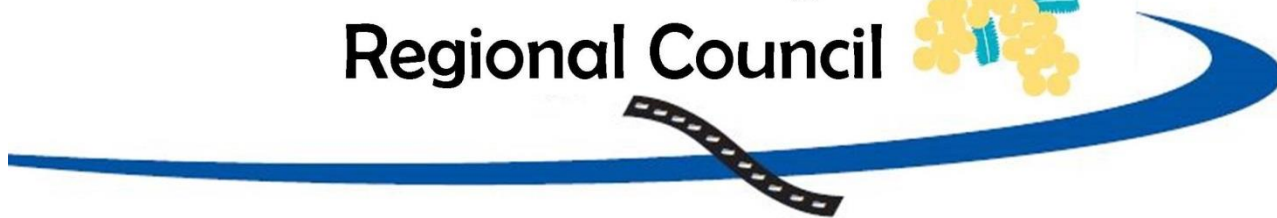


Cootamundra-Gundagai Regional Council



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MINUTES

ORDINARY COUNCIL MEETING

STEPHEN WARD ROOMS,
COOTAMUNDRA

6.00PM, MONDAY 12 DECEMBER 2016

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OPEN FORUM

Council conducts open forum sessions at the commencement of each ordinary meeting. During Open Forum sessions, members of the public are invited to address council on any local government issue.

General questions posed during the Open Forum section may be answered by the Chairperson or may be answered later in writing in the minutes. General Council related questions will be uploaded to Council's website with other Frequently Asked Questions.

Commenced at 6pm.

1. Jan Deverre – Companion Card

Ms Deverre explained that she tried to access the Cootamundra Pool last week, in her role as carer, with a disabled client. Her client held a Companion Card, which is issued to people who have significant, lifelong disability and who require attendant care for the rest of their life. The Companion Card allows a person's carer free entry into participating venues, and the Cootamundra Pool is part of the program. However, the card was presented to pool staff, and they advised that the Cootamundra Pool is not part of the program.

Ms Deverre advised that Cootamundra Pool is listed as a participating venue, and requested that staff at the pool are trained about the use of the Companion Card. She said that her client has experienced discrimination and disempowerment in the past and she requested that Council address the incident with staff.

The Administrator advised that staff would be in contact to understand what had happened and make any necessary changes to current procedures.

2. Brian Tozer – Gundagai Office Security Improvements

Mr Tozer congratulated the Administrator and Interim General Manager for the recent building work done in the Gundagai office, including the protective wall that had been requested by Office Staff, and the automatic glass doors. He said the building offered better security for staff, and improved access to the building.

3. Carolyne Kennedy – Burra Road Landfill Proposal

Ms Kennedy advised she has recently received an invitation to a meeting about the proposed extension of the Burra Road landfill, and asked why the Developer is allowed to re-open discussions about the proposed development, now that the JRPP have rejected the application.

The Interim General Manager advised that there is nothing in the law that prevents the developer from resubmitting a new, changed application, for the same project, and that the assessment process would follow the same course.

4. Mary Donnelly – Clarke Oval AFL Hall and Depot Purchase

Mrs Donnelly referred to Item 9 of the meeting agenda, regarding the Clarke Oval AFL Hall, and asked that Council increase the amount of the donation from the recommended amount of \$2,500, to \$5,000, to cover the full estimated costs of the AFL Hall DA fees and demolition costs.

Mrs Donnelly referred to Item 8 of the meeting agenda, regarding the purchase of the Goldenfields Water depot in Cootamundra. Mrs Donnelly said that she has heard a rumour that the purchase price was \$6 million, and asked for clarification.

The Interim General Manager advised that he can't confirm the amount until the contract is finalised, however he did confirm the agreement is for a price of less than 20% of the rumour.

5. Ros Wight – Heritage Centre and Cootamundra Saleyards

Mrs Wight stated that the Cootamundra Christmas Tree is disgraceful and tacky and asked that the sponsorship billboard be removed.

Mrs Wight stated that roadside weed control is woeful and inadequate and that landowners with property bordering main roads are having to pay thousands of dollars for weed control.

Mrs Wight stated that a freezer has been dumped on Rosehill Rd, and asked that Council collect it.

Mrs Wight stated that the Heritage Centre is a wonderful asset and that the lawns need to be mowed and maintained to a high standard. In addition, the Australian flag needs replacing and Mrs Wight has contacted Michael McCormack's office for a replacement.

Mrs Wight stated that the Cootamundra Saleyards is an important asset and is currently at a critical cross-roads with competition from the new facility in Yass. She asked that Council, with the associated Agents, actively promote the facility, and that consideration be given to a new website and Facebook page. Mrs Wight stated that in her opinion the Cootamundra Saleyards Manager is a valuable and commendable employee.

The Administrator responded to issues raised by Mrs Wight, advising that Council is getting a new Visitors Information flag for the Heritage Centre, that a website and social media presence for the Cootamundra Saleyards would be considered

as part of Council's new corporate identity, that Council has written to the Department of Primary Industries requesting an increase in State Government funding for the Weed Action Program., and that Council will pick up the fridge that has been dumped on Rosehill Rd.

6. Charles Fitzpatrick – Bradman's Birthplace Museum

Mr Fitzpatrick advised that he does gardening at Bradman's Birthplace on a paid and voluntary basis. He asked that Council mow the lawns more regularly and provide more prompt assistance to the volunteer committee with building maintenance, including painting the roof.

The Administrator advised that she will look into whether the mowing service offered by Council can be reviewed, and check the scheduling for the roof maintenance.

7. Charlie Sheahan – Cootamundra Cemetery Access

Mr Sheahan recommended that Council consider a new 'Memorial Avenue' to access the Cootamundra Cemetery from Bradman Street. He advised that the Lions Club would provide assistance to support the project.

Mr Sheahan advised that the Lions Club have been approached by NSW Gold Trails about including the John Barnes memorial grave in the Cootamundra cemetery.

The Administrator advised that Council would consider the proposal.

8. David Graham – IPART Rates Peg, Council Strategic Planning, Legal Fees

Mr Graham referred to the November 2016 IPART Local Government Cost Index, that is used to set the rate peg, and stated that the factors used in the calculation are clearly inadequate to cover actual cost increases. He said that based on the ratepeg of 1.5%, Council's expenses would rise more than its income, and the negative cashflow impact will be further compounded by the Council's current infrastructure backlog.

Mr Graham referred to the Final Report of the Independent Inquiry into the Financial Sustainability of Local Government by Mr Percy Allen, and the recommendation that State Government land not continue to be exempt from rates. Mr Graham spoke about the increased road wear on Adjungbilly Road caused by State Forestry truck movements, as well as the increased danger of road accidents, and suggested that this type of industry shouldn't be exempt from Council rates.

Mr Graham stated his concern that it will be challenging for Council to cope with these problems and budgetary pressures.

Mr Graham spoke about the Administrator's request to the IAG and LRC member for assistance with the preparation of the Council's 30 year Community Strategic Plan. Mr Graham advised that he did not believe a 30 year plan was necessary and instead asked that Council focus on the traditional areas of roads, rates and rubbish.

Mr Graham said that he has not had any response to his repeated requests for information about whether Council would fund the legal costs for the case against the State Government, relating to the forced amalgamation.

Mr Graham said that in light of reduced government funding, Council needs to rethink its policy in regard to noxious weed control. He said that in other States, landowners were responsible for roadside weed control adjacent to their own properties, and asked Council to consider education programs for landowners as a weed control strategy.

The Administrator responded to Mr Graham, saying that she agreed with his suggestion about weed control and said she would recommend a similar approach to the State Government. In regard to the legal fees, she said she has not yet had any news from the Crown Solicitors.

9. Abb McAlister – Lions Club Mints

Mr McAlister spoke about The Lions Club in Gundagai and the services they provide for the community. He talked about the Council decision that was made to ask the Lions Club to remove their mints from the front counter, and advised that the Gundagai community has been riled up because Council didn't make a sensible decision.

Mr McAlister reported that the Gundagai Truck Museum have applied to Council for a roadside tourist sign, and that they have not yet received a response.

The Administrator responded to Mr McAlister, explaining that she had apologised to the Lions Club on the same day, and has tried to ask them to bring the mints back.

The Administrator advised that she would look in to this issue of the application for tourist signage.

10. Peter Clout – Roadworks at Muttama Rd

Mr Clout advised that the dust at the roadworks on Muttama Rd is too much, and complained that the Administrator took 24 hours to return his call.

The Administrator advised that the road seal is scheduled for 20 December 2016 and that the road would be watered regularly until then.

11. Peter Batey – Old Gundagai Gaol

Mr Batey reported that Council has been successful in winning a substantial grant from the NSW State Government, for the development of a Masterplan for the Old Gundagai Gaol, and thanked Council staff for their time in preparing the application.

THESE ARE THE MINUTES TO THE ORDINARY MEETING OF COOTAMUNDRA-GUNDAGAI REGIONAL COUNCIL HELD ON 12 DECEMBER 2016 IN THE STEPHEN WARD ROOMS COOTAMUNDRA LIBRARY COMMENCING AT 6.32 PM.

PRESENT

Administrator Christine Ferguson

Also Present

Interim General Manager, Interim Director Development and Community, Interim Director Operations, Interim Director Corporate Services.

APOLOGIES

Nil

ADOPTION OF MINUTES

That the Minutes of the Meeting of Council held on Monday 14 November 2016 be confirmed as a true and correct record of the meeting.

01/12/16 **RESOLVED – Moved: Ferguson Seconded: Ferguson**

That the Minutes of the Meeting of Council held on Monday 14 November 2016 be confirmed as a true and correct record of the meeting.

DEVELOPMENT AND BUILDING

**1) PROPOSED AMENDMENT TO COOTAMUNDRA LOCAL ENVIRONMENTAL PLAN 2013
(AMENDMENT No 5)**

Introduction

The purpose of this report is:

- (a) to give consideration to a proposed amendment to the land use tables for “Zone IN3 Heavy Industrial” and “Zone R1 General Residential” and to remove a heritage item from the “Schedule of Heritage Items” in the Cootamundra Local Environmental Plan 2013; and
- (b) to seek a resolution of Council to prepare a Planning Proposal to commence the amendment process; and
- (c) to seek authorisation from the NSW Department of Planning and Environment to use the delegations granted under Section 59 of the *Environmental Planning and Assessment Act 1979* to finalise the amendment to the LEP.

Council resolved at its meetings of June and July 2016 to proceed with a planning proposal to amend the Cootamundra LEP (Amendment No. 5) in relation to the changes to Land Use Tables for the IN3 Heavy Industrial Zone (June) and the removal of a heritage item from the “Schedule of Heritage Items” (July), both of which were prepared and submitted to the Department of Planning.

In light of the additional amendment proposed to the land use table for the R1 General Residential Zone a new Council resolution is required before a modified planning proposal can be re-submitted to the department.

Discussion

Since the commencement of the Cootamundra LEP 2013 in July 2013, it has been noted that there are anomalies in the land use tables which require amendment to enable the most efficient use and development of land. This report discusses proposed changes to:

1. The land use table “Zone IN3 Heavy Industrial”
2. The land use table “Zone R1 General Residential”
3. “Schedule of Heritage Items”

1. “Zone IN3 Heavy Industrial”

Objectives of the Zone.

The objectives of the zone, as set out in the land use table of the LEP, are as follows and a complete extract of the IN3 Zone land use in the LEP is provided as **TABLED DOCUMENT 1 DECEMBER 2016 (Page 1)**

- To provide suitable areas for those industries that need to be separated from other land uses.
- To encourage employment opportunities.
- To minimise any adverse effect of heavy industry on other land uses.
- To support and protect industrial land for industrial uses.

It can be seen from the zone objectives that the IN3 zone has been specifically included in the LEP to ensure that there are suitable areas of industrial zoned land which provide for the development of heavy industries or other industries and types of development which by their inherent nature or processes require separation from other areas, i.e. as a result of noise and traffic generation, hours of operation and potential for loss of amenity.

Following further consideration of the land use table, it is proposed that the following land uses which are currently **prohibited** in the IN3 Zone be removed from “Item 4 Prohibited” and included in “Item 3 Permitted with consent” of the table to enable their possible development in the IN3 zone, subject to the submission and assessment of a development application - *Crematoria, Depots, Transport Depots, Truck depots, Vehicle body repair workshops, Warehouse or distribution centres*.

All of the above land uses are considered to be appropriate development in the IN3 Heavy Industrial zone. These land uses are defined in the LEP as follows:

crematorium means a building in which deceased persons or pets are cremated, whether or not it contains an associated building for conducting memorial services.

depot means a building or place used for the storage (but not sale or hire) of plant, machinery or other goods (that support the operations of an existing undertaking) when not required for use, but does not include a farm building.

transport depot means a building or place used for the parking or servicing of motor powered or motor drawn vehicles used in connection with a business, industry, shop or passenger or freight transport undertaking.

truck depot means a building or place used for the servicing and parking of trucks, earthmoving machinery and the like

vehicle body repair workshop means a building or place used for the repair of vehicles or agricultural machinery, involving body building, panel building, panel beating, spray painting or chassis restoration.

warehouse or distribution centre means a building or place used mainly or exclusively for storing or handling items (whether goods or materials) pending their sale, but from which no retail sales are made.

2. “Zone R1 General Residential”

Objectives of the Zone.

The objectives of the zone, as set out in the land use table of the LEP, are as follows and a complete extract of the R1 Zone land use in the LEP is provided as **TABLED DOCUMENT 2 DECEMBER 2016 (Page 2)**

- To provide for the housing needs of the community
- To provide for a variety of housing types and densities
- To enable other land uses that provide facilities or services to meet the day to day needs of residents.

Council has recently received a number of enquiries from residents who would like to use their residential properties as short term accommodation, generally through websites such as AirB&B. In response to these enquires Council reviewed the Land Use Table for the Zone R1 and found that there are certain restrictions within the land use table on this type of development.

Currently in the R1 General Residential Zone ‘Tourist and Visitor Accommodation’ is specifically identified as ‘Prohibited Development’.

Under the LEP, Tourist and Visitor Accommodation *“means a building or place that provides temporary or short-term accommodation on a commercial basis, and includes any of the following:*

- (a) backpackers’ accommodation,*
- (b) bed and breakfast accommodation,*
- (c) farm stay accommodation,*
- (d) hotel or motel accommodation,*
- (e) serviced apartments,*
- but does not include;*
- (f) camping grounds*
- (g) caravan parks, or*
- (h) eco-tourism facilities”.*

However, despite Tourist and Visitor Accommodation not being prohibited in the R1 General Residential Zone, ‘Bed and Breakfast Accommodation’ and ‘Boarding Houses’ are permitted with Development Consent.

Council has reviewed the Land Use Table to Zone R1 and considers that the restriction on some ‘Tourist and Visitor Accommodation’ types, specifically ‘Serviced Apartments’ should be removed as these are considered appropriate types of development for this Zone as they promote alternative visitor accommodation that is subject to growing demand.

Following further consideration of the land use table, it is proposed that the ‘Serviced Apartment’ land use which is currently **prohibited** under the group term ‘Tourist and

Visitor Accommodation’ in the R1 Zone be specifically added” to “Item 3 Permitted with consent” of the table to enable this possible development type to be permitted with consent.

The serviced apartment land use is considered to be appropriate development in the R1 General Residential zone and is defined in the LEP as follows:

Serviced apartment means a building (or part of a building) providing self-contained accommodation to tourists and visitors on a commercial basis and that is regularly serviced or cleaned by the owner or manager of the building or part of the building or the owner’s or manager’s agents.

3. “Schedule of Heritage Items”

The LEP includes a list of buildings and sites that have been identified as having local heritage significance and have been listed in Schedule 5 of the written part of the LEP as well as being included on the associated heritage maps.

“...heritage item means a building, work, place, relic, tree, object or archaeological site the location of which is described in Schedule 5...”

As a result of being individually listed in the LEP, heritage items are subject to the heritage provisions of “*Clause 5.10 Heritage conservation*” in relation to works such as alterations, structural changes, demolition and subdivision.

150 Thompson Street Cootamundra

The dwelling situated on the property at 150 Thompson Street Cootamundra is included in the Schedule of Heritage Items in the Cootamundra LEP 2013. A location plan of the property is provided as **TABLED DOCUMENT 3 DECEMBER 2016 (Page 3)**

The current owner of the property has recently written to Council requesting that the dwelling be removed from the Heritage Item listing.

The dwelling was originally included in the Schedule as a result of the recommendations of the *Cootamundra Shire Community-Based Heritage Study* completed in 2010. The Heritage Study described the dwelling as being of Pise construction and the dwelling was subsequently included in the Schedule on the basis that this type of construction is relatively rare and unique within the Cootamundra town area.

However, an inspection of the dwelling by Council’s Manager of Development and Building Services in 2015 revealed that the dwelling is not of Pise construction, but of brick with a plaster coating. The dwelling is not a rare representative example of Pise construction in Cootamundra. Therefore, it is recommended that the owner’s request be favourably considered as the dwelling does not have the significance that it was originally attributed to have.

The removal of the heritage item requires the preparation of a Planning Proposal to amend both the written part of the LEP as well as the associated Heritage Map in accordance with the requirements of the NSW Department of Planning and Environment.

Delegation of the LEP plan making process

The Interim General Manager has delegated authority under Section 59 of the *Environmental Planning and Assessment Act 1979*, to make relatively minor amendments to the Cootamundra LEP, subject to consultation with the NSW Department of Planning and Environment through the "Gateway" process to determine whether the delegation can be used.

This delegation has been granted for previous amendments to the LEP and it is recommended that Council seek to use the delegation for this amendment as it is a minor amendment to the LEP.

RECOMMENDATION

- 1. That Council prepare a modified Planning Proposal (Amendment No.5) to amend the Cootamundra LEP 2013 to:**
 - a. Remove "Crematoria", "Depots", "Transport Depots", "Truck depots", "Vehicle body repair workshops" and "Warehouse or distribution centres" from Item 4 "Prohibited" and include in Item 3 "Permitted with consent" of the land use table to Zone IN3 Heavy Industrial.
 - b. Add "Serviced Apartments" in Item 3 "Permitted with consent" of the land use table to Zone R1 General Residential.
 - c. Remove Item 46 'Pise house' at 150 Thompson Street Cootamundra from Schedule 5 Part 1 Heritage Items and from Heritage Map – Sheet HER_005A

- 2. That the proposed amendment to the Cootamundra LEP 2013 and the Planning Proposal be referred to the NSW Department of Planning and Environment seeking a Gateway Determination and authorisation to use the delegation under Section 59 of the *Environmental Planning and Assessment Act 1979* to make the plan.**

02/12/16 RESOLVED – Moved: Ferguson Seconded: Ferguson

- 1. That Council prepare a modified Planning Proposal (Amendment No.5) to amend the Cootamundra LEP 2013 to:**
 - a. Remove "Crematoria", "Depots", "Transport Depots", "Truck depots", "Vehicle body repair workshops" and "Warehouse or distribution centres" from Item 4 "Prohibited" and include in Item 3 "Permitted with consent" of the land use table to Zone IN3 Heavy Industrial.

- b. Add “Serviced Apartments” in Item 3 “Permitted with consent” of the land use table to Zone R1 General Residential.
 - c. Remove Item 46 ‘Pise house’ at 150 Thompson Street Cootamundra from Schedule 5 Part 1 Heritage Items and from Heritage Map – Sheet HER_005A
2. That the proposed amendment to the Cootamundra LEP 2013 and the Planning Proposal be referred to the NSW Department of Planning and Environment seeking a Gateway Determination and authorisation to use the delegation under Section 59 of the *Environmental Planning and Assessment Act 1979* to make the plan.

VOTING RECORD for Minute 02/12/16 - PROPOSED AMENDMENT TO COOTAMUNDRA LOCAL ENVIRONMENTAL PLAN 2013 (AMENDMENT No 5)	
FOR RESOLUTION	AGAINST RESOLUTION
Christine Ferguson	Nil
ABSENT	DECLARED INTEREST
Nil	Nil

2) DEVELOPMENT APPLICATION DA2016/105, BOUNDARY ADJUSTMENT AND SUBDIVISION, FRAMPTON ROAD COOTAMUNDRA

Introduction

The purpose of this report is to give consideration to a development application to undertake a minor boundary adjustment subdivision between two existing rural allotments on the outskirts of Cootamundra.

Applicant

John White
C/- CMS Surveyors
PO Box 525
Cootamundra NSW 2590

Owners

- (1) John White
"The Willows"
Springdale NSW 2666

- (2) Ryan Family Pty Ltd
"Gundaline"
199 Frampton Road
Cootamundra NSW 2590

Property Description

The subject properties involved in the boundary adjustment are:

- (1) Lot 213 DP753606, 33.5ha allotment being part of larger rural holding of "Gundaline"
- (2) Lot 263 DP753606, 65.3ha allotment being part of larger rural holding of "Roo Run"

A location plan of the property is provided as **TABLED DOCUMENT 4 DECEMBER 2016 (Page 4)**

Zoning

- (1) Both Lot 213 and 263 are located in the "E3 Environmental Management Zone" in the Cootamundra LEP 2013

Proposal

The application seeks Council consent to undertake a minor boundary adjustment between two existing allotments as a way of providing a direct access handle to the

existing Lot 263, which is effectively land locked. The size of the existing allotment being to be changed as follows:

Existing Lot No.	Existing Lot Area	Proposed Lot Area
Lot 213 (Ryan)	33.5ha	30.1ha
Lot 263 (White)	65.3ha	70.3ha

A plan of the proposed subdivision is provided as **TABLED DOCUMENT 5 DECEMBER 2016 (Page 5)**

Existing Use

Both allotments are currently used for agricultural purposes of cropping and grazing.

Discussion

State Environmental Planning Policy (Exempt and Complying Development Codes) 2008

The development application is for a relatively minor adjustment of existing boundaries to enlarge the overall allotment size of the existing residential property.

The SEPP (Exempt and Complying Development Codes) 2008 allows for minor boundary adjustments. However, the current proposal does not satisfy the SEPP criteria as the proposed subdivision will result in a change in area of one of the lots of greater than 10% (clause 2.75(b) (vii)).

Cootamundra LEP 2013

The proposed subdivision is permissible with Council's consent in the land use table to Zone E3 "Environmental Management".

Clause 4.1 "Minimum Lot Size" of the LEP requires a Minimum Lot Size of 200ha for the subdivision of land in the E3 "Environmental Management" Zone.

The subdivision proposal will meet not meet minimum lot size requirements of the LEP for the erection of a dwelling house, however the purpose of the boundary adjustment is to create an access to Lot 263.

Services

All essential and required services are present and connected to both sites with no alterations or additions to these service provisions being required as part of the subdivision.

Section 94 Contributions Plan

The property is situated within the area that is NOT subject to the "Cootamundra Section 94 Development Contributions Plan 2014". No Section 94 Contributions are required.

Site access

The access point to Lot 213 exists and is currently used as the access point for Lot 263, under a private agreement. The purpose of the subdivision is to formally create an access to Lot 263 directly to Frampton Road and the Olympic Highway.

Environmental Planning & Assessment Act 1979

Council must consider all of the matters referred to in sections 5, 5A, 5B and 79C of the Environmental Planning and Assessment, 1979 before making an assessment of a development application. All of these sections have been duly taken into account in making the following recommendation.

Councils Section 79C Assessment Report for DA2016/105 is attached as **TABLED DOCUMENT 6 DECEMBER 2016 (Pages 6-9)**

RECOMMENDATION

That Council approve Development Application DA2016/105 to undertake a boundary adjustment subdivision between Lots 213 and 263 DP753606, subject to the following conditions.

GENERAL CONDITIONS

(1) GEN Condition – Subdivision Consent Lapsing

Consent for the subdivision lapsing after five years in accordance with the Environmental Planning and Assessment Amendment (Development Consents) Act 2010.

Reason: To comply with the consent lapsing requirements of the Environmental Planning and Assessment (Development Consents) Act 2010.

(2) GEN Condition - Utilities

Approval is given subject to the location of, protection of, and/or any necessary modifications to any existing public utilities situated within or adjacent to the subject property.

Reason: To ensure that any public utilities are maintained and protected from damage.

PRIOR TO ISSUE OF SUBDIVISION CERTIFICATE

(1) PSC Condition – Formal Plan of Subdivision

A formal plan of subdivision being prepared and submitted generally in accordance with the plans submitted with the development application DA 2016/105 reference No. 13060subdivision, dated 17.07.2015 prepared by CMS Surveyors.

Reason: To confirm the details of the application as submitted by the applicant and as approved by Council.

(2) PSC Condition – Subdivision Plan Release – Other Authorities

The requirements of other public utilities authorities shall be satisfied prior to Council releasing the plan of Subdivision;

Reason: To ensure the requirements of other public utilities are satisfied prior to Council releasing the Plan of Subdivision.

(3) PSC Condition – Registration of Subdivision Plan

In accordance with Section 109C of the Environmental Planning and Assessment Act 1979, the applicant is required to obtain a Subdivision Certificate from Council that will authorise the registration of the Plan of Subdivision under Division 3 of Part 23 of the Conveyancing Act, 1919. The Subdivision Certificate is to be in the format acceptable to the Registrar General.

Reason: The legal obligations of Council to administer the Environmental Planning and Assessment, 1979.

03/12/16 RESOLVED – Moved: Ferguson Seconded: Ferguson

That Council approve Development Application DA2016/105 to undertake a boundary adjustment subdivision between Lots 213 and 263 DP753606, subject to the following conditions.

GENERAL CONDITIONS

(1) GEN Condition – Subdivision Consent Lapsing

Consent for the subdivision lapsing after five years in accordance with the Environmental Planning and Assessment Amendment (Development Consents) Act 2010.

Reason: To comply with the consent lapsing requirements of the Environmental Planning and Assessment (Development Consents) Act 2010.

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Reason: To ensure the requirements of other public utilities are satisfied prior to Council releasing the Plan of Subdivision.

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Reason: The legal obligations of Council to administer the Environmental Planning and Assessment

VOTING RECORD for Minute 03/12/16 - DEVELOPMENT APPLICATION DA2016/105, BOUNDARY ADJUSTMENT AND SUBDIVISION, FRAMPTON ROAD COOTAMUNDRA	
FOR RESOLUTION	AGAINST RESOLUTION
Christine Ferguson	Nil
ABSENT	DECLARED INTEREST
Nil	Nil

3) RIVERINA REGIONAL LIBRARY AMENDED DEED OF AGREEMENT

Introduction

Six Riverina Regional Library (RRL) member councils were affected by Local Government amalgamations announced on 12 May 2016.

This included Cootamundra and Gundagai Shire Councils which were merged to form Cootamundra-Gundagai Regional Council, Corowa and Urana Shire Councils which were merged to form Federation Council, and Tumut and Tumbarumba Shire Councils which were merged to form Snowy Valleys Council.

Discussion

Given the three amalgamations, it was deemed necessary for RRL to review and amend relevant strategic documents to ensure ongoing legislative compliance and library service provision.

Documents requiring the resolution and seal of Council or potentially effecting the financial position of Council include:

RRL Deed of Agreement 2012-2018

The RRL Deed of Agreement 2012-2018 has been revised to reflect changes associated with Council amalgamations. The document is otherwise unchanged from the version that was endorsed by the March 2016 meeting. The revised Agreement forms **TABLED DOCUMENT 7 DECEMBER 2016 (Pages 10-30)**.

Member Council Contributions Table 2017/18

The RRL Member Councils Contributions Table 2017/18 has been revised to reflect changes associated with Council amalgamations by aggregating contributions for affected Councils. The total payable by CGRC remains the same as the two separate councils. The document is otherwise unchanged from the version that was endorsed by the March 2016 meeting.

The revised Member Councils Contribution Table forms **TABLED DOCUMENT 8 DECEMBER 2016 (Page 31)**.

RECOMMENDATION

That Council endorse the amendments to the RRL Deed of Agreement 201718, and the RRL Member Councils Contribution Table, and that the amended RRL Deed of Agreement 2017/18 be signed under Seal of Council.

04/12/16 RESOLVED – Moved: Ferguson Seconded: Ferguson

That Council endorse the amendments to the RRL Deed of Agreement 201718, and the RRL Member Councils Contribution Table, and that the amended RRL Deed of Agreement 2017/18 be signed under Seal of Council.

FINANCIAL MANAGEMENT

4) INVESTMENT REPORT

The purpose of this report is to provide Council with a list of Council funds invested as at 30 November 2016.

A summary of investments for the Cootamundra Area as at 30 November 2016 forms **TABLED DOCUMENT 9 DECEMBER 2016 (Page 32)**.

A summary of investments for the Gundagai Area as at 30 November 2016 forms **TABLED DOCUMENT 10 DECEMBER 2016 (Page 33)**.

RECOMMENDATION

That the Investment Reports as at 30 November 2016 be received and noted.

05/12/16 RESOLVED – Moved: Ferguson Seconded: Ferguson

That the Investment Reports as at 30 November 2016 be received and noted.

5) INTERNAL REPORTING POLICY

Introduction

Councils are required to have a policy that provides for its procedures for receiving, assessing and dealing with public interest disclosures. The draft Internal Reporting Policy has been prepared in accordance with the *Public Interest Disclosures Act 1994 (PID ACT)*, and forms **TABLED DOCUMENT 11 DECEMBER 2016 (Page 34-50)**.

Discussion

A Public Interest Disclosure is an internal report about serious wrongdoing including corrupt conduct, maladministration and serious and substantial waste of public money, about a public official or public authority.

Cootamundra-Gundagai Regional Council has a commitment to high standards of ethical and accountable conduct and confirms that it will not tolerate any form of wrongdoing. Staff who come forward and report wrongdoing are helping to promote integrity, accountability and good management within the Council.

Council is required by the PID Act to have regard to the NSW Ombudsman's guidelines and the model Internal Reporting Policy for local government. The recommended Internal Reporting Policy replicates most of the model policy, with some modifications for Council specific information.

RECOMMENDATION

That the draft Internal Reporting Policy be adopted.

06/12/16 RESOLVED – Moved: Ferguson Seconded: Ferguson

That the draft Internal Reporting Policy be adopted.

6) DONATION REQUEST

Introduction

Council has received a number of funding requests from various community organisations.

The Gundagai Regional Enhancement Group has written to Council, requesting a Council donation to help fund town Christmas decorations for the annual Lions Christmas Carnival held in Carberry Park. A copy of the request forms **TABLED DOCUMENT 12 DECEMBER 2016 (Page 51)**.

The Cootamundra Veteran Golfers Association has written to Council requesting \$400 sponsorship for the Week of Golf to be held in May 2017. A copy of the request forms **TABLED DOCUMENT 13 DECEMBER 2016 (Page 52)**.

The Cootamundra Swimming and Life Saving Club has written to Council requesting sponsorship for the South West Zone Meet to be held in January 2017. A copy of the request forms **TABLED DOCUMENT 14 DECEMBER 2016 (Page 53)**.

Discussion

Council has a combined community donations budget from both the former Council areas, totalling \$14,325, to be allocated to community projects and events that support Council's objectives and functions over the current financial year. Council has a role in supporting community events to foster and celebrate community spirit.

The annual Lions Club Christmas Carnival in Carberry Park, Gundagai, is a community event that encourages participation and community involvement at Christmas time. The request by the Gundagai Regional Enhancement Group is for \$1,000 for Christmas decorations, including two cash prizes for the best decorated house and best decorated business.

The Cootamundra Veterans Week of Golf is a regional sporting event that attracts 120-130 participants from NSW and Queensland. This creates an opportunity to show off our beautiful region to visitors, who support our local businesses. The request by The Cootamundra Veteran Golfers Association is for \$400 sponsorship, plus 'Bradman' souvenirs as prizes, in addition to banners and other assistance with promotion and publicity.

The South West Zone Swimming Meet to be held in January is a sporting event that attracts participants to our region, creating an opportunity to share our great sporting facilities. In previous years, Council has provided free pool access in lieu of a donation, allowing the Cootamundra Swimming Club to collect fundraising gold coin donations for pool entry / use of the BBQ facilities, which they can use for the benefit of the Club.

Each of these community events is wholly managed by dedicated volunteers who are representing the interests of the community in providing programs and events for the benefit of visitors and locals.

RECOMMENDATION

- 1. That Council donate \$1,000 to the Gundagai Regional Enhancement Group for Christmas decorations, including two cash prizes for the best decorated house and best decorated business.**
- 2. That Council donate \$400 sponsorship to the Cootamundra Veteran Golfers Association for the Veterans Week of Golf, and up to \$100 value of souvenirs for prizes and other associated costs.**
- 3. That Council provide free pool entry on Sunday 22 January 2017 for the South West Zone Meet, and advise the Cootamundra Swimming Club that they may collect gold coin donations for door entry to support the Cootamundra Swimming and Life Saving Club.**

07/12/16 RESOLVED – Moved: Ferguson Seconded: Ferguson

- 1. That Council donate \$1,000 to the Gundagai Regional Enhancement Group for Christmas decorations, including two cash prizes for the best decorated house and best decorated business.**
- 2. That Council donate \$400 sponsorship to the Cootamundra Veteran Golfers Association for the Veterans Week of Golf, and up to \$100 value of souvenirs for prizes and other associated costs.**
- 3. That Council provide free pool entry on Sunday 22 January 2017 for the South West Zone Meet, and advise the Cootamundra Swimming Club that they may collect gold coin donations for door entry to support the Cootamundra Swimming and Life Saving Club.**

OPERATIONS

7) GRADER REPLACEMENT- COOTAMUNDRA DEPOT

Introduction

A report was presented to the September 2016 Council meeting regarding the damaged Caterpillar 12H grader, with subsequent recommendation that tenders be sought for its replacement.

Discussion

Tenders were called through NSW Local Government Procurement (Vendor Panel) on 21 October 2016 and at the close of tenders on 11 November 2016, three submissions had been received. These being from:

- CNH Australia (Case Construction) for a 865B VHP Case motor grader for \$368,000.00 (+GST) and \$31,000 trade in.
- Hitachi Construction Machinery Australia for a John Deere 670GP Motor grader for \$317,000.00 (+GST). No trade price in was offered.
- Westrac Pty Ltd for Caterpillar 12M Motor grader for \$332,850.00 (+GST) and \$50,000 trade in

Considering the above, the Case unit being the most expensive was subsequently ruled out.

Council work staff/operators and mechanic tested a similar 12 month old Cat 12M grader at Harden (Hilltops Council) and put it through some typical working procedures. It was noted that its capabilities were within Council's requirements and further discussion with Hilltops staff indicated that the unit was performing to expectations. Maintenance wise, no problems had arisen to negate its performance. All Caterpillar maintenance is arranged out of Wagga Wagga.

It was also noted that this newer model 12M machine is a marked improvement on the original model with better steering, operator comfort and visibility. Other improvements come with serviceability and quicker/easier blade adjustments and improvements to the high wear points associated with the normal grader operation. This new machine is joystick control which was easily picked up by the operators.

With the John Deere grader, the supplier was able to bring a unit to Cootamundra for onsite trailing by Council's operators. It was noted that the cabin layout was good with good visibility and easy to use joystick control. A secondary 'steering wheel' is also fitted which can be used for back up operation.

The John Deere performed as was expected and in a similar manner to the Caterpillar unit. Both have similar abilities with blade pushing and ripping ability. Initial doubts about the John Deere backup and service were clarified with it being noted that their closest service representative is in Young with backup from Canberra.

With this replacement grader, consideration was given in the tender documentation for the grader to be optionally set up to operate an automated machine grade control unit.

Westrac have advised this will cost around \$7,000 extra for the Cat 12M, whereas to have the John Deere setup to take the same system is either \$27,400 or \$32,400 depending on the model. This option will be considered in 2017 when the grade control unit is further investigated.

In consideration of this option the Caterpillar grader is around \$339,850 compared with the John Deere's minimum at \$344,400.

Furthermore, it has also been stated that there would be an extra \$2,555.56 for the supply of a spare wheel for the John Deere grader whereas one is included in the tendered price of the Caterpillar grader.

In relation to existing plant and past experience, the Gundagai works crew have been running two Cat M class graders for several years, with two still operating, and Cootamundra have two 12H graders. In the past all machines have proven reliable with Westrac service being available on request for the graders and other Caterpillar plant.

The final consideration in the tender is the trade-in value provided by each supplier, Caterpillar have offered \$50,000 and Hitachi nil.

As mentioned previously, the grader which is being replaced has some major damage and cannot be sold as fully operational. Council staff have sought an independent valuation for the damaged grader through an auction house. This valuation was in the order of \$55 to \$60,000. However, additional costs to get the grader to the auction centre and other associated costs reduce the margin, so the price offered by Westrac is considered worthy.

RECOMMENDATION

That Council purchase the Caterpillar 12M motor grader as tendered by Westrac for \$332,850.00 (+GST) and accept their trade in price of \$50,000.00 for the existing Caterpillar 12H grader.

08/12/16 RESOLVED – Moved: Ferguson Seconded: Ferguson

That Council purchase the Caterpillar 12M motor grader as tendered by Westrac for \$332,850.00 (+GST) and accept their trade in price of \$50,000.00 for the existing Caterpillar 12H grader.

FACILITIES

8) EXPRESSION OF INTEREST CALLED BY GOLDENFIELDS WATER COUNTY COUNCIL FOR PURCHASE OF GOLDENFIELDS WATER COUNTY COUNCIL DEPOT IN COOTAMUNDRA

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)(d)(ii) of the *Local Government Act 1993*, and should be dealt with in a part of the meeting closed to the media and public.

*10A(2)(d) commercial information of a confidential nature that would, if disclosed:
(ii) confer a commercial advantage on a competitor of the council*

RECOMMENDATION

- 1. That Council move into Closed Council to consider Item 8.**
- 2. That the media and public be excluded from the meeting on the basis that the business to be considered is classified confidential under the provisions of section 10A(2)(d)(ii) of the *Local Government Act 1993*.**
- 3. That the correspondence and reports relevant to the subject business be withheld from access to the media and public as required by section 11(2) of the Local Government Act 1993.**

09/12/16 RESOLVED – Moved: Ferguson Seconded: Ferguson

- 1. That Council move into Closed Council to consider Item 8.**
- 2. That the media and public be excluded from the meeting on the basis that the business to be considered is classified confidential under the provisions of section 10A(2)(d)(ii) of the *Local Government Act 1993*.**
- 3. That the correspondence and reports relevant to the subject business be withheld from access to the media and public as required by section 11(2) of the Local Government Act 1993.**

9) CLARKE OVAL – AFL HALL

Introduction

Council has received two items of correspondence from the Cootamundra Australian Football Club Inc. requesting Council assistance in regards to the cost involved in the demolition and re-building of the AFL Hall structure. **TABLED DOCUMENT 15 DECEMBER 2016 (Pages 54-56).**

Discussion

The correspondence was received in late October 2016 and was held pending the outcome of the AFL Stronger Communities Grant Submission. The reason for holding was that the grant submission was for the hall demolition and replacement, and the grant terms clearly stated that all costs associated with the project would be accounted for in the application. In this case, if the Club's application was approved they would not be entitled to any Council assistance as requested.

The AFL Club have been informed that they were unsuccessful with their grant submission and as such have asked that their approach to Council for assistance now be considered.

The first correspondence dated 25/10/2016 would like Council to consider waving waste disposal fees at the local tip for the demolition of the hall section of the building.

The second correspondence dated 31/10/2016 would like Council reimburse the cost of the DA and CC fees for the approval to construct the new building. The club has paid the full DA and CC fee of \$2,901.00.

Considering that the club did not get the grant and that the building is a Council asset on Council controlled land, assistance to the club should be considered. Council has not included any allocation in its current budget for the replacement or demolition of the building and as such, if the building is to be demolished and replaced, in the short term it will be done by the club members.

While the DA fees for \$2,901.00 are known the tip fees for the demolished material are an unknown amount but are expected to be above \$2,000.00. It would be a sign of good will to the club to allow a donation from Council to pay a portion of the cost being half of the total of the DA fees and waste fees, limited to a maximum of \$2,500.00.

RECOMMENDATION

That Council donate an amount equivalent to half the cost of the DA fees and waste fees up to a maximum of \$2,500.00 to the Cootamundra Australian Football Club Inc.

10/12/16 RESOLVED – Moved: Ferguson Seconded: Ferguson

Item to be deferred for recommendation in January 2017.

10) WASTE MANAGEMENT

Introduction

At the October REROC Waste Forum meeting it was decided by the members that REROC should run a Quotation to Supply for Collection and Disposal of Metal Waste as a regional resource sharing project. Five of the REROC member councils agreed to participate in the project and the documentation was advertised on e 2 November 2016 and closed on 22 November 2016.

Discussion

The decision to run another regional call for quotations for the removal and disposal of Metal Waste was made to gauge the market, after the previous REROC call for quotations held in January 2016 resulted in quotations being received that would have seen councils pay between \$20 to \$40 per tonne for the metal waste removal.

Following the January submissions it was decided by the group members that no submitted quotation be accepted and that each LGA handle their metal waste individually until further notice. During September and October 2016 the market price of metal waste slowly started to increase and this was the reason to again go out to the market for quotations.

Following the advertising period REROC had received 4 quotations **TABLED DOCUMENT 16 DECEMBER 2016 (Page 57)**.

It is clear by the quotations received that the metal market is stronger than in January and the five participating member councils have all agreed to accept the Sims Metal quotation of \$110.00 per tonne GST inclusive. The \$110.00 per tonne offer from Sims was clearly the best option for the five councils and for REROC who as part of the conditions of the regional quotation process receive 10% of any income received.

The amount of metal waste held at councils waste facilities was estimated in the call for quotations as:

- Cootamundra – 200 tonne
- Gundagai – 180 tonnes
- Stockinbingal – 40 tonnes
- Wallendbeen – 50 tonnes

This equates to an income of approximately \$46,530 across the four sites.

However the income received from the Cootamundra, Stockinbingal and Wallendbeen waste sites, of approximately \$28,700, goes to Elouera as per the tip site management agreement.

The income from the Gundagai Burra road site, estimated at approximately \$17,820, will be received by council.

The Burra Road waste site will benefit from the removal of the metal waste as the size of the current stockpiles currently restricts movement to the rear of the new CRC Shed.

The site has another problem, with it currently having a larger than acceptable stockpile of tyre waste stored to the rear of the site.

In considering the additional and somewhat unexpected income to be received from the metal waste removal, it is proposed that all of this additional income be used to pay for the removal of as much of the tyre waste as can be achieved.

RECOMMENDATION

That Council allocate all income received from the 11/2016 REROC Metal Waste Collection and Disposal program from the Gundagai Burra Road Waste Depot to remove tyre waste from the current stockpile at the Gundagai Burra Road Waste Depot.

11/12/16 RESOLVED – Moved: Ferguson Seconded: Ferguson

That Council allocate all income received from the 11/2016 REROC Metal Waste Collection and Disposal program from the Gundagai Burra Road Waste Depot to remove tyre waste from the current stockpile at the Gundagai Burra Road Waste Depot.

11) ELOUERA CONTRACT EXTENSION, WASTE DEPOT SUPERVISION & RECYCLING RIGHTS CONTRACT

Introduction

In 2005 Council entered into a contract with the Elouera Association for waste depot supervision and recycling rights. The contract was for an initial period of five years with a five year option which, following a report to Council, was taken up by Elouera in 2010 to extend the contract until 31 December 2015.

It was recommended at the June 2015 Council meeting that the current contract with Elouera be extended for another year to 31 December 2016. This was to allow the then planned merged Council to consider all of the waste options. The contract forms **TABLED DOCUMENT 17 DECEMBER 2016 (Pages 58-66)** and covers the details and functions expected by a contractor to run the Cootamundra Waste site.

Discussion

Now that the Amalgamation of Cootamundra Shire and Gundagai Shire councils has been finalised it has created a different situation than originally planned. Both Gundagai and Cootamundra councils previously used the Elouera Association for their recycling and as such the merger allowed the extended recycling component of the contract to continue without any issues.

Council now has two main waste receivable/transfer stations depots. Cootamundra's waste depot being managed by Elouera under contract as per the agreement, and Gundagai's waste depot being manned and managed by a third party for the last 19 years. The third party retired in November 2016 and Council appointed a contractor to carry out the role on a three month short term agreement on 1 December 2016.

Staff are currently undertaking a full assessment of waste service throughout the new Council which includes waste depot supervision, provision of kerbside waste services and small transfer stations. Items that need to be determined are as follows:

- Existing extended contract with Elouera due to expire on 31 December 2016. A tender would have to be called for a new contract due to the monetary value of the contract as per the Local Government Act.
- The possibility of both depots being under the one supervision contract.
- The possible effects that the 2017 container deposit scheme will have on any new contract.

For these reasons, until a full assessment is completed and the future direction Council will be taking in regards to waste services is determined, it would be premature to go out for tender for a new waste supervision and recycling rights contract at this time.

To give Council more time to properly assess its waste services situation it could offer Elouera an additional six month extension to the current agreement, taking it through to 30 June 2017. The extension would also give Council time to review the details of the NSW State Governments Deposit Scheme which are currently being released, before completing tender and contract documentation. It would also have an added advantage of aligning the contract with the financial year rather than the current calendar year.

RECOMMENDATION

That the Waste Depot Supervision and Recycling Contract with the Elouera Association be extended for a further six months from 31 December 2016 to 30 June 2017.

12/12/16 RESOLVED – Moved: Ferguson Seconded: Ferguson

That the Waste Depot Supervision and Recycling Contract with the Elouera Association be extended for a further six months from 31 December 2016 to 30 June 2017.

12) RIVERSIDE CARAVAN PARK

Introduction

The Riverside Caravan Park (Gundagai) is a Council owned asset that is operated under lease arrangement by BF and JL Dean. Their lease arrangement is that they are responsible for minor maintenance and every day running costs of the park which includes water, gas and electricity.

In October this year a major leak was identified in the Ladies shower block which caused a large amount of water to run through the hot water system increasing their electricity costs. The Deans are therefore requesting Council assistance in meeting the excess electricity costs.

Discussion

In October this year the lessee received complaints from occupants of the park that there was no hot water in the ladies showers. A plumber was called in to investigate with the investigations revealing a leak within the wall / floor area of the far end cubicle of the block.

A builder was engaged to locate the source of the leak and a temporary shower block was arranged. In the meantime while this was being undertaken, the owners were advised that the best course of action was to run the water to the hot water system for limited hours per day still providing showers. Noting that a similar issue had occurred in the men's toilets in 2015.

The leak was eventually located well below the slab level with the pipework being within the footings of the shower block. After discussions it was decided that the best option for future maintenance and access was to relocate the pipework above the showers which meant re-plumbing the whole shower block. This was done at a total cost to Council of \$17,669, which included the temporary toilet block hire, locating the leak, repairing the floor and tiles where the leak investigation was undertaken and the re-plumbing of the block.

The Operators of the caravan park have since received the electricity bill for the period 5 August to 2 November 2016 for an amount of \$5,994.70, which when compared to the similar period last year of \$4,608.91 shows an increase of \$1,385.79. An analysis of the breakdown of the bills indicates that this in all probability could be attributed to the increase in water usage through the hot water systems.

As the leaks were beyond the control of the operator and were due to a failure in Council's assets it is recommended that Council meet the request for assistance by reimbursing the River Park Caravan Operators the amount of \$1,385.79 (including GST).

RECOMMENDATION

That Council reimburse BF & JL Dean \$1,388.79 (including GST), being excess electricity charges resulting from water leaks in the ladies shower block of the Riverside Caravan Park.

13/12/16 RESOLVED – Moved: Ferguson Seconded: Ferguson

That Council reimburse BF & JL Dean \$1,388.79 (including GST), being excess electricity charges resulting from water leaks in the ladies shower block of the Riverside Caravan Park.

SPECIAL PROJECTS

13) TENDER 2016/001: GUNDAGAI MAIN STREET UPGRADE – LAYING OF STONE PAVING TILES

Introduction

Council recently advertised for the laying of stone paving tiles in Sheridan Street Gundagai, associated with the Main Street Re-development Project. Tenders closed on Friday 23 September 2016, at 4pm.

At opening Council received submissions from four (4) companies for this tender.

Discussion

The scope of this work involves the laying of pavers on the southern side of Sheridan Street (Byron to Homer) and also part of the northern footpath. An estimated total paving area of approximately 1,900 square metres is required.

This is a Schedule of Rates tender contract where payment is made on the actual measured quantities delivered, with the initial tender based on approximately 1,900 square metres, plus an option for a further 600 square metres.

It is noted that Council will supply approved materials, inclusive of stone tile paving tiles, adhesives, grouts, and sealing compounds. Minor materials are the responsibility of the Contractor.

The four (4) companies who provided tenders, in apparent order (lowest to highest) were:

1. Gundagai Construction Services
2. Arcscape Landscape Services
3. J & AS Walton Pty Ltd, and
4. Choice Ceramics

All valid Tenders were evaluated in accordance with the pre-determined weighted criteria, by a Tender Evaluation Panel. The Tender Evaluation Panel consisted of:

- Mr Phil McMurray (Deputy General Manager CGRC),
- Mr Ray Graham (Interim Director of Operations CGRC),
- Mr Tim Morris (Project Manager – Main Street Upgrade CGRC),
- Mr Mark Paine (Councils paving consultant – Landscape and Paving Contractor Canberra) A Resume of Mr Paine is provided as **TABLED DOCUMENT 18 DECEMBER 2016 (Pages 67-68)**.

A Tender Evaluation meeting was arranged on Friday, 4 November 2016. As part of the evaluation process, selected Tenderers were invited to make a presentation to Council. The Two (2) Gundagai companies were the lowest tenderers and hence were selected to undertake this process. Those being:

- Gundagai Construction Services, and
- Arcscape Landscape Services.

The panel interviewed each tender applicant, stating the priorities of the Specification with particular attentions given to page twelve (12) part A “Conditions of Tender” clause A14.7 within the Specification. It was also stated that the “Lowest or any tender” may not be accepted as per page 16.A. 21 of the Specification. A standard list of questions was prepared for each interview.

The four weighted criteria for assessment were:

Criteria	Schedule	Weighting
Demonstrated past experience of the Tenderer	Schedules D3 and D5	30%
Demonstrated past experience Personnel and Subcontractors	Schedules D7 and D8	10%
Proposed Methodology	Schedules D10	20%
The Fee including Schedule of Rates	D11	40%

On completion of each interview, each panel member was asked to evaluate the individual company and supply an evaluation score out of 100.

The results of the assessment process indicates that the tender from Arcscape Landscape Services offers the most beneficial outcome to Council. Their tender returned favorable results for all the non-price criteria assessment.

Arcscape completed stage1 Main Street paving to Council satisfaction. Councils paving consultant indicated that the standard achieved by Arcscape was equal to or better than that required by the ACT Government authorities using the same paving specification.

Arcscape demonstrated a strong willingness to comply with the specification and Council’s direction. Arcscape has demonstrated strong public relations with shop proprietors required for the project.

The Local Government (General) Regulation 2005 tendering provisions state at R.178 Acceptance of tenders that:

178(1) after considering the tenders submitted for a proposed contract, the council must either:

(a) accept the tender that, having regard to all the circumstances, appears to it to be the most advantageous, or

(b) decline to accept any of the tenders.

In this case the lowest apparent tenderer, Gundagai Construction Services originally submitted a non-compliant tender due to a number of items not provided for in their submitted tender rates. Council provided the opportunity for a revised submission by letter dated 4 November 2016. See **TABLED DOCUMENT 19 DECEMBER 2016 (Pages 69-70)**

Gundagai Construction Services provided a revised schedule that was included in the evaluation documentation. To comply with the OLG Tendering Guidelines tender evaluation documents have been provided to Council in confidence.

Gundagai Construction Services have no or very limited experience with this type of adhesive paving technique. Gundagai Construction Services did not nominate an accredited or experienced paver familiar in this type of paving work. Gundagai Construction Services provided an alternate methodology using grinding and correction course layers which was non-compliant with the specification required. The Panel were not convinced that Gundagai Construction Services had the experience or necessary skilled staff to carry out this project.

If awarded to Arcscape Landscape Services the indicative total value of the contract would be \$194,050 (excluding GST), based on all elements within the schedule inclusive of 1,900 square metres of main paving. This level of funds is budgeted and available from within the project budget.

RECOMMENDATION

That Council award the Tender (2016/001) for laying of stone paving tiles in Sheridan Street Gundagai to Arcscape Landscape Services for the nominated Schedule of Rates provided within their tender submission.

14/12/16 RESOLVED – Moved: Ferguson Seconded: Ferguson

That Council award the Tender (2016/001) for laying of stone paving tiles in Sheridan Street Gundagai to Arcscape Landscape Services for the nominated Schedule of Rates provided within their tender submission.

CLOSED COUNCIL

Council closed its meeting to the media and public to consider Item 8 *Expression of Interest called by Goldenfields Water County Council for Purchase of Goldenfields Water County Council Depot in Cootamundra* at 6.43pm. The public and media left the room.

15/12/16 RESOLVED – Moved: Ferguson Seconded: Ferguson

1. That Council move into Closed Council to consider Item 8.
2. That the media and public be excluded from the meeting on the basis that the business to be considered is classified confidential under the provisions of section 10A(2)(d)(ii) of the *Local Government Act 1993*.
3. That the correspondence and reports relevant to the subject business be withheld from access to the media and public as required by section 11(2) of the *Local Government Act 1993*.

16/12/16 RESOLVED – Moved: Ferguson Seconded: Ferguson

That Council move out of Closed Council and in to Open Council.

The Council reconvened in Open Session at 6.49pm. On resumption of Open Session, the Administrator announced that Council had adopted resolution 01/C12/16 and made the decision public.

That Council agree to the variation to the original tender being proposed by GWCC and expedite the purchase of the GWCC depot on the basis of the above report.

There being no further business the meeting closed at 6.50pm.

These Minutes were confirmed by resolution of Council at the Council Meeting held on Monday 16 January 2017 and endorsed by:

ADMINISTRATOR

INTERIM GENERAL MANAGER