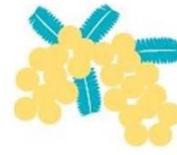


# Cootamundra-Gundagai Regional Council



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# MINUTES

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## ORDINARY COUNCIL MEETING

STEPHEN WARD ROOMS,  
COOTAMUNDRA

**6.00PM, MONDAY 10 APRIL 2017**



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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 6.00pm

### **1) Mr Charlie Sheahan – Coolac Waste Transfer Station**

Mr Sheahan asked for information regarding the Coolac transfer station – will it be removed? Can it be used for things such as recycling or Drummuster collections?

The Interim General Manager replied that despite initial thoughts of closure the transfer stations would not be removed but would be remodelled to suit the changed waste operation.

*Meetings with village residents will be organised over the coming weeks to discuss the proposals with residents.*

### **2) Mr Dan McDonald – Proposed changes to waste management**

Mr McDonald said that he is concerned there has been no community consultation in regard to the waste strategy changes to allow considered submissions to be lodged, with submissions being due today. Mr McDonald spoke on behalf of the resident of Tumblong asking for information, including: who will be involved with the collection, what the bin bank will look like, where it will be, how it would be serviced. Mr McDonald questioned whether the bin bank system will be an effective way to store rubbish for all members of the community, and requested additional community consultation.

*Meetings with village residents will be organised over the coming weeks to discuss the proposals with residents.*

### **3) Ms Kate Smart – Proposed changes to waste management**

Ms Smart spoke on behalf of the residents of Nangus and requested additional information about the collection route. Ms Smart expressed a concern that the existing transfer station will no longer be used, and advised that Gundagai Shire Council had already conducted consultation on the location to determine the current site. Ms Smart also advised of concerns regarding the logistics of emptying household rubbish into smaller bins and asked whether there would be exemptions for residents who organise

their own private skip bin services. Ms Smart also expressed concern about how the bin banks will be kept tidy.

*Meetings with village residents will be organised over the coming weeks to discuss the proposals with residents.*

#### **4) Mrs Pip McAlister – Morley’s Creek, Waste Management Services**

Mrs McAlister spoke about the role of Council in cleaning up Morley’s Creek and referred to the Water Management Act 2011 and advised that Council is exempt from seeking permissions from NSW Water and Fisheries to remove debris from Morley’s Creek. Mrs McAlister advised that she has contacted NSW Water and Fisheries to confirm this.

Mrs McAlister advised that not enough consultation had taken place regarding the proposed waste changes and asked how the increase in waste charges would benefit her, as someone who doesn’t use waste services.

*This is not the information Council has obtained from the relevant agencies.*

*Council would need to obtain a Permit to Dredge under Part 7 of the Fisheries Management Act to remove the snags as they are classed as potential fish habitat, irrespective of the recent flooding, because they do not impact on any critical infrastructure, i.e. roads / bridges. There are instances where NSW DPI will approve dredging and reclamation, such as for essential public navigation and environmental rehabilitation purposes. However, it is unlikely the activity would be approved if it:*

- would reduce water quality,*
- would damage or destroy marine vegetation, including mangroves, seagrasses, and wetlands,*
- would damage or destroy riparian vegetation, gravel beds, reefs, or snags, or interfere with commercial and recreational fishing or aquaculture activities.”*

*Council will also need to be mindful that if it were to undertake a formal application, the weirs that are currently in place in Morleys Creek would then come under scrutiny in accordance with the NSW Weirs Policy, where Council as the “owner” of the weir could potentially be made to either remove the weir (although Council may be able to develop sufficient arguments that the weir has a visual amenity basis to justify its retention) or modify the weir to include a Fish Ladder.*

#### **5) Mr Abb McAlister – Investment Report**

Mr McAlister referred to the investment report and brought it to the attention of attendees that the \$15 million NSW Government grant funding received as part of the merger was included in the Cootamundra investment balance.

**6) Mrs Ros Wight – WWII Storage depot, Heritage Centre photos, Cootamundra saleyards maintenance, Thompson St pedestrian bridge, Morley’s Creek pedestrian bridge, Bridges Grant funding**

Mrs Wight spoke about the privately owned property WWII Fuel Tanks at the entrance to Cootamundra and advised they were untidy. The Interim General Manager advised that Council was not the owner of the property but would contact the owners regarding a clean-up.

Mrs Wight asked why the Muttama Creek and Morley’s Creek footbridges had not been repaired. The Administrator advised that RMS need to approve the funding allocation before work can be commenced.

Mrs Wight spoke about the photography at the Heritage Centre, and requested \$350 Council funding to remount the photos. The Administrator asked that the Heritage Centre put the request in writing.

Mrs Wight spoke about the Cootamundra saleyards maintenance, and requested the machinery shed guttering be repaired to prevent water from flowing into the interior of the shed.

Mrs Wight spoke about Federal Grant funding available for the widening of single lane bridges such as the bridge on Rosehill Rd. Mrs Wight asked that Council investigate the funding option. The Interim General Manager undertook for staff to investigate.

*Investigation reveals that these are matched dollar for dollar grants, which make them prohibitive, but Council will assess whether it is possible to seek a grant under this program in future.*

**7) Mr David Graham – 2016/17 budget, Legal Fees and Crown Solicitors**

Mr Graham requested information about the payment of legal fees, and whether the Crown solicitor had responded to the correspondence sent in December.

*The Crown Solicitor has been instructed to respond and council is awaiting further advice.*

Mr Graham asked for a single 2016/17 budget.

*It is noted that the 2016/17 budget is included in the Operational Plan that has been adopted in July 2016, and comprises the draft Cootamundra and draft Gundagai budget's that were exhibited prior to the merger. The two budgets were merged in to one integrated format for the September Quarterly Budget Review, and budget variations have been reported to Council quarterly.*

**8) Ms Belinda Scott – Muttama Creek**

Ms Scott spoke about the Muttama Creek and presented a petition of 342 signatories expressing that the reeds, rushes and debris are so thick that the creek is effectively dammed, and asking that the Council maintain and clear the creek bed so that the creek be made safe and healthy. Ms Scott expressed her view that the Muttama Creek is the

drainage channel through Cootamundra and must be able to act as a drainage channel unhindered.

Ms Scott stated that she had phoned the Department of Primary Industries and they advised her that Council oversees the creek and are responsible for maintaining the creek bed. The Officer responsible for Invasive Weed Species advised Ms Scott that Council are absolutely responsible for the maintenance of the creek.

#### **9) Mrs Yvonne Forsyth – Wattle Time**

Mrs Forsyth spoke on behalf of the Tourism Advisory Committee expressing that there is no promotion of the annual Wattle Time Fair, and acknowledged that the CDC are responsible for the event.

Mrs Forsyth asked whether Council would submit information about the Wattle Time Fair to the TAC at their next meeting.

#### **10) Mr Rod Chalmers – Conditions of Subdivision for**

Mr Chalmers spoke in regard to Item 4 of the Business Paper *Application for 10 lot subdivision, Lot 2 DP 583945, 186 Back Brawlin Rd Cootamundra*. Mr Chalmers asked for information about Condition PSC7, including when this requirement was added to subdivisions and why, and how it would be policed.

*This is a refinement of a general condition used in all major subdivisions and industrial developments by CSC over many years to provide screening to boundaries, but rather than specifying a width of planting it specifies a density. The owner is responsible for maintenance of these trees and Council has not previously had any need to follow up on the condition.*

The Administrator concluded the Open Forum by advising that all the information at the meeting, including the Waste Strategy would be considered, and that there would be further community consultation, and that all ideas would be considered.

**THESE ARE THE MINUTES OF THE ORDINARY MEETING OF COOTAMUNDRA-GUNDAGAI REGIONAL COUNCIL HELD ON 10 APRIL 2017 2017 IN THE STEPHEN WARD ROOMS, COOTAMUNDRA LIBRARY COMMENCING AT 6.20 PM.**

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**ADOPTION OF MINUTES**

**That the Minutes of the Meeting of Council held on Monday 13 March 2017 be confirmed as a true and correct record of the meeting.**

**01/04/17 RESOLVED – Moved: Ferguson                      Seconded: Ferguson**

**That the Minutes of the Meeting of Council held on Monday 13 March 2017 be confirmed as a true and correct record of the meeting.**

## **ADMINISTRATORS MINUTE**

### **ADMINISTRATOR RESIGNATION**

Tonight's Council meeting is my last. Today I announce my decision to stand down as Administrator of Cootamundra-Gundagai Regional Council.

This is not a decision I have made lightly but it is one I feel is right for our new Council, and more importantly, our community.

I have always put the long term benefit of the residents first in everything and I have formed the view that it will be in the best interest of the whole community if I stand down now, before the coming election. I believe this will provide a circuit breaker that will give clear space for my replacement to take up the reigns and lead Council through the next phase up to the election of new councillors in September 2017.

As I have headed the organisation I have borne the brunt of community anger, which has at times been personal. There are absolutely no plans for Gundagai to be de-merged and I think it is unfair of a small group to continue to keep alive this expectation. What I ask, on behalf of the majority, of the merged community is that we move on, and look at the positive outcomes that will be achieved in the future if we all work together co-operatively.

I have been proud to lead Cootamundra-Gundagai Regional Council during the early, and most difficult, phase of this significant reform to local government.

I would like to congratulate and thank all of the staff for their hard work and commitment managing the difficult task of integrating two organisations, and offer a special thank you to interim General Manager Ken Trethewey for his unwavering support and leadership through the process so far.

As I have said throughout, the real benefits of the merger will become visible over the coming years, but, there have been immediate benefits to the community. The obvious benefits can be seen in \$500,000 for Gundagai community groups and \$600,000 for Cootamundra community groups to undertake much needed community projects.

Much of the hard work to date has been behind the scenes and has been aimed at bringing the two previous workplaces together into a new single entity, to allow for the benefits that will be seen in the coming months and years.

During the next phase leading to the September elections, the community will be asked to contribute to the Community Strategic Plan and Village planning strategies. The community will also be asked to consider a raft of infrastructure improvements such as a new Sewerage Treatment Works in Gundagai, the rebuilding of the Dog-On-The-Tuckerbox facilities, and the replacement of large sections of water main in Cootamundra, paid for by the remaining \$9 million of infrastructure funding made available through the Stronger Communities Fund.

This level of investment in local government is unprecedented and has made it possible for Council to invest in a number of new community projects and services that would either have taken many years or been impossible without further rate increases.

Over the next months and years I and all other residents of the new council will see the benefit of this merger unfold.

Naturally, I am sad to be leaving, however, a new chapter beckons and I am looking forward to the challenges of life outside of local government.

**1) CONTAMINATED LAND MANAGEMENT POLICY**

Introduction

Following the public exhibition of the Draft Contaminated Land Management Policy 3 March 2017 – 31 March 2017, a final document has been presented for adoption by Cootamundra-Gundagai Regional Council and forms **TABLED DOCUMENT 1 APRIL 2017 (Page 1-66)**.

Discussion

The Draft Contaminated Land Management Policy was formulated through the assistance of the REROC Contaminated Lands Policy Officer. The purpose of this policy is to create certainty and promote understanding for Councils, developers and other stakeholders as to how development on contaminated and potentially contaminated land will be assessed as a part of the development application process.

The Draft Contaminated Land Management Policy was on public exhibition for a period of 28 days between 3 March 2017 and 31 March 2017. No submissions were received.

**RECOMMENDATION**

**That the Contaminated Land Management Policy be adopted.**

**02/04/17 RESOLVED – Moved: Ferguson      Seconded: Ferguson**

**That the Contaminated Land Management Policy be adopted.**

## **2) PLANNING PROPOSAL 2016 CGREG 001 00**

### **Introduction**

In 2016, Council submitted for Gateway determination an amended planning proposal to:

- Amend the land use table for the IN3 – Heavy Industrial;
- Amend the land use table for the R1 – General Residential; and
- Amend Schedule 5 – Environmental Heritage.

The complete list of documents can be found on the Department of Planning & Environment's website

<http://leptracking.planning.nsw.gov.au/PublicDetails.aspx?id=2760>

### **Discussion**

This planning proposal is a housekeeping amendment to the existing Cootamundra Local Environmental Plan 2013. The planning proposal will not alter the Gundagai Local Environmental Plan 2011.

Proposed changes to the land use table of the IN3 – Heavy Industrial to allow for a greater range of land uses permitted with consent in this zone. In the IN3 – Heavy Industrial Zone, land use terms 'crematoria', 'depots', 'transport depots', 'truck depots', 'vehicle repair workshops' and 'warehouse or distribution centres' are proposed to be removed from item 4 'Prohibited' and placed under item 3 'Permitted with consent.'

Proposed inclusion of 'serviced apartments' in the R1 Zone.

Proposed deletion of item 46 from the Schedule 5 (Environmental Heritage), is proposed resulting from application by the land holder to Council. Item 46 had been included in Schedule 5 (Environmental Heritage) on the basis of local knowledge. Further investigation has revealed that the assumption that the house was of pise construction (mud brick) was false and that it was of brick render construction and does not have the heritage significance originally assumed.

The proposal has been placed on exhibition previously (20 February – 27 March 2017) however documents pertaining to the proposed inclusion of serviced apartments in the R1 Zone were not freely available during this period. Because of this, it is recommended that the planning proposal be re exhibited.

### **RECOMMENDATION**

**That Planning Proposal 2016\_CGREG\_001\_00 be re-exhibited for a period of no less than 28 days.**

**03/04/17 RESOLVED – Moved: Ferguson      Seconded: Ferguson**

**That Planning Proposal 2016\_CGREG\_001\_00 be re-exhibited for a period of no less than 28 days.**

<b>VOTING RECORD for Minute 03/04/17 - PLANNING PROPOSAL 2016_CGREG_001_00</b>	
<b>FOR RESOLUTION</b>	<b>AGAINST RESOLUTION</b>
Christine Ferguson	Nil
<b>ABSENT</b>	<b>DECLARED INTEREST</b>
Nil	Nil

### **3) PLANNING PROPOSAL – ADDITIONAL PERMITTED USE UNDER SCHEDULE 1 OF THE COOTAMUNDRA LOCAL ENVIRONMENT PLAN 2013**

#### **Introduction**

Council has received an application for the inclusion of ‘service station and liquid fuel depot’ in a proposed Schedule 1 – Additional Permitted Uses amendment to the site identified in the SP2 – Infrastructure Zone. The proposed site is located directly opposite Albert Park on Hovell Street in Cootamundra.

#### **Discussion**

This planning proposal is sought by the applicant in order to develop the specified site (roughly 4,000m<sup>2</sup>) for the purpose of a service station and liquid fuel depot. The complete planning proposal can be found here [https://www.dropbox.com/sh/j84zg3pdnijv1wl/AABEYDzrcOAlOVe-AMYJ9ZF\\_a?dl=0](https://www.dropbox.com/sh/j84zg3pdnijv1wl/AABEYDzrcOAlOVe-AMYJ9ZF_a?dl=0)

The site is located wholly within the S2 Zone within which ‘service station and liquid fuel depot’ is currently a prohibited land use. The site is adjacent to Heritage Items I11 – Heritage Centre, I63 – Cootamundra Railway Station and Yard Group and I64 – North Gantry. It is not expected that any service station and liquid fuel depot development will encroach on these heritage items, however heritage will be a consideration of any future Development Application.

The proposed land use of ‘service station and liquid fuel depot’ is not inconsistent in the context, being a site fronting the Olympic Highway and backing onto the Sydney-Melbourne mainline railway corridor.

The proponent has undertaken consultation with Council, Roads and Maritime Services and the Office of Environment and Heritage.

Utilising Schedule 1 means that the proposed land use of ‘service station’ would be applicable to only this site and no other areas in the SP2 Zone. Precise identification of the site is problematic, however, for the purpose of this planning proposal, the site will be referred to in accordance with the lease agreement for the site.

Even if the Planning Proposal is endorsed, the proposed service station would still be subject to a Development Application.

#### **RECOMMENDATION**

**That Planning Proposal – Additional Permitted Use under Schedule 1 of the Cootamundra LEP 2013 be supported for Gateway determination by the Department of Planning and Environment.**

**04/04/17 RESOLVED – Moved: Ferguson      Seconded: Ferguson**

**That Planning Proposal – Additional Permitted Use under Schedule 1 of the Cootamundra LEP 2013 be supported for Gateway determination by the Department of Planning and Environment.**

<b>VOTING RECORD for Minute 04/04/17 - PLANNING PROPOSAL – ADDITIONAL PERMITTED USE UNDER SCHEDULE 1 OF THE COOTAMUNDRA LOCAL ENVIRONMENT PLAN 2013</b>	
<b>FOR RESOLUTION</b>	<b>AGAINST RESOLUTION</b>
Christine Ferguson	Nil
<b>ABSENT</b>	<b>DECLARED INTEREST</b>
Nil	Nil

#### **4) APPLICATION FOR 10 LOT SUBDIVISION - LOT 2 DP 583945 186 BACK BRAWLIN ROAD, COOTAMUNDRA**

##### Introduction

The applicant is seeking consent for a 10 lot subdivision of Lot 2 DP 583945 known as 186 Back Brawlin Road, Cootamundra; resulting in 9 lots in the RU4 Zone and 1 lot in the RU1 Zone. Development Assessment report forms **TABLED DOCUMENT 2 APRIL 2017 (Pages 67-78)**.

##### Applicant

Brian Evers

##### Owner

Brian Evers

##### Property Description

186 Back Brawlin Road, Cootamundra

##### Zoning

Dual zoned: RU1 Primary Production Zone and RU4 Primary Production Small Lots Zone

##### Existing Use

Agricultural

##### Proposal

The applicant is proposing a 10 lot subdivision resulting in 9 lots in the RU4 Zone and 1 lot in the RU1 Zone.

##### Discussion

The applicant is seeking permission for a 10 lot subdivision. 9 of the proposed 10 lots will be "rural living lots" with the ability to submit a development application for a dwelling (all 2 ha or larger in accordance with the adopted lot size map). The residual 10<sup>th</sup> lot is comprised entirely of RU1 Zone Land and is below the minimum 200 ha (33.47 ha) and therefore will not be able to apply for a dwelling. Proposed lots 1-3 will front Back Brawlin Road, proposed lots 4-7 will be accessible via an internal road and lots 8-10 will be accessible via an existing paper road. Proposed lots 1-9 will be serviced by town water through a trickle feed tank system. The subdivision is proposed to occur in 3 stages, with stage 1 to create lots 1-3, stage 2 to create lots 4-7 and stage 3 to create lots 8-10.

## **RECOMMENDATION**

**That DA2017/17 be approved subject to the following conditions:**

### **GENERAL CONDITIONS**

**(1) GEN Condition - Compliance Standards**

Any building and associated works shall comply with the statutory requirements of the Environmental Planning & Assessment Act, Local Government Act, 1993 and the Building Code of Australia (BCA).

*Reason: The legal obligations of the Council to administer the New South Wales building and planning laws in order to provide satisfactory standards of living and development.*

**(2) GEN Condition - Compliance with Council**

The Development being completed in accordance with plans and specifications stamped by Council and the Statement of Environmental Effects, except where varied by conditions of this consent.

Plan/Doc No.	Description	Author	Version	Date
12483SoEE	Statement of Environmental Effects	CMS Surveyors	-	10/02/17
12483	Survey Plan	CMS Surveyors	5	13/02/17

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

**(3) GEN Condition – Public Land Costs**

Costs attributed to all work involved on public land shall be borne by the proponent.

*Reason: Need for applicants to be responsible for costs arising as a result of development work*

**(4) GEN Condition – Subdivision Telecommunication Services.**

The provision of separate telecommunications services to proposed Lots indicated on the sketch plan submitted with the development application, at the full cost of the applicant.

*Reason: To ensure that utility services are satisfactory for the proposed development.*

**(5) GEN Condition – Subdivision Services Consent.**

The applicant shall obtain consent from the appropriate supply authority relating to water, electricity, gas and telephone. Work required is to be completed by the applicant in accordance with the consent authority conditions.

*Reason: To ensure utility services are protected and satisfactory for the proposed development.*

**(6) GEN Condition – Subdivision Electrical Supply.**

The provision of a separate electrical supply line to proposed Lots as indicated on the sketch plan submitted with the development application, at the full cost of the applicant.

*Reason: To ensure that existing services can be separately metered in the event of separate titles being issued.*

**(7) GEN Condition – Strata Subdivision Separate Services.**

The applicant shall obtain advice as to the separation of utility services in the event that the applicant wishes to subdivide or strata title the dual occupancy. Council shall be made aware of such advice in the event that such action is taken.

*Reason: To ensure that existing services can be separately metered in the event of separate titles being issued.*

**(8) GEN Condition – Subdivision Availability of Water Supply.**

In accordance with s.109J(1)(e) of the Environmental Planning & Assessment Act, the applicant shall obtain a Certificate of Compliance from the water supply authority with respect to the division of land.

*Reason: The legal obligations of Council to administer the Environmental Planning & Assessment Act.*

**(9) GEN Condition – Subdivision Electricity Availability.**

The applicant shall obtain a Certificate of Compliance from the electricity authority with respect to the division of land. You should contact the Planning Co-ordinator at Country Energy on 6933 5807 or at PO Box 5940, Wagga Wagga, 2650 for assistance.

*Reason: To ensure that utility providers have the opportunity to comment on any requirements that they may have with respect to the division of land.*

**(10) GEN Condition – Subdivision Boundaries.**

For the subdivision of the land and the creation of a Land Title Plan, the following setbacks are required: -

1. From the existing dwelling: -
  - a. 50m to rear and side property boundaries
  - b. 30m from the front property boundary facing a road
2. From existing outbuildings, i.e. sheds and the like: -
  - a. 10m from all boundaries
3. From on-site sewage management systems, effluent disposal areas: -
  - a. 10m from all boundaries

*Reason: Compliance with the Cootamundra LEP and development standards.*

**(11) GEN Condition – Subdivision On-Site Sewerage Management System.**

Any existing on site sewerage management system on the subject properties, including any effluent disposal areas, are to maintain a minimum six (6) metre clearance from

the proposed new boundary. If a six (6) metre clearance cannot be achieved, a Section 68 Application must be submitted to Council to undertake the necessary works to maintain the six (6) metre clearance.

*Reason: To ensure on site sewerage management system is adequately located on the proposed new allotment.*

**(12) GEN Condition – Subdivision Consent Lapsing.**

Consent for the subdivision lapses after FIVE (5) years in accordance with Section 95(3)(a) of the *Environmental Planning and Assessment Amendment Act 2010*.

*Reason: Comply with the consent lapse requirements under the Act*

**PRIOR TO ISSUE OF SUBDIVISION CERTIFICATE (if applicable)**

**(1) PSC Condition – Formal Plan of Subdivision.**

A formal Plan of Subdivision being prepared generally in accordance with the plan submitted with the Development Application DA2017/17 and prepared by the applicant on 13/2/17.

*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 utility authorities shall be satisfied prior to Council releasing the Subdivision Plan.

*Reason: To ensure that the requirements of public authorities are met prior to work commencing.*

**(3) PSC Condition – Registration of Subdivision Plans.**

In accordance with s.109C of the Environmental Planning & Assessment Act, the applicant is required to obtain a subdivision certificate from the consent authority 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 in the format supplied to the consent authority upon the plan acceptable to the Registrar General.

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

**(4) Condition – Payment of Water Head Works Charges (Torrens Title Subdivisions).**

The payment to Council of the appropriate, current to date Goldenfields Water County Council Water Supply Head Works Infrastructure Contribution Charge (currently \$7,135.00 per lot; current until 30 June 2017) for proposed 9 allotments (Lots 1-9) as shown on the subdivision plan as submitted, at the full cost of the developer.

*Reason: To satisfy developer contributions under Section 64 of the Local Government Act 1993.*

**(5) PSC Condition – Section 94 Contributions**

At the time of submission of a Subdivision Certificate, all owing monies as they relate to Section 94 contributions must be paid in full.

Section 94 contributions are subject to changes in CPI. Applicable CPI is the *Consumer Price Index (All Groups Index) for Sydney* as published by the Australian Bureau of Statistics at the March quarter ending immediately prior to the financial year in which payment is made.

**Reason:** *So that the Section 94 payments applicable are paid in accordance with Council's Section 94 Development Contributions Plan as adopted 2014.*

**(6) PSC Condition – Provide Suitable Access.**

Access is to be constructed to Council specification and location. The access to be constructed and maintained at the owners cost such that no soil erosion is caused.

All access points and roadways must be in accordance with approved specifications and design of Council's Engineering Standards.

**Reason:** *To ensure that traffic movement generated by the development does not adversely affect the road system of the locality and that siltation of waterways is minimised.*

**(7) PSC Condition – Tree Planting**

Landscaping shall take the form of 1 large native tree per 25m or 1 medium native tree per 15m to be planted along the new lot boundaries (proposed lots 1-9) and kept suitably and cared for by the applicant.

**Reason:** *Council seeks that the amount of vegetation in the Shire continues to increase so as to improve the climate and appearance.*

**DURING CONSTRUCTION**

**(1) DUR Condition – Undertake Works on Road Reserve.**

An application to undertake works on the road reserve is required to be lodged and crossing installed to Council Engineers specifications as part of the development. (application attached)

Twenty four (24) hours' notice is to be given to Council Works & Services group before placement of concrete to enable formwork to be inspected. Failure to do so may result in rejection of the works and a need for reconstruction.

**Reason:** *To ensure appropriate vehicle access is provided to the development which does not adversely impact on pedestrian traffic or Council's public road infrastructure.*

**ONGOING USE**

**(1) USE Condition – Water Storage Rural Subdivisions.**

The water storage shall be by enclosed storage tanks with a minimum capacity of 60,000L. At least 20,000L shall be dedicated for firefighting purposes with a 40mm Storm water coupling suitable for connection to the local fire brigade water tanker.

**Reason:** *To ensure that adequate water storage is available for self-sufficiency in fighting fires or a bushfire occurrence adjacent to the house.*

**That DA2017/17 be approved subject to the following conditions:**

**GENERAL CONDITIONS**

**(1) GEN Condition - Compliance Standards**

Any building and associated works shall comply with the statutory requirements of the Environmental Planning & Assessment Act, Local Government Act, 1993 and the Building Code of Australia (BCA).

*Reason: The legal obligations of the Council to administer the New South Wales building and planning laws in order to provide satisfactory standards of living and development.*

**(2) GEN Condition - Compliance with Council**

The Development being completed in accordance with plans and specifications stamped by Council and the Statement of Environmental Effects, except where varied by conditions of this consent.

Plan/Doc No.	Description	Author	Version	Date
12483SoEE	Statement of Environmental Effects	CMS Surveyors	-	10/02/17
12483	Survey Plan	CMS Surveyors	5	13/02/17

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

**(3) GEN Condition – Public Land Costs**

Costs attributed to all work involved on public land shall be borne by the proponent.

*Reason: Need for applicants to be responsible for costs arising as a result of development work*

**(4) GEN Condition – Subdivision Telecommunication Services.**

The provision of separate telecommunications services to proposed Lots indicated on the sketch plan submitted with the development application, at the full cost of the applicant.

*Reason: To ensure that utility services are satisfactory for the proposed development.*

**(5) GEN Condition – Subdivision Services Consent.**

The applicant shall obtain consent from the appropriate supply authority relating to water, electricity, gas and telephone. Work required is to be completed by the applicant in accordance with the consent authority conditions.

*Reason: To ensure utility services are protected and satisfactory for the proposed development.*

**(6) GEN Condition – Subdivision Electrical Supply.**

The provision of a separate electrical supply line to proposed Lots as indicated on the sketch plan submitted with the development application, at the full cost of the applicant.

*Reason: To ensure that existing services can be separately metered in the event of separate titles being issued.*

**(7) GEN Condition – Strata Subdivision Separate Services.**

The applicant shall obtain advice as to the separation of utility services in the event that the applicant wishes to subdivide or strata title the dual occupancy. Council shall be made aware of such advice in the event that such action is taken.

*Reason: To ensure that existing services can be separately metered in the event of separate titles being issued.*

**(8) GEN Condition – Subdivision Availability of Water Supply.**

In accordance with s.109J(1)(e) of the Environmental Planning & Assessment Act, the applicant shall obtain a Certificate of Compliance from the water supply authority with respect to the division of land.

*Reason: The legal obligations of Council to administer the Environmental Planning & Assessment Act.*

**(9) GEN Condition – Subdivision Electricity Availability.**

The applicant shall obtain a Certificate of Compliance from the electricity authority with respect to the division of land. You should contact the Planning Co-ordinator at Country Energy on 6933 5807 or at PO Box 5940, Wagga Wagga, 2650 for assistance.

*Reason: To ensure that utility providers have the opportunity to comment on any requirements that they may have with respect to the division of land.*

**(10) GEN Condition – Subdivision Boundaries.**

For the subdivision of the land and the creation of a Land Title Plan, the following setbacks are required: -

4. From the existing dwelling: -
  - c. 50m to rear and side property boundaries
  - d. 30m from the front property boundary facing a road
5. From existing outbuildings, i.e. sheds and the like: -
  - b. 10m from all boundaries
6. From on-site sewage management systems, effluent disposal areas: -
  - b. 10m from all boundaries

*Reason: Compliance with the Cootamundra LEP and development standards.*

**(11) GEN Condition – Subdivision On-Site Sewerage Management System.**

Any existing on site sewerage management system on the subject properties, including any effluent disposal areas, are to maintain a minimum six (6) metre clearance from the proposed new boundary. If a six (6) metre clearance cannot be achieved, a Section

68 Application must be submitted to Council to undertake the necessary works to maintain the six (6) metre clearance.

*Reason: To ensure on site sewerage management system is adequately located on the proposed new allotment.*

**(12) GEN Condition – Subdivision Consent Lapsing.**

Consent for the subdivision lapses after FIVE (5) years in accordance with Section 95(3)(a) of the *Environmental Planning and Assessment Amendment Act 2010*.

*Reason: Comply with the consent lapse requirements under the Act*

**PRIOR TO ISSUE OF SUBDIVISION CERTIFICATE (if applicable)**

**(1) PSC Condition – Formal Plan of Subdivision.**

A formal Plan of Subdivision being prepared generally in accordance with the plan submitted with the Development Application DA2017/17 and prepared by the applicant on 13/2/17.

*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 utility authorities shall be satisfied prior to Council releasing the Subdivision Plan.

*Reason: To ensure that the requirements of public authorities are met prior to work commencing.*

**(3) PSC Condition – Registration of Subdivision Plans.**

In accordance with s.109C of the Environmental Planning & Assessment Act, the applicant is required to obtain a subdivision certificate from the consent authority 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 in the format supplied to the consent authority upon the plan acceptable to the Registrar General.

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

**(4) Condition – Payment of Water Head Works Charges (Torrens Title Subdivisions).**

The payment to Council of the appropriate, current to date Goldenfields Water County Council Water Supply Head Works Infrastructure Contribution Charge (currently \$7,135.00 per lot; current until 30 June 2017) for proposed 9 allotments (Lots 1-9) as shown on the subdivision plan as submitted, at the full cost of the developer.

*Reason: To satisfy developer contributions under Section 64 of the Local Government Act 1993.*

**(5) PSC Condition – Section 94 Contributions**

At the time of submission of a Subdivision Certificate, all owing monies as they relate to Section 94 contributions must be paid in full.

Section 94 contributions are subject to changes in CPI. Applicable CPI is the *Consumer Price Index (All Groups Index) for Sydney* as published by the Australian Bureau of Statistics at the March quarter ending immediately prior to the financial year in which payment is made.

**Reason:** *So that the Section 94 payments applicable are paid in accordance with Council's Section 94 Development Contributions Plan as adopted 2014.*

**(6) PSC Condition – Provide Suitable Access.**

Access is to be constructed to Council specification and location. The access to be constructed and maintained at the owners cost such that no soil erosion is caused.

All access points and roadways must be in accordance with approved specifications and design of Council's Engineering Standards.

**Reason:** *To ensure that traffic movement generated by the development does not adversely affect the road system of the locality and that siltation of waterways is minimised.*

**(7) PSC Condition – Tree Planting**

Landscaping shall take the form of 1 large native tree per 25m or 1 medium native tree per 15m to be planted along the new lot boundaries (proposed lots 1-9) and kept suitably and cared for by the applicant.

**Reason:** *Council seeks that the amount of vegetation in the Shire continues to increase so as to improve the climate and appearance.*

**DURING CONSTRUCTION**

**(1) DUR Condition – Undertake Works on Road Reserve.**

An application to undertake works on the road reserve is required to be lodged and crossing installed to Council Engineers specifications as part of the development. (application attached)

Twenty four (24) hours' notice is to be given to Council Works & Services group before placement of concrete to enable formwork to be inspected. Failure to do so may result in rejection of the works and a need for reconstruction.

**Reason:** *To ensure appropriate vehicle access is provided to the development which does not adversely impact on pedestrian traffic or Council's public road infrastructure.*

**ONGOING USE**

**(1) USE Condition – Water Storage Rural Subdivisions.**

The water storage shall be by enclosed storage tanks with a minimum capacity of 60,000L. At least 20,000L shall be dedicated for firefighting purposes with a 40mm Storm water coupling suitable for connection to the local fire brigade water tanker.

**Reason:** *To ensure that adequate water storage is available for self-sufficiency in fighting fires or a bushfire occurrence adjacent to the house.*

**VOTING RECORD for Minute 05/04/17 - APPLICATION FOR 10 LOT SUBDIVISION - LOT 2 DP  
583945 186 BACK BRAWLIN ROAD, COOTAMUNDRA**

<b>FOR RESOLUTION</b>	<b>AGAINST RESOLUTION</b>
Christine Ferguson	Nil
<b>ABSENT</b>	<b>DECLARED INTEREST</b>
Nil	Nil

**5) INVESTMENT REPORT**

The purpose of this report is to provide Council with a list of Council funds invested as at 31 March 2017.

A summary of investments for the Cootamundra Area as at 31 March 2017 forms **TABLED DOCUMENT 3 APRIL 2017 (Page 78)**.

A summary of investments for the Gundagai Area as at 31 March 2017 forms **TABLED DOCUMENT 4 APRIL 2017 (Page 79)**.

**RECOMMENDATION**

**That the Investment Reports as at 31 March 2017 be received and noted.**

**06/04/17 RESOLVED – Moved: Ferguson      Seconded: Ferguson**

**That the Investment Reports as at 31 March 2017 be received and noted.**

**6) DONATION REQUEST – STOCKINBINGAL COMMUNITY NEWSLETTER**

Introduction

Council has received a request from Rosalie Dale on behalf of the Stockinbingal community requesting a contribution toward the cost of printing and distributing the Stockinbingal Community Newsletter. A copy of the request forms **TABLED DOCUMENT 5 APRIL 2017 (Page 80-81)**.

Discussion

The monthly Stockinbingal Community Newsletter has been produced by village residents since October 2016. It is distributed to local residents within the village, and is made available to residents in surrounding villages and the Cootamundra township. The newsletter aims to provide locals with information on village events and topics of interest, and keeps the residents of the village engaged with their community.

Printing costs of the newsletter are currently being donated by a local resident, but this must now end. Current production of the newsletter is 300 copies per month, with each newsletter comprising eight A4 pages. Estimated production costs of the newsletter is \$4,440 per annum.

Council supports strategies which encourage communication and engagement with its residents and recommend a one-off contribution of \$500.00 to assist with the on-going production and distribution of the Stockinbingal Community Newsletter.

**RECOMMENDATION**

**That Council donate \$500.00 to assist with the production and distribution of the Stockinbingal Community Newsletter.**

**07/04/17 RESOLVED – Moved: Ferguson                      Seconded: Ferguson**

**That Council donate \$500.00 to assist with the production and distribution of the Stockinbingal Community Newsletter.**

**OPERATIONS DIVISION****OPERATIONS****7) STREET SWEEPER REPLACEMENT**Introduction

In line with Council's plant replacement program, tenders were recently called for the replacement of the street sweeper currently operating from the Cootamundra depot.

Discussion

Tenders were called through NSW Local Government Procurement (Vendor Panel) and closed on 17 March 2017. Submissions were received from three suppliers and are shown below in order of price:

<b>Company</b>	<b>Truck</b>	<b>Body</b>	<b>Tender \$</b>	<b>Trade \$</b>	<b>Cost with trade</b>	<b>Comments</b>
<b>ROSMECH</b>	Hino 500 FE 1426 Euro v	Scarab mistral	\$291,972.00	\$30,000.00	\$261,972.00	Twin engine system
<b>ROSMECH</b>	Hino 500 FE 1426 Euro v	Scarab merlin	\$292,335.00	\$30,000.00	\$262,335.00	Single engine system
<b>SCHWARZE</b>	Hino 500 FE 1426 Euro v	Schwarze GS6	\$297,000.00			Twin engine system
<b>BUCHER</b>	Hino 500 FE 1426 Euro v	JohnstonRT655	\$312,563.73	\$30,000.00	\$282,563.73	Twin engine system
<b>BUCHER</b>	Hino 500 FE 1426 Euro v	JohnstonVT651	\$321,734.03	\$30,000.00	\$291,734.03	Twin engine system
<b>BUCHER</b>	Hino 1628	JohnstonVT651	\$340,428.22	\$30,000.00	\$310,428.22	Twin engine system
<b>BUCHER</b>	Hino 1628	JohnstonVS651	\$343,366.51	\$30,000.00	\$313,366.53	Single engine system

It is noted that both of Rosmech's tendered options are below the other tendered prices.

Council currently operates a 2008 model Rosmech street sweeper with a single engine powering both the truck and suction unit. This arrangement uses a hydrostatic drive unit to power the suction unit which is driven from the trucks engine. Recently Council has

experienced problems with the hydrostatic drive and workshop staff advise that a twin engine unit would alleviate these issues.

During the tender process Council staff inspected units from Rosmech and Bucher and were found to be of similar quality and ease of use however it was noted that the Bucher machine was higher thus could pose an issue with clearance below Council's street trees and also had less ground clearance to the sweeper parts when travelling.

Council workshop staff have been satisfied with the after sales service provided by Rosmech over the past eight years including maintenance advice and availability of spare parts. While Rosmech is based in South Australia they have a Field Service Technician operating from Sydney who has been able to provide any necessary assistance and spare parts in a timely manner.

Council wishes to include the option of a high pressure water spray system which does not come as a standard feature on any of the tendered units. Council's current street sweeper has this option and is an invaluable accessory for removing mud and built up debris from pavements and for general truck wash downs. This option is provided by Rosmech at a cost to Council of \$8,770.00.

### **RECOMMENDATION**

**That Council award the Tender for the replacement of Plant No. 343 to ROSMECH for the supply of a street sweeper with Hino 500 FE 1426 Euro v chassis and Scarab Mistral body for \$291,972.00 (plus GST) and accept their trade in price of \$30,000.00.**

**Also that council purchase the high pressure water spray system for \$8,770.00 (plus GST) from ROSMECH.**

**08/04/17 RESOLVED – Moved: Ferguson      Seconded: Ferguson**

**That Council award the Tender for the replacement of Plant No. 343 to ROSMECH for the supply of a street sweeper with Hino 500 FE 1426 Euro v chassis and Scarab Mistral body for \$291,972.00 (plus GST) and accept their trade in price of \$30,000.00.**

**Also that council purchase the high pressure water spray system for \$8,770.00 (plus GST) from ROSMECH.**

## **FACILITIES**

### **8) MULTI PURPOSE SHED AT THE COOTAMUNDRA SHOWGROUND**

#### Introduction

Council has received a request from Cootamundra APH&I Association to borrow funds of \$15,000 for the completion of the showground multi-purpose shed, to the value of \$15,000. The letter of request forms **TABLED DOCUMENT 6 APRIL 2017 (Page 82)**.

#### Discussion

The APH&I were partially successful in receiving grant funding of \$82,665 through the Public Reserves Management Fund, for the demolition and replacement of an unsafe multi-purpose venue at the Cootamundra Showground. The total project budget was \$126,000. At its February Council meeting, Council resolved to contribute \$17,335 toward the total cost, including assistance with the demolition and site levelling. Council's contribution increased the total project budget to \$100,000.

The APH&I have now written to Council and requested an additional loaned contribution to the value of \$15,000. The APH&I have suggested that it is within their capacity to undertake a loan repayment schedule over 6 years, with interest rates to be equivalent to Council's annual investment rates.

Council established the Special Projects Reserve to finance capital works projects that were not otherwise budgeted, and the funding is borrowed, and returned to the Reserve so that it continues to grow. The current balance is \$386,560.

#### Special Projects Reserve

1. The Special Projects Reserve is established to hold the balance of proceeds received by Council upon the sale of the Gasworks Enterprise.
2. Interest earned by investing the balance of Reserve funds is to be added to the Reserve annually.
3. The Reserve is to be used for the purpose of financing capital works within the Shire as identified by Council.

### **RECOMMENDATION**

**That Council approve a loan of up to \$15,000 to the APH&I, to enable completion of the Multi-Purpose building at the Cootamundra Showground, and that the loan be funded from the Special Projects Reserve and be repaid on an annual basis with a maximum term of 6 years, with the interest rate calculated annually based on Council's investment interest returns.**

**09/04/17 RESOLVED – Moved: Ferguson      Seconded: Ferguson**

**That Council approve a loan of up to \$15,000 to the APH&I, to enable completion of the Multi-Purpose building at the Cootamundra Showground, and that the loan be funded from the Special Projects Reserve and be repaid on an annual basis with a maximum term of 6 years, with the interest rate calculated annually based on Council's investment interest returns.**

**There being no further business the meeting closed at 6.36pm.**

**These Minutes were confirmed by resolution of Council at the Council Meeting held on Monday 15 May 2017 and endorsed by:**

\_\_\_\_\_  
**ADMINISTRATOR**

\_\_\_\_\_  
**INTERIM GENERAL MANAGER**