



**COOTAMUNDRA-
GUNDAGAI REGIONAL
COUNCIL**

ABN: 46 211 642 339
PO Box 420, Cootamundra NSW 2590
Email: mail@cgrc.nsw.gov.au
www.cgrc.nsw.gov.au

Business Paper

ORDINARY COUNCIL MEETING

STEPHEN WARD ROOMS COOTAMUNDRA

6:00PM, 31st OCTOBER, 2017

Cootamundra Office: Ph: 02 6940 2100

**Gundagai Office: Ph: 02 6944 0200
www.cgrc.nsw.gov.au**



The Mayor & Councillors
Cootamundra-Gundagai Regional Council
PO Box 420
Cootamundra NSW 2590

NOTICE OF MEETING

An Ordinary Meeting of the Council will be held in the Stephen Ward Rooms, Cootamundra on:

**Tuesday, 31st October, 2017
to be held at 6:00pm
In the Stephen Ward Rooms Cootamundra.**

The agenda for the meeting is enclosed.

Allen Dwyer
General Manager

AGENDA

1. Open Forum
2. Acknowledgment of Country

Council acknowledges the Wiradjuri people, the Traditional Custodians of the Land at which the meeting is held and pays its respects to Elders, both past and present, of the Wiradjuri Nation and extends that respect to other Aboriginal people who are present.

3. Apologies
Mayor McAlister
4. Disclosures of Interest
5. Confirmation of the Minutes (circulated separately) of:
Ordinary Meeting of Council held on 7th August, 2017,
Extraordinary Meeting of Council held on 21st September, 2017
Extraordinary Meeting of Council held on 19th October, 2017

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6 MAYORAL MINUTES

Mayoral Engagements.

RECOMMENDATION

The Mayoral Minute be received and noted.

So as to keep Councillors and the community aware of my engagements on behalf of Council I intend to provide regular updates through my Mayoral Minutes.

On Saturday, 21st October, 2017

The Deputy Mayor, Cr Palmer accompanied me to the visiting Asbestos Awareness Month trailer at Cootamundra as part of the Asbestos Awareness Month campaign. The trailer was also located at Gundagai on this day and provided visitors with information on how to identify asbestos and its safe handling and disposal. The visit was well received by the community and local tradesmen and created essential and valuable awareness in what is a critical and topical health and safety issue, particularly in view of the recent trends in home renovations.

For our residents who were unable to visit the trailer, a suite of information on this matter is available at <http://asbestosawareness.com.au>.

On Saturday, 21st October, 2017

It was my privilege and pleasure to attend the Cootamundra Show with Deputy Mayor, Dennis Palmer and the General Manager, Allen Dwyer. As usual the Show was an outstanding success with ideal weather conditions ensuring large numbers in attendance. In conjunction with the Show was the official opening of the new multipurpose pavilion. Officially named the Butt Manwaring Pavilion, the facility honours the tireless work and contributions of Rodney Butt and David Manwaring to operations of the Show Society. The opening ceremony also included the attendance of Wes Fang MLC and the Member for Riverina, Michael McCormack.

The pavilion will provide a fantastic facility for the Show Society and the community generally over a long period of time into the future, and a venue for a range of exciting community activities all year round.

Appointment of Delegates

Prior to Council determining its committee structure and composition it is necessary to appoint the following delegates to accommodate meeting requirements:

- Local Traffic Committee
- Riverina Regional Library Committee



- Goldenfields Water
- Riverina Eastern Regional Organisation of Councils (REROC)

Southwest Slopes Rural Fire Service Cadets

In the recent Australian Cadet Championships two teams, one based in Young and the other in Gundagai achieved great success. Congratulations is extended to the South West Slopes Zone Team (based in Young) for their outstanding result in the Championship by winning first place and to our own Gundagai Cadet Team (Gundagai High School) for achieving fourth place.

Out of a field of twenty this is a remarkable result and shows the spirit and dedication these young people have committed to a very worthwhile pursuit in our local area. Photos of the teams can be found in the following attachment.



Allen Dwyer

From: Andrew Dillon <Andrew.Dillon@rfs.nsw.gov.au>
Sent: Friday, 6 October 2017 3:23 PM
To: Anthony McMahon; Allen Dwyer
Cc: marianmcgann@bigpond.com; Stephanie Howdle
Subject: FW: South West Slopes Cadets achieve success at the Australian Cadet Championships
Importance: High

Anthony and Allen

For the advice of Council as well – see below. Some media will follow.

Regards



Andrew Dillon | District Manager | South West Slopes Zone
NSW RURAL FIRE SERVICE
Cnr East & Albury Streets Harden NSW 2587 | PO Box 40 Harden NSW 2587
P 02 6386 3170 F 02 6386 3537 M 0413 581 232
MailScanner has detected a possible fraud attempt from "www.rfs.nsw.gov.au" claiming to be
www.southwestslopes.rfs.nsw.gov.au

From: Andrew Dillon
Sent: Friday, 6 October 2017 2:50 PM
Cc: Kate Doyle <Kate.Doyle@rfs.nsw.gov.au>; Tom McDevitt <Tom.McDevitt@rfs.nsw.gov.au>; David Nicholson <David.Nicholson@rfs.nsw.gov.au>; David Lee <David.Lee@rfs.nsw.gov.au>
Subject: South West Slopes Cadets achieve success at the Australian Cadet Championships
Importance: High

Dear Members

Some really exciting news! The SWSZ Cadet Team (based in Young) won the overall first place in the Australian Cadet Championships today. The Team of Nick Summerfield, Charlie Butt, Reid Noyes, Jack Grant, Sam Dunn and Lucas Green supported by Sam Tout and Tristen Langfield are to be congratulated on this massive achievement.

Also, the SWSZ - Gundagai Cadet Team (Gundagai High School) achieved overall 4th place in the rankings and achieved excellent results in some of the individual events. The team of Chanise Denning, Ben Crooks, George Gradon, Damica Field, Annika Smith, Campbell Smith supported by Dale Chadwick/Ian Petty and Tanya Gradon also need to be congratulated for their efforts.

For both our teams to achieve these results, in a field of over 20 teams from all over Australia, is truly outstanding!

I have attached some photos of the Young and Gundagai Teams. More info, photos and results of both teams will be in our next newsletter.

Please join me in celebrating the success of both our teams.

Andrew



Andrew Dillon | District Manager | South West Slopes Zone

NSW RURAL FIRE SERVICE

Cnr East & Albury Streets Harden NSW 2587 | PO Box 40 Harden NSW 2587

P 02 6386 3170 F 02 6386 3537 M 0413 581 232

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7 GENERAL MANAGER'S REPORT

7.1 DEVELOPMENT AND COMMUNITY SERVICES DIVISION

7.1.1 DEVELOPMENT AND BUILDING

7.1.1.1 DEVELOPMENT APPLICATIONS APPROVED AUGUST & SEPTEMBER 2017

REPORTING OFFICER	Chris Imrie – Interim Director Development & Community
ATTACHMENTS	There are no attachments included for this report
RELEVANCE TO COMMUNITY STRATEGIC PLAN	To be included from July, 2018 following adoption of new CSP
FINANCIAL IMPLICATIONS	There are no Financial implications to this report.
LEGISLATIVE IMPLICATIONS	There are no Legislative implications to this report.
POLICY IMPLICATIONS	There are no Policy implications to this report.

RECOMMENDATION:

The information on Development Applications Approved in August and September, 2017 be noted.

The following development applications were approved by the Cootamundra Office in **August 2017**:

APP. NO.	PROPOSED BUILDING	STREET NAME
DA2017/48	Alterations to Rural Industry - Infrastructure	Faulks Lane
DA2017/57	New Dwelling	Old Gundagai Road
DA2017/58	Carport	McKenna Avenue
DA2017/61	Change of Use - Vehicle Repairs	Sutton Street
DA2017/62	Garage	Barnes Street
DA2017/63	New Dwelling	Berthong Road
DA2017/64	New Dwelling	Poole Street
DA2017/66	New Rural Outbuilding	Brawlin Road
DA2017/67	Dwelling Additions	Cutler Avenue
DA2017/68	Dwelling Additions	Cowcumbra Street
DA2017/70	Change of use - Office Accommodation	Wallendoon Street
DA2017/75	Demolition of Industrial Building	Wallendoon Street

VALUE OF WORK REPORTED TO THIS MEETING: **\$1,324,436.00**

VALUE OF WORK REPORTED YEAR TO DATE: **\$1,658,223.00**

THIS TIME LAST YEAR COOTAMUNDRA:

VALUE OF WORK – AUGUST 2016 - \$ 222,259.00

VALUE OF WORK – YTD 2016 - \$1,478,573.00

The following development applications were approved by the Gundagai Office in **August 2017:**

APP. NO.	PROPOSED BUILDING	STREET NAME
DA248/2017	Establish camping sites	Harvey Park Lane
DA258/2017	Identify Dwelling Envelope	Mantons Road
DA266/2017	Garage	Five Mile Creek Road
DA268/2017	Garage	O'Hagan Street
DA272/2017	Removal Of Gravel	Five Mile Creek Road
DA273/2017	Dwelling	Banjo Patterson Place
CDC274/2017	Inground Swimming Pool	Adelong Road
DA277/2017	Demolition of Dwelling	Brungle Road
DA279/2017	Carport	Tarrabandra Road

VALUE OF WORK REPORTED TO THIS MEETING: **\$552,086.00**

VALUE OF WORK REPORTED YEAR TO DATE: **\$1,166,886.00**

THIS TIME LAST YEAR GUNDAGAI:

VALUE OF WORK – AUGUST 2016 - \$ 144,000.00

VALUE OF WORK – YTD 2016 - \$549,000.00

The following development applications were approved by the Cootamundra Office in September 2017:

APP. NO.	PROPOSED BUILDING	STREET NAME
DA2017/65	Change of Use - Motel Accommodation	Hurley Street
DA2017/69	Carport	Murray Street
DA2017/71	New Dwelling & Shed	Pinkstone Avenue
DA2017/72	Shed	O'Donnell Street
DA2017/73	Garage	Cowcumbra Street

DA2017/74	Alterations & Additions to Retail Shop	Parker Street
DA2017/76	Garage	Mary Angove Cres
DA2017/77	New Single Dwelling	Sutton Street
DA2017/79	Alterations to Dwelling	Temora Street
CDC2017/7	Alterations to Garage	Centenary Ave
CDC2017/8	Inground Pool	Gilgal Road
CDC2017/9	Inground Pool	Bradman Street
CDC2017/11	Inground Pool	West Jindalee Road

VALUE OF WORK REPORTED TO THIS MEETING: **\$1,130,975.00**

VALUE OF WORK REPORTED YEAR TO DATE: **\$2,789,198.00**

THIS TIME LAST YEAR COOTAMUNDRA:

VALUE OF WORK – SEPTEMBER 2016 - \$ 122,650.00

VALUE OF WORK – YTD 2016 - \$1,581,223.00

The following development applications were approved by the Gundagai Office in **September 2017:**

APP. NO.	PROPOSED BUILDING	STREET NAME
CDC278/2017	Swimming Pool	Springvale Road
DA280/2017	Transportable Dwelling	Kimo Road
DA281/2017	Deck/Patio	Bourke Street
DA283/2017	Carport	Punch Street
DA284/2017	Shed	Kangaroo Mount Road
DA289/2017	Shed	Tenandra Street

VALUE OF WORK REPORTED TO THIS MEETING: **\$251,090.00**

VALUE OF WORK REPORTED YEAR TO DATE: **\$1,417,976.00**

THIS TIME LAST YEAR GUNDAGAI:

VALUE OF WORK – SEPTEMBER 2016 - \$ 1,753,500.00

VALUE OF WORK – YTD 2016 - \$2,302,500.00

7.1.1.2 EXHIBITION OF DRAFT COOLAC AND WALLEND BEEN VILLAGE STRATEGIES

REPORTING OFFICER	Grace Foulds – Town Planner
ATTACHMENTS	Draft Coolac Village Strategy Draft Wallendbeen Village Strategy
RELEVANCE TO COMMUNITY STRATEGIC PLAN	To be included from July, 2018 following adoption of new CSP
FINANCIAL IMPLICATIONS	There are no Financial implications to this report.
LEGISLATIVE IMPLICATIONS	There are no Legislative implications to this report.
POLICY IMPLICATIONS	There are no Policy implications to this report.

RECOMMENDATION

The Draft Coolac Village Strategy and Draft Wallendbeen Village Strategy be placed on public exhibition for a period of not less than 30 days.

Introduction

Council undertook community consultation during May-June 2017 and background analysis to develop individual village strategies to help guide Council, other government agencies and the community with regards to the six villages of Cootamundra-Gundagai Regional Council.

Discussion

Development Services has undertaken consultation, background research and analysis in conjunction with other government agencies to develop the Cootamundra-Gundagai Regional Council's village's strategies. These strategies were originally envisioned as being a single document with chapters devoted to each village, however the strengths and opportunities for each village warranted individual strategies to be developed. Because of this, the strategies will be placed on exhibition over a period of three months, with the Draft Coolac and Wallendbeen Strategies the first to be placed on exhibition.

In conjunction with the exhibition of these strategies, a photo competition will be run to encourage community participation. The winning photo for each village must feature something which is synonymous with that particular village. As well as a \$100 voucher, the winning photo will be placed on the front cover of the final strategy for that village.

It is hoped that through exhibition, Council receives confirmation that the strategies accurately reflect the communities aspirations, that projects are realistic and that any deficiencies or opportunities not covered in the draft documents have the chance to be raised.

7.1.1.3 APPLICATION FOR A BOUNDARY REALIGNMENT – DA2017/93

REPORTING OFFICER	Grace Foulds – Town Planner
ATTACHMENTS	79C Report Plan of Subdivision
RELEVANCE TO COMMUNITY STRATEGIC PLAN	To be included from July, 2018 following adoption of new CSP
FINANCIAL IMPLICATIONS	There are no Financial implications to this report.
LEGISLATIVE IMPLICATIONS	There are no Legislative implications to this report.
POLICY IMPLICATIONS	There are no Policy implications to this report.

RECOMMENDATION

DA2017/93 be approved subject to the General Conditions of Consent that are listed at the conclusion of this report:

Introduction

Council has received an application for a boundary realignment at 398 Back Brawlin Road, Cootamundra.

Applicant

Robert & Sharyn Abrahams

Owner

Robert & Sharyn Abrahams

Property Description

Lot 176 DP753603 and Lot 1 DP133861
398 Back Brawlin Road, Cootamundra

Zoning

RU1 – Primary Production

Existing Use

Primary Production

Proposal

Boundary realignment

Discussion

The application is for a boundary realignment of lot 176 DP753603 and lot 1 DP133861 which has a combined area of 18.79 hectares. Located in the RU1 zone, neither lot is a concessional lot and as the property falls below the minimum lot size of 40 hectares, there is no ability for the applicant to apply for a dwelling. The proposed subdivision is for agricultural purposes to better separate and manage the land, by locating existing infrastructure being a shed, water tank and septic tank (including absorption trenches) on one allotment. Allotments created will be 13.35 hectares and 5.46 hectares both with frontage to Back Brawlin Road.

Clause 4.2(3) of the Cootamundra Local Environment Plan 2013 allows for subdivision for the purpose of primary production to create a lot of a size that is less than the minimum lots size (40 hectares). The Cootamundra Development Plan 2013 Chapter 4 lists some general provisions in relation to subdivision applications, of which none apply to this application as it is for a boundary realignment.

GENERAL CONDITIONS OF CONSENT

(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 listed in the table below and the Statement of Environmental Effects, except where varied by conditions of this consent.

Document Reference	Description	Author	Date
1 of 2	Plan of Subdivision	CMS Surveyors	27/6/17
-	Statement of Environmental Effects	CMS Surveyors	9/10/17

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

(3) 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 existing outbuildings, i.e. sheds and the like: -
 - a. 10m from all boundaries
2. From on-site sewage management systems, effluent disposal areas: -
 - a. 10m from all boundaries

Reason: Compliance with the Cootamundra LEP and development standards.

(4) GEN Condition – Subdivision On Site Sewerage Management System.

Any existing on site sewerage management system on the subject properties, including any effluent disposal areas, is 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.



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 DA2017/93.

***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.*



DEVELOPMENT ASSESSMENT REPORT

*Pursuant to the Environmental Planning & Assessment Act 1979
Section 79C (as amended)*

**DATE OF REPORT COMMENCEMENT:**

23 October 2017

COUNCIL OFFICER COMPLETING DEVELOPMENT ASSESSMENT:

Grace Foulds

DEVELOPMENT REFERENCE:

DA 2017/93

DEVELOPMENT ADDRESS:

398 Back Brawlin Road COOTAMUNDRA

DEVELOPMENT LOT / SEC / PLAN:

Lot: 176 DP: 753603, Lot: 1 DP: 133861

OWNER(S):

Robert Bruce Abrahams & Sharyn Maria Abrahams

APPLICANT:

Sharyn Maria Abrahams & Robert Bruce Abrahams

APPLICANT ADDRESS:

C/- CMS Surveyors Pty Ltd
PO Box 525
COOTAMUNDRA NSW 2590

PROPOSAL:

New Boundary Adjustment

ZONING (LEP):

RU1-Primary Production

OTHER SPECIAL ZONING IMPACTS:

6.3. Terrestrial Biodiversity

BACKGROUND:

Council has received an application for a boundary realignment at 398 Back Brawlin Road, Cootamundra. The site has been used for primary production purposes.

PREVIOUS DEVELOPMENT PROPOSALS AND DECISIONS:

N/A

INTEGRATED / DESIGNATED / ADVERTISED / NEIGHBOUR NOTIFICATION / CROWN DEVELOPMENTS:

N/A



DEVELOPMENT ASSESSMENT REPORT

*Pursuant to the Environmental Planning & Assessment Act 1979
Section 79C (as amended)*



STATUTORY CONSIDERATIONS / EP&A ACT / EP&A REGULATION:

State of Environmental Planning Policies:

State Environmental Planning Policy (Rural Lands) 2008

Part 3 of this SEPP deals with subdivision, with a focus on the minimisation of fragmentation of land, however section 9 allows for land in a rural zone to be subdivided for the purpose of primary production to create a lot of a size that is less than the minimum size otherwise permitted for that land.

Regional Environmental Planning Policies:

N/A

Cootamundra LEP 2013:

RU1 – Primary Production

6.3. Terrestrial Biodiversity

Gundagai LEP 2011:

N/A

Cootamundra-Gundagai Draft LEP:

N/A

Section 117 Directions:

N/A

Model Provisions:

N/A

Council Policy Considerations:

N/A

Cootamundra DCP:

Chapter 4

Traffic Generating Guidelines:

N/A

Section 94 Contributions Policies:

N/A

Section 94a Contributions Policies:

N/A

REFERRALS:

N/A



DEVELOPMENT ASSESSMENT REPORT

*Pursuant to the Environmental Planning & Assessment Act 1979
Section 79C (as amended)*



SECTION 79C CONSIDERATIONS:

Provisions of any Environmental Planning Instrument:

RU1 – Primary Production

The proposed subdivision is for agricultural purposes to better separate and manage the land, by locating existing infrastructure being a shed, water tank and septic tank (including absorption trenches) on one allotment. Allotments created will be 13.35 hectares and 5.46 hectares both with frontage to Back Brawlin Road.

Clause 4.2(3) of the Cootamundra Local Environment Plan 2013 allows for subdivision for the purpose of primary production to create a lot of a size that is less than the minimum lots size (40 hectares).

6.3. Terrestrial Biodiversity

No trees or other flora and fauna are to be impacted by this subdivision.

Provision of any Draft Environmental Planning Instrument:

Neither Amendment 5 or 6 apply to this application.

Development Control Plans:

Chapter 4 lists some general provisions in relation to subdivision applications, of which none apply to this application as it is for a boundary realignment.

Matters Prescribed by Regulations:

N/A

Likely Impact of Development:

Context and Setting:

Primary production is appropriate and actively undertaken in this area.

Access, Transport and Traffic:

Both proposed lot will now have access to Back Brawlin Road.

Public Domain:

N/A

Utilities:

N/A

Heritage:

N/A

Other Land Resources:

N/A



DEVELOPMENT ASSESSMENT REPORT

*Pursuant to the Environmental Planning & Assessment Act 1979
Section 79C (as amended)*



Water:

There is an existing dam on this site, which will be wholly located on one allotment.

Soil:

N/A

Air and Microclimate:

N/A

Flora and Fauna:

As a boundary realignment is a paper work exercise, no flora or fauna communities should be affected by this application beyond which the ordinary use of the land (primary production) would cause.

Waste:

N/A

Energy:

N/A

Natural Hazards:

Flood mapping has not been undertaken at this site and the site is not mapped as being bushfire prone.

Social Impact and Locality:

Improved ability for the land owner to maintain this property.

Economic Impact and Locality:

Rationalisation of lots.

Site Design and Internal Design:

Both lots will now have access to Back Brawlin Road and are to be rectangular in shape which offers flexibility for any future land use changes.

Construction Matters:

N/A

Submissions:

N/A

Public Interest:

N/A

FINANCIAL IMPACTS:

N/A

POLICY IMPACTS:

N/A



DEVELOPMENT ASSESSMENT REPORT

*Pursuant to the Environmental Planning & Assessment Act 1979
Section 79C (as amended)*



ORGANISATIONAL IMPACT:

N/A

RISK MANAGEMENT IMPACTS:

N/A

LEGAL ISSUES:

N/A

CONCLUSION:

DA2017/93 at 398 Back Brawlin Road, Cootamundra seeks consent for a boundary realignment. This subdivision is permissible under the zone, complying with Part 4.2(3) of the Cootamundra Local Environmental Plan 2013 and Chapter 4 of the Cootamundra Development Control Plan 2013.

RECOMMENDATION:

That DA2017/93 be approved subject to the following conditions:

Determination and Conditions:

Application Approved subject to the following conditions and reasons: -

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 listed in the table below and the Statement of Environmental Effects, except where varied by conditions of this consent.

Document Reference	Description	Author	Date
1 of 2	Plan of Subdivision	CMS Surveyors	27/6/17
-	Statement of Environmental Effects	CMS Surveyors	9/10/17



DEVELOPMENT ASSESSMENT REPORT

*Pursuant to the Environmental Planning & Assessment Act 1979
Section 79C (as amended)*



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

(3) 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 existing outbuildings, i.e. sheds and the like: -
 - a. 10m from all boundaries
2. From on-site sewage management systems, effluent disposal areas: -
 - a. 10m from all boundaries

Reason: Compliance with the Cootamundra LEP and development standards.

(4) GEN Condition – Subdivision On Site Sewerage Management System.

Any existing on site sewerage management system on the subject properties, including any effluent disposal areas, is 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.

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 DA2017/93.

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.



DEVELOPMENT ASSESSMENT REPORT

*Pursuant to the Environmental Planning & Assessment Act 1979
Section 79C (as amended)*



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.

DEVELOPMENT ASSESSMENT SIGNING OFFICER:

Grace Foulds
Town Planner

Date

7.1.1.4 REQUEST FOR VARIATION OF COOTAMUNDRA DCP – DA2017/85

REPORTING OFFICER	Luke Izzard – Environmental Health & Building Surveyor
ATTACHMENTS	Location map, artists impression of fence and photos, site plan and Brochure
RELEVANCE TO COMMUNITY STRATEGIC PLAN	To be included from July, 2018 following adoption of new CSP
FINANCIAL IMPLICATIONS	There are no Financial implications to this report.
LEGISLATIVE IMPLICATIONS	There are no Legislative implications to this report.
POLICY IMPLICATIONS	There are no Policy implications to this report.

RECOMMENDATION

The variation to Council’s Development Control Plan (Primary & Secondary Building Line) be granted to permit the proposed front fence to be located on the front and side property boundary aligning Hurley and Ursula Streets, subject to neighbour notification and a full Development Assessment.

Introduction

Council has received an application for a variation to the Cootamundra Development Control Plan (Primary and Secondary Building Line) at 58 Hurley Street Cootamundra.

Property Description

Lot 1 DP341837
58 Hurley Street
Cootamundra NSW 2590

A location plan of the subject land follows this report.

Zoning

Land Zoned R1 ‘General Residential’ under the Cootamundra LEP2013.

Existing Use

Existing residential property containing a dwelling house and associated outbuildings.

Proposal

A request has been received from the applicant for a variation of the primary building line of 4.5m on the Hurley Street frontage and 5.5m from the secondary Ursula Street frontage to facilitate the erection of new front fence surrounding the road frontage of the site. The fence is to 1.8m tall and to adjoin the existing fence on Ursula Street.

The 4.5m and 3.5m building line has been established by the average of all existing buildings within 40m of the subject property in accordance with Councils Development Control Plan (DCP) 2013.

Photos of the site and brochures of the fence material follows this report.

Discussion

The proposal is to erect a new 1.8m high front fence surrounding the perimeter of the site. Fence is to consist of 90mm black painted steel posts spaced approximately 2m apart with grey coloured wooden look rails in between secured horizontally with gaps of approximately 5mm.

The applicant understands he requires a building line variation for the construction of the front fence and states his reasons within the application as being the following:

1. Enable more privacy and safety to the site.
2. Design has been chosen to be less obtrusive than a Colorbond fence and is to match existing colour scheme of the house. The design of the fence overall is considered to be a softer design compared to more common profiles of the area.
3. Being on a busy pedestrian pathway from the main Street of Cootamundra, the site often has privacy and safety issues with trespassers and vandalism to the current hedge and other items on the site. Because of this the applicant wishes to establish a safe, visually pleasing structure to better enable the residential use of the site. Previously the site had a smaller 1.2m high picket fence which was also regularly vandalised by pedestrians at night, breaking the palings, from which the applicant chose to remove the pickets and grow a hedge. Recently the hedges are also being broken now which helped the decision of the applicant to install a larger, more secure fence.

The new fence design is envisaged to achieve slight visual impact from both Ursula and Hurley Streets, however fences of this kind and height are not uncommon in the area with a similar 1.8m high galvanized cliplock type fence opposite. The fence opposite is considered more visually obtrusive than the fence proposed in this application, therefore the overall impact visually on the streetscape is considered slight.



Overall the new fence is envisaged to achieve the purpose of more securing the site for the applicant and also being designed to blend in to the surrounding streetscape lessening the visual impact compared to a more standard construction.

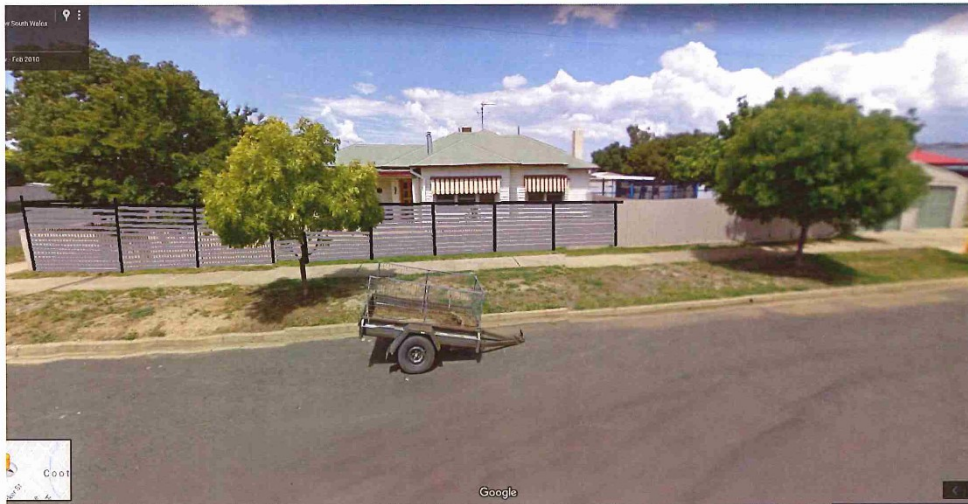
Currently the front fence is on neighbour notification which ends Tuesday 24th October 2017.



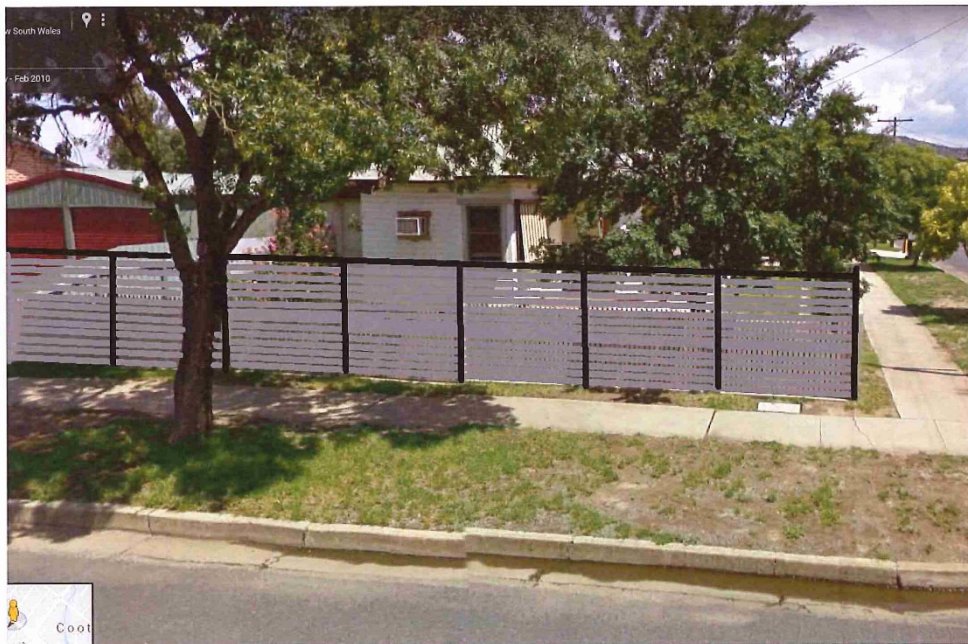


DA2017/85

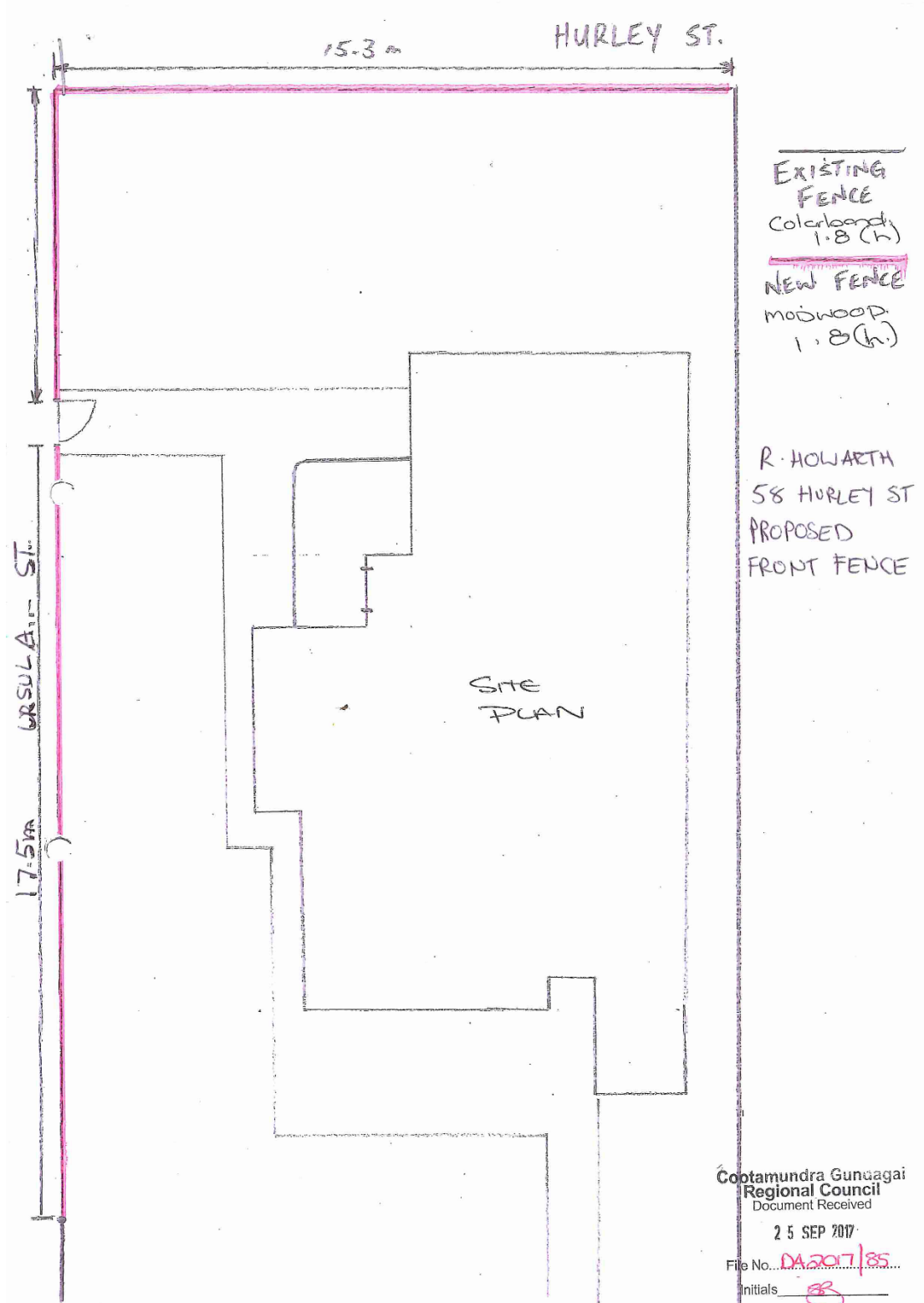
Proposed Primary & Secondary Building Line Variation

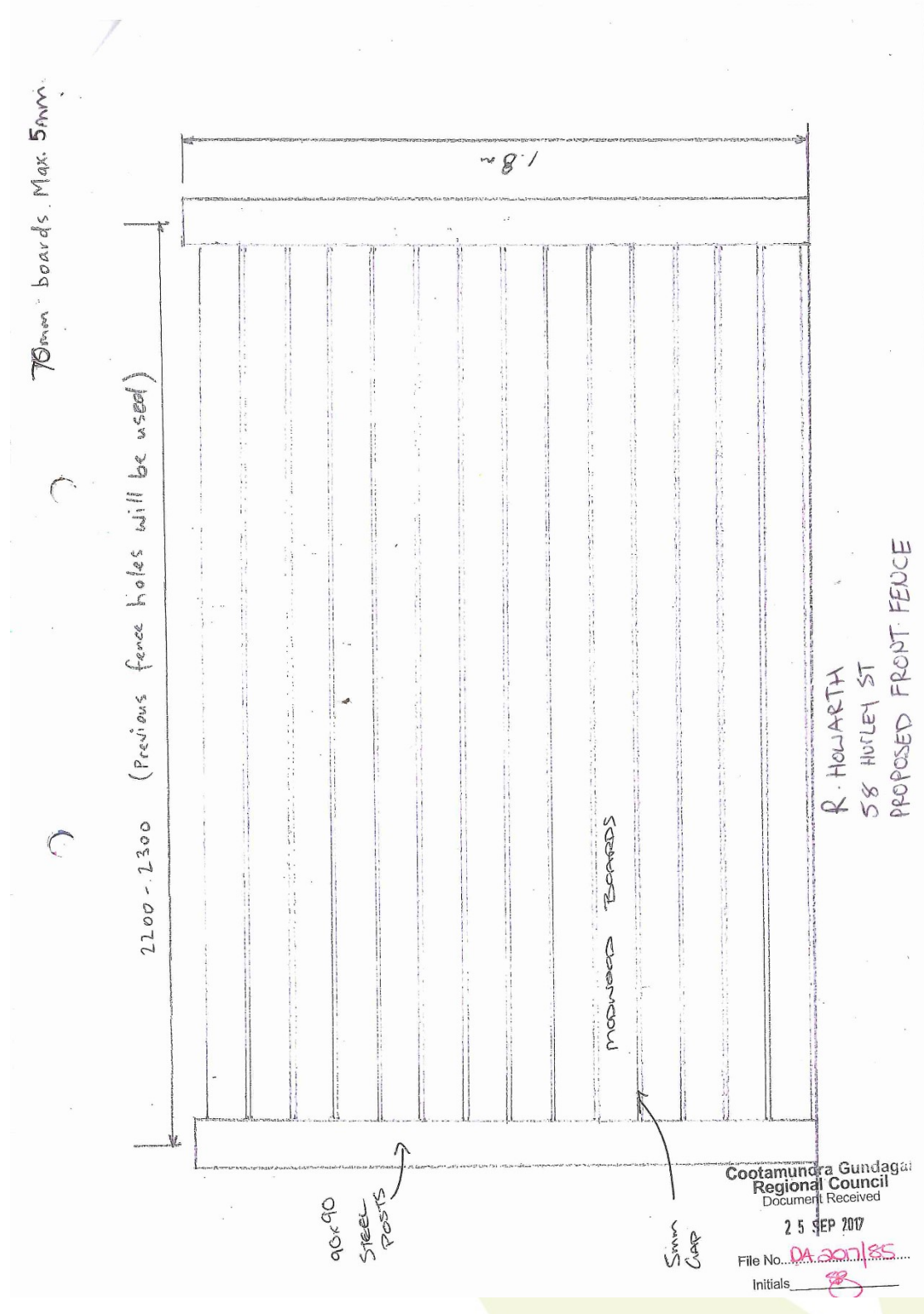



(Above) Visual impression of proposed new fence when facing the site from Ursula Street



(Above) Visual impression of proposed new front when facing the site from Hurley Street



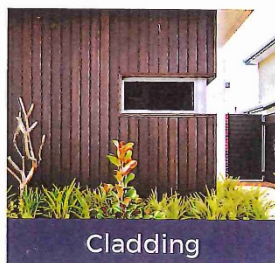
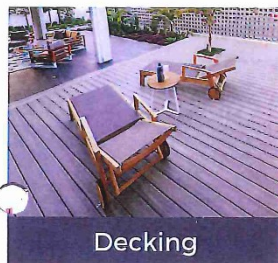






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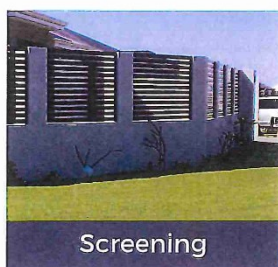
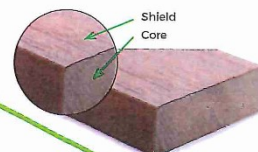
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Regional Council

25 SEP 2017

File No. DA 2017/85



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**7.1.1.5 APPLICATION FOR NEW HARDWARE STORE, (HARDWARE AND BUILDING
SUPPLIES) – DA2017/82**

REPORTING OFFICER	Chris Imrie – Interim Director Development & Community
ATTACHMENTS	Revised 79C Report Statement of Environmental Effects Plans of the Development x 6
RELEVANCE TO COMMUNITY STRATEGIC PLAN	To be included from July, 2018 following adoption of new CSP
FINANCIAL IMPLICATIONS	See 79C Report
LEGISLATIVE IMPLICATIONS	See 79C Report
POLICY IMPLICATIONS	See 79C Report

RECOMMENDATION

Notice of Determination be provided to the applicant for DA2017/82 subject to the General Conditions of Consent which are contained in the report.

Introduction

Council received an application for a hardware store at 1-5 Wallendoon Street Cootamundra on 21 September 2017.

The Town Planners preliminary assessment of the application revealed a number of shortcomings, which made assessing the application in accordance with criteria under 79C of the *Environmental Planning & Assessment Act 1979* impossible. Further information was formally requested from the applicant on 27 September 2017.

Council received a response to this request 9 October, 2017. The response did not adequately address all points raised by staff however it was requested that Council form a recommendation on information provided which was submitted to the Extraordinary Council Meeting held on 19th October, 2017.

At that meeting it was resolved:

1. The officer's recommendation contained in the report regarding DA2017/82 not be adopted.
2. Subject to the proposed development being permissible, the General Manager prepare a Notice of Approval for the application for submission to the Ordinary Meeting of Council scheduled for 31st October, 2017.

Applicant

Colin Robert Blake

Owner

Colin Robert Blake

Property Description

Lots 1 & 2 Section 31 Deposited Plan 758287

Zoning

B3 – Commercial Core

Existing Use

No existing use rights

Proposal

Hardware Store (Hardware and Building Supplies)

Discussion

Council has an obligation to assess development applications in accordance with Section 79C of the *Environmental Planning and Assessment Act 1979*. As the original 79C Report demonstrated, there was a significant amount of vital information which was either lacking or ignored in the application. Furthermore, other obligations for neighbour notification and referral to other government agencies had not been undertaken due to a lack of information and time. The request for a recommendation to be presented at an extraordinary Council Meeting had limited the ability for staff to recommend anything other than refusal.

Council resolved at its extraordinary Meeting held on the 19th October 2017 to reject the recommendation outlined in the Town Planners original 79C Report and instructed the General Manager to prepare a Notice of Approval for the development application.

Prior to preparing a notice of approval there were two outstanding items in the applicants original submission that needed to be addressed to ensure the development assessment process has been legally completed. These were:

1. NSW Roads and Maritime Services (RMS) referral as required under Clause 104 “Traffic Generating Development” under State Environmental Planning Policy (SEPP) Infrastructure 2007.



In accordance with the requirements of the SEPP Council Staff referred the Development Application to the NSW RMS on Friday, 20th October, 2017.

A formal response from RMS was received on Wednesday, 25th October, 2017 the details of which are included in the revised 79C Report.

In accordance with the SEPP, Council has considered the submission provided by the RMS in making its determination.

2. Consent Authority has to consider the potential heritage impacts the development may have on the Heritage Conservation Area under Clause 5.10 of the Cootamundra Local Environmental Plan (LEP), 2013.

Council staff wrote to the applicant on Monday, 23rd October, 2017 seeking a statement of potential heritage impacts the development may have on the area.

The applicant provided a written statement of heritage impacts on Tuesday, 24th October, 2017 the details of which are included in the revised 79C Report.

In accordance with Clause 5.10 of the LEP, Council has considered the heritage statement provided by the applicant in making its determination.

GENERAL CONDITIONS OF CONSENT

(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 listed in the table below and the Statement of Environmental Effects, except where varied by conditions of this consent.

Document Reference	Description	Author	Date
-	Statement of Environmental Effects & Attachment	Applicant	(Received) 21.09.2017
A101	Ground Floor Plan	NM	(Received) 9.10.2017
A102	Isometric View 1	NM	(Received) 9.10.2017
A103	Isometric View 2	NM	(Received) 9.10.2017
A104	Elevations	NM	(Received) 9.10.2017
A105	Elevations	NM	(Received) 9.10.2017
-	East Elevation (colour)	Unknown	(Received) 9.10.2017

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

(3) GEN Condition - Compliance with Legislation

Regardless of consent the applicant is still responsible for adhering to the requirements of State Legislation including (but not limited to) the Protection of Environment Operations Act and Dangerous Goods (Road and Rail Transport) Act.

Reason: This consent does not remove obligations imposed by State and Federal Legislation.

(4) 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.*

(5) Gen Condition – Not certify compliance with BCA or NCC

The issue of this Development Consent does not certify compliance with the relevant provisions of the Building Code of Australia or National Construction Code Series.

***Reason:** This consent does not certify compliance with the BCA or NCC.*

(6) 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*

PRIOR TO ISSUE OF CONSTRUCTION CERTIFICATE

(1) PCC Condition - Section 94A Contributions.

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

Section 94A contributions are calculated on the estimated cost of development as specified on the Development Application at time of lodgement and may be subject to change with the coming of a new financial year or revised estimated cost of development.

***Reason:** So that the Section 94A Developer Contributions are paid in accordance with Council's Section 94A policy as adopted 2011.*

(2) PCC Condition – Construction Site Management Plan.

The applicant shall submit to Council for approval a "Construction Site Management Plan" for the proposed building works. The plan shall detail the following measures, as applicable to the type of development:



1. Location and construction of protective fencing / hoardings to the perimeter of the site.
2. Location of site storage areas / sheds / equipment.
3. Location of building materials for construction.
4. Provisions for public safety
5. Dust control measures
6. Site access location and construction.
7. Protective measures for street tree preservation.
8. Provisions for temporary sanitary facilities
9. Location and size of waste containers / bulk bins.
10. Details of proposed sediment and erosion control measures
11. Construction noise and vibration management
12. Construction traffic management details.

The "Construction Site Management Plan" must be approved by Council prior to the release of a Construction Certificate by the Principal Certifying Authority (PCA). Approved site management measures are to be implemented prior to the commencement of any site works and shall be maintained throughout the works, to maintain reasonable levels of public health, safety and amenity to the satisfaction of Council. A copy of the approved "Construction Site Management Plan" must be maintained on site and be made available to Council officers upon request.

Reason: *Because of the requirement to comply with appropriate standards for environmental control. Section 79C(1)(a), (b) & (e) of the Environmental Planning and Assessment Act, 1979 as amended.*

(3) PCC Condition – Onsite Car park Design.

Detailed car parking plan outlining car spacing's, vehicle manoeuvring, exit/entrance points and location and provision for service delivery vehicles in accordance with Australian Standard AS2890 submitted for Council approval. Entry and exit points are to be clearly identified with signage designed and constructed in accordance with Australian Standard AS1743.

Reason: *To ensure that adequate and practical off-street and on-street parking and access to the development has been provided.*



(4) PCC Condition - Road Opening and Closing Permit.

If it is proposed to construct a vehicular crossing on the public footpath a road opening permit must be obtained from Council and an appropriate fee paid for Council to assess or to carry out the design and construction of such crossing. No excavation of, or construction on the public footpath is authorised to be carried out by others than Council except in accordance with (a) a design approved by Council and (b) the terms of an appropriate road opening permit.

***Reason:** To ensure that work carried out on public roads conforms to the requirements of Council, the responsible authority.*

PRIOR TO COMMENCEMENT OF WORKS

(1) PCW Condition – Prior to Building Work Commencing.

The erection of a building in accordance with the development consent must not commence until:

1. a construction Certificate for the building work has been issued by the consent authority, the Council (if the Council is not the consent authority) or an accredited certifier, and
2. the person having the benefit of the development consent has:
 - a. appointed a principal certifying authority for the building work, and
 - b. notified the principal certifying authority that the person will carry out the building work as an owner-builder, if that is the case, and
3. the principal certifying authority has, no later than 2 days before building works commences:
 - a. notified the consent authority and the council (if the council is not the consent authority) of his or her appointment, and
 - b. notified the person having the benefit of the development consent of any critical stage inspections and other inspections that are to be carried out in respect to the building work, and
4. the person having the benefit of the development consent, if not carrying out the work as an owner-builder, has,
 - a. appointed a principal contractor for the building work who must be the holder of a contractor licence if any residential work is involved, and
 - b. notified the principal certifying authority of any such appointment, and

- c. unless that person is the principal contractor, notified the principal contractor of any critical stage inspection or other inspections that are to be carried out in respect of the building work .

Reason: *To ensure compliance with the requirements of the Environmental Planning and Assessment Regulations.*

(2) PCW Condition – Signage.

Site signage shall apply and must be erected on the site in a prominent, visible position for the duration of the construction. The signage must include:

1. Statement that unauthorised entry to the site is not permitted,
2. Show the name of the builder or another person responsible for the site and a telephone number at which the builder or other person can be contacted outside working hours, and
3. The name, address and telephone contact of the Principal Certifying Authority for the work

Any structures erected to meet the requirements of this condition must be removed when it is no longer required for the purpose for which it was erected.

Reason: *To meet the minimum requirements of the Environmental Planning & Assessment Regulation.*

(3) PCW Condition – Notice of Commencement.

Prior to work commencing a 'Notice of Commencement of Building Work and Appointment of Principal Certifying Authority' shall be submitted to Council at least 2 days prior to work commencing.

Reason: *To meet the minimum requirements of the Environmental Planning & Assessment Regulation.*

(4) PCW Condition – Builders Toilets.

Provision being made for temporary WC accommodation on site prior to the commencement of excavation or other associated building works.

Reason: *To ensure minimum standards of hygiene for onsite workers.*

(5) PCW Condition – Boundary Location.

Council requires the boundaries of the land to be identified by a registered surveyor prior to work commencing.

***Reason:** To ensure that no encroachments occur onto neighbouring boundaries.*

(6) PCW Condition – Public Safety – Hoardings.

Public safety and convenience must be maintained at all times during the building works. The roadway, footway and nature strip must be maintained in a good, safe condition and free from any obstructions, materials, soils or debris at all times. Any damage caused to the road, footway or nature strip must be repaired immediately, to the satisfaction of Council.

A hoarding or fence must be erected between the building or site of the proposed building and the public place (street frontage). If necessary, an awning sufficient to prevent any substance from, or in connection with, the work, falling onto a public place is also to be erected. Such hoardings require separate approval by Council and must comply with the requirements of the WorkCover Authority.

The hoarding or fence is to be kept lit during the time between sunset and sunrise if the work may be a source of danger to persons using the public place.

The hoarding, fence or awning is to be removed when it is no longer required for the purposes for which it was provided. Restriction of public access to the building site shall restrict entry by members or equipment on the site when building work is in progress or the site is otherwise unoccupied.

***Reason:** Because of the requirement to comply with appropriate standards for environmental control. Section 79C(1)(b) & (e) of the Environmental Planning and Assessment Act 1979, as amended and to protect the general public.*

(7) PCW Condition – Works Within A Public Road Reserve – Road or Footpath Closure.

All works requiring full or partial road or footpath closure shall be:

- a) Subject to an application for the occupation of public roadway or footway (Section 138, Local Govt. Act 1993). Application shall be made to Council's Engineering Department at least one week prior to works being undertaken.
- b) Covered by \$20M public liability insurance, with the policy noting Council as an interested party.



- c) Covered by a Council approved Pedestrian Movement Plan and/or Traffic Control Plan which has been prepared by an authorised person. Traffic shall be controlled by an authorised Traffic Controller, in accordance with the traffic control plan.
- d) At no cost to Council.

Reason: *To ensure public safety & Council indemnity. Section 79C(1)(e) of the Environmental Planning and Assessment Act 1979, as amended.*

(8) PCW Condition – Siting of Building.

The applicant is responsible to ensure that the building is sited on the allotment and constructed to the design levels approved by Council as specified on the approved site plan.

Reason: *To ensure the development is carried out on the correct allotment.*

(9) PCW Condition – Waste Storage During Construction.

Provision shall be made on site for the proper storage and disposal of waste such that no builders' waste shall be left in the open. Specific attention should be given to items which are subject to relocation by the action of wind, e.g. Paper, sheets of iron, ridge capping, cement and lime bags and the like.

Reason: *To ensure that the site is not a source of wind-blown litter.*

(10) PCW Condition – Construction Safeguards.

Fire precautions during construction are to comply with PART E1.9 Building Code of Australia. Not less than one fire extinguisher to suit Class A, B and C fires and electrical fires must be provided at all times on each storey adjacent to each required exit.

Reason: *To provide a minimum standard of fire safety during construction.*

(11) PCW Condition – Excavation Safety.

All excavations and back-filling associated with the erection or demolition of a building must be executed safely and in accordance with appropriate professional standards. The adjoining property owner is to be given seven (7) days' notice.

If an excavation associated with the erection or demolition of a building extends below the level of the base of the footings of a building on an adjoining allotment of land, the person causing the excavation to be made:



1. Must preserve and protect the building from damage
2. If necessary, must underpin and support the building in an approved manner
3. Must, at least 7 days before excavating below the level of the base of the footings of a building on an adjoining allotment of land, give notice of intention to do so to the owner of the building being erected or demolished.

In this clause, *allotment of land* includes a public road and any other public place. All excavations associated with the erection or demolition of a building must be properly guarded and protected to prevent them from being dangerous to life or property.

Reason: *Regulatory compliance.*

(12) PCW Condition – Soil Erosion Control.

Details of the proposed sediment control measures are to be detailed in the site management plan which shall be submitted to and approved by the Principal Certifying Authority (PCA) prior to the commencement of any site works. The sediment and erosion control measures must be implemented prior to the commencement of any site works and be maintained throughout construction. A copy of the approved details must be forwarded to the Council and a copy shall be maintained on-site and be made available to Council officers upon request.

Procedures shall be adopted for the prevention of loose or contaminated material, spoil, dust and litter from being deposited anywhere onto the public road reserve from trucks and associated equipment, and the proposed method of cleaning the roadway from such deposits. (Note: With regard to demolition of buildings, dust emission must be minimised for the full height of the building. A minimum requirement is that perimeter scaffolding, combined with chain wire and shade cloth must be used, together with continuous water spray during the demolition process. Compressed air must not be used to blow dust from the building site).

Details of proposed sediment and erosion control measures shall include; a site plan; indicating the slope of land, access points & access control measures, location and type of sediment & erosion controls, location of existing vegetation to be retained, location of material stockpiles and storage areas, location of building operations and equipment, methods of sediment control, details of drainage systems and details of existing and proposed vegetation.

Reason: *Because of the requirement to comply with appropriate standards for environmental control. Section 79C(1)(a), (b) & (e) of the Environmental Planning and Assessment Act 1979, as amended.*

(13) PCW Condition – Impact Assessment on Public Utilities and Underground Services.

The applicant shall locate and identify all existing public utilities and underground services prior to commencement of works and ensure there shall be no conflict between the proposed development and existing infrastructure including areas external to the development site where works are proposed.

A public utility impact assessment must be carried out on all public utility services located on the site, roadway, nature strip, footpath, public reserve or any public areas associated with and/or adjacent to the building works. The assessment should include relevant information from public utility authorities and exploratory trenching or pot-holing, if necessary, to determine the position and level of services.

***Reason:** Because it is in the public interest that public assets are not damaged. Section 79C(1)(e) of the Environmental Planning and Assessment Act 1979, as amended and to ensure the utility services are protected.*

DURING CONSTRUCTION

(1) DUR Condition – Works to be undertaken in Accordance with the Approval.

All proposed works to be undertaken are to be carried out in accordance with the conditions of development consent, approved construction certificate drawings and specifications.

***Reason:** Ensure all works are carried out in accordance with the development consent.*

(2) DUR Condition – Hours of Construction Site Works.

Construction site works including the entering and leaving of vehicles is limited to the following hours, unless otherwise permitted by Council:

Monday to Saturday from 7.00am to 7.00pm

Sundays and public holidays from 9.00am to 12.00pm

The applicant is responsible to instruct and control subcontractors regarding hours of work.

***Reason:** So that the development does not reduce the amenity of the area.*

(3) DUR Condition – Footpath Construction.

All work on the public footpath and roadway shall be carried out with due care and regard for the safety and convenience of the public including pedestrians, cyclists and



motorists. Special regard shall be paid to caring for the needs of children, the disabled, the infirm and the elderly.

***Reason:** Preservation of the life, health and good will of members of the public.*

(4) DUR Condition – Footpath Storage.

Building materials are not to be stored on Council footway or nature strip at any time.

***Reason:** To ensure an adequate level of public safety is maintained.*

(5) DUR Condition – Tree Protection - Nature Strip.

Existing trees which are located on the nature-strip shall be protected during the construction period.

These trees shall not be removed, trimmed or disturbed without the prior approval of the Council.

***Reason:** Trees located within the road reserve remain the property of the Council's and need to be protected as they are important in preserving local climate and appearance.*

(6) DUR Condition – Driveway, Layback and Kerb and Gutter.

The provision of adequate vehicle access to the site, including the provision of any new invert crossings at the kerb and gutter is required to be installed as part of the development.

The installation of any new vehicle access and kerb and gutter crossing are to be constructed in accordance with Councils 'Typical vehicle kerb and gutter crossing KG 65/1'.

Any existing kerb laybacks and driveway crossings that do not service the development must be removed and standard 90 degree kerb and gutters be reinstated in addition to Council footways.

Twenty four (24) hours' notice is to be given to Council's 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.*

(7) DUR Condition - Pipe Replacement.

Should the proposed building be located over existing vitrified clay sewer pipes then such pipes shall be reinstated in PVC material in the area under the proposed building.

***Reason:** To minimise the opportunity for damage to the building as a result of leaking sewage.*

(8) DUR Condition - BCA Compliance.

All building work (other than work relating to the erection of a temporary building) must be carried out in accordance with the requirements of the Building Code of Australia (as in force on the date the application for the relevant construction certificate was made).

***Reason:** To ensure the building complies with the BCA.*

(9) DUR Condition – Inspections.

The Principal Certifying Authority is to be given a minimum of 48 hours' notice prior to any critical stage inspection or any other inspection nominated by the Principal Certifying Authority via the notice issued under Section 91A of the Environmental Planning and Assessment Act 1979.

All building work (other than work relating to the erection of a temporary building) must be carried out in accordance with the requirements of the Building Code of Australia (as in force on the date the application for the relevant construction certificate was made).

***Reason:** To ensure that adequate time is given of required inspections.*

(10) DUR Condition – Restricted Public Access.

It is the responsibility of the applicant to restrict public access to the building site, building works or materials or equipment on the site when building work is not in progress or the site is otherwise unoccupied in accordance with WorkCover Regulations.

***Reason:** To ensure public safety is maintained.*

(11) DUR Condition – Roof Water Retention, Use and Disposal.

Roof water from the building shall be collected in onsite stormwater retention tanks of a minimum volume of 40,000 litres with the overflow being discharged to the roadside gutter, taken through the kerb and the kerb is to be made good or alternatively, linked to existing storm water drainage which discharges at the roadside gutter.

All toilets and sanitary fixtures within the building and the water services to the landscaping supplies area shall be sourced from the onsite retention tanks and appropriately signed as “non-potable water source, not suitable for consumption”.

Any cross connections from the retention tanks to the mains water supply shall be protected by a suitably sized backflow prevention device.

Reason: *To ensure that adequate stormwater retention is achieved to cater for storm events and roof water is disposed of without nuisance to neighbours, without overloading Council's laneways system and so as to minimise input to the ground water system.*

(12) DUR Condition – Disabled Car parking.

The provision of one Disabled Car parking space shall be provided as part of the developments car parking design (on street) and is located as near as practical, adjacent to the premises entrance.

Reason: *The legal obligations of an applicant to provide access/parking for disabled persons.*

(13) DUR Condition – Internal Car Park Entry & Exit Requirements.

Entry and exit from the internal car park is to be in a forward direction only. Adequate turning space will be required to enable vehicles to leave the car park in a left hand only forward direction onto Wallendoon Street, “Left Turn Only” signage shall be installed at the point of exit which is clearly visible to all users. All traffic signage installed is to be designed and constructed to comply with Australian Standard AS1743.

Reason: *To ensure acceptable standards of safety for both vehicular and pedestrian traffic.*

(14) DUR Condition – Safe distances to power lines.

A minimum safe distance from electricity supply power lines and the proposed building shall be maintained in accordance with Australian Standard AS7000:2010 and/or Essential Energy's "Structures near Powerlines" Guidelines. If in doubt please contact the local electricity provider to confirm service line type and distance requirements.

***Reason:** To ensure safe working area and prevent electricity jumping to the building.*

(15) DUR Condition – Alterations: Plumbing and Drainage Works.

All plumbing works must be undertaken by a licenced Plumber or Drainer. They must submit their Notice of Work (N.O.W) and pay for any associated inspections 48hrs before the first inspection. They also must submit a Certificate of Compliance (C.O.C) after the work has been completed and also submit a correct Sewer Service Diagram (S.S.D.) for all works. The C.O.C and S.S.D must be submitted before an Occupation Certificate can be released by the Principal Certifying Authority (P.C.A).

The proponent shall comply with all requirements tabled under NSW Fair Trading and The Plumbing Code of Australia.

***Reason:** Statutory compliance.*

(16) 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

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.*

POST CONSTRUCTION

(1) POC Condition – Occupation of Building.

A person must not commence occupation or use of the whole or any part of the buildings unless an occupation certificate has been issued by the appointed Principal Certifying Authority.



***Reason:** So that the development is substantially completed to a safe standard to allow use or occupation of said building.*

(2) POC Condition – Compliance Certificates.

Prior to occupation of the building an Occupation Certificate is to be obtained. If Council is requested to issue the Occupation Certificate, all relevant compliance certificates must be submitted.

***Reason:** So that the development is substantially completed to a safe standard to allow use or occupation of said building.*

(3) POC Condition – Property Identification.

Street numbers of a size and type satisfactory to Council being affixed to the building. Such numbers to be clearly visible from the street. The property street number is “No. 1 Wallendoon Street”

***Reason:** To ensure that the development is clearly identifiable and easily found by emergency, trade and other services.*

(4) POC Condition – Consolidation/Boundary Adjustment.

The proposed building in question will transverse one or more property boundaries located on the site, being Lot 1 & 2 of Section 31, DP758287.

Prior to the issuing of an Occupation Certificate, a land consolidation or boundary adjustment must be completed to ensure that the structure is contained solely within one allotment.

***Reason:** To ensure that all structures on the site are contained within a single allotment so that fire separation requirements of the Building Code of Australia are satisfied.*

ONGOING USE

(1) USE Condition – Annual Certificate.

The owner of the building shall submit to Council an 'Annual Fire Safety Statement' (Form 1) by 1 July, each subsequent year after obtaining a 'Fire Safety Certificate' for the building from Council.

The 'Annual Fire Safety Statement' shall comply with the provisions set out in the Environmental Planning & Assessment Regulation 2000. Forms for this purpose can be collected from Council's offices.

Reason: *To ensure that fire and other safety measures are maintained in a proper working condition.*

(2) USE Condition – Discrimination Laws.

The applicant's attention is drawn to legislation regarding responsibility to provide an improved environment for disabled persons.

The *Disability Discrimination Act* (DDA) is commonwealth legislation that aims to increase the economic and social independence of people with a disability.

The DDA applies to discrimination against any person on the grounds of disability in the areas of: accommodation; education; access to premises; provision of goods; services and facilities; the activities of clubs or sports; and the request for information.

It should be noted that by the issuing of this consent the Council does not guarantee that all legislative requirements of the DDA or subsequent premises standards have been satisfied and that the owners/operators may still be subject to complaints being made under the DDA. It is advisable that the applicant should satisfy themselves with the requirements of the DDA and seek further professional advice if deemed necessary.

Reason: *To clarify that the issuing of this development consent does not certify that the establishment or operation of the development satisfies all requirements of the Disability Discrimination Act.*

(3) USE Condition – Hours of Operation.

The development shall only be conducted between the hours of:-
Monday to Friday from 7:30am to 5:30pm
Saturday, Sundays and public holidays from 8:00am to 5:00pm

Reason: *So that the development does not reduce the amenity of the area.*

(4) USE Condition – Clean and Tidy.

The premises are to be maintained in a clean and tidy condition at all times.

Reason: *So that the development does not reduce the amenity of the area.*

(5) USE Condition –Amenity General.

The development is to be conducted in a manner that will not interfere with the amenity of the locality by reason of the emission of noise, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit, oil, by causing interference to television or radio reception or otherwise.

Reason: *So that the development does not reduce the amenity of the area.*



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*Pursuant to the Environmental Planning & Assessment Act 1979
Section 79C (as amended)*

DATE OF REPORT COMMENCEMENT:

24 October 2017

COUNCIL OFFICER COMPLETING DEVELOPMENT ASSESSMENT:

CHRIS IMRIE

DEVELOPMENT REFERENCE:

DA 2017/82

DEVELOPMENT ADDRESS:

1-5 Wallendoon Street COOTAMUNDRA

DEVELOPMENT LOT / SEC / PLAN:

Lot: 1 Sec: 31 DP: 758287

OWNER(S):

Colin Robert Blake

APPLICANT:

Colin Robert Blake

APPLICANT ADDRESS:

PO Box 726
COOTAMUNDRA NSW 2590

PROPOSAL:

New Commercial Building – Hardware and Building Supplies

ZONING (LEP):

B3 – Commercial Core

OTHER SPECIAL ZONING IMPACTS:

5.10 – Heritage Conservation Area

6.4 – Groundwater Vulnerability

BACKGROUND:

Council received an application for a hardware store at 1-5 Wallendoon Street Cootamundra 21 September 2017. The lodgement of this application was preceded by a pre DA meeting held 18 September 2017 in which Council staff provided feedback and detailed certain assessment criteria for such an application.

Preliminary assessment of the application, once received, revealed a number of shortcomings in the application which would make assessing the application in accordance with criteria under 79C of the *Environmental Planning & Assessment Act 1979* impossible. Further information was formally requested from the applicant on 27 September 2017.

Council received a response to this request 9 October 2017. This response did not adequately address all points raised, however it was requested that Council form a recommendation on



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information provided to be presented at an extraordinary Council Meeting (19 October 2017).

At the extraordinary meeting of Council held on the 19th October 2017 it was:

RESOLVED – Moved: Cllr Palmer Seconded: Cllr Sheahan

DA2017/82 be approved subject to the following conditions:

Cllr Palmer moved that Council not accept the recommendation of the staff in regard to DA2017/82 submitted by Mr Blake. Furthermore, he moved if this development is permitted with Council consent that the General Manager prepare a Notice of Approval for the application for the next Council Meeting on 31st October, 2017.

PREVIOUS DEVELOPMENT PROPOSALS AND DECISIONS:

A development application for demolition of the existing building on the site – the blue shed was received by Council on 22 August 2017. Development Consent was granted for this development 30 August 2017.

INTEGRATED / DESIGNATED / ADVERTISED / NEIGHBOUR NOTIFICATION / CROWN DEVELOPMENTS:

This application would ordinarily have been notified to adjoining neighbours, however as further information was requested which may impact the aesthetic and dimensions of the development (generally what people pick up on for neighbour notification) it was decided to defer notification until further information was received. With the request that the application be assessed (9 October 2017) as is and at an extraordinary Council Meeting (19 October 2017), there has not been sufficient time to notify neighbours (minimum of 14 days).

Council's Notification Policy contained in the DCP, outlines automatic notification triggers, size of building vs distance from boundary for example. The policy also grants discretion of council staff to neighbour notify an application where perceived impacts on neighbours are deemed likely. The application as submitted does not trigger any of the automatic notification requirements Council's Notification Policy and due to the time constraints in presenting a notice of determination to the General Council Meeting held on the 31st October 2017, it was decided by the General Manager not to conduct neighbour notification of the application.

STATUTORY CONSIDERATIONS / EP&A ACT / EP&A REGULATION:

State of Environmental Planning Policies:

State Environmental Planning Policy (Infrastructure) 2007, Clause 104 of the Traffic-generating development apply to this development as the location, type and size of the development is identified in Schedule 3 Traffic Generating Development to be referred to Roads and Maritime Service (RMS).

Clause 104 of the SEPP states:

"Before determining a development application for development to which this clause applies, the consent authority must give written notice of the application to RMS within 7



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days after the application is made, and take into consideration any submission that RMS provides in response to that notice within 21 days after the notice was given (unless, before the 21 days have passed, RMS advises that it will not be making a submission), and the accessibility of the site concerned, including the efficiency of movement of people and freight to and from the site and the extent of multi-purpose trips, and the potential to minimise the need for travel by car and to maximise movement of freight in containers or bulk freight by rail, and any potential traffic safety, road congestion or parking implications of the development.

The consent authority must give RMS a copy of the determination of the application within 7 days after the determination is made"

In accordance with the requirements of the SEPP Council Staff referred the Development Application to the NSW RMS on Friday 20th October 2017.

A formal response for RMS was received on Wednesday 25th October in which the following comments were provided:

Whilst Roads and Maritime Services has no objection to the development on the basis that it does not propose access directly to the classified road network the following observations are provided in relation to vehicular movement and parking for the proposed development.

- *The submitted plans show that the proposed building structure will cover the majority of the site and fails to provide for off-street parking on the site. The plans identify 6 vehicle spaces within the trade area of the building however practice for similar developments is for these spaces to be used for the loading of vehicles within the trade area not parking to allow for browsing within the substantial retail area. The Guide to Traffic Generating Development is not specific on the number of spaces required but identifies the need to consider comparisons drawn with similar developments. Similar developments have a preference to provide on-site parking for the convenience of customers given the goods available from the site.*
- *The layout of the development does not appear to accommodate delivery vehicles for the development as there is limited provision for delivery vehicles to the loading bay area. Similar developments rely on deliveries by large vehicles (including articulated vehicles and large rigid trucks). For such a development it is appropriate to consider the need for articulated vehicles as a means for deliveries to a hardware outlet.*
- *The exit driveway from the trade area is to be limited to left out only however the plans fail to show how this is to be enforced.*
- *The provision of on-site car parking, including disabled parking, associated with the subject development is to be in accordance with Council requirements. All car parking spaces required by the development are to be provided on site and not to be*



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compensated by the on-road parking in the vicinity. Disabled parking is to be located with convenient pedestrian access to the entry doors of the premises.

As a means to address these issues the adjoining laneway to the west of the development site may provide an opportunity to allow for the redesign of the building to provide for convenient access to off street parking, the loading bay and trade area within the building.

In accordance with the SEPP, Council has considered the submission provided by the RMS in making its determination.

Regional Environmental Planning Policies:

Direction 28: Deliver healthy built environments and improved urban design

While industrial sheds are not unusual in the Cootamundra CBD (Thompsons, Elders and so on) it is not the predominate architectural style of Cootamundra, let alone this precinct. The wording and intention of the regional plan is vague and subjective and it could be argued either way that this proposed development is supported/not supported by the regional plan.

Cootamundra LOCAL ENVIRONMENTAL PLAN 2013:

B3 – Commercial Core

5.10 – Heritage Conservation Area

6.4 – Groundwater Vulnerability

Gundagai LOCAL ENVIRONMENTAL PLAN 2011:

N/A

Cootamundra-Gundagai Draft LOCAL ENVIRONMENTAL PLAN:

N/A

Section 117 Directions:

N/A

Model Provisions:

N/A

Council Policy Considerations:

Calculating Genuine Estimated Cost of Development

The declared estimated cost of development for this development is \$300,000. Assessing the proposed development in accordance with Council's policy, the development is estimated to realistically be in excess of one million dollars. As the cost of labour and materials can vary, the applicant was requested to provide either a quantity surveyor's report or quotes/receipts from a suitably qualified individual/company.

The applicant has provided a quote for the proposed building from Wide Span Sheds at \$161,000. No other quotes have been provided. Council is unable to determine the cost of labour to construct the building, the cost of the slab and associated fit out of the building.



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Council is generally lenient regarding the cost of development, particularly as the cost of development applications and Section 94A contributions are calculated proportionally to the cost of the development and these costs can cause barriers to development; however in this case Council may be left substantially out of pocket particularly with regards to Section 94A contributions.

Cootamundra Development Control Plan:

Chapter 3 – Business and Industrial Development

Chapter 5 – Car parking and Vehicle Access

Chapter 7 – Heritage

Traffic Generating Guidelines:

Clause 104 and Schedule 3 of the State Environmental Planning Policy (Infrastructure) 2007 identify this type of development as being traffic generating and required referral to the RMS. RMS referral was undertaken based on the information provided. Comments were received and detailed above.

Section 94 Contributions Policies:

N/A

Section 94a Contributions Policies:

Based on the estimated cost of development declared on the development application form, section 94A contributions would be \$3,000.

REFERRALS:

This application is required to be referred to the Roads and Maritime Services which was undertaken and comments provided.

Internal referrals to engineering and building were undertaken, and conditions of consent were provided to be inserted in the notice of approval.

SECTION 79C CONSIDERATIONS:

Provisions of any Environmental Planning Instrument:

B3 – Commercial Core

The proposed development is defined as:

hardware and building supplies means a building or place the principal purpose of which is the sale or hire of goods or materials, such as household fixtures, timber, tools, paint, wallpaper, plumbing supplies and the like, that are used in the construction and maintenance of buildings and adjacent outdoor areas.

Hardware and building supplies are a type of retail premises. Retail premises or hardware and building supplies are not specified in item 2 or 4 of the B3 Zone, meaning that they are permitted with consent. However omitted land uses must meet the objectives of the zone. The objectives of the B3 Zone of the Cootamundra Local Environmental Plan 2013 are:

- To provide a wide range of retail, business, office, entertainment, community and other suitable land uses that serve the needs of the local and wider community.



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- To encourage appropriate employment opportunities in accessible locations.
- To maximise public transport patronage and encourage walking and cycling.

These objectives encourage a wide range of development in a regional town. It should be noted however, that Mitre 10 which was in what is now the B3 zone moved to the IN2 zone on Hovell Street at the urging of former Cootamundra Shire Council; implying that the IN2 zone is more appropriate for this particular land use.

5.10 - Heritage Conservation Area

The proposed development site is in the defined Heritage Conservation Area in accordance with Heritage Map 5A of the Cootamundra Local Environmental Plan 2013. Erection of a building in the Heritage Conservation Area requires development consent. In accordance with clause 5.10 of the Cootamundra Local Environmental Plan 2013, heritage assessment must be made as a part of the application.

Council staff sent a further information letter to the applicant on Monday 23rd October 2017, seeking a statement of potential heritage impacts the development may have on the area.

The applicant provided a written statement of heritage impacts in accordance with Clause 5.10 on Tuesday 24th October 2017 in which the following comments were provided:

- *The existing building (now demolished) was an old bright blue tin shed, with mismatched windows and doors. It had a jarring visual effect from the street and was not in keeping with the surrounding buildings.*
- *The new development will utilise the "H Hardware branding. The colours are Woodland Grey and Pantone 130c. The majority of eye level colour is Woodland Grey which is a heritage colour and will help the building settle into its surroundings.*
- *The two tone design softens the impact on of the building and creates visual interest.*
- *Effort has been taken to lower the roof line as much as possible.*
- *Two of the three commercial neighbours of the development site are tin sheds (Thompsons & Sutherlands) which lack any substantial colour scheme.*
- *There will be an awning over the front pedestrian entrance, along with the drive through doorways will help to break up the Wallendoon Street Frontage facade.*
- *There are existing street trees that will also soften the impact of the new development.*

In accordance with Clause 5.10 of the LEP, Council has considered the heritage statement provided by the applicant in making its determination.

6.4 – Groundwater Vulnerability

This proposed development would have negligible impact on groundwater as the site is proposed to be fully impervious and surrounding stormwater infrastructure will direct runoff away from the site.

Provision of any Draft Environmental Planning Instrument:



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Amendments 5 and 6:

This application is not impacted by either of these amendments.

Development Control Plans:

Chapter 3 – Business and Industrial Development

The proposed development does not comply with this chapter of the Development Control Plan as the proposed gross floor area is over 400m² of the site and car parking is not provided onsite at the rate specified in Chapter 5 (see below).

The proposed development does provide a loading area for delivery vehicles.

Disposal of waste materials can be mitigated and conditioned through conditions of consent. It is expected that waste from the operation of this development can be accepted into the Cootamundra Area waste collection stream.

Chapter 5 – Car parking and Vehicle Access

This chapter has five general requirements:

1. The provisions of this chapter will be applied to new development.

This application has been assessed against this chapter.

2. Off-street car parking provision currently provided to existing developments shall be retained. Additional parking spaces required for any new development or redevelopment shall comply with the provisions of this chapter.

Existing on street car parking will be depleted by this proposed development due to the proposal to create separate entry and exit points onto Wallendoon Street. Council staff estimate that this would necessitate the minimum loss of four car spaces from Wallendoon Street.

The provisions of this chapter are discussed below.

3. In the case of a change in the use of an existing building, Council will apply the provisions of this Development Control Plan if it considers that the proposed new use will produce a substantially different parking requirement than those attributable to the existing use.

There is currently no existing land use at this site as it has been disused for more than twelve months.

4. The total number of on-site parking spaces provided in association with new development will be determined in accordance with the recommended ratios set out in this Chapter; subject to any qualifications or exceptions which may be applicable in the circumstances of the case. In this regard, parking proposals that provide less parking than required by this Chapter will be required to be supported by a parking study.

The proposed land use is not individually listed in the ratio table. As the development would occur in a commercial precinct and is a subset of retail development (in accordance with the land use table) the best description is “bulky goods retail store” which states “comparisons should be made with similar developments”. In the case of the Cootamundra Development



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Control Plan, a comparable development would be commercial premises which at a rate of 1 car park / 40m² Gross Floor Area means that this development requires 50 car spaces.

Council recognises that minimum car parking requirements can be excessive and a barrier to development. However, there must be a minimum standard – the RMS has an adopted minimum standard for car parking in *Guide to Traffic Generating Developments: Version 2.2*. For this sort of development (3.6.8. Bulky Goods Retail Stores) it is 1 car park / 100m² Gross Floor Area resulting in 20 total car spaces as a minimum. The applicant has proposed 6 standard car spaces onsite in the trading area. These spaces are likely to be underutilised as it would be expected that people will use trailers and may have small pickup trucks which would take up more than one car space.

Council staff provided a solution to the applicant in that 12 off street car spaces and 1 disabled car space be provided from the laneway at 90 degrees. This would involve the use of 1.5m of the Hovell Laneway and 3.9m of the development site. Additionally to preserve Wallendoon Street car parking it was suggested that the trading area be redesigned to have a single lane entry from Wallendoon Street and exit onto the Hovell Laneway. This would also minimise traffic impacts of cars entering Wallendoon Street. While this would reduce the total size of the building, it would reduce the area required for car movements in the trading area and would actually result in a net increase in usable commercial floor space.

The applicant decided to stay with their proposed car parking arrangements as per provided plans.

It must also be highlighted that it would be expected that staff will drive to work and park their vehicle for the duration of the shift. With a minimum of four staff working at any one time, four car spaces will always be utilised during operating hours.

5. Where there is an inconsistency between this Chapter and an Australian Standard, the Australian Standard will prevail.

The Australian Standard (AS/NZS 2890.6-2009) requires one disabled car space per 50 car parking spaces or part thereof for a Class 6 building. No disabled car parking is proposed by the applicant and letter dated 9 October 2017 requests that Council provide a disabled car space in front of the development (on street). Notwithstanding the significant cost to Council to construct a disabled car space and the fact that on street car parking will already be reduced due to access requirements for the site, the construction and cost involved in providing a ramped path (noting the gradient of the gutter) and redirecting stormwater from the disabled car park to the proposed entry point would be significant.

Comment: Application to vary the Development Control Plan's car parking requirement is something Council staff support, however it must be justified and assessed on merit as these are the adopted standards of Council and the Community. The applicant has not provided any justification except to request a "practical variation" to the Cootamundra Development Control Plan (letter 9 October). Without definition, Council staff propose that a "practical variation" is to provide car parking in accordance with RMS standards and AS/NZS 2890.6-2009 meaning that 20 car spaces and 1 disabled car space should be provided onsite.

Chapter 7 – Heritage



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Requirement for Consideration	Comment
General Requirements	Analysis of the Cootamundra Heritage Conservation Area is not undertaken in the information provided with this application. The design of the proposed development has been undertaken in isolation of heritage consideration.
Corner Allotments	This proposed development does not address the street corner and proposes a blank wall façade to Hovell Street which is some 40m in length and measuring 7.445m high at the peak.
Commercial and retail development	<p>This development would dominate the landscape, particularly from Hovell Street due to the bulk and lack of break up elements (colours and/or materials).</p> <p>The concept of a big shed is reflected across Wallendoon Street (Thompsons), however on the northern side of Wallendoon Street the White Ibis building is a visually dominant structure reflecting period architectural elements which could be incorporated in the design of any new development. This approach was embraced with the recent planning proposal for a liquid fuel depot and service station on Hovell Street, which proposes painting murals reflective of the railway corridor and Cootamundra Wattle to break up bulk and be more in keeping with the landscape.</p>
Signs	The signs proposed as a part of this development are in keeping with the style of the proposed shed building, however are visually jarring and dominate the landscape.
Colours	There is no single colour palette at this end of Wallendoon Street, with khaki, royal blue and reds contributing to the character of the area. The proposed colour scheme of yellow and black would not dominate the landscape and may even add to the character of the area, particularly if landscaping is used to



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	soften its affects.
Setting	The proposed development is in keeping with the zero setback of surrounding buildings and is a proposed commercial building in a commercial precinct.
Roof	The roof does not have any architectural features and is to be of colorbond.
Scale, mass and form	The building form from Wallendoon Street is less intrusive and the scale, mass and form would be considered appropriate for this street. From Hovell Street the structure is of a large form which would dominate the streetscape.
Proportion	The proposed building is not in proportion to Hovell Street.
Facade	The façade lacks any architectural elements which might soften the impact of the building. Aside from the entry doors and two roller doors there are no windows or change in plane, colour or material which would be in keeping with commercial development generally and the Heritage Conservation Area.
Doors and windows	No windows are proposed, but there are three roller doors proposed; two double entry doors (front and the garden centre) and two fire doors. These elements are in keeping with the proposed style of shed and have no elements of significance.
Detailing	In relation to the context and setting of the proposed development, the proposed plans demonstrate a lack of detail. This could be rectified by the addition of an awning (similar to the H Hardware of Batemans Bay) and landscaping such as street trees. An additional option would be for the applicant to apply to Council for a permit to utilise some of the footpath for the sale of seasonal plants and other hardware.

Comment: Without justification for variation of controls in Chapter 7, it is difficult for Council staff to form a recommendation as the majority of comment and analysis is assumptive and suggestive. The option of ignoring Chapter 7 completely, would set a legal precedence which needs to be carefully considered by Council (see below).



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Matters Prescribed by Regulations:

N/A

Likely Impact of Development:

Context and Setting:

The proposed development is not in keeping with the Heritage Conservation Area, does not address the corner location and is located in an area with a noted car parking deficiency. Similar land uses (Mitre 10) and bulky goods outlets are located in industrial areas.

Access, Transport and Traffic:

The proposed entry and exit point will result in the loss of a minimum of four on street car parks in Wallendoon Street. Exit onto Wallendoon Street would be in proximity of four intersections within 60 metres. At the sign posted speed limit of 50km/h, a person exiting the proposed development site would have 5.04 seconds to react to another vehicle having entered Wallendoon Street from Sutton Street and 2.88 seconds to react to another vehicle having entered Wallendoon Street from Hovell Street. Because of this, it would be imperative that exit from the site onto Wallendoon Street be left turn only, with physical works undertaken to restrict right turn movement.

Alternatively, exit from the Hovell Laneway would disperse traffic either north or south, reducing traffic entering Wallendoon Street; however consideration has to be given on what the impact this may have on the residents who use the laneway also.

Public Domain:

This site forms part of the visual gateway to Cootamundra from the designated highway. The proposed development proposes a largely blank wall (eastern elevation). From an aesthetic stand point, while this is not a desirable outcome, this façade can be mitigated with medium to large street trees.

Utilities:

The site is serviced.

Heritage:

The site is located in the Heritage Conservation Area. This is discussed at length above.

Other Land Resources:

N/A

Water:

N/A

Soil:

N/A

Air and Microclimate:

Disturbance to air and microclimate during construction can be mitigated through conditions of consent. Disturbance to the air and microclimate is expected to be negligible during the use and occupation of the site.



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Flora and Fauna:

N/A

Waste:

Waste produced as a by-product of construction will be collocated on site and disposed of in accordance with conditions of consent. Any waste generated during the use and occupation of the site will be dealt with through the Cootamundra Area waste stream.

Energy:

The building is not solar passive and it is expected that lighting and climate control will be required year round. Energy Efficiency provisions of Section J of the Building Code of Australia in terms of building fabric, glazing, air-conditioning and lighting will need to be complied with as Construction Stage.

Natural Hazards:

The site is neither bushfire nor flood prone.

Social Impact and Locality:

The proposed development will be positive in that it will utilise a disused site, increase employment opportunities and provide competition for hardware supplies. The proposed development is adjacent to a hotel and function centre and within proximity to the arts centre. Thompsons Rural Supplies is directly opposite the proposed development. It is difficult to define an overwhelming character of the area, however it is a precinct of urban renewal with a number of boutique outlets having opened in recent years. In such a context, a hardware store may be viewed as inconsistent with the locality.

Economic Impact and Locality:

The proposed development would have a positive economic impact on the locality utilising local labour for construction, providing ongoing employment for local people and increasing the range and availability of retail services in Cootamundra.

Site Design and Internal Design:

The proposed development is orientated south with both pedestrian and vehicle access proposed from Wallendoon Street. While the building is constructed 3.5m from the northern boundary, this area is still considered as a part of the gross floor area as it is to be utilised as a part of the garden centre.

Construction Matters:

To be addressed as a part of a construction certificate application.

Submissions:

This application was not notified – however such an application would have ordinarily been notified.

Public Interest:



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This application was not notified – however such an application would have ordinarily been notified.

FINANCIAL IMPACTS:

This application has the potential to severely affect Council financially in its current form should it be approved. Loss of car parking in an already under provided for precinct will require Council to either utilise existing land to construct a decked car park/roof top car park or acquire land for the provision of car parking in the future. Unlike most Councils, Cootamundra-Gundagai Regional Council does not collect a levy for development which does not meet the minimum car parking requirements (average cost of \$23,000 per space for regional areas). This means that any future car parking construction would need to be funded from general revenue.

Council staff do not have confidence in the estimated cost of development, meaning that contributions collected under Section 94A fall short of what ordinarily would be required. Funds from Section 94A are utilised to provide whole of community assets such as parks, playgrounds, Council building works and so on.

POLICY IMPACTS:

Modifying or varying the Development Control Plan should always be based on merit. It needs to be established that in order to vary the Development Control Plan a certain development is meeting an identified community need, has met development criteria in other ways or is an exception to ordinary development. To vary without justification sets a precedent that the Development Control Plan only applies to those who comply with the standards.

As variations to the Development Control Plan must be determined by Council, it would be expected that Council will receive a significant volume of development applications to be determined at each Council meeting. Noting that Council meetings are once a month, turnaround times will diminish and Council may not meet its statutory obligation to determine development applications within 40 days.

ORGANISATIONAL IMPACT:

N/A

RISK MANAGEMENT IMPACTS:

Determination of this application prior to assessment being completed in accordance with Section 79C of the Environmental Planning and Assessment Act 1979 will place Council in a position which may result in auditing by the Department of Planning and/or legal action in the Land and Environment Court.

Given the resolution of Councils Extraordinary Meeting of the 19th October 2017, which was to present a notice of determination for approval by the 31st October 2017 Ordinary Meeting.

Council staff have ensured to the best of their ability to complete the application assessment in accordance with the Environmental Planning and Assessment Act 1979, to mitigate against any possible risks.

LEGAL ISSUES:



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This application has now been assessed in accordance with Section 79C of the Environmental Planning and Assessment Act 1979, based on the information provided and the terms of Councils resolution at the Extraordinary Meeting of the 19th October 2017.

Council staff have ensured to the best of their ability to complete the application assessment in accordance with the Environmental Planning and Assessment Act 1979, to mitigate against any possible legal issues or risks.

CONCLUSION:

Given the resolution of Councils Extraordinary Meeting of the 19th October 2017, which was to present a notice of determination for approval by the 31st October 2017 Ordinary Meeting.

Council staff have ensured to the best of their ability to complete the application assessment in accordance with the Environmental Planning and Assessment Act 1979, to mitigate against any possible legal issues or risks

The notice of determination for approval and general conditions of consent be tabled at the next Ordinary Meeting of Council being held on the 31st October 2017.

Determination and Conditions:

Application Approved subject to the general conditions of consent as per Council Resolution of 19 October 2017 being:

RESOLVED – Moved: Cllr Palmer Seconded: Cllr Sheahan

DA2017/82 be approved subject to the following conditions:

Cllr Palmer moved that Council not accept the recommendation of the staff in regard to DA2017/82 submitted by Mr Blake. Furthermore, he moved if this development is permitted with Council consent that the General Manager prepare a Notice of Approval for the application for the next Council Meeting on 31st October, 2017.

DEVELOPMENT ASSESSMENT SIGNING OFFICER:

CHRIS IMRIE
Interim Director Development & Community

25.10.2017

Date



ATTACHMENT 1:

STATEMENT OF ENVIRONMENTAL EFFECTS	
<p>The following information needs to be provided with a Development Application so that Cootamundra-Gundagai Regional Council can meet the requirements of the Environmental Planning and Assessment Act 1979 when evaluating the application.</p> <p>This guide is not applicable for complex developments where additional information may be required.</p> <p>A Simple yes/no answer will not be sufficient. The following is not an exhaustive list, but a guide only and should be expanded upon where appropriate in the form of a separate written statement.</p>	
<p>Provide a clear description of the type of development you intend to carry out.</p> <p>Direction of building to be used as hardware store</p> <p>See Attachment 1</p>	
<p>Environmental Impacts</p> <p>Describe the existing environment of the subject site and the surrounding land.</p> <p>Vacant land that has been cleared and levelled for construction as per DA 2017/75</p>	
<p>What impact will the proposed development have upon the local environment (for example flora, fauna, Aboriginal land, and use of water)? And how will these impacts be overcome or managed?</p> <p>40,000L of rain water tanks will catch rain water to be slowly released and/or used on site.</p>	
<p>How do you propose to reduce the soil erosion and/or sedimentation problems that may occur from site works?</p> <p>Site erosion control measures will be incorporated during construction. Seepage and surface water will be diverted clear of the building site.</p>	
<p>Explain the design characteristics of the development? Describe how the development will be in character with other developments in the locality.</p> <p>The development will be constructed from steel and will be clad with either colorbond custom orb, or colorbond trimdek. Colours are predetermined by chosen branding "H Hardware". We have no say in these colours as they are the chosen colours of the "H Hardware" brand. There is a shed of similar construction across Wallendoon st. There is a shipping/container yard across Hovell st.</p>	

COOTAMUNDRA - GUNDAGAI REGIONAL COUNCIL

Development Consent No. 2017/82

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(Date) (Authorised Officer)

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eg. slope, vegetation, natural features such as water courses, adjoining land uses etc.

eg discharges into a natural water system, emission of fumes, steam, vapour, dust or the like removal of/injury to existing native flora and fauna.

eg. height, scale, density, materials etc.

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STATEMENT OF ENVIRONMENTAL EFFECTS

If the site is affected by hazards such as bushfire, flooding, landslip, high wind or any other risk factor, how do you propose to overcome such hazards?

NA

What are the likely economic or social effects of the proposed development on the locality?

Development will bring 6-10 jobs to the region.

What amount of traffic will be generated by the proposed development? How do you intend to gain access to the site? What off-street parking has been provided?

Traffic will increase. Staff parking will be available in "loading area". There will be internal customer parking in the trade area.

eg. existing access existing, three on site parking spaces are proposed, number of expected customers and staff vehicles

Explain how the proposed development impacts on the existing and likely future amenity of the locality? How do you propose to address these impacts?

There will be over shadowing on "The Valley B&B" in the morning. By mid morning the shadowing will move to the road.

eg. over shadowing, loss of privacy, visual amenity, streetscape or increased noise.

The streetscape will be greatly improved over the existing construction.

What solid and liquid waste will be generated? How will these wastes be disposed of? What toxic chemicals, if any, are involved in the proposal?

Stormwater and sewage only.

specify quality and quantity.

If filling of the land is required, demonstrate how you propose to overcome any adverse impacts on adjoining properties?

The site will not require filling.



STATEMENT OF ENVIRONMENTAL EFFECTS

What other matters considered relevant should Council be advised of that will support your proposal?

The proposed construction will be vast improvement over the existing construction.

The proposed use of the building will create local jobs.

Land Contamination

Please specify all land uses to which the site has been subject, which may have contributed to contaminated land issues, including the current use.

NA

refer to Councils
contaminated land map

Is the proponent aware of the uses to which properties adjoining the site have been put? If so, please specify.

residential, and a pub/resturant/b&b

Do any of the uses correlate with potentially contaminating activities?

No

If yes, has there been any testing or assessment of the site and, if so, what were the results?

Is the proponent aware of any contamination on the site?

No

What remediation work, if any has been taken in respect to contamination which is or may have been present on the site?

NA

Work carried out
voluntarily or ordered by
a government agency.



Attachment (1)

- New steel framed industrial hardware retail building consisting of
 - 1095sqm retail area for shelving and items
 - 600sqm trade area for timber and building supplies
 - 100sqm garden area

- Parking provided internally via drive in drive out as per plan
- Staff parking in loading area (4)
- Four staff within the building at any given time.
- Total staff 6-10
- Two disabled toilets + amenities

Building coloured as per "H Hardware" branding.

- Woodland grey
- Pantone 130c

Gable to face Hovel st

4.8m eaves. Approx 7m at peak

Main entry from wallandera st for vehicles and pedestrian

Hours Approx: mon-fri 7:30 - 5:30

Sat-sun 8:00 - 5:00

Awning over front entry.

Approx 1.5m x 6m

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Diagram of the Ground Floor Plan for 1-5 Wallendoon St, Cootamundra. The plan shows a large rectangular building with various sections: Garden Area, Loading Bay, Trading Area, Checkout Area, and Retail Area. It includes dimensions, emergency exits, and water tanks. The plan is stamped with 'COUNCIL COPY' and 'COOTAMUNDRA - GUNDAGAI REGIONAL COUNCIL'.

Diagram labels: Garden Area, Loading Bay, Trading Area, Checkout Area, Retail Area, WATER TANKS, Emergency Fire Exit, LEFT HAND EXIT ONLY, HOVELL STREET, WALLENDON STREET.

Stamp: Cootamundra Gundagai Regional Council Document Received - 9 OCT 2017 File No. 2017/82 Initials [Signature]

Stamp: COUNCIL COPY

Stamp: COOTAMUNDRA - GUNDAGAI REGIONAL COUNCIL Development Consent No. 2017/82 This stamped enclosed plan forms part of the Development Consent issued by Council (General Authority) under the Environmental Planning and Assessment Act and is subject to compliance with the conditions of the attached formal notice of determination.

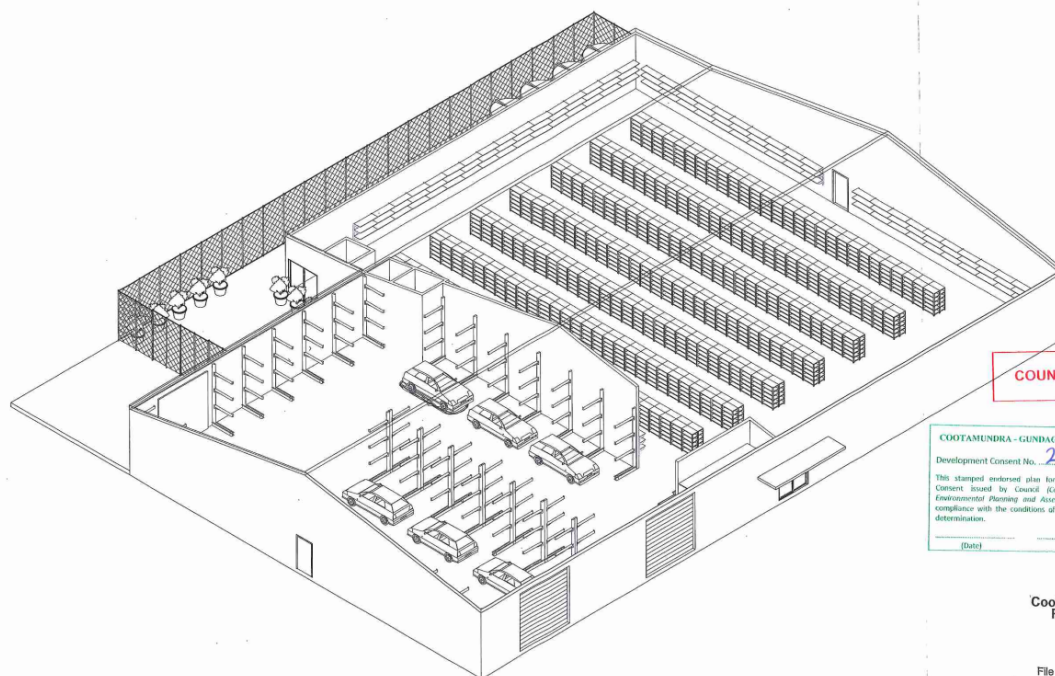
No.	Description	Date

1-5 Wallendoon St, Cootamundra

JAMES CHILDS

GROUND FLOOR PLAN

Project number	A101	
Date	11/09/2017	
Drawn by	NM	
Checked by	Checker	Scale 1:200



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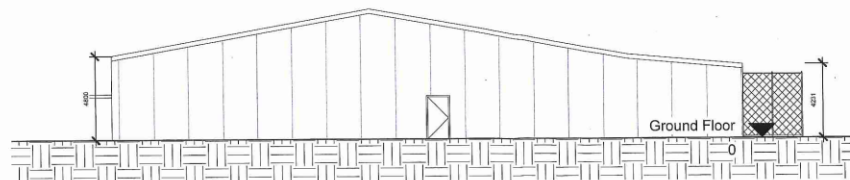


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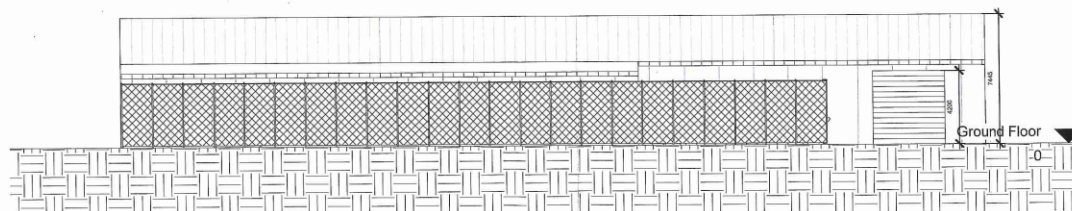
	<table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="width: 10%;">No.</th> <th style="width: 60%;">Description</th> <th style="width: 30%;">Date</th> </tr> </thead> <tbody> <tr><td> </td><td> </td><td> </td></tr> <tr><td> </td><td> </td><td> </td></tr> <tr><td> </td><td> </td><td> </td></tr> <tr><td> </td><td> </td><td> </td></tr> </tbody> </table>	No.	Description	Date													1-5 Wallendoon St, Cootamundra JAMES CHILDS	<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <th colspan="3" style="text-align: left;">ISOMETRIC VIEW 2</th> </tr> <tr> <td style="width: 50%;">Project number</td> <td colspan="2" rowspan="4" style="text-align: center; vertical-align: middle; font-size: large;">A103</td> </tr> <tr> <td>Date</td> <td>11/09/2017</td> </tr> <tr> <td>Drawn by</td> <td>NM</td> </tr> <tr> <td>Checked by</td> <td>Checker</td> </tr> <tr> <td colspan="2"></td> <td style="text-align: right;">Scale</td> </tr> </table>	ISOMETRIC VIEW 2			Project number	A103		Date	11/09/2017	Drawn by	NM	Checked by	Checker			Scale
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① **East Elevation**
1:200

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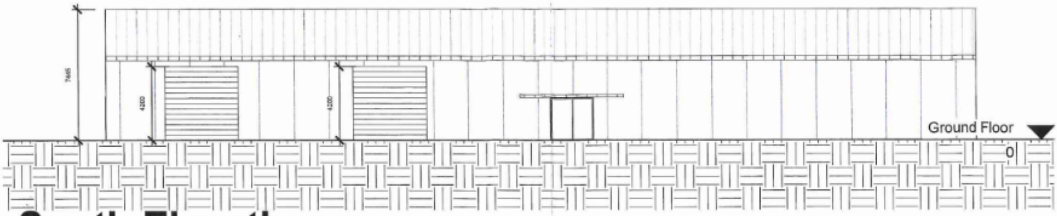
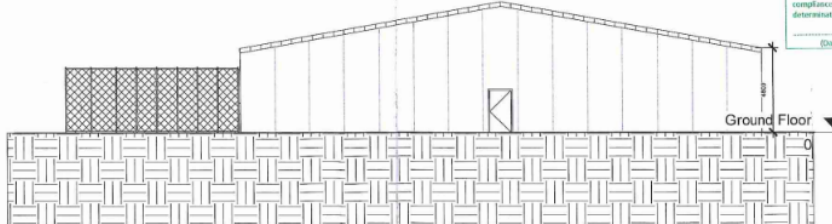


② **North Elevation**
1:200

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No.	Description	Date	1-5 Wallendoon St, Cootamundra	ELEVATIONS	
				Project number	A104
			JAMES CHILDS	Date	11/09/2017
				Drawn by	NM
				Checked by	Checker



 <p>1 South Elevation 1:200</p>		<p>COUNCIL COPY</p> <p>COOTAMUNDRA - GUNDAGAI REGIONAL COUNCIL Development Consent No. <u>2017/82</u> This stamped endorsed plan forms part of the Development Consent issued by Council (Consent Authority) under the Environmental Planning and Assessment Act and is subject to compliance with the conditions of the attached formal notice of determination. (Date) (Authorized Officer)</p> <p>Cootamundra Gundagai Regional Council Document Received - 9 OCT 2017 File No. <u>DA 2017/82</u> Initials <u>[Signature]</u></p>																																					
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① East Elevation

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7.2 CORPORATE SERVICES DIVISION

7.2.1 FINANCIAL MANAGEMENT

7.2.1.1 CASH RESERVES

REPORTING OFFICER	Kate Monaghan
ATTACHMENTS	1. Cash and Investments as at 30 th June, 2017 2. Unexpended Budgets recommended to be rolled in to the 2016-17 financial year 3. Restricted Assets Policy
RELEVANCE TO COMMUNITY STRATEGIC PLAN	To be included from July, 2018 following adoption of new CSP
FINANCIAL IMPLICATIONS	Council has had a strong positive cashflow in the financial year, in particular due to receipt of unspent grant funds. Staff have recommended that Council adopts reserve balances as detailed in the attachment. There are some unexpended budgets for the year ended 30 June 2017 and staff recommend that Council approve the budget rollover requests.
LEGISLATIVE IMPLICATIONS	Sections 408 to 411 of the Local Government Act and sections 204 to 205 of the Local Government (General) Regulation require Council to have certain externally restricted cash reserves.
POLICY IMPLICATIONS	The Council's Restricted Assets Policy details what funds shall be placed into Council's reserves and describes the purposes for which those reserve funds shall be applied.

RECOMMENDATION

- 1. The cash and investments final report for the year ended 30 June 2017 be accepted and that the actual reserve balances as at 30 June 2017 are confirmed.**
- 2. The unexpended budgets from the 2016-17 financial year, as detailed in the attached report, be reinstated in the current financial year, and that this form part of the September Quarterly Budget Review.**

Introduction

This report confirms Council's cash and investments balance as at 30th June, 2017, and recommends the internal and external reserve balances as at the same date. The cash and reserves final report is attached.

Discussion

The balance of Council's cash and investments at 30th June, 2017 was \$41,381,549, as compared to a budget of \$33,500,973. There are a number of reasons for the variance, including:

1. Some capital budgets were not fully expended by 30th June, 2017, including the items that have been identified in the attached report, totalling \$3.6 million.
2. The budgeted figure allowed for full expenditure of the \$5,000,000 funding provided for the amalgamation costs, however \$3.7 million has been kept aside as at 30th June to continue with systems implementation.

The cash and investments held as at 30th June, 2017 has been sectioned in to a number of reserves in accordance with Council policy, which is attached to this report.

Externally restricted reserves are restricted due to legislative requirements, however, internally restricted reserves are decided by Council resolution. Council has the option to transfer money in or out of internal reserves, however, Council must always have regard for the long term cumulative effects of its decisions. Council has adopted the Restricted Assets Policy to ensure that internal restrictions are maintained.

Each year, Council resolves to adopt its Operational Plan budget including itemised reserves of cash and investments. Council reviews its budget decisions (including its internally restricted reserves) through the quarterly budget review process. At the end of the financial year, when the actual cash and investments is known, Council adopts the closing reserve balances, and these are included in the annual financial statements.

All of the internal and external reserves have been reconciled for the actual income and expenditure received and expended during the financial year, and the column showing *Actual as at 30th June, 2017* is the staff recommendation based on the reconciliations that have been completed. In addition, staff have taken in to account future cash requirements as follows.

1. The attached list of uncompleted works shows amounts that were budgeted for expenditure during the previous financial year, that were not spent, and that are required for expenditure in the current financial year.



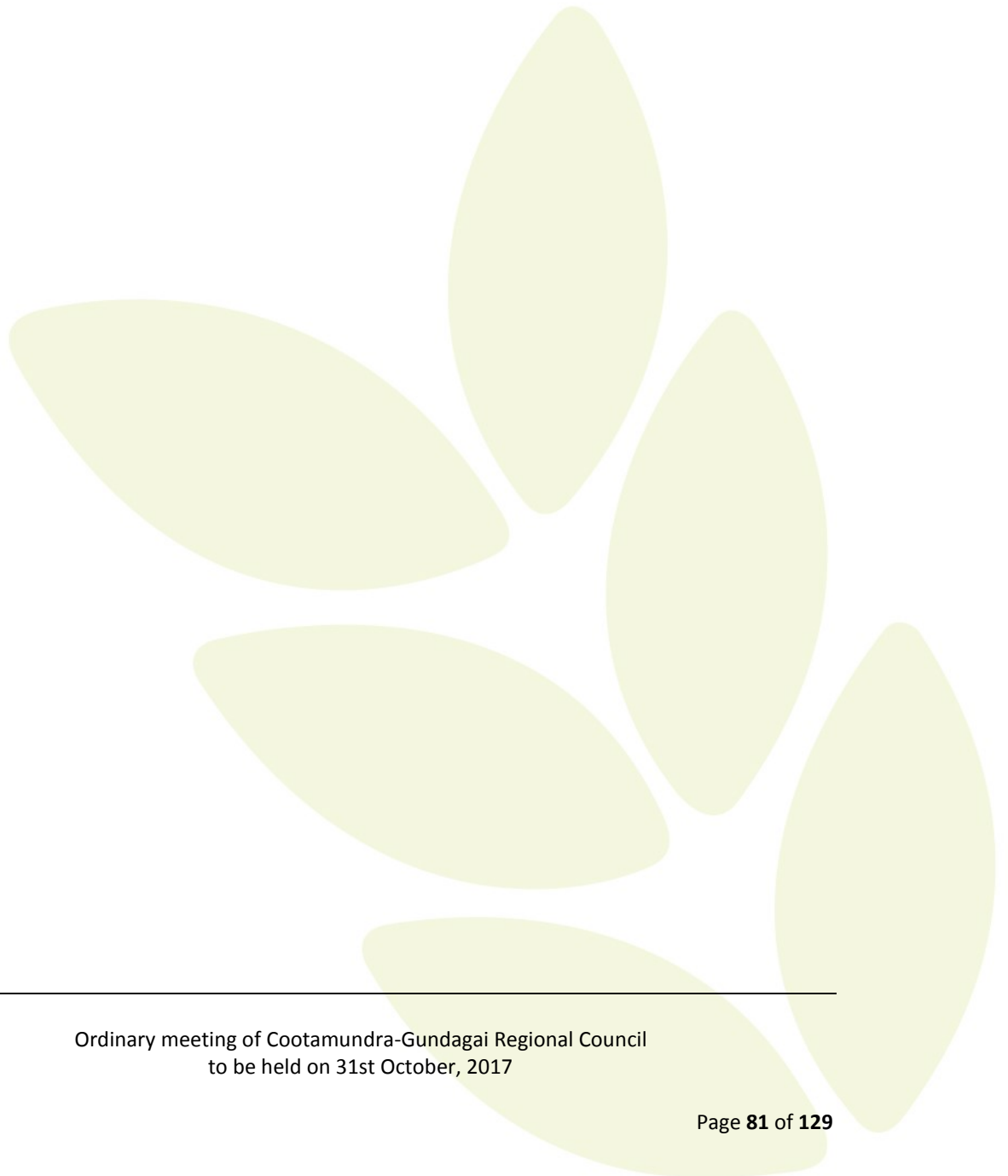
Staff will recommend that Council approve the budget rollover requests as part of the September Quarterly Budget Review. The recommended reserve balances have been calculated on the assumption that the budget rollovers will be approved.

2. In accordance with Council policy, and legislative requirements, an allocation of interest income was made to the reserves for water, sewer, Gundagai Town Improvement District Special Rates, Aerodrome, Depot Consolidation, Development, Plant, and Special Projects.
3. The Employee Leave Entitlements Reserve was decreased to \$1,396,215, in accordance with Council policy.
4. In accordance with a recommendation of the CGRC Amalgamation Peer Review Report, a provision of \$85,000 has been allowed for in the Incomplete Works Reserve, as a Service Guarantee Funding provision. This amount is available to be accessed by Council if it believes a previously approved budgeted expenditure commitment made by a former Council has not been carried forward.
5. Council received advance payment of two quarters of the Financial Assistance Grant for 2017-18, being \$2,422,943, which is required to fund Council operations in the current year.



Cash and Investments for the year ended 30 June 2017

	Original Budget 30-Jun-17	Approved changes				Revised Budget 30-Jun-17	Actual as at 30-Jun-17
		Sep QBR5	Dec QBR5	Mar QBR5	Other		
Externally Restricted ⁽¹⁾							
Developers Contributions	114,780	-	-	-	-	114,780	-
Sheridan Street Upgrade Loan Funds	315,000	-	-	-	-	315,000	398,832
Specific Purpose Unexpended Grants & Contributions	1,235,230	-	-	(84,000)	-	1,151,230	1,584,993
Water network infrastructure	3,266,781	-	-	-	-	3,266,781	4,634,622
Sewer network infrastructure	3,965,822	-	-	-	-	3,965,822	4,422,549
Gundagai Town Improvement District	1,203,126	-	-	-	-	1,203,126	1,197,545
Domestic Waste Management	686,457	(133,443)	-	-	1,706,306	2,259,320	1,669,722
Stormwater infrastructure renewal	161,057	-	-	-	-	161,057	245,931
Total Externally Restricted	10,948,253	(133,443)	-	(84,000)	1,706,306	12,437,116	14,154,194
⁽¹⁾ Funds that must be spent for a specific purpose							
Internally Restricted ⁽²⁾							
Merger Implementation Fund	-	-	-	-	-	-	3,698,317
Stronger Communities Fund	-	-	-	8,890,763	-	8,890,763	8,920,259
Aerodrome Bitumen Resurfacing	58,291	-	-	-	-	58,291	233,686
Bradman's Birthplace	13,288	-	-	-	-	13,288	22,814
Cemetery Improvements	(4,243)	-	-	-	-	(4,243)	-
Coolac bypass	78,810	-	-	-	-	78,810	103,810
Cootamundra Caravan Park	58,080	-	-	-	-	58,080	64,623
Deposits, bonds and retentions	144,384	-	-	-	(144,384)	-	-
Depot Consolidation	50,039	-	-	-	-	50,039	-
Development	766,208	-	-	-	-	766,208	578,902
Employee Leave Entitlements	1,440,979	-	-	-	-	1,440,979	1,396,215
Financial Assistance Grant	-	-	-	2,419,096	-	2,419,096	2,422,943
Heritage Centre	3,295	-	-	-	-	3,295	6,395
Incomplete Works	1,713,142	-	-	2,500	-	1,715,642	1,057,938
Infrastructure replacement	91,092	-	-	-	-	91,092	-
Local Works	867,000	-	-	-	-	867,000	-
Office Equipment	114,026	-	-	-	-	114,026	-
Plant Replacement	770,670	88,458	-	-	-	859,128	2,465,593
Quarries & Pit Restoration	80,275	-	-	-	-	80,275	79,375
Saleyards	230,501	-	-	-	-	230,501	264,697
Special Projects	411,516	-	-	-	-	411,516	421,953
Swimming Pool Pump & Equipment	6,288	-	-	-	-	6,288	6,288
Waste	1,706,306	-	-	-	(1,706,306)	-	-
Total Internally Restricted	8,599,947	88,458	-	11,312,359	(1,850,690)	18,150,074	21,743,808
⁽²⁾ Funds that Council has earmarked for a specific purpose							
Unrestricted (ie. available after the above Restrictions)	3,925,665	(876,436)	(61,727)	(73,719)	-	2,913,783	5,483,547
Total Cash & Investments	23,473,865	(921,421)	(61,727)	11,154,640	(144,384)	33,500,973	41,381,549



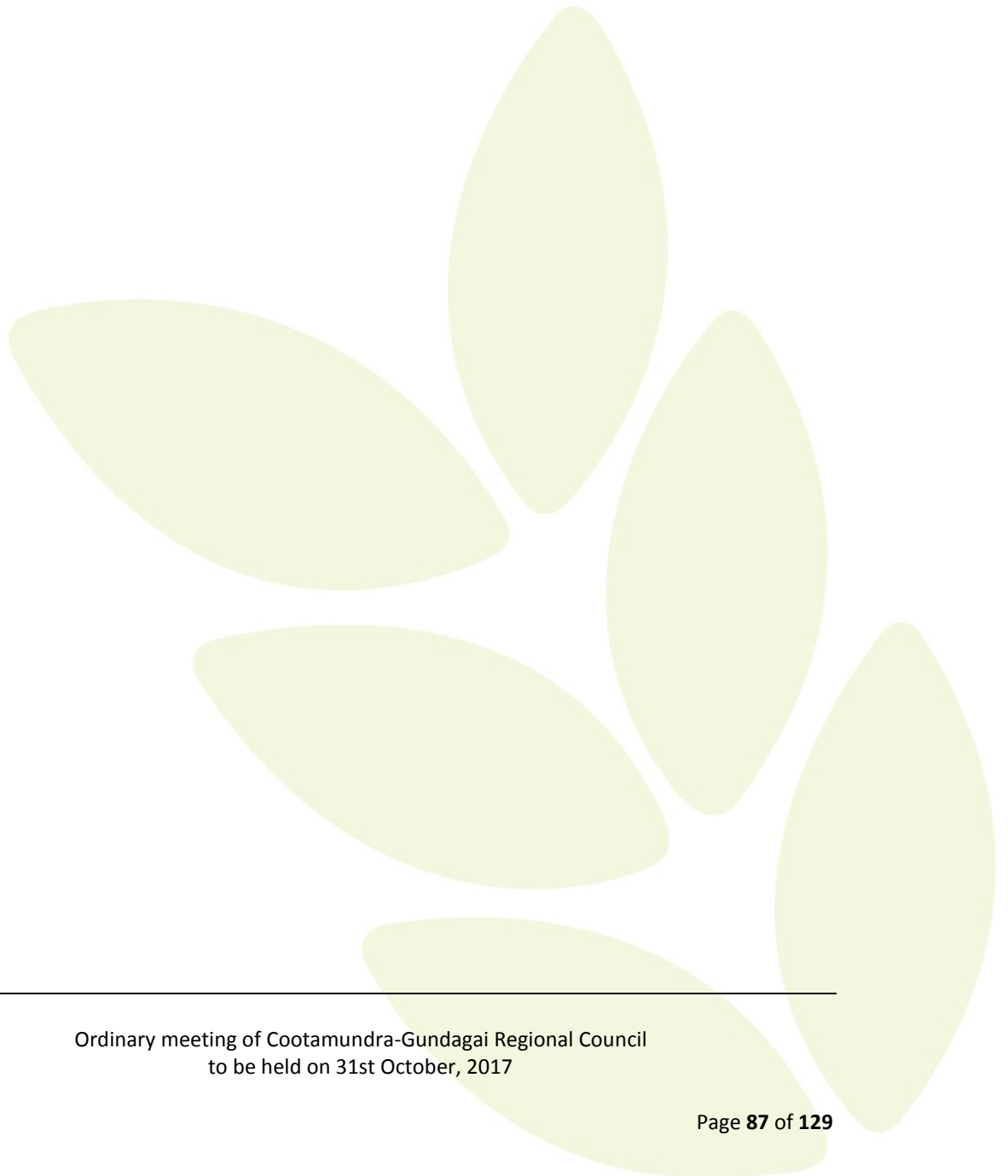












7.2.1.2 INVESTMENT REPORT

REPORTING OFFICER	Kate Monaghan, Director Corporate Services
ATTACHMENTS	1. Investment Report 30 th September, 2017 2. Investment Report 31 st August, 2017
RELEVANCE TO COMMUNITY STRATEGIC PLAN	To be included from July, 2018 following adoption of new CSP
FINANCIAL IMPLICATIONS	There are no financial implications with this report
LEGISLATIVE IMPLICATIONS	Council investments comply with section 625 of the Local Government Act (NSW), 1993 and the Local Government (General) Regulation 2005, paragraph 212.
POLICY IMPLICATIONS	Funds are invested in accordance with Council's investment policy, which is due for review in August, 2018.

RECOMMENDATION

That the Investment Reports for the month ended 31 August 2017 and for the month ended 30 September 2017 be received.

Introduction

This is a monthly report detailing Council's Investments, provided in accordance with Clause 212 of the Local Government (General) Regulation, 2005.

Discussion

A list of Council's investments as at the reporting dates is detailed in the attached reports.



INVESTMENT REPORT 30 SEPTEMBER, 2017

The Responsible Accounting Officer, Kate Monaghan reports :-
Details of Investments held by Council as at

30-Sep-17 are set out below

Date Invested	Interest Rate	Term Days	Investment Amount	Anticipated Interest	Date Matures	Held With	Investment Number
21 Mar 2017	2.75	210	\$2,034,753.42	\$32,193.70	17 Oct 2017	AMP	9
26 Apr 2017	2.61	181	\$1,000,000.00	\$12,942.74	24 Oct 2017	ING	4
26 Apr 2017	2.38	209	\$1,076,451.37	\$15,902.58	21 Nov 2017	NAB	11
22 Nov 2016	2.80	364	\$911,962.14	\$25,464.99	21 Nov 2017	NAB	7
23 May 2017	2.70	182	\$2,000,000.00	\$26,926.04	21 Nov 2017	ING	5
3 Jan 2017	2.75	329	\$1,045,790.13	\$25,922.70	28 Nov 2017	NAB	22
29 Aug 2017	2.51	112	\$3,062,150.14	\$23,384.43	19 Dec 2017	NAB	2
21 Jul 2017	2.60	179	\$2,500,000.00	\$31,676.71	16 Jan 2018	ME	6
26 Apr 2017	2.75	272	\$600,000.00	\$12,295.89	23 Jan 2018	AMP	15
16 Feb 2017	2.65	364	\$250,000.00	\$6,606.85	15 Feb 2018	Banaracoast	5905045-10596700
21 Jul 2017	2.60	214	\$2,500,000.00	\$38,109.59	20 Feb 2018	ME	10
7 Mar 2017	2.71	364	\$1,500,000.00	\$40,538.63	6 Mar 2018	CBA	3
12 Sep 2017	2.55	182	\$1,061,217.20	\$13,493.45	13 Mar 2018	AMP	8
21 Jul 2017	2.60	270	\$2,500,000.00	\$48,082.19	17 Apr 2018	BOQ	13
25 Jul 2017	2.60	301	\$7,103,532.00	\$152,307.51	22 May 2018	ING	16
26 Sep 2017	2.60	273	\$515,704.63	\$10,028.69	26 Jun 2018	AMP	12
11 Jul 2017	2.70	364	\$1,520,827.40	\$40,949.84	10 Jul 2018	NewPer	17
2 Jun 2009	0.70	BOC max	\$1,673,903.80		At Call	CBA	1
			\$6,821,619.11		At Call	NAB	86-767-2563
25 Nov 2010	0.70	BOC	\$24,972.18		At Call	CBA	19 - Stock School
7 Mar 2011	0.70	BOC	\$23,967.86		At Call	CBA	20 - HCMS
			\$39,726,851.38	\$557,226.53			
Internal Loans				Annual Interest			
31 Dec 2009	3.69	365	\$73,752.04	\$1,360.73	30 Jun 2024	C.S.C	Aerodrome Refueller
1 Jul 2010	5.64	365	\$54,385.07	\$3,067.32	29 Jun 2022	C.S.C	Swimming Pool Design
			\$128,137.11	\$4,428.05			
Deferred debtors							
1 Sep 2011	Average Int	10 yrs	\$2,115.45		31 Aug 2021	C.S.C	Loan to C.C.A.C.C.
			\$39,857,103.94	\$561,654.58			

Interest on Investments YTD (from 01-07-17)

\$396,751.16

Interest on above investments to be received at maturity

\$557,226.53

Financial Institution Summary	Amount Held	of Total
NAB	\$12,917,972.89	32.41%
CBA	\$3,222,843.84	8.09%
Newcastle Perm	\$1,520,827.40	3.82%
AMP Bank	\$4,211,675.25	10.57%
Bank of Qld	\$2,500,000.00	6.27%
ING	\$10,103,532.00	25.35%
Banaracoast CU	\$250,000.00	0.63%
ME Bank	\$5,000,000.00	12.54%
Cootamundra Shire Council	\$128,137.11	0.32%
Deferred Debtors	\$2,115.45	0.01%
	\$39,857,103.94	100%

This report is produced in accordance with section 625 of the local Government Act 1993 and all Investments have been made in accordance with the Act & the Regulations.

Signed

Responsible Accounting Officer

Kate Monaghan

Average interest 2.65

Check 2.65

BENCHMARK
(for term investments)

BBSW ave. 90-day
rate for SEP 1.7229 + 1%
2.72%



INVESTMENT REPORT 31 AUGUST, 2017

The Responsible Accounting Officer, Kate Monaghan reports :-
Details of Investments held by Council as at

31-Aug-17 are set out below

Date Invested	Interest Rate	Term Days	Investment Amount	Anticipated Interest	Date Matures	Held With	Investment Number
9 Dec 2016	2.71	273	\$1,000,000.00	\$20,269.32	8 Sep 2017	NAB	36-224 0837
14 Mar 2017	2.75	182	\$1,046,862.28	\$14,354.92	12 Sep 2017	AMP	8
28 Mar 2017	2.75	182	\$508,728.77	\$6,975.86	26 Sep 2017	AMP	12
21 Mar 2017	2.75	210	\$2,034,753.42	\$32,193.70	17 Oct 2017	AMP	9
26 Apr 2017	2.61	181	\$1,000,000.00	\$12,942.74	24 Oct 2017	ING	4
26 Apr 2017	2.58	209	\$1,076,451.37	\$15,902.58	21 Nov 2017	NAB	11
22 Nov 2016	2.80	364	\$911,962.14	\$25,464.99	21 Nov 2017	NAB	7
23 May 2017	2.70	182	\$2,000,000.00	\$26,926.04	21 Nov 2017	ING	5
3 Jan 2017	2.75	329	\$1,045,790.13	\$25,922.70	28 Nov 2017	NAB	22
29 Aug 2017	2.51	112	\$3,062,150.14	\$23,584.43	19 Dec 2017	NAB	2
21 Jul 2017	2.60	179	\$2,500,000.00	\$31,876.71	16 Jan 2018	ME	6
26 Apr 2017	2.75	272	\$600,000.00	\$12,295.89	23 Jan 2018	AMP	15
16 Feb 2017	2.65	364	\$250,000.00	\$6,606.85	15 Feb 2018	Banaracoast	5905045-10596700
21 Jul 2017	2.60	214	\$2,500,000.00	\$38,109.59	20 Feb 2018	ME	10
7 Mar 2017	2.71	364	\$1,500,000.00	\$40,538.63	6 Mar 2018	CBA	3
21 Jul 2017	2.60	270	\$2,500,000.00	\$48,082.19	17 Apr 2018	BOQ	13
25 Jul 2017	2.60	301	\$7,103,532.00	\$152,307.51	22 May 2018	ING	16
11 Jul 2017	2.70	364	\$1,520,827.40	\$40,949.84	10 Jul 2018	NewPer	17
2 Jun 2009	0.70	BOC max	\$1,822,705.16		At Call	CBA	1
25 Nov 2010	0.70	BOC	\$6,815,531.82		At Call	NAB	86-767-2563
7 Mar 2011	0.70	BOC	\$24,947.82		At Call	CBA	19 - Stock School
			\$23,944.47		At Call	CBA	20 - HCMS
			\$40,948,186.92	\$575,304.48			
Internal Loans				Annual Interest			
31 Dec 2009	3.69	365	\$73,752.04	\$1,360.73	30 Jun 2024	C.S.C	Aerodrome Refueller
1 Jul 2010	5.64	365	\$54,385.07	\$3,067.32	29 Jun 2022	C.S.C	Swimming Pool Design
			\$128,137.11	\$4,428.05			
Deferred debtors							
1 Sep 2011	Average Int	10 yrs	\$2,556.88		31 Aug 2021	C.S.C	Loan to C.C.A.C.C.
			\$40,978,880.91	\$579,732.53			

Interest on Investments YTD (from 01-07-17)

\$345,641.27

Interest on above investments to be received at maturity

\$575,304.48

Financial Institution Summary	Amount Held	of Total
NAB	\$13,911,885.60	33.95%
CBA	\$3,371,597.45	8.23%
Newcastle Perm	\$1,520,827.40	3.71%
AMP Bank	\$4,190,344.47	10.23%
Bank of Qld	\$2,500,000.00	6.10%
ING	\$10,103,532.00	24.66%
Banaracoast CU	\$250,000.00	0.61%
ME Bank	\$5,000,000.00	12.20%
Cootamundra Shire Council	\$128,137.11	0.31%
Deferred Debtors	\$2,556.88	0.01%
	\$40,978,880.91	100%

This report is produced in accordance with section 625 of the local Government Act 1993 and all Investments have been made in accordance with the Act & the Regulations.

Signed

Responsible Accounting Officer

Kate Monaghan

Average interest 2.67

Check 2.67

BENCHMARK
(for term investments)

BBSW ave. 90-day
rate for Aug 1.6982 + 1%
2.70%

7.2.2 GOVERNANCE AND BUSINESS SYSTEMS

7.2.2.1 PECUNIARY INTEREST REGISTER

REPORTING OFFICER	Susan Pardy, Manager Governance and Business Systems
ATTACHMENTS	No attachments
RELEVANCE TO COMMUNITY STRATEGIC PLAN	To be included from July, 2018 following adoption of new CSP
FINANCIAL IMPLICATIONS	There are no financial implications associated with this report
LEGISLATIVE IMPLICATIONS	In accordance with Section 449 Local Government Act, 1993
POLICY IMPLICATIONS	There are no Policy implications associated with this report.

RECOMMENDATION

The tabling of pecuniary interest returns from staff, Administrator Stephen, Sykes and General Manager, Allen Dwyer for the period 1st July, 2016 to 30th June, 2017.

Introduction

Section 449 of the Local Government Act requires Councillors and designated staff to complete a pecuniary interest form as at 30th June each year by 30th September or within three months of becoming a Councillor or designated person. The returns must be tabled at the next available council meeting following the expiration of the due date.

Discussion

Pecuniary interest returns from staff, Administrator Stephen Sykes and General Manager Allen Dwyer for the period 1st July, 2016 to 30th June, 2017 are tabled.

A register of returns is available for inspection at Council offices.

7.2.2.2 DRAFT PROCUREMENT POLICY

REPORTING OFFICER	Evan Hutchings, Executive Project Manager
ATTACHMENTS	Draft Procurement Policy
RELEVANCE TO COMMUNITY STRATEGIC PLAN	To be included from July, 2018 following adoption of new CSP
FINANCIAL IMPLICATIONS	There are no financial implications associated with this report
LEGISLATIVE IMPLICATIONS	Adoption of the draft Policy will facilitate compliance with The Local Government Act 1993, Local Government (General) Regulation, 2005 and various guidelines including the Procurement Policy Framework for NSW Government Agencies 2015 and the ICAC Publication titled Corruption Risks In NSW Public Sector Procurement
POLICY IMPLICATIONS	The Draft Policy, if adopted, will be supported by Procedures and Guidelines for Council officers and is linked to Council's adopted Code of Conduct and Delegations Register

RECOMMENDATION

The draft Procurement Policy attached to the report be adopted

Introduction

Following the proclamation of Cootamundra-Gundagai Regional Council there has and will continue to be a program of review and harmonisation of key policies and related documentation. The draft Procurement Policy has been developed and is submitted to Council for consideration. A Procurement Procedures and Guidelines for Officers document has also been developed to support implementation of the Policy.

Discussion

Local Government authorities have always been required to be accountable as the custodian of community assets and funds. However, the scrutiny of this accountability has progressively increased over time, and most particularly in recent years in response to community expectations and various highly publicised ICAC investigations.

It is therefore imperative that Council is able to demonstrate that it has in place both rigorous and transparent procurement policies and procedures.

The draft Procurement Policy has been developed to provide the framework to facilitate appropriate procurement practices that satisfy these expectations while ensuring purchases achieve the optimum outcome in terms of both quality and cost.

The draft Policy and related Procedures and Guidelines for Officers have also been developed to align with Council's financial systems.



“DRAFT”

Procurement Policy

October 2017



1. PURPOSE

The purpose of this Policy is to:

- Provide guidelines for Cootamundra-Gundagai Regional Council to facilitate consistency and control over its procurement activities;
- Demonstrate transparency and accountability to the community as well as existing, prospective and potential suppliers;
- Provide guidance to procurement decision-makers on the standards of ethical behaviour expected of them;
- Focus on the application of best practice in procurement; and
- Increase the likelihood of achieving the optimal outcome for the community when purchasing goods, materials and services by obtaining the best Value for Money.

2. SCOPE

This Policy applies to all Cootamundra-Gundagai Regional Council officers involved in procurement activities as well as consultants, contractors and others engaged by Council.

3. RELATED COOTAMUNDRA-GUNDAGAI REGIONAL COUNCIL POLICIES AND PROCEDURES

- Assets and Materials Disposal Policy
- Code of Conduct
- Delegations Register
- Fraud and Corruption Prevention Policy (to be developed)
- Fraud and Corruption Control Strategy (to be developed)
- Procurement Procedures and Guidelines for Officers
- Risk Management Policy (to be developed)
- Risk Management Plan (to be developed)
- Statement of Business Ethics (to be developed)



4. APPLICABLE LAW, POLICIES, GUIDELINES AND REFERENCE DOCUMENTS

This policy has been drafted with due consideration of the provisions of the:

- The Local Government Act 1993 (NSW);
- The Local Government (General) Regulation 2005;
- Tendering Guidelines for NSW Local Government 2009;
- DLG Circular 12-02 Procurement from Disability Employment Organisations;
- DLG Circular 11-37 Council Procurement and Contract Management Practices;
- NSW Procurement Policy Framework for NSW Government Agencies 2015;
- Buyers Guide to Contracts, Standing Offer Agreements and Pre-Qualification Council Schemes;
- Corruption Risks in NSW Public Sector Procurement – Consultation Paper (ICAC) 2010;
- Report on corrupt manipulation of contract procurement procedures (ICAC) 2007;
- Commonwealth Procurement Rules 2014;
- Guide to National Competition Policy;
- Work Health and Safety Act 2011 (NSW);
- Waste Avoidance and Resource Recovery Act 2001 (NSW);
- State Records Act 1988 (NSW)

5. POLICY STATEMENT

Cootamundra-Gundagai Regional Council seeks to procure the best quality goods, materials and services at the best possible price (Value for Money) through a fair, transparent and ethical procurement system comprising consistent and documented processes.

6. AMENDMENT

This Policy will be subject to amendment in accordance with a change to legislative requirements and referred to Cootamundra-Gundagai Regional Council for endorsement at the earliest practicable time. The Policy may also be submitted for Council reconsideration in keeping with best practice requirements.



7. WHAT IS PROCUREMENT?

The whole process of purchasing goods and/or materials and/or services and typically consists of the following steps:

- I. Define the need and specification.
- II. Determine the procurement method.
- III. Identify reputable suppliers or approved contractors relevant to the purchase.
- IV. Invite quotations or use direct purchasing (pursuant to the prescribed category).
- V. Evaluate responses and make a recommendation.
- VI. Obtain approval for the decision or act under delegated authority.
- VII. Monitor the performance of the supplier or provider.
- VIII. Check that what was delivered is what was ordered and is fit for purpose.

8. PROCUREMENT PRINCIPLES:

All procurement by Cootamundra-Gundagai Regional Council is undertaken in accordance with the following principles:

Value for Money

Goods or services being procured should represent the best return and performance for the money spent from a "total costs of ownership" or "whole-of-life costs" perspective. This means that the cheapest good, material or service does not necessarily provide the best Value for Money.

Open and Effective Competition

The purpose of this principle is to:

1. Instill confidence in the public about the cost-effectiveness of Local Government Procurements.
2. Maximise the prospect of obtaining the most cost-effective outcome from invitations to suppliers.
3. Ensure suppliers are given a reasonable opportunity to do business with local government.

Probity and Ethical Behaviour

All Cootamundra-Gundagai Regional Council officers involved in procurement activities must comply with the highest standards of probity and ethical behaviour. Specifically, officers will:

- Conduct all procurement activity fairly, impartially, consistently and professionally with all suppliers;
- Declare any real or perceived conflict of interests to their manager immediately after becoming aware of the conflict;



PROCUREMENT POLICY

- Maintain the confidentiality of all aspects of offers and information received in response to an Expression of Interest, Request for Quotation or a Request for Tender;
- Maintain adequate and appropriate documentation throughout the procurement activity;
- Ensure their knowledge and understanding of the market is as thorough and up-to-date as practicable prior to commencing a procurement activity.

Sound Financial Management

Cootamundra-Gundagai Regional Council officers apply the principles of good financial management at all times throughout every procurement activity they are involved in.

9. OTHER CONSIDERATIONS

The following are also considered and applied in all procurement by Cootamundra-Gundagai Regional Council:

- Goods, materials and services procured must meet all relevant **Australian Standards** and be fit for the purposes described in the specification.
- Where appropriate and where possible, positive consideration is given to suppliers who demonstrate goods, materials and services are **environmentally sustainable**.
- Business will not be conducted with suppliers that are **dishonest, unethical or unsafe**. Where Council becomes aware of a supplier engaging in any such behaviour, Council will discontinue conducting business with the supplier.
- Contracts will not be entered into with suppliers where Council becomes aware that such suppliers have had a **judicial decision** made against them (not including decisions under appeal) relating to employee entitlements that have not been paid.
- Where appropriate and to the extent permissible by law, preference is given to **Australian owned suppliers** and/or suppliers who **manufacture in Australia**.
- Where all other factors are equal, Council endeavours to give **preference to local suppliers** of goods, materials and services.

10. FINANCIAL DELEGATIONS FOR PROCUREMENT

Financial delegations define the financial limitations within which specified staff may approve a purchase, quotation and contractual processes. All procurement must be undertaken within these delegations.

11. PROCUREMENT METHOD APPLICABLE TO PROCUREMENT VALUE

The procurement method to be used in accordance with the value of the purchase. Details are specified in the "Procurement Procedures and Guidelines for Officers" document.

Page 5 of 7



12. TENDERS AND CONTRACTS

For purchases of \$150,000.00 or more, Section 55 of the Local Government Act 1993 and Clause 163 of the Local Government (General) Regulation 2005 specify that such procurement be undertaken by way of tender. The Act and Regulation also facilitate the procurement of goods, materials and services of a value up to and exceeding \$150,000.00 by way of third party contracts.

Schedule of Rates and Pre-Qualification of Contractors

Expressions of Interest (EOI) will be publicly advertised calling for fixed rates from contractors for work, plant hire and projects (under the threshold as prescribed by the Local Government (General) Regulation) 2005.

Contractors are to be pre-qualified and appear in council's Approved Contractors Register prior to being engaged for work on a Council worksite. For qualification contractors will supply council copies of all relevant insurances, required licences and other documents as deemed necessary.

Procurement of Goods, Materials and Services through Third Party (Panel) Contracts

Certain alternatives are available through the Local Government Act and Regulation for the procurement of goods, materials and services through third party (Panel) contracts. Such contracts are established following a competitive process undertaken by third parties, thereby ensuring competitive pricing. They also offer Council the potential to save significant costs and time associated with analysing the supply market, developing Specification and Request for Tender documentation, evaluating offers and negotiating contract terms and conditions. Such contracts may be accessed from 'Prescribed Organisations' and ROC's.

Prescribed Organisations

Section 55(3) of the Local Government Act 1993 permits the procurement of goods, materials and services through contracts that are established and managed by third parties referred to as 'Prescribed Organisations'. These contracts can be for any value, including those exceeding \$150,000 that would otherwise be subject to a tender process. Clause 163 of the Local Government (General) Regulation 2005 specifies two 'Prescribed Organisations' as follows:

- Local Government Procurement Partnership
- Procurement Australia

Section 55(3)(g) of the Local Government Act 1993 also specifies the NSW Procurement Board (ProcurePoint) as a body that establishes and manages contracts through which Council can procure goods, materials and services. It should be noted however that this does not extend to the Board's 'pre-qualification' schemes. Utilisation of such schemes require Council to comply with usual procurement procedures including tendering, as applicable.



REROC

REROC is an association of several councils located in the eastern part of the Riverina area of New South Wales. REROC identifies and facilitates group purchasing activities on behalf of its member of councils and is another third party through which Council can access contractual arrangements to procure goods, materials and services.

13. PROCUREMENT PROCEDURES AND GUIDELINES

Procurement Procedures and Guidelines for Officers have been developed to support this policy. The procedures guidelines and manual should be considered in unison with this policy.

14. RECORD KEEPING

Cootamundra-Gundagai Regional Council keeps records of procurement activities in accordance with the State Records Act 1998. The level of detail recorded for each procurement activity is dependent on the complexity and the dollar value of the procurement activity.

15. SANCTION AND BREACHES OF POLICY

Cootamundra-Gundagai Regional Council officers who breach the Policy will be subject to the disciplinary procedures provided under the Local Government (State) Award. Disciplinary action may include termination of employment for serious breaches of this Policy.

16. RESPONSIBLE DIVISION

Corporate Services

17. TRAINING AND DEVELOPMENT

Appropriate training will be provided to all staff involved in Cootamundra-Gundagai Regional Council procurement activities to ensure awareness of the requirements and their responsibilities under this Policy.

18. POLICY TERM

This Policy is effective from November, 2017. Cootamundra-Gundagai Regional Council intends to review the Policy in October 2020, however reserves the right to review this Policy at an earlier date.

7.3 OPERATIONS DIVISION

7.3.1 OPERATIONS

7.3.1.1 COOTAMUNDRA SALEYARDS FEES AMENDMENT

REPORTING OFFICER	Ray Graham, Director Operations
ATTACHMENTS	No attachments
RELEVANCE TO COMMUNITY STRATEGIC PLAN	To be included from July, 2018 following adoption of new CSP
FINANCIAL IMPLICATIONS	Potential positive increase to revenue collected for saleyards, based on current throughput
LEGISLATIVE IMPLICATIONS	There are no Policy implications associated with this report
POLICY IMPLICATIONS	There are no Policy implications associated with this report

RECOMMENDATION

The new fee structure for the Cootamundra Saleyards, replacing the annual agents fee of \$10,300 (Inc. GST) with a per head of sheep charge of \$0.10 (Inc. GST), be adopted.

Introduction

Council at its Ordinary meeting of 31st July, 2017, considered a request from the Cootamundra Associated Agents to amend the fee structure at the Cootamundra Saleyards.

Discussion

The current adopted fee structure for the Cootamundra Saleyards, the Associated Agents receives an annual fee to use the facility. The current adopted fee is \$10,300 (Inc. GST). The Cootamundra Associated Agents have since requested that this annual fee be replaced with a per head of sheep sold fee of \$0.10 per head (Inc. GST).

The basis for this fee change is to make the internal accounting for the Associated Agents for the fee distribution easier and equitable amongst the Agents. Currently, after each sale, Council sends an account to each of the Agents with a per head fee for the stock sold, under this proposed structure, this fee would increase by \$0.10 (Inc. GST).

Council at its meeting of 31st July, 2017, resolved:

Council advertise the proposed amendment of the Saleyards Agents fees being to remove the annual fee of \$10,300 (inc GST) and replace with a per head of sheep fee of \$0.10 (inc GST) for 28 days for public comment.

Council has since sought public comment with the only response received being from the Cootamundra Associated Agents confirming their support.

The way forward from here should Council adopt the change is to amend the fee charged as of the next sale being 1st November, 2017. For the period 1st July to 7th November, 2017 a pro rata amount of the annual fee will need to be charged in accordance with the adopted fees and charges, that being one third (1/3) of the annual charge of \$10,300 (Inc. GST) being \$3,433.33 (Inc. GST)

7.4 ASSET MANAGEMENT DIVISION

7.4.1 ASSET MANAGEMENT

7.4.1.1 FIXING COUNTRY ROADS BRIDGE ASSESSMENTS OUTCOME

REPORTING OFFICER	Phil McMurray, Interim Director Assets
ATTACHMENTS	No attachments
RELEVANCE TO COMMUNITY STRATEGIC PLAN	To be included from July, 2018 following adoption of new CSP
FINANCIAL IMPLICATIONS	New projects identified for future budget preparation as detailed
LEGISLATIVE IMPLICATIONS	Council has obligations under the Roads Act, 1993
POLICY IMPLICATIONS	There are no Policy implications associated with this report

RECOMMENDATION

- Council make provision within its draft budget estimates for regional road allocations of:**
 - \$69,600 for Native Dog Creek Bridge on Nangus Road, for backfill to abutments,**
 - \$168,121.50 for Culvert over Mooney Mooney Creek on Muttama Road, for underpinning and strengthening works, and**
 - \$151,770 for Reef Creek Bridge on Muttama Road, for scour, backfill to abutments, spray and chip and new expansion joints.**
- An application be made in a future Fixing Country Roads program, or similar, targeting at least a 50% contribution towards costs of the budget allocations for repairs to Native Dog Creek Bridge, culvert over Mooney Mooney Creek, and Reef Creek Bridge.**

Introduction

Council participated in and was successful in obtaining funding for bridge assessments, within a regional application in the Fixing Country Roads Program. This initiative was coordinated by REROC, and targeted routes in the Regional Freight Plan, for higher mass limit (HML) vehicle potential.

Council nominated three specific Bridges and Culverts on the targeted routes. Assessments were completed, and subsequently repairs and improvements required have been documented with plans and cost estimates, provided by Integrity Testing Pty Ltd.

Integrity Testing proposed to test the bridges and culverts for REROC to determine their suitability for truck trafficking. Their proposal was to provide the Councils with a comprehensive report of the level 3 inspections of the bridge, with a report indicating what, if any defects are present and the safe allowable traffic loading for each truck type as per the relevant requirements. In addition, Integrity Testing would give recommended repair options should repairs be required or additional strength required to upgrade the bridge for heavier traffic loadings. Part of the assessment report summary for each asset is provided below:

Native Dog Creek Bridge was suitable for traversing by all truck categories for the NSW general mass limit (GML). The bridge was not suitable for traversing by all legally loaded multi axle trucks under HML. Repairs to make good for HML is seen as a medium priority.

The culvert over Mooney Mooney Creek was not suitable for traversing by all legally loaded multi and fixed axle trucks to the HML loadings. Also, the bridge did not conform to the NSW GML and was restricted to a maximum GVM weight of 11 tonnes. Repairs to make good for GML and HML is seen as a high priority.

Reef Creek Bridge was not suitable for traversing by all legally loaded multi and fixed axle trucks to both the NSW GML and HML and restricted to a GVM weight of 15 tonnes for rigid axle trucks. Repairs to make good for GML and HML is seen as a high priority.



7.4.1.2 B DOUBLE PERMIT FOR THE NANGUS ROAD

REPORTING OFFICER	Phil McMurray, Interim Director Assets
ATTACHMENTS	NHVR Class 2 Heavy Vehicle Authorisation Permit
RELEVANCE TO COMMUNITY STRATEGIC PLAN	To be included from July, 2018 following adoption of new CSP
FINANCIAL IMPLICATIONS	There are no financial implications associated with this report
LEGISLATIVE IMPLICATIONS	This Permit was issued under the provisions of Section 143 of the Heavy Vehicle National Law Act 2012
POLICY IMPLICATIONS	Nangus Road is not an approved B Double Route from Oakhill Road to Gundagai

RECOMMENDATION

The report on the B Double Permit for the Nangus Road be received and noted.

Introduction

The National Heavy Vehicle Regulator (NHVR) has issued a permit to Thompson Livestock Transport Cowra Pty Ltd for use of a B-Double at 4.6m High (Livestock) on Nangus Road between Gundagai and Nangus, as attached.

Discussion

Under a permit and supervision of RMS Heavy Vehicle Access Coordinator and Council's Road Safety Officer, a B Double field trial of the Nangus Road was undertaken on 5th September with a fully loaded B Double from West Street to Oakhill Road.

The overall findings of the trial supported B Double access on this proposed route. To safeguard Council it is recommended Council agree to issue a permit for a 6 month period. This enables the applicant only to have B Double access on the Nangus Road. By having a 6 month permit, this allows Council to monitor the road infrastructure and B Double movements.

Council requested that the following conditions be imposed:

1. For the entire length of the 80km/h posted speed zone on the Nangus Road (southern entry to Gundagai), the B Doubles are restricted to a maximum travel speed of 60km/h, and
2. The B Double movements are not permitted to travel between the hours from 7:30am – 9:00am and 3:30pm – 4:30pm on all NSW calendar school days.

There has been demand for some time for the Nangus Road to be approved as a permanent B Double route. Evidence from these trials will support an informed decision in the future.



Permit Number

25053 v2

Class 2 – Heavy Vehicle Authorisation Permit

Heavy Vehicle National Law

This Permit is issued under the provisions of **Section 143 of the Heavy Vehicle National Law Act 2012** for the operation of a Class 2 vehicle (as defined in this Permit) subject to the conditions set out in this Permit and any attachments.

Permit details

B-Double ☒ Select type: 25.0m

This Permit is issued to

Thompson Livestock Transport Cowra Pty Ltd

Address

Mees Street

Cowra NSW

Postcode 2794

Description of vehicle combination

B-Double at 4.6m High (Livestock)

Issue period

From

07/10/2017

To

03/04/2018



Permit Number

25053 v2

Authorised Route

Trip details

Turn by turn description ☐ Area of operation ☒

COOTAMUNDRA-GUNDAGAI REGIONAL COUNCIL

Nangus Road, Nangus (between approved 25m B Double network and West Street)
West Street, Gundagai (between Nangus Road and Sheridan Street)

Road Conditions

COOTAMUNDRA-GUNDAGAI REGIONAL COUNCIL

For the entire length of the 80km/h posted speed zone on the Nangus Road (southern entry to Gundagai), the B Doubles are restricted to a maximum travel speed of 60km/h

Travel Conditions

COOTAMUNDRA-GUNDAGAI REGIONAL COUNCIL

The B Double movements are not permitted to travel between the hours from 7.30am-9am and 3.30pm-4.30pm on all calendar NSW school days.

Vehicle Conditions

N/A

Other Conditions

The B-double combination must operate in accordance with the *National Class 2 Heavy Vehicle B-Double Authorisation (Notice)*

A B-double may be up to 26m long provided the vehicle meets *Schedule 6 Section 3 (3) of the Heavy Vehicle (Mass, Dimension and Loading) National Regulation*.

The Road Train Combination must operate in accordance with the *National Class 2 Heavy Vehicle 4.6m High Livestock Carrier Authorisation (Notice)*

The driver of the heavy vehicle who is driving a vehicle that is subject to a permit issued under the HVNL must keep a copy of the permit for the exemption in the driver's possession.

The driver or operator of a heavy vehicle being used on a road that is subject to a permit issued under the HVNL must not contravene a condition of the permit.

The driver or operator must comply with the provisions of the *Heavy Vehicle (Mass, Dimension and Loading) National Regulation* unless anything contrary is applied within this permit.

It is an offence to operate a vehicle at a mass limit greater than indicated by an official traffic sign.



Permit Number

25053 v2

Declaration

Delegate of the National Heavy Vehicle Regulator

Signed:

Peter Caprioli
Director Heavy Vehicle Access and Standards

Dated: 07/10/2017

Attachments No ☒ Yes ☐ Specify

N/A

Disclaimer:

The National Heavy Vehicle Regulator (NHVR) accepts no liability for any errors or omissions and gives no warranty or guarantee that the material, information, maps or publications made accessible are accurate, complete, current or fit for any use whatsoever. The information contained within the NHVR Journey Planner online map system is subject to change without notice.

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END OF DOCUMENT

7.4.2 WATER AND SEWER

7.4.2.1 MANDATORY LEVEL 5 WATER RESTRICTION FOR GUNDAGAI ON 30th and 31st OCTOBER 2017

REPORTING OFFICER	Phil McMurray, Interim Director Assets
ATTACHMENTS	No attachments
RELEVANCE TO COMMUNITY STRATEGIC PLAN	To be included from July, 2018 following adoption of new CSP
FINANCIAL IMPLICATIONS	Project budget is available within the Water Reserve Fund
LEGISLATIVE IMPLICATIONS	There are no Legislative implications associated with this report
POLICY IMPLICATIONS	Internal Policy only - Water Restriction Policy

RECOMMENDATION

The report on mandatory Level 5 Water Restrictions for Gundagai on 30th and 31st October, 2017 be received and noted.

Introduction

Gundagai Local Water Utility implements Water Restrictions for the purpose of water conservation, demand management and drought management. The Mayor and General Manager have been delegated authority to implement and vary water restriction levels in accordance with Council's Policy. There is a requirement for this to be reported to the next Council meeting.

Discussion

Major maintenance work is to be undertaken at the Gundagai Water Filtration Plant on Monday 30th October and Tuesday 31st October, 2017. This will see the plant operating well below its capacity for the duration of the work, and a limited supply will be available for the town.

The maintenance is necessary to replace aging shafts and impellers in the plants Clarifier. The Clarifier is the first part of the cleaning of the raw river water, and plays a pivotal and vital role in the functioning of the plant and delivery of clean potable water.

In such circumstances, there is an urgent need to reduce water consumption therefore implementing the interim mandatory level 5 water restriction as explained below. Mandatory restrictions include:

- Outside use of hoses banned,
- Hosing of paths and driveways banned,



- Water runoff onto roads or gutters banned,
- Bucket watering only,
- Washing vehicles banned,
- Filling or topping up of Swimming Pools banned, and
- Limitations placed on commercial and industrial usage.

Whenever a level of water restriction is introduced or varied, the General Manager will arrange for appropriate advertising. Previously in this circumstance, printed advertisements were prepared for the Gundagai Independent, Radio advertisements within community announcements sections were sent to Sounds of Mountains, and ABC Riverina. Information was also prepared and uploaded to Council's website.



7.4.3 MAJOR PROJECTS

7.4.3.1 GUNDAGAI MAIN STREET REDEVELOPMENT PROJECT UPDATE

REPORTING OFFICER	Phil McMurray, Interim Director Assets
ATTACHMENTS	Letter from St Patrick's Parish Gundagai
RELEVANCE TO COMMUNITY STRATEGIC PLAN	To be included from July, 2018 following adoption of new CSP
FINANCIAL IMPLICATIONS	Project is funded within Council's adopted budget
LEGISLATIVE IMPLICATIONS	There are no Legislative implications associated with this report
POLICY IMPLICATIONS	There are no Policy implications associated with this report

RECOMMENDATION

1. The October, 2017 Main Street Upgrade report be received and noted.
2. The proposed Landscaping and Garden Area identified adjacent to St Patricks Church as detailed in this report be endorsed.

Introduction

This monthly report provides Council with a snapshot of progress for this major project. A cost summary is provided below:

COST SUMMARY **17-10-17**

MAIN STREET UPGRADE - SHERIDAN ST GUNDAGAI		
TASK	DESCRIPTION	EXPENDITURE TO DATE
	COUNCIL FUNDING	\$2,900,719.92
	NATIONAL STRONGER REGIONS FUND - GUNDAGAI	\$806,974.10
	RMS (SAFETY AROUND SCHOOLS)	\$86,675.88
	ROADS TO RECOVERY	\$0.00
		\$3,794,369.90
		\$5,430,490.00

Discussion

Block 2 (Sheridan Street: Byron to Homer)

Street lighting:

- Street lighting provision is well advanced with lighting poles being installed in Block 2



- It will be necessary for Essential Energy to authorise installation before “Turn On” can occur.



Auxiliary lighting:

- Conduit provision has been made to allow a certain amount of auxiliary lighting for the northern section of Block 2.
- This will be necessary in the split-level section of this block to cater for brick lights as well as potential up-lights for street tree provisions.

Footpath and Paving construction:

- The concrete structural work for the split-level section of this northern section is nearing completion. This will allow the paving contractors to follow up and finalise the footpath surfacing.
- The concrete footpath sub-base section of the footpath adjacent to St. Patrick’s Church is nearing completion.
- Paving contractors are progressing well particularly in the difficult split level sections.
- Stainless steel handrail provision will eventually be installed in the split-level footpath section.



Future Road Pavement Programme:

- Detailed preparation for the forthcoming road pavement construction is now being considered.

Review of road pavement design:

- It was deemed necessary to review the initial road pavement design to ensure this proposal is still appropriate.
- Additional deflection testing has been completed and a draft report has been received from Aitken Rowe Testing Laboratories providing several options.
- One of the main variations from the original design is to introduce subsoil drainage provisions either side of the main carriageway in order to contain potential subsoil water penetration.

Proposed Landscaping and Garden Area: Northern footpath - St. Patrick's church:

- Concerns have been received from a resident regarding the proposed landscaping and garden areas adjacent to the northern footpath fronting St Patrick's church.
- Council staff met with the Secretary and representatives of the St Patrick's Parish Council to consider this matter, and provided two options associated with this area:

OPTION 1 (Current Proposal):



- Construct garden wall (500 mm high). The wall will be finished with a stone capping paver to allow for a de facto seating provision (especially suitable for children and bus-stop seating (adjacent to the bus-stop location).
- Landscaping behind this wall may eventually hide the slate wall sections in these garden areas.
- However, in sympathy with some requests to preserve the original slate wall construction, Council will provide approximately 30 metres of full footpath construction to allow for direct exposure to slate wall sections. The exposed sections will be at least equal to or more than the pre-existing exposure provided.
- The existing slate wall will receive special treatment along the garden bed areas, so as to prevent further deterioration of the slate wall structure.
- The quality of the finished paving (natural stone pavers) will be far superior to the pre-existing garden areas.

OPTION 2 (Alternate Proposal):

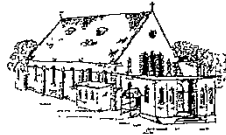
- Reduce the garden wall height to 300 mm from proposed 500 mm wall height.
- Same sections of full exposure to slate walls will be provided.
- This option will deny the de facto seating provisions as outlined in option (1).
- Exposure to the wall and wrought iron fencing was obscured by previous shrub/tree growth.

A written response was received from the St. Patrick's Parish Council indicating their preference for Option 1 follows this report.

This matter was further referred to the Main Street Liaison Committee for their consideration. The committee preference was for Option 1, with a request for Council to increase the length of full footpath construction to allow for direct exposure to slate wall sections to approximately 40m. This is achievable and represents 50% of the total wall length. The committee expressed that Council plans are sympathetic to the church wall and its heritage aspect. The committee expressed that the landscaping is essential to soften the streetscape.



St. Patrick's Parish Gundagai



Homer Street (P O Box 204)
Gundagai NSW 2722
Phone (02) 6944 1029
Email: gundagai@cgrc.org.au

Mr Phil McMurray
Director – Asset Management
Cootamundra-Gundagai Regional Council
PO Box 34
Gundagai (NSW) 2722

Re: Gundagai Main Street Upgrade:

**Proposed Landscaping and Garden Area (Northern footpath - St. Patrick's church)
(Lot 22, DP 1078525)**

Dear Mr McMurray,

The Secretary and representatives of the St Patrick's Parish Council met with Council staff to consider options for landscaping in the vicinity of the northern footpath adjacent to St Patrick's church.

After due consideration, the Council wish to recommend Option 1, as detailed below, as the preferred landscaping treatment in that area:

OPTION 1:

- Construct garden wall (500 mm high). The wall will be finished with a stone capping paver to allow for a defacto seating provision (especially suitable for children and bus-stop seating [adjacent to the bus-stop location]).
- Landscaping behind this wall may eventually hide the slate wall sections in these garden areas.
- However, in sympathy with some requests to preserve the original slate wall construction, Council will provide approximately 30 metres of full footpath construction to allow for direct exposure to slate wall sections. The exposed sections will exceed the pre-existing exposure.
- The existing slate wall will receive waterproof membrane protection along the garden bed areas, so as to prevent further deterioration of the slate wall structure.
- The quality of the finished paving (natural stone pavers) will sympathetically complement the heritage value of the wall.

We thank Council for its consultation with the Parish Council on this matter.

Yours sincerely, Elizabeth Knight

Mr. M. Anderson Jane

7.4.3.2 STRONGER COMMUNITIES FUND PROGRAM - MAJOR PROJECTS

REPORTING OFFICER	Phil McMurray, Interim Director Assets
ATTACHMENTS	Spreadsheet titled: Assessment Panel Determination of Projects to be funded under the Stronger Communities Fund Major Projects Program
RELEVANCE TO COMMUNITY STRATEGIC PLAN	To be included from July, 2018 following adoption of new CSP
FINANCIAL IMPLICATIONS	Council was provided \$10 million from the State Government to initiate the delivery of priority infrastructure and services for the local community, following the merger of the former Council's in 2016
LEGISLATIVE IMPLICATIONS	Not Applicable
POLICY IMPLICATIONS	The General Manager will be required to ensure that appropriate resources are allocated to ensure these projects are effectively and efficiently delivered.

RECOMMENDATION

The report on the Stronger Communities Fund Program – Major Projects be received and noted.

Introduction

Stronger Communities Fund

Council was provided \$10 million from the State Government to initiate the delivery of priority infrastructure and services for the local community, following the merger of the former Council's in 2016. This Stronger Communities Fund (**SCF**) consists of two programs. Those are:

1. Community Grant Program, allocating up to \$1 million in grants of up to \$50,000 to incorporated not-for-profit community groups, for projects that build more vibrant, sustainable and inclusive local communities;
2. Major Projects Program, allocating \$9 million funding to larger scale priority infrastructure and services projects that deliver long term economic and social benefits to communities.

Community Grants Program

46 community groups from across our region are reaping the rewards of successfully securing over \$1 million in funding through the SCF grants program.

CGRC were able to fund 46 out of the 89 applications received, totalling \$506,219 for Gundagai and surrounding communities and \$602,972 for Cootamundra and surrounding communities.

To date some 21 community organisations have completed their nominated projects.

Major Projects Program

The balance of the Stronger Community Fund, \$8.9 million, is for Council investment in larger scale projects to deliver long-term economic and social benefits, in accordance with the guidelines produced by the NSW Department of Premier and Cabinet.

CGRC were proactive to ensure that the community and local stakeholders were adequately consulted and provided with the opportunity to put forward ideas on infrastructure funding.

Program Details

To ensure open and transparent allocation of Stronger Communities Fund, the NSW Government required Council to appointment a local assessment panel that included an independent probity adviser.

The panel consisted of:

- Administrator, Stephen Sykes;
- Local Member, The Hon Katrina Hodgkinson MP;
- Representative Department of Premier and Cabinet, Derek McCarthy.

The Administrator also appointed Mrs Margot Gill, a solicitor operating in both Cootamundra and Gundagai, as Probity Advisor.

The Administrator also conducted two workshops with the combined Implementation Advisory Group and Local Representative Committees to assist with project selection.

The Projects identified, considered, and subsequently assessed, all met with some fiscally responsible criteria to ensure that the CGRC is sustainable into the future. These considerations included:

- Leveraging funds against other funding sources;
- Sustainable Projects, with minimal long term maintenance burdens;
- Addressing a long term community need;
- Balanced economic drivers;
- Improving Council's bottom line.

Project Selection and Community Consultation

Council officers developed a program of priority projects following consideration of available asset management data across the Council area, community strategic plans of the two former councils and projects contained in existing Asset Management Plans.

Council had hosted a number of public listening sessions and villages' consultation, for the purpose of preparing the next Community Strategic Plan and Villages Strategy, at which valuable

feedback has been sought for potential investment decisions including priority major infrastructure which was considered in developing priority projects.

Information about the shortlisted projects under consideration was placed on exhibition on the CGRC website and within CGRC libraries and administration offices. CGRC accepted community feedback through to 4pm on Monday 17th July, 2017.

Further CGRC invited its Digital Community Panel and the community to participate in a “Top Ten” ranking exercise of the projects.

Community Feedback and Ranking

The community feedback was used by the Assessment Panel in the assessment process. Overall the feedback from the forums was positive, and constructive feedback about future investment in infrastructure was received.

Project Priorities

Following receipt of the Community Feedback, the Administrator met with the IAG and LRC Committees on 19th July, 2017 to assist in, framing a refined priority position to meet the budget allocation of \$8.9M, and advancing considered advice for the Assessment Panel.

Also the recently announced Stronger Country Communities Program, and other planned programs under the State Government Regional Growth Fund, were considered for their appropriateness as an alternate funding source for specific projects.

The Assessment Panel met on Monday 24th July, 2017 to determine the outcome of the Stronger Communities Fund Major Project Program Expenditure. Following deliberations, the Assessment Panel unanimously voted to adopt the list of Projects to be funded.

Further the Panel considered and recommended Projects for making an application under the Stronger Country Communities Fund. The Application was targeted around a healthy lifestyles and fitness program with:

- \$300,000 - Large Scale Adventure Playground and fitness centre at Gundagai;
- \$500,000 - Cootamundra Large Scale Teen Playground;
- \$350,000 - Village playgrounds/fitness infrastructure as identified in Villages Strategy Consultation;
- \$400,000 - Community wellness fitness and Sporting Infrastructure across the LGA.

Discussion

At its Council meeting on Monday 31st July 2017, the Administrator resolved that:

- The Assessment Panel determination of projects for funding under the Stronger Communities Fund Major Projects Program as attached to this report be endorsed.
- The General Manager be authorised to allocate appropriate resources to ensure that the Stronger Communities Fund Project Funding is spent or committed by 30 June 2019, with all funding acquitted before 31 December 2019.



- The General Manager be authorised to make application for Stronger Country Communities funding before closing on 9th August 2017 in accordance with the recommended projects outlined in this report.

This report is provided as essential background information for all Councillors.

Project Managers have been appointed for all specific projects. Project planning is well underway, albeit at different stages individually. Status reporting will presented to Council as necessary.



Assessment Panel Determination of Projects to be funded under the Stronger Communities Fund Major Projects Program		
Project	Budget \$ Allocation is \$8.9M	Comments
Cootamundra Water Main Replacement Program	2,000,000.00	Project scope be extended to include provision of some water re-fill stations in the CBD area of Cootamundra.
Stormwater Mitigation Upgrade	1,000,000.00	
Gundagai Large Scale Adventure Playground and fitness centre - tourism development to link to old gundagai over time	700,000.00	Part of (\$300,000) referred to Stronger Country Communities Program
Proposed Investment into Department of Education Multi-purpose Facilities	700,000.00	With matching contribution of \$700k from NSW Department of Education
Water Supply to Nangus Village	647,500.00	Seek a contribution from NSW Office of Water, potential for 50/50 reducing the project to \$647,500
Water Supply to the Dog on the Tuckerbox (includes \$100k for DOTB site clearing)	600,000.00	The DOTB Water supply is seen as essential to any development at the site, and an important first step
Footpath Renewal Program	500,000.00	
Cootamundra Pool Water Park	400,000.00	
Gundagai Pool Tiling and Disabled Ramp	300,000.00	
Cootamundra Saleyards Lighting and Electrical Upgrade	300,000.00	Development of a business plan is required, to justify any expenditure requirements.
Gundagai VIC Development – Ramp and Disabled Toilet	300,000.00	
Cootamundra – Fisher Park Lighting Program	250,000.00	
Gundagai Netball Courts	200,000.00	
Cootamundra – Steven Ward Rooms/Library Outdoor Area	200,000.00	
Cootamundra Rugby Union Club - Change Rooms & Toilet Facility	200,000.00	Matching contribution from Rugby Club is available to deliver this project.
Adjungbilly Road Hill for B'Doubles	200,000.00	Seeding Funding for a Fixing Country Roads Application. Essential Road upgrade.
Rathmells Lane - Bitumen Seal from Temora Street to the end.	200,000.00	Essential Road upgrade.
Gundagai Main Street Public Toilet	150,000.00	
Cootamundra Pool Shade Cloth	100,000.00	
TOTAL	8,947,500.00	

Assessment Panel Notes:

The Project, Cootamundra Large Scale Teen/Childrens Playground, be referred to Stronger Country Communities Program.

The Project, Cootamundra Cemetery Alternate Access Road, may be funded and built as part of CGRC land development, with costs reimbursed from future lot sales

The Project Cootamundra – Ampol Site access and paths, is a site not owned by Council, requires a masterplan, and may be referred for heritage grants at a later stage.

Recommendations of Projects to be funded under the Stronger Country Communities Program - Application from Council due 9th August 2017. Targeted to meet the funding allocation around healthy lifestyles and fitness

Project	Budget \$	Comments
Large Scale Adventure Playground and fitness centre at Gundagai	300,000.00	\$700,000 from Council's SCF Major Projects Program for this project can be used as a matching funding contribution. Targets improved community wellness.
Cootamundra Large Scale Teen Playground	500,000.00	Targets improved community wellness.
Village playgrounds/fitness infrastructure as identified in Villages Strategy Consultation	350,000.00	Based on developed priorities in the Village strategy to Nangus, Wallendbeen, Stockinbingal. Targets improved community wellness.
Community wellness fitness and Sporting Infrastructure across the LGA	400,000.00	To target Gundagai Scouts climbing wall \$50K, Gundagai Tigers Gymnasium \$50K, Gundagai RSL Squash Courts and tennis courts \$50K, Cootamundra AFL Club Rooms \$50K, Cootamundra Rugby Union Facility \$50K, Cootamundra Hots Shots Courts \$50K, Cootamundra Racecourse Grandstand \$50K. These projects will be targetted under the program subject to meeting funding criteria.
TOTAL	1,550,000.00	

8 MOTIONS OF WHICH NOTICE HAVE BEEN GIVEN (NOTICES OF MOTIONS)

No Notices of Motions have been received.

9 QUESTIONS WITH NOTICE

RECOMMENDATION

The questions with notice and responses from officers be noted.

The following questions have been received from Councillors with the responses from Council officers provided respectively:

1. **Cr Palmer** - Can you please advise of the status of the road funding for Adjungbilly Hill/Gobarralong Road?

Officer's response - An application has been submitted through the Fixing Country Roads program with the outcome yet to be advised.

2. **Cr Palmer** – Can you please advise of the status of the Shed Creek Bridge funding?

Officer's response - Funds have been allocated from the Roads to Recovery Program. A request for quotations is being developed with invitations for quotations to be advertised shortly.

3. **Cr Palmer** – Would you please advise of the status of the proposed transfer station for Adjungbilly for which residents have paid garbage charges for two years.

Officer's response – The former Gundagai Shire Council (GSC) implemented a rural waste charge for all rural ratepayers and investigated the costs of establishing a transfer station at Adjungbilly. This proposal was found to be cost prohibitive and it was determined that the Coolac station be utilised as the alternative.

4. **Cr Nicholson** – Australia Day activities are not undertaken by all Councils. Would you please provide me some information of the preparations Council will undertake for the Australia Day celebrations?

Officer's response – Council has registered for two Ambassadors, one for Gundagai and Cootamundra. Further events for the holiday celebrations will be considered with consultation in relation to previous community engagements and activities. Nominations for the various award categories and requisitioning of certificates will be undertaken now.

5. **Cr Nicholson** – A roundabout at the intersection of West and Sheridan Streets, Gundagai has been under discussion for some time with \$250k budget allocated some 3 years ago by



Gundagai Shire Council. Would you please advise me of any developments in relation to the rondabout?

Officer's response – Arrangements have been made for a Survey and Design Consultant to submit preliminary designs. Director Operations, Ray Graham is the responsible officer of this project.

6. **Cr McAlister** – Numerous complaints regarding Carberry Park being the designated location of the new Adventure Park, have been received in relation to safety concerns. Residents' concerns are due to the busyness of the intersection as it is the main entrance into the town and the anticipated increase in pedestrian traffic. With a limited parking access available directly next to or within the park itself, park users will be able to utilise the Service Club car park only to have to this busy intersection.

Comments received from Gundagai residents commonly favour the other end of Carberry Park as a more appropriate site for the Adventure Park. The removal of the silky trees would provide extra room. Would Council consider placing the Adventure Park plan on public exhibition for submissions to be received?

Officer's response – the concept plan has not yet been received, however it is anticipated in the near future and can be placed on public exhibition for comment.

7. **Cr McAlister** – **Erection of proposed Main Street toilets in Byron Street.** The terrain where these toilets are to be erected is unsuited for both Disabled and the Elderly to access in cars or on foot. If people park in the Main Street they are required to traverse a steep grade to access the amenities. If people park above the toilets in Byron Street the terrain is once again an issue for the disabled and elderly getting in and out of their cars. I propose Council investigate a more accessible spot.

Officer's response – the matter should be referred to the Main Street Liaison Committee for consideration in conjunction with the Main Street Program.

8. **Cr McAlister** – Signage for the new Council still has not been installed. The Townships and villages signage must be attended to as a matter of urgency.

Officer's response - Signage for the Gundagai area has been delivered and the new signs have been scheduled for installation on Tuesday, 31st October, 2017, weather permitting. Cootamundra signage is expected to be delivered by the end of next week. Once Cootamundra's signage has arrived their installation will be a priority.

9. **Cr McAlister** – The Morleys Creek Walk Bridge near Otway St causeway has been in a state of disrepair for some 12 months. In its current state it is a hazard for pedestrians who must navigate the roadway both day and night. It needs to be repaired.

Officer's response – The delivery of a new bridge has been placed on hold due to the pending decision of the optimum location for the new Adventure Playground. In initial discussions on the Adventure Playground, the bridge was to be part of the project had the Morleys Creek site been determined to be the playgrounds location. Now the location has been confirmed as Carberry Park, new quotations are being sought for the bridges installation.

10. **Cr McAlister - General Business** – the former Gundagai Council had a segment as the last item on the agenda at its meetings. Each Councillor could raise smaller issues or matters which had been raised on the day of the meeting. It appears this may no longer occur due to current Legislation. Can you confirm this for me?

Officer's response – Relevant extracts from the Meeting Practice Note issued by the Division of Local Government, Department of Premier and Cabinet in August, 2009 which fully explain the matter are attached for perusal of the following numbered sections:

1.4.10 – Can an agenda include provision for questions from Councillor?

1.4.11 – is it appropriate to have as an agenda item "Questions Without Notice"? (page 7 continued over to page 8)

2.4.1 – What business can be discussed and dealt with at council meetings? (page 12 continues over to page 13)

2.5 Questions at council meetings – Can Questions be asked of Councillors or staff concerning a matter on the council agenda?

5.2.8 – Can a motion be moved following a question on notice? (page 34 continued over to page 35)

1.4.9 Can a council decide that notices of motion on its agenda will not have any supporting notes or comments from staff?

Yes. While clause 240 of the Regulation sets out what must be included in the agenda, each council can decide how its business is to be stated in the agenda and whether supporting notes or comments should come with notices of motion.

A council may wish to consider the benefits for making well-informed decisions of having extra information or expert views provided in the notes or in the comments. This additional information would be publicly available and may assist community members in understanding the reasons for, and effects of, council decisions. Council should alter its Meeting Code if it decides to change its position on what is to be included in its agendas.

(See also 5.2.3 of this Practice Note)

1.4.10 Can an agenda include provision for questions from councillors?

Yes. Council agendas could contain an item "questions on notice". Councillors would provide questions to the general manager to be asked at the meeting and included on the agenda, in accordance with the notice provisions of the Regulation (cl 241(1)).

Questions provided in this way, and responses to those questions, would be considered council business and as such council's Meeting Code could cover this issue. As responses to questions on notice would be considered council business, responses could form the basis for further motions on the same topic at that meeting.

Agendas and business papers (other than business papers for a confidential item) must be available for the public to look at or take away (s9 of the Act). Any non-confidential questions included in the agenda or business papers would also need to be available to the public.

For information relating to asking questions about matters on the agenda during the meeting, see 2.5 of this Practice Note.

1.4.11 Is it appropriate to have as an agenda item "Questions Without Notice"?

Having an agenda item, "questions without notice" is inconsistent with the provisions of the Regulation that require notice to be given of matters to be discussed at council meetings (cl 241).

Allowing questions without notice would avoid the notice provisions of clause 241 of the Regulation. That clause enables all councillors and the public to be aware, by reading the agenda, of matters that will be raised at each meeting. It also enables councillors to give careful thought to any pecuniary interest or conflict of interest they might have in a matter, rather than having to hastily confront an issue during the meeting.

However, questions can be proposed by giving notice to the general manager in the usual way (see 1.4.10) and can be asked during the meeting in relation to business already before council (see 2.5). If the matter is genuinely urgent, and the matter is not on the agenda, it could be dealt with under clause 241(3) of the Regulation. For information relating to asking questions about matters on the agenda during the meeting, see 2.5 of this Practice Note.

Further information on questions is contained in clause 5.2.8 of this Practice Note.

1.4.12 Can an item of business which is on the agenda be removed from the agenda prior to the meeting?

No. Once the agenda for a meeting has been sent to councillors an item of business on the agenda should not be removed from the agenda prior to the meeting.

If it is proposed that an item of business which is on the agenda not be dealt with at the meeting council should resolve to defer that business to another meeting or resolve not to consider the matter, as the case may be.

1.5 Order of Business

The order of business for meetings (except for extraordinary meetings) is generally fixed by council's Meeting Code (cl.239(1) of the Regulation). If the Council does not have a Meeting Code, then the order of business can be decided by council resolution (cl.239 (1) of the Regulation).

The order of business can be changed by the passing of a motion (with or without notice). Unlike other motions, only the mover of a motion to change the order of business can speak for or against it in the meeting (cl.239 (1) of the Regulation).

1.6 Public Access to Agendas and Business Papers

1.6.1 Who can access information that is available publicly?

Section 12(1) of the Act gives a right of access to certain documents to any interested person, not just people who are residents or ratepayers of the council area. Access does not depend upon the reasons for the request being made.

A council could decide that a councillor's title or qualification will be included when addressing them (for example, 'Councillor Doctor X'). As this matter is not covered in the legislation, it could be covered in council's Meeting Code. If it is not covered in the Meeting Code, it would be a matter for the chairperson to decide on, remembering to treat people with respect, dignity and equality.

2.2.2 How should the chairperson be addressed at council meetings?

If the chairperson is the mayor they are usually addressed as 'Mr Mayor' or 'Madam Mayor'. When the chairperson is not the mayor, they would be addressed as 'Mr/Madam Chair' or 'Mr/Madam Chairperson'. This matter could be covered in council's Meeting Code. If it is not covered in the Meeting Code, it would be a matter for the chairperson to decide on.

2.3 Councillor Accountability - Open Decision-making

Open decision-making is an important part of local government and should be the rule rather than the exception. The ability of the public and media to attend and watch council and committee meetings — seeing the deliberations and decisions of elected representatives — is essential for councillor accountability. This is recognised by the legislation, which encourages open decision-making at council meetings.

Councillors should be prepared to state their views publicly on both controversial and routine issues. Informed voting by electors is best achieved when they can observe the speeches, debate and voting patterns of their councillors.

Council decisions should be based on fairness, impartiality, objectivity and consideration of all the issues (Sections 4 and 6 of the Model Code). Open decision-making helps achieve this, as well as preventing misunderstanding and unfounded criticisms from the public.

2.4 Business at Council Meetings

2.4.1 What business can be discussed and dealt with at council meetings?

- Business which a councillor has given written notice of within the required time before the meeting (cl.241(1)(a) of the Regulation), and of which notice has been given to councillors (s.367 of the Act);
- Business that is already before the council or directly relates to a matter that is already before the council (cl.241(2)(a) of the Regulation). For example, business that was discussed at the last council meeting, or business in a report made by council staff in response to an earlier council request for a report;

- The election of a chairperson for the meeting (cl.241(2)(b) of the Regulation);
- A matter raised in a mayoral minute (cl.241(2)(c) of the Regulation);
- A motion to adopt committee recommendations (cl.241(2)(d) of the Regulation);
- Business ruled by the chairperson to be of great urgency (cl.241(3) of the Regulation) but only after a motion is passed to allow this particular business to be dealt with. This motion can be moved without notice.

Business which does not fall within any of the above categories should not be transacted at a meeting.

2.4.2 What business can be discussed at extraordinary council meetings?

In general, only matters stated in the meeting agenda may be dealt with at an extraordinary council meeting. Other business ruled by the chairperson to be of great urgency may also be dealt with at the meeting, but only after the business in the agenda is finished (cl.242 of the Regulation).

2.5 Questions at council meetings

Can Questions be asked of councillors or staff concerning a matter on the council agenda?

A councillor may ask a question of another councillor or a staff member. A question to a councillor must be put through the chairperson. A question to a staff member must be put through the general manager.

Any person to whom a question is put is entitled to be given reasonable notice of the question so as to allow that person time to research the matter, for example by referring to documents or making enquiries of other persons.

Questions must be put succinctly and without argument. The chairperson must not allow any discussion on any reply or refusal to reply to such questions (cl 249 of the Regulation). It is considered that staff refusal to reply would be in circumstances where they require further time to research the response to the question. In this case, it would be good practice for council and/or the general manager to identify a timeframe for the response so that the period to respond is not open-ended.

When further time is required to respond to a question asked during a council meeting, it would be good practice to record the question and responses in the minutes.

5.2.6 What is the usual order of dealing with motions?

A motion or an amendment cannot be debated unless there is a 'mover' and 'seconder' (cl.246 of the Regulation). The mover puts forward the motion and if a second person agrees with it, debate on the motion can begin.

The mover has the right to speak first, and a general 'right of reply' at the end of the debate (cl.250 of the Regulation). No new arguments or material should be argued during the 'right of reply'.

The seconder of the motion speaks after the mover, but may choose to hold over their speaking rights until later in the debate. However a procedural motion could be passed, putting an end to debate before the seconder has spoken.

Councillors are asked to speak for and against the motion, usually in the order of one speaker for the motion and one speaker against the motion. Debate may end by completing the list of speakers who want to speak for or against the motion, the time allowed for debate finishing, the (limited) number of speakers allowed to speak on the motion having been reached, or where a procedural motion 'that the question be put to the vote' has been successful.

At the end of the debate, the chairperson puts the motion to the meeting for vote. The chairperson will then declare the result of the vote. If passed by the majority, the motion becomes a formal resolution of council. The decision is final, unless it is immediately challenged by two (2) or more councillors who rise and demand a division on the motion (cl.251(3) of the Regulation). Further information on divisions is contained in section 2.9 of this practice note.

The above procedure is usual in formal meetings. However, councils may use different procedures so long as they are consistent with the Act and Regulation, and the procedure is properly adopted under council's Meeting Code.

5.2.7 Can the time a councillor has to speak to a motion be limited?

Yes. Clause 250(3) of the Regulation limits the length of speeches on each motion to five (5) minutes, unless the council gives extra time. Extra time to speak may also be granted by the chairperson of the meeting when there is a need to explain a misrepresentation or misunderstanding (cl.250(3) of the Regulation).

5.2.8 Can a motion be moved following a question on notice?

Where an answer has been provided to a question on notice and a councillor seeks to have a matter arising from that question and answer considered by the council, notice should be given to the general manager in the usual way. The general manager can include the item on the agenda for the next meeting, and make sure that the relevant

staff prepare any necessary background documents or reports. However if the matter is genuinely urgent, it could be dealt with under clause 241(3) of the Regulation.

Further information on questions is contained in paragraphs 1.4.10 and 2.5 of this Practice Note.

5.2.9 *When a councillor moved a motion at a meeting, a number of councillors left the meeting and there was no longer a quorum. Should the motion be automatically placed on the agenda for the next meeting?*

The Act and Regulation are silent as to the lapsing of motions. The council may debate a motion that has been properly submitted. If the lack of quorum continued and the meeting was adjourned, the motion could be debated later, when the meeting is reconvened.

If the motion was not put to the meeting, it would be dealt with at the reconvened meeting.

(See also paragraph 4.2.4 of this Practice Note.)

5.2.10 *If a notice of motion is given before a council election and the proposed mover is not re-elected to the council, can or must the council consider the motion?*

The council can debate a motion that has been properly submitted. What is important is that the motion was valid at the time it was put forward. Whether the motion is actually debated will depend on whether another councillor moves and seconds the motion at the meeting. If the motion does not have support at the council meeting, then it may lapse for failure to get a mover or seconder, or be defeated in a vote.

5.2.11 *Are there any obligations on a councillor when considering a motion, amendment or resolution?*

Councillors have an obligation to consider issues consistently, fairly and promptly (Clause 6.5 Model Code). All relevant facts known (or reasonably known) must be considered in terms of the merits of each issue (Clause 6.6 Model Code). Irrelevant matters or circumstances must not influence decision-making.