> and the <i>Interim Construction Noise Guideline</i>.</p> <p>All equipment and machinery shall be operated in an efficient manner to minimise noise from the site on adjoining properties, including (when necessary) ensuring that plant equipment noise is suppressed.</p> <p>The use of any plant or machinery shall not, on any premises, cause vibrations in excess of the relevant NSW EPA guidelines and Australian Standards.</p>

Parameter	Provision to be included in a remediation action plan
Rodents and vermin	Rodents and vermin are to be adequately controlled and disposed of in an environmentally appropriate manner.
Site access and vehicle use	<p>Vehicle access to the site shall be designated to prevent the tracking of sediment onto public roadways and footpaths. Soil, earth, mud or similar material must be removed from the roadway by sweeping, shovelling or a means other than washing on a daily basis or as required by an appropriate authority. Soil residue from vehicle wheels shall be collected and disposed of in an appropriate manner.</p> <p>All vehicles are to:</p> <ul style="list-style-type: none"> • enter and exit the site in a forward motion • comply with all road rules, including vehicle weight limits • minimise the use of local roads by using state roads where available • be cleaned pre-work and post-work to prevent the movement of weed seeds • have all loads securely covered or sealed to prevent the release of any dust, fumes, soil or liquid emissions during transportation • conduct deliveries of soil, materials, equipment or machinery during the hours of remediation work (see 'hours of work').
Site security and lighting	<p>The site shall be secured to ensure against all unauthorised access by using appropriate fencing.</p> <p>It is recommended that security lighting be used to deter unauthorised access. If security lighting is used, it shall be shielded to protect the amenity of adjoining landowners.</p>
Soil and water management	<p>All remediation works shall be conducted in accordance with a site-specific soil and water management plan prepared in accordance with the requirements of LANDCOM's <i>Managing Urban Stormwater: Soils and Construction</i>.¹</p> <p>The plan should aim to segregate and manage both contaminated and non-contaminated areas in a manner that minimises the potential dispersal of contaminants and any cross-contamination of contaminated and non-contaminated materials. In some cases, standard erosion and sediment control requirements will be inadequate for managing contaminated soils and water.</p> <p>Where remediation work involves the excavation of soil, the person responsible for the remediation work shall consult Council's flood mapping. Where works are proposed to be undertaken within an area identified by Council as having the potential to be impacted by flood waters (that is, inundation), such works shall be undertaken in alignment with the responsive actions for such potential site inundation as described in the site-specific soil and water management plan.</p> <p>A copy of the remediation action plan and the soil and water management plan shall be kept onsite and made available to Council officers on request.</p> <p>Soil and water management measures for remediation work in relation to stockpiles, site access, excavation pump-out, landscaping and rehabilitation, and bunding are discussed elsewhere in this table.</p> <p>See – 'erosion and sediment control' for related provisions.</p>
Stockpiles	<p>No stockpiles of soil or other materials shall be placed on public land (for example, footpaths, reserves or nature strips).</p> <p>All stockpiles shall be placed away from drainage lines, gutters or stormwater pits or inlets. All stockpiles of soil or other material shall be maintained to prevent dust, odours or seepage. All stockpiles of contaminated soils shall be secured to prevent dust, odour or seepage if being stored for more than 24 hours.</p>

Parameter	Provision to be included in a remediation action plan
	<p>Stockpiling of contaminated materials requires special measures to manage the generation of leachate, run-off, vapours, odours and airborne particulates.</p> <p>Store any temporary stockpiles of contaminated soil in a secure area.</p>
Unexpected finds during remediation works	Council is required to be notified of any new information that comes to light during remediation works that has the potential to alter previous conclusions regarding site contamination.
Validation report	<p>The validation report is to be prepared in accordance with relevant guidelines made by the NSW EPA.</p> <p>A copy of the validation report is to be provided to Council within 60 days of completing the remediation works and prior to commencing development works at the site.</p> <p>The validation report is to:</p> <ul style="list-style-type: none"> • contain a copy of any reports or records taken during remediation or following the completion of validation works • contain a validation statement detailing that all works have been undertaken and completed satisfactorily and in accordance with relevant guidelines made or approved by the EPA • demonstrate that the objectives of the remediation action plan have been achieved, any conditions of development consent have been complied with and whether any further remediation work or restrictions on land use are required • provide evidence confirming that all NSW EPA, SafeWork NSW and other regulatory authorities' license conditions, approvals and/or regulatory requirements have been met, including in respect of managing contaminated soil and other waste material generated by the remediation works • identify the need for continued monitoring in situations where clean-up is not feasible or onsite containment has occurred • state the suitability of the site for its current or proposed use. <p>Successful validation is the statistical confirmation that the remediated site complies with the clean-up criteria set for the site.</p> <p>The full cost of the validation is borne by the applicant.</p>
Vertical mixing (on agricultural land)	<p>The <i>Guidelines for the Vertical Mixing of Soil on Former Broad-Acre Agricultural Land</i> relates to the remediation of large agriculture properties with low-level but broad-spread contamination.</p> <p>The relevant NSW EPA guidelines are not designed or suitable for use in the remediation of contamination, including lead contamination, on small allotments. Therefore, Council will not support remediation action plans relying on this methodology, and an alternative remediation methodology shall be used for small allotments.</p>
Waste	<p>If contaminated soil and other waste material generated by the remediation works are to be treated and managed onsite, the treatment and management of each is to be in accordance with relevant guidelines made or approved by the EPA.</p> <p>If contaminated soil and other waste material generated by the remediation works are to be removed from the site, then this must be in accordance with the <i>POEO Act</i> and its waste regulation. This includes:</p> <ul style="list-style-type: none"> • the preparation of a waste management plan

Parameter	Provision to be included in a remediation action plan
	<ul style="list-style-type: none"> • that the waste classification process complies with the <i>Protection of the Environment Operations (Waste) Regulation 2014</i> and is undertaken by an appropriately qualified consultant • record-keeping for waste going to a licensed landfill or a resource recovery facility regarding <ul style="list-style-type: none"> ○ how the waste is to be treated and transported ○ evidence that the landfill is licensed to accept this waste • the requirement that transport of the waste to or from a site must be by a licensed waste transport contractor. <p>Any enquiries associated with the offsite disposal of waste from a contaminated site should be referred to the EPA helpline (phone 131 555).</p> <p>If contaminated soil or other waste generated by the remediation works is to be transported to Council's landfill or waste management facility:</p> <ul style="list-style-type: none"> • Council's Waste Management Facility only accepts waste in accordance with its Environment Protection Licence (number XXXX). • Section L5 Waste requires that waste be general solid waste. Analysis of the contaminated soil is to be undertaken to verify that the waste is general solid waste. • All documentation is to be provided to Council's Waste Management Team and approved prior to the waste entering the landfill. <p>See – 'hazardous material' for related site management provisions.</p>
<p>Water quality: dewatering – excavation and groundwater pump-out</p>	<p>Only clean and unpolluted waters are to be discharged to Council's stormwater system or any watercourse. Any discharge must satisfy the provisions of the <i>POEO Act</i>.</p> <p>Prior to any dewatering commencing, a dewatering management plan shall be submitted to Council.</p> <p>All pump-out water must be analysed for concentrations of suspended solids, pH and any contaminants of concern. The analytical results must comply with the relevant NSW EPA and ANZECC standards for the quality of water discharged to stormwater. If necessary, the water shall be treated prior to discharge.</p> <p>If the water quality does not comply with the identified criteria, then it cannot be discharged to stormwater. Alternative arrangements for the disposal of water shall be provided, if necessary (for example, offsite disposal by a licensed liquid waste transporter for treatment or disposal at an appropriate waste treatment or processing facility).</p> <p>Dewatering may require a licence from the NSW Office of Water.</p>
<p>Water quality: groundwater</p>	<p>Any contamination assessment, carried out in accordance with the requirements of the relevant guidelines made or approved by NSW EPA in accordance with the <i>CLM Act</i>, shall address the potential for contamination of groundwater at the site.</p> <p>Any work below the water table may require a licence from the NSW Office of Water. Such works include bores for water supply, testing and monitoring, and any dewatering or extraction.</p> <p>If the groundwater at the site is found to be contaminated, then Council, the NSW Office of Water and the NSW EPA are to be notified</p>

Note: ANZECC = Australian and New Zealand Environment and Conservation Council; UPSS = underground petroleum storage system; ESCP = erosion and sediment control plan.

¹ <https://www.environment.nsw.gov.au/research-and-publications/publications-search/managing-urban-stormwater-soils-and-construction-volume-1-4th-edition>

Item 7 RAIL CROSSING LXI472 NOTIFICATION OF CLOSURE

Author Director Engineering Services

Attachment LXI472 Notification of Closure Letter from IR

RECOMMENDATIONS:

- 1. Council receives the attached notice regarding the proposed closure of Level Crossing LXI472 on Crown Road from Inland Rail, S2P.***
 - 2. Council recommends a letter is returned to Inland Rail, S2P detailing Council support/does not support the closure of LXI472.***
-

SUMMARY

Junee Shire Council (JSC) has been negotiating with Inland Rail (IR) in relation to proposed public road and crown road closures along the inland rail route, from Albury to Illabo (A2I) and Illabo to Stockinbingal (I2S). The crossing, LXI472, a Crown Road crossing opposite Wornes Gate Lane, Illabo has been the subject of discussions for a long period due to use by landowners as a historic stock route.

BACKGROUND

Inland Rail (IR) have indicated that they are closing the crossing in accordance with the TFNSW level crossing closure policy “due to the inherent safety risks associated with level crossings, it is government policy that where alternative access exists and following consultation with affected parties, level crossing will be closed wherever possible.”

The Inland Rail (IR) has written to Council due to the compulsory notification requirements under Section 99B of the Transport Administration Act 1998, No. 109 and have not provided any alternative access arrangements, other than utilization of the nearest existing crossing.

The crossing has infrequent use for various reasons, including as a stock route and for four-wheel drive vehicular access. In cases where Crown Road has been utilized as a route for vehicles for more than 10 years, Council can choose to request transfer of the asset to Council, because it is being utilized as a public road. That is not evident in this case. The proposed crossing location, approximately 5.5km southwest of Illabo, on the southern side of the Olympic Highway, is shown in Photograph I below.

Photograph 1 LXI472 Warnes Gate Crossing Location



CONSIDERATIONS

Policy

Council has limited policy or powers around the closure rail crossings particularly on Crown Roads as they are still in the care and control of Crown Lands NSW. Council can lobby with the relevant government departments as required.

Risk Assessment

This closure has minimal risk implications for Council, however, the following considerations for the community:

- This proposal reduces the risk of injury due to the reduction of train and vehicle interaction the proposed level crossing.
- This proposal impacts the rural community in the area, particularly their ability to relocate stock between properties.
- The NSW Rural Fire Service (Riverina Zone) have indicated they do not oppose the closure of the level crossing.
- There is an alternative rail crossing 1.2k away for traversing stock along over a Crown Road located on the southern side of the rail corridor.

Financial

There are no anticipated adverse financial implications resulting from this report or the closure of LXI472.

CONCLUSION

The crossing, LXI472, a Crown Road crossing opposite Warnes Gate Lane, Illabo has been the subject of discussions between JSC and the Inland Rail project. Council has the alternative to support the crossing closure and reduce risks or support community access.



JUNEE SHIRE COUNCIL

ATTACHMENT TO ITEM 7

19 NOVEMBER 2023



14 November 2023

ARTC REF#5-0000-210-PCS-JC-LT-0001

Mr James Davis
General Manager
Junee Shire Council
PO Box 93
JUNEE NSW 2663

Email: james.davis@junee.nsw.gov.au

Dear James,

Proposed closure of level crossing – Albury to Illabo (A2I) project Inland Rail

As discussed in the meeting on 13 October 2023, as part of the Albury to Illabo (A2I) Inland Rail project, the Crown Road level crossing at Wornes Gate Lane (LX1472) is proposed for closure.

This aligns with the TfNSW Level crossing closure Policy which notes that “due to the inherent safety risks associates with level crossings, it is government policy that where alternative access exists and following consultation with affected parties, level crossings be closed wherever possible”.

There are also specific safety concerns at this level crossing due to the track curvature which restricts sighting distances and the insufficient storage space between the Olympic Highway and the level crossing for longer vehicles.

The level crossing location information is included in the table below and shown in the attached plan.

RAIL KILOMETRAGE	CROSSING REFERENCE	CROSSING STATUS	PROPOSED ACTION
474.013km	LX1472	Public (Crown Road)	Closure


Pursuant to Section 99B of the Transport Administration Act 1998, No. 109, prior to closure, the Roads & Maritime Services (RMS, now TfNSW) and the local Council of the area concerned must be notified.

In the near future a submission to the Minister for Transport will be requesting formal approval to close the aforementioned level crossing.

Please acknowledge receipt of this correspondence and confirm that Junee Shire Council does not have any objections to the proposed closure.

Should you require any further information in this regard please do not hesitate to Casey Bootsma, Stakeholder Engagement Lead at CBootsma@ARTC.com.au or 0457 315 935.

Yours sincerely,


Steve Smith (Nov 14, 2023 20:01 GMT+11)

Steve Smith
Senior Project Manager – A2I & S2P

Inland Rail

Australian Rail Track
Corporation Ltd
ACN 081 455 754
ABN 75 081 455 754

Level 4, 60 Carrington Street, Sydney,
NSW 2000
GPO Box 14, Sydney, NSW 2001

1800 732 761
inlandrailenquiries@artc.com.au
inlandrail.com.au

Item 8 TRANSFER OF KEMP STREET TO JUNEE SHIRE COUNCIL

Author Director Engineering Services

Attachment Request Form IIR

RECOMMENDATIONS:

- 1. *Council receives the attached notice regarding registration of the transfer of the land underlying the existing “Kemp Street, Junee” including three lots, Lot 4, Section 1, DP946 and Lots 1 & 2, DP914183 to Junee Shire Council.***
 - 2. *Council resolves to accept confirmation of the acquisition, in accordance with Division 1, Section 177 of the Roads Act 1993, for the purpose of gazetting a public road.***
 - 3. *Council resolves in accordance with Local Government Act 1993, Division 1, Part 31 that the land be classified as operational land for the purpose of gazetting a public road.***
 - 4. *Council endorses commencement of notices around the proposed gazettal, to be returned to Council on completion of the notice period.***
-

SUMMARY

Junee Shire Council has been negotiating with Inland Rail around the approaches to the Kemp Street bridge comprising Lot 4, Section 1, DP946 and Lots 1 & 2, DP914183. These lots are in Councils ownership; however, the transfer process had not fully been completed. The land transfer process has now been completed; however, the gazettal remains outstanding.

BACKGROUND

While Kemp Street (comprising Lot 4, Section 1, DP946 and Lots 1 & 2, DP914183), is fully operational as a public road and the sale of railway land to Junee Municipal Council occurred on 6 June 1950, the land had not officially been transferred into Councils ownership and the gazettal of Kemp Street as a public road had not occurred. The transfer process must be completed via the Request Form IIR and in accordance with the requirements in Division 1, Section 177 of the Roads Act 1993.

The gazettal of Kemp Street as a Public Road now needs to be completed. This process requires public notification to be completed, which will be commenced shortly. Transfer of Lot 4, Section 1, DP946 and Lots 1 & 2, DP914183 to Councils operational land and gazettal as a road, enables Council to legally enact portions of the Roads Act 1993. This is essential in enabling Council to have some form of control over the approach works to the bridge during the construction of Kemp Street Bridge. Section 138 of the Roads Act 1993 requires Councils approval for any works and structures erected within a Public Road.

CONSIDERATIONS

Policy

The acquisition of land via transfer has been completed using Division 1, Section 177 of the Roads Act 1993. Further, a gazettal of the road will need to be completed in accordance with the Roads Act 1993.

Council must resolve the land be classified as operational land within 3 months of the transfer to meet the requirements of the Local Government Act 1993.

Post gazettal this asset will need to be reflected in our Asset Management Plans and confirmation of the maintenance split between Council, TfNSW and ARTC will need to be developed.

Risk Assessment

While transfer of the land to Council is for all intensive purposes, a correction of historic actions, where a paper trail had not been created to ensure due process has been followed, it does, however, identify two key risks:

- *Gazettal of the asset is highly likely to result in Council inheriting an asset with potential safety risks and maintenance concerns, with the current Inland Rail proposal for the intersection.*

To counter this risk, benefits already listed include the ability to apply the Roads Act 1993 to audit the Inland Rail works, particularly Section 138, along with Council having additional powers to control the outcomes regarding the approaches. This could enable appropriate PBS Level 3A vehicles to utilise the intersection, pending surrounding acquisitions.

- *Gazettal of the asset will result in any materials underlying the current pavement becoming a Council concern. Given the grade of the approach, this includes a significant amounts of fill material.*

Council will likely to have access to geotechnical reports completed by Inland Rail detailing the type and extent of fill and this will likely be removed and replaced during the Kemp Street bridge construction.

Financial

Acceptance of the acquisition will result in an additional capital asset (and associated depreciation) along with operational maintenance requirements. These figures are minimal, in comparison with the extent of the Councils network, provided the above concerns relating to Inland Rail are resolved.

CONCLUSION

Junee Shire Council has been negotiating with Inland Rail around the approaches to the Kemp Street bridge comprising Lot 4, Section 1, DP946 and Lots 1 & 2, DP914183. These lots are in Council ownership; however, the transfer process had not fully been completed. The land transfer process has now been completed; however, the gazettal remains outstanding.



JUNEE SHIRE COUNCIL

ATTACHMENT TO ITEM 8

19 NOVEMBER 2023



REQUEST

New South Wales

Section 46A Real Property Act 1900

PRIVACY NOTE: Section 31B of the Real Property Act 1900 (RP Act) authorises the Registrar General to collect the information required by this form for the establishment and maintenance of the Real Property Act Register. Section 96B RP Act requires that the Register is made available to any person for search upon payment of a fee, if any.

All Statutory Declarations and evidence that are lodged in support of land dealings will be treated as publicly accessible and will be disclosed to persons upon request.

STAMP DUTY

Insert Duties Assessment No. as issued by Revenue NSW Office.
Duties Assessment No.

TORRENS TITLE

4/1/946, 2/914183, 1/914183, 1/431538

(C) **REGISTERED DEALING**

Number	Torrens Title
--------	---------------

(D) **LODGED BY**

Document Collection Box 599D	Name, Address or DX, Telephone, and Customer Account Number if any MinterEllison Customer Account Number: 123838S 1 Farrer Place, Sydney NSW 2000 T: (02) 9921 4904	CODE R
	Email: patrick.kang@minterellison.com	
	Reference: PKANG 1282494	

(E) **APPLICANT**

TRANSPORT FOR NSW ABN 18 804 239 602

(F) **NATURE OF REQUEST**

For the Registrar-General to record Junee Shire Council ABN 62 621 799 578 as the registered proprietor.

(G) **TEXT OF REQUEST**

THE APPLICANT, being the registered proprietor of the land referred to above, requests the Registrar-General to record Junee Shire Council ABN 62 621 799 578 as the registered proprietor, noting the transfer occurred on and from 6 June 1950. In support of this Request is a report prepared by Infotrack dated 14 July 2023 attached as Annexure A and a letter from the Applicant attached as Annexure B.

DATE 23 October 2023

(H) I certify that I am an eligible witness and that an authorised officer of the registered proprietor signed this dealing in my presence. [See note*].

Signature of witness:

Digitally signed by Daniel Prior
Date: 2023.10.23 13:00:48 +11'00'

Name of witness: Daniel Prior

Address of witness: 7 Harvest St

Macquarie Park 2113

Certified correct for the purposes of the Real Property Act 1900 by the authorised officer named below.

Signature of authorised officer:

Digitally signed by Steven Heapy
Date: 2023.10.23 10:44:22 +11'00'

Authorised officer's name: Steven Heapy

Authority of officer: delegated officer

Signing on behalf of: applicant

(I) This section is to be completed where a notice of sale is required and the relevant data has been forwarded through eNOS

The applicant's solicitor certifies that the eNOS data relevant to this dealing has been submitted and stored under eNOS ID No. **3003610** Full name: **Patrick Kang** Signature:

*s.117 RP Act requires that you must have known the signatory for more than 12 months or have sighted identifying documentation



ABN: 36 092 724 251
Ph: 02 9099 7400
(Ph: 0412 199 304)

Level 14, 135 King Street, Sydney
Sydney 2000
GPO Box 4103 Sydney NSW 2001
DX 967 Sydney

Report

LRS NSW

Sydney

Re: - Lands at Junee

As regards Lot 1 D.P. 431538, Lot 4 Section 1 D.P. 946 and Lots 1 & 2 D.P. 914183, shown tinted red on the attached Cadastral Records Enquiry Report.

The attached Railway Working Plan I obtain from Transport for New South Wales refers to these lands affected by Notes 24, 25, 26 & 34.

Of interest is note 34: - "Sale of railway land to Junee Municipal" Council "on 6.6.1950 for 10/- nominal 8560F 49.886228 R.E.

Further enquires should be directed to the Transport for New South Wales section to locate 8560F 49.886228 R.E.

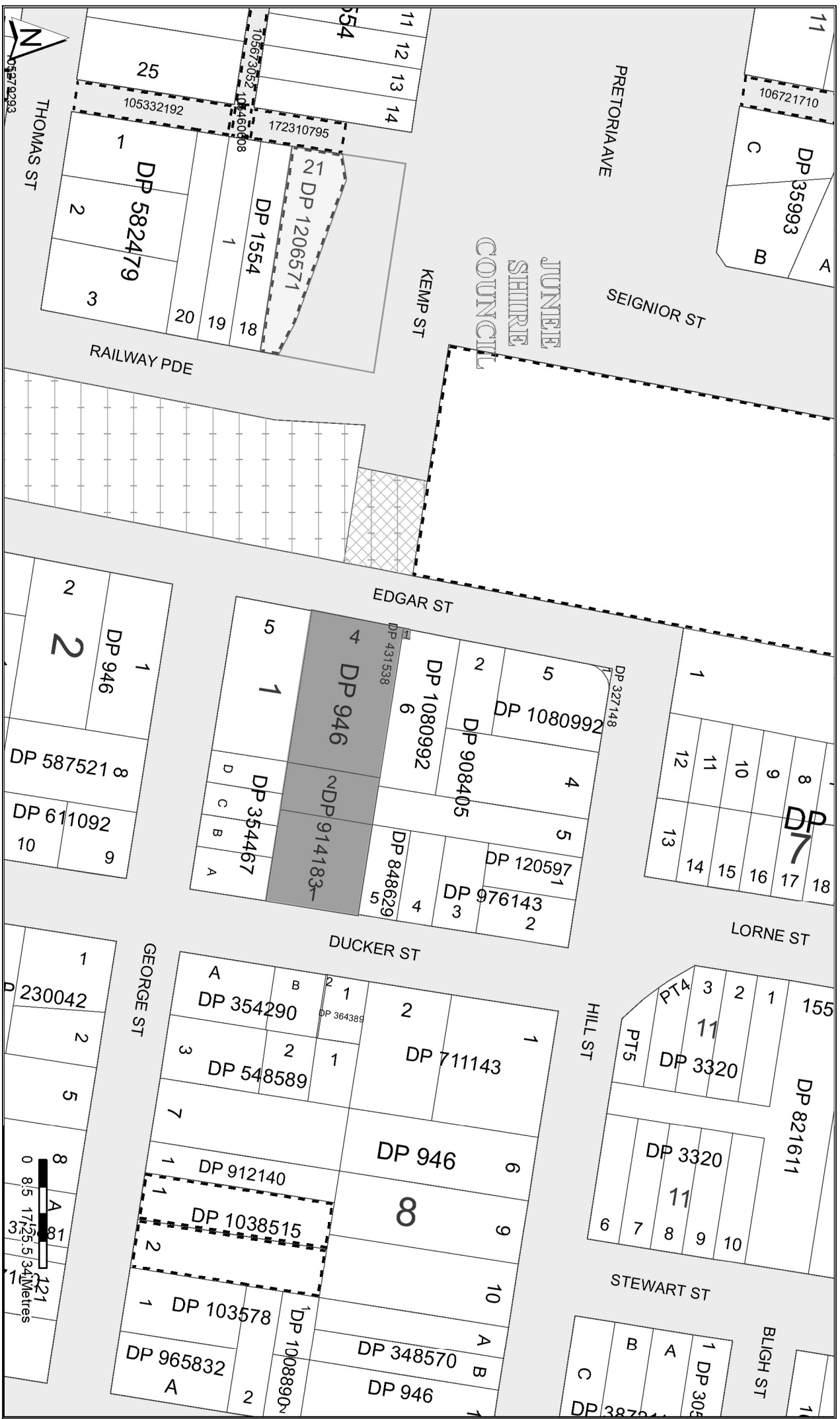
As regards Lot 21 D.P. 1206571 and land adjoining, shown tinted yellow on the attached Cadastral Records Enquiry Report.

The attached Railway Working Plan I obtain from Transport for New South Wales refers to these lands affected by Notes 24, 29 & 34.

Of interest is note 34: - "Sale of railway land to Junee Municipal" Council "on 6.6.1950 for 10/- nominal 8560F 49.886228 R.E.

Further enquiries should be directed to the Transport for New South Wales section to locate 8560F 49.886228 R.E.

Yours Sincerely
Mark Groll
14 July 2023





NOTES

- 53. CTS SAUED FOR LOTS 1-7 DP 837387. F27225 R27020. PPS NIL. D690100 - D696100.
- 54. LOT 6 DP 857387 SOLD TO THOMAS McMINES ON 9-7-94 FOR \$72,500 CASH PPS. 001547 F27225 COMP. 13-9-94
- 55. LOT 3 DP 837387 SAUD TO W. POOCK FOR \$8000.00 ON 15-12-94 SETTLED ON 23-2-95. PPS 423. F27225
- 56. LOT 2 DP 857387 SAUD TO J.W. SCHEMME FOR \$9500.00 ON 30-1-1995 SETTLED 13-95 PPS 422 + ROW OVER LOTS F27225.
- 57. VOL 9577 FOR 231. SAUD TO P & J WEBER ON 12-7-95 FOR \$75000.00 SETTLED 14-8-95 PPS 2599 F 11573


Digitally signed by
Steven Heapy
Date: 2023.10.23
10:45:39 +11'00'



Transport
for NSW

17/10/2023

Attention: Registrar General
NSW Land Registry Services
Level 30
175 Liverpool Street
SYDNEY NSW 2000

Dear Sir/Madam

Request – Transfer from Transport for NSW ABN 18 804 239 602 (TfNSW) to June Shire Council ABN 62 621 799 578 (Council)
Land: Lot 4 of Section 1 in Deposited Plan 946, Lot 2 in Deposited Plan 914183, Lot 1 in Deposited Plan 914183 and Lot 1 in Deposited Plan 431538

I am providing this letter in support of TfNSW's request to record the Council as the registered proprietor of the Land on and from 6 June 1950.

In accordance with the report prepared by Mark Groll of Infotrack dated 14 July 2023 (**Report**), and notes 24, 25, 26 and 34 of the railway working plan attached to the Report, I understand that:

1. the Land was resumed by the Commissioner for Railways and subsequently transferred to the Council on or around 6 June 1950 for 'road purposes' for '10/- nominal' (**Transfer**); and
2. document '8560F49.886228R.E.' (**Document**) provides further details in respect of the Transfer.

The Property GIS team has conducted a thorough search of TfNSW's records for the Document, and I confirm that the Document cannot be located.

This letter arises from discussions between MinterEllison, our lawyers, and Gavin Bartier at LRS Legal from 31 May 2023 to 20 September 2023. Mr Bartier advised our lawyers at that time that LRS would accept the following:

1. Request Form 11R – requesting that the Council is recorded as the registered proprietor of the Land on and from 6 June 1950 (however, noting that the recording in the register will not have retrospective effect) ;
2. a copy of the Report; and
3. a letter from TfNSW confirming that the Document cannot be located.

We would be grateful if you would proceed to register the Request Form in light of the matters set out above.

Please contact us if you have any questions.

Yours faithfully

Sandy Lam
Property Information Manager
Infrastructure & Place
Email: sandy.lam@transport.nsw.gov.au

Digitally signed by
Steven Heapy
Date: 2023.10.23
10:45:09 +11'00'

Transport for NSW

7 Harvest Street, Macquarie Park NSW 2113 | PO Box K659, Haymarket NSW 1240
T 02 8202 2200 | F 02 8202 2209 | W transport.nsw.gov.au | ABN 18 804 239 602

Item 9 CEMETERIES ACT CHANGES

Author Director Engineering Services

Attachments Licence Conditions for Operators of Cemeteries and Crematoria
Customer Service Charter

RECOMMENDATION:

The key changes in the Cemeteries and Crematoria NSW act are received and noted.

SUMMARY

Junee Shire Council currently operates as a cemetery operator under the Cemeteries and Crematoria NSW Management by the Department of Planning and Environment. Recent legislation has resulted in changes in cemetery management. The new conditions are to be fully implemented by 1 July 2024. There are four cemetery operator categories each with a different standard of conditions.

BACKGROUND

Council has been providing information of all aspects of burials, including reservations, ashes interments and burial interments to Cemeteries and Crematoria NSW (CCNSW) since 2014.

Based on this information Council has received a prepopulated licence application based largely on the average number of interments over the past three financial years (2019-20, 2020-21 and 2021-22). We have been classified as a Category 3 operator as we are below the threshold of less than 50 burials on average per year.

CONSIDERATIONS

Policy

Key changes to the licence conditions are:

Consumer Contract (Condition A) legislation has changed and now enables Category 3 operators the opportunity to not provide a detailed breakdown of their fees and charges in the specified format.

This exemption applies to Junee Shire Council and means our fees and charges can remain essentially as they are now, and we do not need to implement a Price Breakdown Template as would Category 2 & 1. This is a significant benefit.

Cemetery Maintenance (Condition B) legislation has now changed to:

- Clarify and simplify maintenance terms for example by replacing the term 'basic landscaping' with the term 'basic grounds maintenance' to reflect maintenance rather than capital works.
- Include a requirement to consider and "take action" relating to the public risks arising from each maintenance item for public access during daylight hours, particularly around the risk of falling tree branches.
- Enforce that memorials are assessed in accordance with AS4204 Headstones and Cemetery Monuments and AS4425 Above Ground Burial Structures once every 5 years.
- Removes the requirements for accessibility but enforces that new works are DDA (disabled access) compliant.
- Added a condition allowing sites within a cemetery to be heritage-listed on their own.

The maintenance requirement will have an impact on Junee Shire Council, and we will need to implement a more detailed inspection procedure to assess risks at each site and the impact they have on the public. This will result in increased paperwork.

Pricing Transparency (Condition C) (Does not apply to Junee Shire Council) legislation has now changed and requires a breakdown of prices for Category 1 & 2 the following items to be listed on Councils website:

- Basic Adult Burial
- Basic Ash Interment
- Basic Cremation

Customer Service (Condition D) legislation has now changed to simplify requirements, including:

- All operators are now on the same "playing field" regarding customer service standards. A customer service charter has been developed to reflect this which is to be made publicly available on Council's website.
- Addition of a dispute resolution condition and requirement to register any complaints, written or verbal, which arise including the requirement to acknowledge a complaint within seven days and return a written response in 30 days.
- Addition of a requirement to act if Council is "made aware" of issues.
- Allowance for additional training for cemeteries operators to be undertaken 'as far as reasonably practical.'
- Requirement for evidence of systems and processes in addition to written documentation around cemeteries.

Risk Assessment

Council has limited policy and procedures and risk management documentation in the cemeteries space currently. This results in the cemeteries being a high-risk area. The development of this policies, procedures, and associated risk management documentation, will occur over the next six months to ensure compliance requirements are in place prior to the 1 July 2024 deadline.

Financial

The most significant cost implications arising from the changes are those around Cemetery Maintenance (Condition B), particularly:

Include a requirement to consider and “take action” relating to the public risks arising from each maintenance item for public access during daylight hours, particularly around the risk of falling tree branches.

- 1. Include a requirement to consider and “take action” relating to the public risks arising from each maintenance item for public access during daylight hours, particularly around the risk of falling tree branches.*

This requirement means we will need to further development of our risk management plans in relation to cemeteries and undertake a more regular inspection regime to ensure risks are identified. The physical inspections are reasonably well covered now, given Council prepares the Cemetery for burials at least once per fortnight on average.

- 2. Enforce that memorials are assessed in accordance with AS4204 Headstones and Cemetery Monuments and AS4425 Above Ground Burial Structures once every five years.*

This means the cemetery operator (JSC) wear the costs for replacing headstones that are worn or failing if they are structurally unsafe for the public or have functional issues. This covers details around the mortar quality, grout and bonding quality and the monument stability under wind loading and the adequacy of footings.

Suitably qualified JSC or contract engineers will need to undertake a structural assessment on all existing monuments every five years and associated repairs will need to be completed. This could be in the order of \$20,000 - \$30,000 including the site inspections of all monuments and associated design checking time. Maintenance work arising from these inspections will be more significant.

CONCLUSION

The changes to cemeteries legislation have both benefits and negatives outlined above. Consideration should be given to how Junee Shire Council manage the changes. Associated budget implications should be incorporated into future budget considerations.



JUNEE SHIRE COUNCIL

ATTACHMENT TO ITEM 9

19 NOVEMBER 2023

Cemeteries & Crematoria NSW

Department of Planning and Environment

www.cemeteries.nsw.gov.au



Licence Conditions for Operators of Cemeteries and Crematoria

Pursuant to the *Cemeteries and Crematoria Regulation 2022*

V2.2 August 2023

As approved 31 August 2023



Acknowledgement of Country

Cemeteries & Crematoria NSW acknowledges that it stands on Aboriginal land. We acknowledge the Traditional Custodians of the land and we show our respect for Elders past, present and emerging through thoughtful and collaborative approaches to our work, seeking to demonstrate our ongoing commitment to providing places in which Aboriginal people are included socially, culturally and economically.

Published by Cemeteries & Crematoria NSW, NSW Department of Planning and Environment

www.cemeteries.nsw.gov.au

Licence Conditions for Operators of Cemeteries and Crematoria

First published: 14 October 2022 (V1)

This version published: September 2023 (V2.2)

Department reference number: DOC22/157796

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Introduction

The *Cemeteries and Crematoria Regulation 2022* provides that the Cemeteries Agency can impose licence conditions related to the following:

- Consumer Contracts
- Cemetery maintenance
- Pricing transparency
- Customer service
- Religious and cultural principles
- Aboriginal cultural and spiritual principles

This document outlines the licence conditions that the Cemeteries Agency will apply to each category of licence for cemetery and crematorium operators ('the General Conditions'). Each licence condition consists of a guiding principle and detailed requirements for compliance with the condition. Both the guiding principle and the requirements form part of the condition.

The conditions will take effect over various dates ('the Effective Date'), as specified and approved by the Board of the Cemeteries Agency. Operators must comply with the relevant condition on and from the Effective Date set out in this document.

If a condition does not apply to a licence, the Cemeteries Agency considers compliance with all conditions is best practice. They encourage operators to carry out business having regard to such conditions even when they do not apply as part of the licence.

The General Conditions do not change the requirement for all operators to comply with all applicable State and Commonwealth laws.

The Cemeteries Agency approved this document on 21 August 2023.

Any updates to this document will be published on the Cemeteries Agency website and notified in writing to any affected licence holders.

Guidelines published on the Cemeteries Agency's website, are intended to assist operators to comply with these conditions.

Interpretation

In these General Conditions, terms and phrases have the meaning set out in the glossary.

Unless the contrary intention is specified in these conditions, words and phrases used in this document have the same meaning as in *Cemeteries and Crematoria Act 2013* and the regulations made under that Act.

If a cemetery operator provides interment services at more than one Site, the conditions applying to the operator's licence apply to each Site, unless the Cemeteries Agency provides that different conditions apply in respect of different Sites specified in the licence.

Glossary

Term	Meaning
Ancillary Provider	Refers to a provider that provides goods and/or services related to the interment services provided by the Operator (including but not limited to gravediggers, memorial masons)
Authorised Agent	Means an agent, authorised by an Operator to fulfil the requirements of condition A.2.1 on behalf of the Operator
Basic Adult Burial	<p>Refers to the least expensive bodily interment package that is available for a Customer to purchase from the Operator.</p> <p>At a minimum, the Basic Adult Burial consists of:</p> <ul style="list-style-type: none">• interment right - the right to bury remains in a specified place,• burial - the placement of one or more sets of human remains in a grave or plot in accordance with the interment right.
Basic Ash Interment	<p>Refers to the least expensive ash interment package that is available for a Customer to purchase from the Operator.</p> <p>At a minimum, the Basic Ash Interment consists of:</p> <ul style="list-style-type: none">• interment right – the right to interment of ashes above or below ground at a specified place,• interment – the placement of one or more sets of ashes in accordance with the interment right.

Term	Meaning
Basic Cremation	<p>Refers to the least expensive cremation only package available for a Customer to purchase from an Operator.</p> <p>Basic cremation consists of:</p> <ul style="list-style-type: none"> • a cremation fee for the service of cremating human remains; and • any other fees for the cremation that are not provided by another party (such as a funeral director).
Cemeteries Agency	Cemeteries and Crematoria NSW constituted by section 6 of the <i>Cemeteries and Crematoria Act 2013</i> .
Condition	A condition or conditions specified in the General Conditions.
Consumer Contract	A contract between an operator and a Customer for or in relation to the provision of interment services.
Cremation Only	Cremation Only means the provision of cremation and associated services (such as transport, provision of an urn), but excluding ash interment.
Cremation Only Operator	Is an Operator that provides cremation services but does not offer ash interment.
Customer	A person or persons seeking, or entering, a contract to be provided an interment right either for their own benefit or for another person or persons. For the avoidance of doubt, references to a Customer include references to a “Purchaser” of an interment right, but do not include an “interment right holder” unless the context otherwise provides.
Inactive	In relation to a Site, or part of a Site, means the Site is at capacity or at which no further interments are intended to be carried out.
Operator	<p>The holder of a cemetery operator licence, granted under the <i>Cemeteries and Crematoria Regulation 2013</i>. When used within the terms of a Condition, it means the cemetery operator to whom the condition applies.</p> <p>A reference to an Operator includes a Cremation Only Operator.</p>
Site	In relation to a cemetery, includes all of the land comprising the cemetery This is also referred to as a ‘facility’ in the CCNSW activity reporting and licensing processes.

Categories of Licence Conditions

Before granting a licence to an operator of a cemetery, the Cemeteries Agency will determine a category of conditions applicable to the licence. The relevant applicable category will be determined in accordance with the Cemeteries Agency’s Cemetery Operator Licence – Categorisation Policy. Table 1 specifies licence conditions that apply in respect of a particular category.

The Cemeteries Agency may consider the following in determining the appropriate category of conditions applicable to a licence:

- the volume of interments likely to be carried out during the term of the licence
- the total number of existing interments and likely future interments
- the compliance history of the Operator
- the heritage value of the Site
- whether the Operator intends to operate a cemetery and/or a crematorium
- any other relevant information.

Table 1: Application of conditions

Licence Condition		Category 1	Category 2	Category 3	Category 4 (Caretaker)
A. Consumer Contracts	A.1	Yes	Yes	Yes	No
	A.2	Yes	Yes	Yes	No
	A.3	Yes	Yes	No	No
B. Cemetery Maintenance	B.1	Yes	Yes	Yes	Yes
	B.2	Yes	Yes	No	No
	B.3	Yes	Yes	No	No
	B.4	Yes	Yes	No	No
	B.5	Yes	Yes	No	No
	B.6	Yes	No	No	No

Licence Condition		Category 1	Category 2	Category 3	Category 4 (Caretaker)
C. Pricing Transparency	C.1	Yes	Yes	No	No
	C.2	Yes	Yes	No	No
	C.3	Yes	Yes	No	No
D. Customer Service	D.1	Yes	Yes	Yes	No
	D.2	Yes	No	No	No
	D.3	Yes	Yes	Yes	No
	D.4	Yes	Yes	Yes	No
	D.5	Yes	Yes	Yes	No
E. Religious, Cultural and Spiritual Principles	E.1	Yes	Yes	Yes	No
	E.2	Yes	Yes	Yes	No
F. Reporting Obligations	F.1	Yes	Yes	Yes	No
G. Prohibition of Interment Services	G.1	No	No	No	Yes

Licence Conditions

A. Consumer Contracts – commencing 1 February 2024

Licence Condition		Category 1	Category 2	Category 3	Category 4 (Caretaker)
A. Consumer Contracts	A.1	Yes	Yes	Yes	No
	A.2	Yes	Yes	Yes	No
	A.3	Yes	Yes	No	No

A.1 Operator must comply with pre-contract requirements and ensure Consumer Contracts are transparent and clear

The Operator must ensure that Consumer Contracts are transparent, clear and expressed in reasonably plain language likely to be understood by the average Customer.

Words or phrases used in a Consumer Contract that have a particular meaning when used in connection with the interment industry should be defined in the contract.

Before offering, negotiating, or entering into a Consumer Contract, the Operator must provide the Customer with information about the Basic Adult Burial; Basic Ash Interment; and/or Basic Cremation offered by the Operator, including the price and the inclusions of that package.

The Operator must not enter a Consumer Contract unless the Customer has been provided reasonable time and privacy (in the circumstances) to consider a quote, written statement or contract.

A Customer must be provided with a signed copy of their Consumer Contract as soon as reasonably practicable after both parties have signed the contract.

If an Operator provides interment services at more than one Site, a Consumer Contract entered by the Operator must specify the Site at which the interment services are proposed to be provided under the Consumer Contract.

If requested by the Cemeteries Agency, the Operator must provide a copy of their Consumer Contract to the Cemeteries Agency.

A.2 Operator must not enter a Consumer Contract unless the Consumer Contract includes key details relating to the interment right

The Operator must not enter a Consumer Contract or offer a Customer a contract in connection with interment services, unless the Consumer Contract includes the following details (**key details**).

1. Agreement statement

A Consumer Contract must include an agreement statement that includes:

- a. A summary of the agreement between the Customer and Operator, including any special conditions,
- b. A declaration by the Operator that the terms and conditions have been explained to the Customer and they have been given time and privacy to consider the Consumer Contract before signing it,
- c. A declaration by the Customer that the terms and conditions have been explained to them and they have been given time and privacy to consider the Consumer Contract before signing it,
- d. A declaration by the Customer that the information provided by the Customer and included in the contract is true and correct, and
- e. Where applicable, a declaration by an Authorised Agent that it has complied with the obligation of the Operator in this condition.

2. Tenure, type and grant of right

The Consumer Contract must provide the following details regarding the interment right:

- a. Whether the interment right is perpetual or renewable,
- b. Conditions that affect the tenure (if any),
- c. The following information about grant of the interment right:
 - i. the statutory rights of the holder of an interment right,
 - ii. how an Operator determines the future holders of an interment right,
 - iii. the application of rules of intestacy,
 - iv. the identity of persons authorised to exercise the interment right,
 - v. whether the provision of a memorial is included in the interment right contract, and
 - vi. any memorialisation requirements or standards that apply to a memorial erected in connection with the interment.

This condition A.2.2 does not apply to Cremation Only Consumer Contracts.

3. Fees and charges

The Consumer Contract must provide all relevant details regarding fees and charges that are being applied.

4. Payment terms:

The Consumer Contract must include the following details regarding the making of payments:

- a. the method of payment,
- b. date which payment is due, and
- c. any interest that may be payable.

If the Cemeteries Agency publishes or otherwise makes available a standard form of Consumer Contract for the use of Operators to comply with this condition, an Operator who uses that form is presumed to have complied with the requirements of this condition.

A.3 Operator must address certain matters in all Consumer Contracts

In addition to the requirements of Condition A.2, the Operator must not offer, or enter, a Consumer Contract in connection with interment services unless it includes or makes provision each of the matters referred to in this Condition.

1. Breakdown of fees and charges

From 1 July 2024 (the Effective Date of Conditions C) these fees and charges must be broken down in the following way:

- a. For interment -an **itemised list of the fees and charges** payable for each of the following:
 - i. Right to inter
 - i. Administration (including, maintenance and inspection of the interment register, and other operational administration activities)
 - ii. Interment right
 - iii. Site land cost (for new cemeteries only)
 - iv. Maintenance costs (can include operational and/or perpetual maintenance)
 - v. End of tenure costs (where applicable, for renewable interments)
 - ii. Cremation
 - i. Cremation fee
 - ii. Cremation service fees (including, administration fees, mortuary storage costs and transportation costs)
 - iii. Burial or placement of a body or ashes in grave or structure
 - i. Excavation
 - ii. Order for interment
 - iii. Burial or Placement
 - iv. Memorialisation
 - v. Religious, cultural or spiritual requirements, (the basis for any charge incurred to meet these requirements consistent with Condition E.1.4 and E.2.4 must be stated)
 - vi. Any additional services or products and fees
- b. For cremation only -an **itemised list of the fees and charges** payable for each of the following:
 - i. Collection and storage (if applicable)
 - ii. Administrative validation of Death Certificate and associated approvals
 - iii. Preparation of cremation
 - iv. Cremation
 - v. Urn or vessel for cremated remains (if applicable)

- vi. Religious, cultural or spiritual requirements (if applicable)- , (the basis for any charge incurred to meet these requirements consistent with Condition E.1.4 and E.2.4 must be stated)
- vii. Processing of cremated human remains
- viii. Additional service fee (if applicable) [such as the Levy]

2. Responsibility for and costs associated with maintenance

A Consumer Contract must make provision for maintenance, including:

- a. maintenance of the individual interment site and any memorial located on that individual site,
- b. identifying the person responsible for costs associated with maintenance of the site,
- c. acknowledgement that maintenance responsibilities for cemeteries extend beyond the cessation of interment services at the Site,
- d. acknowledgement that maintenance of a grave; or memorial or monument will be undertaken consistent with religious or cultural requirements
- e. where a memorial has been erected other than by the Operator, specifying who is responsible for the care and maintenance of the memorial unless:
 - i. there is another contractual obligation in place for maintenance of the memorial,
 - ii. it is a Commonwealth War grave,
 - iii. it is a heritage site of local or state significance,
 - iv. the maintenance relates to a work health or safety risk,
- e. specify materials or items for a memorial or monument that may constitute a public safety hazard are not permitted and may be removed by the Operator without notice

This condition A.3.2 does not apply to Cremation Only Consumer Contracts.

3. Commencement and expiry:

The Consumer Contract must make provision for the commencement and expiry of the obligations under the Consumer Contract, including the following:

- a. date for commencement of the Consumer Contract,
- b. the expiration or termination terms (including, if applicable, any circumstance where an interment right under the Consumer Contract ceases to be available to the Customer), and
- c. relevant notice periods (if any) to the exercise of rights under the Consumer Contract.

4. Information disclosure:

The Consumer Contract must contain a provision that sets out the requirement to collect information in accordance with the *Cemeteries and Crematoria Act 2013*.

5. Privacy statement:

The Consumer Contract must contain a statement setting out the privacy rights of the Customer and the Operator's obligations with respect to the Customer's privacy under applicable privacy legislation.

6. Complaints and dispute resolution:

The Consumer Contract must make provision for complaints and dispute resolution, including the following:

- a. how to find and access the complaints resolution process,
- b. information about Customer rights for any alleged failure of guarantee for goods and services under the Australian Consumer Law.

B. Cemetery Maintenance – commencing 1 July 2024

Licence condition		Category 1	Category 2	Category 3	Category 4 (Caretaker)
B. Cemetery maintenance	B.1	Yes	Yes	Yes	Yes
	B.2	Yes	Yes	No	No
	B.3	Yes	Yes	No	No
	B.4	Yes	Yes	No	No
	B.5	Yes	Yes	No	No
	B.6	Yes	No	No	No

Note: These Conditions B do not apply to Cremation Only Operators

B.1 Operator must ensure Site maintenance is carried out and public access to the cemetery is maintained

The Operator must ensure that Site maintenance is carried out and public access to the Site is maintained, including the following:

- Public access to the Site is available during daylight hours
- Public access may be limited to the Site or part of the Site if the Operator has reasonable grounds to believe it is unsafe to allow access.
- Fallen trees or branches and other safety hazards are removed from the Site as soon as practicable after the Operator becomes aware, with consideration of risk to public and monumentation, and
- The Site remains accessible through the carrying out of basic grounds maintenance.

The Operator must continue to ensure that Site maintenance and public access are maintained whether or not the Operator is providing, or offers, future interments at the Site.

This condition applies to all cemeteries. Heritage requirements may also apply to certain Sites, or parts of Sites, and may invoke additional maintenance requirements under the *Heritage Act 1977*.

Public access to the Site may be limited to access by appointment, but only if:

- a) the Operator advertises at the Site the way in which an appointment may be made, and
- b) appointments are made available within a reasonable time after a request is made.

B.2 Operator must prepare a document which outlines the maintenance needs of the Site

The Operator must prepare a document which outlines the maintenance requirements for each Site at which the Operator provides interment services. The document must address the following:

1. The current status of the Site, as either operating or Inactive,
2. Factors that may impact the appropriate maintenance of different parts of the Site including the current status (as either operating or Inactive),
3. A list of the assets at the Site which require ongoing maintenance
4. An inspection cycle for assets at the Site, indicating how often assets will be inspected
5. If there are memorials on the Site, outlines a monument safety inspection cycle that provides for an inspection of memorials at least once in every 5-year period
6. A maintenance schedule identifying planned maintenance commitments and anticipated responses for unplanned maintenance required to be undertaken (such as repair or restoration of memorials)

If the Operator has a Category 1 licence, the maintenance schedule must be updated annually.

If the Operator has a Category 2 licence, the maintenance schedule must be updated every second year.

The Operator is to notify the Cemeteries Agency as soon as practicable after the document required by this Condition has been prepared/updated.

If requested by the Cemeteries Agency, the Operator must provide a copy of the document to the Cemeteries Agency.

B.3 Operator must keep records in relation to the activities carried out under the maintenance document

The Operator must maintain a record of all activities and inspections carried out in accordance with the maintenance document prepared under Condition B.2.

The record must include the following in relation to each activity or inspection:

1. summary of the activity or inspection,
2. the date on which the activity or inspection occurred,
3. the costs incurred in carrying out the activity or inspection.

If requested to do so, the Operator must provide a copy of these records to the Cemeteries Agency.

B.4 Operator must provide the Cemeteries Agency with a completed self-assessment checklist for Site maintenance

If the Cemeteries Agency publishes a self-assessment checklist for Site maintenance in the NSW Gazette, the Operator must complete the self-assessment checklist in accordance with this Condition.

If the Operator has a Category 1 licence, the self-assessment checklist must be completed each year. A copy of the completed check list must be provided to the Cemeteries Agency no later than the anniversary of the date on which the licence was granted.

If the Operator has a Category 2 licence, the self-assessment checklist must be completed every second year. A copy of the completed self-assessment checklist must be provided to the Cemeteries Agency provided no later than every second anniversary of the date on which the licence was first granted.

B.5 Operator must comply with Site maintenance standards

In addition to the requirements under Condition B.1, the Operator must take all reasonable steps to comply with the Site maintenance standards at each Site at which the Operator provides interment services. The standards imposed by this condition apply without limiting any other condition applicable to the licence. The Site maintenance standards are:

1. Site Entry and Access

- a. Clear, legible signage at each entry point to the Site to set out the cemetery name, contact details of the Operator and the Site opening hours.
- b. Well defined boundaries and/or fencing around the Site.
- c. Entry points to be designed and maintained to avoid conflict between pedestrians and vehicles.
- d. Spaces shared by vehicles and foot traffic to be suitably identified.
- e. Maintenance and landscaping be carried out in high visitation areas.

2. Cemetery Grounds

- a. Prepare, publish and make available to the public a policy which outlines mementos and offerings that can be left by visitors.
- b. Safe access for visitors and work personnel must be maintained and not become overgrown or concealed by vegetation.
- c. Use of dyed herbicides that are reasonably likely to stain memorials are to be avoided.
- d. Signage must be erected and maintained to clearly display any applicable speed limits.
- e. Where reasonable, ensure that applicable religious or cultural requirements for Site maintenance are adhered to.

3. Memorials

- a. New or restored Memorials must comply with the applicable provisions of AS 4204:2019 *Headstones and cemetery monuments* and AS 4425:2020 *Above-ground burial structures*
- b. Memorials must be regularly assessed (at least once in every 5 year period) to determine the need for safety maintenance, and proportionate action taken to rectify any risks identified.

4. Heritage Values

- a. For Sites, memorials or structures which are listed on the State Heritage Register, establish, and update as required, a conservation management plan for those Sites, memorials or structures or adopt nationally accepted guidelines (e.g. Burra Charter) as applicable.
- b. Ensure that information in relation to the heritage value of the Site, if any, is made publicly available.

5. Public Information

- a. Ensure signage on the Site is clearly visible, and does not create a physical obstruction or hazard.
- b. Display signage to identify and warn the public of maintenance works being undertaken both in advance and during works.
- c. Provide on-site information to the public (e.g. Site map and opening hours)
- d. Provide basic information to enable people to locate individual plots at the Site.

B.6 Operator must comply with additional Site maintenance standards

In addition to the requirements under Condition B.1 and B.5, the Operator must take all reasonable steps to comply with the Site maintenance standards at each Site at which the Operator provides interment services. The standards imposed by this condition apply without limiting any other condition applicable to the licence. The additional Site maintenance standards are:

1. Environmental Management

- a. Not more than 2 years after the grant of the licence, a Safe and Useful Life Expectancy (SULE) report or equivalent safety assessment must be prepared by an arborist or other qualified professional for trees on the Site and the report must be repeated as recommended by the arborist (but not less than once every 5 years).
- b. Location and manner of landscape supply storage and soil stockpiles are to minimise visual disruption.

2. Built Assets and Infrastructure

- a. An asset management plan which achieves the following must be prepared:
 - i. Lists all built assets and infrastructure
 - ii. Ensures assets remain in a safe and useful condition, including replacement where necessary
 - iii. Provide for multi-use asset utilisation where possible

3. Maintenance Skills and Resources

- a. Ensure each staff member has appropriate skills and training for the activities that are ordinarily required of that staff member.
- b. Ensure each staff member has vocational training appropriate to the staff member's role, including but not limited to cemetery safety training, safe operation of crematoria and safety inspection of memorials.

Note: These Cemetery Maintenance conditions are not intended to, and cannot, override or diminish any obligations of an Operator under an Act, order, regulation, proclamation or ordinance.

C. Pricing Transparency – commencing 1 July 2024

Licence Condition		Category 1	Category 2	Category 3	Category 4 (Caretaker)
C. Pricing Transparency	C.1	Yes	Yes	No	No
	C.2	Yes	Yes	No	No
	C.3	Yes	Yes	No	No

C.1 Operator must make a price breakdown of the Basic Adult Burial, Basic Ash Interment and/or Basic Cremation publicly available

The Operator must publish a price breakdown of the Basic Adult Burial, Basic Ash Interment; or Basic Cremation provided by the Operator.

If the Operator provides both burials and ash interments, the Operator must publish the details of both the Basic Adult Burial and the Basic Ash Interment.

Operators providing Burial and/or Ash Interment are not required to provide a Basic Cremation option. However, if Basic Cremation is a service offered by an Operator, they are also required to publish a price breakdown for Basic Cremation.

For the avoidance of doubt, Cremation Only Operators must only publish a price breakdown for the Basic Cremation.

If the Operator charges different amounts at different Sites at which the Operator operates, the Operator must publish the price for each Site at which the Operator provides its services (unless otherwise approved, in writing, by the Cemeteries Agency). The information must be provided in the approved format and made available at each place of business of the Operator or in another manner approved in writing by the Cemeteries Agency. The approved format can be found on the Cemeteries Agency's website.

If the Operator maintains a website, the information must also be published on the website.

If requested, the Operator must provide a copy of the price breakdown to the Cemeteries Agency.

C.2 Operator must publish prices for all of their available interment services on their website or at their place of business if they do not maintain a website.

C.3 Operator must not enter a Consumer Contract unless the Customer has been provided details of a Basic Adult Burial, Basic Ash Interment or Basic Cremation

The Operator must not enter a Consumer Contract with a Customer unless the Operator has provided the Customer details of the Basic Adult Burial, Basic Ash Interment or Basic Cremation. If the Operator provides both burials and ash interments, the Operator must provide the details of both the Basic Adult Burial and Basic Ash Interment provided by the Operator.

Operators providing Burial and/or Ash Interment are not required to provide a Cremation Only option. However, if Cremation Only is a service offered by an Operator, they must also provide details of that service provided by the Operator.

For the avoidance of doubt, Cremation Only Operators must only provide details for Basic Cremation.

The details are to be provided in the same format as the details published by the Operator under condition C.1.

D. Customer Service – commencing 1 October 2023

Licence Condition		Category 1	Category 2	Category 3	Category 4 (Caretaker)
D. Customer Service	D.1	Yes	Yes	Yes	No
	D.2	Yes	No	No	No
	D.3	Yes	Yes	Yes	No
	D.4	Yes	Yes	Yes	No
	D.5	Yes	Yes	Yes	No

D.1 Operator must take all reasonable steps to ensure compliance with the Customer Service Principles

The Operator must take all reasonable steps to comply with the Customer Service Principles. The Customer Service Principles are

1. Personal choices of Customers must be respected
2. When requested by a Customer, the operator must provide full and accurate information about the products and services that the operator is able to provide
3. The business of the operator is to be carried out with competency and integrity

4. The conduct of the operator must not bring the interment industry into disrepute.

Note: Discrimination against Customers, visitors, invitees or the public is not permitted on any grounds referred to in the *Anti-Discrimination Act 1977*, or any applicable Commonwealth discrimination legislation

The Operator must have systems and processes in place to ensure compliance with the Customer Service Principles referred to in this Condition D.1. Operators must promote the importance of Customer Service to their organisation, including by making any customer service related charters or policies (incorporating these Customer Service Principles) available to all Customers and prospective Customers.

If requested, evidence of the Operator's systems and processes that are in place to support the Customer Service Principles must be provided to the Cemeteries Agency.

D.2 Operator must ensure that each person employed or engaged in connection with interment services is trained appropriately

The operator must ensure that each person employed or engaged in connection with interment services is, as far as reasonably practicable, trained appropriately for their ordinary activities. To ensure that staff are trained appropriately, an operator must:

1. ensure that employees and other persons engaged by the Operator:
 - a. are trained in the Customer Service Principles
 - b. hold any requisite qualifications, licences or accreditation for the activities they are expected to conduct,
 - c. are trained on how to familiarise themselves with cultural and religious requirements and act in a manner respectful of culture and faith, and
 - d. inform Customers of, and use, the correct systems and processes for Customer service
2. have appropriate disciplinary procedures and undertake appropriate disciplinary action where there has been a breach of the Customer Service Principles.

D.3 Operator must have suitable practices to ensure proper disclosure of information

The operator must have suitable practices to ensure that there is a proper disclosure of information to Customers. The operator must establish practices to ensure staff employed or engaged by the operator comply with the following:

1. Where necessary, reasonable efforts are made to assist Customers who do not speak English or have specific communication needs.
2. A Customer is not to be referred to an Ancillary Provider without disclosing any financial, personal or other relationship or arrangement that exists between the operator and the Ancillary Provider.
3. Reasonable efforts should be made to ensure that Customers fully understand the inclusions and exclusions in any service, plan or package that they are purchasing by providing information in a standardised format.
4. Reviews are undertaken at regular intervals to identify and correct inappropriate or out-of-date information.

5. Customers are made aware of their consumer rights under applicable laws of NSW or the Commonwealth.
6. The privacy and confidentiality of Customers and the deceased are to be maintained under applicable legislation of NSW or the Commonwealth relating to privacy and the protection of personal information.

D.4 Operator must establish a process of resolving disputes between the operator and consumers of their interment services

The operator must establish a process of resolving disputes that may arise between the operator and consumers of their interment services. As part of this process, the operator must:

1. Ensure disputes and any resulting complaints are dealt with in a respectful and compassionate way,
2. Provide written acknowledgement of receipt of a complaint to the complainant within 7 days (where practicable) after receiving the complaint,
3. Give a written response to the complaint to the complainant within 30 days (where practicable) of the date on which the operator received the complaint, and
4. Publish information (in the Operator's place of business and on the Operator's website if they maintain a website) about the following:
 - a. the way in which a complaint may be made to the Operator,
 - b. the time frames in which responses to complaints will be given,
 - c. the actions the Operator may take in investigating a complaint,
 - d. the way a final determination will be made and notified to the complainant,
 - e. alternative ways a person may have a complaint heard if the person is not satisfied with the Operator's handling of the complaint or response to the complaint, including the ability to make complaints directly to the Cemeteries Agency.
 - f. the role of the Cemeteries Agency (the Cemeteries Agency will provide the relevant content required to satisfy this condition)

If requested, evidence of the Operator's systems and processes that are in place to support the dispute resolution process must be provided to the Cemeteries Agency.

D.5 Operator must establish and maintain a register of complaints received

The Operator must establish and maintain a register of all complaints that they receive. The register must include the following information in relation to each complaint:

1. the identification number allocated to the complaint
2. the date the complaint was received
3. the matters raised by the complainant
4. any interactions with the complainant in connection with the complaint
5. the date the operator gave the complainant a written response to the complaint

- 6. whether the complaint was resolved,
- 7. details of the outcome of the complaint, and
- 8. any other relevant information.

The information and records relating to the complaints listed in the register must be kept for a period of at least 7 years from the date that the complaint was made.

If requested, a copy of the complaints register must be provided to the Cemeteries Agency.

Note: These Customer Service conditions are not intended to, and cannot, override or diminish any rights of any individuals under an Act, order, regulation, proclamation or ordinance.

E. Religious, Cultural and Spiritual Principles – commencing 1 February 2024

Licence Condition		Category 1	Category 2	Category 3	Category 4 (Caretaker)
E. Religious, Cultural and Spiritual Principles	E.1	Yes	Yes	Yes	No
	E.2	Yes	Yes	Yes	No

E.1 Operator must take all reasonable steps to ensure compliance with the Religious and Cultural Principles.

The operator must take all reasonable steps to ensure compliance with the following Religious and Cultural Principles:

1. Operators must inform themselves of the religious and cultural demographics of the region in which they operate, and about the religious and cultural requirements of the communities that they service.
2. Operators must inform themselves of, and record, any religious or cultural requirements in relation to each burial or cremation.
3. Operators must satisfy requests to meet religious or cultural requirements in relation to burial and cremation, where the request is practicable and aligns with all relevant laws, and work health and safety obligations. For the avoidance of doubt, this principle does not require the dedication of land or the erection of structures.
4. For services provided to satisfy a request to meet religious or cultural requirements under Principle 3 (above), the Operator must set out the basis for any charge incurred to meet these requirements (and this must be reflected in the fees and charges itemised in the contract as per A.2.3.v).

5. Operators must engage with the religious and cultural communities they service, or those seeking to be serviced by the Operator, and undertake good faith negotiations to accommodate identified community needs and resolve any grievances.

If requested, the Operator must provide the Cemeteries Agency with documents or information outlining steps taken by the Operator to comply with Religious and Cultural Principles.

Note: The Religious and Cultural Principles are not intended to, and cannot, override or diminish any rights of any individuals under an Act, order, regulation, proclamation or ordinance.

E.2 Operator must take all reasonable steps to ensure compliance with the Aboriginal Cultural and Spiritual Principles.

The operator must take all reasonable steps to ensure compliance with the following Aboriginal Cultural and Spiritual Principles:

1. Operators must inform themselves of the Aboriginal communities, including Traditional Owners, in the region in which they operate and of Aboriginal cultural and spiritual practices and requirements for burial and cremation.
2. Operators must inform themselves of, and record (unless expressly asked not to make a record), any Aboriginal cultural and spiritual requirements in relation to each burial or cremation.
3. Operators must satisfy requests to meet Aboriginal cultural or spiritual requirements in relation to burial and cremation, where the request is practicable and aligns with all relevant laws, and work health and safety obligations. For the avoidance of doubt, this principle does not require the dedication of land or the erection of structures.
4. For services provided to satisfy a request to meet Aboriginal cultural and spiritual requirements under Principle 3 (above), the Operator must set out the basis for any charge incurred to meet these requirements. (and this must be reflected in the fees and charges itemised in the contract as per A.2.3.v).
5. An Operator commonly providing Aboriginal burials or cremations for Aboriginal communities must, in respect of each community:
 - a. engage with relevant Aboriginal community about their cultural and spiritual requirements relating to interment, and
 - b. undertake good faith negotiations to accommodate identified community needs and resolve any grievances.

If requested, the Operator must provide the Cemeteries Agency with documents or information outlining steps taken by the Operator to comply with Aboriginal Cultural and Spiritual Principles.

Note: The Aboriginal Cultural and Spiritual Principles are not intended to, and cannot, override or diminish any rights of any individuals under an Act, order, regulation, proclamation or ordinance.

F. Reporting Obligations – commencing from issue of licence

Licence Condition		Category 1	Category 2	Category 3	Category 4 (Caretaker)
F. Reporting Obligations	F.1	Yes	Yes	Yes	No

F.1 Operator must provide updated information to the Cemeteries Agency in certain circumstances

The operator must notify the Cemeteries Agency, in writing, of any changes affecting the information provided to the Agency by the licence holder.

The operator must inform the Cemeteries Agency, in writing, of changes in relation to:

1. the Sites at which the operator is providing, or intends to provide, interment services,
2. contact details of the operator,
3. changes relevant to the licence held by the operator, including substantial changes affecting information provided to the Cemeteries Agency in connection with the grant or renewal of the licence. For example, a change to the directors or majority shareholder of an Operator that is a corporation.

Notice must be given not more than 30 days after the date of the change and, if the change relates to Sites at which the operator intended to provide interment services, before providing interments at a new Site.

G. Prohibition of interment services

Licence Condition		Category 1	Category 2	Category 3	Category 4 (Caretaker)
G. Prohibition of interment services	G.1	No	No	No	Yes

G.1 The operator cannot perform interments

The operator cannot offer, or perform, an interment.

However, the operator may perform an interment in respect of an individual if:

1. the interment is the fulfilment of an interment right (including a right, licence or other entitlement in the nature of an interment right granted before the commencement of section 45 of the Act) that was granted before the operator became the holder of an operator (Caretaker) licence, or
2. the interment is of a nominated person or class of persons (for which no interment right has been granted), the particulars of which were provided by the Operator to the Cemeteries Agency in its application for its operator (Caretaker) licence and approved by the Cemeteries Agency.

The operator must notify the Cemeteries Agency, in writing, within 5 business days of performing an interment.

A request for the Cemeteries Agency to approve the grant of rights of interment under G.1.2 may be refused by the Cemeteries Agency in its absolute discretion.



CEMETERIES CUSTOMER SERVICE CHARTER

As a licenced cemetery operator, and in line with our licence conditions, we recognise the importance of customer service. When carrying out interment services we will endeavour to provide a high standard of customer service at all times, as outlined in this Charter.

Commitment to Customer Service Principles

In providing our services we will take all reasonable steps to ensure that we:

- Respect the personal choices of our customers.
- Provide customers and prospective customers with full and accurate information about the products and services that we are able or unable to provide.
- Carry out our business with competency and integrity, and
- Maintain high standards of conduct, to enhance the reputation of the industry.

We will ensure that there are systems and processes in place to support these customer service principles. This Charter is a key part of those systems and processes.

We will ensure there is no discrimination against customers, visitors, invitees, or the public on any of the grounds referred to in the *Anti-Discrimination Act 1977*.

Provision of Information to Consumers

In relation to disclosure of information, we will have practices in place to ensure that:

- Where necessary, reasonable efforts will be made to assist customers who do not speak English or have specific communication needs.
 - We will not refer you to any ancillary / outside provider without disclosing any financial or other relationship we may have with that provider.
 - We take a responsible approach to selling, by making reasonable efforts to ensure customers fully understand the inclusions and exclusions in any service, plan, or package they purchase by providing information in a standardised format.
 - Where inappropriate or out-of-date information has been provided, we will rectify such errors to ensure that correct information is provided to the customer or prospective customer.
-

- We make sure our customers are aware of their consumer rights under applicable laws of NSW and/or the Commonwealth.
 - We maintain the privacy and confidentiality of personal information under applicable legislation.
-

Dealing with Complaints and Disputes

When resolving any disputes with our customers we will:

- Deal with disputes and complaints in a respectful and compassionate way
- Do our best to acknowledge a complaint in writing within 7 days and respond in writing within 30 days.

If you are not satisfied with our handling of your complaint or the resolution, you can contact the Cemeteries Agency via email - ccnsw.info@cemeteries.nsw.gov.au or by phone - 02 9842 8470.

For all complaints we receive, we will ensure these are captured in a register and maintain relevant records for 7 years from the date the complaint was made.

How we demonstrate this commitment

To ensure that we are meeting these customer service standards, as required by our licence, we will provide Cemeteries & Crematoria NSW, our regulator, with copies of documentation related to customer service activities on request, including:

- Copies of customer service policies and/or processes or other relevant documentation.
- Any information relevant to complaints, including the annual summary of records of complaints received; and
- Keeping appropriate records as required by law and to support our business and customers.

How to contact us:

For all enquiries, feedback or to share your experience:

Junee Shire Council
PO Box 93
JUNEE NSW 2663

Phone: 02 69248 100

E-mail: jsc@junee.nsw.gov.au

Item 10 DRAFT PLAN OF MANAGEMENT FOR BETHUNGRA DAM RESERVE

Author GIS/Grants Coordinator

Attachments Draft Plan of Management for Bethungra Dam Reserve (Site Specific)
Native Title Assessment Report

RECOMMENDATIONS:

1. *That Council note the report titled Draft Plan of Management for Bethungra Dam Reserve.*
 2. *That Council resolve to publicly exhibit the draft Plan of Management for a period of 28 days, allowing a 42-day submission period.*
 3. *That after expiry of the submission period and consideration of any submissions received, the draft Plan of Management be revised, if required, in accordance with Department of Industry and Environment – Crown Lands instructions.*
 4. *That, if after expiry of the submission period there have been no submissions received, Council adopt the draft Plan of Management pursuant to Section 40 of the Local Government Act 1993 in accordance with 3.23(6) of the Crown Land Management Act 2016.*
-

EXECUTIVE SUMMARY

This report provides to Council a draft Plan of Management for Bethungra Dam Reserve. The PoM has been approved for public exhibition and comment by Department of Planning and Environment – Crown Lands.

Provided that there are no submissions received or amendments to the draft PoM, following expiry of the submission period, Council may also resolve to adopt the PoM in its current form.

BACKGROUND

The Crown Land Management Act 2016 came into force on 1 July 2018 and changed the way in which Councils manage and operate Crown Land.

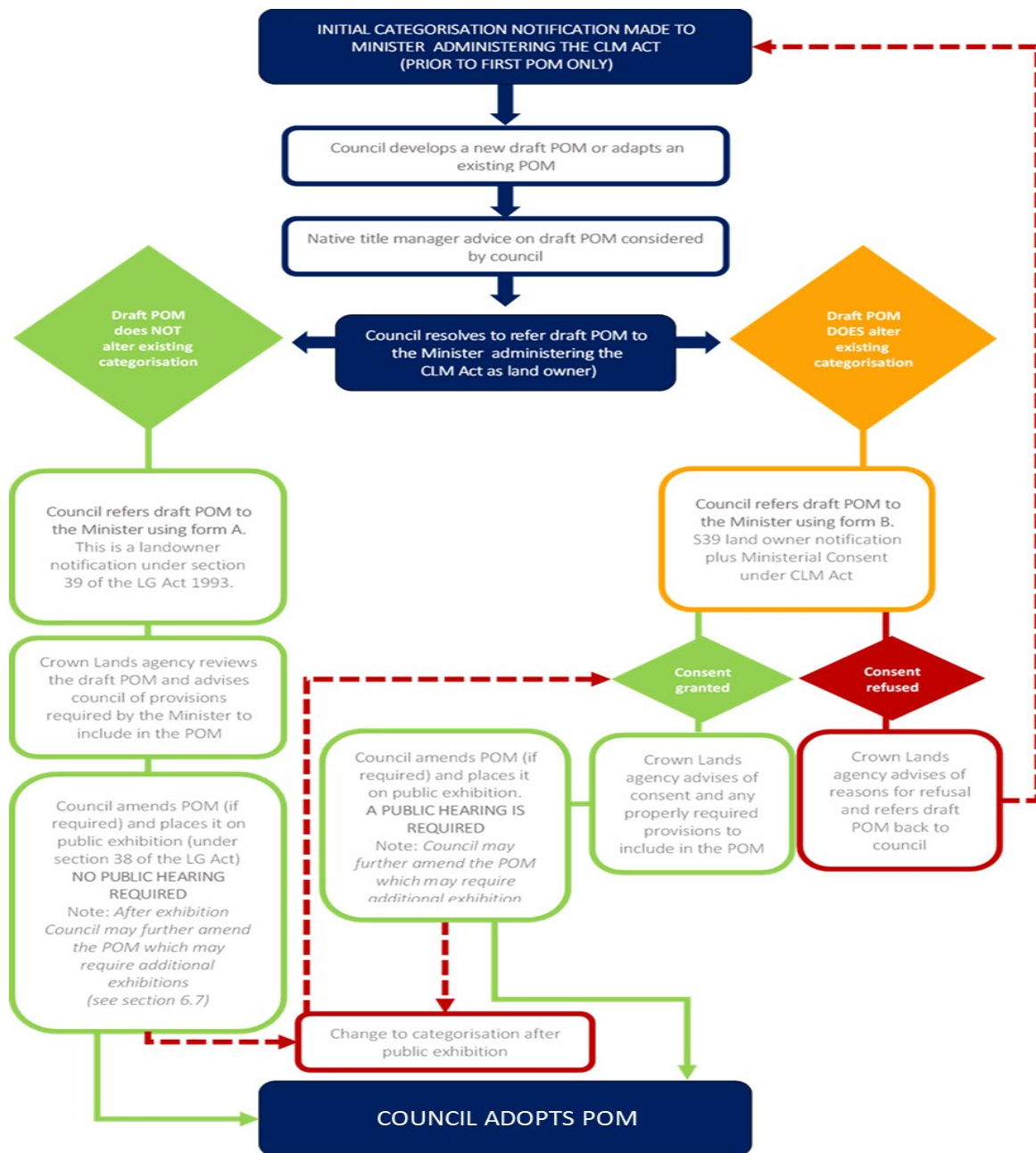
In essence, the Crown Land Management Act 2016 (the CLM Act) authorises local councils that are appointed to manage dedicated or reserved Crown land (Council Managers) to manage that land as if it were public land under the Local Government Act 1993 (LG Act).

Generally, Council manages this land as if it were community land. Under the LG Act, a 'plan of management' must be adopted for all community land. The plan categorises the land and governs its use and management.

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

Council has already adopted a Generic Plan of Management covering 17 Crown reserves that it manages. The draft Plan of Management for Bethungra Dam Reserve is the first of three remaining site-specific PoMs required – the other two being for Sandy Beach and Rocky Hill Reserves.

The process of preparing a Plan of Management has been reported several times to Council. The following flowchart details the process councils are required to follow. The purpose of this report is that we are now entering the exhibition for public comment stage.



CONSIDERATIONS

Under the Local Government Act, a ‘plan of management’ (PoM) must be adopted by Council for all community land.

Council managers must ensure that there is a compliant PoM for all Crown land that they manage as community land to ensure that it is lawfully used and occupied. Ensuring lawful use and occupation is an essential part of Council's role as the manager of Crown land.

The draft Plan of Management for Bethungra Dam Reserve was submitted to Department of Planning and Environment – Crown Lands for comment in May this year. The Minister has now gone ahead and approved the PoM in its current form and Council may proceed to adoption if there are no major amendments to the PoM following exhibition for public comment.

Consultation

Consultation has been undertaken with relevant internal Council stakeholders and NSW Department Planning and Environment - Crown Lands.

While all PoMs must be developed in accordance with the public exhibition requirements of the Local Government Act 1993, if the draft PoM results in the land being categorised by reference to categories assigned as provided under the Act, the Council Manager will not be required to hold public hearings under the relevant provisions of the LG Act however must give public notice of it in accordance with the Act.

The draft PoM has used the category assigned under the Act without change and thus there is no requirement for a public hearing.

Section 38 of the LG Act 1993 requires that:

- A council must give public notice of a draft PoM for a period of not less than 28 days.
- The public notice must also specify a period of not less than 42 days after the date on which the draft plan is placed on public exhibition during which submissions may be made to the council.
- The council must, in accordance with its notice, publicly exhibit the draft plan together with any other matter which it considers appropriate or necessary to better enable the draft plan and its implications to be understood.

If there are no changes following public exhibition, the delegate for the Minister for Lands and Property has consented to Council adopting the PoM under clause 70B of the Crown Land Management Regulation 2018.

If the PoM is amended after public exhibition (except for minor editorial and formatting changes), council must resubmit the draft PoM for Minister's consent to adopt.

Native Title Assessment

The PoM provides strict guidelines for activities that require a Native Title Assessment and validation under the Native Title Act 1993 to be carried out by Council's Native Title Manager prior to the commencement or approval of any of those activities.

The PoM is clear that the management of those activities that could be considered to be future acts, must take into account the reserve purpose for the land.

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

Council's Native Title Manager has undertaken an assessment in accordance with the Crown Land Management Act and the Native Title Act. That Assessment Summary is an attachment to this report. The assessment confirms Council's obligation satisfactorily.

Financial

There are no adverse financial implications resulting from this report.

Connection with IPR

5.3.1 Review Crown Reserve Plans of Management.

CONCLUSION

It is recommended that Council note this report and proceed to public exhibition of the Draft Plan for a period of 28 days, allowing a 42-day submission period.

It is also recommended that if there are no changes to the PoM following expiry of the public exhibition and submission period, that Council adopt the PoM under Section 40 of the Local Government Act 1993 in accordance with 3.23(6) of the Crown Land Management Act 2016.

If the PoM is amended after public exhibition (except for minor editorial and formatting changes), Council must then resubmit the draft PoM for Minister's consent to adopt and a further report would be provided to Council.



JUNEE SHIRE COUNCIL

ATTACHMENT TO ITEM 10

19 NOVEMBER 2023





**DRAFT
Junee Shire Council
Plan of Management for
Bethungra Dam Reserve
(Site Specific)**

PoM

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Acknowledgement of Country

Junee Shire Council acknowledges the Wiradjuri people who are the traditional custodians of this land. The Council pays respect to the Elders both past and present of the Wiradjuri Nation and extends that respect to other community members.

Document Details

Name: Plan of Management for Bethungra Dam Reserve (Site Specific)

Council: Junee Shire Council

Adoption Date: XXXX

Table of Versions

Version	Description	Date
1	Final Draft Submitted to Crown Land	
2	Initial Draft (for Council Comment)	
3	Final Version for Public Exhibition	
4	Final Version	

1. Introduction

The Crown Land Management Act 2016 (CLM Act) commenced on 1 July 2018, introducing legislation to govern the management of Crown land in NSW. Councils now manage Crown reserve land as if it were “community land” under the Local Government Act 1993 (LG Act).

Under the LG Act, Council is required to have Plans of Management in place for all land that it manages, in accordance with Section 3.23 of the Crown Land Management Act 2016 and Section 36 of the Local Government Act 1993.

This Plan of Management (PoM) specifically addresses the management of Bethungra Dam Reserve which is classified as “community land” under the LG Act. It outlines the way in which the land will be used. It also provides the framework to guide Council in relation to the authorisation of licences over the land.

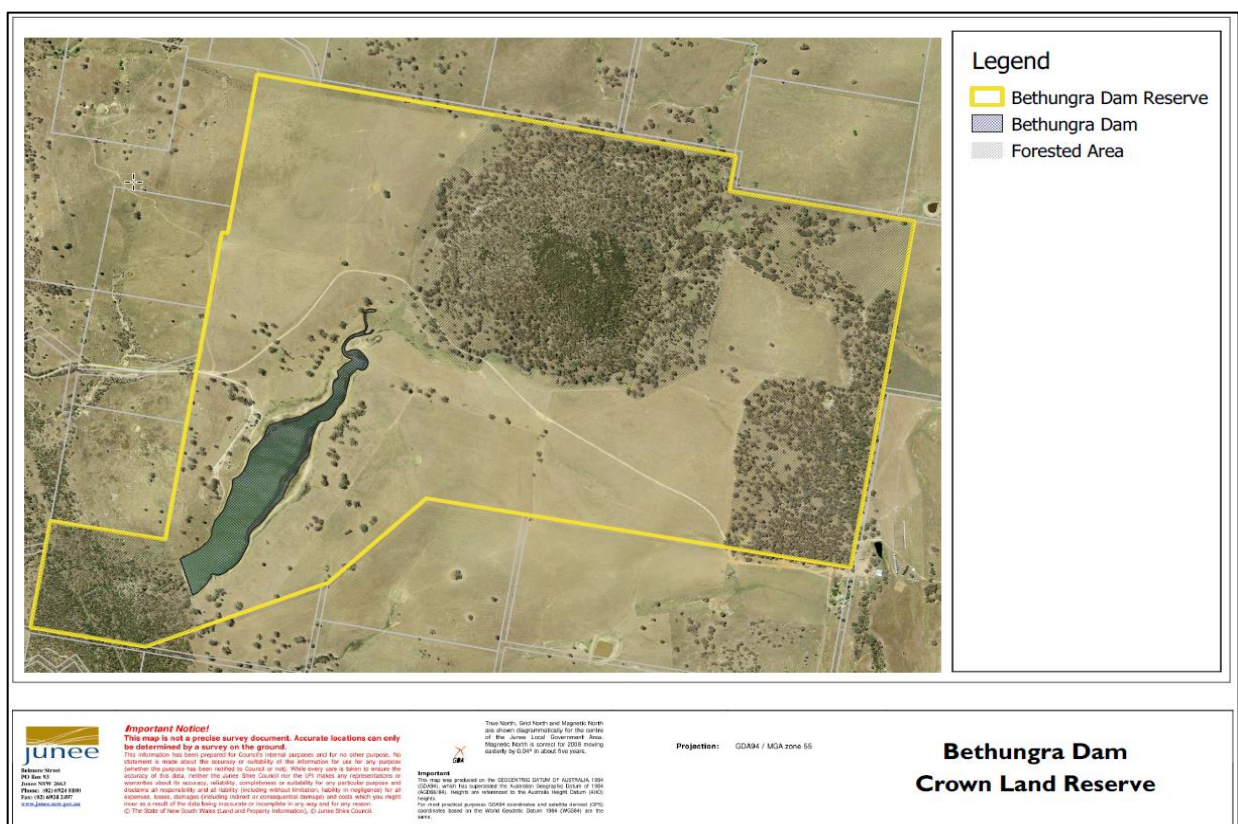


Figure 1: Bethungra Dam Reserve location and features

2. Purpose of this Plan of Management

The Purpose of this Plan of Management is to:

- Contribute to Junee Shire Council’s broader strategic goals and vision set out in the Junee Community Strategic Plan, adopted in 2017.
- Ensure compliance with the Local Government Act 1993.
- Ensure compliance with the Crown Land Management Act 2016.
- Provide clarity for future development, land use and management of the reserve.

3. Process of Preparing this Plan of Management

Division 2 of Part 2 of Chapter 6 of the Local Government Act sets out the process for the preparation of a PoM. Figure 2 illustrates the process undertaken by Council in preparing this PoM.

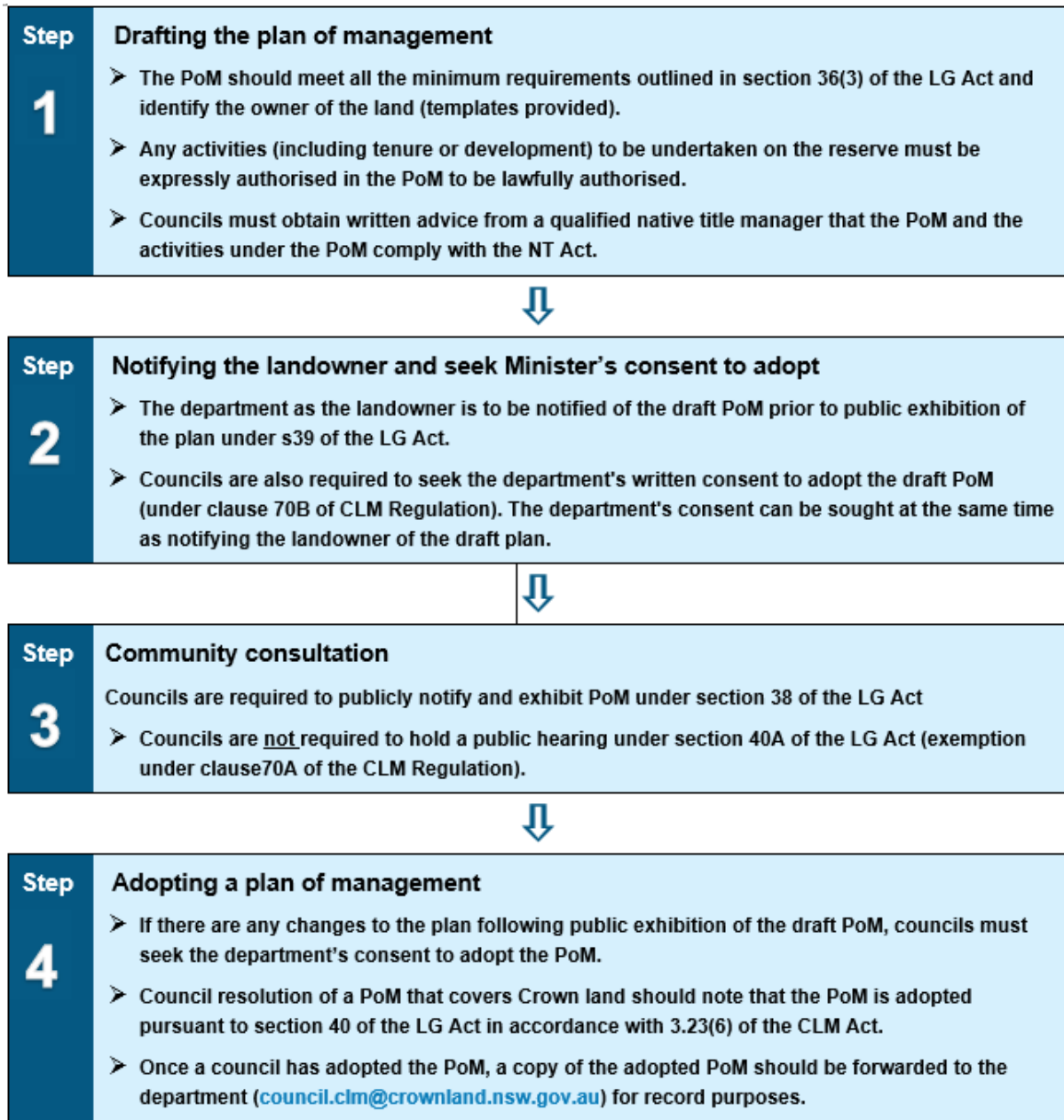


Figure 2: Process of Preparing a Plan of Management for Council managed Crown Reserves

4. Review of this Plan of Management

4.1 Methodology

This PoM will require periodic review to ensure that it aligns with community values and changing community needs, and to reflect changes in Council's priorities. Council has determined that it will review the PoM at five-year intervals. However, the performance of this PoM will be reviewed on an annual basis to ensure that the Reserve is being managed in accordance with the PoM, is well maintained and provides a safe environment for public enjoyment.

The appendices to this PoM may be updated from time to time, reflecting significant changes to the condition of the land.

A Concept Plan for future improvement of the reserve is being developed (Appendix A). The community will have opportunity to comment on the draft Concept Plan and to participate in reviews of this PoM.

4.2 Legislative Framework

Legislative framework and requirements regarding Crown land plans of management are provided in Appendix B.

4.3 Community Consultation

Community consultation and input provides Council with a sound understanding of local issues from people who are familiar with and use the Bethungra Dam Reserve. It also assists the Council in providing facilities that are relevant to the needs of the community.

Future development of the reserve will be based on the Junee Shire Council Delivery Program and the views expressed by users. Public consultation guides and informs Council's land management aims, fights misinformation and gains support for Council's programs and policies. The co-operation of the users of the Bethungra dam Reserve in the development of this PoM assists in achieving the management goals and objectives and ensures that the needs of the community and environment are met.

Before Council can adopt this PoM it must be placed on public exhibition for at least 28 days in accordance with the LG Act. The period in which written submissions can be received is not less than 42 days from the first day of public exhibition.

5. Reserve Background and Context

5.1 Land Description

This PoM applies to the whole of the Bethungra Dam Reserve, 567 Waterworks Road, Bethungra.

Table 1: Information about the reserve covered by this plan of management.

Reserve Number	220036
Gazettal Date	17/1/1992
Reserve Purpose	Public Recreation
Land Parcel	Lot 84 DP 726196 Parish of Ulandra County Clarendon
Area (Hectares)	386.615
LEP Zoning	RUI Primary Production
Assigned Category	Park
Native Title Claim/ Determination	Not applicable

5.2 Vegetation Context

Approximately 40% of the reserve remains uncleared with remnant vegetation comprised of low to open woodland, with a highly disturbed understory in the sections which have been actively grazed in the past.

The unnamed granite hill located near the northern boundary of the reserve is well covered with native low-open woodland. This vegetation is predominately comprised of White Box (*Eucalyptus albens*), Red Ironbark (*E. sideroxylon*), Native pine (*Callitris columellaris*), Kurrajong (*Brachychiton populneus*) and Dropping She Oak (*Allocasuarina verticillate*), covering the hill to its lower slopes. Grazing and resampling by cattle and sheep have moderately disturbed the understory of this community.

A stand of White Box savannah woodland is situated on the gently undulating lower slopes of the eastern corner of the parcel. This community is in good condition, but less regeneration is evident. A narrow partially cleared corridor of trees along Billabong Creek in the north-eastern part of the parcel links this remnant vegetation with that on the hill. This corridor is a vital link for dispersion and the movement of fauna. A few other White Box are sparsely scattered along the slopes adjoining the Bethungra Dam.

Below the dam wall, in the far south-western corner is the only other substantial patch of remnant vegetation. This combines with the Ulandra Nature Reserve, adjoining the area to the south, to form part of the corridor along Wandalybingle Creek.

5.3 Geology

Geologically the area is an underlying large, localised granite intrusion. This is quite close to the surface. Soils are derived by weathering of the parent rock to form a shallow mantle. Coarse grains of quartz and a high percentage of the sand fraction dominates soil composition near the crests. These are progressively replaced downslope and in gullies by an increasing percentage of finer soil fractions. An increase in soil depth is also

evident downhill.

Granite soils are typically erodible, being prone to most forms of wind and water activated erosion. It is therefore essential to maintain a ground cover on the Bethungra Dam soils. At its current level for grazing and light recreational activities this is being achieved, however elevated levels of grazing can cause land degradation to occur over time.

6. Threatened Habitat and Ecological Communities

6.1 Fauna

The Bethungra Dam Reserve provides habitat for threatened species in its vicinity. Some of these species include:

- Black-breasted Buzzard
- Blue-billed Duck
- Speckled Warbler
- Flame Robin

The recorded locations of these and other species are displayed in Figures 3 to 6.

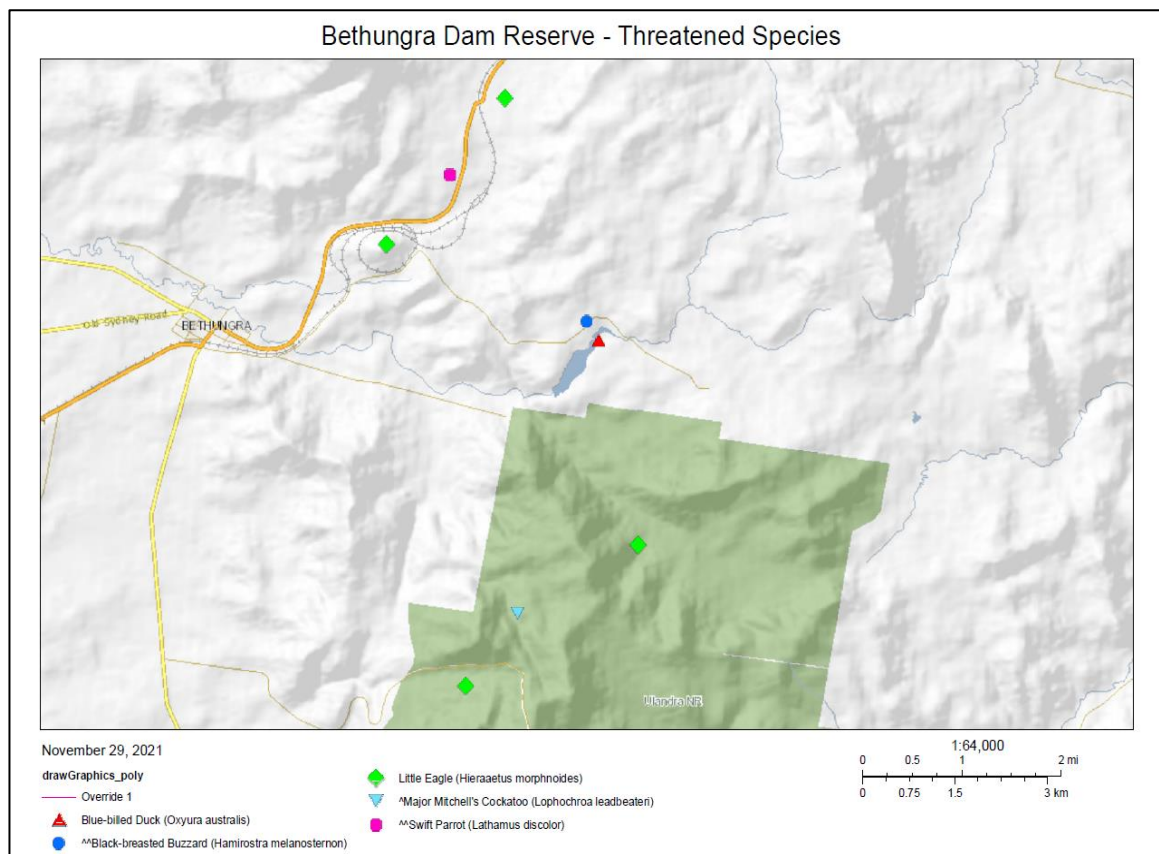


Figure 2: Bethungra dam reserve threatened species; map one

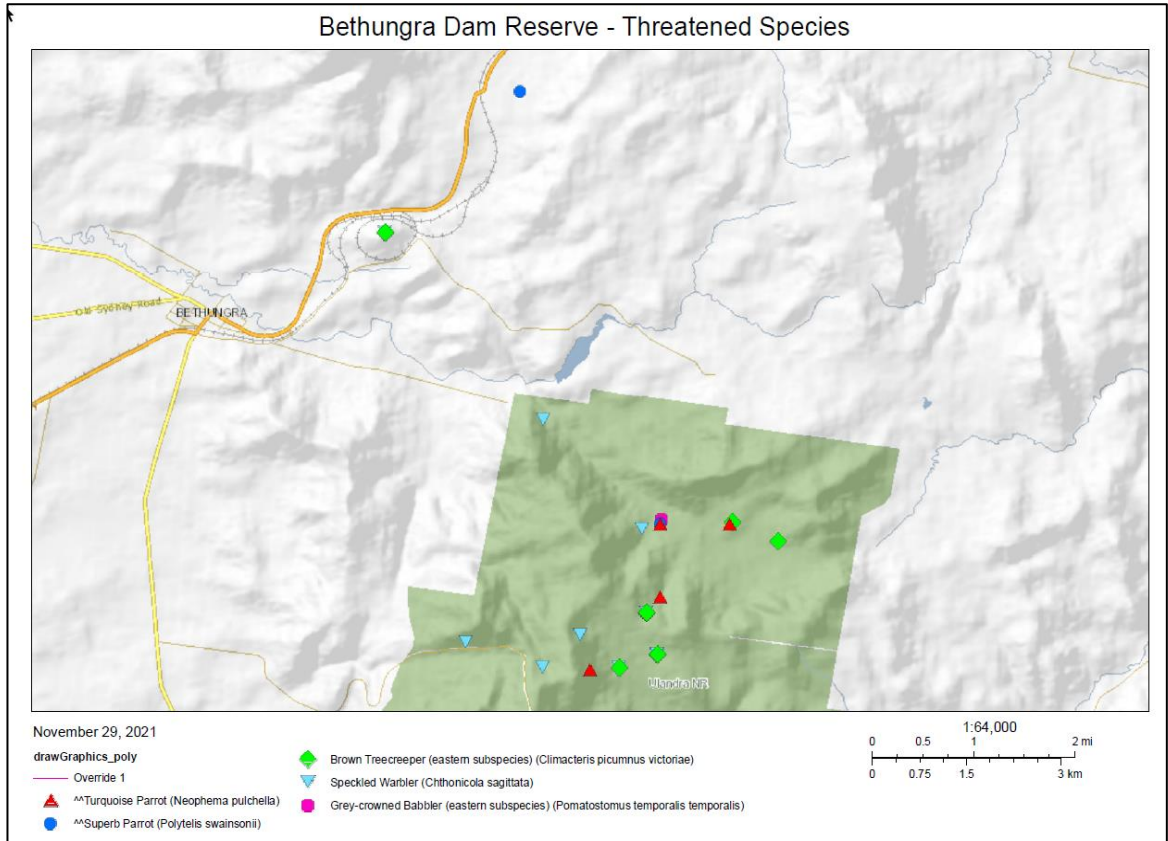


Figure 3: Bethungra dam reserve threatened species; map two

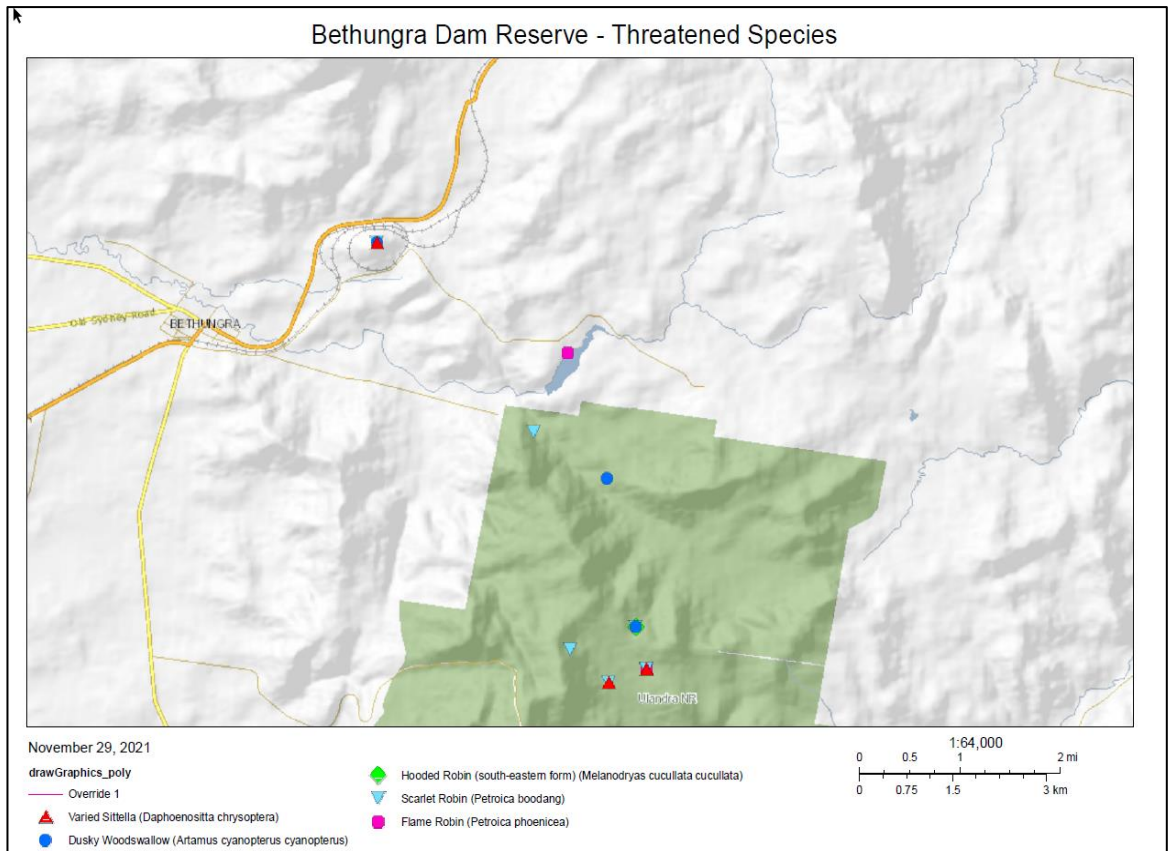


Figure 4: Bethungra dam reserve threatened species; map three

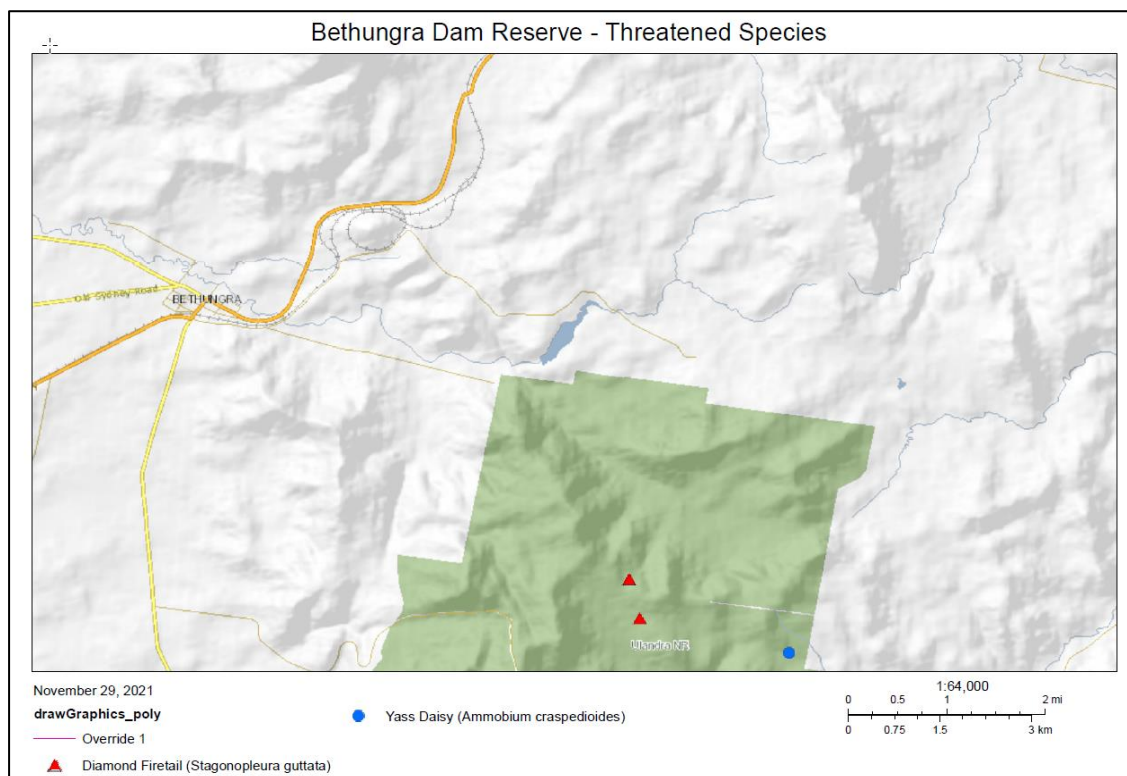


Figure 5: Bethungra dam reserve threatened species; map four

There are other threatened species recorded in the region, that may provide habitat within the Reserve.

In relation to Figures 3 and 4, the dam area has recorded sightings of three threatened species, providing an indication that the dam provides habitat for these bird species. The adjacent Ulandra Nature Reserve records other threatened species that are likely to inhabit the Bethungra Dam Reserve.

The dam itself provides habitat for a number of aquatic species. Two thousand Golden Perch (Yellow belly) and 2,000 Murray Cod were released into the dam over a two-year period. These species have the potential to help increase the biodiversity of the dam and to mitigate the breeding and effects of European Perch (Redfin) which are prevalent in large schools.

6.2 Flora

Flora in the Reserve consists of Inland Rocky Hill Woodlands, Western Slopes Dry Sclerophyll Forests and Western Slopes Grassy Woodlands (Figure 6). These vegetation classes are considered Critically Endangered (Figure 7) under the Environment Protection and Biodiversity Conservation Act 1999. The preservation and protection of these species needs to be considered. Some of the significant native species that are present on the reserve include:

- White Box (*Eucalyptus albens*)
- Red Ironbark (*E. sideroxylon*)
- Yellow Box (*Eucalyptus melliodora*)
- Blakely's Red Gum (*Eucalyptus blakelyi*)

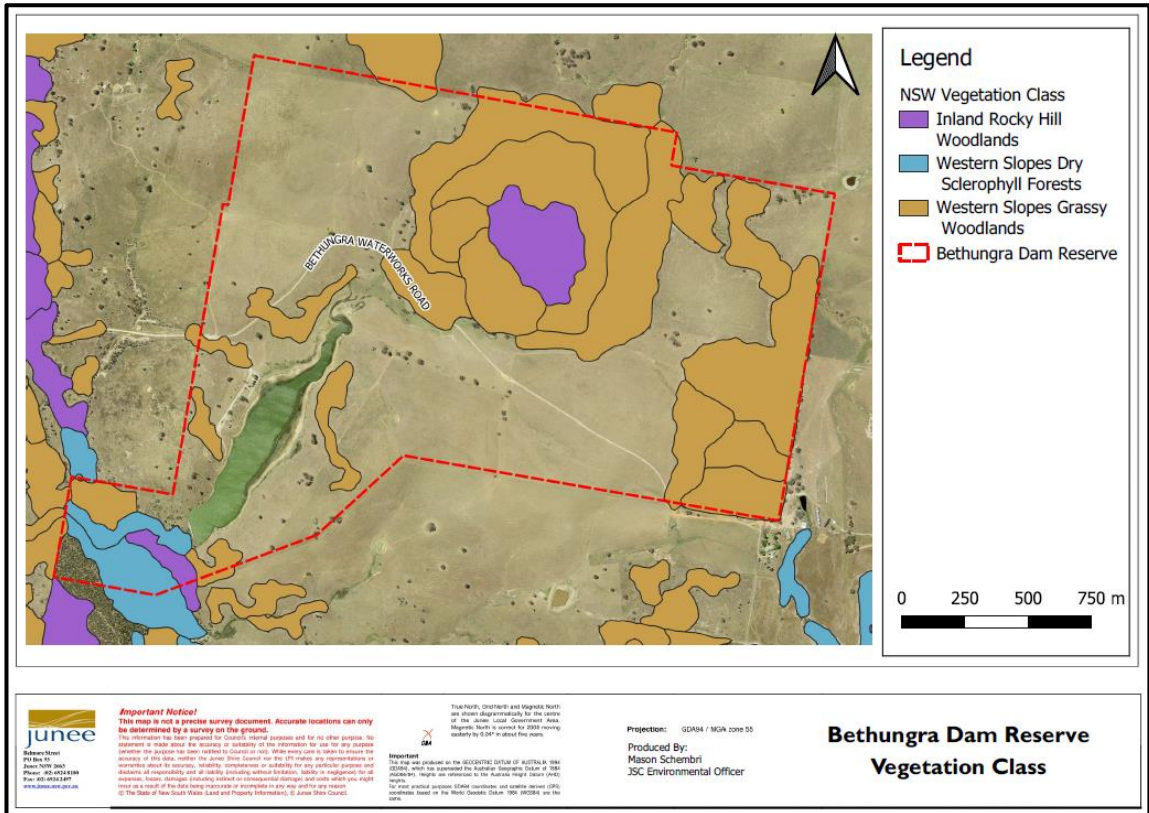


Figure 6: Bethungra dam NSW vegetation class

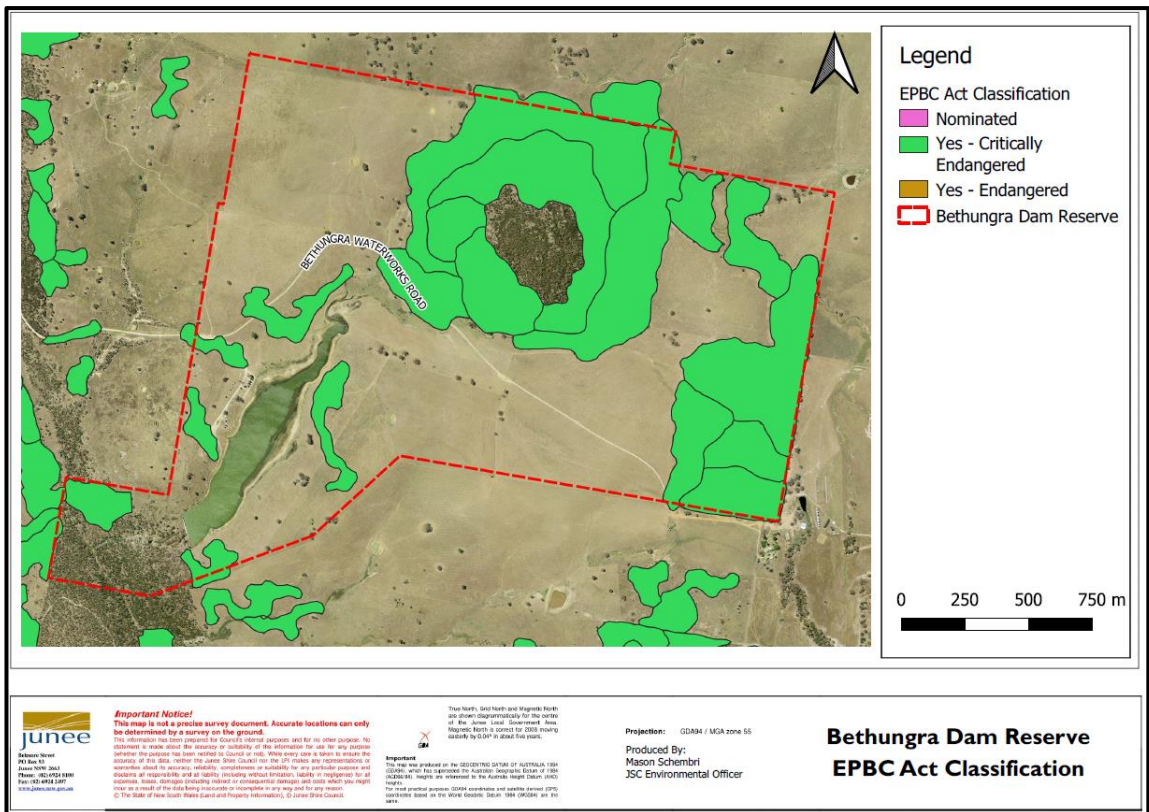


Figure 7: Bethungra dam EPBC Act vegetation classification

Pest plants are also prevalent within the reserve though not at unmanageable levels. Some of these include Blackberries, Patterson’s Curse, Capeweed, St John’s Wort and four species of thistle.

A variety of native grasses are present on the reserve spanning to all sections. The restriction of grazing to the Licensed area (Appendix C) and the incorporation of

slashing/cultural burn instead in times when the grasses have seed heads will help regenerate the area and increase the quantity and cover of native grasses and reduce competition from weeds.

6.3 Weed Management

Appendix C delineates the areas of responsibility for the control and management of pests and priority weeds between Junee Shire Council and the Licensee/Lessee.

Herbicides and manual removal will be used for weeds management according to the management treatment required for the specific weeds in the area.

7. Cultural Heritage

7.1 First Nations Heritage

Prior to European occupation, the area was part of the extensive tribal lands of the Wiradjuri First Nations peoples. A shield tree has been identified within the reserve, indicating First Nations occupation or movement on or through the area.

An AHIMS search reveals other cultural and heritage items recorded adjacent to the reserve (Appendix E).

7.2 European Heritage

European activity in the area commenced in the 1860s with grazing and agriculture providing the catalyst for the establishment of Bethungra Village.

The Bethungra Dam was constructed in 1895 as a water supply dam to service Junee and steam rail activities. A rail line was then later installed to link the cities of Melbourne and Sydney. The Bethungra Dam Reserve site located 4km east of the village was chosen as a suitable location.

Construction of Bethungra Dam commenced in August 1894 under contract by Messrs Love, McCormick and Dwyer. It was completed in December 1895 by Mr H A Bloomfield after the original contractors abandoned work in July of 1895 due to bankruptcy.

While the original purpose for the Dam's construction is no longer relevant, the water body is maintained for the recreational and environmental needs of the community and visitors.

8. Current Land Use and Condition

8.1 Land Use

Bethungra Dam Reserve is mainly used for recreation purposes with camping facilities readily available to the public. Water sports, bushwalking and fishing are popular in and around the dam itself making it a popular tourist attraction.

The larger part of the reserve is under licence for the purposes of grazing. The maximum carrying capacity on this section of reserve is 2.5dse (Dry Sheep Equivalent) to prevent adverse impact on the local environment. All fences on the part of the reserve under licence are to be maintained by the Licensee.

8.2 Assets

There is a walkway leading from the camping and caravanning area. The Bethungra Dam walking track leads to a viewing point. The path provides all-ability access for tourists which also assists to minimise erosion and land degradation.

Other infrastructure assets across the reserve include:

- Toilet amenities (self-composting)
- Covered picnic tables
- A compacted hard stand area for caravan and car parking.
- Designated campfire areas.
- Large Shade structure with 2 gas barbeques.

9. Condition of Land on Adoption of the Plan

Grass cover is good with a variety of native and exotic grasses present. Invasive weeds are also present and identified throughout the reserve and are competing with the native grass species. There is regrowth of Eucalypts in some areas of the reserve, mainly along rock placements that define the carparks. Stock are restricted to the licensed area of the reserve, which will assist with tree re-growth.

There is a lack of understorey vegetation, the large Eucalypts and other trees are spread out in some areas and concentrated/densely populated in others. Planting in the areas lacking understorey may help promote wildlife corridors. Land degradation is present around the dam due to the grazing of cattle in the past.

10. Land Management

10.1 Overview of Future Development and Management

Bethungra Dam Reserve has been grazed by stock in the past to maintain the levels of grass and assist in the control of some weeds.

This PoM restricts grazing to the licenced area to restore biodiversity particularly at the Dam water interface. Appendix C restricts grazing to the Licenced area.

A Concept Master Plan (Appendix A) is proposed to identify areas within the reserve for improvement, revegetation and development.

Management and development of the reserve in the future will also include increased biodiversity of the aquatic species in the dam to mitigate the effects of pest species such as European Perch (Redfin). This will include increasing fish habitat within the dam.

10.2 Land Classification

Bethungra Dam Reserve is classified as ‘community land’ under the Local Government Act and its initial categorisation of “Park” will not be altered by this PoM.

10.3 Land Categorisation

A “Park” is defined in clause 104 of the Local Government (General) Regulation 2021 as land which is improved by landscaping, gardens or the provision of non-sporting equipment and facilities, and for uses which are mainly passive or active recreational, social, educational, and cultural pursuits that do not intrude on the peaceful enjoyment of the land by others.

The core objectives for parks, as outlined in Section 36G of the Local Government Act, are to:

- Encourage, promote, and facilitate recreational, cultural, social, and educational pastimes and activities;
- Provide for passive recreational activities or pastimes and for the casual playing of games;
- Improve the land in such a way as to promote and facilitate its use to achieve the other core objectives for its management.

10.4 Permissible Uses

- Active and passive recreation including children’s play.
- Recreational fishing.
- Swimming.
- Eating and drinking in a relaxed setting.
- Short term camping and caravanning.
- Use of established fire pits.
- Group recreational use, such as picnics and private celebrations.
- Filming and photographic projects.
- Publicly accessible ancillary areas, such as toilet facilities.
- Restricted access ancillary areas (eg. storage areas associated with functions, gardening equipment).
- Service areas ancillary to the use of land (eg. loading areas, carparking spaces, bicycle racks).
- Low intensity commercial activities (eg. recreational equipment hire).

- Public address (speeches).

Some of the uses listed above require the prior approval of Council.

10.5 Permissible/Future Development

- Development for the purposes of improving access, amenity, and the visual character of the Reserve.
- Development or activity that promotes the restoration and regeneration of the land.
- Amenities to facilitate the safety, use and enjoyment of the park and natural environment (eg. children's play equipment).
- Heritage and cultural interpretation signage.
- Location, direction and regulatory signage.
- Lighting, seating, toilet facilities, shade structures and marked areas (eg. access paths and activity trails) that will not adversely affect the environment or setting of the area.
- Hard and soft landscaped areas that will not adversely affect the natural state or setting of the area.
- Designated fire pits, BBQ facilities and sheltered seating areas that will not adversely affect the natural state or setting of the area.
- Ancillary service, transport or loading areas that will not adversely affect the natural state or setting of the area.
- Commercial development which is sympathetic to and supports use in the area, and which will not adversely affect the natural state or setting of the area (eg. cafe, kiosk, recreation hire and equipment areas).

10.6 Express Authorisation of Licences and Other Estates

This PoM expressly authorises the issue of licences and other estates over the land covered by the PoM, provided that:

- The purpose is consistent with the purpose for which it was reserved.
- The purpose is consistent with the core objectives for the category of the land.
- The licence is for a permitted purpose listed in the *Local Government Act 1993* or the Local Government (General) Regulation 2021.
- The issue of the licence or other estate and the provisions of the licence or other estates can be validated by the provisions of the *Native Title Act 1993* (Cth).
- Where the land is subject to a claim under the *Aboriginal Land Rights Act 1983* the issue of any licence or other estate will not prevent the land from being transferred in the event the claim is granted.
- The licence or other estate is granted and notified in accordance with the provisions of the *Local Government Act 1993* or the Local Government (General) Regulations 2021.
- The issue of a licence or other estate will not materially harm the use of the land for the purpose for which it was dedicated or reserved.

- This PoM expressly authorises the issue of licences and other estates over the land categorised as “Park” listed in Table 1.
- Any licence for grazing will be limited to the “Licence Area” shown in Appendix C, having an area of approximately 246.05 hectares.
- The “Licence Area” will be licensed for the grazing of stock only and will be maintained by the Licensee in relation to grazing activities. All access roads and facilities used in the “Licence Area” will be maintained by the Licensee and this requirement will be incorporated into any licence issued.
- Revenue from any occupancy of the reserve in terms of a licence will be expended for the development, maintenance and management of the Bethungra Dam Reserve.
- Any licence proposal within the “Recreation Area” shown in Appendix C will be individually assessed and considered, including the community benefit, compatibility with this PoM and the capacity of the area to support the activity.

Table 2: Licences and purposes for which they may be granted for community land categorised as Park.

Type of tenure arrangement	Maximum term	Purpose for which tenure may be granted
Short Term Licence issued under s2.20 of the Crown Land Management Act 2016	1 Year	<ul style="list-style-type: none"> • Grazing of stock.
Licence	5 Years	<ul style="list-style-type: none"> • Café/kiosk area, including seating and tables. • Mobile food trucks. • Hire or sale of recreational equipment. • Educational sessions/workshops.
Other Estates		<ul style="list-style-type: none"> • This PoM allows Council to grant ‘an estate’ over community land for the provision of public utilities and works associated with or ancillary to public utilities in accordance with the Local Government Act 1993. • Estates may also be granted across community land for the provision of pipes, conduits, or other connections under the surface of the ground for the connection of premises adjoining the community land to a facility of the Council or other public utility provider that is situated on community land.

11. Objectives and Performance Targets

11.1 Recreational Opportunities

s.36(3)(b) Objectives and Performance Targets	s.36(3)(c) Means of achievement of objectives	s.36(3)(d) Manner of assessment of performance
Provide opportunities for recreation, scientific and educational use of the natural and historical features on the reserve.	<ul style="list-style-type: none"> • Development and implementation of Concept Master Plan (Annexure C). • Installation of appropriate facilities for day use and camping. • Encourage scientific and educational use of the dam and surrounds, and other resources on the reserve by schools and other user groups. 	Survey of reserve users/user groups, Monitoring of complaints/suggestions. community and authority consultation.

11.2 Public Safety and Recreation

s.36(3)(b) Objectives and Performance Targets	s.36(3)(c) Means of achievement of objectives	s.36(3)(d) Manner of assessment of performance
Promotion of public safety and responsible on-water recreational use of the dam.	<ul style="list-style-type: none"> • Electric motors are preferred for on-water boating activities. • Zone an area in the lake for swimming. • Standard nautical navigation rules will apply to the use of watercraft on the dam. • Public access to the Dam Water is restricted by the Asset owner NSW Department of Industry. 	Survey, observation, recorded complaints and community and authority consultation.
Avoidance of user conflict and congestion within the recreation area.	<ul style="list-style-type: none"> • Strategically locate facilities and installations to separate groups of users. • Ensure that all facilities and parking availability cater for the maximum recreational carrying capacity of the reserve. 	Observation, user survey, complaints monitoring.
Minimising the danger to users of the recreational area from venomous fauna, particularly snakes.	<ul style="list-style-type: none"> • Reduce the height of the grass during the spring and summer periods in the recreational area by management of slashing. 	Survey, observation and monitoring by Council staff and of complaints from users.

11.3 Public Access Beyond the Recreational Area

s.36(3)(b) Objectives and Performance Targets	s.36(3)(c) Means of achievement of objectives	s.36(3)(d) Manner of assessment of performance
Discourage public access beyond the recreation area boundaries.	<ul style="list-style-type: none"> • Signpost at strategic positions along the boundary of the recreation area. • Maintain periodic authoritative presence during appropriate seasons. 	Survey, observation, records, and community consultation.

11.4 Licence Conditions

s.36(3)(b) Objectives and Performance Targets	s.36(3)(c) Means of achievement of objectives	s.36(3)(d) Manner of assessment of performance
Ensure that the terms of the licence are being met in relation to the maintenance and management of the area of the reserve identified in this PoM as the "Licence Area".	<ul style="list-style-type: none"> • Ensure all licence conditions are being met. 	Observation and monitoring by Council Officers, monitoring of complaints.
Restriction of grazing in areas of the Bethungra Dam Reserve	<ul style="list-style-type: none"> • Implementation of a "recreational use" area to the reserve that restricts all grazing in those areas. 	Survey, observation, record, and community and authority consultation on the performance of the set-out objectives and targets of the Bethungra Dam Reserve management and development.
Management of firebreaks in licence area.	<ul style="list-style-type: none"> • Firebreaks will be created and observed during fire seasons within the licence area. 	Observation and monitoring by Council Officers, consultation with the Licensee.
Management of weeds in licence area.	<ul style="list-style-type: none"> • Weeds will be controlled and managed by the Licensee in the "Licence Area". 	Number of weed species observed during inspection.

11.5 Natural Resource Protection

s.36(3)(b) Objectives and Performance Targets	s.36(3)(c) Means of achievement of objectives	s.36(3)(d) Manner of assessment of performance
Reduce land degradation in the reserve, particularly around the dam.	<ul style="list-style-type: none"> • Strategically locate facilities and installations to minimise the concentration of user impacts. • Minimise user activity on the reserve during peak periods by imposing an entrance toll to the reserve. Revenue collected from this will accrue to the management of the Reserve. (This strategy may only be implemented if user congestion is causing degradation of the physical and natural environment or danger to reserve users). • If necessary, close the reserve to the public for a notified period of time and carry out rehabilitation works. This will be notified to the public in local papers, social media and announced over district radio. 	Survey, observation and community and authority consultation.
Prevent wilful damage to natural features and facilities. This may include recreation structures, facilities or vegetation.	<ul style="list-style-type: none"> • Maintain periodic authoritative presence during appropriate seasons. • Signpost penalties for lighting of fires outside of designated areas and wilful damage to the physical and biological resources of the reserve. • Implement penalties for wilful damage to physical and biological resources and features. 	Survey, observation, record, and community and authority consultation.
Maintain and increase the ecological diversity of aquatic life in Dam.	<ul style="list-style-type: none"> • Increase aquatic habitat in the dam to provide cover for native fish. • Increase in native fish stocking to increase the native fish biodiversity in the dam. • Provide and develop areas of more fish habitat in terms of logs (snags). • Monitor chemical and bacterial concentrations in the dam. If these exceed tolerable levels, investigate, and control the cause of excess influx. 	Survey, observation, record, and community and authority consultation.

s.36(3)(b) Objectives and Performance Targets	s.36(3)(c) Means of achievement of objectives	s.36(3)(d) Manner of assessment of performance
	<ul style="list-style-type: none"> • Maintain a trophic structure in the dam capable of supporting low order carnivores. 	
Minimise negative user Impacts on Biological Resources.	<ul style="list-style-type: none"> • Ensure all fishing laws are being enforced in the dam in relation to breeding periods of native fish. • Install a string of floating buoys across the dam near the reedbeds to protect the habitat and provide sanctuary to avifauna from on-water recreational users. • Implement penalties for unlawful removal of timber resources from the reserve. • Prohibit shooting and trapping of native fauna. 	Survey, observation, record, and community and authority consultation.
Protect wetland and reedbed areas from degradation.	<ul style="list-style-type: none"> • Discourage access to the northern part of the dam by recreational users by the use of appropriate signage and a floating barricade. • Prevent stock access to the dam. • Minimise the influx of undesirable chemicals and sediments to Bethungra Dam. • Prevent the dumping of agricultural or household chemicals or chemical containers in drainage liners. 	Survey, observation, record, and community and authority consultation.
Rehabilitate degraded areas.	<ul style="list-style-type: none"> • Erect temporary fencing around degraded areas to prevent further damage by stock or the public. • Grade batter slopes into steep, unstable creek banks and lake foreshore areas. • Plant appropriate vegetation on degraded land and encourage natural regeneration. 	Survey, observation, record, and community and authority consultation.
Encourage natural regeneration of native tree species.	<ul style="list-style-type: none"> • Erect temporary and/or permanent fencing to exclude the public, stock, and noxious herbivores from specified areas on the reserve. • Manage stock types, stocking rates and stock rotations such 	Survey, observation, record, and community and authority consultation.

s.36(3)(b) Objectives and Performance Targets	s.36(3)(c) Means of achievement of objectives	s.36(3)(d) Manner of assessment of performance
	that natural regeneration can occur.	
Prevent resource degradation by rural use beyond the land's capability of supporting such use in perpetuity.	<ul style="list-style-type: none"> • Carry out periodic assessment of the area's stock carrying capacity and prescribe maximum stocking rates in licence conditions. • No cropping is to occur on the reserve. 	Survey, observation, record, and community and authority consultation.
Safety of fauna.	<ul style="list-style-type: none"> • With the increase of vegetation and other revegetation activities in the reserve, may influence the increased use of the reserve by native fauna. The implementation of hollows and offset schemes to Bethungra Dam may also increase levels of habitat for fauna in the area. • Continue stocking of fish in the dam. 	Survey, observation, record, and community and authority consultation on the performance of the set-out objectives and targets of the Bethungra Dam Reserve management and development.

11.6 Cultural Heritage Resource Protection

s.36(3)(b) Objectives and Performance Targets	s.36(3)(c) Means of achievement of objectives	s.36(3)(d) Manner of assessment of performance
Protect and maintain the integrity of aboriginal heritage resources on the reserve.	<ul style="list-style-type: none"> • Provide educational material detailing the history of Aboriginal occupation of the area, incorporating the use of artifacts on the reserve. This may be in the form of an information board or part of a brochure. • Clear flammable materials from the vicinity of any identified shield trees or other artifacts. 	Observation/monitoring by Council maintenance staff. Recorded complaints.

s.36(3)(b) Objectives and Performance Targets	s.36(3)(c) Means of achievement of objectives	s.36(3)(d) Manner of assessment of performance
Prevent wilful damage to cultural or historical features. These include the dam wall and all other structures and installations associated with the dam, fences, and items of Aboriginal heritage.	<ul style="list-style-type: none"> • Discourage access to the dam wall where vandalism may deface or damage the structure. • Maintain periodic authoritative presence during appropriate seasons. • Penalties will apply for vandalism. 	Observation/monitoring by Council maintenance staff. Recorded complaints. Penalty Notices issued.

11.7 Control of Noxious Plants and Animals

s.36(3)(b) Objectives and Performance Targets	s.36(3)(c) Means of achievement of objectives	s.36(3)(d) Manner of assessment of performance
Prevent the spread of noxious plants and animals.	<ul style="list-style-type: none"> • Suppress pest plants by chemical and/or physical means, having regard to other organisms and environmentally sensitive areas. • Eradicate vertebrate pests by means of trapping and gassing. • Exclude external pests from the reserve using the appropriate fencing. • Monitor the area for reinfestations and act accordingly. 	Presence of weeds and pests and community and authority consultation on the performance of the set-out objectives and targets.

11.8 Water Quality

s.36(3)(b) Objectives and Performance Targets	s.36(3)(c) Means of achievement of objectives	s.36(3)(d) Manner of assessment of performance
Minimise the runoff of herbicides, pesticides, and fertilisers from surrounding agricultural land.	<ul style="list-style-type: none"> • Liaise with the Licensee and adjoining properties in the catchment and promote the use of natural and/or non-persistent pesticides and herbicides. • Construct runoff interception structures along drainage lines to 	Survey, observation, record, and community and authority consultation on the performance of the set-out objectives and targets of the Bethungra Dam Reserve management and development.

s.36(3)(b) Objectives and Performance Targets	s.36(3)(c) Means of achievement of objectives	s.36(3)(d) Manner of assessment of performance
	dam runoff water and encourage settling of any undesirable chemicals prior to their reaching the dam. Plant vegetation around these structures which absorb and process undesirable chemicals.	
Minimise catchment erosion and influx of sediments into the Bethungra Dam.	<ul style="list-style-type: none"> • Plant trees and encourage natural regeneration of vegetation along drainage lines and foreshores of the dam. • Restrict stock away from the dam to the “Licence area.” • Restrict the use of power boats on the Bethungra Dam, • Carry out rehabilitation of eroded or other degraded areas. 	Survey, observation, record, and community and authority consultation on the performance of the set-out objectives and targets of the Bethungra Dam Reserve management and development.
Prevent dry-land salting and salinisation of water bodies on the Bethungra Reserve.	<ul style="list-style-type: none"> • Encourage tree regeneration to maintain low groundwater levels. • Monitor the distribution of salt-tolerant indicator species. 	Survey, observation, record, and community and authority consultation on the performance of the objectives and targets of the Bethungra Dam Reserve management and development.

11.9 Emergency and Fire Management

s.36(3)(b) Objectives and Performance Targets	s.36(3)(c) Means of achievement of objectives	s.36(3)(d) Manner of assessment of performance
Minimise the hazard of uncontrolled fires on the Reserve.	<ul style="list-style-type: none"> • Confine public use of fire to the designated recreation area by the strategic placement of suitable non-removeable fireplaces/pits. • Clear all combustible fuel 	Survey, observation, record, and community and authority consultation on the performance of the set-out objectives and targets of the Bethungra Dam Reserve management

s.36(3)(b) Objectives and Performance Targets	s.36(3)(c) Means of achievement of objectives	s.36(3)(d) Manner of assessment of performance
	<p>from around fireplaces.</p> <ul style="list-style-type: none"> • Restrict fire use by the public during hot “fire hazard” days and implement fire restrictions. • Slash the reserve in required areas to reduce the grass fuel load. • Liaise with local fire organisations. • Maintain periodic authoritative presence during appropriate seasons. • Signpost penalties for the lighting of fires outside of designated areas. • Implement penalties for the lighting of fires outside of designated areas. 	<p>and development.</p>

12. Appendices

Appendix A – Bethungra Dam Reserve Concept Master Plan

Schematic Plan

L05

AIMS

Celebrate the unique natural beauty and industrial heritage at Bethungra Dam

Welcome visitors to Bethungra Dam

Explore the area through walking trails, boardwalks, picnic places and congregation spaces and **connect** to a larger bike trail network

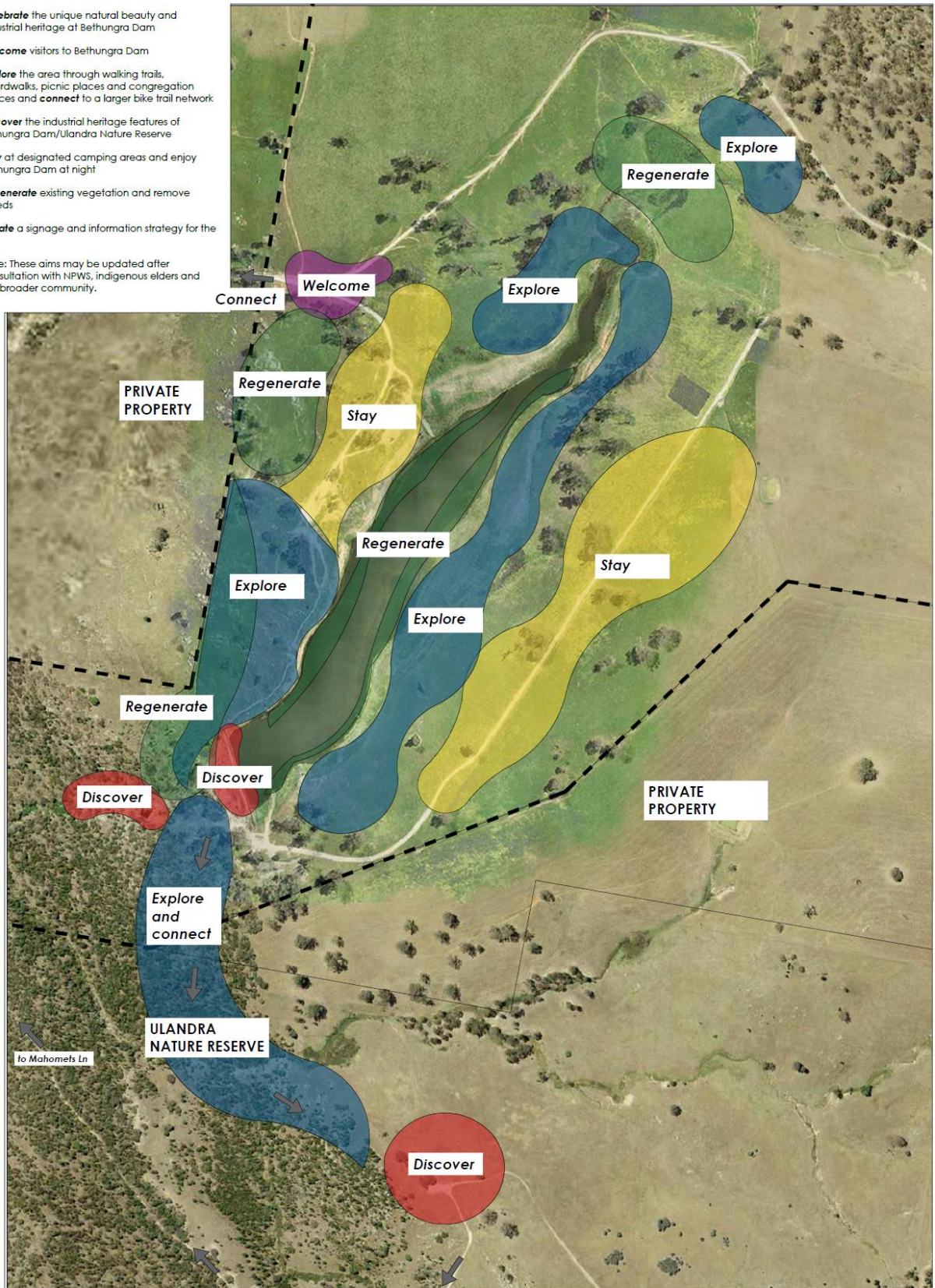
Discover the industrial heritage features of Bethungra Dam/Ulandra Nature Reserve

Stay at designated camping areas and enjoy Bethungra Dam at night

Regenerate existing vegetation and remove weeds

Create a signage and information strategy for the site

Note: These aims may be updated after consultation with NPWS, indigenous elders and the broader community.



Appendix B - Plan of Management Legislative Framework

Local Government Act 1993

Section 35 of the *Local Government Act 1993* (LG Act) provides that community land can only be used in accordance with:

- the plan of management applying to that area of community land, and
- any law permitting the use of the land for a specified purpose or otherwise regulating the use of the land, and
- the provisions of Division 2 of Chapter 6 of the Act.

Section 36 of the Act provides that a plan of management for community land must identify the following:

- a) the category of the land,
- b) the objectives and performance **targets** of the plan with respect to the land,
- c) the means by which the council proposes to **achieve** the plan's objectives and performance targets,
- d) the manner in which the council proposes **to assess its performance** with respect to the plan's objectives and performance targets and may require the prior approval of the council to the carrying out of any specified activity on the land.

A plan of management that applies to just one area of community land:

- a) must include a description of:
 - (i) the condition of the land, and of any buildings or other improvements on the land, as at the date of adoption of the plan of management, and
 - (ii) the use of the land and any such buildings or improvements as at that date, and
- b) must:
 - (i) specify the purposes for which the land, and any such buildings or improvements, will be permitted to be used, and
 - (ii) specify the purposes for which any further development of the land will be permitted under licence or otherwise, and
 - (iii) describe the scale and intensity of any such permitted use or development.

Land is to be categorised as one or more of the following:

- a) a natural area
- b) a sportsground
- c) a park
- d) an area of cultural significance
- e) general community use.

Land that is categorised as a natural area is to be further categorised as one or more of the following:

- a) bushland
- b) wetland
- c) escarpment

- d) watercourse
- e) foreshore
- f) a category prescribed by the regulations.

Additionally, under section 36 of the LG Act, a site-specific PoM must be made for land declared:

- as critical habitat, or directly affected by a threat abatement plan or a recovery plan under threatened species laws (sections 36A (2) and 36B (3))
- by council to contain significant natural features (section 36C (2))
- by council to be of cultural significance (section 36D (2)).

Classification of public land

The LG Act requires classification of public land into either ‘community’ or ‘operational’ land (Section 26). The classification is generally made for council-owned public land by the council’s Local Environmental Plan (LEP) or in some circumstances by a resolution of the council (Section 27).

Crown reserves managed by council as Crown land manager have been classified as community land upon commencement of the *Crown Land Management Act 2016* (CLM Act). Councils may manage these Crown reserves as operational land if written consent is obtained from the Minister administering the CLM Act.

Classification of land has a direct effect on the council’s ability to dispose of or alienate land by sale, leasing, licensing, or some other means. Under the LG Act, community land must not be sold (except for scheduled purposes), exchanged or otherwise disposed of by the council, and the land must be used and managed in accordance with an adopted PoM. In addition, community land is subject to strict controls relating to licences (sections 45 and 46) of the LG Act.

By comparison, no such restrictions apply to operational land that is owned by councils. For example, operational land can be sold, disposed, exchanged, or leased including exclusive use over the land, unencumbered by the requirements which control the use and management of community land.

Crown reserves managed by council as operational land may generally be dealt with as other operational land but may not be sold or otherwise disposed of without the written consent of the Minister administering the CLM Act.

Operational land would usually include land held as a temporary asset or an investment, land which facilitates the council carrying out its functions or land which may not be open to the general public (for example, a works depot).

The classification or reclassification of council-owned public land will generally be achieved by a Local Environmental Plan (LEP) or by a resolution of council in accordance with sections 31, 32 and 33 of the LG Act. If land is not classified by resolution within a three-month period from acquisition it automatically becomes community land, regardless of whether it satisfies the objectives for community land as outlined in the LG Act.

For Crown land, Council cannot reclassify community land as operational land without consent of the Minister administering the CLM Act.

Crown Land Management Act 2016

Crown reserves are land set aside on behalf of the community for a wide range of public purposes, including environmental and heritage protection, recreation and sport, open space, community halls, special events and government services.

Crown land is governed by the CLM Act, which provides a framework for the state government, local councils, and members of the community to work together to provide care, control, and management of Crown reserves.

Under the CLM Act, as Council Crown land managers, councils manage Crown land as if it were public land under the LG Act. However, it must still be managed in accordance with the purpose of the land and cannot be used for an activity incompatible with its purpose – for example, Crown land assigned the purpose of ‘environmental protection’ cannot be used in a way that compromises its environmental integrity.

Councils must also manage Crown land in accordance with the objects and principles of Crown land management outlined in the CLM Act. The objects and principles are the key values that guide Crown land management to benefit the community and to ensure that Crown land is managed for sustainable, multiple uses.

Principles of Crown land management

- Environmental protection principles are to be observed in the management and administration of Crown land.
- The natural resources of Crown land (including water, soil, flora, fauna, and scenic quality) will be conserved wherever possible.
- Public use and enjoyment of appropriate Crown land are to be encouraged.
- Where appropriate, multiple uses of Crown land should be encouraged.
- Where appropriate, Crown land should be used and managed in such a way that both the land and its resources are sustained.
- Crown land is to be occupied, used, sold, licensed, or otherwise dealt with in the best interests of the state of NSW, consistent with the above principles.

Crown land management compliance

In addition to management and use of Crown reserves which is aligned with the reserve purpose(s), there are other influences over council management of Crown reserves. For example, Crown land managers may have conditions attached to any appointment instruments, or councils may have to comply with specific or general Crown land management rules that may be published in the NSW Government Gazette. Councils must also comply with any Crown land regulations that may be made.

Native Title Act 1993

The Commonwealth *Native Title Act 1993* (NT Act) recognises and protects native title rights and interests. The objects of the NT Act are to:

- provide for the recognition and protection of native title.
- establish ways in which future dealings affecting native title may proceed and to set standards for those dealings.
- establish a mechanism for determining claims to native title.

- provide for, or permit, the validation of past acts invalidated because of the existence of native title.

The NT Act may affect use of Crown land, particularly development and granting of tenure.

Specifically, the CLM Act makes it mandatory for council to engage or employ a Native Title Manager. This role provides advice to council as to how the council's dealings and activities on Crown land can be valid or not valid in accordance with the NT Act.

Council must obtain the written advice from an accredited native title manager that Council complies with any applicable provisions of the native title legislation when:

- a) granting leases, licences, permits, forestry rights, easements, or rights of way over the land.
- b) mortgaging the land or allowing it to be mortgaged.
- c) imposing, requiring, or agreeing to covenants, conditions or other restrictions on use (or removing or releasing, or agreeing to remove or release, covenants, conditions, or other restrictions on use) in connection with dealings involving the land.
- d) approving (or submitting for approval) a plan of management for the land that authorises or permits any of the kinds of dealings referred to in (a), (b) or (c).

Council Plans and Policies Relating to this PoM

- Junee Local Environmental Plan 2012
- Junee Development Control Plan 2015
- Disability Inclusion Action Plan 2017-2021
- Walking and Cycling Accessibility Plan
- Local Companion Animals Management Plan
- Junee Shire Council Community Strategic Plan 2035

NSW State Legislation

Environmental Planning and Assessment Act 1979

The *Environmental Planning and Assessment Act 1979* (EP&A Act) provides the framework for planning and development across NSW and guides environmental planning instruments which provide a basis for development control.

The EP&A Act ensures that effects on the natural environment, along with social and economic factors, are considered by the council when granting approval for or undertaking works, developments, or activities.

This Act is also the enabling legislation for planning policies which may have a direct influence on open space management. On a state-wide level there are State Environmental Planning Policies (SEPPs). On a regional level there are Regional Environmental Plans (REPs). On a local level there are Local Environmental Plans (LEPs) as well as Development Control Plans (DCPs).

Aboriginal Land Rights Act 1983

The *Aboriginal Land Rights Act 1983* (ALR Act) is important legislation that recognises the rights of Aboriginal peoples in NSW. It recognises the need of Aboriginal peoples for land and acknowledges that land for Aboriginal people in the past was progressively reduced

without compensation. Crown land meeting certain criteria may be granted to an Aboriginal Land Council. This Act may affect dealings with Crown land that is potentially claimable.

National Parks and Wildlife Act 1974

Statutory responsibilities on the council arising from this Act specifically relate to the protection of sites of pre- and post-European contact archaeological significance. This Act may affect community land categorised as cultural significance, natural area, or park.

Biodiversity Conservation Act 2016

Note: The Biodiversity Conservation Act 2016 repealed several pieces of legislation including the Native Vegetation Act 2003, Threatened Species Conservation Act 1995, the Nature Conservation Trust Act 2001, and the animal and plant provisions of the National Parks and Wildlife Act 1974.

This Act covers conservation of threatened species, populations and ecological communities, the protection of native flora and fauna. This Act primarily relates to community land categorised as natural area. However, other categories may also be affected.

The *Threatened Species Conservation Act 1995* has been repealed and superseded by the *Biodiversity Conservation Act 2016*. However, references to the former legislation remain in the LG Act and are therefore retained in this guideline.

DPIE's Energy, Environment and Science division advises that recovery plans and threat abatement plans made under the *Threatened Species Conservation Act 1995* were repealed on the commencement of the *Biodiversity Conservation Act* in 2017. These plans have not been preserved by any savings and transitional arrangement under the Biodiversity Conservation Act or LG Act, meaning pre-existing plans have no legal effect.

For this reason, requirements relating to recovery plans and threat abatement plans for local councils preparing plans of management under section 36B of the LG Act are now redundant. Councils will be advised if future amendments are made to the LG Act to enable these mechanisms.

Certain weeds are also declared noxious under this Act, which prescribes categories to which the weeds are assigned, and these control categories identify the course of action which needs to be carried out on the weeds. A weed may be declared noxious in part or all of the state.

Fisheries Management Act 1994

The *Fisheries Management Act 1994* (FM Act) includes provisions for the management of state fisheries, including the conservation of fish habitats, threatened species, populations and ecological communities of fish and marine vegetation and management of the riparian zone, waterways and threatened marine/freshwater aquatic species. This relates to community land categorised as natural area (foreshore, watercourse, or wetland).

Where an area of community land is declared to be critical habitat, or if that area is affected by a recovery plan or threat abatement plan under Part 7A of the FM Act, a site-specific plan of management will need to be undertaken.

Rural Fires Act 1997

This Act contains provisions for bushfire risk management and the establishment of a Bushfire Management Committee. It also includes direction on development in bushfire prone lands.

Water Management Act 2000

This Act is based on the concept of ecologically sustainable development, and its objective is to provide for the sustainable and integrated management of the water sources of the state for the benefit of both present and future generations. The Act recognises that:

- The fundamental health of our rivers and groundwater systems and associated wetlands, floodplains and estuaries is to be protected,
- The management of water must be integrated with other natural resources such as vegetation, native fauna, soils and land,
- To be properly effective, water management must be a shared responsibility between the government and the community,
- Water management decisions must involve consideration of environmental, social, economic, cultural and heritage aspects,
- social and economic benefits to the state will result from the sustainable and efficient use of water.

Heritage Act 1977

This Act contains provisions for the conservation of items of heritage and may relate to community land categorised as culturally significant or natural area.

Commonwealth Legislation

Environmental Protection and Biodiversity Conservation Management Act 1999

This Act enables the Australian Government to join with the states and territories in providing a national scheme of environment and heritage protection and biodiversity conservation. It incorporates threatened species on a national level and with relevance to Matters of National Environmental Significance.

Telecommunications Act 1997

This Act provides for telecommunication facilities being permitted on community land without authorisation in a PoM.

State Environmental Planning Policies

State Environmental Planning Policy (Biodiversity and Conservation) 2021

This SEPP provides planning rules and controls for the clearing of native vegetation in NSW on land zoned for urban and environmental purposes that is not linked to a development. It includes provisions which establish a consistent and co-ordinated approach to environmental planning and assessment along the Murray River and provision seeking to

protect and preserve bushland within public open space zones and reservations.

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

The State Environmental Planning Policy (Exempt and Complying Development Codes) 2008 (Codes SEPP) allows home owners to develop property without lodging development applications with Council where the development is classified either as exempt, requiring no consent, or complying, requiring certification from an accredited Certifier.

State Environmental Planning Policy (Transport and Infrastructure) 2021

This SEPP benefits communities by providing a more efficient planning framework for infrastructure in NSW. It was introduced in 2021 as part of the NSW Department of Planning's consolidation of state environmental planning policies.

Other Relevant Legislation, Policies and Plans

- Aboriginal Land Rights Act 1983
- Biodiversity Conservation Act 2016
- Biosecurity Act 2015
- Companion Animals Act 1998
- Disability Inclusion Act 2014
- Environmental Planning and Assessment Act 1979
- Environment Protection and Biodiversity Conservation Act 1999 (Cth)
- Fisheries Management Act 1994
- Heritage Act 1977
- Local Land Services Act 2013
- Pesticides Act 1999
- Protection of the Environment Operations Act 1997
- Retail Leases Act 1994
- Rural Fires Act 1997
- Soil Conservation Act 1938
- Water Avoidance and Resource Recovery Act 2001
- NSW Invasive Species Plan 2023-2028
- National Local Government Biodiversity Strategy
- NSW Biodiversity Conservation Investment Strategy 2018
- A Vegetation Management Plan for the Sydney Region (Green Web Sydney) and NSW
- Australian Natural Heritage Charter
- Riverina Murray Regional Plan 2041

Appendix C – Bethungra Dam Reserve Licence/Recreation Area



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Important Notice!
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 This information has been prepared for Council's internal purposes and for no other purpose. No statement is made about the accuracy or suitability of the information for use for any purpose (whether the purpose has been notified to Council or not). While every care is taken to ensure the accuracy of this data, neither the Junee Shire Council nor the LPI makes any representations or warranties about its accuracy, reliability, completeness or suitability for any particular purpose and disclaims all responsibility and all liability (including without limitation, liability in negligence) for all expenses, losses, damages (including indirect or consequential damage) and costs which you might incur as a result of the data being inaccurate or incomplete in any way and for any reason.
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Important
 This map was produced on the GEODESIC DATUM OF AUSTRALIA 1994 (GDA94), which has superseded the Australian Geodesic Datum of 1954 (AGD54/84). Heights are referenced to the Australian Height Datum (AHD) heights.
 For most practical purposes GDA94 coordinates and satellite derived (GPS) coordinates based on the World Geodetic Datum 1984 (WGS84) are the same.

True North, Grid North and Magnetic North are shown diagrammatically for the centre of the Junee Local Government Area. Magnetic North is correct for 2008 moving easterly by 0.04° in about five years.

Projection: GDA94 / MGA zone 55
 Prepared by:
 Mason Schembri
 Environmental Officer

**Bethungra Dam Reserve
 Licence Area**

Appendix D – Aboriginal Interests in Crown land

Crown land has significant spiritual, social, cultural and economic importance to the Aboriginal peoples of NSW. The CLM Act recognises and supports Aboriginal rights, interests and involvement in Crown land.

The management of Crown land can be impacted by the *Native Title Act 1993* (Cth) and the *Aboriginal Land Rights Act 1983* (NSW).

Native Title

Native title describes the rights and interests that Aboriginal and Torres Strait Islander people have in land and waters according to their traditional law and customs. Native Title is governed by the Commonwealth *Native Title Act 1993* (NT Act).

Native title does not transfer the land to the native title holder, but recognises the right to land and water, by providing access to the land and if applicable, compensation for any loss, diminution, impairment or other effect of the act on their native title rights and interests.

All Crown land in NSW can be subject to a native title claim under the NT Act. A native title claim does not generally affect Crown land where native title has been extinguished or it is considered excluded land.

When preparing a PoM, Council is required to employ or engage a qualified native title manager to provide advice and validate acts (developments and tenures) over the reserve, in line with the NT Act. The most effective way to validate acts under the NT Act is to ensure all activities align with the reserve purpose.

If native title rights are found to exist on Crown land, council Crown land managers may be liable to pay compensation for acts that impact on native title rights and interests. This compensation liability arises for local councils whether or not the act was validated under the NT Act.

For further information about native title and the future acts framework see the [Crown lands website](#).

Aboriginal Land Rights

The *Aboriginal Land Rights Act 1983* (ALR Act) seeks to compensate Aboriginal peoples for past dispossession, dislocation and removal of land in NSW (who may or may not also be native title holders).

Aboriginal land claims may be placed on any Crown land in NSW. The Department of Planning, Industry and Environment is responsible for investigating claims as defined in the ALR Act. If a claim is established, the land is transferred to the Aboriginal Land Council as freehold land.

At the time of preparing this plan of management, the Bethungra Dam Reserve is not affected by an undetermined Aboriginal land claim. Council has considered the possibility of an Aboriginal Land Claim being lodged in the development of this PoM.

Appendix E – AHIMS Search Results



AHIMS Web Services (AWS)

Search Result

Your Ref/PO Number : Bethungra Dam 1

Client Service ID : 649054

Mason Schembri

Date: 23 December 2021

29 Belmore Street

Junee New South Wales 2663

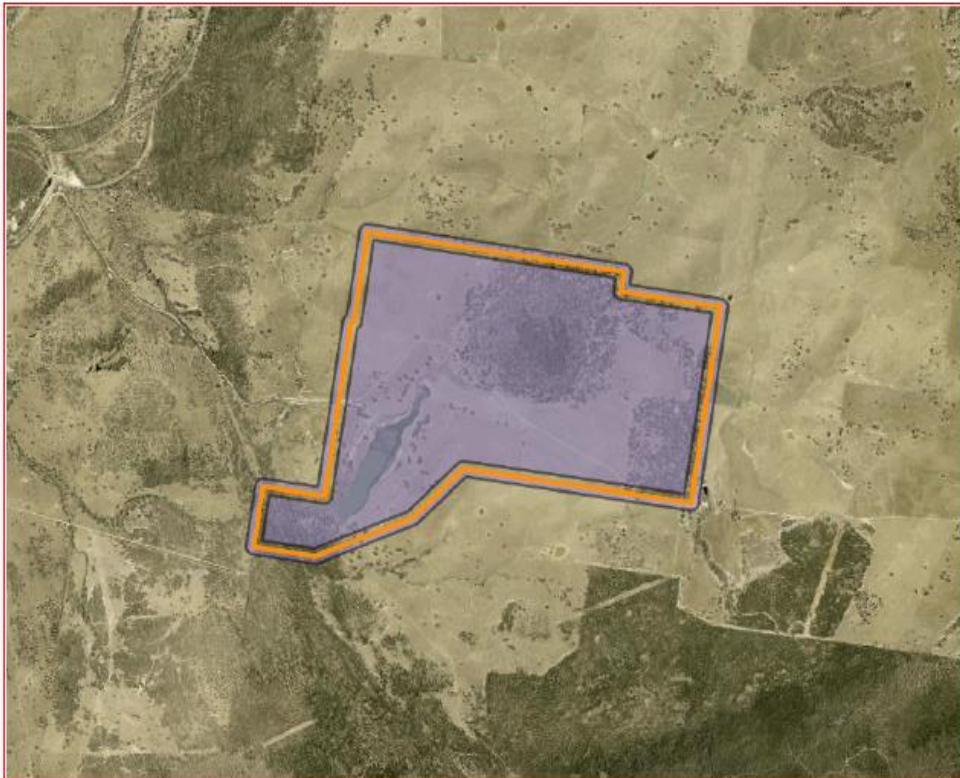
Attention: Mason Schembri

Email: mason.schembri@junee.nsw.gov.au

Dear Sir or Madam:

AHIMS Web Service search for the following area at Lot : 84, DP:DP726196, Section : - with a Buffer of 50 meters, conducted by Mason Schembri on 23 December 2021.

The context area of your search is shown in the map below. Please note that the map does not accurately display the exact boundaries of the search as defined in the paragraph above. The map is to be used for general reference purposes only.



A search of Heritage NSW AHIMS Web Services (Aboriginal Heritage Information Management System) has shown that:

0	Aboriginal sites are recorded in or near the above location.
0	Aboriginal places have been declared in or near the above location. *



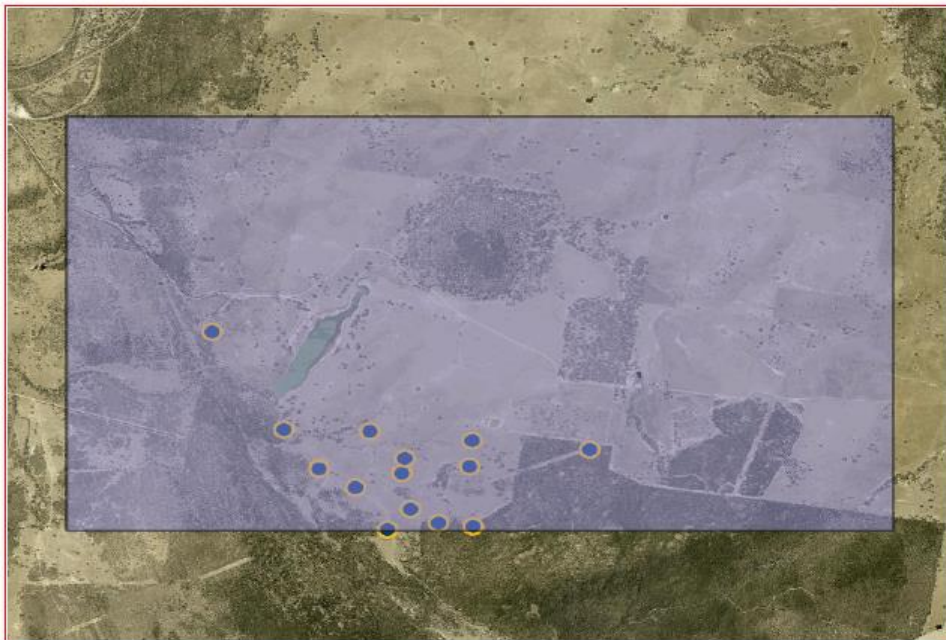
Mason Schembri
29 Belmore Street
Junee New South Wales 2663
Attention: Mason Schembri
Email: mason.schembri@junee.nsw.gov.au

Date: 23 December 2021

Dear Sir or Madam:

AHIMS Web Service search for the following area at Lat, Long From : -34.78, 147.89 - Lat, Long To : -34.75, 147.95, conducted by Mason Schembri on 23 December 2021.

The context area of your search is shown in the map below. Please note that the map does not accurately display the exact boundaries of the search as defined in the paragraph above. The map is to be used for general reference purposes only.



A search of Heritage NSW AHIMS Web Services (Aboriginal Heritage Information Management System) has shown that:

15	Aboriginal sites are recorded in or near the above location.
0	Aboriginal places have been declared in or near the above location. *

If your search shows Aboriginal sites or places what should you do?

- You must do an extensive search if AHIMS has shown that there are Aboriginal sites or places recorded in the search area.
- If you are checking AHIMS as a part of your due diligence, refer to the next steps of the Due Diligence Code of practice.
- You can get further information about Aboriginal places by looking at the gazettal notice that declared it. Aboriginal places gazetted after 2001 are available on the [NSW Government Gazette \(https://www.legislation.nsw.gov.au/gazette\)](https://www.legislation.nsw.gov.au/gazette) website. Gazettal notices published prior to 2001 can be obtained from Heritage NSW upon request

Important information about your AHIMS search

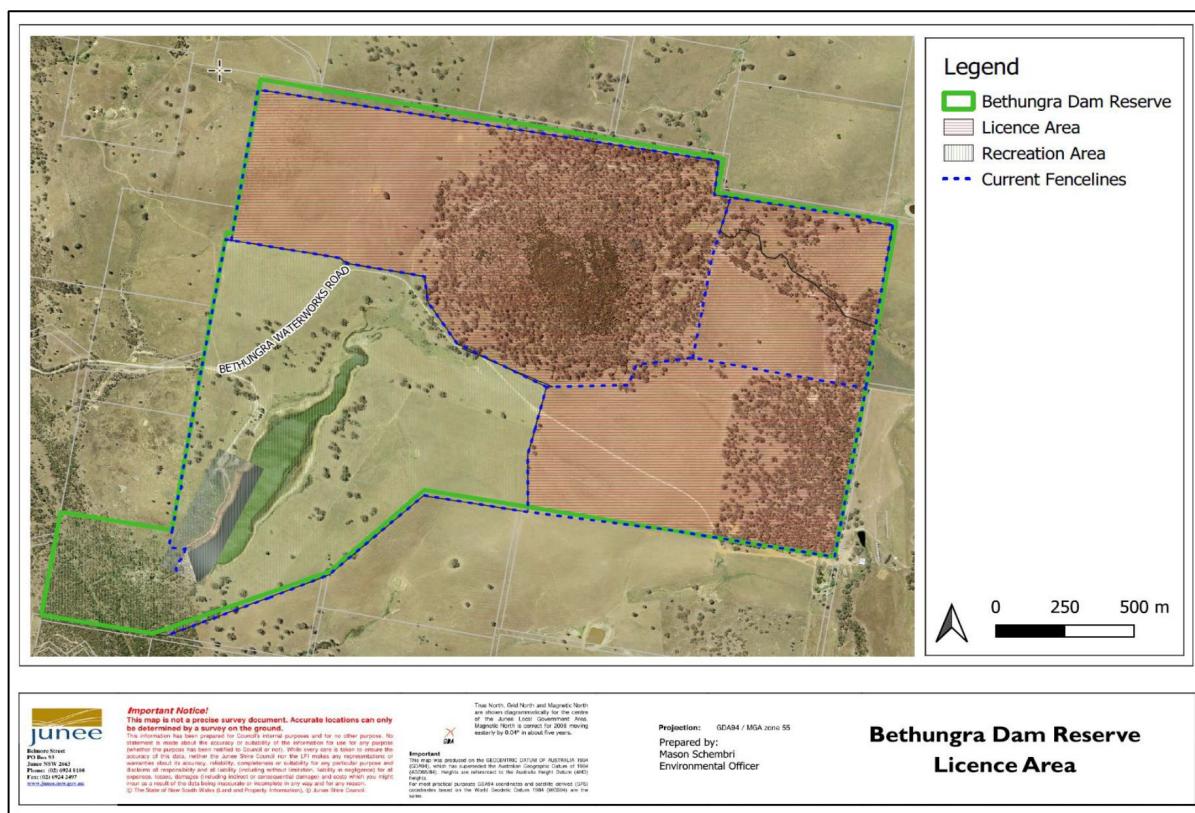
- The information derived from the AHIMS search is only to be used for the purpose for which it was requested. It is not to be made available to the public.
- AHIMS records information about Aboriginal sites that have been provided to Heritage NSW and Aboriginal places that have been declared by the Minister;
- Information recorded on AHIMS may vary in its accuracy and may not be up to date. Location details are recorded as grid references and it is important to note that there may be errors or omissions in these recordings.
- Some parts of New South Wales have not been investigated in detail and there may be fewer records of Aboriginal sites in those areas. These areas may contain Aboriginal sites which are not recorded on AHIMS.
- Aboriginal objects are protected under the National Parks and Wildlife Act 1974 even if they are not recorded as a site on AHIMS.
- This search can form part of your due diligence and remains valid for 12 months.

NATIVE TITLE SUMMARY AND ASSESSMENT REPORT FOR CROWN RESERVE IDENTIFIED IN THE JUNEES SHIRE COUNCIL PLAN OF MANAGEMENT FOR BETHUNGRA DAM RESERVE

I. The Land to which this report applies

This report applies to Crown Reserve R220036 being Lot 84 DP 726196, Bethungra Dam Reserve, 567 Waterworks Road, Bethungra. This reserve is owned by the Crown and managed by Junee Shire Council as Crown Land Manager under the Crown Land Management Act 2016. The management and use of the land is subject to the provisions contained in the Crown Land Management Act 2016 and is not subject to any condition, restriction or covenant imposed by the owner.

The location of the Reserve is shown below.



2. Details of activity on Crown Land

The Junee Shire Council Bethungra Dam Plan of Management (Site Specific) has been prepared by Council and provides direction as to the use and management of the Reserve.

The Plan of Management is required in accordance with Section 3.23 of the Crown Lands Management Act 2016 and Section 36 of the Local Government Act 1993.

The Plan of Management outlines the way in which the reserve will be used and provides the framework for Council to follow in relation to Licensing and Permit processes for the land.

The Plan of Management also provides for the granting of easements over the land and the further development of the land, buildings and infrastructure on the land.

The Plan of Management provides strict guidelines such that each activity requires a Native Title Assessment and validation under the Native Title Act 1993 to be carried out by Council's Native Title Manager prior to the commencement or approval of that activity.

The Plan of Management is clear that the management of those activities that could be considered to be a future act, must take into account the reserve purpose for the land.

Accordingly, the activities authorised under the Plan of Management could be validated under Subdivision J of the Native Title Act 1993.

2a. Is the activity a future act?

The plan of management provides authorisation for the granting of Licences and other Estates over the land and the granting of easements and further development of the land, buildings and infrastructure on the land. These activities could be considered to be a future act within the meaning of Section 233 of the Native Title Act 1993.

2b. If it is, why? If it is not, why not?

The activities authorised under the Plan of Management could be considered to be future acts within the meaning of Section 233 of the Native Title Act 1993.

3. If the activity is a future act, which of the following subdivisions of the future act regime under the Native Title Act 1993 validate it?

The authorisation of the activities that could be considered a future act within the Plan of Management provides for the activity to be carried out in accordance with the reserve purpose of the land.

The Plan of Management does not provide authorisation for any activity that is not in accordance with the reserve purpose of the land.

Accordingly, the activities could be validated under Subdivision J of the Native Title Act, 1993.

4. Requirements to notify any representative body

The Plan of Management provides strict guidelines such that each activity requires a Native Title Assessment and validation under the Native Title Act 1993 to be carried out by Council's Native Title Manager prior to the commencement or approval of that activity.

Notification will be assessed on a 'case by case' basis and parties will be notified when an activity is assessed.

As the Plan of Management authorises activities that could be considered to be future acts within the meaning of Section 233 of the Native Title Act 1993, Council will notify NTSCorp and the Wagga Wagga Local Aboriginal Land Council prior to adoption of the plan.

Subdivision J

Requirement	Section 24JA	Requirement Satisfied
The reservation was created on or before 23 December 1996; and	s. 24JA(1)(a)	Yes
The reservation was valid; and	s. 24JA(1)(b)	Yes
The creation of the reservation was done by the Crown (the Commonwealth or State); and	s. 24JA(1)(c)	Yes
The whole or part of any land or waters under the reservation was to be used for a particular purpose; and	s. 24JA(1)(d)	Yes
The issue of the licence is done in good faith under or in accordance with the reservation, or	s. 24JA(1)(e) (i)	
in the areas covered by the reservation, so long as the act's impact on native title is no greater than the impact that any act that could have been done under or in accordance with the reservation would have had.	s. 24JA(1)(e) (ii)	Yes

Summary:

The Plan of Management authorises activities that could be considered as future acts within the meaning of Section 233 of the Native Title Act 1993.

The Plan of Management guidelines provide that those activities are only to be authorised if they are in accordance with the reserve purpose of the land.

Those activities that are consistent with the reserve purpose of the land may be validated under Subdivision J if the land was subject to a reservation created prior to 23 December 1996 and the reservation was done by the Crown.

Therefore, requirements of s.24JA(1) (a) – (e) are met.

s. 24JA(1)(a) is satisfied as the relevant land was subject to a reservation created before 23 December 1996.

s. 24JA(1)(b) is satisfied as the Reserve was notified in the Government Gazette.

s. 24JA(1)(c) is satisfied as the reservation was carried out by the Crown under the provision of the Crown Lands Consolidation Act, such reservation has been carried out by a statutory power, exercised by the Minister on behalf of the Crown.

s. 24JA(1)(d) is satisfied as the land was to be used for a specific purpose being a reservation under the Crown Lands Consolidation Act which reserved the land from sale.

s. 24JA(1)(e) (ii) is satisfied as the adoption of a Plan of Management that authorises activities to be done in accordance with the reserve purpose in the area covered by the reservation, so long as the act's impact on native title is no greater than the impact that any act that could have been done under or in accordance with the reservation would have had.

Narelle Hobson
Native Title Manager
Junee Shire Council

22 November 2023



JUNEE SHIRE COUNCIL

INFORMATION BOOKLET





JUNEE SHIRE COUNCIL

INFORMATION BOOKLET

ORDINARY MEETING TUESDAY, 19 DECEMBER 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.

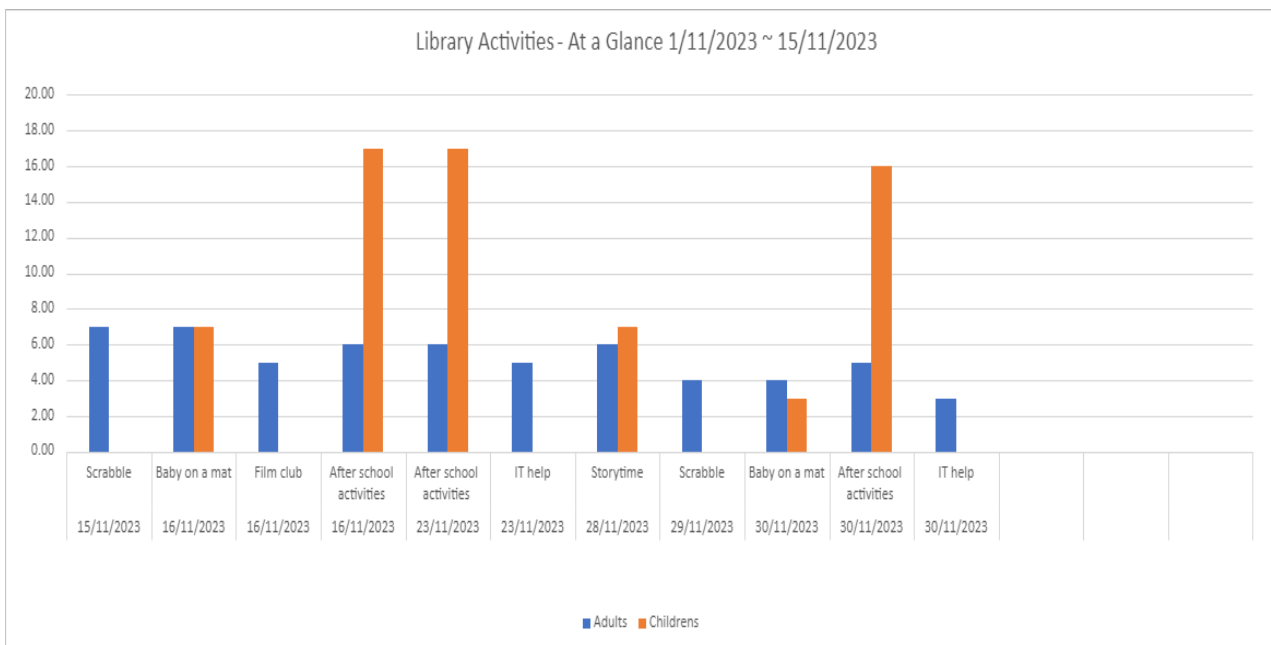
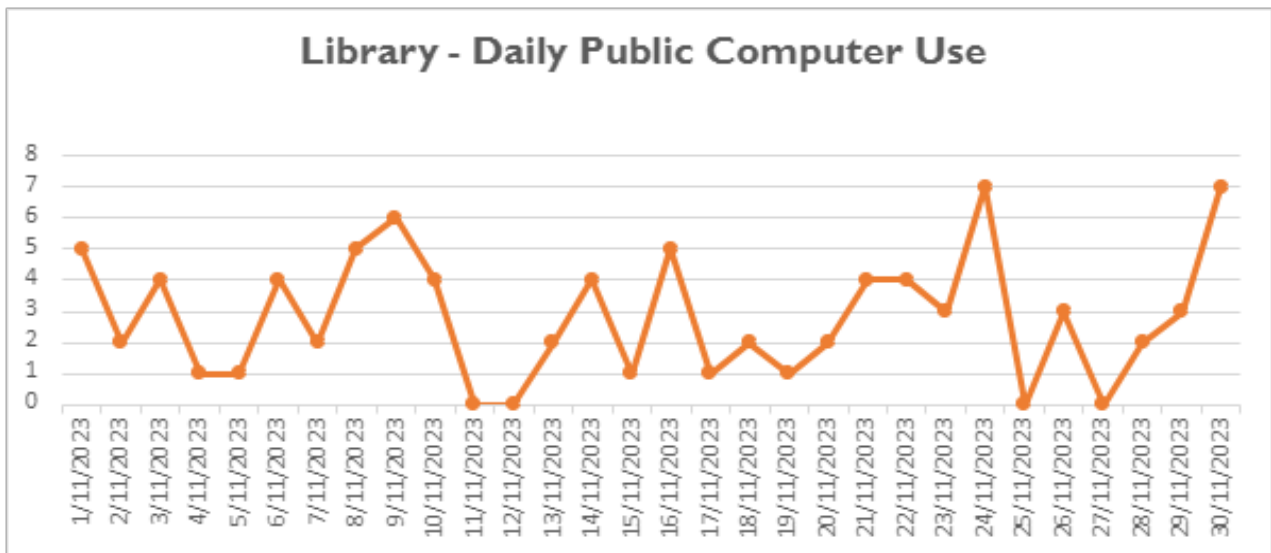
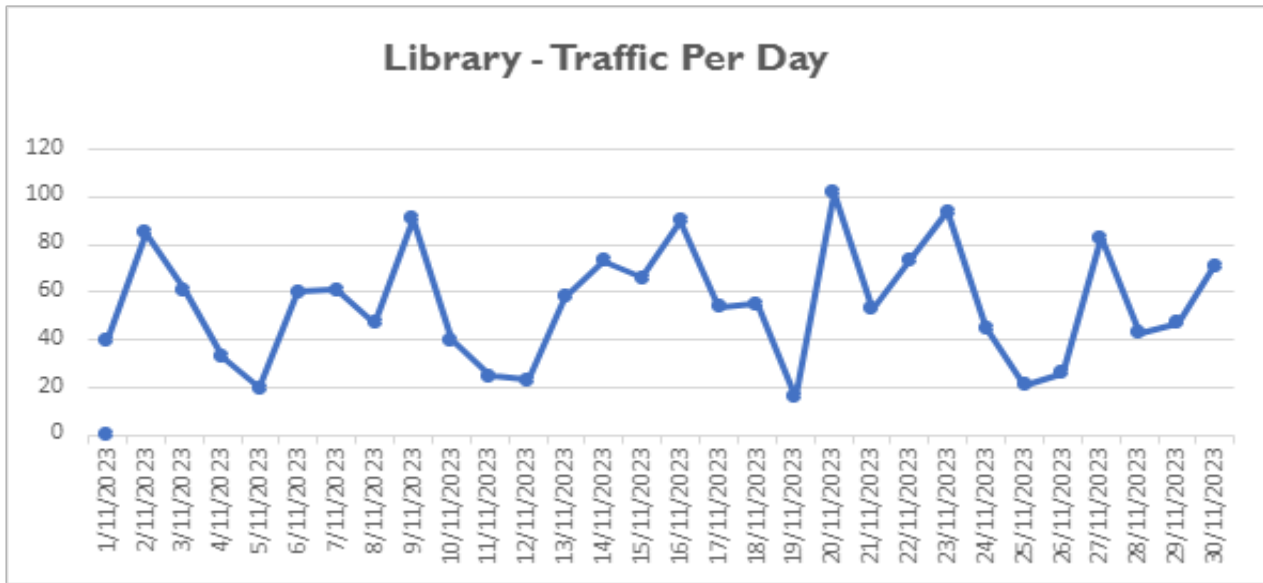
Council Committee and Delegate Meetings

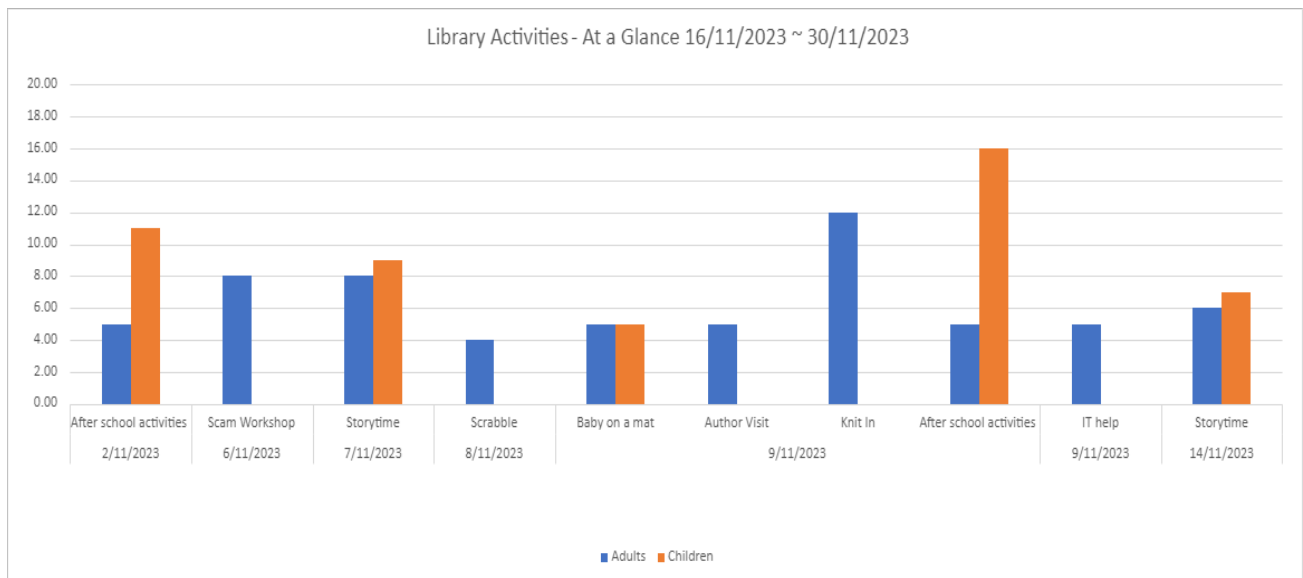
Attendee	Delegate Meeting	Date
FYI	June Advisory 355 Committee	21 December 2023
FYI	Australia Day Award Sub-Committee	20 December 2023
Councillor Knight	June Sports Committee	8 February 2024
Mayor/General Manager	REROC Board Meeting	9 February 2024
Councillor Cook	June Traffic Committee	February 2024
Councillor Clinton and Councillor Knight	Audit Risk & Improvement Committee	March 2024
Councillor Callow	Weeds Committee	5 March 2024
Mayor/General Manager	Coolamon-June Community Safety Precinct Committee	6 March 2024
General Manager	Coolamon June Local Emergency Management Committee	6 March 2024
Councillor Halliburton	Riverina Regional Library Advisory Committee	27 March 2024
Councillor Carter	Riverina Zone, Rural Fire Service Bushfire Management Committee	July 2024
Councillor Halliburton Councillor Halliburton	Inland Rail Community Consultative Committees: A2I I2S	TBA 2024 TBA 2024
Councillor Carter	Riverina Zone Service Level Agreement Committee	TBA
Councillor Clinton and Councillor Halliburton	Senior Citizens Festival Committee	TBA
General Manager	Riverina Murray Regional Emergency Management Committee	As required

2[HR] WORKERS' COMPENSATION/REHABILITATION

There was one recordable incident for the month of November 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.
- Bethungra Hill Stage 5.
- Heavy patching in Bethungra.

MR 57 (Goldfields Way)

- Potholes patched, repaired wearing surfaces.
- Signs and guideposts maintained and replaced.
- Fortnightly safety inspections have been conducted.

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.
- Slashing.

Rural Sealed Roads

- Oura Road widening.
- Signs and guideposts maintained.
- Potholes patched, repaired wearing surfaces.
- Bethungra Road shoulders.
- Blackgate Road – shoulders.
- Bethungra Nangus Road – shoulders.
- Yammatree Road – shoulders.
- River Road – sealed.

Rural Unsealed Roads

- Signs and guideposts maintained.
- Bethungra Waterworks Road – formation 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 Merits completed.
- Footpath inspections.

Villages

- Rest area maintenance.
- Wantabadgery village – slashing.
- Illabo Village – slashing.

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)

- RSO created social media messaging for December.
- Social media posts developed for November, December and January focusing on roadwork safety.
- RSO chaired the 4 Shires Quarterly meeting on Monday, 6 November.
- RSO met with Transport for NSW Lead on Monday, 6 November.
- RSO attended Transport for NSW South Region Conference in Wollongong from Monday, 13 November to Wednesday, 15 November.
- RSO to deliver *Slow Down* corflute signage in the coming weeks. RSO working alongside engineers & NSW Police to find the best locations for these signs.
- RSO to deliver three “*Seatbelt Saves Lives*” signs to engineering team.
- Plan B resources delivered to resources all five participating venues in the Junee Shire.

6[DES] SEWERAGE SYSTEM

- Over the month of November there were three chokes in the mains and one choke in the services.
- Installed new sewer service connection at 46A Marquis Street.
- Sewer relining from manhole MMO/3 and MMO/10 at the GHA completed.
- Installed carbon filter at rear of 15 Bolton Street.
- Total inflow to the treatment plant for the month was 58ML.
- There was 37ML of effluent reused with final effluent discharge totalling 7.3ML.
- Effluent samples from monitoring point 1, discharge to the environment were tested and results were within licence limits.
- 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
October 2023	3	0
November 2023	5	0

Impounded Dog Activity

During November 2023, there were six dogs impounded. Five dogs were returned to their owners and one was re-homed.

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 6 December 2023 and were in good condition except for Illabo which had some excess waste.

9[EO] WEEDS

- Riverina LLS region is still to be funded under this year Weeds Action Program (WAP).
- According to our DPI representative, DPI have the allocation but are withholding it until all LLS regions have reported and are approved.
- The weeds mapping system will move to a new cloud based system which should make it easier to navigate and to involve sub-contractors.
- St John's Wort Control has commenced in all three Shires with a focus on main roads and high traffic areas. This will continue as budget allows.
- Coolatai grass at Old Junee/Marrar controlled; will need to re-establish the red guide post system in JSC.
- UGL regional rail have also sprayed the immediate track and any high spots. Have advised that they will come back with a drone to spray the remainder.
- We may try to take advantage of this and organise a field day out of it, drone spraying and Coolatai with onsite viewing and a talk at the Old Junee or Marrar Hall; this will satisfy a WAP target.
- Serrated Tussock on Gundagai Road controlled.
- Chilean Needle Grass at Wantabadgery controlled.
- Inspections – private property inspections on-going.
- A focus will be placed on Silverleaf nightshade.
- High risk pathways patrolled and logged into Biosecurity information system.
- No new incursions of previously unknown weeds discovered.

- River inspection carried out in JSC; nothing major to report.
- Road shoulder spraying completed.
- Attended all LLS regional weed committee meetings.
- Attended Griffith and Henty Machinery Field days.
- Attended a bio-control workshop in Orange.
- RENWA staff will be on leave for the usual Council shut down over Christmas. Available for contact if necessary.

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 2023/42	New Shed	4 Walster Street, Junee	1/11/2023	Approved By Delegation
DA 2023/63	New Change Of Use	6 Humphrys Street, Junee	1/11/2023	Approved By Delegation
CDC 2023/11	New Retaining Walls	15 Smythe Road, Junee	2/11/2023	Approved By Delegation
DA 2023/60	New Dwelling	531 Old Junee Road, Junee	7/11/2023	Approved By Delegation
DA 2023/62	New Roof Over Existing Wash Bay	218 Main Street, Junee	7/11/2023	Approved By Delegation
DA 2023/59	New Dwelling	5919 Gundagai Road, Junee	8/11/2023	Approved By Delegation
DA 2023/65	New Carport	4 Cedric Street, Junee	8/11/2023	Approved by Delegation
DA 2023/66	Alterations & Additions To Existing Dwelling	22 King Street, Junee	22/11/2023	Approved by Delegation
DA 2023/54	2 Lot Subdivision	7 De Salis Drive, Junee	29/11/2023	Approved by Delegation

12(DPCD) HEALTH, BUILDING, PLANNING AND ENVIRONMENTAL INSPECTIONS

There were 26 health, building and planning inspections carried out during the month of November 2023.

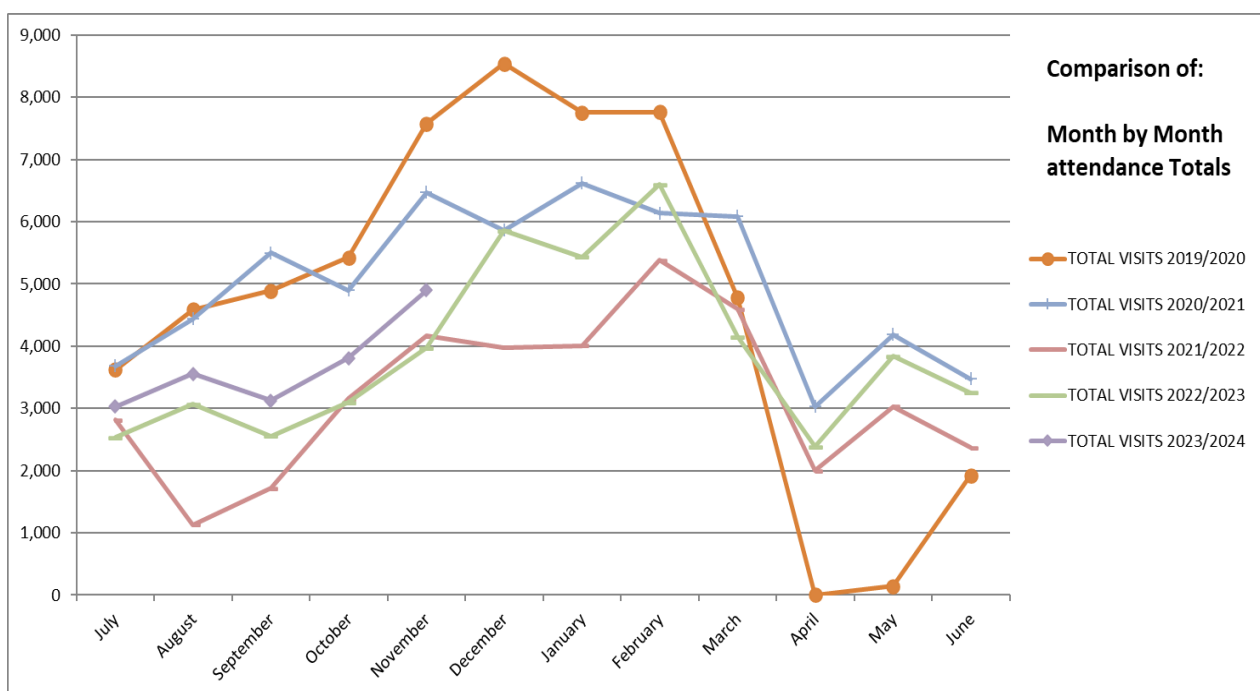
13[DPCD] COMMUNITY AND RECREATION

June Junction Recreation and Aquatic Centre – Statistics for November 2023

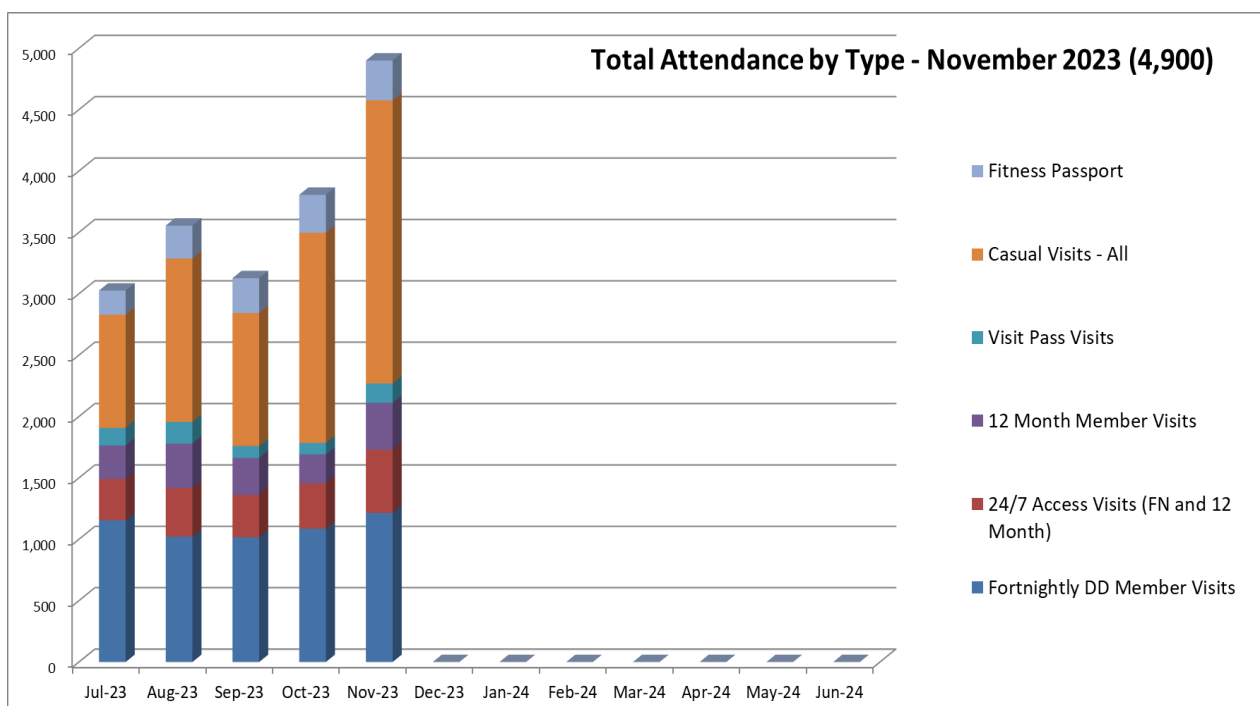
The following tables summarise the attendance and membership statistics at JJRAC for November 2023.

- With the weather heating up, we have seen Memberships continue to increase
- Stadium Usage has continued to increase with basketball training into full swing.

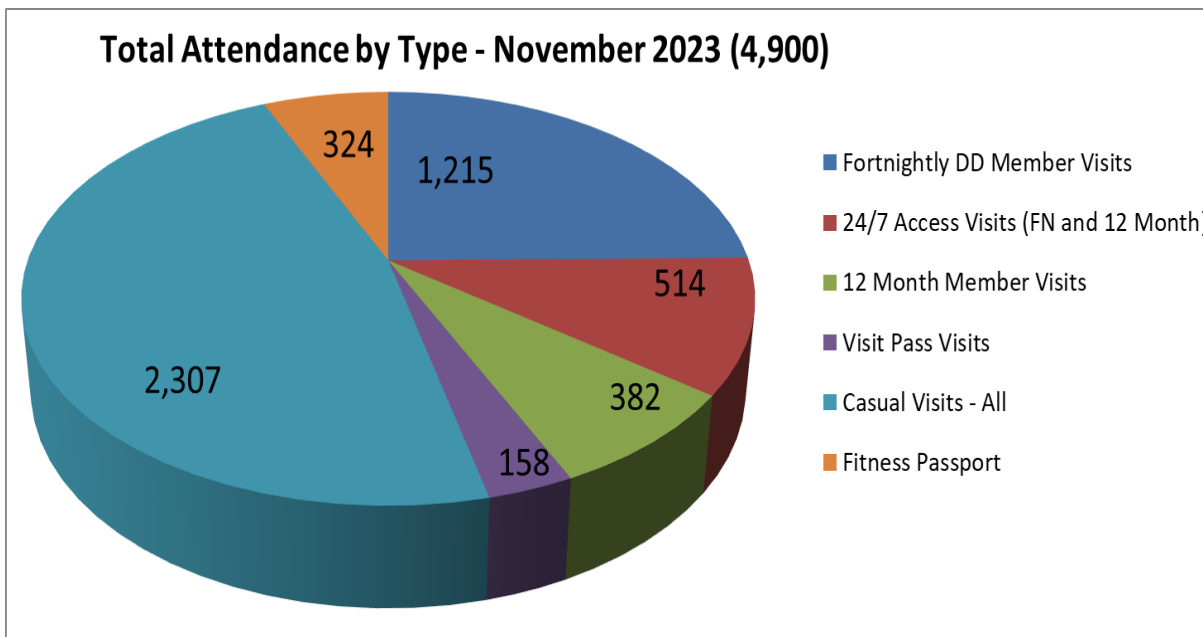
Graph 1: Total Attendances by Month



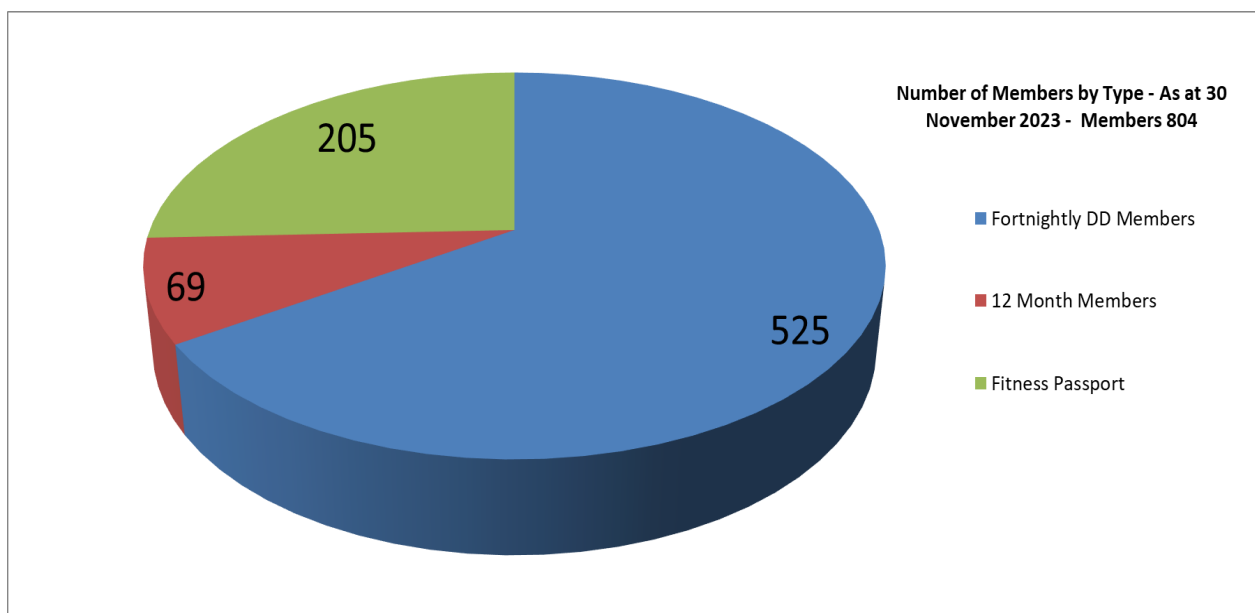
Graph 2: Total Attendances by Month by Type of Visit



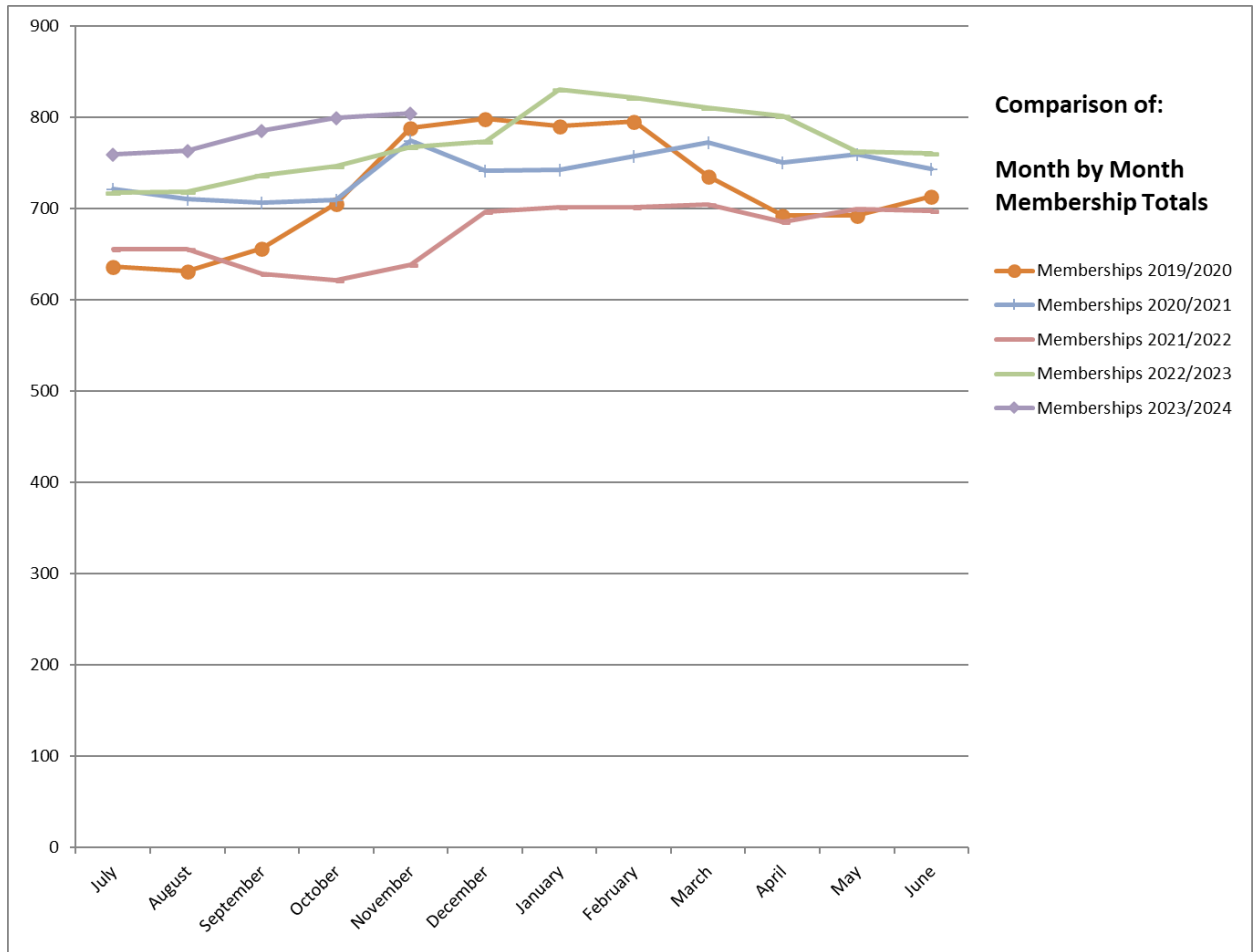
Graph 3: Centre Attendance by Type



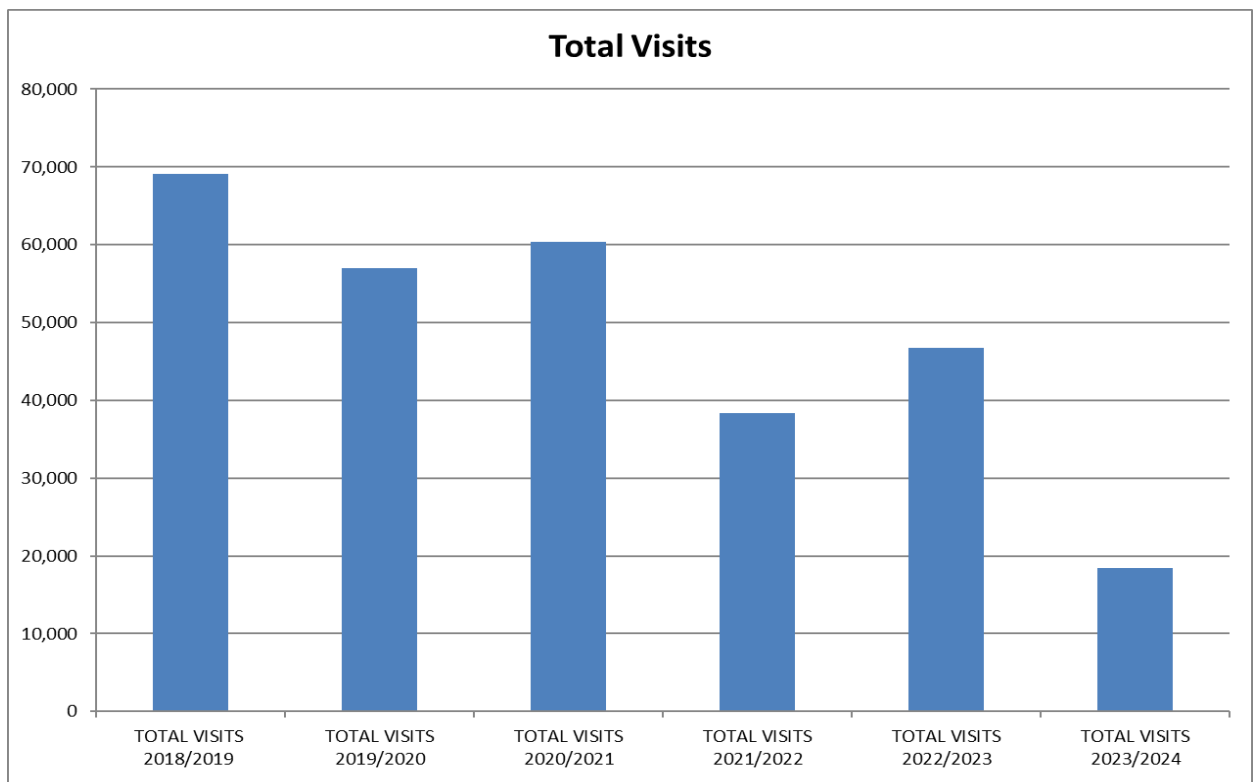
Graph 4: Membership Numbers by Type



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
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
October 2023	1,969	3,607	786
November 2023	1,978	6,835	778

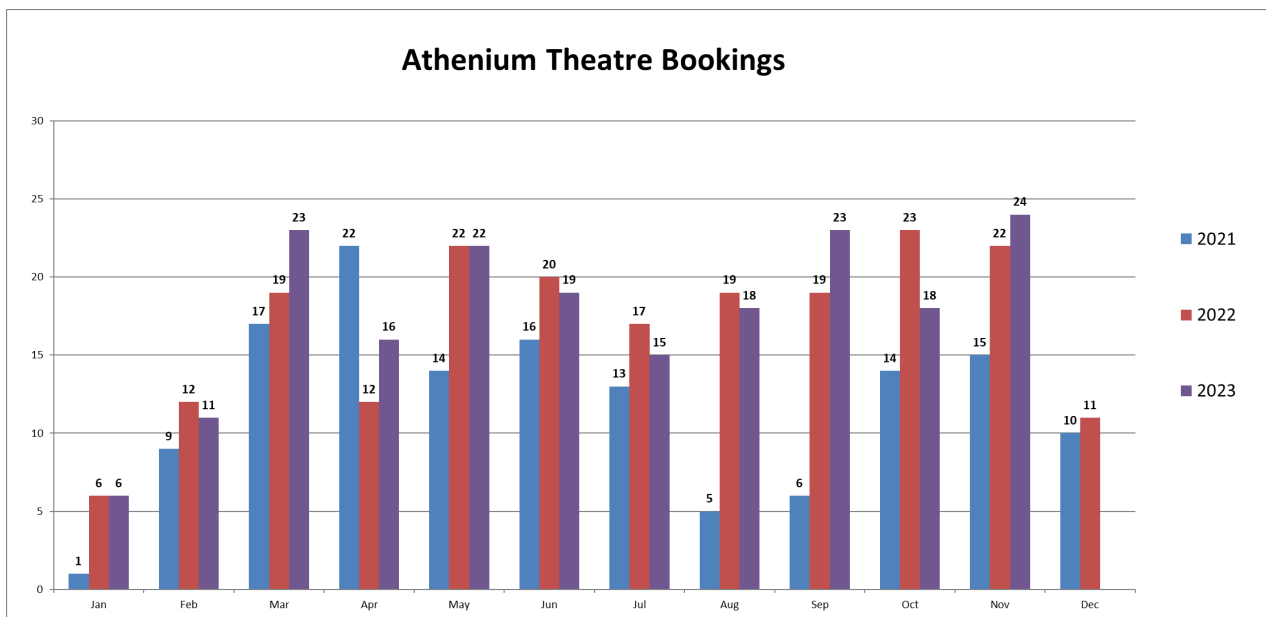
Community Development

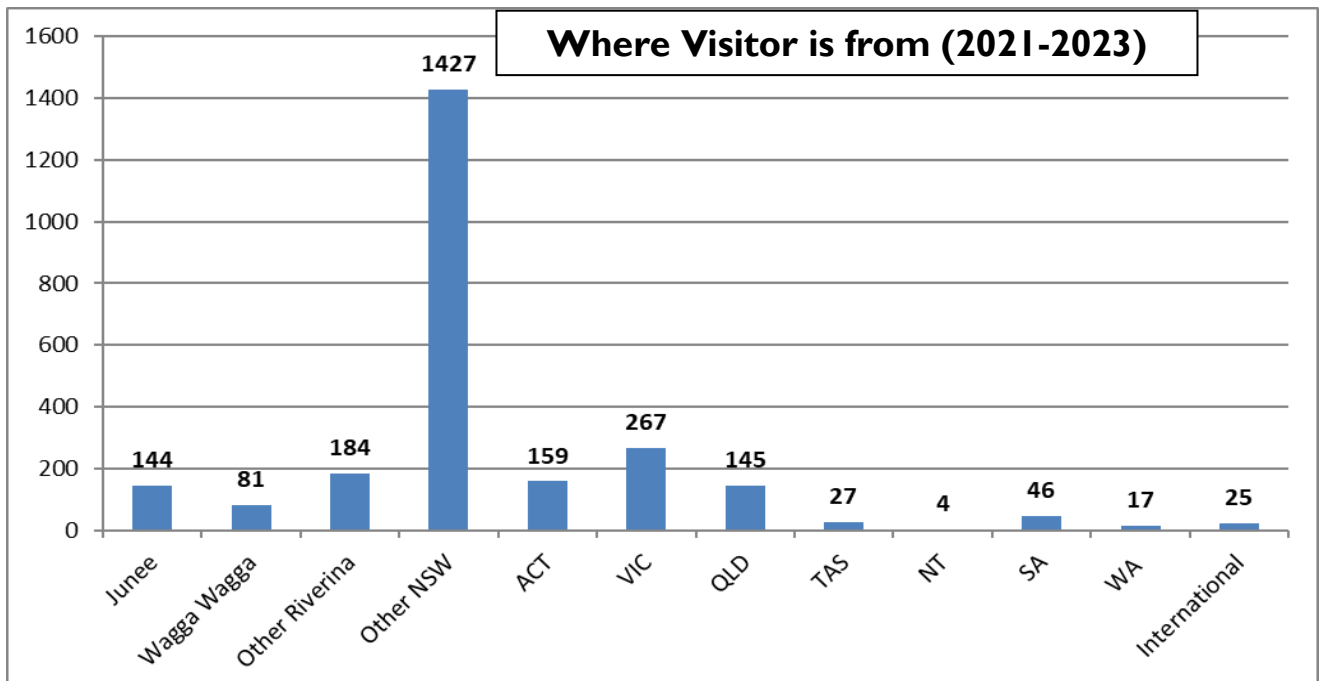
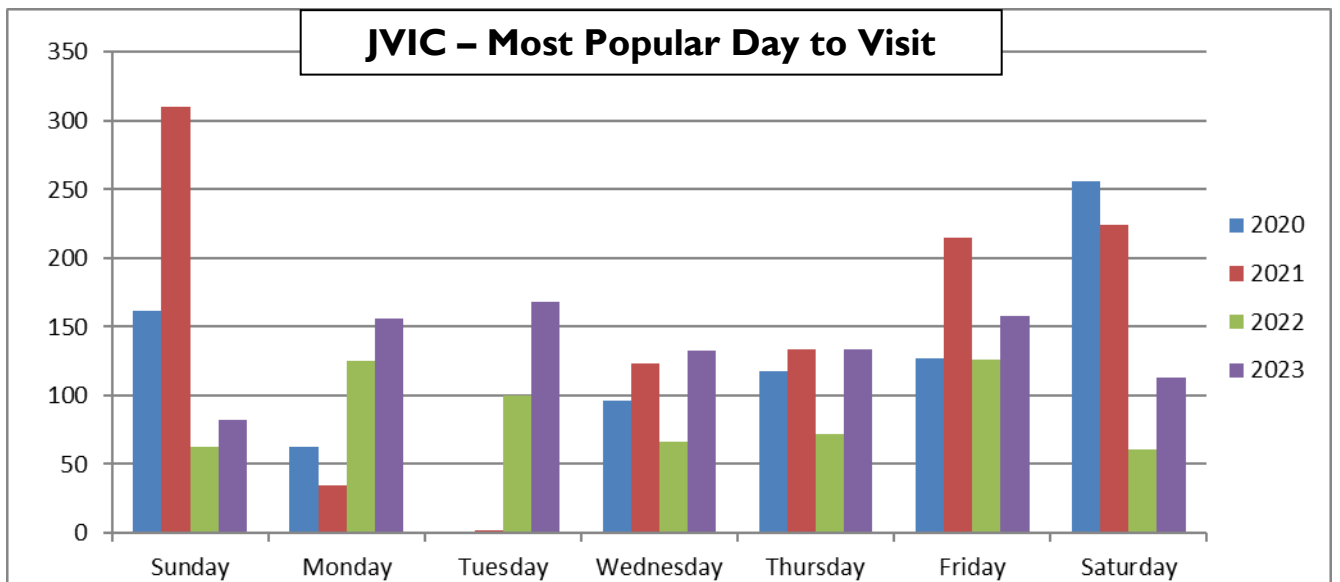
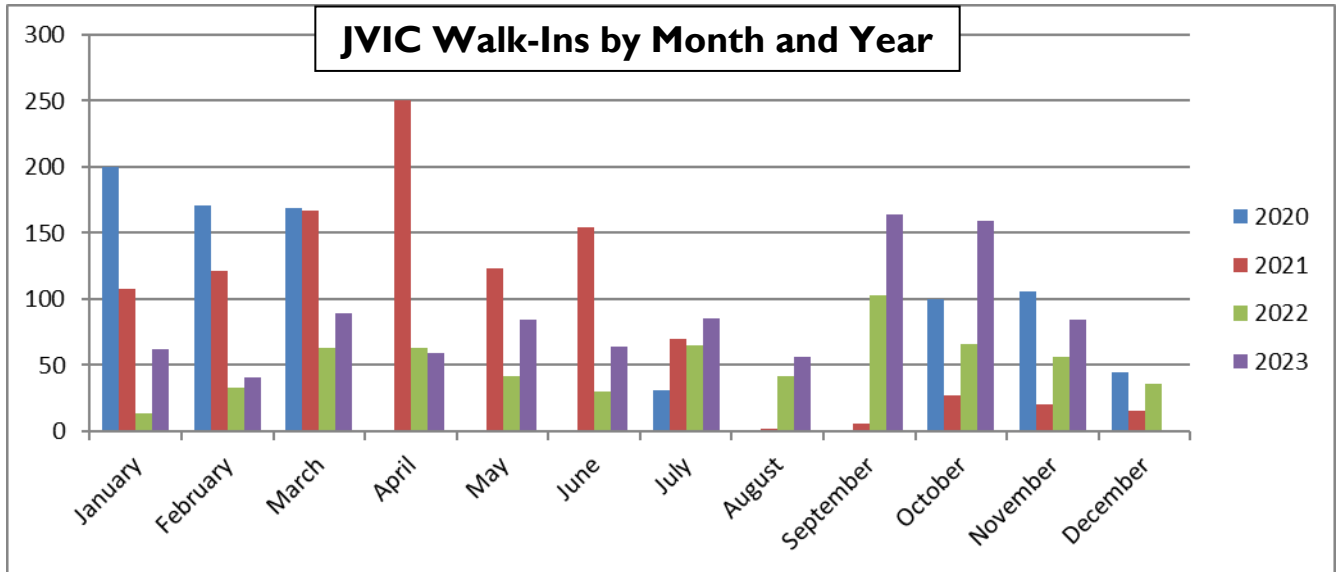
Youth Program/Youth Council

N/A no school holiday throughout this period.

Junee Athenium Theatre

The Athenium Theatre saw an increase in bookings through commercial and private bookings.





I4[GM] CUSTOMER SERVICE REQUESTS SUMMARY

November MERIT	Count of Function Name
Depot Operations	
Damaged Bin	1
Engineering Services Administration	
Damaged Bin	19
General Enquiry	4
General Maintenance	1
General/ Maintenance	1
Maintenance	9
Maintenance Request	9
Mowing	2
New Tree Request	1
Roadside Slashing	3
Service Request	11
Stolen Bin	3
Finance	
Abandoned Vehicle	1
Dog Barking	1
Excess Vegetation Unsightly	16
Illegally Dumped Rubbish	3
Nuisance Animal	1
Vandalism and Damage	1
Grand Total	87