



ORDINARY COUNCIL MEETING

AGENDA

4 FEBRUARY 2020

Notice is hereby given, in accordance with the provisions of the Local Government Act 1993 that an **ORDINARY MEETING of ORANGE CITY COUNCIL** will be held in the **COUNCIL CHAMBER, CIVIC CENTRE, BYNG STREET, ORANGE** on **Tuesday, 4 February 2020** commencing at **7.00PM**.

David Waddell
CHIEF EXECUTIVE OFFICER

For apologies please contact Administration on 6393 8218.

AGENDA

EVACUATION PROCEDURE

In the event of an emergency, the building may be evacuated. You will be required to vacate the building by the rear entrance and gather at the breezeway between the Library and Art Gallery buildings. This is Council's designated emergency muster point.

Under no circumstances is anyone permitted to re-enter the building until the all clear has been given and the area deemed safe by authorised personnel.

In the event of an evacuation, a member of Council staff will assist any member of the public with a disability to vacate the building.

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COUNCIL MEETING ADJOURNS FOR THE CONDUCT OF THE POLICY COMMITTEES

Planning and Development - NO ITEMS FOR CONSIDERATION

Employment and Economic Development - Chaired by Cr Tony Mileto

Infrastructure - Chaired by Cr Jeff Whitton

Sport and Recreation - Chaired by Cr Jason Hamling

Environmental Sustainability - Chaired by Cr Mario Previtera

Finance - NO ITEMS FOR CONSIDERATION

Services - Chaired by Cr Scott Munro

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1 INTRODUCTION

1.1 APOLOGIES AND LEAVE OF ABSENCE

1.2 LIVESTREAMING AND RECORDING

This Council Meeting is being livestreamed and recorded. By speaking at the Council Meeting you agree to being livestreamed and recorded. Please ensure that if and when you speak at this Council Meeting that you ensure you are respectful to others and use appropriate language at all times. Orange City Council accepts no liability for any defamatory or offensive remarks or gestures made during the course of this Council Meeting. A recording will be made for administrative purposes and will be available to Councillors.

1.3 ACKNOWLEDGEMENT OF COUNTRY

I would like to acknowledge the Wiradjuri people who are the Traditional Custodians of the Land. I would also like to pay respect to the Elders both past and present of the Wiradjuri Nation and extend that respect to other Aboriginal Australians who are present.

1.4 DECLARATION OF PECUNIARY INTERESTS, SIGNIFICANT NON-PECUNIARY INTERESTS AND LESS THAN SIGNIFICANT NON-PECUNIARY INTERESTS

The provisions of Chapter 14 of the Local Government Act, 1993 (the Act) regulate the way in which Councillors and designated staff of Council conduct themselves to ensure that there is no conflict between their private interests and their public role.

The Act prescribes that where a member of Council (or a Committee of Council) has a direct or indirect financial (pecuniary) interest in a matter to be considered at a meeting of the Council (or Committee), that interest must be disclosed as soon as practicable after the start of the meeting and the reasons given for declaring such interest.

As members are aware, the provisions of the Local Government Act restrict any member who has declared a pecuniary interest in any matter from participating in the discussion or voting on that matter, and requires that member to vacate the Chamber.

Council's Code of Conduct provides that if members have a non-pecuniary conflict of interest, the nature of the conflict must be disclosed. The Code of Conduct also provides for a number of ways in which a member may manage non pecuniary conflicts of interest.

RECOMMENDATION

It is recommended that Councillors now disclose any conflicts of interest in matters under consideration by the Council at this meeting.

2 MAYORAL MINUTES

2.1 MAYORAL MINUTE - COUNTRY MAYORS' ASSOCIATION - NSW BUSHFIRES

RECORD NUMBER: 2020/123

MAYORAL MINUTE

Cr Katrina Humphries, Chairperson of the Country Mayors' Association of New South Wales, has written to Council regarding the NSW Bushfire Crisis.

Attached is a copy of correspondence received.

RECOMMENDATION

That the information contained in this Mayoral Minute be acknowledged.

Reg Kidd

MAYOR

ATTACHMENTS

- 1 Country Mayors' Association - Letter NSW BushFires, D20/4173 [↓](#)



Country Mayors Association of NEW SOUTH WALES

Chairperson: Cr Katrina Humphries
PO Box 420 Moree, NSW 2400
02 6757 3222
ABN 92 803 490 533

15 January 2020

All Members
NSW Country Mayors Association

Dear Members,

On behalf of the NSW Country Mayors' Association, I would like to pass on our deep sorrow to everyone who has been affected by the ravaging fires across New South Wales.

As an organisation, we have always been there for each other and I would like to hear from Mayors in fire-affected areas if there is anything we can do for each other in these horrific times. Sadly, many of our councils remain drought affected and have limited resources, but I know there is a willingness amongst us to help wherever possible.

I propose a group email so that affected councils can advise us all as to what they need practically and we can then respond with what may be within our capacity to help with.

We are too positive to be doubtful, we are too optimistic to be fearful and we are too determined to be defeated.

Yours sincerely



Cr Katrina Humphries
Chairperson

3 CONFIRMATION OF MINUTES OF PREVIOUS MEETING**RECOMMENDATION**

That the Minutes of the Ordinary Meeting of Orange City Council held on 17 December 2019 (copies of which were circulated to all members) be and are hereby confirmed as a true and accurate records of the proceedings of the Council meeting held on 17 December 2019.

RECOMMENDATION

That the Minutes of the Extraordinary Meeting of Orange City Council held on 14 January 2020 (copies of which were circulated to all members) be and are hereby confirmed as a true and accurate records of the proceedings of the Council meeting held on 14 January 2020.

ATTACHMENTS

- 1 Minutes of the Ordinary Meeting of Orange City Council held on 17 December 2019
- 2 Minutes of the Extraordinary Meeting of Orange City Council held on 14 January 2020

ORANGE CITY COUNCIL

MINUTES OF THE

ORDINARY COUNCIL MEETING

HELD IN COUNCIL CHAMBER, CIVIC CENTRE, BYNG STREET, ORANGE

ON 17 DECEMBER 2019

COMMENCING AT 7.00PM

1 INTRODUCTION

ATTENDANCE

Cr R Kidd (Mayor), Cr S Romano (Deputy Mayor), Cr K Duffy, Cr J Hamling, Cr J McRae, Cr T Mileto, Cr S Munro, Cr S Nugent, Cr M Previtera, Cr G Taylor, Cr R Turner, Cr J Whitton

Chief Executive Officer, Acting Director Corporate and Commercial Services, Acting Director Development Services, Director Community, Recreation and Cultural Services, Director Technical Services, Manager Corporate and Community Relations, Executive Support Manager

1.1 APOLOGIES

Nil

1.2 LIVESTREAMING AND RECORDING

The Mayor advised that the meeting was being livestreamed and recorded.

1.3 ACKNOWLEDGEMENT OF COUNTRY

1.4 DECLARATION OF PECUNIARY INTERESTS, SIGNIFICANT NON-PECUNIARY INTERESTS AND LESS THAN SIGNIFICANT NON-PECUNIARY INTERESTS

Cr J McRae declared a pecuniary interest in item 5.6 (Recommendation 3) as she is a Member of the Rainbow City Festival Committee and will leave the Chamber during that item.

Crs Kidd, Taylor and Whitton declared a pecuniary interest in Item 5.8 as they are Board Members of OCTEC and will leave the chamber during that item.

Cr Nugent declared a non-significant non pecuniary interest in Item 5.8 as an Executive at OCTEC and will remain in the Chamber.

2 MAYORAL MINUTES

2.1 CENTROC AND CENTRAL NSW JOINT ORGANISATION MEETINGS NOVEMBER 2019

TRIM REFERENCE: 2019/2719

RESOLVED - 19/622**Cr J Whitton/Cr S Munro**

That the Mayoral Report from the Board meetings for Centroc and Central NSW Joint Organisation Meeting held 27 November 2019 and the Round table discussion with Ministers at Parliament House 28 November held in Canberra be noted and;

- 1 Councillors and staff be asked to take the tourism data survey for the region; and
- 2 Council receive a report on joining the Murray Darling Association.

For: Cr Kidd, Cr Duffy, Cr Hamling, Cr Mileto, Cr Munro, Cr Nugent, Cr Previtera, Cr Romano, Cr Taylor, Cr Turner, Cr Whitton

Against: Cr McRae

Absent: Nil

GOOD NEWS FOLDER

- 1 Letter from Mr Tim O’Meagher thanking Council for a putting in a concrete footpath in Nile Street. He also said full marks to the workers who did the job in a co-operative and competent manner.

3 CONFIRMATION OF MINUTES OF PREVIOUS MEETING

RESOLVED - 19/623**Cr K Duffy/Cr S Nugent**

That the Minutes of the Ordinary Meeting of Orange City Council held on 3 December 2019 (copies of which were circulated to all members) be and are hereby confirmed as a true and accurate record of the proceedings of the Council meeting held on 3 December 2019.

For: Unanimous

Against: Nil

Absent: Nil

MATTER ARISING

Cr Duffy requested an update on correspondence sent to State and Federal Governments to build more dams.

4 NOTICES OF MOTION/NOTICES OF RESCISSION

4.1 NOTICE OF MOTION - LACHLAN VALLEY RAIL SUPPORT

TRIM REFERENCE: 2019/2702

RESOLVED - 19/624**Cr S Munro/Cr S Nugent**

That Orange City Council provide support to the Lachlan Valley Railway Society, in the form of administrative assistance, for sourcing and making grant applications, to carry out restoration and redevelopment projects at the East Fork Rail Precinct.

For: Unanimous

Against: Nil

Absent: Nil

5 GENERAL REPORTS

5.1 RECOMMENDATIONS AND RESOLUTIONS FROM POLICY COMMITTEES

TRIM REFERENCE: 2019/2699

RESOLVED - 19/625**Cr J Hamling/Cr S Nugent**

- 1 That the resolutions made by the Planning and Development Committee at its meeting held on 3 December 2019 be noted.
- 2 That the resolutions made by the Infrastructure Policy Committee at its meeting held on 3 December 2019 be noted.
- 3 That the resolutions made by the Sport and Recreation Policy Committee at its meeting held on 3 December 2019 be noted.
- 4 That the resolutions made by the Environmental Sustainability Policy Committee at its meeting held on 3 December 2019 be noted.
- 5 That the resolutions made by the Finance Policy Committee at its meeting held on 3 December 2019 be noted.
- 6 That the resolutions made by the Services Policy Committee at its meeting held on 3 December 2019 be noted.

For: Unanimous

Against: Nil

Absent: Nil

MATTER ARISING

Cr Nugent commented on the Housing Summit recently held and said that it was a positive and proactive session. He would like to see more of these forums.

5.2 STATEMENT OF INVESTMENTS - NOVEMBER 2019

TRIM REFERENCE: 2019/2756

RESOLVED - 19/626**Cr S Munro/Cr J McRae**

That Council resolves:

- 1 To note the Statement of Investments as at 30 November 2019.
- 2 To adopt the certification of the Responsible Accounting Officer.

For: Unanimous

Against: Nil

Absent: Nil

5.3 DEVELOPMENT APPLICATION DA 282/2019(1) - 5 DON PETERS PLACE, CLIFTON GROVE

TRIM REFERENCE: 2019/2773

RESOLVED - 19/627**Cr S Nugent/Cr K Duffy**

That Council consents to development application DA 282/2019(1) for Secondary Dwelling at Lot 489 DP 261831 - 5 Don Peters Place, Clifton Grove pursuant to the conditions of consent in the attached Notice of Approval.

Division of Voting**Voted For**

Cr R Kidd (Mayor), Cr S Romano (Deputy Mayor), Cr K Duffy, Cr J Hamling, Cr J McRae, Cr T Mileto, Cr S Munro, Cr S Nugent, Cr M Previtera, Cr G Taylor, Cr R Turner, Cr J Whitton

Voted Against

Nil

Absent

Nil

5.4 CODE OF CONDUCT COMPLAINT REPORTING

TRIM REFERENCE: 2019/2201

RESOLVED - 19/628**Cr K Duffy/Cr S Nugent**

That the report on Code of Conduct Complaint Reporting be acknowledged.

For: Unanimous

Against: Nil

Absent: Nil

5.5 CR JASON HAMLING - AUSTRALIAN AIRPORTS ASSOCIATION CONFERENCE REPORT

TRIM REFERENCE: 2019/2738

RESOLVED - 19/629**Cr J Hamling/Cr S Romano**

That the report by Cr Jason Hamling on the Australian Airports Association Conference 2019 be noted.

For: Unanimous

Against: Nil

Absent: Nil

5.6 REQUEST FOR FINANCIAL ASSISTANCE - MAJOR EVENT SPONSORSHIP - FEBRUARY 2020 TO APRIL 2020

TRIM REFERENCE: 2019/2592

Cr J McRae declared a pecuniary interest in this item as she is a member of the Rainbow City Festival Committee, left the Chamber, and did not participate in the voting or debate on Resolution 3.

(Recommendation 3 was dealt with first.)

RESOLVED - 19/630**Cr S Nugent/Cr J Hamling**

- 3 That funding of \$5,000.00 be made from the Event Sponsorship Program to the Rainbow City Festival Committee (Rainbow City Festival 2020).

For: Cr Kidd, Cr Duffy, Cr Hamling, Cr Mileto, Cr Nugent, Cr Previtera, Cr Taylor, Cr Turner, Cr Whitton

Against: Cr Romano, Cr Munro

Absent: Cr McRae

** Cr McRae returned to the Chamber. **

RESOLVED - 19/631**Cr K Duffy/Cr S Nugent**

That Council resolves:

- 1 That funding of \$3,000 be made from the Major Promotions Event Funding Program to Wangarag Industries (Wangarag Charity Golf Challenge 2020).
- 2 That funding of \$1,000.00 be made from the Event Sponsorship Program to Bite Riot on behalf of Orange Apples (Orange Apple Festival 2020).
- 4 That funding of \$5,000.00 (on the condition that they are able to find alternative funding (\$15K) or reduce costs) be made from the Event Sponsorship Program to JAM Orange Inc (JAM Saturday 2020).

For: Unanimous

Against: Nil

Absent: Nil

5.7 REQUEST FOR FINANCIAL ASSISTANCE - TEMPORARY SPORTS FACILITY - ORANGE AND DISTRICT SOFTBALL ASSOCIATION

TRIM REFERENCE: 2019/2697

RESOLVED - 19/632**Cr J Hamling/Cr S Nugent**

That a donation of \$1,000.00 be made from Council's Sports Participant Program to the Orange and District Softball Association (Portable Disabled Toilets).

For: Unanimous

Against: Nil

Absent: Nil

5.8 REQUEST FOR FINANCIAL ASSISTANCE - POST EXHIBITION - MCCORMACK BARBER PARTY UNDER THE STARS NEW YEAR'S EVE COMMUNITY CELEBRATIONS

TRIM REFERENCE: 2019/2767

Crs R Kidd, Cr G Taylor and Cr J Whitton declared a pecuniary interest in this item as Board members of OCTEC, left the Chamber, and did not participate in the voting or debate on this item.

Cr S Nugent declared a less than significant non-pecuniary interest in this item as an executive at OCTEC and remained in the Chamber.

RESOLVED - 19/633**Cr J Hamling/Cr S Munro**

That Council resolves that funding for the amount of \$20,000.00 be made from the Event Sponsorship Program Fund to the McCormack Barber Party Under the Stars New Year's Eve Community Celebrations (event promotion).

For: Unanimous

Against: Nil

Absent: Nil

*** Cr Kidd, Cr Whitton and Cr Taylor returned to the meeting. ***

5.9 STRATEGIC POLICY REVIEW

TRIM REFERENCE: 2019/2704

RESOLVED - 19/634**Cr K Duffy/Cr R Turner**

That Council resolves to place the following draft Strategic Policies on public exhibition, providing an opportunity for review and comment, for a minimum of 28 days:

- ST095 – Debt Recovery
- ST132 – Overdraft Facilities
- ST042 – Investment of Council Funds
- ST005 – Loan Guarantee

For: Unanimous

Against: Nil

Absent: Nil

5.10 RELEASE OF RESTRICTION ON THE USE OF LAND FOR LOT 4 DP 1185665.

TRIM REFERENCE: 2019/2745

RESOLVED - 19/635**Cr K Duffy/Cr J Hamling**

That Council resolves to release the restriction on the use of land, described as Lot 4 DP 1185665, preventing access to and across the Northern Distributor Road, subject to the approval of a development application on the allotment.

FOR: UNANIMOUS

AGAINST: NIL

ABSENT: NIL

6 CLOSED MEETING

In accordance with the Local Government Act 1993, and the Local Government (General) Regulation 2005, in the opinion of the General Manager, the following business is of a kind as referred to in Section 10A(2) of the Act, and should be dealt with in a Confidential Session of the Council meeting closed to the press and public.

In response to a question from the Mayor, the Chief Executive Officer advised that no written submissions had been received relating to any item listed for consideration by the Closed Meeting of Council.

The Mayor extended an invitation to any member of the public present at the meeting to make a presentation to the Council as to whether the meeting should be closed for a particular item.

RESOLVED - 19/636**Cr S Munro/Cr J Whitton**

That Council adjourn into a Closed Meeting and members of the press and public be excluded from the Closed Meeting, and access to the correspondence and reports relating to the items considered during the course of the Closed Meeting be withheld unless declassified by separate resolution. This action is taken in accordance with Section 10A(2) of the Local Government Act, 1993 as the items listed come within the following provisions:

6.1 Tender - Construction of Shiralee Creek Gravity Sewer Main

This item is classified CONFIDENTIAL under the provisions of Section 10A(2) of the Local Government Act 1993, which permits the meeting to be closed to the public for business relating to (c) information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business.

6.2 Request to Write Off Debt - Landing Fees

This item is classified CONFIDENTIAL under the provisions of Section 10A(2) of the Local Government Act 1993, which permits the meeting to be closed to the public for business relating to (b) the personal hardship of any resident or ratepayer.

6.3 Request to Write Off Debt - Landing Fees (2)

This item is classified CONFIDENTIAL under the provisions of Section 10A(2) of the Local Government Act 1993, which permits the meeting to be closed to the public for business relating to (b) the personal hardship of any resident or ratepayer.

6.4 Water Security Projects

This item is classified CONFIDENTIAL under the provisions of Section 10A(2) of the Local Government Act 1993, which permits the meeting to be closed to the public for business relating to (c) information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business.

For: Unanimous

Against: Nil

Absent: Nil

The Mayor declared the Ordinary Meeting of Council adjourned for the conduct of the Closed Meeting at 9.05pm.

The Mayor declared the Ordinary Meeting of Council resumed at 9.10pm.

7 RESOLUTIONS FROM CLOSED MEETING

The Acting Director Corporate and Commercial Services read out the following resolutions made in the Closed Meeting of Council.

6.1 TENDER - CONSTRUCTION OF SHIRALEE CREEK GRAVITY SEWER MAIN

TRIM REFERENCE: 2019/2695

RESOLVED - 19/637**Cr S Munro/Cr R Turner**

That the Council resolves:

- 1 That Tender F3163-6 for the Construction of Shiralee Creek Gravity Sewer main, be awarded to EL Civil Engineering Pty Ltd for their tendered price of \$957,033.50 (Ex GST)
- 2 That permission be granted for the use of the Council Seal on any relevant document if required.

For: Unanimous

Against: Nil

Absent: Nil

6.2 REQUEST TO WRITE OFF DEBT - LANDING FEES

TRIM REFERENCE: 2019/2649

RESOLVED - 19/638**Cr S Munro/Cr S Romano**

That Council resolves not to write off the debt for Debtor Account 150 008 804, and the Chief Executive Officer be authorised to agree on a satisfactory payment plan.

For: Unanimous

Against: Nil

Absent: Nil

6.3 REQUEST TO WRITE OFF DEBT - LANDING FEES (2)

TRIM REFERENCE: 2019/2778

RESOLVED - 19/639**Cr S Nugent/Cr J Hamling**

That Council resolves not to write off the debt for Debtor Account 150 008 083, and the Chief Executive Officer be authorised to agree on a satisfactory payment plan.

For: Unanimous

Against: Nil

Absent: Nil

6.4 WATER SECURITY PROJECTS

TRIM REFERENCE: 2019/2821

RESOLVED - 19/640**Cr S Munro/Cr J Whitton**

That Council resolves:

- 1 To not call tenders for water security construction projects due to the extenuating circumstances provisions outlined in section 55(3)(i) of the Local Government Act.
- 2 To acknowledge that the reason for not calling tenders is to fast track water security projects that will add to Council's water resilience in the current drought.
- 3 To delegate to the Chief Executive Officer the authority to form contracts as required for water security projects as indicated in the report.

For: Unanimous

Against: Nil

Absent: Nil

THE MEETING CLOSED AT 9.10PM

This is Page Number 9 and the Final Page of the Minutes of the Ordinary Meeting of Orange City Council held on 17 December 2019.

ORANGE CITY COUNCIL

MINUTES OF THE

EXTRAORDINARY COUNCIL MEETING

HELD IN COUNCIL CHAMBER, CIVIC CENTRE, BYNG STREET, ORANGE

ON 14 JANUARY 2020

COMMENCING AT 6.57PM

1 INTRODUCTION

ATTENDANCE

Cr R Kidd (Mayor), Cr S Romano (Deputy Mayor), Cr K Duffy, Cr J McRae, Cr S Munro, Cr S Nugent, Cr G Taylor, Cr R Turner, Cr J Whitton

Chief Executive Officer, Acting Director Corporate and Commercial Services (Redmond), Acting Director Community, Recreation and Cultural Services (Cooke), Acting Director Development Services (Johnston), Director Technical Services, Governance Coordinator, Manager Water & Sewerage (Strategic), Operations Manager.

***One minute silence was observed for the passing of Ian Walker.*

1.1 APOLOGIES

RECOMMENDATION

That the apologies be accepted from Cr J Hamling, Cr T Mileto & Cr M Previtera for the Council Meeting of Orange City Council on 14 January 2020.

1.2 LIVESTREAMING AND RECORDING

The Mayor advised that the meeting was being livestreamed and recorded.

1.4 ACKNOWLEDGEMENT OF COUNTRY

The Mayor conducted the Acknowledgement of Country.

1.5 DECLARATION OF PECUNIARY INTERESTS, SIGNIFICANT NON-PECUNIARY INTERESTS AND LESS THAN SIGNIFICANT NON-PECUNIARY INTERESTS

Nil

THE MAYOR DECLARED THE ORDINARY MEETING OF COUNCIL ADJOURNED FOR THE CONDUCT OF THE OPEN FORUM AT 7.00PM.

OPEN FORUM**Item 2.1 Water Security For Orange**

Kerry Rains spoke regarding a water bores education program.

**Cr Duffy arrived at the meeting with the time being 7.01pm.*

THE MAYOR DECLARED THE ORDINARY MEETING OF COUNCIL RESUMED AT 7.03PM**2 NOTICES OF MOTION/NOTICES OF RESCISSION****2.1 WATER SECURITY FOR ORANGE**

TRIM REFERENCE: 2020/13

MOTION**Cr K Duffy/Cr G Taylor**

- 1 That residents be advised of all details immediately of our water supply and proposed details of Level 6 Water Restrictions.

THE MOTION ON BEING PUT TO THE MEETING WAS LOST

For: Cr Duffy, Cr Romano, Cr Whitton, Cr Taylor

Against: Cr Munro, Cr Turner, Cr McRae, Cr Kidd, Cr Nugent

Absent: Cr Hamling, Cr Mileto, Cr Previtera

RESOLVED - 20/001**Cr K Duffy/Cr G Taylor**

- 2 That Council provide time-of-day flexibility for Sunday watering, and allow watering between 6am-8am and 6pm-8pm for a 1 month trial.

For: Cr Duffy, Cr Romano, Cr Whitton, Cr Taylor, Cr Kidd, Cr Munro, Cr Turner

Against: Cr McRae, Cr Nugent

Absent: Cr Hamling, Cr Mileto, Cr Previtera

QUESTIONS TAKEN ON NOTICE

Cr Duffy requested information be provided on the following items relating to the Water Security of Orange:

- 1 What does Level 6 water restrictions contain?
- 2 What are the 12 projects in place?
- 3 How many megalitres have we extracted from the Macquarie Pipeline?
- 4 How much water do we have?
- 5 How much 'sludge' is in the dam?
- 6 When was the 32 megalitres application submitted to the Minister?
- 7 Can we answer more questions raised on Facebook?

Cr Romano requested information be provided on the following items relating to the Water Security of Orange:

- 1 What are the environmental flows and how much?
- 2 When did the environmental flows stop?

2.2 COOK PARK DUCK POND WATER

TRIM REFERENCE: 2020/14

RESOLVED - 20/002**Cr K Duffy/Cr G Taylor**

That the Cook Park Duck Pond Water be maintained at Full Capacity.

For: Cr Duffy, Cr Romano, Cr Whitton, Cr Taylor, Cr Kidd, Cr Munro, Cr Turner, Cr McRae, Cr Nugent

Against: Nil

Absent: Cr Hamling, Cr Mileto, Cr Previtera

QUESTION TAKEN ON NOTICE

Cr Nugent requested information be provided on watering of Trees and what is being done to maintain the Trees at Cook Park.

2.3 AQUATIC CENTRE ADMISSION FEE - AUSTRALIA DAY 2020

TRIM REFERENCE: 2020/15

RESOLVED - 20/003**Cr K Duffy/Cr G Taylor**That Council allow free admission to the Orange Aquatic Centre for Australia Day being 26th January 2020.

For: Cr Duffy, Cr Romano, Cr Whitton, Cr Taylor, Cr Kidd, Cr Munro, Cr Turner, Cr McRae, Cr Nugent

Against: Nil

Absent: Cr Hamling, Cr Mileto, Cr Previtera

QUESTION TAKEN ON NOTICE

Cr Romano requested information be provided on the Duck droppings at the Aquatic Centre being transferred into the pools by patrons walking through them.

QUESTION TAKEN ON NOTICE

Cr Duffy requested information be provided on whether the Aquatic Centre or pools are closed to the public on Monday or Tuesday night from 5.30pm for squad training or Thursday nights for water polo.

3 CLOSED MEETING

Nil

THE MEETING CLOSED AT 8.20PM

This is Page Number 4 and the Final Page of the Minutes of the Extraordinary Meeting of Orange City Council held on 14 January 2020.

4 NOTICES OF MOTION/NOTICES OF RESCISSION

4.1 WASTE WATER RECYCLING STRATEGY

RECORD NUMBER: 2020/92

I, **CR JOANNE MCRAE** wish to move the following Notice of Motion at the Council Meeting of 4 February 2020:

MOTION

That Council investigate a municipal waste water recycling strategy to supplement the City's water supply.

BACKGROUND

Orange has led in stormwater harvesting to contribute to our water supply, with credit owed to previous Councils for this innovation. Stormwater harvesting has planned expansions, and there are also a number of proposed pipelines and regional network options for water supply connections to secure water supply.

Considering the current water crisis, and expected ongoing water security issues, it is time to consider opportunities to recycle waste water into the water supply system in Orange, a source which is not reliant on other councils, catchments or rainfall. Recycling of waste water has been done in other places, notably Singapore, London, Qatar, Kuwait, Saudi Arabia and Orange County California, but would be a first for an inland city in Australia. South-East Queensland and Perth have implemented some wastewater recycling to supplement water supplies, and during this drought Tamworth City Council has been looking at options for recycled wastewater.

It is understood that reclamation is uneconomical in some circumstances, and that our community may have concerns about the hygiene impacts of recycled waste water introduction into the potable water supply. As proven through Stormwater Harvesting Scheme, and in the current low-consumptive use through effective demand management and awareness campaigns, our community is aware of the need to preserve potable water supplies. It is time for Orange City Council to again lead in innovation in water security, and take this next step forward to supplement our water supply for the future.

Uses may include:

- Drinking (potable) water
- Non-drinking uses in households, watering golf courses and recreational parks
- Industrial uses
- Agriculture, horticulture, forestry, pasture, flowers, viticulture
- Fire fighting
- Groundwater recharge
- Environmental flows and wetlands

Signed Cr Joanne McRae

4.1 Waste Water Recycling Strategy

STAFF COMMENT

The majority of Orange Sewage Treatment Plant (STP) treated effluent is currently recycled under agreement by Cadia Holdings in their Cadia Valley Operations (CVO). The balance is discharged under licence to Blackmans Swamp Creek.

This agreement gives CVO access to the first 10 ML/day with the ability to take up to 13 ML/day (the capacity of the transfer system) if the excess above 10 ML/day is not required by Council. The agreement therefore provides CVO with access to the first 3,650 ML/year. Noting that in dry periods of very low demands it is not unusual to only process 6ML/day and more typically 7.5ML/day at the STP.

Over the last 5 years, Council has supplied CVO with an average of 2,124 ML/year of treated effluent. This ranged from 644 ML (10.4%) in 2016/17 (a very wet year) to 3,073 ML (92.8%) in 2018/19 and averaged 5.8 ML/day over the 5 year period.

CVO currently recycles up to 85% of their daily water demands and uses the treated effluent from Orange as part of its top up water supply. This is of particular value during dry periods and hence the variability of demand during wet years. The 2ML/day they have released back to the city for environmental flows from 1 November 2019 through to 26 January 2020 equates to 200ML of water that they have had to source internally. Cadia's contribution has increased Orange's water security by extending the possible introduction of Level 6 restrictions by up to 3 weeks.

Council's Integrated Water Cycle Management (IWCM) Study (May 2013) outlines and assesses a number of treated effluent reuse options for Orange. The long list of treated effluent reuse recommendations from the 2013 IWCM include the following:

- *Indirect Potable Reuse (IPR) Schemes* – this scheme would entail advanced treatment of the municipal wastewater to a very high standard with this reclaimed water then being transferred to Suma Park Dam where it would mix with raw water. The advanced treatment stage must address both the acute and chronic risks associated with introducing the reclaimed water into a drinking water supply.
- *Supplementing flow in Blackmans Swamp Creek* – treated effluent could be used to supplement flow in Blackmans Swamp Creek/Summer Hill Creek to offset the potential impacts of additional stormwater harvesting. This option in itself does not provide an additional water source or increase the secure yield unless it enables more stormwater harvesting to occur. It may assist getting approval/licencing for future harvesting strategies (e.g. Blackmans Swamp Creek Stormwater Harvesting Stage 2). Treated effluent could also be used to supplement environmental flow release licence requirements.
- *Dual Reticulation* – the dual water supply (or “purple pipe”) scheme in the Ploughmans Valley and North Orange development areas will ultimately supply non-potable water to 4,500 households in the north and west of the city. The original intent of the system was to supply treated municipal sewage effluent to residential properties for toilet flushing and outdoor use. The current system uses harvested stormwater to supply the dual water supply system.

4.1 Waste Water Recycling Strategy

- *Dual Water to Parks and Gardens* – another option is to supply treated effluent as a non-potable source of water for Parks and Gardens. Issues to be considered for this option are:
 - It is a relatively low volume (estimated to be less than 100 ML/year);
 - There would be very high reticulation costs as most Parks and Gardens are located within established areas of the City; and
 - A very high level of treatment would be required to minimise public health risks as most parks and gardens have unrestricted public access
- *Storm Flow Storage at Orange Sewerage Treatment Plant (STP)* – this option involves the construction of structures to store some or all of the stormwater affected high flows experienced at the STP which are normally discharged to Blackmans Swamp Creek partially treated. These storm bypass flows could then be returned to the treatment process when the high flows abated.
The main aim of providing storage was to improve the ability of the system to meet recycled water demand (e.g. in the dual water supply scheme or CVO agreement)
- *Decentralised STP's* – this option involves decentralised STP's with local reuse. These would be located in new development areas (e.g. to the south of the City). The option is a longer term solution and does not provide any short term benefit or improvement in secure yield as these areas are not fully developed.
- *Greywater reuse* – this involves household capturing, treating and reusing wastewater from the laundry and shower/bath. Assuming 30% of existing households adopt greywater reuse, this would equate to an annual saving of around 350 ML/year

Conclusion

The only treated effluent reuse option that was assessed and recommended in the short listed water security options in the 2013 IWCM was Indirect Potable Reuse (IPR) treating 10 ML/day (approximately 1 days demand for Orange under Level 5 water restrictions).

Given the IWCM was developed more than 6 years ago, it is recommended that a comprehensive Feasibility Study be undertaken to assess all treated effluent reuse options.

Once this Study is completed, it will inform a proposed update of Council's review of the 2013 IWCM. A revised IWCM will assess all other water supply options (e.g. Regional Water Supply Pipelines) in order to make an informed, full assessment of Council's future strategy for further securing the Orange water supply.

FINANCIAL IMPLICATIONS

Accumulated funds in the Water Fund could be used to undertake an Options Feasibility Study on treated effluent reuse for Orange in order to further secure the City's water supply. Staff will also seek grant funding for such work.

POLICY AND GOVERNANCE IMPLICATIONS

Nil

4.2 NOTICE OF MOTION - BUSHFIRE CRISIS SUPPORT

RECORD NUMBER: 2020/106

I, **CR STEPHEN NUGENT** wish to move the following Notice of Motion at the Council Meeting of 4 February 2020:

MOTION

That Council take the following action in relation to this season's bushfire crisis:

- 1 Offer assistance to fire-affected Council's by registering with Local Government NSW's Local Government Bushfire Recovery Support Group.**
- 2 Organise a community event once the current bushfire season is over to say thank you to the volunteer fire fighters who live in Orange and the surrounding districts.**

BACKGROUND

The national bushfire recovery process currently underway is one of the largest and most significant programs ever undertaken in this history of our country. It involves a huge investment of resources and considerable coordination between local, state and federal governments as well as NGOs, community organisations and individuals wanting to volunteer.

Local Government NSW is playing a role in the coordination efforts and has recently invited member Councils to get involved through the Local Government Recovery Support Group.

"Bushfire-affected councils require a range of resources including logistics and communications, tree management, planning, cleaning, waste services, and engineering and infrastructure support.

LGNSW is a member of the Local Government Bushfire Recovery Support Group. We are collecting and coordinating the offers of support and directing them to the Office of Emergency Management so they can match your offers of supply to the areas where that support is needed, when it is needed.

It is important that all offers of support and coordinated, and duplication minimised. All non-bushfire affected councils offering assistance should register with the Local Government Bushfire Recovery Support Group by calling 02 9246 7709 or recovery@cityofsydney.nsw.gov.au."

We have been fortunate in that the Orange Local Government Area has survived this bushfire season relatively unscathed. Many other LGAs in NSW have not been so fortunate. One way we could assist the recovery efforts is to partner up with a fire-affected Council in the Central West or other nearby region to identify any support we could provide them with their rebuilding efforts.

4.2 Notice of Motion - Bushfire Crisis Support

Locally, we have many volunteer fire fighters who have spent hundreds of hours fighting fires all around the state, as well as closer to home. Some have been on duty almost continuously since September, with the accompanying toll on their work, personal and family lives. Orange held a community event to thank the fire fighters after the Mt Canobolas fire in 2018. It would seem appropriate to do so again once the current bushfire crisis has fully subsided.

Signed Cr Stephen Nugent

STAFF COMMENT

Staff are able to provide operational and administrative support to affected Councils.

Council has staff who are also members of the Rural Fire Service (RFS). Emergency Services leave can be applied for where an employee is unable to attend work because they are engaged in a voluntary emergency management activity (such as RFS) and meet the criteria under the [Local Government \(State\) Award](#) or Council's [Leave Policy](#).

Full and part time employees may be eligible for five days paid leave per calendar year from their accrued sick leave balance to participate in emergency services leave in accordance with The Local Government (State) Award (clause 21C). In addition, Council's Leave Policy also provides that if the emergency is within the Orange Local Government Area, approval may be given for eligible employee to receive up to 5 days per event that will not be deducted from an employee's sick leave balance to participate in such activity.

In light of the level of recent fires affecting NSW the CEO has broadened the above arrangements so staff may also submit a leave request through their Manager for up to one week additional special leave (paid as emergency services leave, not from sick leave) for fire fighting activities. Requests for additional leave beyond this allowance would be considered on a case by case basis.

FINANCIAL IMPLICATIONS

A funding source will need to be identified should financial support be required to support the Local Government Recovery Support Group as well as for the holding of a thank you event.

POLICY AND GOVERNANCE IMPLICATIONS

Nil

4.3 NOTICE OF MOTION - DEVELOPMENT OF CLIMATE CHANGE STRATEGIC POLICY

RECORD NUMBER: 2020/105

I, **CR STEPHEN NUGENT** wish to move the following Notice of Motion at the Council Meeting of 4 February 2020:

MOTION

That Council develop a Strategic Policy on Council's future response to climate change including mitigation, adaption and risk management issues.

BACKGROUND

Climate change is happening and the current summer is a foretaste of what we can expect to experience more frequently in the future. This is the general consensus of the scientific community and firefighting professionals.

The direct costs of the current bush fire crisis in terms of loss of human life, loss of property and loss of wildlife are enormous. As at mid-January, half way through summer, there had already been 28 human lives lost, more than 2050 homes destroyed, 11 million hectares burned and an estimated 1 billion animals killed.

It's also becoming apparent that there will be significant indirect effects of the fires including lost income for thousands of businesses in or near bushfire zones, long-term psychological effects for many survivors, health issues due to poor air quality over prolonged periods, and the potential for widespread contamination of water supplies. In relation to the last of these, there are concerns that Sydney's water supply could be severely affected in months to come if the ash from burnt out bushland around Warragamba Dam (which provides 80 per cent of Sydney's water) runs into the dam after heavy rainfall.

Orange has been fortunate to date in avoiding significant negative impacts from this season's bushfires, other than the many days of smoke-filled skies. However, there is no guarantee this will continue, either in the current season or in future years.

Bushfire is one risk that climate change is likely to exacerbate. Other risks for Orange include the impact of increasing temperatures and decreasing rainfall on our vineyards, orchards and trees, e.g. existing crops becoming unviable and the possibility of widespread tree die-off. On the human front, young children, the elderly and outdoor workers are more at risk in the face of increasing summer temperatures, while water security is set to continue as a significant issue for the whole Orange community.

Given what we've seen this summer, it would be irresponsible not to take action to identify and assess the various risks associated with climate change for the Orange Local Government Area, and develop strategies to mitigate those risks and adapt to the changes that lie ahead.

Signed Cr Stephen Nugent

STAFF COMMENT

The State Government has stated local councils are key players in adaptation to climate change given their responsibility for a broad range of functions that are likely to be affected such as public infrastructure, local emergency responses, building regulation and planning, public health and environmental management.

Both the State government and Council's insurers have identified the need for Council to prepare for and minimise the impacts of future extreme events and hazards caused by climate change. Council's insurers play an active role in ensuring Council takes these obligations seriously. A failure to do so may have impacts on Council's future financial position.

These are matters that are arguably integral to Council's operations.

POLICY AND GOVERNANCE IMPLICATIONS

Strategic Policies are approved and adopted by Council. Council's Policy Review Committee in consultation with the members of the Environmental Sustainability Committee should also be involved in the draft policy process in association with relevant staff members.

5 GENERAL REPORTS

5.1 STRATEGIC POLICY REVIEW

RECORD NUMBER: 2019/2775

AUTHOR: Samantha Freeman, Acting Director Corporate and Commercial Services

EXECUTIVE SUMMARY

This report presents policies that have been placed on public exhibition and are now for adoption by Council.

- ST095 – Debt Recovery
- ST132 – Overdraft Facilities
- ST042 – Investment of Council Funds
- ST005 – Loan Guarantee
- ST077 – Water Carting
- ST093 – Purchasing
- ST109 – Buy Local Purchasing

This report also presents policies which has been reviewed and are recommended for placement on public exhibition for a period of 28 days

- ST107 – Outdoor Dining
- ST114 – Whiteway Lighting
- ST142 – Events on Council Owned and Managed Land
- ST143 – Event Cancellation
- ST083 – Access To Information Held by Council
- ST016 – Managing Complaints and Feedback

LINK TO DELIVERY/OPERATIONAL PLAN

The recommendation in this report relates to the Delivery/Operational Plan strategy “17.1 Collaborate - Provide representative, responsible and accountable community governance”.

FINANCIAL IMPLICATIONS

Nil

POLICY AND GOVERNANCE IMPLICATIONS

Council’s Strategic Policies are reviewed and amended to ensure ongoing compliance with legislation and industry best practice.

Policies of Council are of two types – Strategic Policies are determined by Council, and relate to Councillors and the broader community. The Local Government Act 1993 requires the public exhibition of Policies (if new or include significant changes) and adoption by Council.

5.1 Strategic Policy Review

Operational Policies are determined and implemented by the Chief Executive Officer, and relate to staff and the operations of the organisation.

RECOMMENDATION

That Council resolves to:

1 Adopt the following policies:

- **ST095 – Debt Recovery**
- **ST132 – Overdraft Facilities**
- **ST042 – Investment of Council Funds**
- **ST005 – Loan Guarantee**
- **ST077 – Water Carting**
- **ST093 – Purchasing**
- **ST109 – Buy Local Purchasing**

2 Place the following policies on public exhibition for a period of 28 days:

- **ST107 – Outdoor Dining Areas**
- **ST114 – Whiteway Lighting**
- **ST142 – Events on Council Owned/Managed Land**
- **ST143 – Event Cancellation**
- **ST083 – Access to Information Held By Council**
- **ST016 – Managing Complaints and Feedback**

FURTHER CONSIDERATIONS

Consideration has been given to the recommendation's impact on Council's service delivery; image and reputation; political; environmental; health and safety; employees; stakeholders and project management; and no further implications or risks have been identified.

SUPPORTING INFORMATION**Policies for adoption**

On 3 December 2019, Council resolved to exhibit the following Strategic Policies (a summary of amendments is set out below):

ST095 – Debt Recovery

Reference	Update
General	<ul style="list-style-type: none"> • Formatting updates only.

ST132 – Overdraft Facilities

Reference	Update
General	<ul style="list-style-type: none"> • Minor Formatting Only.

ST042 – Investment of Council Funds

Reference	Update
General	<ul style="list-style-type: none"> • Minor Formatting and grammatical changes. • Change references from General Manager to Chief Executive Officer.

ST093 – Loan Guarantee

Reference	Update
General	<ul style="list-style-type: none"> • Minor formatting and reference updates. • Addition of requirement to complete the Checklist annually as part of the Compliance Statement item 3. • Update to Current Community Strategic Plan strategies

ST077 – Water Carting

Reference	Update
General	Inclusion of reference to Level 5 water restrictions and inclusion of requirements of the Public Health Act 2010 for Water Carter's requirements.

ST093 – Purchasing

Reference	Update
Objectives	<ul style="list-style-type: none"> • Extend Council's existing business principles to give consideration to disability employment where applicable.
General	<ul style="list-style-type: none"> • Formatting changes. • Updates to Tendering threshold in accordance with the Local Government Act 1993. • Reference to updates to the Buy Local Purchasing Policy. • Inclusion of reference to Risk. Risk assessment to be undertaken for larger purchases or where there is the potential for significant impacts on Council. • Tendering threshold to be considered in concert with risk assessment to determine if purchases with a lower dollar value should follow tender process under Local Government Act 1993. • Instruction and guidance on complying with policy will be provided in the Operational Purchasing Policy which will be updated from time to time to reflect improved practices and minimise risk to Council.

5.1 Strategic Policy Review

ST109 – Buy Local Purchasing

Reference	Update
Policy	<ul style="list-style-type: none"> Change of name from Local Preference Purchasing Policy to Buy Local Purchasing Policy.
Objectives	<ul style="list-style-type: none"> Updated to include sustainability of local economy by maximising participation of local businesses in the delivery of goods and services and encourage the inclusion of local businesses and employment of local residents.
Applicability	<ul style="list-style-type: none"> Updated to apply to all purchases unless exclusions under the Strategic Purchasing Policy apply.
General	<ul style="list-style-type: none"> Amendment or addition to definitions: Local Supplier, Regional Supplier, Non-Local Supplier, Local Content and Shop-Front. Removal of 2% percentage price advantage and replaced with various percentage price advantages to be applied for Local Suppliers and Regional Suppliers (as defined in the Policy), as set out in Table 1, dependent on the monetary threshold purchase amounts. For tenders, Local Content criterion to be applied when submissions are being evaluated to determine successful tenderer, being a minimum of 5% to a maximum of 10% of the overall assessment criteria. The score associated with this criterion will be a ratio of the Local Content to the overall tendered price.

These policies were placed on public exhibition for a period of 28 days. Only one submission was received in favour of the Buy Local Purchasing Policy from Collins Booksellers Orange strongly urging Council to adopt the policy to support local businesses.

The policies are therefore presented for adoption.

Policies for Exhibition

The following policies have been reviewed and outlined below are changes/updates made to each policy. It is recommended these policies be placed on public exhibition for a period of 28 day to allow for Council and public review and submissions.

ST107 – Outdoor Dining Areas

Reference	Update
General	No Updates required.

ST114 – Whiteway Lighting

Reference	Update
General	Formatting Updates Only.

ST142 – Events on Council Owned/Managed Land

Reference	Update
General	Formatting Updates Only.

ST143 – Event Cancellation

Reference	Update
General	New Strategic Policy.

ST083 – Access To Information Held By Council

It should be noted that the majority of amendments are in accordance with legislative changes to the Government Information (Public Access) Act 2009.

Reference	Update
Procedure	<p>Following amendments to Access to Information Held by Council Procedure:</p> <ul style="list-style-type: none"> ▪ Formatting changes to whole of document. ▪ Clause 1.3 – Informal Application - replacement of “Access to Information Application” with “Informal Request for Information form”. ▪ Clause 1.4 – Formal Application - replacement of “Access to Information Application” with “Formal Access Application”. ▪ Clause 2.2 – Excluded Information – replaced 13 categories of information with 16 categories of information for which there is a conclusive presumption of an overriding public interest against disclosure. Replaced “27” specifically named Acts referred to under overriding secrecy laws with “26” specifically named Acts. ▪ Clause 4.2 - Review by Information Commissioner – addition of the words “The Information Commissioner must complete the review, and make any recommendations to Council within 40 working days after the Information Commissioner receives all information it considers necessary to complete the review.” ▪ Clause 5.3 - Discount in Processing Charges – addition of the words “A processing charge must not be discounted under financial hardship or special public benefit by more than 50% even if both apply.” ▪ Clause 8 – Contracts Register - addition of the words “(including GST)” after “\$150,000”. ▪ Annexure C – Access to Information Application replaced with Informal Request for Information Form. ▪ New Annexure D – Formal Access Application.

ATTACHMENTS

- 1 FOR ADOPTION - Strategic Policy - ST095 - Debt Recovery, D19/72560[↓](#)
- 2 FOR ADOPTION - Strategic Policy - ST132 - Overdraft Facilities, D19/72607[↓](#)
- 3 FOR ADOPTION - Strategic Policy - ST042 - Investment of Council Funds, D19/72626[↓](#)
- 4 FOR ADOPTION - Strategic Policy - ST005 - Loan Guarantee, D19/73489[↓](#)
- 5 FOR ADOPTION - Strategic Policy - ST077 - Water Carting, D19/68074[↓](#)
- 6 FOR ADOPTION - Strategic Policy - ST093 - Purchasing, D19/70374[↓](#)
- 7 FOR ADOPTION - Strategic Policy - ST109 - Buy Local Purchasing, D19/70377[↓](#)
- 8 SUBMISSION - Buy Local Purchasing Policy - Phillip and Margaret Schwebel - Collins Book Sellers, IC20/80[↓](#)
- 9 DRAFT - Strategic Policy - ST107 - Outdoor Dining Areas Policy and Guidelines, D19/74113[↓](#)
- 10 DRAFT - Strategic Policy - ST114 - Whiteway Lighting, D19/74475[↓](#)
- 11 DRAFT - Strategic Policy - ST142 - Events on Council Owned Managed Land Policy, D20/3116[↓](#)
- 12 DRAFT - Strategic Policy - ST143 - Event Cancellation, D20/3485[↓](#)
- 13 DRAFT - Strategic Policy - ST083 - Access to Information held by Council, D20/1216[↓](#)



All policies can be reviewed or revoked by a resolution of Council, at any time.

DEBT RECOVERY

ST095

F22

OBJECTIVES

- To provide parameters to enable the collection of all outstanding amounts due and payable to Council including rates and charges and sundry debtors
- To maximise Council's cash flow
- To ensure effective control over all invoiced debts owed to Orange City Council.

APPLICABILITY

All outstanding accounts including rates and charges and accounts receivable.

GENERAL

Ratepayer's accounts are deemed to be in arrears when one instalment is not paid by the due date as displayed on the rates and charges notice.

Accounts Receivable invoices are deemed to be in arrears when the account is not paid by the due date as disclosed on the invoice.

Debt recovery processes are to commence as soon as practicable for all accounts deemed to be in arrears within the above timeframes, taking into consideration the following:

- 1 To be sympathetic to ratepayers and debtors suffering genuine and proven financial hardship.
- 2 To fulfil the statutory requirements of both the Local Government Act 1993 and Local Courts (Civil Claims) Act 1970 with respect to the recovery of rates and other debts.
- 3 To ensure confidentiality of all proceedings between Council and the ratepayer.

RELATED POLICIES/DOCUMENTS

OP018 Operational Policy – Debt Recovery Procedures

Responsible Area – Corporate and Commercial Services

REVISION					
	DATE	RESOLUTION		DATE	RESOLUTION
1	January 2009	09/453	4		
2	2 December 2014	14/1076	5		
3	3 July 2018	18/308	6		

SUMMARY OF AMENDMENTS

Date	Section/Reference and Amendment
December 2019	Formatting updates only.
April 2018	Formatting updates only.
December 2014	Amended to recognise that invoices are deemed to be in arrears, when payment has not been received by the due date as disclosed on the invoice. Removal of the "procedure" references as this is a duplication of the processes and procedures as contained within the operational policy.



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OVERDRAFT FACILITIES

ST132

F22

OBJECTIVE

To provide a framework for the use of Council's overdraft facility.

APPLICABILITY

This policy outlines the broad areas relating to the process of utilising Council's overdraft facility to augment the day-to-day cash flows of Council.

GENERAL

Council will ensure that the overdraft facility is only used for short term, unavoidable and essential cash flow purposes.

RELATED POLICIES/DOCUMENTS

Code of Conduct

Local Government Act 1993

Responsible Area – Corporate and Commercial Services

REVISION					
	DATE	RESOLUTION		DATE	RESOLUTION
1	21 August 2014	14/871	6		
2	3 July 2018	18/308	7		
3			8		
4			9		
5					
All policies can be reviewed or revoked by resolution of Council, at any time.					

All policies can be reviewed or revoked by resolution of Council, at any time.

SUMMARY OF AMENDMENTS

Amendment Date	Section/Reference and Amendment
December 2019	Minor Formatting Only.
July 2018	Minor Formatting Only.
June 2014	New Policy



All policies can be reviewed or revoked by a resolution of Council, at any time.

INVESTMENT OF COUNCIL FUNDS

ST042

F22

OBJECTIVES

- To establish the framework that Orange City Council adopts in investing its funds having due consideration of all legislative requirements.
- To maximise returns to Council consistent with all requirements of this Policy.
- To comply with the legislative requirements and regulations relevant to the management of Council's investments.
- To preserve the capital of the investment portfolio. Investments are to be placed in a manner that seeks to ensure the security and safeguarding of the investment portfolio. This includes managing credit and interest rate risk within identified thresholds and parameters.
- To establish a framework for monitoring the investments. The investment portfolio is expected to achieve a predetermined market average rate of return that takes into account Council's risk tolerance. Any additional return target set by Council will also consider the risk limitation and prudent investment principles.

GENERAL

This Policy recognises the role of the Council in ensuring adequate control over the investment of surplus funds by providing guidance for staff through this Policy, which establishes a framework for selection of quality securities that give consideration to the risk, return and liquidity requirements of the Council.

LEGISLATIVE REQUIREMENTS

All investments are to be made in accordance with:

- 1 The Local Government Act 1993
- 2 The Local Government (General) Regulation 2005
- 3 Ministerial Investment Order (Gazetted 11 February 2011)
- 4 The Trustee Act 1925
- 5 Recommendations from the Review of NSW Local Government Investments – Final Report – Michael Cole, April 2008
- 6 The Local Government Code of Accounting Practice and Financial Reporting
- 7 Office of Local Government Circulars, Guidelines and Practice Notes
- 8 Australian Accounting Standards
- 9 Council Resolutions

DELEGATION OF AUTHORITY

The authority for the implementation of the Investment Policy has been delegated by Council to the Chief Executive Officer in accordance with the Local Government Act 1993.

The Chief Executive Officer has delegated the day-to-day management of Council's Investment Portfolio to the staff as identified in Council's adopted Register of Delegations.



All policies can be reviewed or revoked by a resolution of Council, at any time.

RELATED POLICIES/DOCUMENTS

Investment of Council Funds Procedures

Local Government Act 1993

Local Government (General) Regulation 2005

Ministerial Investment Order (Gazetted 11 February 2011)

Trustee Act 1925

Recommendations from the Review of NSW Local Government Investments – Final Report – Michael Cole, April 2008

Local Government Code of Accounting Practice and Financial Reporting

Office of Local Government Circulars, Guidelines and Practice Notes

Australian Accounting Standards

Responsible Area – Corporate and Commercial Services

REVISION					
	DATE	RESOLUTION		DATE	RESOLUTION
1	January 1998		7	19 Nov 2009	09/453
2	January 2003 Policy B.3.1	File 033.07.19	8	15 Dec 2011	11/576
3	January 2004 Policy B.3.1	File 033.07.19	9	4 Feb 2014	14/38
4	January 2005 Policy B.3.1	File 112/212/25/3/1	10	Dec 2014	15/084
5	20 July 2006	06/702/9	11	3 July 2018	18/308
6	7 June 2007	07/207	12		

SUMMARY OF AMENDMENTS

Amendment Date	Section/Reference and Amendment
December 2019	<ul style="list-style-type: none"> Minor Formatting and grammatical changes. Change references from General Manager to Chief Executive Officer.
April 2018	Formatting amendments Definitions – Addition of AusBond Bank Bill Index Prohibited Investments – Addition of “However, nothing in the policy shall prohibit the short-term investment of loan proceeds where the loan is raised for non-investment purposes and there is a delay prior to the expenditure of loan funds” in part 4. Clarification – Tier 1 rated banks replaced with “major banks” (being Commonwealth Bank, ANZ, Westpac, National Australia Bank). Minor word changes/additions
December 2014	Formatting amendments. Addition of performance benchmark.



Strategic Policy

Investment of Council Funds
Procedures

FOR ADOPTION

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All policies can be reviewed or revoked by a resolution of Council, at any time.

DEFINITIONS

ADI	Authorised Deposit-taking Institutions (ADI) are corporations that are authorised under the Banking Act 1959 (Cwth) to take deposits from customers.
AusBond Bank Bill Index	The Bank Bill Index (BBI), formerly the UBS BBI, represents the performance of a notional rolling parcel of bills averaging 45 days, and is the widely used benchmark for local councils and other institutional cash investments.
BBSW	The Bank Bill Swap reference rate (BBSW) is the average of mid-rate bank-bill quotes from brokers on the BBSW Panel. The BBSW is calculated daily. Floating rate securities are most commonly reset quarterly to the 90-day BBSW.
CFRN	A Corporate Floating Rate Note (CFRN) is a medium to long-term fixed interest investment where the coupon is a fixed margin ("coupon margin") over a benchmark, also described as a "floating rate". The benchmark is usually the BBSW and is reset at regular intervals – most commonly quarterly.
Grandfathered	Investments held by Council that were previously allowed under the Minister's Order but were "Grandfathered" when the NSW State Government changed the list of Approved investments as a result of the Cole Inquiry.
LGGR	Local Government (General) Regulation 2005
OLG	NSW Office of Local Government
RAO	The Responsible Accounting Officer (RAO) of a council refers to a member of staff of the council designated by the Chief Executive Officer, or if no such member of staff has been designated, the Chief Executive Officer (LGGR Clause 196).
T-Corp, TCorp-IM	New South Wales Treasury Corporation and its investment management operation

PRUDENT PERSON STANDARD

The Council's investments will be managed with the care, diligence and skill that a prudent person would exercise. As trustees of public monies, officers are to manage Council's investment portfolio to safeguard the portfolio in accordance with the spirit of this Investment Policy, and not for speculative purposes.

APPROVED INVESTMENTS

All investments must be denominated in Australian Dollars and must be in accordance with the Local Government Act 1993 – Investment Order (Gazetted 11 February 2011).

As published in the Local Government Act 1993 Investment Order, Council may only invest money in the following forms of investment:

- (a) Any public funds or securities issued by or guaranteed by, the Commonwealth, any State of the Commonwealth or a Territory;
- (b) Any debentures or securities issued by a council (within the meaning of the Local Government Act 1993 (NSW));
- (c) Interest bearing deposits with, or any debentures or bonds issued by, an authorised deposit-taking institution (as defined in the Banking Act 1959 (Cwth)), but excluding subordinated debt obligations;



All policies can be reviewed or revoked by a resolution of Council, at any time.

- (d) *Any bill of exchange which has a maturity date of not more than 200 days; and if purchased for value confers on the holder in due course a right of recourse against a bank which has been designated as an authorised deposit-taking institution by the Australian Prudential Regulation Authority;*
- (e) *A deposit with the New South Wales Treasury Corporation or Investments in an Hour-Glass investment facility of the New South Wales Treasury Corporation;*

In addition, the Investment Order provides transitional arrangements to grandfather those investments held prior to the date of the Order.

PROHIBITED INVESTMENTS

This Investment Policy prohibits any investment carried out for speculative purposes including:

- 1 Derivative based instruments
- 2 Principal only investments or securities that provide potentially nil or negative cash flow
- 3 Stand-alone securities issued that have underlying futures, options, forward contracts and swaps of any kind
- 4 The use of leveraging (borrowing to invest) of an investment. However, nothing in the policy shall prohibit the short-term investment of loan proceeds where the loan is raised for non-investment purposes and there is a delay prior to the expenditure of loan funds.

RISK MANAGEMENT GUIDELINES

Investments obtained are to be considered in light of the following key criteria:

- Preservation of Capital – the requirement for preventing losses in an investment portfolio's total value
- Diversification – the requirement to place investments in a broad range of products so as not to be over exposed to a particular sector of the investment market
- Market Risk – the risk that the fair value or future cash flows of an investment will fluctuate due to changes in market prices
- Liquidity Risk – the risk an investor is unable to redeem the investment at a fair price within a timely period
- Maturity Risk – the risk relating to the length of term to maturity of the investment. The larger the term, the greater the length of exposure and risk to market volatilities
- Leveraging Risk – the magnification of an investor's risk and return that occurs when the investor takes on financial leverage through an investment product.

INVESTMENT STRATEGY

The Investment Strategy shall be developed to support Council's investment objectives for liquidity, security and return. The current investment strategy, inclusive of portfolio percentage and dollar based allocations is set out in tabular form later in this document.

i. Liquidity

Liquidity refers to the minimum level of liquid funds available to finance day to day requirements. Cash flow must be monitored daily and Council will ensure that it has access within 7 days to at least \$3 million or 5 per cent of the value of its total investments, whichever is the lower amount.



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ii. Diversification

Diversification is used to spread risk and is achieved by establishing maximum percentage investment limits for the value of investments in the following:

- Individual Institutions (varies per credit rating)
- Credit Rating Bands (e.g.: AAA v A) – these are Standard & Poor's Long-Term ratings, Moody's or Fitch equivalents, or other ratings that have an established credibility in the market.

iii. Investment Management Practices

To ensure that Council funds are prudently invested with care, due diligence and skill, the following investment management practices will be undertaken with the applicable outcomes and objectives in mind:

Risk Area	Outcomes and Objectives
Investment Policy Compliance	The portfolio is at all times compliant with Council's Investment Policy and relevant regulation.
Liquidity	<p>Under this Investment Strategy, Council shall at all times maintain sufficient funds in "Working Capital" to meet the anticipated liabilities of Council for the following 90 days.</p> <p>In addition, sufficient capital shall be retained in short-term assets to meet Council's funding requirements, net of anticipated borrowings, for the following 3 to 12 month period.</p> <p>Medium and long-term investments will have varying degrees of liquidity. An early exit from these investments may result in penalties being incurred. Regular reviews of Council's allocation to these investments relative to Council's underlying investment horizons should minimise the risk of having to exit an investment in adverse market conditions. Exposure to medium and long-term investments will be limited to the proportion of the portfolio identified for these investment horizons.</p>
Security	<p>Working Capital Funds, Short-Term Funds and Short-Medium Term Funds (as defined in this document) are to be invested to target capital (principal) security over their nominated investment horizon to an extremely high probability level. Medium Term Funds and Long Term Funds (as defined in this document) are to be invested to target capital (principal) security over their nominated time horizon, and assuming they are held to maturity, to a high probability level.</p> <p>This will be achieved through Counterparty and Credit Quality targets to minimise the risk of loss of capital.</p>
Income	The target for investment income will be consistent with the assumptions included in Council's operational budget.
Total Return	Having provided liquidity, security and income needs, total returns on Council Funds are maximised with the view of achieving the stated investment objective.



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iv. Risk Management

All investments carry a trade-off between risk, liquidity and return. Further, risks can either be amplified or reduced when investments are combined within a portfolio. To address these risks the following mechanisms are in place:

- Council's Investment Policy is the key risk control document, setting out counterparty risk limits, minimum credit quality of the portfolio and relevant restrictions on particular investment types.
- Council will receive professional assistance with evaluation and monitoring investments to ensure they will meet Council needs. The advisor shall also assist Council to ensure that the commercial terms on which Council is offered investments by fund managers, issuers and brokers are fair and reasonable.
- Council will receive professional assistance with portfolio construction so that:
 - The overall risk of the portfolio can be appropriately assessed;
 - The portfolio can be adjusted over time as circumstances warrant;
 - Regulatory changes are accommodated; and
 - This Investment Strategy can be properly reviewed from time to time and recommendations made for improvement as required.

v. Portfolio Construction

Council's investment portfolio strategy shall be built around allocation of Council funds into a multidimensional framework that has regard to three key aspects, being:

- a. Credit Quality of the portfolio and the management of Counterparty exposure;
- b. Allocation of investments within defined Investment Categories (or asset class) that are included within the approved investment guidelines; and
- c. Time horizon or maturity profile of the portfolio.

The framework in which Council's portfolio is managed for each of these aspects is considered below.

Credit Quality Limits

The portfolio credit guidelines to be adopted will be based on the Standard & Poor's (S&P) ratings system criteria. The equivalent Moody's or Fitch ratings, or the equivalent ratings of other credible agencies may be applied. The maximum holding limit in each rating category for Council's portfolio shall be:

Long-Term Credit Ratings	Maximum Holding
AAA Category	100%
AA Category or Major Banks ¹	100%
A	60%
BBB & Unrated ADIs ²	40%

¹ AA category also includes TCorpIM Strategic Cash Fund, which typically maintains a credit score consistent with an AA rating. For the purpose of this policy, the current definition of "Major Banks" is:

The ADI deposits or senior guaranteed principal and interest ADI securities issued by the major Australian banking groups including ADI subsidiaries, whether or not explicitly guaranteed, including brands (such as St George)

- Australia and New Zealand Banking Group Limited
- Commonwealth Bank of Australia
- National Australia Bank Limited
- Westpac Banking Corporation



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² Council may invest with unrated ADIs up to the limit of the protected investment cap of \$250,000 under the Financial Claims Scheme (FCS).

Counterparty Limits

Exposure to individual counterparties/financial institutions will be restricted to their S&P (or equivalent) rating so that single entity exposure is limited, as detailed in the table below. This table does not apply to any managed fund or structured investment grandfathered in accordance with OLG directions where it is not possible to identify a single counterparty exposure.

Long-Term Credit Ratings	Maximum Holding
AAA Category ¹	40%
AA Category or Tier 1 ADIs	30%
A Category	15%
BBB Category	10%
Unrated Category ²	5%

¹ 100 per cent Commonwealth Government and Government-guaranteed deposits are included in this category.

² This category includes unrated ADIs such as Credit Unions and Building Societies and where possible Council will use the Federal Government's bank deposit guarantee under the FCS to limit the exposure to unrated entities.

Term to Maturity Limits

Council's investment portfolio will be structured around the time horizon of investments to ensure that liquidity and income requirements are met.

Once the primary aim of liquidity is met, Council will ordinarily diversify its maturity profile as this will ordinarily be a low-risk source of additional return as well as reducing the volatility of Council's income. However, Council always retains the flexibility to invest as short as required by internal requirements or the economic outlook.

The factors and/or information used by Council to determine minimum allocations to the shorter durations include:

- Council's liquidity requirements to cover both regular payments as well as sufficient buffer to cover reasonably foreseeable contingencies;
- Medium-term financial plans and major capital expenditure forecasts;
- Known grants, asset sales or similar one-off inflows;
- Seasonal patterns to Council's investment balances.

Investment Horizon Description	Investment Horizon Maturity Date	Minimum Allocation	Maximum Allocation
Working Capital Funds	0 – 3 Months	10%	100%
Short-Term Funds	3 – 12 Months	20%	100%
Short – Medium-Term Funds	1 – 2 Years	0%	70%
Medium-Term Funds	2 – 5 Years	0%	50%
Long-Term Funds	5 – 10 Years	0%	25%



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INVESTMENT ADVISOR

The Council's investment advisor must be approved by the Chief Executive Officer and be licensed by the Australian Securities and Investment Commission. The Advisor must be independent and have not actual or perceived conflict of interest in relation to the pool of investment products available to NSW Local Government; and is free to choose the most appropriate product within the terms and conditions of the Investment Policy. The Advisor is required to provide written confirmation that they do not have any actual or potential conflicts of interest in relation to the investments they are recommending or reviewing, including that they are not receiving any commissions or other benefits in relation to the investments being recommended or reviewed, except as fully and promptly rebated to Council.

ACCOUNTING

Council will comply with appropriate accounting standards in valuing its investments and quantifying its investment returns. In addition to recording investment income in accordance with accounting standards, published reports may show a break-down of its duly calculated investment returns into capital gains and losses, and interest.

From time to time financial assets may be acquired at a discount or a premium to their face value. Discount or premium is to be taken into account in line with relevant Australian Accounting Standards. Investments will be accounted for in accordance with all applicable legislation and guidelines.

MEASUREMENT

A monthly report on Council's investment portfolio will be provided to Council by the RAO. The report will detail the investment portfolio in terms of performance, percentage exposure of the total portfolio, maturity date, any changes in market value and a review against the performance benchmark as established by Council's Long Term Financial Plan.

The following performance benchmarks will be used:

- Cash – Official RBA 11am Cash Rate
- Enhanced and Direct Investments – Bloomberg Aus Bond Bank Bill Index

The investment return for the portfolio is to be reviewed quarterly by Council's independent financial advisor by assessing the market value of the portfolio. Within one month of the end of each calendar quarter Council's independent financial advisor is to certify Council's investments are compliant with Council's Investment Policy.

ETHICALLY AND SOCIALLY RESPONSIBLE INVESTMENTS

Ethical and socially responsible investments (SRIs) are a means for investors to support their values in terms of socially responsible investments. In addition to normal risk assessment, investment can be further evaluated in terms of environment, social and governance issues. A number of independent organisations have been established to evaluate and rate companies according to these criteria.

Subject to legislative compliance and investment policy objectives, Council supports investments in Ethical or Socially Responsible Investments, but only where all other investment criteria are met and the performance outlook is not disadvantageous to Council.



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SECURITY

Documentary evidence must be held for each investment and details thereof maintained in an Investment Register. The documentary evidence must provide Council legal title to the investment. Certificates must be obtained from the financial institutions confirming the amounts of investments held on the Council's behalf as at 30 June each year and reconciled to the Investment Register. All investments are to be appropriately recorded in Council's financial records and reconciled at least on a monthly basis.

POLICY REVIEW

This investment policy will be reviewed at least annually or as required in the event of legislative requirements.

FOR ADOPTION



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LOAN GUARANTEE

ST005

F22

PURPOSE

The purpose of this Policy is to provide a framework for the approval of Loan Guarantees for community organisations that wish to substantially self-fund capital asset projects on Council owned/controlled land.

OBJECTIVES

The policy objectives are to achieve:

- A means of supporting local communities and sporting organisations to self-fund capital asset projects.
- A mechanism to fund community assets on land that is owned or controlled by Council that will vest in or ultimately be controlled by Council. These are assets which provide essential services or a clear benefit to the wider community and align to Council's adopted Community Strategic Plan.
- A funding solution that enables the community organisation to manage the resultant loan agreement directly with the lending institution.
- Proposals for loan guarantees are required to satisfy the criteria identified in the policy statement as well as being the subject of a report to Council, however satisfaction of the criteria does not guarantee approval as all approvals are at the discretion of Council.
- Establishment of the maximum amount of Council's exposure to combined loan and loan guarantee commitments.

All requests for Council loan guarantee support must be completed on the approved Loan Guarantee Application Form and include a completed Checklist as attached to this policy.

APPLICABILITY

This policy is applicable to community organisations within the Orange Local Government Area applying for Council to be guarantor on a loan secured to self-fund capital asset projects.

GENERAL

Loan Guarantees will only be considered when ALL of the following policy criteria have been met. These criteria are as follows:

- 1 It is demonstrated that the project will provide essential services or a clear benefit to the wider community, and respond to objectives established in Council's adopted Community Strategic Plan.
- 2 The Applicant will provide a minimum of 20 per cent of the capital cost of the project excluding government grants and other external funding.



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- 3 The loan guarantee shall not exceed 50 per cent of the assessed final value of the asset.
- 4 The Applicant has completed and agreed to all items in the *Loan Guarantee Compliance Statement*.
- 5 Borrowings are only to be used for the construction and/or acquisition of capital assets on Council owned or controlled land that will be vested in and ultimately controlled by Council.
- 6 The Applicant is a “not for profit” organisation and has an incorporated status, and is the current lessee of the land.
- 7 The Applicant has demonstrated that they will obtain better loan terms by having Council as a guarantor for the loan (for example: lower interest rates)
- 8 The Applicant has no outstanding debts to the Council.
- 9 The useful life of the asset exceeds the life of the loan guarantee.
- 10 The term of the loan shall not exceed the term of the existing lease agreement. The lease agreement refers to the agreement between Council as landlord and the community organisation.
- 11 The loan must not include a redraw facility.
- 12 Guarantees will not be provided where works have already commenced, unless Council resolves that extenuating circumstances exist.
- 13 By entering into this loan guarantee Council is not considered to “jointly control” the Applicant as defined by AASB 10 (as amended).
- 14 The applicant will, by 31 July each year, provide Council with a statement of the outstanding liability balance as at 30 June each year until the liability is discharged.

Council’s total exposure to loan and loan guarantee commitments shall be capped at an amount no greater than one percent of the annual revenue from Rates & Charges. Council’s loan guarantee commitment is measured based on the outstanding balance of loans guaranteed by Council, plus the balance due from loans Council may make to local bodies.

For individual loan guarantees in excess of \$250,000, the Applicant shall provide Council with annual audited financial statements by 30 September each year.

The loan guarantee is to be included in Council’s annual financial statements as a contingent liability. In the event of a default, Council would be required to report the loan as an expenditure item and as a liability, and this would increase Council’s debt level.

Council may seek to be listed as a “secured creditor” against the Applicant to assist in the mitigation of Council’s risk exposure.



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The offering of loan guarantees to community groups will only be considered as a last resort, once all other funding options have been fully exhausted, and compliance with the requirements of the policy have been met. Other funding options may include:

- The provision of assistance from Council staff in the preparation of funding applications
- Government grants
- Sponsorship
- Fundraising
- Application for credit from a lending institution.

RELATED DOCUMENTS/POLICIES

Loan Guarantee Application Form

Responsible Area – Corporate and Commercial Services

REVISION					
	DATE	RESOLUTION		DATE	RESOLUTION
1	2 December 2014	14/1076	6		
2	3 July 2018	18/308	7		
3			8		
4			9		
5					
All policies can be reviewed or revoked by resolution of Council, at any time.					

SUMMARY OF AMENDMENTS

Amendment Date	Section/Reference and Amendment
December 2019	<ul style="list-style-type: none"> • Minor formatting and reference updates. • Addition of requirement to complete the Checklist annually as part of the Compliance Statement item 3. • Update to Current Community Strategic Plan strategies
June 2018	Minor Formatting and Grammatical updates.
December 2014	New Policy



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LOAN GUARANTEE APPLICATION FORM

Before completing this application, Council's Loan Guarantee Strategic Policy (ST005) should be read to ensure that your application will receive consideration by Council. Copies of the "Loan Guarantee Policy is available from Council's website www.orange.nsw.gov.au.

APPLICANT'S DETAILS

Name of organisation, group or person seeking loan guarantee			
Address			
Postal Address (if different from above)			
Name and position of the contact person			
Name			
Position			
Phone (BH)		Phone (AH)	
Phone (M)			
Email			
What is the legal status of your organisation? (eg Incorporated, Association, etc.) If not for profit please attach evidence – such as charter/constitution showing no personal gain will be available to members, charitable status advice or a statutory declaration			
Is your group / organisation registered for GST?			Yes No
ABN (if applicable)		ACN (if applicable)	



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PROJECT DETAILS

Name of project to be supported			
Description of project to be supported			
Loan Amount		Loan Term	
Applicable interest rate		Fixed or variable	
Anticipated loan repayments per annum (principal and interest)			\$
Estimated useful life of the asset			
Details of Project Cost			
Total Project Cost (ex GST)			\$
Funding sources and amounts			
Cash			\$
Loan Borrowings			\$
Government Grants			\$
In-Kind Contributions			\$
Other			\$
Total Project Funding (should equal total project cost)			\$



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ALIGNMENT TO THE COUNCIL'S STRATEGIC COMMUNITY PLAN

ALL APPLICANTS ARE TO COMPLETE THIS SECTION

Council must align its expenditure to the directions in the Community Strategic Plan (CSP). Copies of the CSP are available at Council offices, Libraries and from the Council website www.orange.nsw.gov.au. The CSP lists the directions and their associated strategies and objectives in detail and should be consulted to ensure your application links to the appropriate element(s). **Alignment with Councils CSP will substantially strengthen your application.**

Which direction from Council's Community Strategic Plan (CSP) does your application best align to? – select one from Our City, Our Community, Our Economy or Our Environment.

THEME: LIVE	
<input type="checkbox"/>	A healthy, safe, inclusive and vibrant community – this theme recognises the importance of encouraging healthy lifestyles, community pride and a sense of belonging.
Having consulted the Community Strategic Plan, which strategies in the LIVE theme does your project support? List the numbers of the strategies only.	List numbers:
THEME: PRESERVE	
<input type="checkbox"/>	Balancing the natural and built environment – this theme ensures that the unique natural, cultural, social and historical aspects of our community are preserved while recognising the need for growth and development.
Having consulted the Community Strategic Plan, which strategies in the PRESERVE theme does your project support? List the numbers of the strategies only.	List numbers:
THEME: PROSPER	
<input type="checkbox"/>	A smart, innovative and resilient economy – this theme focuses on providing the community with positive choices for investment, employment and study.
Having consulted the Community Strategic Plan, which strategies in the PROSPER theme does your project support? List the numbers of the strategies only.	List numbers:
THEME: COLLABORATE	
<input type="checkbox"/>	Leadership and partnership – this theme looks at forging a collaborative community that engages with open and ongoing decision making.
Having consulted the Community Strategic Plan, which strategies in the COLLABORATE theme does your project support? List the numbers of the strategies only.	List numbers:



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Theme: Live

Objective 1: A liveable city that is connected through open spaces

- 1.1. Engage with the community to ensure recreation opportunities and facilities meet changing needs
- 1.2. Maintain and renew recreational spaces and infrastructure to encourage an active and healthy lifestyle

Objective 2: A healthy and active community that is supported by sport and recreational infrastructure

- 2.1. Identify and deliver sport and recreation facilities to service the community into the future
- 2.2. Ensure the sporting and recreational facilities, programs and activities are accessible and affordable to support healthy lifestyle choices
- 2.3. Partner with community groups, government agencies to provide recreational activities and programs that are inclusive and meet the needs of the community

Objective 3: A friendly environment where people feel safe and included.

- 3.1. Support projects and programs that address crime and safety and contribute to an increased sense of safety in our homes and the wider community
- 3.2. Partner with key stakeholders to deliver infrastructure and activities that improve the safety and security of the community
- 3.3. Work with and assist Government agencies and non-profit organisations to support victims of domestic violence and work towards a reduction in domestic violence

Objective 4: A creative community participating in arts and cultural activities

- 4.1. Engage with the community to ensure creative and cultural facilities and services meet changing needs
- 4.2. Partner with key stakeholders to deliver cultural facilities and services that reflect the interests of a culturally diverse community

- 4.3. Maintain and renew cultural facilities and programs
- 4.4. Celebrate and conserve the diverse cultural heritage of the urban, village and rural communities

Objective 5: Responsive programs and services that support our community's lifestyle and social needs

- 5.1. Engage with the community to ensure facilities and programs meet changing lifestyle and social needs
- 5.2. Ensure the community services provided by Council are professionally managed, integrated and meet demonstrated needs
- 5.3. Work with Government agencies and non-profit organisations to reduce the incidence of homelessness by supporting the need for affordable and social housing

Objective 6: A community that values and protects domestic animals, and the role they play in residents' wellbeing, both physical, social and psychological.

- 6.1. Provide services and facilities that enable Council to fulfil its obligations under the Companion Animal Act
- 6.2. Ensure that infrastructure exists for the safe exercising of domestic dogs
- 6.3. Partner with key stakeholders to deliver education and services relating to animal health and wellbeing

Theme: Preserve

Objective 7: Sustainable growth and respectful planning that values the natural environment

- 7.1. Engage with the community to develop plans for growth and development that value the local environment
- 7.2. Ensure best practice use of renewable energy options for Council and community projects
- 7.3. Ensure that policies and practices are in place to protect the sustainability and security of water destined for potable supply from the Water Catchment area.

Objective 8: Managing our resources wisely

- 8.1. Identify and deliver essential water, waste and sewer infrastructure to service the community into the future
- 8.2. Develop and promote initiatives to reduce water, energy and waste in consultation with the community
- 8.3. Promote the range of recycling services

Objective 9: Infrastructure for our growing community

- 9.1. Construct and maintain a road network meets the community's transport and infrastructure needs
- 9.2. Ensure that adequate car parking spaces are available to support growth
- 9.3. Ensure that an appropriate level of pedestrian amenity is provided throughout the community
- 9.4. Develop a vibrant civic and commercial precinct as a centre for the community

Objective 10: Celebrate our cultural, social, natural and built heritage assets

- 10.1. Engage with the community to ensure plans for growth and development are respectful of our heritage
- 10.2. Preserve our diverse social and cultural heritage
- 10.3. Preserve the unique way of life of our surrounding villages

"I love the heritage residential zone in Orange - it is a critical historical, cultural and residential asset belonging to the community."



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Theme: Prosper

Objective 11: Sustainable tourism, events and visitor experiences

11.1. Capitalise on the character and lifestyle of Orange to remain a destination of choice

11.2. Develop and attract a variety of events, festivals, venues and activities for locals and visitors, ensuring accessibility for all

Objective 12: A smart, innovative and resilient industry sector

12.1. Attract and grow strategic investment

12.2. Support innovative industry sectors

12.3. Support educational and training opportunities that retain young people, attract new workers and provide local employment

12.4. Partner with key stakeholders to enhance opportunities for local business to grow and prosper

Objective 13: Transport services, connectivity and infrastructure that support community, tourism, business and industry.

13.1. Support public and private rail, coach and air services

13.2. Support initiatives for improved connectivity between Orange and capital cities and regional towns

“Orange’s food and wine festivals have gained a reputation as some of the best in the state”

Theme: Collaborate

Objective 14: An informed community

14.1. Deliver communication that is open, accessible, meaningful and regular across a range of media

14.2. Promote organisational culture that delivers excellent customer service and continuous improvement

14.3. Provide opportunities for widespread and quality engagement, and where appropriate, shared decision-making.

Objective 15: Leaders in our community

15.1. Encourage and support residents to pursue leadership roles at Council

15.2. Support community organisations and groups to deliver services and programs

15.3. Engage and train young people to develop our future leaders

15.4. Develop and encourage staff to pursue leadership within Council

“Help attract citizens to join organisations”

Objective 16: Strong relationships

16.1. Work in partnership with other Councils, regional organisations and State and Federal Governments

16.2. Advocate for the community to attract external funding to deliver services, facilities and programs

Objective 17: Responsible governance

17.1. Provide representative, responsible and accountable community governance

17.2. Ensure financial stability and support efficient ongoing operation

“I would support continued streaming of Council meetings”



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LOAN GUARANTEE COMPLIANCE STATEMENT

The following Compliance Statement is to be signed by a minimum of two authorised signatories of the applicant in accordance with the organisation's Constitution, Memorandum of Understanding, Memorandum of Articles, etc. The following Compliance Statement must be fully completed prior to any application for Council to act as Loan Guarantor being considered.

We, as Office Bearers of _____ (the applicant), confirm that, if successful in receiving a loan guarantee from Council, the following requirements under the Orange City Council Loan Guarantee Policy will be adhered to:

- 1 Adherence to the Work Health and Safety Act and all relevant Work Health and Safety Guidelines.
- 2 Ensure that the project asset which is to be guaranteed by Council is adequately insured at all times during the term of the loan (Certificate of Currency to be supplied to Council each year).
- 3 Provide Council with annual updated reports concerning the operations of the organisation. These are to include, as a minimum:
 - a revenue and expenditure statement;
 - b balance sheet statement; and
 - c cash flow statement.
- 4 The project asset will be utilised for the benefit of the wider community during the period of the loan guarantee.
- 5 All Loan Guarantee charges and associated fees will be paid by the Applicant.

In addition to adherence to the above items, we, as office bearers, confirm that to the best of our knowledge, there is no legal action pending against the organisation nor any outstanding Work Health and Safety issues.

Signature	Signature
Name	Name
Position	Position
Date	Date



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Checklist

The following is a checklist of documents which must be provided when submitting your application for Council to act as loan guarantor. Please ensure that you have adequately addressed all the following items to ensure that your application is processed in the most time efficient manner.

Information required	Provided to Council
	✓
Signed and authorised copy of the compliance statement	
Copies of the most recent three years of annual audited financial statements including profit and loss, cash flow and Balance Sheet	
Sufficient description of the project being undertaken	
Detailed plans and costings including three relevant quotes	
Sufficient detail to determine who will own the asset and who is responsible for future upkeep of the asset/project	



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WATER CARTING

ST077

F22

OBJECTIVES

To protect and promote public health in relation to the sale and transportation of bulk water purchased from Council.

To protect Council assets by use of a centralised filling station.

DEFINITIONS

Non-potable Water – Non-drinkable water

Potable Water – Drinkable water

GENERAL

Water carters offer an alternative water supply in areas where the water supply is insufficient or is temporarily unsuitable.

Council supplies potable water from one location, the 'filling station' located outside the Council Works Depot in McLachlan Street, Orange. This station is locked at all times and requires keyed access.

The use of standpipes on Council's water supply network as an alternative to use of the filling station is prohibited. Any standpipes will be confiscated and fines may apply.

A water carter who receives water from a supplier of drinking water (e.g. Orange City Council) who supplies drinking water from a vehicle in the course of a commercial undertaking is defined as a supplier of drinking water under section 5 of the Public Health Act 2010.

The *Public Health Act 2010* and the Public Health Regulation 2012 require drinking water suppliers to:

- have a quality assurance program (QAP) that complies with the Regulation
- comply with (i.e. implement) its QAP
- provide a copy of the QAP to the local Public Health Unit
- keep records relating to managing the safety of its drinking water supply.

A person who uses water supplied by a water carter who sources the water from Council's filling station, should do so in accordance with the current water restrictions applicable.

PROCEDURE

The procedure for the sale of water for potable use can be found at Appendix One.



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RELATED POLICIES/DOCUMENTS

Water Carters (Guidelines for) – NSW Health 2016

Public Health Act 2010

Food Act 2003

Local Government Act 1993

RESPONSIBLE AREA – Technical Services

REVISION					
	DATE	RESOLUTION		DATE	RESOLUTION
1	March 2002	02/87	6		
2	January 2006	06/685	7		
3	January 2007	07/207	8		
4	January 2009	09/453	9		
5	April 2013	13/168			
All policies can be reviewed or revoked by resolution of Council, at any time.					

SUMMARY OF AMENDMENTS

Amendment Date	Section/Reference and Amendment
November 2019	Inclusion of reference to Level 5 water restrictions and inclusion of requirements of the Public Health Act 2010 for Water Carters requirements.
February 2013	<p>The Public Health Act 2010 includes water carters as a supplier of drinking water if the water is sourced from another supplier of drinking water in the course of a commercial undertaking. This change is reflected in the Policy.</p> <p>To comply with a requirement for a quality assurance program in relation to record keeping, a new section "Register of Water Carters" is included.</p> <p>Requirement that water supplied from Council's filling station should be used in accordance with the current water restrictions.</p>



Strategic Policy

Water Carting
Appendix One

FOR ADOPTION

PO Box 35, Orange
NSW 2800 Australia

135 Byng Street, Orange
NSW 2800 Australia

P: +61 2 6393 8000
F: +61 2 6393 8199

council@orange.nsw.gov.au
www.orange.nsw.gov.au



SALE OF WATER FOR POTABLE USE

Potable water is to be carted following procedures outlined in the *NSW Department of Health Carting Water Guidelines (2016)*.

A person may draw water from a Council water supply or a standpipe or sell water so drawn only with the prior approval of the Council (*Local Government Act 1993*).

In determining an application the council must have regard to the following considerations Local Government Regulations (General) 2005:

- (a) the protection and promotion of public health;
- (b) the protection of the environment;
- (c) the safety of its employees;
- (d) the safeguarding of its assets; and
- (e) any other matter that it considers being relevant in the circumstances.

When Council sells water to a water carter as potable and fit for human consumption, then it is a food for the purposes of the *Food Act 2003*. Similarly, if a water carter sells water to a consumer as potable and fit for human consumption then it is a food.

If the water contains any foreign matter it may be considered adulterated under and the supplier may have committed an offence by selling the water.

Potable Water Quality

1) Guidelines

Council sells water that meets the 2011 NHMRC/ARMCANZ *Australian Drinking Water Guidelines (ADWG)*.

Note: When water that meets the ADWG is added to an empty rainwater tank it may re-suspend the sludge in the bottom of the rainwater tank creating taste and turbidity problems, it is the consumer's responsibility to ensure the maintenance of their tank.

2) Treatment

The water source is chlorinated prior to carting, to ensure the safety of the supply. The water carter operator must maintain adequate chlorine residual up to the point of supply to consumers. Adequate free chlorine residual would be between 0.2 -1.0mg/L, depending on the quality of the source water.

Potable Water Tank and Vehicle

Ideally, the water tank should be used only for the transport of potable water. If this is not possible, then at a minimum the tank must not be used for transport of effluent (treated or otherwise), petroleum products, or other potentially hazardous materials that may be prejudicial to health. Where the tank has been used for transport of non-hazardous materials other than potable water, the tank must be cleaned and disinfected prior to filling with potable water.

All tanks constructed of mild steel should be coated or lined with a material that complies with AS/NZS 4020:1999 Products for use in contact with drinking water.

**Hoses for Potable Water**

Hoses must be made of food grade material. Hoses and fittings must be capped or stored in a dust proof container during transport or when not being used.

Where the tank has been used for transport of non-hazardous materials other than potable water, the hose must be cleaned, flushed out and then disinfected by filling with water and chlorinated to at least 5.0 mg/L free chlorine for a minimum of 30 minutes.

Log Books for Potable Water

As per the NSW Water Carters Guidelines, a water carter must keep a logbook in each vehicle to record information of deliveries and retain these records for at least six (6) months. Details must include the following.

- The place, date and time the water was supplied to the water carter
- The name of each supplier of drinking water from which the carter sources water.
- The name and address of each person to whom the water carter supplies water.
- The volume of water supplied to that person.
- Details of substances other than drinking water transported in the water tank used by the water carter.
- The dates on which any water tank used by the carter is cleaned

Approval of Potable Water Caters

Potable water may be purchased from Council with approval only.

Application is made to Council accompanied with an application fee and approval is given. The applicant will be provided with access to the 'filling station'.

Approvals are valid for a maximum of twelve (12) months; Council reserves the right to request that the apparatus be made available for inspection by Council. Log books would be inspected at this time also.

Water is sold at the rate according to Council's Delivery Operational Plan Fees and Charges.

Sale of water FOR non-potable use

Water purchased from Orange City Council for non-potable use can only be used within the Orange City boundaries.

Access to the standpipe for non-potable use at the commencement of Level 5 water restrictions will not be permitted.

Approval of Non-Potable Water Caters

The application process and approval requirements to cart non-potable water is the same as for potable water carting with access to the 'filling station'. This includes the required log books.



REGISTER OF WATER CARTERS

Orange City Council will keep a record of each registered water carter. Details to be supplied by the water carter when the application is submitted include:

- Name of owner
- Name of business
- Contact details for owner of business
- Details of water carting vehicles, drivers, make, model, registration, tank volume, type of tank
- (e.g. temporary mounted tanks), etc.
- Date of last inspection (if applicable).

FOR ADOPTION



All policies can be reviewed or revoked by a resolution of Council, at any time.

PURCHASING POLICY

ST093

F22

PART 1 - OBJECTIVES

- 1.1 To establish how Council's purchasing practices support the implementation and delivery of Council's Community Strategic Plan and Delivery/Operational Plan.
- 1.2 Build upon Council's existing business principles to:
 - Make efficient and effective use of Council's and Council's supplier's resources
 - Ensure fair, open and effective competition.
 - Are ethical and compliant with legislation.
 - Improve the local amenity of our community and are socially responsible.
 - Give consideration to disability employment where applicable.
 - Identify and manage risks to maximise opportunities and manage potentially adverse consequences.
 - Encourage sustainability and local economic development.
 - Foster a viable Australian market for sustainable products and services.
 - Ensure Council and its staff act within their delegations and are accountable for decision making in procurement.

PART 2 - APPLICABILITY

- 2.1 This policy applies to all types of purchasing, including acquisition, provision and disposal of materials, services and facilities by Orange City Council. The principles of this policy, and associated guidelines/procedures for implementation, must be followed by employees (full time, part time, temporary and casual) as well as all contractors, consultants and service providers engaged in any of Council's business units and services.

PART 3 - GENERAL

- 3.1 Council will ensure value for money through a balanced whole-of-life evaluation that includes consideration of financial, social, ethical, local economic and environmental factors.
- 3.2 To deliver on Council's commitment to procurement that meets operational requirements and achieves the highest commercial and sustainability outcomes, Council will:
 - Comply with applicable laws and documentation.
 - Avoid unnecessary consumption, manage demand for goods and services, and maximise the efficiency of those products and services acquired.
 - Foster relationships with suppliers in a manner that is ethical, efficient, fair and transparent, and that respects their confidential information.
 - Exercise responsible financial management and accountability for actions.
 - Support the establishment of a diverse supply chain, with particular focus on entities that deliver or have potential to deliver social, economic and/or environmental benefit locally.



All policies can be reviewed or revoked by a resolution of Council, at any time.

- Support Australian owned suppliers and/or suppliers who manufacture in Australia, where doing so is appropriate and permissible by law, focusing on those locally.
- Support suppliers and industry groups that develop and/or apply innovative responses in relation to sustainability issues.
- Establish performance agreements with our key suppliers, and monitor their performance over time.
- Develop practical and transparent tools for assessing and providing feedback to existing and potential suppliers about their proposals and performance.
- Identify and manage the risks associated with procurement.

3.3 Buy Local Purchasing

Council's Buy Local Purchasing Policy requires all purchases of goods and/or services up to the value of \$2,999 to be sourced from a Local Supplier (as defined in such policy) unless they are not of sufficient quality or it is not practicable to purchase. For goods and/or services between a value of \$3,000 and \$249,999, Council will apply a percentage price advantage to suppliers whose business is permanently located within the Orange Local Government Area, or situated within the Central NSW Joint Organisation member council jurisdictions.

The Buy Local price advantage only applies when a non-local supplier is included in the quotation process. Specifications for the calling of quotations must state how the Buy Local price advantage will be applied so that all respondents are aware of Council's policy.

For tenders, a "Local Content" (as defined in such policy) criterion is to be applied when submissions are being evaluated to determine a successful supplier. The "Local Content" criterion will form a minimum of 5% (default value) to a maximum of 10% of the overall assessment criteria (as approved by the Chief Executive Officer). The score associated with this criterion will be a ratio of the Local Content to the overall tendered price.

3.4 Risk

For larger purchases of \$50,000 or greater or purchases where there is the potential for significant impacts upon Council, a risk assessment is to be carried out. Such risk assessment is to identify among other matters:

- If there is an appropriate pool of suppliers locally or if more broad tenders should be called in accordance with the Local Government Act 1993.
- The likelihood of contract variations, taking escalating prices above the legislated tender threshold.
- The most appropriate Conditions of Contract to be used.
- The weighting to be applied to the assessment evaluation, eg financial, WHS, environmental, etc.
- Any pre-qualifications that should be a mandatory requirement of suppliers or contractors.
- Confidentiality and probity issues.



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3.5 Tender Determination

The Local Government Act 1993 (Act), and Local Government (General) Regulation 2005 specify a financial threshold of \$250,000 to determine when a tender is required for the procurement of goods and/or services. This means projects of this value must be managed via a tender process unless exempt under the Act.

This mandated requirement should be considered in concert with the risk assessment above to determine if purchases of a lower dollar value should follow the Local Government Act 1993 (Act), and Local Government (General) Regulation 2005 relating to tendering.

3.6 Operational Purchasing Policy and Procedures

Instruction and guidance on complying with the Purchasing Policy will be provided by the Operational Purchasing Policy which will be updated from time to time to reflect improved practices and minimise risk to Council.

RELATED POLICIES/DOCUMENTS

Operational Purchasing Policy and Procedures

Buy Local Policy ST109

Local Government Act 1993

Asset Management Policy

Statement of Business Ethics

Code of Conduct

Enterprise Risk Management Policy

Responsible Area – Corporate and Commercial Services

REVISION					
	DATE	RESOLUTION		DATE	RESOLUTION
1	2 Dec 2014	14/1076	4		
2	3 July 2018	18/308	5		
3			6		
All policies can be reviewed or revoked by resolution of Council, at any time.					

SUMMARY OF AMENDMENTS

Date	Section/Reference and Amendment
November 2019	<ul style="list-style-type: none"> • Formatting changes. • Extend Council's existing business principles to give consideration to disability employment where applicable. • Updates to Tendering threshold in accordance with the Local Government Act 1993. • Reference to updates to the Buy Local Purchasing Policy. • Inclusion of reference to Risk. Risk assessment to be undertaken for larger purchases or where there is the potential for significant impacts on Council. • Tendering threshold to be considered in concert with risk assessment to determine if purchases with a lower dollar value should follow tender process under Local Government Act 1993. • Instruction and guidance on complying with policy will be provided in the Operational Purchasing Policy which will be updated from time to time to reflect improved practices and minimise risk to Council.
April 2018	Formatting updates. Combine Policy "Purpose" and "Objective" sections.

SUMMARY OF AMENDMENTS

Date	Section/Reference and Amendment
December 2014	Significant rewrite of this policy due to large scale changes in the processes Council uses to manage risk. Tools including the procedures to use the online procurement system, action plan from Operation Jarek and the action plan from the Dec 2013 Promoting Better Practice review have influenced these changes.



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BUY LOCAL PURCHASING

ST109

F22

PART 1 - OBJECTIVES

- 1.1 Foster economic development and enhance sustainability of the local economy by maximising participation of local businesses in the delivery of goods and services.
- 1.2 Promote effective competition with the supply of goods and services from local businesses including enhancing their capacity to apply, win and deliver goods and services.
- 1.3 Encourage the inclusion of local businesses and the employment of local residents.

PART 2 - APPLICABILITY

- 2.1 To all purchases unless exclusions under the Strategic Purchasing Policy apply.

PART 3 - DEFINITIONS

3.1 Goods

Tangible, quantifiable material requirements usually capable of being moved or transported that is purchased, rented, leased or hired by Council.

3.2 Local Content

Goods or services procured from a Local Supplier or employees living permanently in the Orange City Council local government area.

3.3 Local Supplier

A business, contractor or industry either permanently based in, or employing permanent staff operating from, permanent premises situated within the Orange City Council local government area.

3.4 Net Costs

The total amount offered by a supplier for the supply of goods (after trade-in where applicable) or services, including freight or delivery charges and any discounts or rebates offered by the supplier.

3.5 Non-Local Supplier

A business, contractor or industry that is not a Local Supplier or Regional Supplier.

3.6 Procurement Request

Any purchasing transaction undertaken by Council.

3.7 Regional Supplier

A business, contractor or industry either permanently based in or employing permanent staff operating from, permanent premises situated within the Central NSW Joint Organisation (CNSWJO) member council jurisdictions, ie, Bathurst, Blayney, Cabonne, Central Tablelands Water, Cowra Forbes, Lachlan, Oberon, Parkes and Weddin.



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3.8 Services

Any task, consultancy, work or advice to be performed or provided that is procured by Council. Included are services such as management consultancies, outsourcing, maintenance contracts and agreements, cleaning, waste removal, equipment repairs, external auditors, utilities and services acquired by Council. Excluded are payments made directly to employees, superannuation and pension payments, statutory or involuntary payments, grants, subsidies and transfer payments.

3.9 Shop-Front

An organisation that provides a local address or shop-front only that does not employ significant local resources or where the benefits are not perceived to flow locally.

PART 4 - GENERAL

- 4.1 This policy only applies when a non-local business is part of the quotation or tender process.
- 4.2 Specifications for the calling of quotations for the supply of goods and services must state how a percentage price advantage for local suppliers will be applied so that the respondents to such procurement requests are aware of the Buy Local Purchasing Policy.
- 4.3 For all quotations for the supply of goods and services for Orange City Council up to \$249,999 a price advantage is given to Local Suppliers and Regional Suppliers. In the process of determining the successful supplier, the percentage price advantage as indicated in Table 1 below will be nominally deducted from the Local Supplier or Regional Supplier price for the purpose of price comparison only.

Monetary Threshold	Percentage Price Advantage	Criteria to be met to apply Percentage Price Advantage
Up to \$2,999	Purchases must be sourced from a Local Supplier*	Purchases must be sourced from a Local Supplier*
\$3,000 to \$49,999	4%	Local Supplier
	2%	Regional Supplier
	0%	Non-Local Supplier
\$50,000 to \$249,999	2%	Local Supplier
	1%	Regional Supplier
	0%	Non-Local Supplier
\$250,000 and over	Refer Clause 4.5	Refer Clause 4.5

*Unless goods or services are not able to be sourced from a Local Supplier, are not of sufficient quality or it is not practicable to purchase from a Local Supplier (eg. specialised services, training, accommodation, delivery times unable to be met).

- 4.4 Council reserves the right to consider an organisation that provides a Shop-Front as a Non-Local Supplier.
- 4.5 For Tenders, it is considered that a percentage price advantage is unsuitable as it could:
- Have an undesirable value-for-money impact on Council's budget; and
 - May contravene tendering regulations under the Local Government Act 1993

For Tenders, Local Content is to be included as a measurement criterion when submissions are being evaluated to determine a successful supplier.



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A "Local Content" criterion is to be applied when submissions are being evaluated to determine a successful supplier. The "Local Content" criterion will form a minimum of 5% (default value) to a maximum of 10% of the overall assessment criteria (as approved by the Chief Executive Officer). The score associated with this criterion will be a ratio of the Local Content to the overall tendered price.

4.6 The Purchasing Strategic Policy is to be referenced in the implementation of this policy.

RELATED POLICIES/DOCUMENTS

Purchasing Operational Policy OP047

Purchasing Strategic Policy ST093

Gifts & Benefits ST039

Gifts and Benefits Register

Conduct of Conduct ST010

Credit Card Policy

Work Health and Safety Management Policy Statement OP084

OCCOHS 028 V2_11 Risk Assessment for Purchasing and Hiring

Procurement and Probity Committee Terms of Reference D18/45418

Bathurst Orange Dubbo Environmental Sustainability Action Plan

Local Government Act 1993 and the Local Government (General) Regulations 2005 on Tendering and Financial Management.

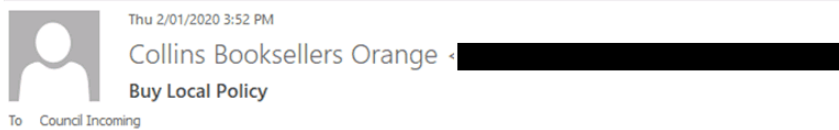
Responsible Area – Corporate and Commercial Services

REVISION					
	DATE	RESOLUTION		DATE	RESOLUTION
1	16 August 2012	12/322	6		
2	2 December 2014	14/1076	7		
3			8		
4			9		
5					

All policies can be reviewed or revoked by resolution of Council, at any time.

SUMMARY OF AMENDMENTS

Date	Section/Reference and Amendment
November 2019	<ul style="list-style-type: none"> Change of name from Local Preference Purchasing Policy to Buy Local Purchasing Policy. Updated to include sustainability of local economy by maximising participation of local businesses in the delivery of goods and services and encourage the inclusion of local businesses and employment of local residents. Updated to apply to all purchases unless exclusions under the Strategic Purchasing Policy apply. Amendment or addition to definitions: Local Supplier, Regional Supplier, Non-Local Supplier, Local Content and Shop-Front. Removal of 2% percentage price advantage and replaced with various percentage price advantages to be applied for Local Suppliers and Regional Suppliers (as defined in the Policy), as set out in Table 1, dependent on the monetary threshold purchase amounts. For tenders, Local Content criterion to be applied when submissions are being evaluated to determine successful tenderer, being a minimum of 5% to a maximum of 10% of the overall assessment criteria. The score associated with this criterion will be a ratio of the Local Content to the overall tendered price.



We thank OCC for revising their Buy Local policy. We have been a small business owner in Orange for almost 20 years. Times are tough in the bush (as the saying goes). Local retail businesses are competing not only with other regional towns and capital cities but now online sales are having a significant impact. This is taking money out of the Orange region and with this goes jobs and support for the local community. Small businesses are a major supporter of local charities, schools, sporting clubs etc., which of course 'out of towners' do not. Buy Local could also cut the carbon footprint of purchases by reducing transport, etc. It will also provide a psychological boost to local businesses to know that OCC is supporting them. It may allow businesses to become more secure, and provide better and expanded services to Orange.

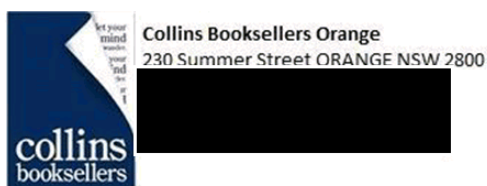
Then there is the drought, bush fires, etc. adding to the tough times.

We note many other local councils have a local preference policy.

We strongly urge OCC to adopt the policy of supporting local businesses by adopting their Buy Local Policy. We see it as a reasonable proposal which will not see OCC out of pocket but it will have a significant impact on local businesses. Total operating expenditure of OCC is \$99.96 million in 2019/20 across all funds. Adoption of this policy will have a miniscule effect upon OCC budget.

OCC will need to assess the impact of this policy in time and if successful, as I expect it will, OCC may see to extend and expand the Buy Local policy.

Phillip & Margaret Schwebel





All policies can be reviewed or revoked by a resolution of Council, at any time.

OUTDOOR DINING AREAS

ST107

F22

OBJECTIVE

This policy provides for the placement of street furniture upon footpaths and public places outside food premises in the City, to add to the vibrancy and visual amenity of the City whilst maintaining adequate access and safety to pedestrians and the users of mobility scooters and the like.

APPLICABILITY

This policy applies to that area of Summer Street where the footpath has been widened to at least 5.4 metres or such other areas within the City where Council determines outdoor dining areas are appropriate.

GENERAL

Council has developed guidelines for managing outdoor dining areas. Approval to use public space for outdoor dining must be in accordance with this policy, the guidelines and any approval issued by Orange City Council.

RELATED POLICIES/DOCUMENTS

Outdoor Dining Areas Guidelines
Roads Act 1993
Local Government Act 1993
Environmental Planning and Assessment Act 1979
Food Act 2003
Work Health and Safety Act and Regulation 2011
Smoke Free Environment Act 2000
Outdoor Dining Area License

Responsible Area – Corporate and Commercial Services

REVISION					
	DATE	RESOLUTION		DATE	RESOLUTION
1	January 2002	Operational	6	4 Feb 2014	14/38
2	January 2006	Operational	7	2 June 2015	15/230
3	January 2008	Operational	8	6 September 2016	16/381
4	January 2009	09/453	9	3 July 2018	18/308
5	21 May 2013	13/223	10		
All policies can be reviewed or revoked by resolution of Council, at any time.					



All policies can be reviewed or revoked by a resolution of Council, at any time.

SUMMARY OF AMENDMENTS

Amendment Date	Section/Reference and Amendment
February 2020	Not updates required.
December 2013	Include provisions prohibiting placement of furniture outside approved area and increasing width for pedestrian and mobility scooter access on footpath. Clarification regarding the lapse of approval.
December 2014	Formatting amendments. Change of name to Outdoor Dining Areas to be consistent with SEPP Exempt and Complying Development provisions.
July 2016	Alter processing and payment of applications and addition of exempt approvals. Provision for license to be for the term of the approval with annual invoicing for rent in accordance with the Delivery/Operational Plan.
April 2018	Applicability of policy extended to the City rather than just the Central Business District. Added Food Act 2003, Work Health and Safety Act and Regulation 2011, Smoke Free Environment Act 2000 as relevant legislation. Responsible area changed to Corporate and Commercial Services Change to Guidelines to clarify that rent is set in accordance with Council's Schedule of Fees and Charges.

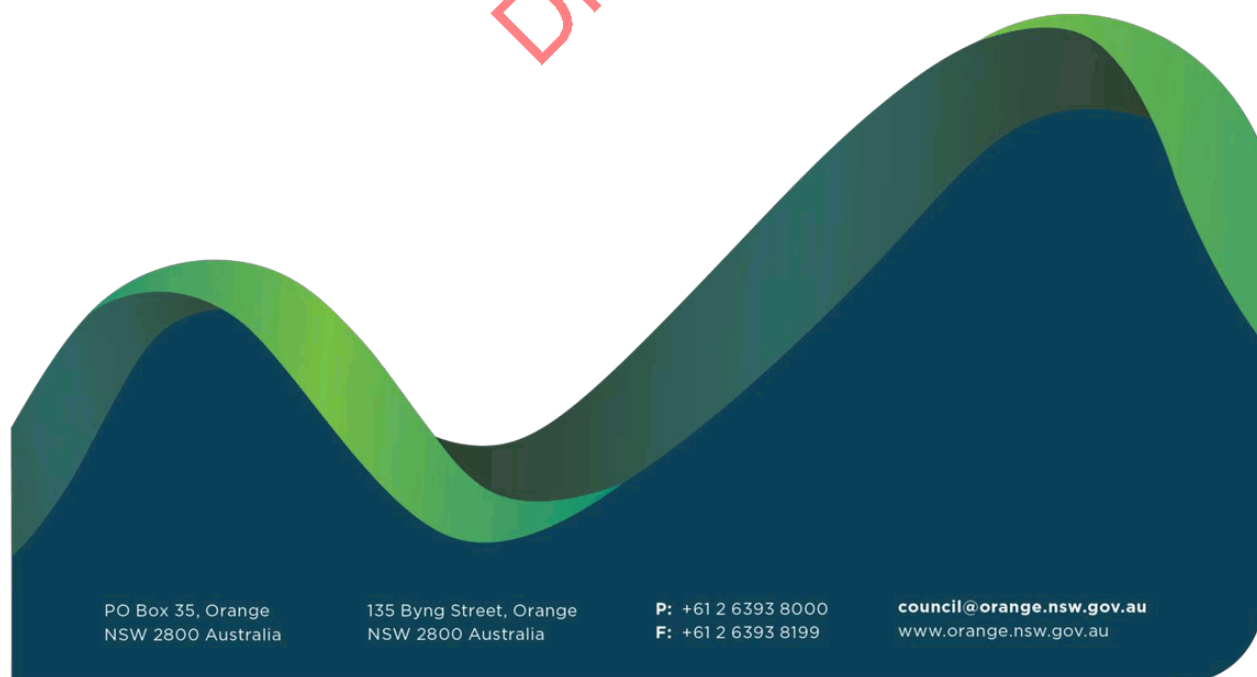
DRAFT



Strategic Policy

Outdoor Dining Areas Guidelines

DRAFT



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council@orange.nsw.gov.au
www.orange.nsw.gov.au



All policies can be reviewed or revoked by a resolution of Council, at any time.

1 GENERAL

1.1 Interpretation

Street furniture includes tables, chairs, umbrellas, wind barriers, awnings, bollards and plant containers.

1.2 Street furniture

Street furniture is required to be sturdy, durable and of an approved colour. Umbrellas and wind barriers may contain advertising; such advertising is to be tasteful, of minimal scale and relate to products available at the food premises. Umbrellas and wind barriers are required to be secured at the base so as to prevent injury to people and/or damage to property or motor vehicles.

Plant containers cannot be larger than 800 millimetres in diameter or width and depth.

1.3 Placement of Street Furniture

Street furniture must be located in accordance with the Approval applicable to the premises. Street furniture shall not be placed on a public street in a location that will interfere with the operation of a loading zone, bus stop or the like.

Street furniture must not obstruct pedestrian traffic or emergency egress from any premises and the 2.5m wide pedestrian corridor shall be maintained in Summer Street for use by pedestrians, users of mobility scooters and the like at all times. Street furniture is to be removed from the footpath at the end of business on each day.

On corner properties, street furniture is permitted within only one frontage, except where the provision of street furniture on both frontages can be justified.

Plant containers are required to be located wholly within the licence area and preferably within the confines of any wind barriers and tables and chairs.

1.4 Summer Street

Street furniture is required to be located on the footpath within the property frontage and between 500 millimetres from the kerb and 2.5 metres from the front boundary of the property.

Council may allow street furniture to be placed adjacent to the property boundary, provided that the street furniture is not located more than 2.4 metres from the property boundary, where such a location can be justified and such arrangement will not interfere with the use of adjoining land and with access by pedestrians and users of mobility scooters and the like.

1.5 Outside Summer Street

Council will permit the placement of street furniture upon streets and public places other than Summer Street where it can be demonstrated that the placement of street furniture will not restrict pedestrian traffic along the footpath, the ability of vehicles to reverse into the kerb and the ability of persons leaving or entering motor vehicles to access the footpath.

On streets other than Summer Street, the minimum width that is to be made available for pedestrian traffic clear of any street signs or Council-owned structures is 2.1 metres.



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1.6 Exclusions

This policy does not permit the sale and/or display of goods from the footpath. Council does permit the display and/or sale of goods from the footpath on specially approved days.

This policy does not permit the display of billboards or any article on footpaths. Council's resolution 91/745 prohibits the display of billboards and the like from footpaths within the CBD.

2 PROCEDURE

When making application for Consent, the process will include:

- Under the provisions of the Roads Act 1993 and Local Government Act 1993, an application is required to place street furniture on Summer Street or other classified road.
- An application is to be made and approval obtained prior to any street furniture being placed upon the footpath.
- When making the application, three copies of a plan drawn to an appropriate scale showing the area to be used and a written submission detailing the amount, type and colour of the street furniture is required to be submitted together with the appropriate fees.

2.1 Licence agreement

Prior to the commencement of outdoor dining, the shop proprietor shall enter into a licence agreement with Council. This licence agreement shall provide for, amongst other things

- Renewal at the expiration of the Consent
- Issue of tax invoice on 1 July each and every year for the payment of rent, as set by Council annually.
- The provision of public liability insurance to the value of \$10 million and providing Council with a copy upon request
- Exclusion from any relevant Alcohol Free Zone established by Council (where relevant)
- The need for renewal of the licence agreement upon change of tenancy or proprietor of the food premises and/or at the expiration of the Consent.

The placement of street furniture and the operation of the outdoor dining area shall be consistent with the area approved by Council under the Consent and within the licensed area at all times.

Approval under the Roads Act 1993 lapses after seven years.

Council reserves the right not to renew a licence.

2.2 Rent

Upon approval of an application to place street furniture upon the footpath, the Licensee shall pay rent as set in Council's Schedule of Fees and Charges on an annual basis unless otherwise agreed to by Council.

2.3 Breaches

Failure to operate an outdoor dining area in accordance with the approval and licence may result in the termination of the licence and/or action taken for a breach of the Roads Act 1993 and Local Government Act 1993.



APPLICATION & LICENSE OUTDOOR DINING AREA

Roads Act 1993 and Local Government Act 1993

Office Use Only	
Application #	
PR	
Account	1.502.72.1501
Date	
Amount	
Receipt	

Applicant Details

Name _____

Address _____

Telephone Number (work) _____ (mobile) _____

Email _____

Signature _____ Date _____

Subject land (refer to rates notice for assistance)

Street Address _____

City/Town _____ Lot Number _____ Section _____ DP _____

Name of Business _____

Telephone Number (work) _____ (mobile) _____

Detailed description of proposed furniture _____

Furniture	No of items	Dimensions	
Tables			
Chairs			Total area to be approved M ²
Umbrellas			
Wind barrier			



All policies can be reviewed or revoked by a resolution of Council, at any time.

Council must receive the following to process your application:

- ☐ **Payment is required on application** by Orange City Council (ABN: 85 985 402 386) and a tax invoice/receipt will be issued.
 - ☐ Scaled plan showing the area of furniture in relation to the front of the building and the road must be attached to this application (three copies are required).
- 1 A copy of the approved location plan (from the Consent) **drawn to scale** (min 1:50) is to be attached to this Application Form. Location and number of proposed tables and chairs are to be shown on the plan.

The subject outdoor dining area shall at all times operate in accordance with the terms of Council's approvals, the plans approved under that approval and with Council's Outdoor Dining Areas Policy.

Under no circumstance shall the Licence allow an increase in the number of tables and chairs, or an increase in the area of the outdoor dining area from that shown on the approved application plan.
 - 2 Before Council issues the granted Outdoor Dining Area Licence, the applicant is required to pay rent to the 1 July of the current financial year on a pro-rata basis and thereafter 28 days after the issue of a tax invoice on an annual basis.

Under the provisions of the Roads Act (including street furniture) Council charges a rental fee based on the square meterage being occupied. This fee is determined each year in Council's Delivery/Operational Plan, Schedule of Fees and Charges.

These fees will be payable in advance. Fees are not refundable.
 - 3 A copy of the current Public Liability insurance to the value of \$10 million with endorsement noting Orange City Council's respective rights and interests and indemnifying Orange City Council for the licensed area is to be attached to this application. It is the responsibility of the applicant to provide a copy of any and all renewed Public Liability insurance as required in this clause. Failure to do so will be grounds to void this licence agreement.
 - 4 Licences are granted only to restaurants and or cafes that supply table service and are willing to extend such table service to the Outdoor Dining Area. China plates, cutlery and glassware etc are acceptable materials within the Outdoor Dining Area. Disposable materials are not acceptable, other than foam, plastic or paper coffee cups.
 - 5 An Outdoor Dining Area Licence can be transferred from one licensee to another. If a Licence is to be taken over by another owner/lessee, it is the current licensee's responsibility to notify Council, so that all records can be updated promptly.
 - 6 The Licensee agrees to keep the area in a clean and tidy state and to pay Council for any additional cleaning as agreed to by the applicant and Council.
 - 7 Orange City Council will repair any damage to pavers resulting from the licensee's use of the footpath at the licensee's expense. The Licensee will notify Council immediately if pavers are in need of repair.
 - 8 The Licensee will not sell or serve or permit to be sold any alcoholic or intoxicating beverage in or from the licensed area except, where Council has granted specific approval and an appropriate Liquor Licence has been obtained from the relevant liquor licensing authorities.



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Alcohol can only be sold or served (as with BYO) ancillary to a meal in the Outdoor Dining Area. In the case of BYO the proprietor shall serve the alcohol provided and store any unopened alcohol within the premises. This provision shall apply as a covenant between the Licensee and Orange City Council despite any provision of the Liquor Act, 1982 (as amended) which may permit the sale of alcoholic beverages to a person without consumption of a meal (eg a Dine or Drink Licence).

Where an Outdoor Dining Area is in an alcohol free zone, under this licence agreement alcohol will be able to be consumed in the outdoor dining area only by patrons of the applicant's business during the operating hours of the business, and in accordance with the Liquor Licence and this Licence Agreement.

- 9 Orange City Council reserves the right to revoke this licence if objections are raised or problems arise.

I hereby apply for an Outdoor Dining Area Licence under Section 125 of the Roads Act 1993. I agree to the conditions in this application and request that Orange City Council considers my submitted proposal for a Licence Agreement for a period of two years, subject to past and continuing compliance with all Licence conditions and review of fees in accordance with the annual fees and charges set.

This Licence Agreement is not transferable and, subject to these Licence conditions, expires seven years from the date of approval under the Roads Act for placement of this street furniture.

Signed on behalf of Orange City Council in the presence of

Authorised

Person _____

Name _____

Witness _____

Name _____

Signed on behalf of Applicant in the presence of

Authorised

Person _____

Name _____

Witness _____

Name _____

Office Use Only

APPROVAL NUMBER _____

DATE OF APPROVAL _____

DATE OF EXPIRATION _____

THE INFORMATION YOU PROVIDE IS CONFIDENTIAL UNDER THE PRIVACY & PERSONAL INFORMATION PROTECTION ACT. IF YOU DO NOT PROVIDE THE DETAILS REQUESTED COUNCIL MAY BE UNABLE TO PROCESS YOUR APPLICATION.



All policies can be reviewed or revoked by a resolution of Council, at any time.

Site Location of Activity



All policies can be reviewed or revoked by a resolution of Council, at any time.

Outdoor Dining Fact Sheet

State Environmental Planning Policy (Exempt and Complying Development Codes) 2008 provides exempt development (development consent NOT required) for the use of a footway or public open space within the meaning of the [Roads Act 1993](#) as an outdoor dining area associated with lawful food and drink premises, provided the following development standards can be achieved:

The standards specified for that development are that the development must:

- (a) not be associated with a pub or a small bar, and*
- (b) be carried out in accordance with an approval granted under section 125 of the Roads Act 1993, including in accordance with any hours of operation to which the approval is subject, and*
- (c) be carried out in accordance with any approval granted under section 68 of the Local Government Act 1993.*

The relevant application form is for approval under the two aforementioned Acts. Approval under the Roads Act is limited to seven years and a new application will be required at that time. The application for Footpath – Outdoor Dining must be consistent with Council's Outdoor Dining Areas Policy and a scaled plan must be submitted that demonstrates the placement of furniture on the footpath or public open space is consistent with that policy.

This process remains a separate process to Council's Outdoor Dining Areas Licence. A licence remains a requirement subject to these approvals being granted.

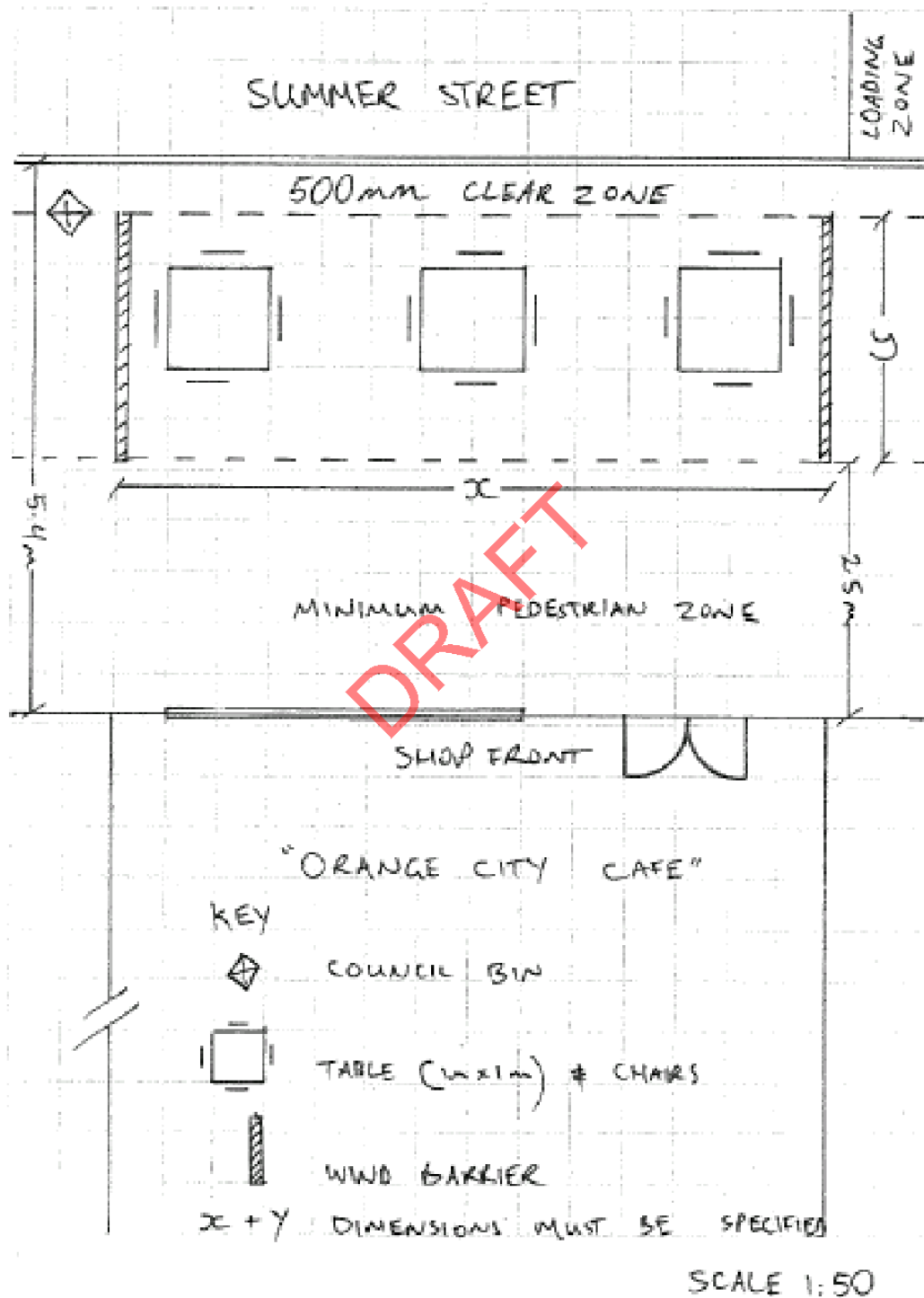
Application must be made via the appropriate form found on Council's web site and be accompanied with three copies of scaled plans. Graph paper accompanies the application form to provide assistance with the preparation of the plans.

An example of an appropriately prepared plan is attached as a guide. Items such as Council bins, loading zones, bus stops, park benches, street trees etc must also be shown on the plan.



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Site Location of Activity





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WHITEWAY LIGHTING

ST114

F22

OBJECTIVES

To ensure that all connections to the whiteway lighting system under awnings in the CBD area are made with Council approval.

APPLICABILITY

To all premises in the central business district area.

GENERAL

Where applications for connection to the whiteway lighting system are made for premises which are contiguous to the existing system, approval will be granted for such connections.

Where applications to connect to the whiteway lighting system are made for premises which are not contiguous to the existing system, these will be referred, with cost estimates, to Council for decision.

Where development or re-development of a property contiguous to the existing system takes place, any repair, replacement or relocation costs made necessary by this development proceeding, shall be the responsibility of the developer.

Responsible Area – Technical Services/Corporate & Commercial Services

REVISION					
	DATE	RESOLUTION		DATE	RESOLUTION
1	January 2002	Operational	6	January 2008	Operational
2	January 2003	Operational	7	November 2009	09/453
3	January 2005	Operational	8		
4	January 2006	Operational	9		
5	January 2007	Operational			
All policies can be reviewed or revoked by resolution of Council, at any time.					

SUMMARY OF AMENDMENTS

Amendment Date	Section/Reference and Amendment
February 2020	Formatting Updates Only.



All policies can be reviewed or revoked by a resolution of Council, at any time.

EVENTS ON COUNCIL OWNED/MANAGED LAND

ST142

F22

OBJECTIVES

- 1 To provide a consistent approach to the staging of events in the City on Council-owned and managed land
- 2 To determine the appropriate site for events
- 3 To provide event organisers with venue options that consider:
 - a Safety of patrons and the community
 - b The legal requirements of legislation and policy
 - c Community amenity

APPLICABILITY

Any event held on Council owned or managed land.

GENERAL

An event is an organised activity occupying a Council-owned or managed recreation reserve, park, garden, showground, sportsground, lake foreshore, playground, public open space or carpark.

Types of events may include but are not limited to: weddings, fetes, carnivals, markets, festivals, community celebrations, school events, promotions, displays, filming, and photography, sporting gala days, aquatic events, regattas, entertainment, fireworks and Carols by Candlelight.

Areas under Council management which may be suitable for events may include:

- | | |
|--------------------------------|----------------------------|
| • Civic Square | • Gosling Creek Reserve |
| • Showground | • Skate Park |
| • Wade Park | • Sir Jack Brabham Park |
| • Cook/Robertson/Moulder Parks | • Adventure Playground |
| • Botanic Gardens | • Other community parks, |
| • Lake Canobolas | sportsgrounds and reserves |

This Policy **does not apply** to property for which the Council has leased (or has some other binding agreement) the care, control and management to a third party, unless the lease/agreement states otherwise.



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RELATED POLICIES/DOCUMENTS

Event Application Form

Events Guide – Risk Management

Strategic Policy – ST143 Event Cancellation

Strategic Policy – ST029 Donations and Grants

Strategic Policy – ST049 Itinerant Traders

Responsible Area – Corporate and Commercial Services

REVISION					
	DATE	RESOLUTION		DATE	RESOLUTION
1			6		
2			7		
3			8		
4			9		
5					
All policies can be reviewed or revoked by resolution of Council, at any time.					

SUMMARY OF AMENDMENTS

DATE	AMENDMENT
February 2020	Transferred to Strategic Policy. Formatting updates. Inclusion of procedure for road and footpath occupation and reference to Event Cancellation Policy. Amendment to minimum timeframe Event Application required to be submitted to Council from 12 weeks to 21 days prior to event.
September 2014	New Policy Operational Policy – GM Approved 29 August 2014



Strategic Policy

Events on Council Owned/Managed Land

DRAFT

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135 Byng Street, Orange
NSW 2800 Australia

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F: +61 2 6393 8199

council@orange.nsw.gov.au
www.orange.nsw.gov.au



The following event documentation and criteria are required to be submitted for assessment via the event application process. In various circumstances, Council may require additional information to that listed.

MINIMUM

- Completed Event Application Form
- Site Plans
- Comprehensive Risk Assessment
- Public Liability Insurance

ADDITIONAL

- Event Management Plan
- Waste Management Plan
- Licenses/other Public Liability
- Catering and Sale of Food Temporary Holder Permit Registration Form
- Approval to Install and Operate Amusement Device
- Traffic Control and Management Plans

PROCEDURE

- 1 The event organiser is required to submit a request to Council for the use of Council owned/managed land for an event by completing the appropriate Event Application Form, available via the Orange City Council website (www.orange.nsw.gov.au). Some of the sections in the application may not be relevant to every event, however; all sections must be addressed for an application to be assessed.
- 2 If deemed necessary, the event organiser will be required to complete a Development Application or an application for a Complying Development Certificate. Structures erected as part of the event may require a construction certification. Various events occur on a regular basis and approval could be provided for a season (e.g. Sportsground usage, regular markets etc.), or some other period of time where the activity is repeated.
- 3 The event organiser will be required to lodge the Event Application Form along with all necessary documentation, including but not limited to, a Site Plan, Risk Assessment and a copy of their Public Liability Insurance Certificate of Currency for no less than \$10 million and noting Orange City Council as an interested party.
- 4 If an event is not proposing to occupy or close a road or footpath, the Application and associated documentation must be received as early as possible or at least 21 days prior to the event otherwise approval may not be granted.



- 5 If approval to occupy or close a road or footpath is sought, the appropriate Traffic Control Plans (TCP) and Traffic Management Plans (TMP) are to be submitted as early as possible or at least before the following timeframes otherwise approval may not be granted:
 - 6 months prior to the event for a Class 1 Event as per the Roads and Maritime Services publication "Guide to Traffic and Transport Management for Special Events"; or
 - 3 months prior to the event for a Class 2 Event as per the Roads and Maritime Services publication "Guide to Traffic and Transport Management for Special Events"
- 6 Event Organisers are to refer to Council's Strategic Policy – ST144 – Event Sponsorship Program for details on sponsorship and are to fill out the Application Form attached to that Policy.
- 7 If approval for a 'high risk' event is sought, Council may require an independent risk assessment and action plan to be provided.
- 8 Event organisers must have the approval in writing from Orange City Council before undertaking any works, marketing or promotional activity, or staging an event on any Council owned/managed land.
- 9 Council reserves the right to attend any event held on Council owned or managed land to ensure the legal requirements of legislation are being adhered to. A Council Officer has delegation under the Local Government Act to close an event due to non-compliance of approval conditions and/or legal requirements.
- 10 Event Organisers are to refer to Council's Strategic Policy – ST143 - Event Cancellation Policy for details in regards to a Council Officer closing an event. In this instance, the Event Organiser releases Council from any liability or loss incidental or consequential to the removal of the approval.
- 11 Once Council receives an application and the associated forms/plans/documentation, the application will be assessed and a response to the organiser in writing advising of the decision and conditions within 21 days of receiving the application. This may also include the request for further information.
- 12 The charges for the application and for the use of the land will be as prescribed in Council's Delivery/Operational Plan. There may be bonds for the use of land.



ORANGE CITY COUNCIL

EVENTS GUIDE - RISK MANAGEMENT

Use of Council Owned or Managed Land

Event organisers are required to identify and manage risks associated with any event through a risk assessment process. Hazards (i.e. something that has the potential to cause harm) and risks (i.e. what can happen as a result of the hazard) must be identified and assessed and arrangements put in place to minimise and manage those identified hazards and risks. It is mandatory for all event organisers to complete and submit a Risk Assessment with all event applications.

The steps outlined below are provided to assist you in completing a Risk Assessment:

Identify the Risk

Comprehensively identify the risks, both within and outside of your control, to be managed. The Hazard/Risk Identification Checklist (Table 1) has been included to help you identify any hazards or risks associated with the event.

Once determined, transfer all applicable hazards/risks from the checklist onto the Risk Assessment template.

⋮

Analyse the Risk

Assess the (a) likelihood, or 'frequency', of the risk actually occurring (with reference to Table 2), and (b) consequence (with reference to Table 3) if the risk event did occur.

⋮

Evaluate the Inherent Risk

Inherent risk is an assessed level of natural or untreated risk. Nothing has been done to reduce the risk.

Use the Inherent and Residual Risk Rating Table (Table 4) to determine the inherent risk rating based on the assessment of the hazard/risk in regards to likelihood and consequence.

⋮

Treat the Risk

Identify, evaluate and develop control measures or actions that need to be undertaken to control the hazard/risk. Selecting the most appropriate option involves balancing the costs of implementing each option against the benefits derived from it.

⋮

Evaluate the Residual Risk

Residual risk is the threat that remains after all efforts to identify and eliminate the risk have been made.

Reassess the likelihood (Table 2) and consequence (Table 3) and again use the Inherent and Residual Risk Rating Table (Table 4) to determine the residual risk rating.

⋮

Monitor and Review

Continually monitor and review the internal and external risk environment as this will allow new risks to be identified and controlled, and risks to be taken off the radar. It also allows the effectiveness (impacts, benefits, costs) of implementing risk management strategies to be determined.

IDENTIFY THE RISK

The following hazard and risk checklist items are not exhaustive and you will also need to consider further site and event specific risks.

Table 1: Hazard/Risk Identification Checklist

Hazard/Risk Description	✓	Hazard/Risk Description	✓
PERSONAL INJURY/ILLNESS OR DEATH, DUE TO:		FIRE DUE TO:	
Access to and departure from site		Ignition source in hazardous area (naked flame, sparks)	
Amusements and rides (misuse of)		Ignition of flammable vapours	
Asbestos/lead		Runaway uncontrolled chemical reaction	
Exposure to infection/infectious disease		Reaction of incompatible materials	
Chemical exposure		Other - specify	
Climbing on vantage points		EXPLOSION DUE TO:	
Confined spaces		Detonation of explosive materials	
Disorderly unruly behaviour		Fireworks/pyrotechnics	
Drowning		Overpressure of vessel or tank (e.g. gas container)	
Drug and alcohol affected persons		Ignition of flammable vapours	
Dust/particles		Fuel (i.e. petrol, LPG, diesel)	
Electrocution/electrical shock		Chemical reaction	
Falls/trips from height		Other - specify	
Falls/trips from ground level		PROPERTY DAMAGE DUE TO:	
Falling objects		Lack of parking spaces	
Food poisoning		Structural damage	
Insect/animal bites and/or stings		Traffic congestion	
Laceration (sharp/rough edges/objects/materials)		Vehicle impact	
Lighting (insufficient)		Vandalism	
Manual handling (lifting, bending, twisting etc.)		Other - specify	
Medical emergency (e.g. heart attack)		ENVIRONMENTAL DAMAGE DUE TO:	
Overcrowding		Insufficient rubbish bins	
Overhead hazards (power lines, equipment etc.)		Release of pollutants into waterways/sewerage system	
Poor lighting		Release into groundwater	
Plant and equipment (crush, cut, puncture etc.)		Flora and/or fauna damage	
Playground equipment		Release of toxic gas/vapour	
Public accessing non-public areas of event		Sound/noise	
Restricted space		Other - specify	
Slipping (e.g. on loose or wet, slippery surface)		TECHNICAL MANAGEMENT ISSUES	
Sunburn		Inadequate site management	
Temperature (heat/cold)		Lack of staff briefing/training	
Temporary fencing		Loss of power/services	
Temporary structures (tents/marquees not secure)		Warning signage	
Terrorism/bomb threat		Other - specify	
Traffic/pedestrians		OTHER HAZARD/RISKS (PLEASE LIST)	
Tripping/falls (e.g. pegs/rope)			
Uneven surface (e.g. gradient)			
Water (creek, river, pool, pond etc.)			
Weather conditions (wind, rain, visibility etc.)			
Other - specify			

ANALYSE THE RISK

It is imperative that event organisers analyse the risks associated with their event by assessing (a) the likelihood (Table 2) of the risk actually occurring, and (b) the consequence (Table 3) if the risk event did occur. Allocating risk ratings (Table 4) to all hazards allows event organisers to prioritise and address hazards and risks in a systematic way.

Risk Likelihood

Likelihood requires consideration of 'frequency' in regards to how likely it is to occur.

Table 2: Likelihood Table	
Rating	Description (operational criteria)
Almost certain	Imminent or will occur within 1 to 6 months
Likely	Expected to occur at least once in a 6 to 12 month period
Possible	Will probably occur between 1 to 5 years
Unlikely	May occur every 5 to 10 years
Rare	Not likely to occur within a 10 year period

Risk Consequence

Consequence requires consideration of the likely impact if the risk is to occur. In determining the overall consequence score for each risk, the highest individual score should be applied.

Table 3: Risk Consequence Table		
Rating	Category of Risk	Description (operational criteria)
Severe	Service Delivery	Critical operational service failure/loss of delivery >3 days
	Image and Reputation	Severe negative national and state coverage
	Environmental	Uncontained damage and major impact/major fine/public reaction
	Health & Safety	Death or serious injury
	Stakeholders	Severe stakeholder concern/reduction or withdrawal of support
Major	Service Delivery	Major operational service failure/loss of service delivery >1 day
	Image and Reputation	Extensive state and local coverage
	Environmental	Major breach or impact/fines/Government reprimands
	Health & Safety	Serious injury/long term hospitalisation
	Stakeholders	Major stakeholder concern/reduction or threat of withdrawal of support
Moderate	Service Delivery	Moderate operational service failure/loss of service delivery >3 hours
	Image and Reputation	Moderate local coverage
	Environmental	Moderate breach or impact/Government reprimands
	Health & Safety	Moderate injury/may require short term hospitalisation
	Stakeholders	Moderate stakeholder concern/rectification action required
Minor	Service Delivery	Loss of operational service delivery >1 hour
	Image and Reputation	Minor local coverage
	Environmental	Minor breach or impact/some minor complaints
	Health & Safety	Minor injury, may require first aid
	Stakeholders	Minor stakeholder concern/action required
Negligible	Service Delivery	No loss of operational service delivery
	Image and Reputation	Little or no coverage
	Environmental	Negligible breach/impact/complaint
	Health & Safety	Negligible or no injury
	Stakeholders	Negligible stakeholder concern

EVALUATE THE RISK

The risk rating for each risk is calculated by plotting the likelihood and consequence response scores on the below Inherent and Residual Risk Rating Table (Table 4). A risk rating will need to be determined for both the inherent level of risk (i.e. no controls in place) and residual level of risk (i.e. after the preventative and corrective controls are taken into consideration).

Determining the inherent level of risk will assist in identifying the risks that require further treatment, whilst the residual level of risk will determine if the proposed preventative and corrective controls are sufficient and within the adopted tolerance levels.

Table 4: Inherent and Residual Risk Rating Table					
Likelihood	Consequences				
	Severe	Major	Moderate	Minor	Negligible
Almost Certain	1	1	2	4	5
Likely	1	1	2	4	5
Possible	1	1	3	5	5
Unlikely	2	2	4	5	5
Rare	3	3	4	5	5

TREAT THE RISK

Treating the risk requires identifying a range of control methods, evaluating these methods and developing additional controls for implementation. Selecting the most appropriate option involves balancing the costs (both direct and indirect) of implementing each option against the benefits derived from it.

Risk treatment or controls can either be preventative controls (i.e. designed to reduce the likelihood of the risk occurring) or corrective controls (i.e. to be implemented if the risk does occur). Some examples of controls to consider are outlined below:

- Modify design and try to ensure that hazards are 'designed out' when new material, equipment and or work systems are planned.
- Remove the hazard or substitute less hazardous materials, equipment or substances.
- Adopt a safer process, such as alterations to tools, equipment or work systems.
- Enclose or isolate the hazard through the use of guards or remote handling techniques.
- Establish appropriate administrative procedures such as job rotation to reduce exposure or boredom, timing of the job so that fewer personnel are exposed, routine maintenance and housekeeping procedures and training on hazards and correct work procedures.
- Provide suitable and properly maintained personal protective equipment and training in its use.

MONITOR AND REVIEW

Continuous monitoring and review of the external and internal risk environment is important to identify new risks, take risks off the radar and understand the effectiveness (impacts, benefits and costs) of implementing risk management strategies. It is essential that risk priorities and risk management plans remain relevant in the changing environment, and that risk management is responsive to change.

ORANGE CITY COUNCIL

PO Box 35, ORANGE NSW 2800
Civic Centre, Byng Street, ORANGE NSW 2800
P 1300 650 511 | F 02 6393 8199
council@orange.nsw.gov.au

EVENT


APPLICATION FORM




ORANGE
CITY COUNCIL

ORANGE CITY COUNCIL
135 - 137 Byng Street, Orange NSW, 2800
PO Box 35, Orange NSW, 2800
P: 02 6393 8000 F: 02 6393 8199
E: council@orange.nsw.gov.au
www.orange.nsw.gov.au

APPLICATION FORM





ORANGE CITY COUNCIL
135- 137 Byng Street, Orange NSW, 2800
PO Box 35, Orange NSW, 2800
Phone: 02 6393 8000 Facsimile: 02 6393 8199
Email: council@orange.nsw.gov.au www.orange.nsw.gov.au

Orange City Council is committed to working with organisations and community groups to deliver safe and enjoyable events. Below is some information to assist in the application process.

EVENT APPLICATION TIMEFRAMES

Please submit this event application, along with all other required documentation to Orange City Council at least 21 days prior to your event.

If your event is to involve any of the following aspects, please adhere to the associated timeframes:

Application/approval type	Minimum timeframe before event
Approval to Install and Operate Amusement Device (ie: Section 68 approval)	5 working days
Temporary Food Permit	5 working days
Filming Proposal	5 working days
Donations and Grants Application	Quarterly throughout the year
Alcohol Licence	30 working days
Development Application	6 weeks
Temporary Suspension of an Existing Alcohol Free Zone	12 weeks
Road Closure/Traffic Management Plan	16 weeks

USEFUL CONTACTS

Organisation	Phone number
Orange City Council	(02) 6393 8000
Orange City Council - Development Services	(02) 6393 8530
Orange Police	(02) 6363 6399
NSW Ambulance	(02) 6841 2670
Roads and Maritime Services	132 213
NSW Food Authority	1300 552 406
Department of Justice - Liquor and Gaming NSW	(02) 9995 0300
Midwest Traffic Management	(02) 6362 8049
Dubbo Traffic Control	(02) 6882 5643

EVENT APPLICATION FORM


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EVENT SERVICES

 Will there be food and/or drinks sold or supplied at your event? ☐ YES ☐ NO

If yes, you must ensure all Food Vendors have approval from Orange City Council. All Food Vendors must be issued with a Temporary Food Permit and comply with all relevant food and health regulations.

 Will you be operating a BBQ/s at your event? ☐ YES ☐ NO

 Will alcohol be served and/or for sale? ☐ YES ☐ NO

Is your event to be held in a designated Alcohol Free Zone? ☐ YES ☐ NO

If yes, you are required to provide the appropriate Liquor Licence to Council and ensure those serving alcohol have current RSA accreditation. You must ensure there is free drinking water available. You must also make an application to Council at least 3 months prior to your event if your event is to be held within an existing Alcohol Free Zone. You will be required to pay the advertising fees associated with the publication of the suspension of the Alcohol Free Zone via the local newspaper.

Will your event require security personnel? ☐ YES ☐ NO

Will your event require waste management? ☐ YES ☐ NO

Council's existing public placed litter bins are not to be used for waste generated from the event without Council approval to do so.

Will you need to organise the use of the venue's public toilets at your event? ☐ YES ☐ NO

Will you require additional toilets and amenities, including accessible (disabled) facilities? ☐ YES ☐ NO

Guidelines for the number of toilets required are listed below:

	No alcohol		Alcohol	
People	Male	Female	Male	Female
<500	3	6	11	13
<1000	6	9	15	16

Will your event require access to a power supply? (If yes, please provide requirements) ☐ YES ☐ NO

☐ 10 amp | Qty: ☐ 15 amp | Qty: ☐ 20 amp | Qty: ☐ 32 amp | Qty:

Will you need to organise the collection of keys? ☐ YES ☐ NO

Will your event require the use of existing Council lighting? ☐ YES ☐ NO

Will you need to organise additional lighting? ☐ YES ☐ NO

 Will you be installing or erecting a structure? (e.g. stage, marquee, tent, caravan etc.) ☐ YES ☐ NO

Type of structure, quantity and dimensions in m²:

The use of any portable structure may require a Development Application if it does not constitute exempt development or have a previous approval. If approval is required, this may take approximately 28 days.

EVENT APPLICATION FORM


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EVENT SERVICES - continued

Will you require the entry of vehicles on to Council property?

☐ YES ☐ NO

 Will your event impact vehicular/pedestrian traffic?


☐ YES ☐ NO

 Are you requesting any road/footpath closures or road/footpath occupation?

☐ YES ☐ NO

If yes, you will be required to obtain approval from Council, Police and in some cases the Roads and Maritime Services (RMS). An application should be submitted to the City of Orange Traffic Committee at least 16 weeks prior to your event which must include:

- *Traffic Management Plan (TMP) and Traffic Control Plan (TCP) compiled by an appropriately qualified person*
- *Proof of public liability insurance to the value of \$20 million with Orange City Council noted as an interested party*
- *Detailed risk assessment*

 Will your event involve large crowds, the use of PA system/s, or amplified music?

☐ YES ☐ NO

Noise levels must not exceed 5 decibels above background noise when measured at the nearest affected residence.

Will there be signage erected promoting your event at the venue?

☐ YES ☐ NO

 Will there be signage erected promoting your event at other locations in the Orange region?

☐ YES ☐ NO

Details:

 Will your event involve the distribution of pamphlets and/or other marketing/promotional material?

☐ YES ☐ NO

Will your event require additional First Aid or Emergency personnel?

☐ YES ☐ NO

Guidelines for the number of First Aid personnel required is listed to the right. Each event must be attended by at least one suitably qualified First Aid Officer. The Ambulance Service of NSW should be advised of major events.

Patrons	First Aiders	First Aid Posts
500	2	1
1000	4	1
2000	6	1
5000	8	2
10000	12	2

Who is the person nominated to engage emergency services or authorise an evacuation?

Name:

Contact phone number:

What is your Emergency Evacuation Plan?

For any event, your strategies for emergency/risk management must comply with Australian Standards AS/ NZS ISO 3100/2009. The location of the Emergency Muster Point and details of the nominated person who can authorise an evacuation must be communicated to all those involved with the event.


EVENT APPLICATION FORM

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EVENT SERVICES - continued

What is your contingency plan for bad weather?

 Will amusement devices (e.g. jumping castle/s, mechanical ride/s) or other entertainment (performers or attractions) be in operation at your event? ☐ YES ☐ NO

Type and number of devices:

Apart from a 'small' jumping castle (i.e. highest platform is less than 9m high), all amusement device owners must hold a Section 68 Approval issued by Orange City Council. Applications must be received at least five working days before the event.

Will there be animal involvement at your event? ☐ YES ☐ NO

If yes, you must comply with all provisions of the Exhibited Animals Protection Act, 1986.

Will your event involve the movement of any aircraft? ☐ YES ☐ NO

Will there be goods (other than food) for sale at your event? ☐ YES ☐ NO

 Will there be fireworks at your event? ☐ YES ☐ NO

Will you be fundraising as part of your event? ☐ YES ☐ NO

Will the event involve any professional filming, drone operation or photography? ☐ YES ☐ NO

Will the event involve any camping? ☐ YES ☐ NO

Will your organisation require information on Council's Donations, Grants and Sponsorship program? ☐ YES ☐ NO

Responsibility to Protect Crowded Places

You are required to address your responsibilities in relation to the protection of crowded places from a range of foreseeable threats, including terror attacks, and should consider anti-terror measures in planning your event. Under the Summary Offences Act 1988, you are required to complete a 'Notice of Intention to Hold a Public Assembly' (available via www.police.nsw.gov.au) and submit to the Police at least 90 days prior to your event.

NOTES

EVENT APPLICATION FORM

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REQUIRED DOCUMENTATION

In order for your request to be processed, please ensure you also provide the following documentation:

- **Site Plan** depicting everything you plan to bring or utilise at the venue, such as: barricading/fencing, stalls and marquees, stages, toilets, rubbish/recycling bins, signs/banners, lights/lighting towers, PA/speakers, entry and exit points, parking, power, first aid and emergency muster points,
- **Certificate of Currency of Public Liability Insurance** to a minimum of \$10 million and noting Orange City Council as an interested party.
- **Risk Assessment** outlining all applicable risks and control measures.

INDEMNITY & DECLARATION

I, _____ hold Orange City Council harmless and releases and indemnifies, and keeps released and indemnified, from and against all action, suits, claims, demands, costs, charges and expenses for which Council, its servants, agents or employees may be held liable in respect of any damage, accident or injury of whatsoever nature or kind and however sustained or occasioned and whether to property or persons in connection with the use of this public area and any work connected therewith pursuant to this permit but excluding such liability arising from any negligent act, default or omission, on the part of council, its servants, agents or employees either solely or in contribution thereto.

I am authorised by the nominated organisation/club/school/association to make this application. I understand that a safety inspection and audit of the Council property is required along with completing a risk assessment prior to each use. I understand that I must only use the Council property if it is safe to do so and must leave the council property in a clean and tidy condition, including all associated facilities. I understand that if Council is required to clean or conduct any repairs due to damage or neglect caused by the applicant, the applicant will be invoiced. I agree to ensure that if the Council property is used at night, the level of lighting is appropriate for the intended purpose and agree to turn off all lighting immediately after the event or use of Council property has ceased.

I understand that only approved line marking agents can be used on Council property and I must obtain Council approval for any signage erected. I agree not to sublet any Council property or facility. I agree to ensure children using Council property are supervised by an adult and agree not to permit any animals (with the exception of guide/hearing dogs), glass and vehicles on Council property unless prior approval is obtained.

I agree to comply with any requirement set by Council as part of the Conditions of Approval for the event and will comply with any direction of Council in relation to the Council property (e.g. closures due to wet weather and maintenance).

I am authorised to provide this release to Council on behalf of the nominated organisation/club/school/association from all claims made against Council by any person resulting from activities held on Council property.

Signature

Name (BLOCK LETTERS)

Date

EVENT APPLICATION FORM

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All policies can be reviewed or revoked by a resolution of Council, at any time.

EVENT CANCELLATION

ST143

F22

OBJECTIVES

To provide Event Organisers with the requirements concerning the cancellation or suspension of an event on Council owned or managed land.

DEFINITIONS

Event means an organised activity occupying a Council-owned or managed recreation reserve, park, garden, showground, sportsground, lake foreshore, playground, public open space or carpark.

Event Organiser means the person or organisation who schedules an event and is responsible for the event from start to finish.

Suspension means to delay the event, with the aim of rescheduling to a later time.

Cancellation means that the event will no longer take place.

APPLICABILITY

Any event held on Council owned or managed land within the Orange Local Government Area.

GENERAL

The Event Organiser is responsible for ensuring all relevant permits and licences have been obtained and provided to Council prior to the commencement of the event.

RELATED POLICIES/DOCUMENTS

Strategic Policy – ST142 - Events on Council Owned/Managed Land

Responsible Area – Corporate and Commercial Services

REVISION					
	DATE	RESOLUTION		DATE	RESOLUTION
1			6		
2			7		
3			8		
4			9		
5					
All policies can be reviewed or revoked by resolution of Council, at any time.					

SUMMARY OF AMENDMENTS

Amendment Date	Section/Reference and Amendment
February 2020	New Strategic Policy



Strategic Policy

Event Cancellation Procedure

DRAFT

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Council reserves the right to remove the approval to utilise the venue for any event on Council owned or managed land if:

- a. Appropriate permits, licences or agreements have not been completed to Council's satisfaction
- b. A misrepresentation is identified in the event application
- c. Licence, permit or approval conditions are breached or any laws are broken
- d. Council has not received any hire fees or bond prior to the commencement of the event
- e. The event is deemed unsafe or causing unsatisfactory disruption or nuisance to residences or businesses
- f. Inclement or extreme weather, fire, or a natural disaster such as flooding, causes a risk to event participants or the venue.

If Council is to cancel an event due to the neglect of the Event Organiser, in regard to point's a. to e. above, the Event Organiser is ineligible for a refund if full payment has been made or is required to pay all hire fees in full if no payment has been made. In this instance, the Event Organiser releases Council from any liability or loss incidental or consequential to the removal of the approval.

Where matters beyond the reasonable control of Council, in regard to point f. above, shall impair or prevent the venue being able to perform its obligations, the Event Organiser releases Council from any liability or loss incidental or consequential to such matters. In this instance, any previously paid hire fees and/or bond will be reimbursed to the Event Organiser in full. Refunds will be processed within 21 days of receiving the notification via an EFT payment/direct transfer. If no payment of hire fees has been made, the Event Organiser will not be required to make payment.

The following conditions apply if the Event Organiser is to cancel or suspend the event:

- All cancellations, changes, suspensions and refund requests must be forwarded in writing, by email, to Orange City Council via council@orange.nsw.gov.au. If eligible for a refund of fees, the Event Organiser must provide bank details in which fees are to be refunded to.
- Cancellations received by 5.00pm, 7 days prior to the event, will be refunded in full. Refunds will be processed within 21 days of receiving the cancellation via an EFT payment/direct transfer.
- Cancellations received less than 7 days from the event date are ineligible for a refund if full payment has been made or are required to pay all hire fees in full if no payment has been made. The Event Organiser will not receive any reimbursement of these fees. The same applies if the event does not go ahead or if cancellations are received on the day of the event due to inclement/bad weather. The possibility of inclement weather needs to be taken into consideration during the event planning process.



- Suspensions received 48 hours prior to the event are permitted to have any funds receipted by Council to be held in trust and applied to the rescheduled event date. If the rescheduled event date falls within a subsequent financial year, the Event Organiser is required to pay any variances in accordance with Council's Fees and Charges. The Event Organiser must also pay any incidental costs associated with the preparation of the venue for both the original event date and any rescheduled date thereafter.

If an Event Organiser is in receipt of a Donation or Grant by Council, and the event is cancelled, the funds are to be immediately returned to Council.

Regardless of the party responsible for the removal of approval, cancellation or suspension of an event, any notification required to all stakeholders will be the responsibility of the Event Organiser. The Event Organiser will be held accountable for any costs associated with the removal of approval, cancellation or suspension of the event.

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All policies can be reviewed or revoked by a resolution of Council, at any time

ACCESS TO INFORMATION HELD BY COUNCIL

ST083

F22

OBJECTIVES

The objective of this policy is to state Council's procedures and protocols providing public access to information as governed by Government Information (Public Access) Act 2009.

APPLICABILITY

This policy applies to anyone wishing to access information from Orange City Council and also Council employees in complying with the Government Information (Public Access) Act 2009.

GENERAL

The Government Information (Public Access) Act 2009 ("GIPA") replaced the Freedom of Information Act 1989 and Section 12 of the Local Government Act.

The GIPA Act is designed to promote a more open, accountable, fair and effective government and provides the public with an enforceable right to access Council information.

The only restriction to release to information is when there is an overriding public interest against disclosure.

Council is not required to make government information available in any way that would constitute a breach of copyright.

PROCEDURE

The procedure for dealing with applications to access Council information will be dealt with in accordance with the Access to Information Procedure.

RELATED POLICIES/DOCUMENTS

Government Information (Public Access) Act 2009
 Local Government Act 1993
 Privacy and Personal Information Protection Act 1998
 Copyright Act 1968 (Cwth)
 Code of Conduct
 Access to Information Held by Council Procedure

Responsible Area – Corporate and Commercial Services

REVISION					
	DATE	RESOLUTION		DATE	RESOLUTION
1	January 2009	09/453	4	5 June 2018	18/254
2	21 May 2013	13/223	5	2 April 2019	19/225
3	6 November 2014	14/1011	6		
All policies can be reviewed or revoked by resolution of Council, at any time.					



All policies can be reviewed or revoked by a resolution of Council, at any time

SUMMARY OF AMENDMENTS

Amendment Date	Section/Reference and Amendment
January 2020	<p>Following amendments to Access to Information Held by Council Procedure:</p> <ul style="list-style-type: none"> • Formatting changes to whole of document. • Clause 1.3 – Informal Application - replacement of “Access to Information Application” with “Informal Request for Information form”. • Clause 1.4 – Formal Application - replacement of “Access to Information Application” with “Formal Access Application”. • Clause 2.2 – Excluded Information – replaced 13 categories of information with 16 categories of information for which there is a conclusive presumption of an overriding public interest against disclosure. Replaced “27” specifically named Acts referred to under overriding secrecy laws with “26” specifically named Acts. • Clause 4.2 - Review by Information Commissioner – addition of the words “The Information Commissioner must complete the review, and make any recommendations to Council within 40 working days after the Information Commissioner receives all information it considers necessary to complete the review.” • Clause 5.3 - Discount in Processing Charges – addition of the words “A processing charge must not be discounted under financial hardship or special public benefit by more than 50% even if both apply.” • Clause 8 – Contracts Register - addition of the words “(including GST)” after “\$150,000”. • Annexure C – Access to Information Application replaced with Informal Request for Information Form. • New Annexure D – Formal Access Application.
November 2018	<p>Following amendments to Access to Information Held by Council Procedure:</p> <ul style="list-style-type: none"> • Information about Development Applications (page 11) – addition of the words “records of decisions made on or after 1 July 2010” before “Development Applications” where appearing in Clause b). • Addition of clause 2(c) “Development applications made before 1 July 2010 and any associated documents received (whether before, on or after that date) in relation to the application” (page 11).
March 2018	<p>Following amendments to Access to Information Held by Council Procedure:</p> <ul style="list-style-type: none"> • Replacement of term “Administrative Decision Tribunal” with “NSW Civil and Administrative Tribunal (NCAT)”. • Page 7 – Additional Sub-heading – “Discount in Processing Charges – Formal Access Applications” and description of 3 categories where discount will apply. • Annexure A – information about Council. Addition of item “j) – Any codes referred to in LGA”. • Annexure C – Access to Information Form updated (formatting changes, Fees and Charges referenced to Council’s Schedule of Fees and Charges)
November 2014	<p>Following amendments to Access to Information Held by Council Procedure:</p> <ul style="list-style-type: none"> • Formatting changes to whole of document. • Page 4 – Restriction on Access to Information. Addition of sub-headings to include “Public Interest Test”, “Excluded Information” and “Copyright”. • Page 7 – Addition of Heading “Processing times/fees and charges” and addition of sub-headings, “Informal Requests for Information” and “Formal Access to Information”. • Page 8 – Addition of further information to Class 2 Contracts • Annexure C – Access to Information Application form updated.



Strategic Policy

Access to Information Held By Council
Government Information (Public Access) Act 2009

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Access to Information held by Council

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Access to Information held by Council

1 Forms of Access

There are four ways to access Council information via the Government Information (Public Access) Act 2009 ("GIPA"):

1.1 Mandatory Release

Members of the public may inspect, free of charge, during ordinary office hours the documents listed in Section 18 of the GIPA Act and the documents listed in Schedule 1 of the GIPA Regulations. Please see Annexure marked "A" which lists the information that must be made publicly available. This information is known as "open access information" under the GIPA Act. Documents required to be available for public inspection as open access information, will, where practicable, be made available on Council's website, unless to do so would impose unreasonable additional costs to Council. Copies of such documents may be provided for a charge not exceeding reasonable photocopying costs. Council is not required to make government information available in any way that would constitute a breach of copyright.

1.2 Proactive Release

Council can make an executive decision to release extra information that is not covered by the mandatory provision and that is not already publicly available, free of charge.

1.3 Informal Application

This is to allow the public to request information without the need of a formal application and may be inspected free of charge, however, copies of documents may incur charges not exceeding reasonable photocopying costs. It should be noted that this form of access does not allow for the applicant to seek any type of review of their determination. An informal application may be submitted via an "Informal Request for Information" Application (refer Annexure "C").

1.4 Formal Application

If a request for information involves a large volume of information, extensive research is required or if the information relates to third party personal/business information, Council may require the lodgement of a Formal Access Application. A Formal Access Application (refer Annexure "D") may be submitted to Council including enough information for the required information to be identifiable, submitted with the prescribed \$30.00 fee attached to validate the application. A processing charge for each application is applicable at a rate of \$30 per hour for each hour of processing time for the application after the first hour. If a Formal Access Application is made for personal information about the applicant (the applicant being an individual) the first 20 hours of processing time is free. Lodgement of a Formal Access Application entitles the applicant to review rights under the GIPA Act. There are three avenues of review; internal review, review by the Information and Privacy Commissioner and review by the NSW Civil and Administrative Tribunal (NCAT).

2 Restrictions on Access to Information

Council may refuse a request for information if there is an overriding public interest against disclosure or if searching for the requested information would require unreasonable and substantial diversion of Council's resources.

Council will not refuse access to information unless there are clear reasons for doing so, and such reasons will be explained to the applicant. Where documents contain some information which cannot be released, any remaining information contained within the requested document will be available under the Act.

2.1 Public Interest Test

In determining whether there is an overriding public interest against the disclosure of the information, Council will fully consider the Public Interest Test.

What is the Public Interest Test? When deciding to release information, Council must weigh the factors in favour of disclosure against the public interest factors against disclosure. Unless there is an overriding public interest against disclosure, Council must provide the information.

In applying the Public Interest Test, Council will not take into account:

- That disclosure might cause embarrassment to, or loss of confidence in, the Council.
- That any information disclosed might be misinterpreted or misunderstood by any person.

Council will consider any submissions made by an applicant in relation to public interest considerations, as well as any factors personal to the applicant.

2.2 Excluded Information

The only considerations against disclosure that Council will consider in applying the public interest test are those provided in the GIPA Act. These considerations are grouped under the following headings:

- Responsible and effective government
- Law enforcement and security
- Individual rights, judicial processes and natural justice
- Business interests of agencies and other persons
- Environment, culture, economy and general matters
- Secrecy provisions
- Exempt documents under interstate Freedom of Information legislation.

Under the GIPA Act, there are 16 categories of information (8 of which appear to affect local government) for which there is a conclusive presumption of an overriding public interest against disclosure. This information is known as Excluded Information and the eight categories are:

- 1 Information subject to an overriding secrecy law (26 specifically named Acts)
- 2 Information subject to the direction or order of a court or other body with the power to receive evidence on oath
- 3 Information subject to legal professional privilege

Access to Information held by Council

- 4 "Excluded information" (judicial and prosecutorial information, information about complaints handling and investigative functions, competitive and market sensitive information)
- 5 Documents affecting law enforcement and public safety
- 6 Specific information relating to transport safety
- 7 Specific reports concerning the care and protection of children
- 8 Specific information relating to Aboriginal and environmental heritage

Generally under the GIPA Act, Council must not publish and must refuse requests to disclose information in the above categories. Formal applications for excluded information are invalid under the Act.

In dealing with informal applications Council will apply a similar decision making framework.

Broad requests for access to a large number of unspecified documents which, if processed, would divert substantial Council resources from dealing with other requests, or from performing other Council functions may be refused on the grounds that such a diversion of resources is contrary to the public interest. Council will endeavour to assist in defining the request to a more management one.

2.3 Copyright

Copyright issues may arise when requests are made for copies of documents held by Council. The Commonwealth Copyright Act 1968 takes precedence over State legislation. Therefore the right to copy documents under the GIPA Act does not override the Copyright Act. Nothing in the GIPA Act or Regulations permits Council to make government information available in any way that would constitute an infringement of copyright.

Access to copyrighted documents will be granted by way of inspection only, unless the copyright owner's written consent is provided. Where authority is unable to be obtained, copies of copyright material will not be provided.

Copyright material includes, but not limited to, plans/drawings, consultant reports and survey reports.

2.4 Third Party Consultation

Third party consultation must be taken when the Application to access information includes:-

- Personal information about a person, or
- Concerns the person's business, commercial, professional or financial interest, or
- Concerns research that has been, is being, or is intended to be, carried out by or on behalf of the person, or
- Concerns the affairs of a government of the Commonwealth or other State (and the person is that government).

If the third party objects to the release of their information, they must show evidence consistent with the GIPA Act as to why to restrict the release of information. The evidence provided by the third party will be taken into account; however, in any event the decision to release information rests with Council.

3 Formal Application Process

Upon receipt of a formal application, Council must acknowledge receipt of the application and accept or reject the application within 5 working days.

If the application is invalid and does not contain enough information to process the Council staff member determining the application must assist the applicant to enable a valid application.

A decision regarding access to information must be made within 20 working days after receipt of the application. The decision period can be extended by up to 10-15 days if third party consultation is required or records are required to be retrieved from Council's archives.

4 Rights of Review and Appeal

A right of review exists only for formal applications made in accordance with the GIPA Act. No right of review exists for informal applications.

If an applicant has lodged a formal application and is aggrieved by a decision of Council, that person is entitled to a review of the decision in any of the following methods:

4.1 Internal Review by Council

The applicant can seek an internal review to be made by Council within 20 working days following the date of receipt of the decision.

A fee of \$40.00 must be paid upon application of the review of the decision.

The internal review cannot be conducted by the original decision maker and is to be no one less senior than the decision maker.

An internal review is not available to the applicant, if the initial decision was made by Council's delegated principal officer.

A decision of the internal review must be made within 15 working days and 25 working days if consultation is required.

4.2 Review by Information Commissioner

Must be made by the applicant within 40 working days following the date of receipt of the decision.

The Information Commissioner will consider the application and the onus is on Council to justify the decision.

The Information Commissioner must complete the review, and make any recommendations to Council within 40 working days after the Information Commissioner receives all information it considers necessary to complete the review.

The Information Commissioner can make a recommendation for reconsideration of the matter by Council and or refer the matter to the NCAT.

4.3 Review by NCAT

Must be made by the applicant within 40 working days following the date of receipt of the decision.

Access to Information held by Council

If the decision is the subject of review by the Information Commissioner, an application for NCAT review can be made at any time up to 20 working days after the applicant is notified of the completion of the Information Commissioner's review.

The onus is again on Council to justify decision.

5 Processing Times/Fees and Charges

5.1 Informal Requests for Information

Where possible, Council will process Informal Applications under the GIPA Act and will respond to such requests within ten working days.

No processing charges apply and there are no charges to view the requested information, however, copies of documents can be supplied for charges not exceeding reasonable photocopying charges as outlined in Council's Fees and Charges annually adopted by Council.

5.2 Formal Access to Information

Formal Access to Information Applications must be determined within 20 working days (statutory requirement) after receipt of the application, however, this decision period may be extended by 10-15 working days where consultation with a third party is required or to retrieve information from Council's archives.

The formal Access application fee is \$30.00 (statutory fee). Processing charges of \$30.00 per hour also apply in dealing with the application. The application fee of \$30.00 paid by the applicant counts as payment towards any processing charge payable by the applicant.

5.3 Discount in Processing Charges – Formal Access Applications

a) Financial Hardship (Section 65 GIPA Act)

An applicant is entitled to a 50% reduction in processing charges if Council is satisfied the applicant is suffering financial hardship and provides evidence that the applicant:

- Is the holder of a Pensioner Concession card issued by the Commonwealth that is in force; or
- Is a full-time student; or
- Is a non-profit organisation.

b) Special Public Benefit (Section 66 GIPA Act)

An applicant is entitled to a 50% reduction in a processing charge if Council is satisfied that the information applied for is of special benefit to the public generally.

c) Personal Information

If a formal Access to Information application is made for personal information about the applicant (the applicant being an individual), the first 20 hours of processing time for the application is free (statutory requirement).

A processing charge must not be discounted under financial hardship or special public benefit by more than 50% even if both apply.

Access to Information held by Council

6 Disclosure Log

As required by the GIPA Act, Council must keep and maintain a disclosure log which is to record all formal access applications made to Council that Council decides to provide access to if the information is information that Council considers may be of interest to other members of the public. The disclosure log must include the date the application was decided, a description of the information to which access was provided in response to the application and a statement as to whether any of the information is now available from the agency to other members of the public and (if it is) how it can be accessed.

7 Agency Information Guide

Under the GIPA Act, Council is required to have an Agency Information Guide which must include information about Council, its structure, functions, policies and detail Council information that is made publicly available.

This needs to be developed within 6 months of the commencement of the Act and reviewed and adopted at least every twelve months. Council must notify the Information Commissioner before adopting or amending its Agency Information Guide. Council's Agency Information Guide is accessible on Council's website.

8 Contracts Register

Council is required to maintain a Government Contracts Register for any Contract with a value of \$150,000 (including GST) or more. Information that is to be entered in the government contracts register is set out in Annexure "B".

9 Offences

There are individual and Council offences for any decisions made that are contrary to the GIPA.

Penalties may be imposed if Council employees are proven to act unlawfully, conduct direct unlawful action, improperly influence a decision of the decision maker, misled or deceive, conceal or destroy information.

Each offence is currently charged at 100 penalty points.

Access to Information held by Council

10 Annexures**10.1 Annexure A – Open Access Information**

The following government information held by Council is Council's *open access information* as listed under Section 18 of the GIPA Act that is required to be made publicly available by Council under Section 6 of the GIPA Act (Mandatory proactive release of certain government information):

- a) Council's Information Guide
- b) Information about Council contained in any document tabled in Parliament by or on behalf of Council, other than any document tabled by order of either House of Parliament
- c) Council's Disclosure Log of Access Applications (Division 4 of the GIPA Act)
- d) Council's Register of government contracts (Division 5 of the GIPA Act)
- e) Council's record (kept under Section 6 of the GIPA Act) of the open access information (if any) that it does not make publicly available on the basis of an overriding public interest against disclosure.
- f) Such other government information as may be prescribed by the regulations as open access information.

The following government information held by Council is prescribed by the GIPA Act Regulations (Schedule 1) as Additional open access information:

1 Information about Council

- 1 Information contained in the current version and the most recent previous version of the following records is prescribed as open access information:
 - a) the model code prescribed under section 440 (1) of the LGA and the code of conduct adopted under section 440 (3) of the LGA
 - b) code of meeting practice
 - c) annual report
 - d) annual financial reports
 - e) auditor's report
 - f) management plan
 - g) EEO management plan
 - h) policy concerning the payment of expenses incurred by, and the provision of facilities to, councillors
 - i) annual reports of bodies exercising functions delegated by Council any codes referred to in the LGA
 - j) any codes referred to in the LGA.
- 2 Information contained in the following records (whenever created) is prescribed as open access information:

Access to Information held by Council

- a) returns of the interests of councillors, designated persons and delegates
 - b) agendas and business papers for any meeting of Council or any committee of Council (but not including business papers for matters considered when part of a meeting is closed to the public)
 - c) minutes of any meeting of Council or any committee of Council, but restricted (in the case of any part of a meeting that is closed to the public) to the resolutions and recommendations of the meeting
 - d) Departmental representative reports presented at a meeting of Council in accordance with section 433 of the LGA.
- 3 Information contained in the current version of the following records is prescribed as open access information:
 - a) land register
 - b) register of investments
 - c) register of delegations
 - d) register of graffiti removal work kept in accordance with section 13 of the *Graffiti Control Act 2008*
 - e) register of current declarations of disclosures of political donations kept in accordance with section 328A of the LGA
 - f) the register of voting on planning matters kept in accordance with section 375A of the LGA.
- 2 **Plans and policies**

Information contained in the current version and the most recent previous version of the following records is prescribed as open access information:

 - a) local policies adopted by Council concerning approvals and orders
 - b) plans of management for community land
 - c) environmental planning instruments, development control plans and contributions plans made under the *Environmental Planning and Assessment Act 1979* applying to land within Council's area.
- 3 **Information about Development Applications**
 - 1 Information contained in the following records (whenever created) is prescribed as open access information:
 - a) development applications (within the meaning of the *Environmental Planning and Assessment Act 1979*) and any associated documents received in relation to a proposed development including the following:
 - (i) home warranty insurance documents
 - (ii) construction certificates
 - (iii) occupation certificates

Access to Information held by Council

- (iv) structural certification documents
 - (v) town planner reports
 - (vi) submissions received on development applications
 - (vii) heritage consultant reports
 - (viii) tree inspection consultant reports
 - (ix) acoustics consultant reports
 - (x) land contamination consultant reports
 - b) records of decisions made on or after 1 July 2010 on development applications (including decisions made on appeal)
 - c) a record that describes the general nature of the documents that Council decides are excluded from the operation of this clause by subclause 2
- 2 This clause does not apply to so much of the information referred to in subclause 1(a) as consists of:
- a) The plans and specifications for any residential parts of a proposed building, other than plans that merely show its height and its external configuration in relation to the site on which it is proposed to be erected, or
 - b) Commercial information, if the information would be likely to prejudice the commercial position of the person who supplied it or to reveal a trade secret.
 - c) Development applications made before 1 July 2010 and any associated documents received (whether before, on or after that date) in relation to the application.
- 4 Approvals, orders and other documents**
- Information contained in the following records (whenever created) is prescribed as open access information:
- a) applications for approvals under Part 1 of Chapter 7 of the LGA and any associated documents received in relation to such an application
 - b) applications for approvals under any other Act and any associated documents received in relation to such an application
 - c) records of approvals granted or refused, any variation from local policies with reasons for the variation, and decisions made on appeals concerning approvals
 - d) orders given under Part 2 of Chapter 7 of the LGA, and any reasons given under section 136 of the LGA
 - e) orders given under the authority of any other Act
 - f) records of building certificates under the *Environmental Planning and Assessment Act 1979*

Access to Information held by Council

- g) plans of land proposed to be compulsorily acquired by the local authority
- h) compulsory acquisition notices
- i) leases and licences for use of public land classified as community land.
- j) Performance improvement orders issued to council under Part 6 of Chapter 13 of the LGA

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Access to Information held by Council

10.2 Annexure B – Register of Government Contracts valued a \$150,000 or more**CLASS 1 CONTRACTS**

The following information about a class 1 contract is to be entered in the government contracts register:

- a) the name and business address of the contractor
- b) particulars of any related body corporate (within the meaning of the *Corporations Act 2001* of the Commonwealth) in respect of the contractor, or any other private sector entity in which the contractor has an interest, that will be involved in carrying out any of the contractor's obligations under the contract or will receive a benefit under the contract
- c) the date on which the contract became effective and the duration of the contract
- d) particulars of the project to be undertaken, the goods or services to be provided or the real property to be leased or transferred under the contract
- e) the estimated amount payable to the contractor under the contract
- f) a description of any provisions under which the amount payable to the contractor may be varied
- g) a description of any provisions with respect to the renegotiation of the contract
- h) in the case of a contract arising from a tendering process, the method of tendering and a summary of the criteria against which the various tenders were assessed
- i) a description of any provisions under which it is agreed that the contractor is to receive payment for providing operational or maintenance services.

CLASS 2 CONTRACTS

Additional information is required to be entered in the government contracts register for Class 1 Contracts to which any of the following paragraphs apply (class 2 contracts):

- a) there has not been a tender process, the proposed contract has not been made publicly available and the terms and conditions of the contract have been negotiated directly with the contractor
- b) the proposed contract (whether or not made publicly available) has been the subject of a tendering process and the terms and conditions of the contract have been substantially negotiated with the successful tenderer
- c) the obligations of one or more parties under the contract to maintain or operate infrastructure or assets could continue for 10 years or more
- d) the contract involves a privately financed project as defined by guidelines published by the Treasury (as in force from time to time)
- e) the contract involves a transfer of a significant asset of the agency concerned to another party to the contract in exchange for the transfer of an asset to the agency.

Access to Information held by Council

The additional Information required to be entered in the register for Class 2 Contracts is as follows:


- a) particulars of future transfers of significant assets to the State at zero, or nominal, cost to the State, including the date of their proposed transfer
- b) particulars of future transfers of significant assets to the contractor, including the date of their proposed transfer
- c) the results of any cost-benefit analysis of the contract conducted by the agency
- d) the components and quantum of the public sector comparator if used
- e) if relevant, a summary of information used in the contractor's full base case financial model (for example, the pricing formula for tolls or usage charges)
- f) if relevant, particulars of how risk, during the construction and operational phases of a contract to undertake a specific project (such as construction, infrastructure or property development), is to be apportioned between the parties, quantified (where practicable) in net present-value terms and specifying the major assumptions involved
- g) particulars as to any significant guarantees or undertakings between the parties, including any guarantees or undertakings with respect to loan agreements entered into or proposed to be entered into
- h) particulars of any other key elements of the contract.

CLASS 3 CONTRACTS

If a Class 2 Contract has (or is likely to have) a value of \$5 million or more (a Class 3 Contract), the register must include a copy of the class 3 Contract.

Access to Information held by Council

10.3 Annexure C – Informal Request for Information Application Form



Informal Request for Information

Government Information (Public Access) Act 2009 ("GIPA")

1 of 2

Part 1: Applicant Details

Title	Given Name/s	Surname
<input type="text"/>	<input type="text"/>	<input type="text"/>
Company name (if applicable)		
<input type="text"/>		
Postal Address		Town/City/Suburb
<input type="text"/>		<input type="text"/>
Contact Telephone	Email Address	
<input type="text"/>	<input type="text"/>	

Part 2: Information Requested

Please describe the information you seek. If you do not provide sufficient detail, Council may not be able to process your application.

To assist Council with processing your application, please indicate why you want this information

Date range of the information required Start date: End date:

Part 3: Property Details

For property related enquiries, please also include property address, LOT & DP if known:

Street No.	Street Name		
<input type="text"/>	<input type="text"/>		
Lot No/s (if known)	Section No. (if known)	DP/SP No. (if known)	
<input type="text"/>	<input type="text"/>	<input type="text"/>	
<input type="checkbox"/> Owner <input type="checkbox"/> Purchaser of property <input type="checkbox"/> Solicitor/Conveyancer <input type="checkbox"/> Other <input type="text"/>			

Part 4: Form of Access

<input type="checkbox"/> COPY OF DOCUMENTS <small>(Photocopying fees payable as per Council's fees & Charges. Copyright conditions may apply – see Part 5)</small>	<input type="checkbox"/> INSPECT DOCUMENTS	<input type="checkbox"/> EMAIL <small>(fees not exceeding photocopying fees payable as per Council's fees and charges. Copyright conditions may apply – see Part 5)</small>
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PO Box 35 Orange NSW 2800 <small>[019/24177 V7 Sep 2019]</small>	135 Byng Street Orange NSW 2800	P: 6393 8000 F: 6393 8199	council@orange.nsw.gov.au www.orange.nsw.gov.au 1 of 2
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Access to Information held by Council

2 of 2

Part 5: Proof of Identity/Property Owner's Consent/Copyright Owner's Consent

Personal Information: An applicant must provide proof of identity in the form of a **certified copy** of any one of the following documents if seeking access to their personal information or access to all their property related files:

☐ Current Australian Driver's Licence ☐ Current passport ☐ Other (please specify):

Non Open-Access Information: Access to property information not listed as "Open Access" information under the GIPA Act (refer to Council's Access to Information Policy and Agency Information Guide available on Council's website) including internal residential floor plans **will require the property owner's written consent, together with a certified copy of property owner's proof of identity.**

☐ Property owner's written consent attached, together with certified copy property owner's identity

COPYRIGHT Access to copyrighted documents will be granted by way of inspection only, unless the copyright owner's written consent is provided. Where authority is unable to be obtained or the architect/copyright owner is not able to be contacted, copies of copyright material will not be provided. Such documents include Plans and consultant reports submitted with a DA (please note this list is not definitive). If requested documents are subject to copyright, Council will provide you with the details of the copyright owner to assist you in obtaining copyright owner written consent.

Part 6: Applicant Declaration

- The information I have provided is complete and correct.
- I understand written permission is required before copies of documents can be provided as per above.
- I understand I may peruse records and take notes.
- I will observe any directions given to me while viewing records.
- I will not photograph, trace, write on or otherwise deface, damage or remove a record.
- I understand there are fees associated with obtaining copies of documents, either in hard copy or electronic format.
- I have read the Privacy & Personal Information Protection Notice below.

Signature: _____ Date: _____

Privacy & Personal Information Protection Notice

The personal information requested on this form is collected for the purpose of recording and processing this application and providing the information requested. Access is limited to use by Council employees and other authorised persons. Supply of the personal information is voluntary, but if you cannot, or do not wish to, provide the information sought, Council may not be able to process your application. You may make application for access or amendment to information held by Council. This document will be stored on Council's electronic Records Management Database and archives.

OFFICE USE ONLY

Receiving Officer:	Date Received:	Ident. docs sighted/copied (specify details):
Processing Officer:	Date Completed:	File Ref:
Outcome of request/action taken:		
Consents attached:	Property Owner consent/identification: <input type="checkbox"/> Yes <input type="checkbox"/> NA Details:	Copyright Owner consent details: <input type="checkbox"/> Yes <input type="checkbox"/> NA Details:
File numbers:		
Date files returned:	<input type="checkbox"/> Records: ___/___/___ <input type="checkbox"/> Other: (Department name) _____ Date: ___/___/___	
Fees calculation:		

CASHIERS

RECEIPT TYPE: 100 Plans: 01.00502.0072.1501 Other: 01.00201.0072.2500 Ref: Informal GIPA fee	Date: ___/___/___	Copying/scanning fees: \$ _____	Receipt No: _____	Cashier: _____
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Please lodge this form by post, in person or email at the addresses below. Council aims to process your request within ten (10) working days

PO Box 35 Orange NSW 2800 [019/34177 V7 Sep 2019]	135 Byng Street Orange NSW 2800	P: 6393 8000 F: 6393 8199	council@orange.nsw.gov.au www.orange.nsw.gov.au 2 of 2
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10.4 Annexure D – Formal Access Application Form



Formal Access Application

Government Information (Public Access) Act 2009 ("GIPA")

Part 1: Applicant Details

1 of 3

Title	Given Name/s	Surname
<input type="text"/>	<input type="text"/>	<input type="text"/>
Company name (if applicable)		
<input type="text"/>		
Postal Address	Town/City/Suburb	Postcode
<input type="text"/>	<input type="text"/>	<input type="text"/>
Contact Telephone	Email Address	
<input type="text"/>	<input type="text"/>	

Part 2: Information Requested

Please describe the information you seek. If you do not provide sufficient detail, Council may not be able to process your application.

To assist Council with processing your application, please indicate why you want this information.

Date range of the information required Start date: End date:

Part 3: Property Details

For property related enquiries, please also include property address, LOT & DP if known:

Street No.	Property Name and Street Name		
<input type="text"/>	<input type="text"/>		
Lot No/s (if known)	Section No. (if known)	DP/SP No. (if known)	
<input type="text"/>	<input type="text"/>	<input type="text"/>	
<input type="checkbox"/> Owner	<input type="checkbox"/> Purchaser of property	<input type="checkbox"/> Solicitor/Conveyancer	<input type="checkbox"/> Other <input type="text"/>

Part 4: Form of Access

<input type="checkbox"/> COPY OF DOCUMENTS	<input type="checkbox"/> INSPECT DOCUMENTS	<input type="checkbox"/> OTHER (please specify)
--	--	---

PO Box 35
Orange NSW 2800
[D19/54176 V7 Sep 2019]

135 Byng Street
Orange NSW 2800

P: 6393 8000
F: 6393 8199

council@orange.nsw.gov.au
www.orange.nsw.gov.au

1 of 3



GIPA Formal Access Application

Applicant Name: _____

File Ref: _____

Part 5: Proof of Identity

2 of 3

Only required when an applicant is requesting information on their own behalf.

When seeking access to personal information, an applicant must provide proof of identity in the form of a **certified copy** of any one of the following documents:

- ☐ Current Australian Driver's Licence ☐ Current passport ☐ Other (please specify):

Part 6: Third Party Consultation

Council may need to consult with other parties about the release of the information that you have requested.

- Yes, I object to the release of my name ☐
 • No, I have no objection to the release of my name only ☐

Part 7: Disclosure Log

If the information sought is released to you and would be of interest to other members of the public, details about your application may be recorded in Council's "Disclosure Log" (s.25 GIPA Act). This is published on Council's website. The information recorded is the date the application is decided, a general description of the information to which access is provided in response to the application and a statement as to whether any of the information is now available from Council other members of the public and (if it is) how it can be accessed. Do you object to this?

Yes, I object. ☐No, I have no objection. ☐

Part 8: Application Fee

\$30.00 application fee to be paid:

- In person (cash / cheque / money order / credit card) ☐
 • By mail (cheque / money order only) Note: do NOT send cash by post ☐
 • By telephone (credit card only - processing surcharge may apply) Note: we will call you once the application has been received to arrange payment ☐

Part 9: Processing Charges

- A **\$30 per hour processing charge** will apply in processing your application.
- You will be supplied with an estimate of processing charges prior to processing of your application.
- You may be required to pay an advance deposit (s.68 GIPA Act)
- You may apply for a reduction of the processing charge under the following categories, but you will be required to provide supporting documentation. A 50% reduction applies to holders of a Pension or Centrelink Card, full time students and non-profit organisations. If you wish to apply for a discount, please indicate the reason:
 - 1 Personal Information (first 20 hours of processing time is free – proof of identity required) ☐
 - 2 Financial hardship (50% reduction) (certified copy Pension or Centrelink Card required) ☐
 - 3 Full-time student (50% reduction) (proof required) ☐
 - 4 Non-profit organisation (50% reduction) (proof required) ☐
 - 5 Special benefit to the public (50% reduction) ☐

If you selected a special benefit to the public, please specify why below. Council will consider if such reasons substantiate that the information requested would better inform the public about government and/or concerns a public issue which would be of special benefit or special interest to the public generally.

PO Box 35
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[019/34176 V7 Sep 2019]

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Orange NSW 2800

P: 6393 8000
F: 6393 8199

council@orange.nsw.gov.au
www.orange.nsw.gov.au

2 of 3



GIPA Formal Access Application

Applicant Name: _____

File Ref: _____

Part 10: Applicant Declaration

3 of 3

- 1 The information I have provided is complete and correct.
- 2 Where applicable, I have attached documents required for the purpose of this application (eg evidence of identity, evidence of financial hardship re processing charges).
- 3 I have included the relevant application fee.
- 4 I understand that I may be required to pay processing charges and an advance deposit in respect of this request and that I will be supplied with an estimate of charges prior to processing if appropriate.
- 5 I understand it is an offence to give misleading information about my identity, and doing so may result in a decision to refuse to process my application.
- 6 I have read the Privacy & Personal Information Protection Notice below.

Signature

Date

Privacy & Personal Information Protection Notice

The personal information requested on this form is collected for the purpose of recording and processing this application and providing the information requested. Access is limited to use by Council employees and other authorised persons. Supply of the personal information is voluntary, but if you cannot, or do not wish to, provide the information sought, Council may not be able to process your application. You may make application for access or amendment to information held by Council. This document will be stored on Council's electronic Records Management database and archives.

Processing Times

Under "Formal Access" Council must give you notice of its decision within 20 working days, although this time may be extended by 10-15 working days where consultation with a third party is required or to retrieve information from archives. Under "Formal Access" you have a right of review of Council's decision of whether or not to provide the information requested.

NOTE: Council encourages applications for access to information to be made, in the first instance, under the "Informal Release" provisions of the Government Information (Public Access) Act 2009. Please contact Council's GIPA Right to Information Officer for more information.

Lodgement

You may lodge this form by post, in person, or email at the addresses below.

OFFICE USE ONLY

RECEIPT TYPE: 85 NO: 01.201.72.2500 Ref: GIPA Application Fee (GST FREE)	Date: <input type="text"/> / <input type="text"/> / <input type="text"/>	Formal Application Fee: <input type="text"/> \$30.00	Receipt No: <input type="text"/>	Cashier: <input type="text"/>
RECEIPT TYPE: 85 NO: 01.201.72.2500 Ref: GIPA Advance Deposit (GST FREE)	Date: <input type="text"/> / <input type="text"/> / <input type="text"/>	Advance Deposit Fee: <input type="text"/> \$	Receipt No: <input type="text"/>	Cashier: <input type="text"/>
RECEIPT TYPE: 85 NO: 01.201.72.2500 Ref: GIPA Processing Fees (GST FREE)	Date: <input type="text"/> / <input type="text"/> / <input type="text"/>	Processing Fee: <input type="text"/> \$	Receipt No: <input type="text"/>	Cashier: <input type="text"/>

PO Box 35
 Orange NSW 2800
 (D19/34176 V7 Sep 2019)

135 Byng Street
 Orange NSW 2800

P: 6393 8000
 F: 6393 8199

council@orange.nsw.gov.au
 www.orange.nsw.gov.au

3 of 3

5.2 BANJO PATERSON MEMORIAL PARK - HERITAGE LANDSCAPE PLAN

RECORD NUMBER: 2020/32

AUTHOR: Alison Russell, Community Museum and Heritage Manager

EXECUTIVE SUMMARY

Orange City Council applied for an Office of Environment and Heritage Activation Grant in 2018 to reinvigorate Banjo Paterson Memorial Park, Orange and create connections with our local and cultural heritage. This report provides an overview of the outcomes to date and future management of the Park.

LINK TO DELIVERY/OPERATIONAL PLAN

The recommendation in this report relates to the Delivery/Operational Plan strategy “4.3 Live - Maintain and renew cultural facilities and programs”.

FINANCIAL IMPLICATIONS

Nil

POLICY AND GOVERNANCE IMPLICATIONS

Nil

RECOMMENDATION

- 1 That the report on Banjo Paterson Memorial Park – Heritage Landscape Plan be acknowledged.**
- 2 That the Banjo Paterson Memorial Park Heritage Landscape Plan be placed on exhibition for community comment.**

FURTHER CONSIDERATIONS

Consideration has been given to the recommendation’s impact on Council’s service delivery; image and reputation; political; environmental; health and safety; employees; stakeholders and project management. No further implications or risks have been identified.

SUPPORTING INFORMATION**Brief history of the park**

Banjo Paterson Memorial Park is said to be the birthplace of famous Poet Andrew Barton (Banjo) Paterson. After Banjo died in 1941, WR Glasson put up a proposal that a memorial be erected to Paterson in the vicinity of his birthplace. In 1947, a monument was unveiled by Paterson’s wife Alice in front of a crowd of 400 people, including the poet’s daughter and granddaughters. The reserve no. 75467 was gazetted on 18 April 1952.

Located 5km east of Orange, Banjo Paterson Park was originally a small part of land which was owned by Simeon Lord, a highly successful emancipist entrepreneur. Upon his death, it was granted to six trustees of the will, who then sold the land to the Templer Family.

5.2 Banjo Paterson Memorial Park - Heritage Landscape Plan

John Templer completed construction of the mill in 1848. The three-storey brick mill was made from bluestone foundations with ornamental lintels and sills of sandstone. A brick chimney stood on the south-west corner. Power was supplied by a steam-driven beam engine. The Mill closed in 1869. The mill remained unused for many years and in c1970 the mill was declared dangerous and was demolished in 1971.

In 1977, Orange City Council took over management of the park when the Canobolas Shire was abolished. In 1984 the Apex Club of Orange obtained a grant to employ labourers to put gravel on the access road, install seating, BBQs and low fencing around the carpark.

In 1988, new plantings and signage were installed in conjunction with the Apex Club and in 2003 a Conservation Management Plan was undertaken by Professor Ian Jack.

For several decades the park consisted of the remnant footings of the former Narrambla Steam Flour Mill, an access roadway, fenced car park, a series of grass covered mounds indicating possible sites of the homestead Banjo was born in, outbuildings and dwellings, remnant exotic tree plantings including orchard rows and a bronze statue of Banjo Paterson. More recently the Banjo Paterson Memorial was relocated from the Civic Centre to the park due to the building of the Orange Visitor Centre and Museum.

Due to the recent popularity of Banjo Paterson through the Banjo Paterson Australian Poetry Festival held in February each year, public interest in the poet and his place of birth has generated larger visitor numbers to the region.

GRANT OUTLINE

In 2018, Orange City Council submitted an Activation Grant to the Heritage Office. A total of \$71,278.00 was received.

The grant outline proposed that a Heritage Landscape Plan be developed depicting appropriate locations for a picnic shelter with a BBQ, separate toilet, Banjo Poetry Walk marked with large granite flagstones and engraved with verse from Banjo's literary works, improved interpretation of the site, exposure of the footings of the Narrambla Steam Flour Mill (Templer's Mill) footings and install connecting pathways.

An integral component of the Park is the Narrambla Steam Flour Mill footings. It is essential to conserve the remains of the original mill footings and make safe, presentable and legible for visitors, and that controlled access to the footings be achieved with the least visual intrusion and damage to the historic landscape character of the site.

Progress to date – Stage 1

Landscape Architects (Sala4d) were engaged to consult with interested stakeholders to develop a Heritage Landscape Masterplan for Banjo Paterson Park.

Community consultation identified the following ideals:

- Opportunities to understand the industrial heritage of Orange
- Opportunities to appreciate the life story of Banjo Patterson and celebrate his poetry
- A place to learn about Orange's cultural heritage
- Simple design elements with well-defined paths of travel
- Reinforcing native and non-native vegetation
- Basic park amenity (paths, seats, bins, BBQ, shelter, toilets)
- Interpretive information

Community Consultation identified the following values

- The site is significant as Orange's first industrial site
- Historically the mill's chimney was recognisable in the landscape
- The site offers opportunity for Banjo Patterson and his poetry to be better appreciated
- The historical attributes of the site offer great tourism potential and wider regional linkages to Molong and Yeoval connecting the story of Banjo Patterson

The Heritage Landscape Plan is the foundation document for Banjo Paterson Park and includes the detailed design of the interpretation and park elements that will provide an opportunity to develop the sense of character of the site.

The Heritage Landscape Plan was developed using the recommendations and conservation policies developed by Professor Ian Jack in the *Banjo Paterson Park, Narrambla Orange Conservation Management Plan* 2004. The Heritage Landscape Plan will ensure the heritage significance of Banjo Paterson Park is managed appropriately, interpreted and safeguarded for future generations.

Components of the Grant completed

A trained archaeologist has been engaged to supervise a community engagement project of careful cleaning and removal of dirt build up and broken bricks that were obscuring the footings of the mill. The work was undertaken from 2 – 8 November 2019 and engaged up to 60 community members, local school groups, work for the dole team and library staff using manual labour to clear the debris.



Mill Footings before Archaeological Dig



Community Archaeological Dig – 2 November 2019



Work for the dole team assisting with Archaeological Dig - 6 November 2019



Mill Footings after Archaeological Dig

5.2 Banjo Paterson Memorial Park - Heritage Landscape Plan

On completion of the Archaeological dig, the bluestone foundations, the brick course, some internal wall structures and the boiler housing were revealed. Advice from a conservator will be required on how the integrity of the footings can be conserved into the future.

A formal path will be installed around the footings using the crushed bricks from the demolished mill, providing an appropriated route for visitors and school groups to view the structure. The formal path will discourage direct access onto the ruins of the mill.

The archaeology of the site: the Old Mill Footings and potentially the birthplace of Banjo Paterson are highly significant.

As part of the Heritage Office - Activation Grant 2018, quotations are currently being sought for:

- Installation of picnic shelter and BBQ (northern), earth moving and footings for the cement slab
- Formation of a pathway around the mill footings
- Installation of Banjo Poetry - granite Flagstones
- Installation of interpretative signage – (draft interpretative text in development)
- Development of educational resources for use by school students.

NB. Further research into the toilet component of the grant suggested it was not feasible to install a toilet as part of this grant due to no water or sewerage on site. Additional investigations are required for the best option for a toilet at the park.

The Heritage Landscape Plan outlines a program of work to be completed in two stages, i.e. that of the current Activation Grant 2018 and a further stage – Stage 2. Cost estimates will need to be sourced for components of the grant and funding sought.

The draft Heritage Landscape plan is attached for the Council's information.

Stage 2

- Replace existing copper log vehicular fencing with more appropriate materials – Policy 7.6.2
- Reconfigure parking area to more efficient design with space for buses to turn – Policy 7.6.2, 7.6.9
- Provide interpretative panels near entrance to site and interpretation for other elements of the park
- New toilet amenity building with rainwater tank - Policy 7.6.2
- Installation of picnic shelter and BBQ (southern) - Policy 7.6.2
- Install new path network – Policy 7.6.7
- Provide gabion basket corner markers to define corners of the pathway around mill
- Relocated Banjo bust to path junction
- Additional plantings of meadow and additional trees – Policy 7.6.5, 7.6.9
- Undertake archaeological work to ascertain extent of the historic homestead footings and provide interpretation – Policy 7.6.8
- Conservation advice on preserving the mill footings

5.2 Banjo Paterson Memorial Park - Heritage Landscape Plan

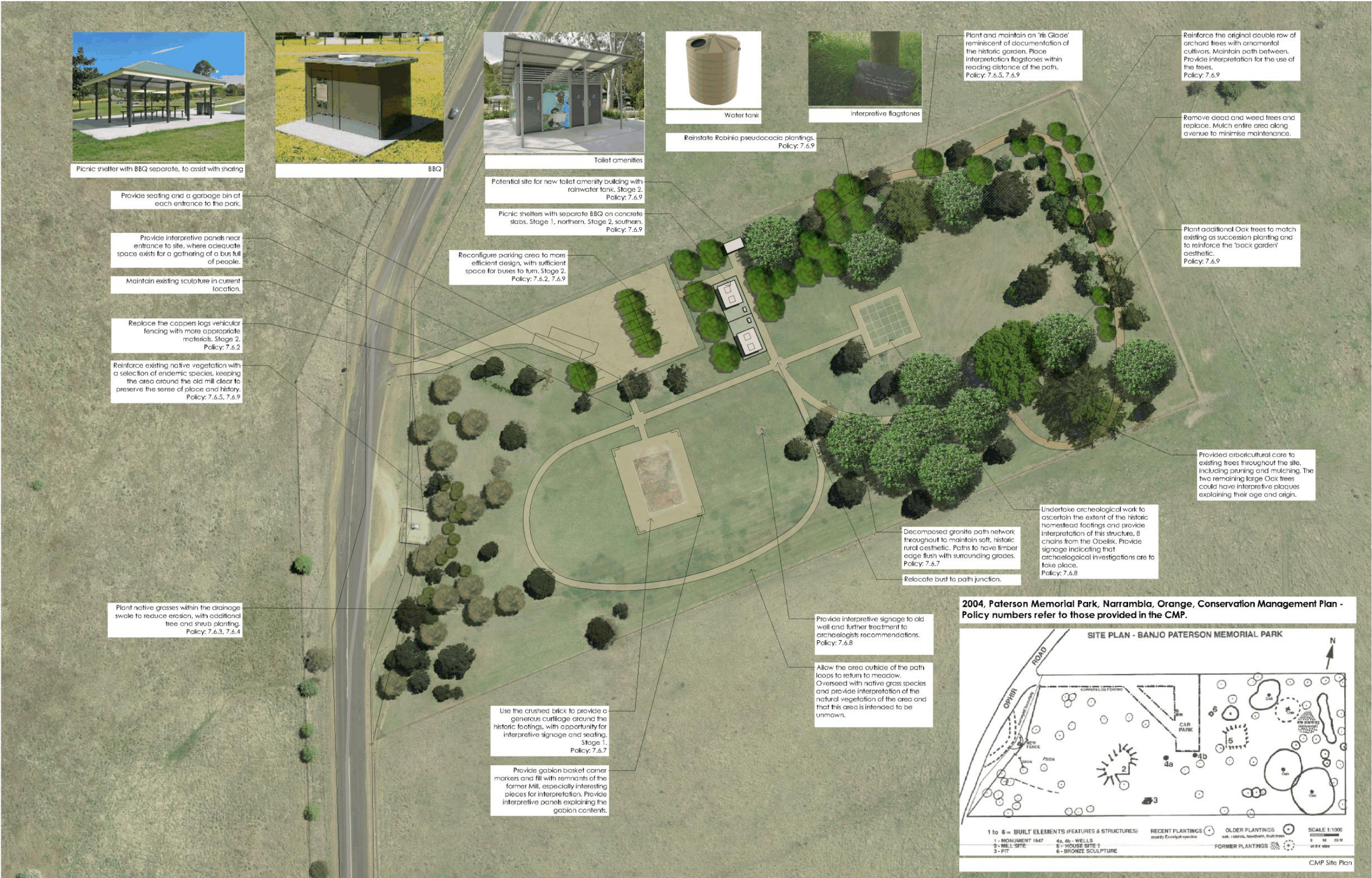
Stages 1 and 2 will enhance the importance of our local history utilising themes such as early Australian agriculture, flour milling, and important people such as Simeon Lord, Banjo Paterson and John Templer.

Banjo Paterson is a notable figure who captured the essence of Australian life in his poems which have become an integral part of Australian Lore. Outcomes of this will be an activated Banjo Paterson Park creating community connections with our cultural heritage. This project will provide important social, community, tourism and educational benefits.

It is recommended that the draft Heritage Landscape Plan go on public exhibition for community comment.

ATTACHMENTS

- 1 Banjo Paterson Park - Heritage Landscape Plan - Final Draft, D20/2007 [↓](#)



5.3 REQUEST FOR FINANCIAL ASSISTANCE REVISITED - ROTARY CLUB OF ORANGE NORTH - LEAD THE WAY FOR GUIDE DOGS

RECORD NUMBER: 2020/104
 AUTHOR: Samantha Freeman, Acting Director Corporate and Commercial Services

EXECUTIVE SUMMARY

Council can only assist other organisations financially (in cash or in kind) in accordance with section 356 of the *Local Government Act 1993*.

Council has in place a policy for donations made under section 356 of the Act. This report provides extra information about the request from the Rotary Club of Orange North for Council to reconsider paying a donation that was approved, but not paid, in 2018/19 (the last financial year).

LINK TO DELIVERY/OPERATIONAL PLAN

The recommendation in this report relates to the Delivery/Operational Plan strategy “15.2 Collaborate - Support community organisations and groups to deliver services and programs”.

FINANCIAL IMPLICATIONS

The overall Small Donations budget for 2019/20 is as follows:

Small Donations Program	Adopted Budget	Actual or Committed	Remaining Balance
Quarter 1	\$35,000.00	\$33,705.42	See Note 1
Quarter 2	\$11,000.00	\$9,262.87	See Note 2
School Prize Giving	\$4,000.00	\$4,000.00	
Quarter 3	\$15,000.00	\$11,249.90	\$6,781.81
Quarter 4	\$15,000.00	\$0.00	\$15,000.00
Orange Harness Racing Club - Annual to 2025/26	\$20,000.00	\$20,000.00	\$0.00
TOTAL	\$100,000.00	\$78,218.19	\$21,781.81

Notes

- 1 Balance of Quarter 1 (\$35,000.00 - \$33,705.42 = \$1,294.58) rolled over to Quarter 2.
- 2 Balance of Quarter 2 (\$16,294.58 - \$13,262.87 = \$3,031.71) rolled over to Quarter 3.
- 3 \$6,781.81 remains in Quarter 3 for consideration of this application.

POLICY AND GOVERNANCE IMPLICATIONS

Nil

RECOMMENDATION

That a donation of \$5,027.42 be made from the Small Donations Program to the Rotary Club of Orange North (Lead the Way for Guide Dogs).

5.3 Request for Financial Assistance Revisited - Rotary Club of Orange North - Lead the Way for Guide Dogs

FURTHER CONSIDERATIONS

Consideration has been given to the recommendation's impact on Council's service delivery; image and reputation; political; environmental; health and safety; employees; stakeholders and project management; and no further implications or risks have been identified.

SUPPORTING INFORMATION

At its meeting on 16 October 2018, Council resolved:

RESOLVED - 18/478**Cr J McRae/Cr S Nugent**

The Council resolves:

- 1 Council acknowledge that the North Orange Rotary have requested that the Council meet the Club's expenses for hire of the Orange Civic Theatre under the Donations Policy, amounting to a total of \$5027.42.*
- 2 That North Orange Rotary will pay these expenses to the Council on presentation of an invoice.*
- 3 That, subject to payment against the Council invoice:*
 - a that the Council approve a donation of \$1,575.39 to the North Orange Rotary from the General Donation Fund into a special account to be opened by North Orange Rotary for the training of a Guide Dog for a resident of the Orange LGA (which includes the \$1,000 already approved by the Council);*
 - b that the Council approve a donation of \$1,726.01 to the North Orange Rotary from the 3rd Quarter Emergent Fund into a special account to be opened by North Orange Rotary for the training of a Guide Dog for a resident of the Orange LGA;*
 - c that the Council approve a donation of \$1,726.02 to the North Orange Rotary from the 4th Quarter Emergent Fund into a special account to be opened by North Orange Rotary for the training of a Guide Dog for a resident of the Orange LGA;*
 - d that North Orange Rotary write to the Council formally acknowledging the terms of this donation and its commitment to (1) establishing the account; (2) spending funds from this account solely for the purpose of training of a Guide Dog for a resident of the Orange LGA; (3) advise Council immediately when and if a suitable trained dog is provided to an Orange resident and the funds paid to the Guide Dogs NSW/ACT; (4) acknowledge that the funding for the training is provided by the North Orange Rotary and Orange City Council; (5) return the funds to Council immediately if for any reason the funds cannot be expended on a guide dog for a person who is a resident of Orange so that the Council can reallocate those funds to support other people with disabilities in Orange.*

5.3 Request for Financial Assistance Revisited - Rotary Club of Orange North - Lead the Way for Guide Dogs

At its meeting of 3 December 2019, the Finance Policy Committee considered the request to review this determined donation. Here are the comments from the report to that meeting:

Rotary Club of Orange North - Lead the Way Concert for the Guide Dogs

Purpose of the Request

In the last financial year, Council resolved a conditional donation to the Rotary Club of Orange North for the Lead the Way Concert for the Guide Dogs at a total of \$5,027.42 if the Club did certain things. This donation was rejected by the contact person on the application.

After that rejection, the Club attempted to contact Council several times to discuss this conditional donation but a meeting was not able to be set before the end of that financial year.

The Club has now raised all money for this project itself, but at the cost of forwarding projects (such as the Driver Simulator).

Given that Council did intend to give this donation, the Board would not have rejected the conditional donation and the money has been raised at the opportunity cost of other projects, it is recommended that Council now give this donation to the Club.

After considering this request on 3 December 2019, Council determined:

RESOLVED - 19/601

Cr R Kidd/Cr J Hamling

That the request from Rotary Club of Orange North for a donation of \$5,027.42 be deferred until further detail is provided.

Further Detail

- 1 The financial statements of the Rotary Club of North Orange have been sighted and it is confirmed that Club itself donated **\$6,723.82** to the project to reach the total cost for this project.
- 2 The financial statements show that the project was in a separate account solely for this project.
- 3 The dog is currently being trained in Orange.
- 4 There is remaining budget in Quarter 3 that will cover this donation and not affect the budget for Quarter 4.
- 5 While determined in 2018/19, paying in 2019/20 is not outside the current policy in relation to more than one donation to the same applicant as the policy now allows the applicant to apply more than once for new emerging projects or new community events.

ATTACHMENTS

- 1 Request to Revisit Guide Dogs Application From Last Financial Year - Orange North Rotary Club, D19/69908 [↓](#)

From: Bruce Whiley
Sent: Thursday, 29 August 2019 9:47 AM
To: Linda McFadden
Cc: 'Terry Hinchcliff'
Subject: Orange North Rotary

Dear Linda

I appreciate your assistance in the Guide dog matter , Thankyou for taking the time to follow up on this matter ,it is greatly appreciated by Rotary .

As explained in our telephone conversation , I was not able to contact [REDACTED] to finalise this matter last year , many emails , numerous phone calls (in excess of 10) and personally attending the council chambers, on several occasions I was unsuccessful in contacting

The issue of the charges for the use of the Council Theatre originated with Orange North Rotary being told by council that the use of the theatre would incur no cost – this advise was made in good faith , however was not correct , due to the Guide dog charity being a state fund , and the benefits of this dog not necessarily remaining local .

The shortfall of the fundraising was covered by the members of Orange North Rotary and has in effect reduced funds available for other projects , it is with this in mind that I would ask if the outstanding \$ 5027 could be made available to Orange North Rotary for another local project , as a council grant , if we are to late for allocations this year then possibly next year .

The project is a road safety initiative in providing local students access to a simulator for Driver Training .

I am following up on this matter, as I was the president of Orange North Rotary at the time of the Very successful concert . Currently the President is Terry Hinchcliff [REDACTED] and future correspondence should be with him and the current board.

Again your efforts are appreciated

Yours sincerely

Bruce Whiley

5.4 DESILTING OF SPRING CREEK DAM

RECORD NUMBER: 2020/126

AUTHOR: Ian Greenham, Director Technical Services

EXECUTIVE SUMMARY

The report addresses Councillor Taylor's request for a report to Council on the feasibility of desilting dams. It is feasible if the Spring Creek Dam is emptied because of a continuing drought and there is a commercial use for the silt.

LINK TO DELIVERY/OPERATIONAL PLAN

The recommendation in this report relates to the Delivery/Operational Plan strategy "8.1 Preserve - Identify and deliver essential water, waste and sewer infrastructure to service the community into the future".

FINANCIAL IMPLICATIONS

The recommendation if enacted is within the reserves of the consolidated water fund.

POLICY AND GOVERNANCE IMPLICATIONS

Nil

RECOMMENDATION

That; if a commercial case can be identified for approximately 150,000 m³ of silt, then Council seek approvals and plan for desilting of Spring Creek Dam.

FURTHER CONSIDERATIONS

Consideration has been given to the recommendation's impact on Council's service delivery; image and reputation; political; environmental; health and safety; employees; stakeholders and project management; and no further implications or risks have been identified.

SUPPORTING INFORMATION**BACKGROUND**

A previous report to Council on 5 March 2007 recommended that Council:

1. *"Develop a project plan aimed at removing willows from the edges of Spring Creek Dam, including utilisation of external labour via appropriate environmental and/or employment programs, and report back to Council.*
2. *Recognise that, while de-silting of Spring Creek Dam would assist in providing additional water storage capacity for the city water supply, due to the environmental issues and the extensive time frame involved to gain approval for this work, other more cost-effective solutions be pursued, with the highest priority given to upgrading of Suma Park Dam."*

FURTHER CONSIDERATION

It is generally accepted that desilting a town water supply dam is not a feasible solution to more storage and therefore water security. Most of the points raised in the previous report are still valid today.

The Suma Park Dam upgrade delivered approximately 1,700ML additional storage for approximately \$17 million or \$10,000/ML or \$10/kL.

Provided:

- Spring Creek Dam is empty as recommended as a requirement in the report;
- There is a commercial use for the silt that will transport, store and process it elsewhere;
- That approval process allows the works to proceed without too many conditions;
- Council could stockpile within the dam footprint with a combination of dozer and scraper and load out directly onto a commercial carrier with no double handling for approximately the same cost of \$10/m³ or \$10/kL (including contingency for temporary hardstand and access).

This would generate an estimated 150,000m³ of silt. Discussions have commenced with both ANL and Cadia. Neither of them utilise silt in their current processes but are considering it.

If one or both are able to take the silt, including supply trucks for transport, then the desilting project becomes feasible for Council to consider. If not, nothing ventured nothing gained. If a commercial use is identified for the silt then Spring Creek Dam could potentially be empty in six to 12 months, under a continuing drought, which would facilitate these works.

ATTACHMENTS

- 1 WPC - 15 March 2007 - De-silting Spring Creek Dam, D20/4308[↓](#)
- 2 Preliminary Feasibility Assessment - Spring Creek Dam Desilting - March 2007, D20/4294[↓](#)

2007/209

**REPORT TO GENERAL MANAGER
WORKS POLICY COMMITTEE MEETING – 15 MARCH 2007****FROM DIRECTOR TECHNICAL SERVICES****DATE 5 MARCH 2007****ON DE-SILTING OF SPRING CREEK DAM****107/444/540/1**

Background

Council, at its meeting of 15 February 2007, called for a report on the option of de-silting Spring Creek Dam whilst it is essentially empty following recent upgrading works.

Council staff had previously provided indicative costings for this work, based on the volume of water needed to provide one days supply during summer, or 25ML. This estimate, of \$0.5M, was only intended to provide a preliminary indication of the relative cost of this work and was not based on any actual volume of silt which may have been recoverable for the dam.

In order to provide Council with an independent expert opinion of the issues surrounding the de-silting of Spring Creek Dam, local engineering and environmental consultants Geolyse were commissioned to undertake a Preliminary Feasibility Assessment of this work. A copy of their report is provided under separate cover.

The Geolyse report concluded that an additional storage capacity of around 148ML, representing an increased storage capacity of 3%, could be achieved through the de-silting of the dam. This additional volume represents an increase of 0.7% in total storage capacity of the city's water supply, which would provide for around a weeks supply during summer months.

The report estimates the cost of this de-silting work to be in the order of \$3.5 to \$5.3M. The final cost depends on many issues such as the ease of extraction of the material, length of haulage required, opportunities to stockpile the material and the quality of the extracted material. These costs are preliminary in nature and provided to give an overall appreciation of the cost of this work should Council wish to proceed further with this project.

Preliminary Works

A key issue identified in the Geolyse report is the extent of preliminary works which would need to be undertaken before the de-silting works could proceed. This involves the likelihood of Council having to undertake an Environmental Impact Statement, which would require extensive consultation with a range of Government departments as well as the local community. Given the concerns previously raised about the approval to conduct rowing on Spring Creek Dam, which was ultimately resolved in the Land and Environment Court, it is highly likely that an activity as extensive as de-silting the base of the dam will attract a considerable amount of interest from a number of groups and authorities. The whole approvals process can take considerable time, with six months identified as a realistic time frame.

Removal of Material

The Geolyse report also gives an appreciation of the scale of this project. The estimated volume of 148,000 cubic metres of material represents around 192,000

DE-SILTING OF SPRING CREEK DAM

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cubic metres when loaded into trucks due to bulking factors. Using truck and dog combinations with a capacity of 16 cubic metres, a total of 12,000 truck movements one way would be required. A fleet of 16 truck units achieving 10 loads per day would run constantly for 75 days. The volume of material extracted would cover around 14 football fields to a depth of 2 metres.

The logistics of removing such a quantity of material from the base of a dam are significant. As the report indicates the actual depth of silt is in the order 200mm, however this extends over an area of 74ha making the retrieval of this material a significant challenge. The material needs to be picked up and placed in heaps for efficient loading, which could be achieved mainly utilising scrapers.

It would be vital that very accurate controls be placed on the base level of the dam during this extraction process, so a constant grade is provided to the outlet of the dam to ensure all stored water is useable. If this is not achieved a considerable amount of cost could be wasted in digging what would effectively become dead holes in the base of the dam with no prospect of ever recovering the water which would collect in these holes.

It is unlikely that the base of the dam would remain solid and able to adequately cater for the number of truck movements required without some form of improvements to the base material. A network of haul roads would need to be developed and, depending on ground conditions, may require provision of a gravel pavement especially in unstable areas. This would ensure the repeated passage of trucks did not cause the road to distort and become boggy.

The number of access points from the base of the dam would need to be minimised to reduce impacts on the surrounding vegetation and prevent future erosion of the dam banks. The works would need to commence at the outlet structure and proceed upstream to ensure the worksite did not become flooded during periods of rain. This would require the existing water which has accumulated in the dam to be pumped out before works commenced in order to remove the accumulated silt around the outlet structure and maximise the volume of silt removed. This process would take time to allow this area to dry out sufficiently before heavy equipment could commence work.

Timing

Another consideration, which was identified in the Geolyse report, concerns the timing of this work. Ideally de-silting should have been carried out over the recent summer period when the dam was at its lowest and the base driest. Now that the upgrading works are complete it is essential that the dam fill as quickly as possible to restore the city's water supply. In reality, given the amount of time required to gain the necessary approvals for this work, the actual de-silting could not commence until around October this year. With average rainfall during winter months it would be reasonable to expect some filling of the dam prior to October.

Disposal of Material

The Geolyse report also discusses the issues relating to where the material could be deposited. The ideal situation would be to place it directly in an area where significant fill is required, such as a disused quarry. This would involve formal approval which could include the need to develop a site restoration plan including appropriate environmental controls.

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Due to the uniform particle size of the silt it would not make a well structured soil and so if it were to be used in other applications it would require some processing, including the addition of other soil material, compost etc to improve the soil structure before final use. This would therefore involve double handling to undertake this blending process, adding significantly to the cost.

Project Cost

In order to understand the relative benefit/cost relationship of de-silting compared to other activities the Geolyse report provides comparative information on other activities aimed at increasing water supply for the city.

The cost of de-silting, based on the lower cost estimate of \$3.56M to provide an additional 148ML of storage equates to a cost of \$24,054/ML.

The recent upgrading of Spring Creek Dam cost \$6.5M and increased the effective storage capacity by 2,700 ML, at a cost of \$2,407/ML.

The proposed upgrading of Suma Park Dam, estimated to cost in the order of \$10M and provide an additional 2,700ML of storage costs \$3,700/ML

The preliminary costs for the Lake Rowlands Dam augmentation project indicate an order of cost of around \$72M which will provide an additional 20,000ML of storage capacity, equating to a cost of \$3,600/ML.

Project Alternative

An alternative to maximise the volume of usable water from Spring Creek Dam which Council requested be explored, involves the removal of willows from the foreshores of the dam.

Unlike native tree species which have the ability to control the amount of evapo-transpiration from the leaf surface, willows constantly release moisture to the atmosphere and therefore need to constantly uptake moisture through their fibrous root system. This can result in up to 3-4 ML of water per hectare being absorbed during a year. It is estimated that willows cover around 4-5 ha in and around Spring Creek Dam, therefore by replacing these trees with native species, approximately 12-20 ML of water could be conserved per year.

The order of cost of removing these willows and replacing them with native species is around \$125,000. However significant opportunity exists for these costs to be reduced through use of Work for the Dole teams as well as seeking external funding from groups such as the Central West CMA.

Based on the above figures, a worst case benefit cost scenario would result in a cost of around \$10,400/ML, however this could be reduced to below \$3500/ML if external labour and funding was sourced. This option has the added advantage of an increase in the biodiversity of the site as well as improved water quality in the dam as a result of filtering of run off.

Another alternative would be for Council to remove a portion of the silt in order to minimise the total cost of this project. However any work would still require a comprehensive environmental assessment and approval from the appropriate authorities.

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Future Strategies

Council is considering a wide range of strategies aimed at better management and utilisation of water within the city. The overarching tool for this process is the Integrated Water Cycle Management Plan, which is currently being developed. This plan will provide a strategic framework from which a variety of alternative strategies can be further developed, including effluent re-use, leak detection, stormwater harvesting, improvements to urban water quality, groundwater extraction as well as long term projects such as the Lake Rowlands project. In addition the key focus following the completion of Spring Creek Dam is the upgrading and strengthening of Suma Park Dam, which should be ready for on-site commencement towards the end of this year.

It is important therefore that staff resources be allocated to progressing these key issues, as well as maintaining the focus on the development of Asset Management Plans for both water and sewerage so that funds can be more specifically targeted to deliver the optimum outcome for these service areas. The amount of work which would be required to undertake the de-silting of Spring Creek Dam, and the cost of this work, would impact on the progress of these other key projects and strategies. However, as discussed, the removal of the willows from around the edge of Spring Creek Dam should be pursued and external funding and/or assistance sought to progress this project.

RECOMMENDATION

That Council –

- 1 Develop a project plan aimed at removing willows from the edges of Spring Creek Dam, including utilisation of external labour via appropriate environmental and/or employment programs, and report back to Council,
- 2 Recognise that, while de-silting of Spring Creek Dam would assist in providing additional water storage capacity for the city water supply, due to the environmental issues and the extensive time frame involved to gain approval for this work, other more cost-effective solutions be pursued, with the highest priority given to upgrading of Suma Park Dam.

Chris Devitt

DIRECTOR TECHNICAL SERVICES

**SPRING CREEK DAM
DE-SILTING
PRELIMINARY FEASIBILITY ASSESSMENT**

**PREPARED FOR
ORANGE CITY COUNCIL**

MARCH 2007



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SPRING CREEK DAM

DE-SILTING

PRELIMINARY FEASIBILITY ASSESSMENT

PREPARED FOR:

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PRELIMINARY FEASIBILITY ASSESSMENT
SPRING CREEK DAM DE-SILTING

Report Title:	<i>Feasibility Assessment</i>
Project:	Spring Creek Dam De-Silting
Client:	Orange City Council
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Geolyse Pty Ltd and the authors responsible for the preparation and compilation of this report declare that we do not have, nor expect to have a beneficial interest in the study area of this project and will not benefit from any of the recommendations outlined in this report.

The preparation of this report has relied upon the information, data and results provided or collected from the sources and under the conditions outlined in the report.

All data contained within this report are prepared for the exclusive use of Orange City Council to accompany this report for the land described herein and are not to be used for any other purpose or by any other person or entity. No reliance should be placed on the information contained in this report for any purposes apart from those stated therein.

Geolyse Pty Ltd accepts no responsibility for any loss, damage suffered or inconveniences arising from, any person or entity using the plans or information in this study for purposes other than those stated above.

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PRELIMINARY FEASIBILITY ASSESSMENT
SPRING CREEK DAM DE-SILTING

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Introduction

1.1 BACKGROUND

Spring Creek Dam is located at the junction of Spring Creek and Gosling Creek approximately 4km southeast of Orange. It has a catchment of approximately 63km² and a surface area of close to 1km² at full supply level. The dam has a capacity to hold 4,500ML of water and provides 20% of the city of Orange's total water storage.

For the past five years the dam has only been allowed to hold 40% of its capacity for dam safety reasons. Safety up-grade works, valued at \$6.5 million, are nearing full completion. Works inside the dam have been completed and the dam is beginning to fill. The Minister attended an official opening on 26 February. The works have strengthened the wall but not increased storage.

1.2 BRIEF

Geolyse was engaged to assess the feasibility of opportunistic de-silting now, on the back end of the upgrade works and while the reservoir is essentially empty. Undertaking this activity would increase the dam storage capacity and the conditions under which this activity can be physically undertaken are infrequent and short lived.

1.3 STRUCTURE

- **Section 2** identifies key considerations, including: the quantity and quality of material to be removed; off-site stockpiling/processing/use of material; requisite statutory requirements and environmental impacts.
- **Section 3** provides cost estimates representing two scenarios, covering pre-works approvals; de-silting and haulage; off-site stockpiling/processing.
- **Section 4** presents a conclusion.
- **Appendix A** shows the location of excavated test pits, current extent of inundation, photographs of pit profiles and the area of assumed de-silting.
- **Appendix B** provides a spreadsheet breakdown used for the cost estimates.



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Considerations

2.1 INTRODUCTION

Key considerations include an understanding of the volume of storage that may be attained; the quality and type of the material de-silted; where it will be utilised; an estimated cost for undertaking the activity; and, significantly, the likely lead time needed before works could physically commence.

2.2 STORAGE GAIN

De-silting the dam entails removal of the sediment deposited on top of the (then) natural ground surface since the dam was built 76 years ago. There is no intent to excavate below this level. The quantity of material to be recovered from de-silting can only be estimated. The dam was built in 1931 and 10 years later the wall was raised one metre. The dam failed in the 1960s and was subsequently rebuilt.

A topographical survey of the dam was undertaken in 1982 coinciding with drought and empty conditions. If another survey was now undertaken and can be laid over the 1982 data, the spatial distribution (locations, depths and volumes) of sediment could be estimated for the last 25 years. Arguably this accumulation rate could be applied retrospectively to help provide an estimate of the total accumulated sediment. This exercise would take at least a month to complete and require agency liaison.

Six (6) exploratory test pits were dug into the existing profile at accessible locations within the dam on 23 February 2007. The location of these and photographic logs are provided in **Appendix A**. Field observation of the profiles are summarised below.

Table 2.1 - Exploratory Test Pits

Pit	Depth	Profile
S1	1.1m	0 – 0.4m silty loam with abrupt change to clays.
S2	1.1m	0 – 0.4m silty loam; 0.4 – 0.7m grey clays; 0.7 – 1.1m grey/brown clays with Fe nodules. Pit located near high water mark.
S3	0.7m	0 – 0.5m silty clay; 0.5 – 0.6 pebbly (rounded) gravel, Fe rich & considered remnant stream bed; 0.6 – 0.7m, grey silty clay; 0.7 → heavy yellow clay.
S4	0.8m	0 – 0.1m loamy silt; 0.1 – 0.4m silt; 0.4 – 0.8m black clays. Granite fragments at surface. Located near high water mark. Refusal onto basalt.
S5	0.9m	0 – 0.7m silt; 0.7 – 0.85m clayey silt; 0.85 → siltstone..
S6	1.1m	0 – 0.2 loamy silt; 0.2 – 1.0m silt; 1.0 – 1.1m clays (mottled dark grey, brown and yellow).

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Topsoil depth in this soil landscape prior to inundation could be expected to have been around 300mm. It is assumed that in the silty loams encountered in these pits the bottom 300mm is the original topsoil. The rate and concentration of deposition would vary spatially; with a concentration closer to the original stream beds and behind the wall.

With the obvious caveat, the de-silting is assumed to remove an average of 200mm across an area of 74 hectares. Spatially, this covers the whole area of inundation with retention of a 20 metre buffer to the fully supply level (refer **Appendix A Figure 2**). This would yield 148,000m³ of sediment; providing an additional 148ML of storage: a 3% increase in capacity, the equivalent to about 10 days average water supply for the City of Orange.

2.3 QUALITY

The physical, chemical and biological characteristics of the recovered silt needs to be established. There are applicable guidelines, sampling procedures and protocols that will need to be negotiated and agreed to with the DEC. Ideally the sampling plan would be scoped of the digital terrain model that provides accurate data profiling the spatial distribution of sediment to be removed.

Notwithstanding that the material is silt recovered from the floor of a drinking supply reservoir; this material will need to be classified in accordance with DEC guidelines to validate the waste type.

Outcomes on the intensity of the required sampling (number of samples, extent of permissible composites, etc) will need to be negotiated. Waste classification is important because this will influence requirements on where and how the material is hauled off-site, how it can be stockpiled and the need for (and form of) any processing to make the material fit for purpose – which at this stage is an unknown, as is the location of either an end use location(s) or a temporary stockpiling/processing facility.

It is unlikely, nonetheless possible, that the de-silted material would have a solid waste classification that could cause problems for its management. It has, however, been assumed that the material is likely to be inert. Classification can only be verified through the conduct of a sampling program considered representative of the material to be removed.

In addition to contaminant status, testing for quality analysis would also be needed to ascertain the potential suitability, resource value or limitation (nutrient status, pH, salinity, etc) of the material if its expected use is to be as a conditioner or stable growth medium for rehabilitation projects on degraded landscapes in the district.

An assumption that has a significant impact on cost, but that can not be ignored, is that it would be unlikely that the material could, without any form of processing, be used successfully in landscape rehabilitation or as fill for construction. The need for processing of material to render it fit for purpose is a significant unknown, with significant cost implications.

The quality of the material for its potential engineering suitability (grading, plasticity, etc) would also need to be established so that this end use option can be realistically assessed. It is considered that

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the material's suitability for use as clean fill in construction is likely to be limited due to its likely poor structure (ie. uniform silt as opposed to a well graded soil).

Validation and agreement on the quality issue is significant. This task entails designing a sampling plan to the satisfaction of DEC, conducting the sampling, waiting for laboratory results, interpretation of results and consultation with DEC to sign-off on quality and, by extension, permissible options for this material's handling and management. It is important because the quality of the material will determine, amongst other things, the need for processing to render material fit for whatever end use is pursued.

This task related to the quality of the material could not be completed in less than two months.

2.4 OFF-SITE PROCESSING/STOCKPILING

It will not be an option to establish a stockpiling/processing facility at the dam (certainly not on the foreshore area or on land inundated by a PMF). It could be difficult to establish this facility on any land zoned *Water Supply Catchment* under Council's planning instrument. The storage footprint and land requirement for stockpiling 192,000m³ of material will not be small. It could range from 5ha (assuming maximum stockpiling height of 3m) to 10ha (maximum height 1.5m if processing is required).

Contingent on quality, there is likely to be the need for some form of processing to make the material fit for purpose. The extent and form of processing can only be speculated. It has been assumed that it may entail some form of composting/aeration process, with the potential need for introducing material to the silt to improve its structure, nutrient status, etc. The material is likely to be highly dispersive and of poor structure. Surface crusting on wetting/drying is likely. Weed content is also a consideration. The nutrient status, pH, salinity, etc are unknown.

An assumption that processing is not required would be without basis.

2.5 APPROVALS

The proposed works could be considered an "activity" for water supply purposes and require Part 5 assessment. Separating the de-silting activity (extraction and haulage off-site) from off-site stockpiling and/or processing facility is tenuous. The latter would, by necessity, form an intrinsic component of the de-silting operation and need to be subject to appropriate impact assessment and approvals legislation. The applicable statutory planning arrangement for assessment of these two components would need to be determined in consultation with a range of State Government agencies.

It is considered highly likely that an Environmental Impact Statement (EIS) would be required. Extensive consultation would be required with a suite of agency and community stakeholders, including NSW Fisheries, National Parks and Wildlife Service, Department of Natural Resources, Environment Protection Authority and Orange Field Naturalists. A dredging permit will be required from NSW Fisheries and an Environment Protection Licence (or variation) required from the Environment Protection Authority.

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Regardless of resources, an EIS could not be prepared, submitted and determined in less than six months.

2.6 ENVIRONMENTAL IMPACTS

2.6.1 ECOLOGICAL IMPACTS

Spring Creek Dam, including accumulated sediment, forms part of an established freshwater ecosystem. The potential for adverse environmental impacts as a result of any de-silting works is high and would warrant a rigorous level of investigation and onerous mitigation measures.

De-silting can remove important ecosystem components including the abundance, richness and diversity of benthic macro-invertebrates which are an essential component of freshwater ecosystem food webs and responsible for a significant proportion of the secondary production occurring in these systems. This can have adverse 'bottom-up' effects on the whole ecosystem. The associated removal of detritus and any aquatic plant life can impact breeding or foraging habitat for a number of aquatic or otherwise associated fauna. Further, any re-suspension of sediment and associated pollutants introduces a potential for deleterious effects on water quality and aquatic life.

A key concern with the de-silting will be the ability of affected ecosystem components to withstand the level of disturbance proposed and to recover or re-establish following the de-silting. Based on the *Guidelines for Assessment of Aquatic Ecology in EIA* (DUAP, 1998) an indicative study protocol would need to include a habitat inventory and quantitative surveys of selected ecosystem components with two or more control sites, with the survey to be done on at least two occasions.

The required investigations would need to be technically robust and scientifically valid and would likely entail an extensive baseline investigation and assessment of the ecological system components likely to be affected, including flora (submerged, emergent and free floating aquatic plants or macrophytes) and fauna (benthic and littoral macro-invertebrates, fin-fish, amphibians, freshwater turtles, water rats, platypus, resident and migratory wader birds and water birds). This would also include an assessment of likely impacts on threatened species such as the Silver Perch (*bidyanus bidyanus*) which has been recorded in the catchment of Spring Creek Dam; threatened species with the potential to occur in the study area; and those recorded from the broader catchment of the Macquarie River. Investigations would also require assessment of the existing water quality status of the dam and downstream environments and the potential impacts of the works on existing water quality (including changes in DO, pH, turbidity, temperature, toxicants, salinity and nutrients).

Field investigations necessary to assess the significance of any impact would not be insignificant. The Orange Field Naturalists and Conservation Society identify Spring Creek Reservoir as now providing habitat for a range of bird species; including Australasian grebe, Great crested grebe, Hoary headed grebe, Australian pelican, Darter, Great cormorant, Little black cormorant, Little pied cormorant, Pied cormorant, White faced heron, Royal spoonbill, Straw necked ibis, White ibis, Grey teal, Pacific black duck, Pink eared duck, Hardhead, Musk duck, Blue billed duck, Australian wood duck, Freckled duck, Black swan, Whistling kite, Dusky moorhen, Eurasian coot, Purple swamphen, Spur winged plover, Silver gull, Galah, Crimson rosella, Laughing kookaburra, Welcome swallow, Black faced cuckoo

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shrike, Blackbird, Flame robin, Grey fantail, Grey shrike thrush, Red capped robin, Rufous whistler, Clamorous reed warbler, Superb fairy wren, White browed scrubwren, Yellow rumped thornbill, Yellow thornbill, Yellow faced honeyeater, Silvereye, Red browed finch, Dusky woodswallow, Magpie lark, Australian magpie, Australian raven.

2.6.2 MISCELLANEOUS

Various other impacts and potential environmental interactions would also need to be considered. Some of the key issues are identified below.

- The transportation of 192,000m³ (bulked not *in situ*) of potentially odorous silty loam to an unknown processing site would have traffic and amenity impacts. Assuming a truck and dog is used for haulage (16m³ capacities) this would generate some 24,000 heavy vehicle movements. Assuming ten truck and dog units operating simultaneously, each undertaking 16 trips a day to the stockpile/processing facility; this would generate around 320 heavy vehicle movements a day for a period of three to four months.
- The distribution of sediment would likely require a number of temporary stockpiles within the dam for scraper drop-off for loading into haulage trucks. Protracted and intense activity of plant and equipment with a water supply reservoir poses significant risk and management requirements for protection of water quality.
- Another cost would be weed control measures to ensure that these are not transported into new receiving environments. There are extensive stands of Pale knotweed (*P. lapathifolia*) throughout the dam. Eradication through chemical control prior to de-silting is not practicable given the water supply function of the dam.
- Noise and visual impacts associated with transportation and off-site stockpiling/processing.

2.6.3 CONTEXT

Historical context is also relevant. As consent was appealed at the Land and Environment Court for approval to conduct rowing on the surface of Spring Creek dam, the prospect of removing around 148,000m³ material from the dam over an intense and lengthy period (100 days) of plant and equipment activity inside the dam is likely to attract considerable scrutiny, and impact assessment and consultation requirements will be onerous. The prospect of securing approvals is not a fait accompli.

2.7 TIME TO UNDERTAKE DE-SILTING

Based on the estimated silt volume of 148,000m³ (in situ) and a 30% bulking factor, the volume of silt removed from the dam would be around 192,000m³.

Two scenarios have been developed for the removal of the silt and are fully described in **Section 3**. These scenarios show that it could take between 110 and 165 days to undertake the works.

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Costs

3.1 CAVEAT

The cost estimates below represent a preliminary opinion of costs. Tightening these would only be possible after further scoping, survey and refinement to the works specification. Geolyse provides these preliminary opinion of costs on the terms that no party will impose any liability whatsoever on Geolyse that may arise from the use of the preliminary opinion of costs.

A 10% contingency has been applied to all estimated costs. Provided below is clarification of the assumptions made in deriving these costs and identification of those aspects that remain unknown or not accounted for in the cost estimates.

3.2 SCENARIOS

Cost estimates have been provided for two scenarios, neither of which would be the worst case.

There are a range of scenarios for what could happen. Provided below are estimates for lower and upper range cost estimates given the stated assumptions. The range relates specifically to where the material is hauled to and whether there would be a requirement for processing. Sites for temporary stockpiling/processing or end use are not known.

What is known is that it is not possible to store this material at Council's Ophir Road Waste Management Facility as the space is not available. At best, less than 20% (27,000m³) of this material could be utilised in final capping of the landfill if it met the required engineering standard. However final capping is not required until 2013.

Scenario One

This scenario assumes that a single end use location can be found within 20km of the dam and the material does not require any processing to render it fit for purpose: which is assumed to be for rehabilitation of a degraded landscape. Material is recovered from the dam and transported direct to this end use location.

This scenario assumes:

- Two thirds of the silt is collected using scrapers and stockpiled within the dam area for loading onto trucks (with dogs) for haulage to the end use site; and
- One third of the silt is removed using excavators and loaded directly onto trucks for delivery to the end use site.

A fleet of 15 truck and dogs would be used, along with two scrapers, one excavator and one loader.

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PRELIMINARY FEASIBILITY ASSESSMENT
SPRING CREEK DAM DE-SILTING

Scenario Two

This scenario entails the need for a temporary stockpiling location (therefore double handling of the material) and that some form of processing is required to render the material fit for purpose prior to haulage to the final end use location. Assumptions in this scenario include haulage to a temporary stockpiling location 5km from the dam, with subsequent haulage to a final end use location within 15km of this temporary stockpiling/processing facility.

This scenario assumes:

- Two thirds of the silt is collected using scrapers and stockpiled within the dam area for loading onto trucks (with dogs) for haulage to the stockpile/processing site; and
- One third of the silt is removed using excavators and loaded directly onto trucks for delivery to the stockpile/processing site.

A fleet of 10 truck and dogs would be used, along with two scrapers, one excavator and two loaders.

The style/extent of processing the silt material to meet its end use could be highly variable and is difficult to determine without knowledge on the silt quality. As a minimum, it has been assumed that the silt would be treated in windrows to improve structure/allow blending.

Final delivery of the processed silt to the end use site would use a similar fleet of ten trucks (with dogs) and one loader.

3.3 ESTIMATE

Cost estimates have been provided for the two scenarios, neither of which would be the worst case. Provided below is descriptor of the costs included (and those not considered) and a listing of assumptions used.

Assumed plant and equipment utilised, hourly plant rates, duration of activities, distance travel times, etc is provided in more detail in **Appendix B**.

All costs include a 10% contingency.

3.3.1 PRE-WORKS APPROVALS

Undertaking all the necessary investigations, consultation, preparation of an de-silting operational plan and impact assessment, to the point of lodgement of an Environmental Impact Statement, would cost an estimated \$214,500; at a unit cost of approximately \$1.45 per m³.

These costs remain the same for each scenario.

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PRELIMINARY FEASIBILITY ASSESSMENT
SPRING CREEK DAM DE-SILTING

3.3.2 DE-SILTING WORKS AND HAULAGE

De-silting

Regardless of where the material is to be taken to it is assumed that de-silting will require the dam to be emptied completely and de-silting conducted in a dry environment. No costs associated with pumping the dam dry, establishment costs or building access roads within the dam to allow heavy vehicle movements have not been considered.

Even with a fully drained dam, it is unlikely that all the silt would be in a sufficiently dry state to allow removal using scrapers. It has been assumed two thirds of the de-silting could be picked up by scrapers with the residual (material too wet) removed by excavator loading direct into haulage trucks.

De-silting would need to commence in the vicinity of the off-take tower so that excavated space become usable water storage capacity.

The assumption is that two scrapers would work the excavation area and convey this material to stockpiles for on-loading by loader into a fleet of trucks (with dogs). The wetter material would be removed and loaded direct into trucks for haulage off-site.

Another unknown is the extent of obstruction (ie. tree trunks and/or rock outcrop) that would limit scraper efficiencies and the extent to which access by scrapers and laden trucks will be restricted by ground surface conditions. It must be assumed that there would be some requirement for construction of suitable access roads within the dam to facilitate heavy vehicle movements and access.

De-silting and Haulage Costs

Scenario One

This scenario assumes that a single end use location can be found within 20km of the dam and the material does not require any processing to render it fit for purpose. Material is recovered from the dam and transported direct to this end use location.

This scenario, inclusive of a 10% contingency, would cost an estimated \$3.14 million; at a unit cost of \$21.23 per m³.

Scenario Two

This scenario entails the need for a temporary stockpiling/processing location and therefore double handling of the material to reach the final end use location.

This scenario entails double handling of material: from the dam to the stockpile/processing site; and from the stockpile/processing site to the end use site. Estimated costs are:

- Dam to stockpile/processing site \$1.52 million, or \$10.26 per m³
- Stockpile/processing site to end use \$1.93 million, or \$13.05 per m³

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PRELIMINARY FEASIBILITY ASSESSMENT
SPRING CREEK DAM DE-SILTING

3.3.3 PROCESSING – SCENARIO 2

The cost of processing the silt material to meet its end use could be highly variable and is difficult to estimate at this stage without knowledge on the silt quality. It has been assumed that the silt would be treated in windrows to improve structure. To this end, a processing cost of \$10m³ has been factored into the estimate of cost.

3.3.4 END USE

It has been assumed that the material would be used to rehabilitate a degraded landscape. The cost estimate only includes the delivery of this material to the point of end use. It has been assumed, optimistically, that if the works are for environmental restoration it should be possible to recover costs associated with the spreading, land forming and placement of the material at the rehabilitation site. If this is not the case, additional costs would be incurred by Council.

It is also assumed that there would be no income from the sale of this material to a third party or that a third party would accept this material at no cost.

3.4 COST SUMMARY

A contingency allowance of 10% should be considered for the cost estimates for the two scenarios described above. The uncertainty associated with so many factors limit the ability to provide a tighter estimate.

It must also be emphasised that these estimates do not provide a worst case scenario as not all known expenses have been factored into the estimate. Haulage distances, processing requirements, access road construction within the dam, drainage of the dam, restoration of damage to public roads resulting from the heavy vehicle movements, an assumed cost recovery on spreading material at a landscape rehabilitation site are all assumptions that could influence the final cost.

Table 3.1 - Cost Estimate

Scenario	Total Cost \$	Unit Cost \$ per m ³	Cost per Megalitre of Storage Obtained
Scenario 1	\$3.56 million	\$22.68	\$22,680
Scenario 2	\$5.29 million	\$35.76	\$35,760

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PRELIMINARY FEASIBILITY ASSESSMENT
SPRING CREEK DAM DE-SILTING

For a comparative context:

- The \$6.5 million safety upgrade works that has secured additional storage of 2,700ML came at a cost of approximately \$2,407 per ML.
- The Suma Park strengthening proposal is valued at \$10 million and will increase storage by 15% which, by coincidence, is an estimated 2,700ML increase in this dam's storage capacity: at a cost of \$3,703 per ML.

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PRELIMINARY FEASIBILITY ASSESSMENT
SPRING CREEK DAM DE-SILTING

Conclusion

Rough estimates indicate that de-silting could provide an additional 148ML of storage within Spring Creek Dam; securing a 3% increase in storage capacity.

There can be little doubt that completion of this activity would incur an environmental impact and it would be premature to assume that requisite statutory approvals could definitely be secured.

The direct economic cost of de-silting 148,000m³ (in situ) of material is estimated to range from between \$3.5 to \$5.3 million. This equates to a cost of between \$22,680 and \$35,760 for each additional megalitre of storage obtained.

Regardless of the economic cost or environmental merits, the dominant practical consideration is how quickly the works could start. The window of opportunity for commencement of any de-silting starts after the dam is completely emptied (drained and/or pumped). Wet dredging or attempting works while the dam is receiving inflows are not practicable options. To this end, wall strengthening works inside the dam have been completed and the dam is now beginning to fill.

Physical commencement of any de-silting works, including preparatory drainage, would require an estimated six month lead time to secure the requisite approvals, licences and permits. It is reasonable to assume that an Environmental Impact Statement will be required and that environmental issues, particularly ecological and traffic impacts would be significant.

Major precursors to competing the impact assessment are an accurate and informed understanding how much material is to be removed; its quality; where it is going to be transported to; what processing may be required to make it fit for purpose; and where its final end use will be.

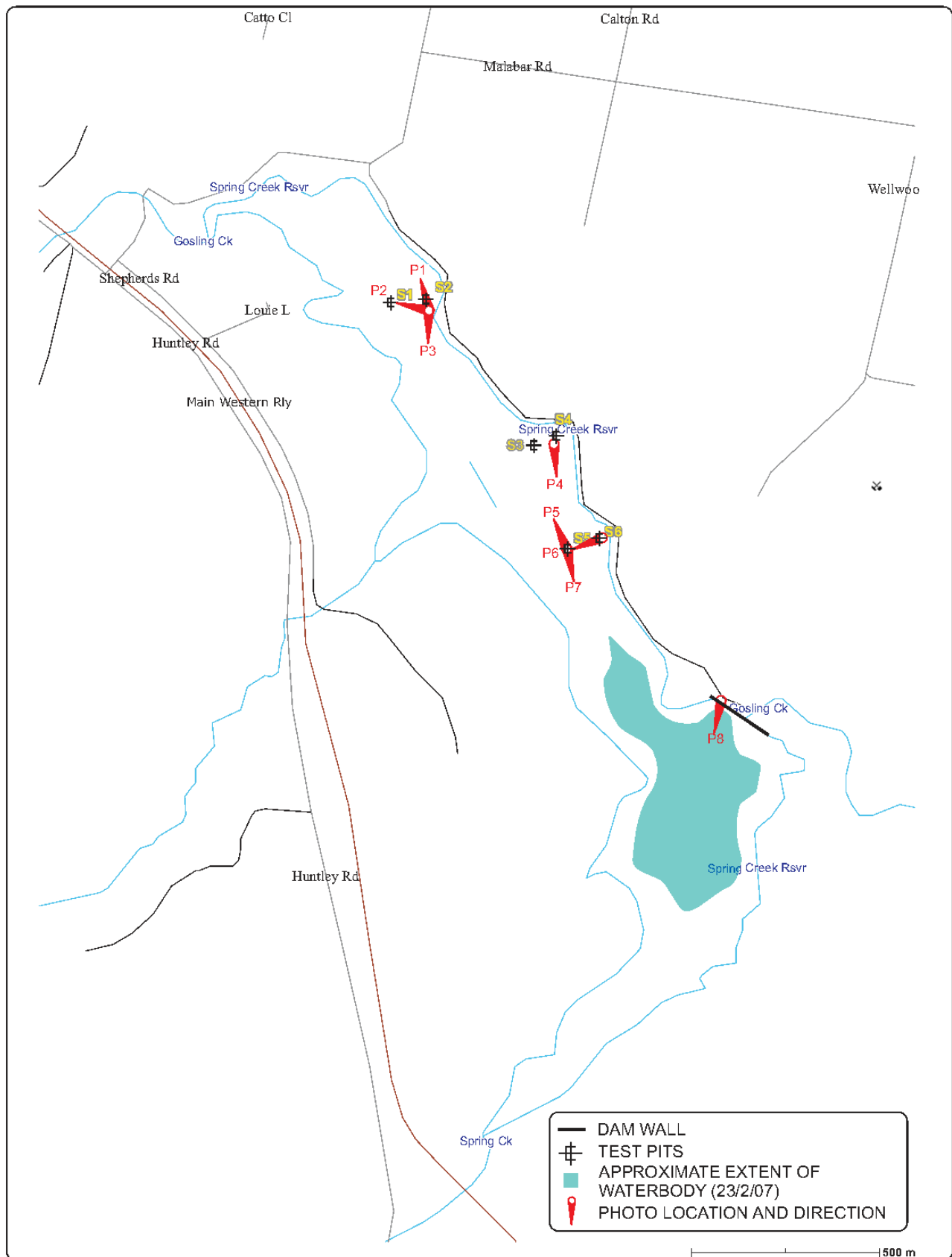
A six month lead time estimate is ambitious.

Recent storm activity is resulting in relatively intense, albeit patchy, good localised falls within the catchment. Hopefully we are going to enjoy a decent autumn break and a wet winter. Indicators of the breaking of the protracted drought conditions are positive.

It is concluded that the lead time required has already effectively closed the window of opportunity.

Appendix A

FIGURES & PLATES



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FIGURE 1
SPRING CREEK DAM SEDIMENT REMOVAL
TEST PITS & SURFACE WATERS

REF: 207023_C01



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SOURCE / COPYRIGHT: ORANGE CITY COUNCIL



FIGURE 2
SPRING CREEK DAM SEDIMENT REMOVAL
EXTENT OF DI-SILTING

REF: 207023_C12



PLATE 1 (P1) - From eastern bank of reservoir looking north to Test Pit S2.



PLATE 2 (P2) - From eastern bank of reservoir looking west to Test Pit S1.



PLATES 1 & 2
SPRING CREEK DAM SEDIMENT REMOVAL

REF: 207023_C02



Plate 3 (P3) - From eastern bank of reservoir looking south.



Plate 4 (P4) - From eastern bank of reservoir looking south.



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PLATES 3 & 4
SPRING CREEK DAM SEDIMENT REMOVAL

REF: 207023_C03



Plate 5 (P5) - From Test Pit S5 looking north west.



Plate 6 (P6) - From Test Pit S6 looking towards Test Pit S5.



Plate 7 (P7) - From Test Pit S5 looking south east.



Plate 8 (P8) - From Dam Wall looking south.



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PLATES 7 & 8
SPRING CREEK DAM SEDIMENT REMOVAL

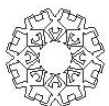
REF: 207023_C05



Plate 9 - Test Pit S1



Plate 10 - Test Pit S1



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PLATE 9 & 10 (S1)
SPRING CREEK DAM SEDIMENT REMOVAL

REF: 207023_C06



Plate 11- Test Pit S2



Plate 12 Test Pit S2



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PLATES 11 & 12 (S2)
SPRING CREEK DAM SEDIMENT REMOVAL

REF: 207023_C07



Plate 13 - Test Pit S3



Plate 14 - Test Pit S3



PLATES 13 & 14 (S3)
SPRING CREEK DAM SEDIMENT REMOVAL

REF: 207023_C08



Plate 15 - Test Pit S4



Plate 16 - Test Pit S4



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PLATES 15 & 16 (S4)
SPRING CREEK DAM SEDIMENT REMOVAL

REF: 207023_C09



Plate 17 - Test Pit S5



Plate 18 - Test Pit S5



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PLATES 17 & 18 (S5)
SPRING CREEK DAM SEDIMENT CONTROL

REF: 207023_C10



Plate 19 - Test Pit S6



Plate 20 - Test Pit S6



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PLATES 19 & 20 (S6)
SPRING CREEK DAM SEDIMENT REMOVAL

REF: 207023_C11

Appendix B

COST ESTIMATES

SPRING CREEK DAM DE-SILTING FEASIBILITY STUDY - SCENARIO 1

Silt in-situ volume, m³ 148000

Item	Description	Cost Estimate Assumptions	Total Cost	Unit Cost \$/m ³
Pre-work Approvals				
1	Silt quantity investigation	Survey of dam floor using combination of sounding and ground survey. Volume calculations using DTM from 1982 survey and dam floor survey		
2	Silt quality classification	Liaison with DEC re sampling strategy for waste classification. Sampling and analysis (chemical, physical, biological & engineering properties) Classification in accordance with DEC guidelines and determination of quality characteristics	\$ 20,000	\$ 0.14
3	Environmental approvals	Refinement of activity components and specification for works Environmental Impact Statement & Operations Environmental Management Plan	\$ 25,000	\$ 0.17
4	Contingency	10%	\$ 150,000	\$ 1.01
		10%	\$ 19,500	\$ 0.13
		Sub-total	\$ 214,500	\$ 1.45
De-silting and Haulage				
5	Excavation of silt to temporary stockpiles using scrapers (two thirds x 148000m ³ = 99,000m ³)	two thirds of silt is dry enough for scrapers 500m round trip 2 scrapers moving 4,000m ³ /day scrapers \$250/hr 30% bulking 10% down time	\$ 140,000	\$ 1.42
6	Loading and removal to offsite stockpile/processing site (silt stockpiled using scrapers - item 5)	1 loader @\$130/hr 15 truck and dogs moving 16m ³ per load @\$120/hr Delivered to site within 20km of Spring Creek dam 1.5 hour round trip 5.3 loads/truck/day 1,270m ³ /day moved 111 days 30% bulking 10% down time	\$ 1,853,840	\$ 18.79
7	Excavation of silt using excavator, direct to trucks (one third x 148000m ³ = 49,000m ³)	1 excavator @\$160/hr 15 truck and dogs moving 16m ³ per load @\$120/hr Delivered to site within 20km of Spring Creek dam 1.5 hour round trip 5.3 loads/truck/day 1,270m ³ /day moved 55 days 30% bulking 10% down time	\$ 862,400	\$ 17.48
8	Contingency	10%	\$ 285,624	\$ 1.93
		Sub-total	\$ 3,141,864	\$ 21.23
TOTAL ESTIMATED COST			\$ 3,356,364	\$ 22.68

A preliminary opinion of cost for the de-silting works as presented in the feasibility report is outlined above. It must be noted that the opinion of cost is preliminary only at this stage and is subject to the approval of Council, survey and detailed engineering design of the work being carried out and calling tenders for the works. Geolyse Pty Ltd provides these preliminary opinion of costs on the terms that no party will impose any liability whatsoever on Geolyse Pty Ltd that may arise from the use of the preliminary opinion of costs.

SPRING CREEK DAM DE-SILTING FEASIBILITY STUDY - SCENARIO 2

Silt In-situ volume, m³ 148000

Item	Description	Cost Estimate Assumptions	Total Cost	Unit Cost \$/m ³
Pre-work Approvals				
1 to 4	Same as Scenario 1		\$ 214,500	\$ 1.45
De-silting and Haulage				
5	Excavation of silt to temporary stockpiles using scrapers (two thirds x 148000m ³ = 99,000m ³)	two thirds of silt is dry enough for scrapers 500m round trip 2 scrapers moving 4,000m ³ /day scrapers \$250/hr 30% bulking 10% down time	\$ 140,000	\$ 1.42
6	Loading and removal to offsite stockpile/processing site (silt stockpiled using scrapers - Item 5)	2 loaders @\$130/hr 10 truck and dogs moving 16m ³ per load @\$120/hr Stockpile site within 5km of Spring Creek dam 30 minute round trip 16 loads/truck/day 2,560m ³ /day moved 55 days 30% bulking 10% down time	\$ 642,400	\$ 6.51
7	Excavation of silt using excavator, direct to trucks (one third x 148000m ³ = 49,000m ³)	1 excavator @\$160/hr 10 truck and dogs moving 16m ³ per load @\$120/hr Stockpile site within 5km of Spring Creek dam 1 hour round trip 8 loads/truck/day 1,280m ³ /day moved 55 days 30% bulking 10% down time	\$ 598,400	\$ 12.13
8	Contingency	10%	\$ 138,080	\$ 0.93
		Sub-total	\$ 1,518,880	\$ 10.26
Off-site Stockpiling/processing and End Use				
9	Processing	Windrow processing @\$10/m ³	\$ 1,480,000	\$ 10.00
10	Removal to end use	1 loader @\$130/hr 10 truck and dogs moving 16m ³ per load @\$120/hr End use site within 15km of Spring Creek dam 1 hour round trip 8 loads/truck/day 1,280m ³ /day moved 165 days 30% bulking 10% down time	\$ 1,755,600	\$ 11.86
11	Contingency	10%	\$ 323,560	\$ 2.19
		Sub-total	\$ 3,559,160	\$ 24.05
TOTAL ESTIMATED COST			\$ 5,292,540	\$ 35.76

A preliminary opinion of cost for the de-silting works as presented in the feasibility report is outlined above. It must be noted that the opinion of cost is preliminary only at this stage and is subject to the approval of Council, survey and detailed engineering design of the work being carried out and calling tenders for the works. Geolyse Pty Ltd provides these preliminary opinion of costs on the terms that no party will impose any liability whatsoever on Geolyse Pty Ltd that may arise from the use of the preliminary opinion of costs.

6 CLOSED MEETING - SEE CLOSED AGENDA

The Chief Executive Officer will advise the Council if any written submissions have been received relating to any item advertised for consideration by a closed meeting of Orange City Council.

The Mayor will extend an invitation to any member of the public present at the meeting to make a representation to Council as to whether the meeting should be closed for a particular item. In accordance with the Local Government Act 1993, and the Local Government (General) Regulation 2005, in the opinion of the General Manager, the following business is of a kind as referred to in Section 10A(2) of the Act, and should be dealt with in a Confidential Session of the Council meeting closed to the press and public.

RECOMMENDATION

That Council adjourn into a Closed Meeting and members of the press and public be excluded from the Closed Meeting, and access to the correspondence and reports relating to the items considered during the course of the Closed Meeting be withheld unless declassified by separate resolution. This action is taken in accordance with Section 10A(2) of the Local Government Act, 1993 as the items listed come within the following provisions:

6.1 Airport Service Expansion

This item is classified CONFIDENTIAL under the provisions of Section 10A(2) of the Local Government Act 1993, which permits the meeting to be closed to the public for business relating to (c) information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business.

6.2 Acquisition of Land - Critical Water Infrastructure

This item is classified CONFIDENTIAL under the provisions of Section 10A(2) of the Local Government Act 1993, which permits the meeting to be closed to the public for business relating to (c) information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business.

6.3 Sale 3 Trappit Place Orange

This item is classified CONFIDENTIAL under the provisions of Section 10A(2) of the Local Government Act 1993, which permits the meeting to be closed to the public for business relating to (c) information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business.

6.1 AIRPORT SERVICE EXPANSION

RECORD NUMBER: 2020/55

AUTHOR: Nick Redmond, Manager Corporate and Community Relations

REASON FOR CONFIDENTIALITY

This item is classified CONFIDENTIAL under the provisions of Section 10A(2) of the Local Government Act 1993, which permits the meeting to be closed to the public for business relating to (c) information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business.

6.2 ACQUISITION OF LAND - CRITICAL WATER INFRASTRUCTURE

RECORD NUMBER: 2020/68

AUTHOR: Shirley Hyde, Legal and Property Officer

REASON FOR CONFIDENTIALITY

This item is classified CONFIDENTIAL under the provisions of Section 10A(2) of the Local Government Act 1993, which permits the meeting to be closed to the public for business relating to (c) information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business.

6.3 SALE 3 TRAPPIT PLACE ORANGE

RECORD NUMBER: 2020/113

AUTHOR: Nick Redmond, Manager Corporate and Community Relations

REASON FOR CONFIDENTIALITY

This item is classified CONFIDENTIAL under the provisions of Section 10A(2) of the Local Government Act 1993, which permits the meeting to be closed to the public for business relating to (c) information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business.

7 RESOLUTIONS FROM CLOSED MEETING