



## **EXTRAORDINARY MEETING OF COUNCIL**

### **BUSINESS PAPER**

**2 July 2021 – 4:00pm**

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**General Manager**



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REPORT TO COUNCIL

**7.1. BUNDARRA SEWERAGE SCHEME PRIVATE WORKS**

This report is presented to the **CLOSED** section of the June 2021 Council meeting under section 10A (2)(d)(i) of the *Local Government Act 1993 (NSW)*.

- (1) A council, or a committee of the council of which all the members are councillors, may close to the public so much of its meeting as comprises:
  - (a) the discussion of any of the matters listed in subclause (2), or
  - (b) the receipt or discussion of any of the information so listed.
- (2) The matters and information are the following:
  - (d) commercial information of a confidential nature that would, if disclosed:
    - (i) prejudice the commercial position of the person who supplied it.

**Reason for closing the agenda item:** commercial contract arrangement.

## 8. REPORT TO COUNCIL

### 8.1. BUNDARRA SEWERAGE SCHEME SECTION 67 PRIVATE WORKS

**Department:** Infrastructure & Development  
**Prepared by:** Project Manager  
**TRIM Reference:** UINT/21/7633  
**Attachments:** Nil

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#### LINKAGE TO INTEGRATED PLANNING AND REPORTING FRAMEWORK

**Goal:** 3.4 Secure sustainable and environmentally sound water-cycle infrastructure and services  
**Strategy:** 3.4.2 Maintain and renew the sewerage network infrastructure to ensure the provision of efficient and environmentally-sound sewerage services  
**Activities:** 3.4.2.1 Provide Sewerage Services  
**Action:** 3.4.2.1.3 Undertake the project management of the construction phase of the Bundarra Sewerage Scheme through the engagement of project management staff or consultant

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#### SUMMARY:

1. Council has agreed in principle to undertake private works on Bundarra properties to allow them to connect to the Bundarra Sewer scheme (the scheme) which is currently under construction by approving the Private Works under Section 67, *Local Government Act 1993 (NSW)* from the Sewer Fund.
2. In accordance with Section 67(2)(b) of the *Local Government Act 1993 (NSW)*, this report seeks a resolution from Council to set a fee of \$0.00 to the owners of the properties for the proposed private works.

#### RECOMMENDATION:

##### That Council:

- I. enter into agreements with the owners of Bundarra properties that are expected to connect to the Bundarra Sewer Scheme (currently under construction) to undertake the necessary electrical and plumbing upgrades (the private works) necessary to allow the connection to take place;
- II. not charge the Bundarra property owners for the private works by setting the fee for the works at \$0.00;
- III. authorise the private works costs to be met from the current project budget; and
- IV. receive a report in accordance with the requirements of section 67 (4) of the *Local Government Act 1993 (NSW)*, subsequent to the works being completed; and
- V. include details or a summary of any resolutions made under section 67 for work carried out under subsection (2)(b) of the Act in the next annual report.

## REPORT:

3. The relevant sections of the *Local Government Act 1993 (NSW)* are provided below for Council's information.

*NSW LOCAL GOVERNMENT ACT 1993 (NSW)*

*DIVISION 3 PRIVATE WORKS*

*67 Private works*

**(1) A council may, by agreement with the owner or occupier of any private land, carry out on the land any kind of work that may lawfully be carried out on the land.**

*Note—*

*Examples of the kind of work that a council might carry out under this section include—*

- *paving and roadmaking*
- *kerbing and guttering*
- *fencing and ditching*
- *tree planting and tree maintenance*
- *demolition and excavation*
- *land clearing and tree felling*
- ***water, sewerage and drainage connections***
- ***gas and electricity connections.***

**(2) A council must not carry out work under this section unless—**

- (a) it proposes to charge an approved fee for carrying out the work as determined by the council in accordance with Division 2 of Part 10 of Chapter 15, or**
- (b) if it proposes to charge an amount less than the approved fee, the decision to carry out the work is made, and the proposed fee to be charged is determined, by resolution of the council at an open meeting before the work is carried out.**

**(3) A council must include details or a summary of any resolutions made under this section and of work carried out under subsection (2)(b) in its next annual report.**

**(4) A report of work to which subsection (2)(b) applies must be given to the next meeting of the council after the work is carried out specifying—**

- ***the person for whom the work was carried out***
- ***the nature of the work***
- ***the type and quantity of materials used***
- ***the charge made for those materials***
- ***the total of the number of hours taken by each person who carried out the work***
- ***the total amount charged for carrying out the work (including the charge made for materials)***
- ***the reason for carrying out the work***

## CONCLUSION:

4. Resolving to support this motion will allow for the efficient and correct connection of the sewerage scheme to private property systems.

## COUNCIL IMPLICATIONS:

### 5. Community Engagement/Communication

Uralla Shire Council continually updates the Bulletin and the webpage of the Bundarra Sewer Scheme program on the progress of this project. On the ground, the contractor provides advanced notice of any imminent works which may impact on the resident. Residents may also contact Council and discuss issues with the Project Manager should they have any concerns.

**6. Policy and Regulation**

*Local Government Act 1993 (NSW)*

Section 67 does not provide for payment for works already undertaken by property owners on private infrastructure at the owner's expense.

**7. Financial/Long Term Financial Plan**

Funding from Council and Grant bodies will be used in finalising this project. Should other additional costs be incurred over and above the remaining contingency amount, Council will need to fund such amount from available cash reserves or through borrowings.

**8. Asset management/Asset Management Strategy**

Nil

**9. Workforce/Workforce Management Strategy**

Nil

**10. Legal and Risk Management**

Supporting this motion provides suitable standards of connection to the Bundarra Sewerage Scheme. This provides Council with a defensible position should criticism or litigation be lodged.

**11. Performance Measures**

The works are completed in a timely manner to the estimate provided by the contractor.

**12. Project Management**

This is additional work and responsibility for Council's Project Manager.

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**9. CLOSE OF EXTRAORDINARY MEETING**

**END OF BUSINESS PAPER**