

Business Paper Pt 2

ORDINARY COUNCIL MEETING

COUNCIL CHAMBERS, GUNDAGAI

6:00PM, TUESDAY 27th November, 2018

Administration Centres: 1300 459 689

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

NOTICE OF MEETING

An Ordinary Meeting of Council will be held in the Council Chambers, Gundagai on:

Tuesday, 27th November, 2018 at 6:00PM

The agenda for the meeting is enclosed.

Allen Dwyer
General Manager

AGENDA

Order Of Business

1	Open Forum	5
2	Acknowledgement of Country	5
3	Apologies	5
4	Disclosures of Interest	5
5	Confirmation of Minutes	5
6	Mayoral Minutes	5
7	Reports from Committees	5
8	General Manager's Report.....	6
8.2	Development and Community Services Directorate	7
8.2.1	Access and Inclusion Advisory Committee.....	7
8.2.2	Development Applications Approved October 2018	12
8.2.3	CGRC Footpath Trading	14
8.2.4	Garden Columbariums At Cootamundra And Gundagai Lawn Cemeteries	40
8.2.5	Proposed Caravan Storage Units - 132 Sutton Street Cootamundra - DA2018/93	42
8.2.6	Proposed 88B Variation DA2018.155.....	68
8.3	Operations Directorate.....	78
8.3.1	Operations Report - November 2018.....	78
8.4	Asset Management Directorate	84
9	Motion of which Notice has been Given.....	85
9.1	Notice of Motion - Congratulate Local Supermarkets for Their Commitment to the Environment.....	85
9.2	Notice of Motion - Council Recommend Local Supermarkets Install Coin/token	86
9.3	Notice of Motion - Proposed Purchase of Land For Sale in Scott Avenue Cootamundra.....	87
9.4	Notice of Motion - Adoption of LGNSW Resolution to Support Demergers.....	88
10	Questions with Notice	89
10.1	Questions with Notice	89
11	Confidential Items	90

1 OPEN FORUM**2 ACKNOWLEDGEMENT 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**4 DISCLOSURES OF INTEREST****5 CONFIRMATION OF MINUTES**

Nil

6 MAYORAL MINUTES

Nil

7 REPORTS FROM COMMITTEES

Nil

8 GENERAL MANAGER'S REPORT

Nil

8.1 DEVELOPMENT AND COMMUNITY SERVICES DIRECTORATE

8.2.1 ACCESS AND INCLUSION ADVISORY COMMITTEE

DOCUMENT NUMBER	292045
REPORTING OFFICER	Miriam Crane, Manager Social & Community
AUTHORISING OFFICER	Phil McMurray, Acting General Manager
RELEVANCE TO COMMUNITY STRATEGIC PLAN	3. Sustainable natural and built environments: we connect with the places and spaces around us 3.1 The natural environment is valued and protected
FINANCIAL IMPLICATIONS	There are no Financial implications associated with this report.
LEGISLATIVE IMPLICATIONS	Legislative implications is the Disability Inclusion Act, 2014.
POLICY IMPLICATIONS	Disability Inclusion Action Plan.
ATTACHMENTS	1. Access and Inclusion Advisory Committee Terms of Reference

RECOMMENDATION

1. An Access and Inclusion Advisory Committee to Council be formed.
2. The attached Access and Inclusion Advisory Committee Terms of Reference attached to the report be adopted.
3. Positions on the Access and Inclusion Advisory Committee be advertised.
4. A report be prepared for the February Council meeting providing information on applicants.

Introduction

In February, 2018 Council resolved to form a Community Access Committee (47/2018). Many Councils have Access & Inclusion Advisory Committees, which meet regularly to discuss Council's progress on improving outcomes, for those with a disability within the community, and also to consider Council's compliance with relevant Regulations. This report is prepared in order to action this resolution.

Discussion

38% of Australian households include a family member with disability. Inclusion of people with disability represents a substantial opportunity for a point of difference as a community. *SHUT OUT: The Experience of People with Disabilities and their Families in Australia a National Disability Strategy Consultation Report (2016)* cites "A lack of social inclusion and the multiple barriers to meaningful participation in the community faced by people with disabilities" as the most frequently raised issues in the submissions and consultations for people with disabilities and their families, friends and carers. For this reason, the Terms of Reference are for an Access and Inclusion Advisory Committee, with the word "Inclusion" being added to remind committee members of the need to go beyond access to consider inclusion in all aspects of community life.



Access & Inclusion Advisory Committee

Terms of Reference

The Cootamundra-Gundagai Regional Council Access & Inclusion Advisory Committee (the Committee) will act in an advisory capacity.

Aim of the Committee:

The Committee aims to provide a forum for community and organisational representatives of people with a disability to collaborate with Council to address issues of accessibility within the Community.

Objectives of the Committee

- To monitor the implementation of Council's Disability Inclusion Action Plan as required by the Disability Inclusion Act 2014
- To ensure services and facilities in the community are accessible to those with a disability
- To encourage the establishment and maintenance of access to all existing public use buildings, services and facilities and to ensure their effective use by a person with a disability
- To promote an awareness of the needs of those with disabilities
- To ensure all development proposals in the community are provided with practical and relevant planning and design details

Strategies of the Committee

- To address issues of access relating to public spaces and buildings as they are brought to the Committee's attention
- To review and give comment on development applications, where appropriate, in regard to compliance with Australian Standards relating to access, including adequacy of provision of parking for people with a disability
- Monitor issues relating to street furniture, altering ground levels, public transport shelters, parking, signage and any other factors affecting accessibility for their impact on those with a disability
- To actively demonstrate, by example, Council's awareness of the needs of those with a disability

Frequency

The Cootamundra-Gundagai Regional Council Access & Inclusion Advisory Committee will meet on a bi-monthly basis, with provision for monthly meetings if required.

Duration

Committee meetings will take approximately one hour.

Membership and Roles

The Cootamundra-Gundagai Regional Council Access & Inclusion Advisory Committee will comprise of:

- 1 x Nominated Councillor Representative or Delegate
- 4 x Council staff Representatives: Manager Social & Community; Manager Development; Road Safety Officer and one other Council support staff member.
- 5 – 7 Community and organisational representatives, comprising a cross section of representation of the needs of people with a disability e.g. vision, physical, hearing or age related impairment

Membership will be on an ongoing basis.

The Nominated Councillor representative will be the Chairperson of the Committee. The designated support staff member will take the Minutes.

Member Nomination Process

Cootamundra-Gundagai Regional Council will invite nominations in a variety of ways including advertising for Expressions of Interest in Council's page of the Cootamundra-Gundagai Regional Independent and direct appointment of organisational representatives to replace staff who are resigning.

Cootamundra-Gundagai Regional Council Inclusion & Access Advisory Committee will call for nominations to the committee as required to fill vacant positions.

Upon resignation of an organisational representative, a review will occur to determine whether a request will be made to the same organisation to provide an alternate representative or whether there may be other suitable organisations who would like an opportunity to be represented. Upon resignation of a Community Representative, if an organisation does not wish to provide an alternative representative, or if the Committee wishes to seek interest from other organisations, nominations will be sought through Expressions of Interest, advertised by Council.

Quorum

A quorum will be half the full Committee plus one.

Minutes

Minutes will be taken by the Manager Social & Community; or their delegate. Minutes will be submitted to the next Council meeting for information.

Recommendations from the minutes requiring Council endorsement will be written as a Report to Council by the Manager Social & Community; and submitted to the next Council meeting.

A copy of all minutes will be circulated within 2 weeks of the meeting being held.

Orientation and Information

All members of the committee will be provided with a copy of the Terms of Reference of the Committee and a copy of the Cootamundra-Gundagai Regional Council Disability Inclusion Plan.

Rights and Responsibilities of Members of Cootamundra-Gundagai Regional Council Access & Inclusion Advisory Committee

Each member of Cootamundra-Gundagai Regional Council Access & Inclusion Advisory Committee has a right to:-

- Expect staff representing the various sections of Council will treat them with courtesy and respect
- Have their contribution heard by other members
- Give constructive feedback and input into the operations of Council in relation to access issues

Each member of the Advisory Committee has a responsibility to:-

- Abide by Council's policies and meeting procedures in regard to issues such as conflict of interest and confidentiality
- Act in accordance with the specified role of the committee
- Conduct themselves ethically and represent the Access & Inclusion Advisory Committee in a positive way
- Attend Access & Inclusion Advisory Committee meetings or, if unable to attend, send apologies;
- Not take action relating to the Access & Inclusion Advisory Committee without the express consent of Cootamundra-Gundagai Regional Council, including not interfering with the day to day operations of Council staff
- Not discuss confidential issues with people outside of the Access & Inclusion Advisory Committee
- Treat other members of the Committee and Council staff with respect
- Follow Cootamundra-Gundagai Regional council grievance procedures to resolve any conflict

Termination of Membership

Council management reserves the right to terminate membership in the instance of a serious breach of the above responsibilities.

8.2.2 DEVELOPMENT APPLICATIONS APPROVED OCTOBER 2018

DOCUMENT NUMBER	292127
REPORTING OFFICER	Brooke Douglas, Executive Assistant
AUTHORISING OFFICER	Phil McMurray, Acting General Manager
RELEVANCE TO COMMUNITY STRATEGIC PLAN	3. Sustainable natural and built environments: we connect with the places and spaces around us 2.2 Strategic land-use planning is co-ordinated and needs-based
FINANCIAL IMPLICATIONS	There are no Financial implications associated with this report.
LEGISLATIVE IMPLICATIONS	There are no Legislative implications associated with this report.
POLICY IMPLICATIONS	There are no Policy implications associated with this report.
ATTACHMENTS	Nil

RECOMMENDATION

The information on Development Applications Approved in October 2018 be noted.

Introduction

The following development applications were approved by Cootamundra-Gundagai Regional Council in October 2018:

APP. NO.	PROPOSED BUILDING	STREET NAME
DA2018/063	New Swimming Pool	Sutton Street
DA2018/088	Subdivision	Scholz Road
DA2018/089	New Dwelling and Shed	Nurse Murray Street
DA2018/102	New Fence	Denison Street
DA2018/103	New Storage Container	O'Brien Street
DA2018/105	New Carport	Sheridan Street
DA2018/110	New Garage	Bapaume Street
DA2018/111	Commercial Signage	Yass Road
DA2018/112	Boundary Adjustment	Yeo Yeo Hampstead Road
DA2018/114	New Demolition	Parker Street
DA2018/117	New Garage	Cameron Square
DA2018/119	New Deck	Carrigg Place
DA2018/121	New Dwelling	Sylvia's Gap Road
DA2018/122	New Dwelling	Coolac Road

DA2018/123	New Dwelling and Shed	Ryans Lane
DA2018/125	Subdivision	Martin Street
DA2018/127	Alterations to Shearing Shed	Nangus Road
DA2018/129	New Dwelling and Shed	Hoskins Street
DA2018/130	New Garage	Olney Street
DA2018/132	New Shed	O'Briens Road
DA2018/133	Dwelling Additions and Retaining Wall	Mount Street
DA2018/135	New Shed	Tenandra Street
DA2018/137	New Dwelling	Caulderwood Road
CDC2018/022	Internal Alterations	Yass Road
CDC2018/023	New Swimming Pool	Mary Angove Crescent
CDC2018/024	Dwelling Additions	Gundagai Road

VALUE OF WORK REPORTED TO THIS MEETING: \$2,415,012.00

VALUE OF WORK REPORTED YEAR TO DATE : \$4,865,917.00

THIS TIME LAST YEAR:

VALUE OF WORK –October 2017 - \$ 1,803,700.00

VALUE OF WORK – YTD 2017 - \$ 5,759,784.00

8.2.3 CGRC FOOTPATH TRADING

DOCUMENT NUMBER	292524
REPORTING OFFICER	Andrew Mathieson, Enviromental Health & Compliance Officer
AUTHORISING OFFICER	Phil McMurray, Acting General Manager
RELEVANCE TO COMMUNITY STRATEGIC PLAN	<p>1. A vibrant and supportive community: all members of our community are valued</p> <p>1.3 Our community members are healthy and safe</p> <p>2. A prosperous and resilient economy: we are innovative and 'open for business'</p> <p>2.3 Tourism opportunities are actively promoted</p> <p>3. Sustainable natural and built environments: we connect with the places and spaces around us</p> <p>3.2 Our built environments support and enhance liveability</p> <p>4. Good governance: an actively engaged community and strong leadership team</p> <p>4.1 Decision-making is based on collaborative, transparent and accountable leadership</p>
FINANCIAL IMPLICATIONS	There are no Financial implications associated with this report.
LEGISLATIVE IMPLICATIONS	There are no Legislative implications associated with this report.
POLICY IMPLICATIONS	There are no Policy implications associated with this report.
ATTACHMENTS	<p>1. A - CGRC Footpath Trading – Outdoor Dining policy</p> <p>B - NSW model outdoor dining policy</p>

RECOMMENDATION

- 1. Council adopt the CGRC Footpath Trading - Outdoor Dining Policy attached to the report.**
- 2. An application fee of \$55 and an annual permit fee of \$50 be included in Council's 2019/2020 fees and charges for the use of the adjoining public footpath areas for trading.**

Discussion

In June, 2017 CGRC introduced a trial Footpath Trading - Outdoor Dining policy based on the NSW model outdoor dining policy. Gundagai was excluded from the trial as it had major street works planned. This trial period ended in July, 2018 and the main street improvement works in Gundagai were completed in May, 2018.

Council receives requests from local business for the use of the adjoining footpath area to promote their business in a number of ways. The requests include the use of the footpath for 'A' Frames, various goods displays (such as fruit & vegetables) and outdoor dining.

Footpath Trading and Outdoor Dining makes a positive contribution to the ambiance and streetscape within the Cootamundra – Gundagai townships. It makes them a more lively, attractive and interesting place and contributes to making the centres a safer place through increased surveillance of public spaces. Providing opportunities for outdoor dining is consistent with the NSW Outdoor Dining initiatives.

Discussion

Council needs to consolidate its Footpath Trading - Outdoor Dining policy in line with the NSW – model outdoor dining policy. Although the current numbers of premises with approval are low it is hoped that by setting the application and renewal fees at a modest level council will be able to increase applications and improve the streetscape and general appearance. Each application will be assessed individually and against the policy (once adopted).

CGRC Fees & Charges 2018/2019 currently has an application fee of \$52 and no renewal fee. Permits should be non-transferable and renewable annually in line with the attached policy and that an appropriate annual fee is set. The renewal fee should reflect the cost to council of administering the policy to ensure businesses comply with their permit conditions and do not block or hinder the passage of the public. Council is legally obliged to ensure safe pedestrian access is maintained at all times.

Permits will be issued with conditions. Permits must be displayed in a prominent position (preferably on the front door/window) with a sketch of the approved additional dining area so that Council Officers can inspect for compliance. Council will also require applicants to hold adequate public liability insurance.

Attachment A

FOOTPATH TRADING AND OUTDOOR DINING POLICY

Objectives:

- Make our towns and villages more liveable and friendly.
- Enhance the character of the urban environment.
- Enhance opportunities for social interaction.
- Provide alternatives to indoor dining.
- Boost trade for retailers.
- Provide for the appropriate use of footpaths, plazas and public areas for outdoor dining and footpath trading activities.
- Provide outdoor dining areas and footpath trading activities that contribute positively to the streetscape character.
- Provide outdoor dining areas and footpath trading activities that are compatible with other community uses of the public space.
- Provide outdoor dining areas and footpath trading activities that are safe and accessible for all users.

1.0 PLACES & CIRCUMSTANCES IN WHICH THIS POLICY APPLIES

This policy applies to all retail premises, and food premises within commercial areas that are lawfully operating or that have a valid development consent to operate, where it is proposed to use public footpaths and other public areas to either:

- establish an outdoor dining area which does not include the service of alcohol; or
- carry out footpath trading activities; or
- place items (but *not* advertising – see section 2.1) on a footpath or public area to promote items for business trading purposes.

Note: This policy does not apply to outdoor dining areas or footpath trading activities that are carried out on *privately* owned land.

2.0 OBTAINING A PERMIT

Council will use this Policy to assess all applications for the commercial use of public footpaths or other public areas. Before applying for a permit, the applicant should:

- obtain an application form for either a 'Footpath Trading Activity Permit' or an 'Outdoor Dining Area Permit' from Council;
- consider how the proposal complies with the objectives of this Policy;
- establish which sections of this Policy apply to the proposal;
- consider discussing the proposal with Council officers to ensure relevant key matters are identified and addressed prior to lodging the application;
- ensure that the application is consistent and complies with the requirements contained within this Policy; and
- ensure Council is provided with all the necessary information.

2.1 Advertising Structures

Outdoor dining and footpath trading is not to be used as a means for increasing advertising to a business's activity. The use of advertising material and signage outside the provisions of this policy will require separate development consent.

2.2 Variations to the Policy

Variations to the controls and requirements of this Policy may be permissible if, in the opinion of the Council, the objectives of the Policy have been met. A written statement and any other supporting information that details how this will be achieved must be included with an application that seeks a variation from this Policy.

FOOTPATH TRADING AND OUTDOOR DINING POLICY

2.3 Exemptions to this policy

One-off celebrations which are endorsed by Council, are not required to lodge an application for approval, provided businesses comply with the criteria set out in this Policy.

3.0 OUTDOOR DINING AREAS

3.1 Suitable Locations for Outdoor Dining Areas

The following criteria apply:

- Outdoor dining areas should be located on a suitably constructed surface that is sufficiently level to allow for the safe use of the furniture and can support a layout that adequately meets the other requirements of this Policy.
- Location should be consistent with any other outdoor dining area at adjoining premises.
- A minimum unobstructed footpath width of 2.0 metres is to be maintained.
- Outdoor dining must be located so as not to interfere with car parking and vehicular movement where it adjoins a roadway.
- Furniture must not be placed within 0.8m of any vehicle parking space.
- Furniture should be located directly in front of the premises to which it relates unless written consent from the landowner or proprietor is provided.
- Either non-disposable eating utensils are provided in the outdoor dining area of the premises, or appropriate receptacles for the collection of disposable eating utensils must be provided.
- No furniture shall be located within 3.0 metres of any road corner.
- Outdoor dining areas can include areas in front of neighbouring properties so long as written permission from owner of the adjoining property has been obtained and is included in the application.

3.2 Outdoor Furniture

Outdoor furniture to be used by an establishment must adhere to the following guidelines:

- Outdoor furniture must be commercial grade and of adequate strength and durability to withstand most external weather conditions and outdoor commercial use.
- Domestic style plastic furniture is not permitted as it is not generally considered to be of high quality or durability.
- All furniture must be of a high aesthetic quality that enhances the existing streetscape.
- Furniture for all establishments and surrounds are to be kept in a clean, hygienic and safe condition at all times.
- The security, cleanliness and safety of all furnishings are the responsibility of the proprietor.
- Shade umbrellas/structures are to be securely anchored.
- Penetrations into the footpath are prohibited.
- Shade umbrellas/structures must not protrude into the roadway. They must be more than 2.0 metres in height if they protrude into the pedestrian thoroughfare.
- All furnishings are to be removed from the public domain and securely stored outside trading hours.

3.3 Heating Structures

Any proposal to use heating structures within outdoor dining areas will be assessed on merit with consideration given to: footpath width; the type, number and location of heating structures proposed; and proximity to other structures. Particular attention will be given to the safety of the diners and the general public.

FOOTPATH TRADING AND OUTDOOR DINING POLICY

Note: All gas heating structures must adhere to *Australian Standard 4565 – Radiant gas Heated for outdoor and non-residential indoor use*.

3.4 Lighting

Any outdoor dining area licensed to operate outside daylight hours must be adequately lit to ensure the safety and amenity of patrons and the general public. Lighting of any outdoor dining area must be in the form of down lights or the like which need to be:

- directed away from the roadway;
- contained to the outdoor dining areas only;
- turned off outside the operating hours of the premises.

Existing under-awning lighting may suffice.

3.5 Advertising and Signage

Advertising on outdoor dining furniture or footpath trading activities that is associated with the café/restaurant or retail premises is permitted by Council in accordance with the following guidelines:

- The third party advertising of one advertiser only may appear on the furnishings of the area. It should not dominate the appearance of every piece of furniture.
- Details of third party advertising on outdoor dining furnishings must be submitted to Council with the application for a permit.

3.6 Planter Boxes

Planter box styles proposed for use within outdoor dining areas will be assessed by Council on merit, with consideration given to: footpath width, and type and location of the planter boxes proposed.

Planter boxes:

- must be located within the permit area;
- must be located so as not to obstruct pedestrian flow;
- must be maintained and cleaned of litter;
- must not carry advertising.

Council reserves the right to order the removal of planter boxes that are not properly maintained.

3.7 Permanent Covered and Walled Structures

In some cases, the applicant may wish to undertake streetscape works to accommodate an outdoor dining area. Such works may include permanent covers, walled structures, street tree planting, landscaping, pedestrian lighting etc. Any such works requires a specific approval by the Council and lodgement of a development application.

These structures are outside the provisions of this policy and require separate development consent and rental agreements with the Council.

3.8 Amenity, Public Health and Safety

Each permit holder is responsible for the cleanliness and tidiness of the areas in front of the premises and the immediate surrounds used for outdoor dining:

- Tables must be cleaned of food scraps immediately after customers leave. All litter must be swept up in a timely way and disposed of appropriately.
- Furniture items must be maintained in a neat, tidy and clean appearance when in use.
- All furniture must be removed from the footpath/public area to enable the area to be swept and stains removed from the footpath at least daily (on each day of use).

FOOTPATH TRADING AND OUTDOOR DINING POLICY

Note: Debris must not be swept into the gutter. This action constitutes a pollution offence for which penalties may be incurred.

public domain and be securely stored outside of trading hours.

4.0 FOOTPATH TRADING ACTIVITIES

4.1 Footpath Trading Activity Locations

The footpath space directly in front of a retail premises is allocated to that shop. Footpath trading activities must be established in accordance with the following guidelines:

- Footpath trading activities must be located on a safe, stable, hard surface that is sufficiently level to provide adequate stability to display stands.
- Supervision of trading activities/goods must be possible from the shop.
- A minimum unobstructed footpath width of 2.0 metres is to be maintained.
- The location of the footpath trading activity shall be consistent with any footpath trading activity or outdoor dining area at adjoining premises.
- No footpath trading activity shall be located within 3.0 metres of any road corner.
- The footpath trading activity shall have a width not greater than 1.2m.
- The footpath trading activity is not to extend beyond the side property boundaries of the premises.
- The footpath trading activity is not to impede access to or egress from the premises.
- The footpath trading activity is not to create litter, rubbish or any other form of degradation of the footpath area.
- Footpath trading activities (including display stands) are to be stabilised/ anchored to avoid collapse.
- The lodged application must show the intended location of display stands and structures.
- All furnishings are to be removed from the

4.2 Display Merchandise or Promotional Items on Footpaths

The following types of merchandise may **not** be displayed on footpaths, or public areas:

- Liquor, tobacco or other drugs
- Gases, e.g. Liquid Petroleum Gas (LPG) canisters
- Corrosives, e.g. Car batteries
- Oxidising materials, e.g. paint stripper
- Explosives, e.g. Boat flares
- Flammable liquids
- Spray paints.

Note: This list is not exhaustive. Council reserves the right to order the removal of any merchandise considered to be a risk to the health and safety of the public and/or the environment at any time.

4.3 Display of Goods on Footpath

When displaying goods on a footpath:

- Fresh food must be kept at least 750mm above the footpath.
- All goods must be displayed on stands, racks or in containers above the level of the footpath, unless goods to be displayed are designed in a manner intended to allow for placement on the ground.
- No advertising using amplification or persons calling to the public may be undertaken.

4.4 Display Stands

When using display stands on footpath areas to present goods, the following conditions apply:

- All goods are to be presented on display stands approved by Council.

FOOTPATH TRADING AND OUTDOOR DINING POLICY

- Display stands are to be aesthetically pleasing, durable, well-finished, secure and solid-to-ground at the base.
- Materials and finish of display stands must be weather-resistant. Edges and corners must be finished so as not to cause any injury to a passer-by.
- All display stands are to be custom-made and/or designed for the goods being displayed.

4.5 Free Standing Signage, Flags and Similar Items to Promote Business Activities

When using free standing signage, flags and similar items to promote business activities on footpath areas, the following conditions apply:

- Items are to be aesthetically pleasing, durable, well-finished, secure and solid-to-ground at the base.
- Each item may occupy up to 0.8m² of surface area on the footpath.
- The maximum number of items per premises is directly related to shop frontage facing the street. Up to two items are permitted for every 10m of shopfront.
- The maximum number of items per premises is six (regardless of shopfront length).
- A minimum unobstructed footpath width of 2m is to be maintained.
- No item shall be located within 3 metres of any road corner.
- A maximum of one A-frame sandwich board is permitted per premises. The maximum size shall not exceed 1m² on each side (including framework). A-frames must be securely weighted to avoid movement in high winds.
- All signs, flags etc are to be removed from the public area and securely stored outside of trading hours.

5.0 GENERAL CONSIDERATIONS

5.1 Hours of Operation/Noise Impacts

The hours of operation will generally be the same as the hours approved under the development consent for the premises unless a lesser period is determined due to environmental considerations. An application for an outdoor dining area or footpath trading activity will not be approved under this Policy if the proposal is of such a scale that the noise generated will have a significantly adverse effect upon nearby residential properties.

5.2 Insurance

Proprietors of the premises must maintain no less than \$20 million public liability insurance cover for utilisation of the footpath area and are required to provide a certificate of currency noting the interest of the Council over the concerned area.

5.3 Conduct of Patrons

The appropriate conduct of patrons is the responsibility of the permit holder.

5.4 Work on Council Footpaths/Public Areas

Permit holders can not claim for any loss of income or refund of permit fees as a result of works carried out by Council or other service providers on Council owned footpaths, plazas and public areas.

5.5 Outdoor Dining and Footpath Trading Activity Permit Application Requirements

Applicants are required to complete and submit to Council an application form to conduct activities covered by this Policy. If approved, a 12 month permit will be issued for the activity. Application forms are available from Council's Customer Service staff or downloadable from the Council's website.

FOOTPATH TRADING AND OUTDOOR DINING POLICY

5.6 Information that must be supplied when making a Development Application for a Permit to Operate

Applications must be made on the standard **Application Form** and include a sketch indicating:

- the street;
- the subject property;
- neighbours' properties;
- distance from the boundary line to the kerb & gutter;
- distance from the boundary line to any awning posts;
- areas (with dimensions) of the footpath to be occupied by the outdoor activity;
- location of any street furniture to be included in the area, e.g.: planter boxes, chairs and tables;
- location and description of any signage, flags or similar;
- details of the design and colour of the outdoor furniture proposed, including photographs if possible.

5.7 Renewal of permit

The permit must be renewed every year on 1st July. It is the permit holder's responsibility to ensure the renewal of the permit before the renewal date. If the renewal is not made by this date, the activity is to cease until a new permit is approved. Permits are non-transferable.

5.8 Rental Fees

Application and rental fees to conduct business or place items on Council-owned or managed land will be charged in accordance with Council's adopted Fees and Charges Schedule, where applicable.

5.9 Modification or Early Termination of a Permit

Council may terminate or cancel a permit to use a footpath, plaza or public area or have the agreed conditions of the permit modified

at any time in order to maintain optimal pedestrian movement patterns or preserve the amenity of the area.

Council may also suspend or terminate a permit at any time if all or part of the permit area is required for road construction works.

Reasonable notice shall be given in the event this clause is to be applied.

Note: The Council can only advise permit holders of any work being undertaken which is under its control.

Other service providers have authority to undertake work on footpaths and the like without seeking approval from permit holders or the Council.

Permits are non-transferable.

5.10 Breaches of Permit conditions

Council may terminate a permit for breaches of the agreed conditions of the permit or the requirements of this Policy.

Repeated breaches will result in termination of the permit agreement. Breaches of the permit include but are not limited to:

- non-payment of rental fee;
- encroachment beyond the permitted outdoor dining area and footpath activity area;
- non-compliance with the approved permit and the controls set out in this Policy;
- not keeping the area of outdoor activity clean and tidy.
- not displaying current permit (or copy) in a prominent place (preferable front window or door of the primary premises)

5.11 Display of permit and sketch

Council requires all permit holders to display their current permit (or copy) with the approved sketch showing the information in **5.6** above in a prominent place (preferable front window or door of the primary premises)

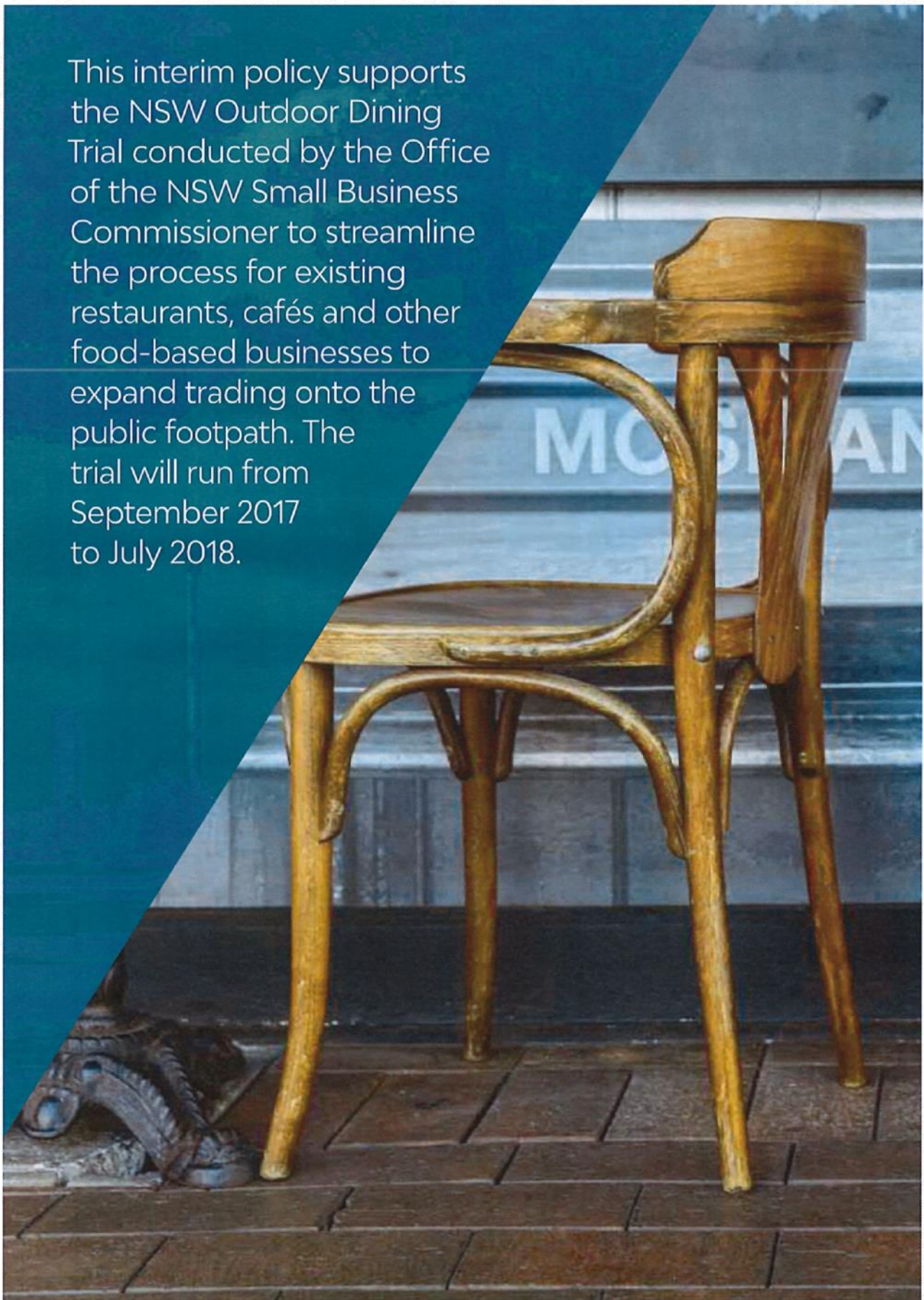
Attachment B

Interim Outdoor Dining Policy

NSW Outdoor Dining Trial



This interim policy supports the NSW Outdoor Dining Trial conducted by the Office of the NSW Small Business Commissioner to streamline the process for existing restaurants, cafés and other food-based businesses to expand trading onto the public footpath. The trial will run from September 2017 to July 2018.



Contents

Message from the Deputy Premier and Minister for Small Business	2 ▶
Message from the NSW Small Business Commissioner	3 ▶
Interim Policy	
New South Wales Outdoor Dining Trial	4 ▶
Outdoor dining permit requirements	5 ▶
Applications for outdoor dining permits	9 ▶
Businesses with an on-premises (restaurant) licence	10 ▶
Conditions of approval	11 ▶
Roles and responsibilities	12 ▶
Legislation	13 ▶
Definitions	14 ▶
Consultation and feedback	15 ▶

NSW Small Business Commissioner

NSW Outdoor Dining Trial | Interim Outdoor Dining Policy

Message from the Deputy Premier and Minister for Small Business



The NSW Government is working hard to support businesses and create jobs across NSW.

The Sydney metropolitan area and regional NSW offer great conditions to start and grow a business. NSW has the strongest economy in the country and highest business confidence in our regional areas.

Earlier this year I announced the NSW Small Business Strategy, which outlined the NSW Government's commitment to making it easier to do business in NSW. As a government, our focus is to cut costs and red tape, giving businesses the best chance at being a success.

As part of this focus, the Office of the NSW Small Business Commissioner is working with local councils to pilot a new initiative, the Interim Outdoor Dining Policy, which will be trialled across six council areas.

The trial will allow cafés, restaurants and food-based businesses to more easily expand their operations on to local footpaths, which will mean more business for local hospitality venues, more local jobs, and a more vibrant setting for local streets, stimulating local economies.

As Deputy Premier, Minister for Regional NSW, Skills and Small Business, I am dedicated to growing regional economies, creating the skilled workforce of the future and giving NSW businesses every opportunity to start, grow, upskill and innovate.

The NSW Government recognises the critical role small businesses play, and we will continue to develop new programs that can unlock opportunities for small business across NSW.

A handwritten signature in blue ink, appearing to read 'John Barilaro'.

The Hon. John Barilaro MP, NSW Deputy Premier
NSW Minister for Skills, NSW Minister for Small Business

Message from the NSW Small Business Commissioner



As the NSW Small Business Commissioner, my job is to make it easier for small businesses to get on with doing business.

My office works with small businesses to reduce burdens on their operations and strengthen local economies through regulatory reform and policy harmonisation.

The Interim Outdoor Dining Policy builds on the successful Easy to do Business program, run in partnership with Service NSW, to make it easy for retail food businesses to expand into outdoor dining activities.

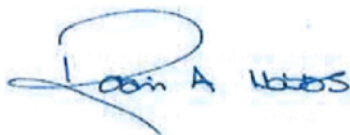
Key benefits include:

- a streamlined and simplified approach for outdoor dining approvals
- cutting red tape for small businesses and local councils
- user-friendly, online assessment and approval
- lower costs and compliance burdens on small businesses.

We have consulted with many small businesses and worked closely with the City of Parramatta, Canterbury-Bankstown, Snowy Valleys, Cootamundra-Gundagai Regional, Liverpool Plains Shire and Queanbeyan-Palerang Regional councils.

I thank these councils for their willingness to be involved, their leadership and their commitment to improving the operating environment for our small business operators.

We look forward to seeing our small business sector thrive and our communities enjoy the wonderful social benefits of a vibrant outdoor dining culture.



Robyn Hobbs OAM NSW Small Business Commissioner

Interim Policy

New South Wales

Outdoor Dining Trial

1. Purpose of this policy

The aim of the Interim Outdoor Dining Policy is to establish a statewide framework to make it easy for food-based businesses to expand their existing dining activities outdoors onto public land adjacent to their existing premises.

The interim policy will form the basis for the NSW Outdoor Dining Trial, an initiative under the government's Easy to do Business program.

The policy is designed to:

- provide a framework for establishing and operating an outdoor dining area, including:
 - determining the suitability of a site
 - managing public safety
 - ensuring operations do not detract from the visual appeal of an area
 - meeting ongoing operational requirements
 - meeting all necessary state and federal legislative requirements
- outline the steps a business must take to be granted an outdoor dining permit, and reduce the time and complexity of the approval process for businesses
- encourage the use of public places for outdoor dining as a means of stimulating business growth and development in NSW
- ensure any outdoor dining activities have minimal disruption to neighbours, pedestrians and other street users
- promote vibrancy, culture, vitality, amenity and ambience in the street environment of commercial areas while protecting the existing local character of an area.

2. Scope

This interim policy only applies to existing, approved, food-based businesses located within the identified trial outdoor dining locations in participating local government areas that:

- do not currently offer outdoor dining and would like to expand their existing dining activities outdoors and may increase their overall capacity by doing so
- meet all five permit requirements outlined within this interim policy
- meet the liquor requirements outlined within this interim policy (if required)
- do not require approval for any permanent structure
- will not have their outdoor dining areas located on Crown land.

3. Important information

Before making an application under this interim policy, businesses should read the *Interim Outdoor Dining User Guide 2017-18*, referred to throughout this policy as the *User Guide*.

All businesses undertaking outdoor dining activities must have a valid permit. The relevant local council issues the permit.

To be granted a permit for outdoor dining activities under this interim policy, a business must self-assess its proposed outdoor dining area against the five permit requirement areas outlined in Table 1 and ensure it meets all of the prerequisites detailed in the subsequent sections.

Once granted a permit, a business must maintain compliance with these requirements and the permit terms.

Interim Policy

Outdoor dining permit requirements

Table 1. Overview of permit requirements

	Category	Key considerations
1	Location/site suitability Facilitate the appropriate use of footpaths and public places for outdoor dining activities.	<ul style="list-style-type: none"> • Minimum distances • Neighbours
2	Safety Maintain an equitable and safe thoroughfare around outdoor dining areas for all users.	<ul style="list-style-type: none"> • Public safety • Accessibility • Line of sight • Management of animals • Engagement with public
3	Amenity Facilitate improvement to the local character, street vitality, amenity and economic viability.	<ul style="list-style-type: none"> • Local character • Attractiveness • Local vitality
4	Function Ensure the design of the outdoor dining space, furniture, fixtures and day-to-day requirements reflect the local area.	<ul style="list-style-type: none"> • Design of space • Furniture • Fixtures • Daily operations
5	Legal and compliance Ensure the management of outdoor dining activities avoids nuisance, endangerment or inconvenience. Address public liability and manage risks, and ensure compliance with state legislation including liquor laws.	<ul style="list-style-type: none"> • Noise • Waste • Operational conditions • Council inspections • Insurance • Compliance with legislation

4. Permit requirements

1: Location/site suitability

When using footpaths and other public places for outdoor dining activities, reasonable consideration should be given to the suitability of the site and all users of the location.

An outdoor dining area is only permitted where:

- a. the outdoor dining area is directly related to the operation of an existing food business and operates on the same basis
- b. the applicant is the owner or proprietor of that business premises
- c. the public space is wide enough to accommodate the outdoor dining area while still maintaining a clear pathway of travel for all pedestrians, including those who use mobility aids, prams and motorised scooters
- d. the ground surface of the outdoor dining area is suitably constructed and sufficiently level to accommodate outdoor dining furniture and enable the area to be used safely and without inconvenience to pedestrians or vehicles
- e. there is no unreasonable hazard to pedestrians, diners or vehicular traffic
- f. the location and operation of the outdoor dining area has taken into consideration the amenity of neighbours and other users of the public space
- g. for businesses that have no internal dining facilities, such as bakeries or ice cream shops, the proposed outdoor dining area is not larger than 35 per cent of the internal size of business and must be contained within the business frontage
- h. outdoor dining involving the service of alcohol is limited to the applicant's business frontage only
- i. the outdoor dining area is contained within the frontage of the business premises, with an

allowable expansion of up to 50 per cent of the adjoining businesses' frontages, subject to revocable Outdoor Dining Adjoining Business Permission from the adjoining business owner and adjoining building landlord (or their managing agent). It is a requirement that this permission can be revoked at any time without notice and any approval will automatically lapse on change of ownership of the adjoining businesses, the applicant business or the adjoining building owner.

A business owner who wishes to expand beyond 50 per cent of the frontage of the adjoining business may only do so if their council allows this within the Local Amenity Statement and the Outdoor Dining Adjoining Business Permissions are obtained from all relevant business owners and landlords, (or their managing agents). If a council does not have a Local Amenity Statement or such additional expansion is not expressly provided for under the relevant Local Amenity Statement, such an expansion is not covered under this self-assessment policy and an applicant must lodge an application for expansion of their outdoor dining area beyond 50 per cent of the adjoining business frontage with the council through the council's standard development approval processes

- j. consideration is given to any relevant Local Amenity Statement issued by the appropriate local council for the locality where the outdoor dining will take place.

Permanent structures: Separate local council approval is needed to erect permanent structures in a public space, including awnings that are not defined as temporary. This policy does not cover approval for permanent structures.

For guidance, see the *User Guide*.

2: Safety

Ensure an equitable and safe environment is maintained for outdoor dining areas for all users.

An outdoor dining area is only permitted where:

- a. the outdoor dining area is integrated with existing streetscape, pedestrian circulation and traffic safety by maintaining adequate clearances. This is outlined in the *User Guide*
- b. the number of tables and chairs in the outdoor dining area allow unobstructed access and circulation for patrons and staff
- c. the business owner agrees that if dogs are permitted, they must be on leashes and suitably restrained
- d. a high standard of public safety and amenity, including cleanliness, is established and maintained
- e. an equitable, clear and safe throughway is maintained on footpaths for all pedestrians including those using mobility aids, prams and motorised scooters
- f. all furniture, including temporary bollards, is to be stored inside after hours
- g. the safety and convenience of road users and cycleway users is not compromised. The line of sight at intersections must be maintained, so outdoor dining must be set back at a 45-degree angle from the corner of the building, equating to a one to three-metre clearance from the corner to the edge of the outdoor dining area.

For further guidance see the *User Guide*.

3: Amenity

Improve the local character, street vitality, amenity and economic viability of the local/surrounding area/locality.

An outdoor dining area is only permitted where:

- a. it is attractive, inviting and contributes to the amenity of the locality
- b. the relevant Local Amenity Statement prepared by the local council is complied with
- c. the business owner has regard to the existing urban character, cultural significance, street quality and whether other existing outdoor dining is located along the building line or kerbside.

A council may specify whether outdoor dining should be placed kerbside or along the building line. An applicant should check if there is a Local Amenity Statement provided for their area. If there is no specified requirement, any dining should be aligned with the placement of other existing outdoor dining in neighbouring areas, so that the thoroughfare is not obstructed. If the site adjoins reverse angle parking, any dining must meet clearance requirements specified in the *User Guide*.

Local Amenity Statements: A council may develop a Local Amenity Statement to ensure outdoor dining activities reflect the local character, heritage, and environment of a particular commercial area or precinct in a local government area. Outdoor dining activities approved under this policy must comply with any Local Amenity Statement that is in effect at the time of their application. If a council introduces a Local Amenity Statement, businesses that already have an approved permit will be notified by the council and have 12 months to comply with any new requirements.

For further guidance see the *User Guide*.

4: Function

Ensure the design of the outdoor dining space, furniture, fixtures and day-to-day requirements reflect the local area, and the outdoor dining area is kept clean.

An outdoor dining area is only permitted where:

- a. the *User Guide* and relevant Local Amenity Statement have been consulted and complied with in respect to use of umbrellas, screens, planter boxes and gas heaters
- b. furniture and fixtures are easy to clean and maintain
- c. the outdoor dining operator is satisfied that furniture used for outdoor dining is suitable and safe for outdoor dining
- d. the business owner ensures that their outdoor dining area is cleaned and maintained on a regular basis. This includes ensuring tables are promptly cleared, and that all waste generated by the business and its customers is picked up and disposed of properly.

For further guidance see the *User Guide*.

5: Legal and compliance

Ensure management of outdoor dining activities avoids nuisance, endangerment or inconvenience and there is compliance with all requirements.

For restaurants and cafés provisionally approved to serve liquor, the sale of liquor in the outdoor area and the operation of that area must comply with the licence conditions under the *Liquor Act 2007* that apply in relation to a licensed restaurant.

An outdoor dining area will only be considered where:

- a. outdoor dining activities operate no later than midnight Monday to Saturday and 10pm on Sunday
- b. noise and music are appropriately managed to not be a nuisance to patrons, surrounding businesses, pedestrians and motorists and follow the state noise pollution requirements
- c. waste management requirements of the local council are met
- d. the business owner complies with the conditions in this interim policy, and all other relevant local, state and federal requirements for food-based businesses
- e. the proposed business owner has public liability insurance required by their local council, usually from \$10 million to \$20 million.

For further guidance see the *User Guide*.

Interim Policy

Applications for outdoor dining permits

5. How to apply

Businesses can apply for a permit through the Service NSW Easy to do Business Concierge Service. Download an application from the Service NSW website service.nsw.gov.au

6. Application fees

Council and state government agency fees will be waived for businesses that participate in the trial and obtain a permit under this interim policy, to test the effectiveness of the policy. This fee waiver will only apply during the trial.

Fees may apply for the final outdoor dining policy. Currently, fees for outdoor dining differ significantly between local government areas, and many different factors are considered by councils when determining their fee structure, including the location, land values, and private use of public space. In addition, services and approvals involving Service NSW, Liquor & Gaming NSW and Crown Lands also usually attract fees. For this reason, additional research and consultation is necessary and will occur during the trial period before a policy position on fees is settled.

Interim Policy

Businesses with an on-premises (restaurant) licence

7. Criteria for change of boundary for on-premises liquor licence

Restaurants and cafés that meet all the criteria to be included in this trial, and also have an existing on-premises liquor licence, will need to meet the following criteria for their on-premises licence to extend their boundary to include the outdoor dining area:

- a. The restaurant or café has standard trading hours and is only authorised to serve liquor with meals, i.e. no extended trading authorisation (ETA) or primary service authorisation (PSA).
- b. Within the past 12 months, the premises has not been listed under Schedule 4 of the Liquor Act as a violent venue, or a strike under the Three Strikes scheme has not been incurred at the premises.
- c. The business provides consent for Service NSW to notify Liquor & Gaming NSW and the relevant local council of their application to change liquor licence boundary.
- d. Where the above criteria are met, the restaurant or café will be provisionally approved to extend the licenced boundary to the outdoor dining area.
- e. Liquor & Gaming NSW will continue to assess the change of boundary application as per existing arrangements for expansion of liquor licence boundary.
- f. If no valid objections are received during consultation, Liquor & Gaming NSW will approve the change of boundary application. If Liquor & Gaming NSW refuses the application in accordance with its existing policies for change of liquor boundary, no alcohol may be consumed in the restaurant's or café's outdoor dining area.
- g. Any outdoor dining areas that fall within a designated alcohol-free zone must be cordoned off.
- h. Venues other than restaurants and cafés with liquor licences other than a standard on-premises licence (including, on-premises with PSA or ETA, small bar or hotel) will still be able to apply for an outdoor dining permit under this interim policy. However, if/when approved, these businesses will not automatically be able to serve liquor on the footpath, they will need to apply to Liquor & Gaming NSW separately to extend their liquor licence boundary to include the footpath (please refer to the Liquor & Gaming NSW website (www.liquorandgaming.nsw.gov.au) for instructions on how to extend a licence boundary).

During the trial, further research and consultation will be undertaken to consider whether approvals in relation to liquor can be extended to new applicants and other types of liquor licence when the final outdoor dining policy is implemented.

Interim Policy

Conditions of approval

8. The outdoor dining permit

A permit will be issued to each applicant if they satisfy the requirements of this interim policy. The permit will detail the conditions of approval that apply to the business, its location and the outdoor dining activities.

The permit holder will be responsible for ensuring the outdoor dining area is operated in accordance with the requirements outlined in this interim policy and the *User Guide* and complies with details submitted as part of the application.

The permit must be displayed at the business to which the permit refers.

9. Commencement of a permit

The applicant will undertake a self-assessment to determine if their proposed outdoor dining activities meet the five permit requirements outlined in this interim policy, the *User Guide* and Local Amenities Statement. If the applicant determines that all requirements are met and expected conditions of operations will be fulfilled, then they will provide a signed declaration, and a permit will be issued.

The permit holder can, therefore, proceed to operate the outdoor dining area in accordance with the conditions of the outdoor dining permit.

10. Permit period

The term of a permit will be 12 months from the date of approval.

At the conclusion of the trial period, a permit holder with a permit issued under the trial will be notified by the local council about future arrangements for outdoor dining in their location.

Should the outdoor dining policy not proceed after the trial, the permit holder will be contacted by the local council about any further requirements to continue operating outdoor dining.

11. Compliance

Compliance is undertaken by the council in the local government area where the business is conducting outdoor dining activities, in accordance with the relevant council's current policies and processes.

The use of an outdoor dining area without a permit or not in accordance with a permit is an offence and may result in the issue of an infringement notice or other regulatory action by the local council including cancellation of the business' permit.

12. Dispute resolution

Any dispute about an outdoor dining area, except for disputes about liquor licences, will be handled by the relevant local council's current policies and processes. Disputes about liquor licences will be handled by Liquor & Gaming NSW through its policies and procedures.

13. Failing to remove and reinstate

In the event of the permit holder failing to remove furniture or other property from the outdoor dining area following the lapsing or cancellation of their permit, the council may remove and dispose of such property at its discretion, if not claimed within 28 days of notification to the permit holder.

In the event of the permit holder failing to remove furniture and/or to reinstate the footpath to its original condition within 14 days from the date of expiration or cancellation of the permit, the council may carry out the works at the permit holder's expense.

Interim Policy

Roles and responsibilities

14. Who is responsible for what

- **Food-based businesses, including restaurants and cafés** provide a significant contribution to the vibrancy and economy of local communities. Businesses that participate in this outdoor dining trial are responsible for meeting permit approval and operating requirements during the term of an approved permit.
- **Office of the NSW Small Business Commissioner** is coordinating the development of the trial policy. The OSBC is responsible for developing the interim and final outdoor dining policies in consultation with councils, small businesses, and other government agencies.
- **Local councils** have a key role in promoting economic development and the vibrancy of their local community. They are responsible for ensuring compliance with food-based business, outdoor dining permit requirements, other relevant legislation, heritage restrictions, and for defining any Local Amenity Statement for cafés and restaurants within their local government area.
- **Service NSW** is an integral part of the state's Easy to do Business initiative. Service NSW is responsible for administering the approval process for permits using its Concierge Service. It is developing an online digital platform for outdoor dining applications.
- **Liquor and Gaming NSW** administers liquor licencing in NSW. It is responsible for issuing licences and ensuring compliance with license requirements.

Interim Policy Legislation

15. Compliance with legislation and regulations

This interim policy will be endorsed as an approved local policy for the notified period of the NSW Outdoor Dining Trial by each participating local council under section 68 and Part 3 of the *Local Government Act 1993*.

In so doing, permitting any outdoor dining activity that is an exempt development does not require development consent under the *Environmental Planning and Assessment Act 1979*.

The State Environment Planning Policy (Exempt and Complying Codes) 2008 makes footpath dining an exempt development if it is:

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

The State Environment Planning Policy (Exempt and Complying Codes) 2008 also makes the installation of bollards 'exempt development' if a business has a liquor licence and is located within an alcohol-free zone. See subdivision 8A Bollards of the *State Environment Planning Policy (Exempt and Complying Codes) 2008* for development standards.

Because of the scope of the NSW Outdoor Dining Trial, it is expected that all outdoor dining permitted under the trial will meet the requirements to be exempt development under the *Environmental Planning and Assessment Act 1979* and will not need development consent.

This interim policy does not apply to the following land types:

- Outdoor dining on community lands, such as a park or reserve, requires approval under the *Local Government Act 1993*.
- Outdoor dining on Crown Land requires approval under the *Crown Lands Act 1989*.
- Outdoor dining that is located on private land (i.e. land that is not on the public footpath) will require the approval of the local council that administers the land on which the activity is proposed.

Interim Policy Definitions

The following definitions apply to this policy document.

- **Outdoor dining area:** is limited to public footpaths and nature strips or any other public spaces under the control and management of the council that are used by an adjacent approved restaurant, café or food-based business for temporary commercial dining activities only. These activities include the serving of food or beverages, and the erection of associated temporary furniture and signs.
- **Outdoor dining operator:** the permit holder that exercises management and control over an outdoor dining area.
- **Outdoor dining activities:** the provision of suitable seating and tables and the performance of other activities directed at the consumption of food and beverages in an outdoor dining area.
- **Outdoor dining permit:** a permit issued under this policy authorising outdoor dining in a particular area.
- **Outdoor furniture:** items such as tables and chairs to accommodate outdoor dining patrons.
- **Permanent structure:** any outdoor structure not intended to be moved around frequently and that would be difficult to move without mechanical and other assistance within a 24 hour period.
- **Trial outdoor dining locations:** the street and/or area nominated by each council participating in the trial.
- **Temporary structure:** any outdoor structure intended to be removed from an outdoor dining area or packed away when the area is not in use, including removable umbrellas, sign boards and other decorative features such as storage units.

Interim Policy Consultation and feedback

This interim policy supports the NSW Outdoor Dining Trial. Feedback on this interim policy and from the trial will inform the development of a statewide outdoor dining policy.

We welcome and encourage any feedback on the trial program, this interim policy, and how outdoor dining can be encouraged and operate more effectively in NSW.

Provide your feedback by email to sbf.councils@smallbusiness.nsw.gov.au

© State of New South Wales through Department of Industry 2017. The information contained in this publication is based on knowledge and understanding at the time of writing (September 2017). However, because of advances in knowledge, users are reminded of the need to ensure that the information upon which they rely is up to date and to check the currency of the information with the appropriate officer of the Department of Industry or the user's independent adviser.

15



smallbusiness.nsw.gov.au/outdoor-dining-trial
PUB17/587

8.2.4 GARDEN COLUMBARIUMS AT COOTAMUNDRA AND GUNDAGAI LAWN CEMETERIES

DOCUMENT NUMBER	292601
REPORTING OFFICER	Glen McAtear, Senior Regulatory Officer
AUTHORISING OFFICER	Phil McMurray, Acting General Manager
RELEVANCE TO COMMUNITY STRATEGIC PLAN	<p>3. Sustainable natural and built environments: we connect with the places and spaces around us</p> <p>3.2 Our built environments support and enhance liveability</p> <p>3. Sustainable natural and built environments: we connect with the places and spaces around us</p> <p>3.1 The natural environment is valued and protected</p>
FINANCIAL IMPLICATIONS	Acceptance to the preferred quotation would result in an increase in expenditure of \$34,650.
LEGISLATIVE IMPLICATIONS	There are no Legislative implications associated with this report.
POLICY IMPLICATIONS	There are no Policy implications associated with this report.
ATTACHMENTS	Nil

RECOMMENDATION

- 1. Council approve the quotation from Kel & Denson Stoneworks Tumut as determined in the report.**
- 2. Council endorse a budget variation of \$34,650 to fund the construction of a 25 unit garden columbarium at Cootamundra Lawn Cemetery and a 10 unit garden columbarium at Gundagai Lawn Cemetery.**

Introduction

Currently Cootamundra-Gundagai Regional Council has two Columbarium walls in our cemeteries, one at The Cootamundra Lawn Cemetery and one at The Gundagai Lawn Cemetery.

Many people express a desire to have ashes interred into our cemeteries but do not wish to utilise the walls, they prefer a garden or more pleasant looking facility.

To offer residents a greater choice for internments CGRC has a garden columbarium situated at the Cootamundra Lawn Cemetery.

The garden columbarium at Cootamundra Cemetery has 56 niches for ashes to be interred, currently there are only 4 plots left either unreserved or not utilised.

There is no garden columbarium in any cemetery in the old Gundagai Shire.

Discussion

It is proposed to construct two new garden columbaria one at Cootamundra Lawn and one at Gundagai Lawn Cemeteries. The gardens would consist of pre-cut granite units that accommodate two interments each, there would also be fitted for each interment a vase block and flower container. Each unit measures 450mm x 500mm and is 350mm high. The units come with a polished Arras panel that covers the niche and once ashes are interred this cover is etched with details of the interred ashes. (See attached diagram)

Joining these units together would give a similar effect to the new Lawn F at Cootamundra Lawn Cemetery. The initial set up would be utilising 25 units at Cootamundra Lawn Cemetery and 10 units at Gundagai Lawn Cemetery. Which allows for 50 interments at Cootamundra Cemetery and 20 interments at Gundagai Cemetery. These units could be added to at any stage and placed in any pattern that was considered appropriate.

Costings

Two quotes have been received by Council. One from Kel & Denson Stoneworks of Tumut and the other from Les Watkins Memorials of Narrandera. The most competitive quotation is from Kel & Denson Stoneworks of Tumut at \$990 per unit.

If the quote from Kel & Denson was accepted it would cost:

Cootamundra Lawn	\$24750
Gundagai Lawn	\$9900.00

A further cost of constructing concrete slabs for the installation of the units would have to be factored into the equation. It would be envisaged that this slab could be constructed by CGRC staff.

8.2.5 PROPOSED CARAVAN STORAGE UNITS - 132 SUTTON STREET COOTAMUNDRA - DA2018/93

DOCUMENT NUMBER	292635
REPORTING OFFICER	Luke Izzard, Building Surveyor
AUTHORISING OFFICER	Phil McMurray, Acting General Manager
RELEVANCE TO COMMUNITY STRATEGIC PLAN	3. Sustainable natural and built environments: we connect with the places and spaces around us 3.2 Our built environments support and enhance liveability
FINANCIAL IMPLICATIONS	There are no Financial implications associated with this report.
LEGISLATIVE IMPLICATIONS	There are no Legislative implications associated with this report.
POLICY IMPLICATIONS	There are no Policy implications associated with this report.
ATTACHMENTS	<ol style="list-style-type: none"> 1. DA2018/93 4.15 Report 2. DA2018/93 - Building Lines 3. DA2018/93 - Plans 4. DA2018/93 Site Scenarios

RECOMMENDATION

Consideration of the application be deferred for the applicant to:

1. Consider reducing the number of containers on the site in order to provide for an adequate setback from the front boundary.
2. Lodge a traffic turning plan to ensure safe access from the laneway.

Introduction

Applicant:

Bryant Constructions
PO Box 633
COOTAMUNDRA NSW 2590

Owner:

Emma Louise Bryant & Todd James Bryant
PO Box 633
COOTAMUNDRA NSW 2590

Property Description:

Lot: B DP: 433678
132 Sutton Street
Cootamundra NSW 2590

A location plan of the subject land is provided in the tabled documents.....

Zoning:

Land Zoned IN2 'light industrial' under the Cootamundra LEP2013.

Existing Use:

A dilapidated single dwelling exists onsite however in disrepair.

Proposal:

A request has been received from the applicant for the construction of 13 storage units for caravan storage on the land known as Lot: B DP: 433678 132 Sutton Street Cootamundra.

The DA proposal is for a storage facility containing 13 individual storage units totalling in size 48.06 metres long by 9.5 metres wide. The building is 4metres high at the front for roller door clear room of 3.2metres and is 3m high at the rear and consist of a flat roof. The new building is on the rear lane and extends down the southern side of the block to within 1.83m of the front boundary of Sutton Street. Side setback to the south is 1 metre. Surrounding the subject site is a dwelling to the south and a mechanics business to the north, with existing dwellings across Sutton Street.

See attached plans.

Discussion

Notifications were sent to surrounding properties detailing the proposal with one written response received by Council which voiced numerous concerns.

The proposal also went to the Roads and Maritime Services (RMS) as Sutton Street is a dedicated Council road. The RMS also provided comments and, in particular, stated that access to the site would only be permitted from the laneway through to Sutton Street. They raised further considerations for Council regarding security and pedestrian safety, however, in general did not oppose a development for a storage facility on the existing onsite.

RMS's comments and conditions, should the proposed development be approved, are contained in the 4.15 Report.

Council's Engineering department was also notified of the proposed development with no comment received.

Council officers met with the correspondent to discuss matters raised in their response to the notification sent by Council.

These included:

- Potentially unrestricted and constant flow of traffic through the site and, as the site is not fenced, will impact the residential amenity by means of noise impacts of the residential property surrounding.
- Traffic and pedestrian risk of this unrestricted access.
- A possible fire risk from the development being so close the boundary.

- The correspondent stated that with no fence between the proposed site and correspondent's property, work on the site would impact on their security and privacy during the construction period.
- The correspondent asked if the proposal can go right up to the front boundary. They believe this will impact on the dwelling by overshadowing and look like they live next to a prison.
- The correspondent had concerns of cars entering the site after hours, as the site is not fenced, the opening and closing vehicle doors, and vehicle noise, roller doors opening etc. would impact the area at night and early morning.
- The correspondent also conveyed another neighbour's concerns regarding after hour's access at night and the shining of car lights into the front of their homes.

During the meeting building lines were discussed. If taking into consideration other existing buildings within the street, the current proposal does not meet the average building line of the area.

See supporting documents attached showing the buffer distance between dramatic changes in building lines.

It is considered these buffer distances lessen the visual impact on the streetscape when a change occurs (such as a building close to the boundary next to one that is set back) and also lessen the immediate impact on mixed uses to surrounding properties. Examples are located within the same block as the proposal.

Therefore, the proposal of reducing the units by 1 or 2 anticipates a reduction of the impact visually for the dwelling next door as the development finishes further away from the street frontage. It is also considered that building the units further back would enable safer vehicle exiting from the site and, therefore, be safer for pedestrians. The current proposal, being 1.83m from the street and having screened vegetation at the front, with no fence, would effectively reduce zero sightlines from the site.

During the meeting site access was discussed in that fencing the development, and limiting access to the site during normal working hours, would potentially have less impact on the residential use of the site than if it was unfenced.

In summary the correspondent was satisfied that, if appropriately fenced and secured to limit noise/security impacts and the units didn't extend to within 1.83m of the front boundary, they would consider not opposing the development.

Council officers then met with the applicant to express the concerns, from assessment so far, and the points raised through notification period. The applicant indicated he wished to go ahead with proposal as lodged as addressed the issues in the following points.

- That security fencing was not required as any after hour's access would be monitored by way of installing appropriate security cameras surveillance which would notify security contractors, or the owner, to restrict access. The applicant stated that tenants will have conditions of use in their storage agreements which would control access and consideration to impose a 2 strike rule, or similar, to eliminate offenders that break the user agreement.
- The applicant also raised that turning access from the lane could be compromised, if a fence was installed, as a fixed fence would impact what would otherwise be vehicle turning space.
- The applicant pointed that sliding gates are the only practical option which would mean a 12.5 metre fixed fence and a large 12.5m sliding gate. This would inhibit the turning in from the lane by vehicles towing caravans. The applicant also expressed concern with the design

of such a large gate and questioned its efficiency and ease of use, particularly if made automatic.

- The applicant also expressed reasons for building to within the building line, as other industrial uses in the area are to the boundary, to maximise the efficiency of the site with the number of units.

Council officers and the applicant discussed the mix use of the area and the need to take into consideration the dwellings surrounding the proposal. It was also discussed that Council officers would be in agreeance of approval under delegated authority and were satisfied of the impacts being reduced to a negligible level if 1 unit was removed and the possibility of being appropriately fenced.

This would reduce the impact on neighbours and that fencing would reduce the chances of unwanted after hour's access, another concern from the neighbour notification period. This unwanted access is less likely to be tenants but more likely just passers-by who have no deterrent to not access the site as a short cut or walkway after hours for both vehicles and people.

It was discussed that any complaints regarding the site would then come to Council and if it was found that any breach of the development consent conditions attached to the development would the applicant open to fines for being in breach of development consent conditions. The applicant was confident that a security system would mitigate this issue and that fencing would not be required. The applicant stated the large sliding gate at the rear entrance to the site would be inhibitive to the use of the storage units.

The meeting ending with the applicant continuing with the proposal as lodged.

Taking into consideration all points raised and assessing as lodged, the envisaged impact on the existing dwellings surrounding and the existing building line is considered excessive and detrimental to approval. However, it is envisaged that small alterations to the design and appropriate fencing would limit these impacts to a negligible level for the existing dwellings and allow the industrial use to be adjacent.

The option of reducing the units to 11 or 12 units also could enable the development to be moved from the rear lane forward a distance to enable a rear fence that would less inhibit turning circles of vehicles from the lane as opposed to placing the building or the fence directly on the rear boundary. By reducing the overall length both the building line impact is reduced and the turning circle access from the lane improved to enable the site to be fenced which would be vital to reduce the security of the site. Another possibility is having a small swinging gate on the right-hand side and remainder sliding gate at the rear of the site.

The applicant states that the efficiency of the site in number of units is vital and doesn't wish to reduce this otherwise financial benefit is reduced.

See attached documents for a site plan showing the proposed location of units compared to a plan where 1 unit was removed and another with 2 removed. This has a substantially positive effect on turning area at the rear and reduces impact at the street line.

DEVELOPMENT ASSESSMENT REPORT

*Pursuant to the Environmental Planning & Assessment Act 1979
Section 4.15 (as amended)*

**DATE OF REPORT COMMENCEMENT:**

20 November 2018

COUNCIL OFFICER COMPLETING DEVELOPMENT ASSESSMENT:

Luke Izzard

DEVELOPMENT REFERENCE:

DA 2018/93

DEVELOPMENT ADDRESS:

132 Sutton Street COOTAMUNDRA

DEVELOPMENT LOT / SEC / PLAN:

Lot: B DP: 433678

OWNER(S):

Emma Louise Bryant & Todd James Bryant

APPLICANT:

Bryant Constructions

APPLICANT ADDRESS:

PO Box 633,
COOTAMUNDRA
NSW 2590

PROPOSAL:

New Commercial Storage Sheds

ZONING (LEP):

IN2 light industrial

OTHER SPECIAL ZONING IMPACTS:

Groundwater Vulnerability.

BACKGROUND:

Existing site within the IN2 light industrial area, where a small dilapidated dwelling exist at the rear read for demolition.

Proponent seeks approval for 13 industrial storage units on the southern side of the block. Units are to extend from the rear boundary to within 1.83m from the front boundary. A 1m setback from the southern boundary is proposed. This leaves approximately 13m to the northern boundary.

Surrounding the site is an existing mechanical repair business to the north and an existing timber framed cottage to the south.

Units are sized 9.5m deep by 3.6m wide and to fit a caravan inside. No construction details are provided however a firewall is proposed on the side boundary.

No signage is proposed as part of the development.

DEVELOPMENT ASSESSMENT REPORT

*Pursuant to the Environmental Planning & Assessment Act 1979
Section 4.15 (as amended)*



PREVIOUS DEVELOPMENT PROPOSALS AND DECISIONS:

n/a

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

Application was notified to RMS as Sutton Street is a classified road. Received no objections other than restricting access to the site from the laneway in a 1 way direction. Also received a list of conditions for the applicant to comply with. See below;

DA2018/93 – PROPOSED COMMERCIAL DEVELOPMENT – STORAGE FACILITY, 132 SUTTON STREET, COOTAMUNDRA - LOT B DP433678.

I refer to your correspondence regarding the subject Application which was referred to the Roads and Maritime Services for assessment and comment.

From the information provided it is understood the development proposal is for the construction of a storage development providing 13 self-storage units on the subject site. The subject site has frontage to Sutton Street which forms part of the Olympic Highway within Cootamundra. The frontage of the subject site to the Olympic Highway is treated with kerb and gutter and is located within a 50 km/h speed zone. The subject site also has frontage to a laneway which runs parallel to the highway along the rear of the subject property.

The current policy of Roads and Maritime Services is to minimise the number of conflict points along Classified Roads to promote road safety and efficiency on the main road network. Where a site has access to both a Classified Road and a Local Road the access driveway shall be to the local road. This is consistent with the provisions of Clause 101(2) of State Environmental Planning Policy (Infrastructure) therefore access directly to the Olympic Highway should be denied. However to allow for circulation through the site for vehicles with caravans and trailers in tow it would be appropriate to consider a restriction to one-way movement through the development site with ingress via the laneway and egress to the Olympic Highway.

The submitted plans indicate a setback to the property boundary to the Olympic Highway of approximately 1.8 metres. This reduction is setback and the proposed landscaping is a consideration for Council however site lines to pedestrians on the footpath reserve need to be maintained in accordance with the requirements of AS2890.1-2004 "Off-street car parking".

Roads and Maritime Services has assessed the Development Application based on the documentation provided and would raise no objection to the development proposal subject to the Consent Authority ensuring that the development is undertaken in accordance with the information submitted as amended by the inclusion of the following as conditions of consent (if approved):-

DEVELOPMENT ASSESSMENT REPORT

*Pursuant to the Environmental Planning & Assessment Act 1979
Section 4.15 (as amended)*



1. The off-street car park layout associated with the proposed development including driveway design and location, internal aisle widths, etc are to be in accordance with AS 2890.1-2004 "Off-street car parking" and AS 2890.2-2002 "Off-street commercial vehicle facilities".
2. The swept path of the largest vehicles entering and exiting the subject site and manoeuvrability through the site is to be in accordance with AS 2890.2-2002 "Off-street commercial vehicle facilities" and to Council's satisfaction. For road safety reasons, all vehicle access driveways, and the internal layout of the development, shall be designed to allow all vehicles to enter and exit the subject site in a forward direction and not be required to reverse onto the adjoining road reserve.
3. Internal vehicular manoeuvring aisles, parking areas and loading bays shall be maintained clear of obstruction and used exclusively for the purposes of vehicle access, parking and loading and unloading respectively. Under no circumstances shall these areas be used for the storage of goods or waste receptacles or any other purpose.
4. Any access driveway to the development site from Sutton Street are to be constructed so that the formed vehicle path rises to the level of the pedestrian footpath along the frontage of the site and not have the footpath step down onto the roadway. As a minimum any driveway shall be sealed from the kerb and gutter to the property boundary of the subject site.
5. Any landscaping, fencing or signage to be provided within the site or along the boundary with any adjoining road reserve is to be designed and maintained to provide safe sight distance to pedestrians for motorists entering and exiting the site to minimise conflict in accordance with AS2890.1-2004 "Off-street car parking".
6. 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 are to be provided on-site and not to be compensated by the on-road parking in the vicinity.
7. All activities including loading/unloading of vehicles associated with this development is to be undertaken within the subject site to remove interference with vehicles and pedestrian movement on public roads.
8. Any redundant driveways or layback to the subject property from Sutton Street shall be removed and the road reserve and kerb and gutter reinstated to match the surrounding roadside landform in accordance with Council requirements.
9. Any damage or disturbance to the road reserve (other than the proposed driveway) is to be restored to match surrounding landform in accordance with Council requirements.

DEVELOPMENT ASSESSMENT REPORT

*Pursuant to the Environmental Planning & Assessment Act 1979
Section 4.15 (as amended)*



10. Stormwater run-off from the subject site onto any adjoining road reserve as a result of the proposed development is not to exceed the existing level of run-off from the subject site. Any access driveway is to be designed and constructed to prevent water from proceeding onto the carriageway of the adjoining road reserve.
11. Any works within the road reserve of a Classified Road requires approval from the Council and concurrence from Roads and Maritime Services under section 138 of the Roads Act 1993 prior to commencement of any such works. The developer is responsible for all public utility adjustment/relocation works, necessitated by the proposed development and as required by the various public utility authorities and/or their agents.
12. All works associated with the development shall be at no cost to Roads and Maritime Services.

The submitted documentation provides limited information regarding any proposed advertising signage. Any advertising signage is to be assessed against and comply with the provisions of State Environmental Planning Policy (SEPP) No. 64 – Advertising and Signage., and the Department of Planning's Transport Corridor Outdoor Advertising and Signage Guidelines. The following is appropriate unless the provisions for advertising structures under SEPP 64 apply.

- 1) Any signage shall be designed and located so as to comply with the following;
 - a) the sign display shall not include:
 - Any flashing lights,
 - Electronically changeable messages,
 - Animated display, moving parts or simulated movements.
 - Complex display that holds motorist's attention beyond "glance appreciation",
 - Display resembling traffic signs or signals, or giving instruction to traffic by using words such as 'halt' or 'stop';
 - b) The method and intensity of any illumination of the sign shall not be directed or transmitted in such concentration or intensity to cause distraction or glare to motorists.
 - c) The permissible level of reflectance of an advertisement is not to exceed the 'Minimum coefficients of Luminous intensity per unit area for Class 2A', as set out in Australian Standard AS/NZS 1906.1:2007;
 - d) Any proposed sign and support structure shall be located wholly within the confines of the property boundaries and not protrude over any adjoining road reserve.
 - e) Any proposed sign and support structure to be located within close proximity to a road reserve is required, as a minimum, to comply with the wind loading requirements as specified in AS1170.1 Structural design actions – Permanent, imposed and other actions and AS1170.2 Structural design actions – wind actions.

DEVELOPMENT ASSESSMENT REPORT

*Pursuant to the Environmental Planning & Assessment Act 1979
Section 4.15 (as amended)*



- f) Any proposed sign and support structure shall not obstruct any road regulatory, safety or directional signage in the vicinity,
- g) Any proposed sign and support structure shall not pose any risk to the safety of pedestrians or motorists.

Further to the above suggested conditions the Council in determining this application may also give consideration to the "Guide to Traffic Generating Developments" adopted by Roads and Maritime Services (RMS) which provides recommendations for the minimum number of on-site car parking spaces required for various land uses.

Please be advised that under the provisions of the Environmental Planning & Assessment Act it is the responsibility of the Consent Authority to assess the environmental implications, and notify potentially affected persons, of any development including conditions.

Any enquiries regarding this correspondence may be referred to the Manager, Land Use for Roads and Maritime Services (South West Region), Maurice Morgan, phone (02) 6923 6611.

Please forward a copy of the Notice of Determination for this Development Application to the Roads and Maritime Services at the same time as advising the applicant.

Yours faithfully

Per:
Jonathan Tasker
Acting Director
South West NSW

Notified surrounding businesses and dwellings surrounding the site. Received one written response and one verbal noting concerns regarding the proposal.

One written response details a numbers of concerns. Council officers met with the author of the letter and went through their concerns. Some concerns were eliminated when going through details of proposal and better explaining the plans. However there was a number of genuine concerns regarding the proposal.

They include:

- Potentially unrestricted, constant flow of traffic through site as not fenced will impact the residential amenity by means of noise impacts of the residential property surrounding.
- Traffic risk and pedestrian risk of this unrestricted access.

DEVELOPMENT ASSESSMENT REPORT

*Pursuant to the Environmental Planning & Assessment Act 1979
Section 4.15 (as amended)*



- Fire risk from the development being so close the boundary.
- States no fence between the applicant and authors property. This would impact on the security and privacy during construction.
- They asked if the proposal can go right up to the front boundary. They believe this will impact on the dwelling by overshadowing and look like they live next to a prison.
- Afterhours access, had concerns of cars entering the site as not fenced, opening and closing doors, roller doors etc which would impact the area at night and early morning.
- They also conveyed the neighbour's issues from across the road who had concerns regarding afterhours access at night shining car lights into the front of their homes.

Presented the engineering department with the proposal, who had no comments other than on the access to the site being upgraded and to be needing the design proposed for the layback to comment on.

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

State of Environmental Planning Policies:

N/A

Regional Environmental Planning Policies:

Draft Murray Darling Basin plan is still in draft form. This has been considered and the proposal is deemed to have little overall impact on the objects.

Cootamundra LEP 2013:

IN2 Light Industrial Zone

6.4 Groundwater Vulnerability

Cootamundra Draft LEP:

N/A

Section 117 Directions:

N/A

Model Provisions:

N/A

Council Policy Considerations:

N/A

DCP:

1.7 Notification of Development Applications

3.1 Business, Industrial and Village Zones

DEVELOPMENT ASSESSMENT REPORT

Pursuant to the Environmental Planning & Assessment Act 1979
Section 4.15 (as amended)



5. Car Parking

6.2 Flood Prone Land

Traffic Generating Guidelines:

Have considered the traffic generating guidelines, the proposed storage units of this small scale are considered not to fall in any categories within the guidelines.

Section 94 Contributions Policies:

N/A

Section 94a Contributions Policies:

No Construction Certificate lodged yet.

REFERRALS:

Referred with RMS have comments (attached) as state road. Engineering, comments on the details of new crossover to be installed being required however no immediate concerns.

SECTION 79C CONSIDERATIONS:

Provisions of any Environmental Planning Instrument:

IN2 Light industrial Zone

Self-storage units are permissible in the IN2 zone, as fall in the category of "storage premises". This meaning within the dictionary of the Cootamundra LEP 2013 is within the "any other development not specified within item 2 or 4" within the permitted with consent section of the land use table of the IN2 Zone and is therefore permissible with consent. The applicant is seeking consent for their approval.

6.4 Groundwater Vulnerability- assessed as not having any detrimental impact to the groundwater of the area.

Provision of any Draft Environmental Planning Instrument:

N/A

Development Control Plans:

3.1 Business, Industrial and Village Zones

5. Car Parking

Matters Prescribed by Regulations:

N/A

Likely Impact of Development:

It is considered that as proposed the development will have detrimental effect on the mixed use area of the neighbourhood. The area of Sutton Street that is to be developed although being in the IN2 area has a number of existing uses surrounding the site. These include a dwelling next door to the south and also 3 dwellings across the road.

DEVELOPMENT ASSESSMENT REPORT

*Pursuant to the Environmental Planning & Assessment Act 1979
Section 4.15 (as amended)*



Because of the RMS conditions to access only from the laneway the likelihood of afterhours access is high as the development is not fence and therefore could potentially be 24hrs. Any night-time access would impact on the residential use of the dwellings across the road by the way of lights shining directly into the houses.

The structure being constructed from rear boundary to within 1.83m of the front boundary is envisaged to also have detrimental effect on the dwelling next door. The development is 3m tall at the Eveline and considering the site internally may need to be filled to create a level site the effective height on the dwelling next door is envisaged to be at minimum 3.5m above ground. This structure of this height for the entire length of the block to the laneway is envisaged to have a detrimental effect on the house next door by means of amenity by impacting the front yard by means of overshadowing, bulk and scale and because the structure is uninterrupted. The units setback is in front of the average building line of the area, which will impact on the existing front yard and the streetscape overall.

The existing business next door has a 500mm setback whilst the dwelling has a 7m setback, so the average is 3.75m. Proposed setback is 1.83m, a further 1.92m in front of the dwelling.

During office meetings with the developer during the process of the assessment, council officers advised the applicant of the concerns with the proposal as lodged and said by removing 1 unit the impact on the front of the dwelling could be reduced. The impact cannot be eliminated however as a mixed zone Council officers see this as a compromise for the use of the site in the zone. This change was agreed upon by the neighbours who had issues with the development. However the developer wishes to go ahead with the as proposed plans as they deem the impact is justified as within the IN2 zone and the other industrial developments are built to within the boundary. Council notes that indeed the use is permissible in the zone, however all impacts must be considered. As above, because there currently exists a number of existing use dwellings in the area the existing use of the dwelling must be a consideration in this proposal.

Council officers resulted in this option of reducing the storage units by one as the building line of the area would be in a natural line between the existing mechanics business to the north and the dwelling to the south, therefore reducing the impact of the building line of the area. It is to note that the building line of the area is very consistent. Existing dwellings and industrial buildings are even and there is no immediate change to the building line within next door properties. There are a number of examples within Sutton Street where there is separation between a change in building line between the mixed uses.

Examples of this is the awning of 123-125 Sutton Street being 20 metres away from a dwelling, Dwelling at 114 Sutton street being 15m away from 122 Sutton Street business, 134 Sutton Street (initial submission maker) being 26m away from mechanics business. Also to note is the dwelling in between 111 and 117 Sutton Street, this are although mixed use between residential existing uses and industrial uses maintains an even building line.

The overall even building line of the area would be impacted if constructed as lodged. It is envisaged it would create a sharp dramatic change to the building line which is considered detrimental to the area.

DEVELOPMENT ASSESSMENT REPORT

*Pursuant to the Environmental Planning & Assessment Act 1979
Section 4.15 (as amended)*



Security is another item not addressed in the lodged plans or statement of environmental effects. This was a concern of the submission maker as well. It was suggested to the developer to fence appropriately to enable a restricted access to the site. After an office meeting with the development to discuss fencing for security reasons the applicant stated they will install 24 hr monitoring to enable on the spot updates of afterhours access to the site to which the site manager/security can address any issues. They also stated that they will take into consideration proposed time restrictions that Council sees fit to reduce impacts but was adamant the security issues could be mitigated by the 24 hour surveillance. They also noted that a time restriction would be put on tenants and enforced by a 1 or 2 warning system and then elimination of tenancy agreement.

Council understands that the authorised entry to the premises by tenants could be explained in the tenancy agreement and impacts may be reduced, however the likelihood of any person driving down the laneway, entering the area on foot at any hour as completely unfenced is still a 100% possibility. This possibility is sure to effect the existing residential use of the surrounding existing dwellings.

Another issue put forward within site meeting from the developer was if fenced access to from the laneway would be compromised as the only way to do a gate would be a sliding gate across half the site. If so the site being 25m wide would need a 12.5m fixed fence and a sliding 12.5m gate. At this distance the turning circle of vehicles with caravans would be compromised if the fixed fence is placed here (as proposed to the building of 9.5m plus 1m setback= 10.5m) the development would be not be possible. No traffic diagrams were supplied to prove this for or against.

These comments are considered and if the development had one unit removed, the units could be moved from the rear boundary a set distance of say 1m or so to allow the fixed fence to be located further within the applicant's property increasing the turning circle area. At the current moment the development is unfenced which has security implications that may not be 100% addressed by 24 hr security. Any complaints from neighbours would then come to council who approved the development to pursue.

Context and Setting:

The storage units are permissible within the IN2 zone and although adjacent to an existing dwelling does meet the objectives of the zone. The impacts of the proposal as lodge are envisaged to have detrimental impacts on the surrounding existing dwellings. By fencing the development to enable better security for trespassers and vehicles at night and also reducing the development by one unit, would mitigate the impacts negligibly to be able to approve. If the dwelling next door in anyway changes use the applicant could potentially add the additional unit to extend to within 1.83m of the front boundary at a later date.

Access, Transport and Traffic:

As above, access is an issue as if fenced the development from the rear's access may be effected, further traffic diagrams may be required to justify location of units on rear boundary and justify having or not having a fence.

New front wide access to be created, details to be lodged within the CC.

DEVELOPMENT ASSESSMENT REPORT

Pursuant to the Environmental Planning & Assessment Act 1979
Section 4.15 (as amended)



RMS have made comments regarding traffic and access and have made conditions to go on the proposal. They see now issues in general however did mention the building line discrepancy and also security of the site.

Public Domain:

It is considered that the public domain will be impacted from the uninterrupted possibility of 24 hour access to the site impacted on the existing dwellings. Also the change in building line also is envisaged to have detrimental visual impact on the streetscape and the dwelling next door by means of impacting solar gain and overall impact on the front yard.

Utilities:

New connections to be made however available.

Heritage:

N/A

Other Land Resources:

N/A

Water:

N/A

Soil:

N/A

Air and Microclimate:

The proposed development will have negligible impact on the air and microclimate during construction.

Flora and Fauna:

N/A

Waste:

The demolition works of the existing dwelling at the rear may result in asbestos disturbance and so specific conditions are included to deal with the treatment and disposal of asbestos.

Energy:

As above, solar access for the front yard of the development next door is envisaged to be compromised if allowed to within 1.83m of front boundary, the impacts will be reduced if 1 unit is removed from the proposal. This gives a setback of 5.4m to the front boundary.

Natural Hazards:

N/A

Social Impact and Locality:

As above, social impacts are envisaged as to un-secure development will not distract after hours access and access by loiterers who cannot be restricted. If fenced this would deter afterhours access and also help limit the accessibility of the tenants to reduce impacts such

DEVELOPMENT ASSESSMENT REPORT

Pursuant to the Environmental Planning & Assessment Act 1979
Section 4.15 (as amended)



as noise after normal working hours and lights shining into the houses across the road at night.

Economic Impact and Locality:

The development of the site in this matter is considered positive to develop the site. However if proposal goes through unchanged the impacts may result in financial impacts to the residents by being adjacent an impacting use.

Site Design and Internal Design:

It is considered the design of the storage units is suitable for the site in general however have issues regarding the building line and impact on the dwelling next door and also the security of the site which may also impact the existing residences of the area. Application not supplied with turning circles of proposed vehicles and trailer/caravans, so do not know for and against if the fencing of the site will have implications on this matter.

Construction Matters:

DA only no constructions details as yet.

Submissions:

As above, received 1 written response and comments from dwellings across the road stating issues with 24 hr access, security, site being unfenced, noise and after hours lights impacting as well as general residential amenity impacts.

Met with author of letter and discussed the proposal, who understands they are in a industrial zone and understand it is permissible. They said they would be happy if the site access was addressed and 1 unit was eliminated to reduce the impact to the front of the house. Council sees this as a small compromise as this would almost meet other setbacks in the area, if anything would slightly be to the advantage of the developer as more forward than other areas, however home owner was agreeing with possibility.

Public Interest:

As above, considered a matter of public interest so proposal is going to council meeting.

FINANCIAL IMPACTS:

N/A

POLICY IMPACTS:

N/A

ORGANISATIONAL IMPACT:

N/A

RISK MANAGEMENT IMPACTS:

N/A

LEGAL ISSUES:

N/A

CONCLUSION:

DEVELOPMENT ASSESSMENT REPORT

*Pursuant to the Environmental Planning & Assessment Act 1979
Section 4.15 (as amended)*



As assessed the conclusion of the current proposal is to not approve as will impact to adversely on the existing dwellings in the immediate area. Although the use is permissible, impacts to existing used have to be considered. It is assessed that the impacts in the current proposal will impact detrimentally and these issues can be fairly mitigated by reducing the number of units by 1 and by fencing the development to limit these effects.

The security issues of the site being not fenced are a large concern as despite having cameras the site can still be accessed and therefore still impact on the residences after hours.

Recommendation is to refuse the application as is or consider 1 unit less and consider fencing the development.

RECOMMENDATION:

That DA2018/93 go to the next council meeting to be approved/refused

Determination and Conditions:

Application Approved subject to the following conditions and reasons: -

GENERAL CONDITIONS

nil

PRIOR TO ISSUE OF CONSTRUCTION CERTIFICATE

nil

PRIOR TO ISSUE OF SUBDIVISION CERTIFICATE (if applicable)

nil

PRIOR TO COMMENCEMENT OF WORKS

nil

DURING CONSTRUCTION

nil

POST CONSTRUCTION

nil

ONGOING USE

DEVELOPMENT ASSESSMENT REPORT

*Pursuant to the Environmental Planning & Assessment Act 1979
Section 4.15 (as amended)*



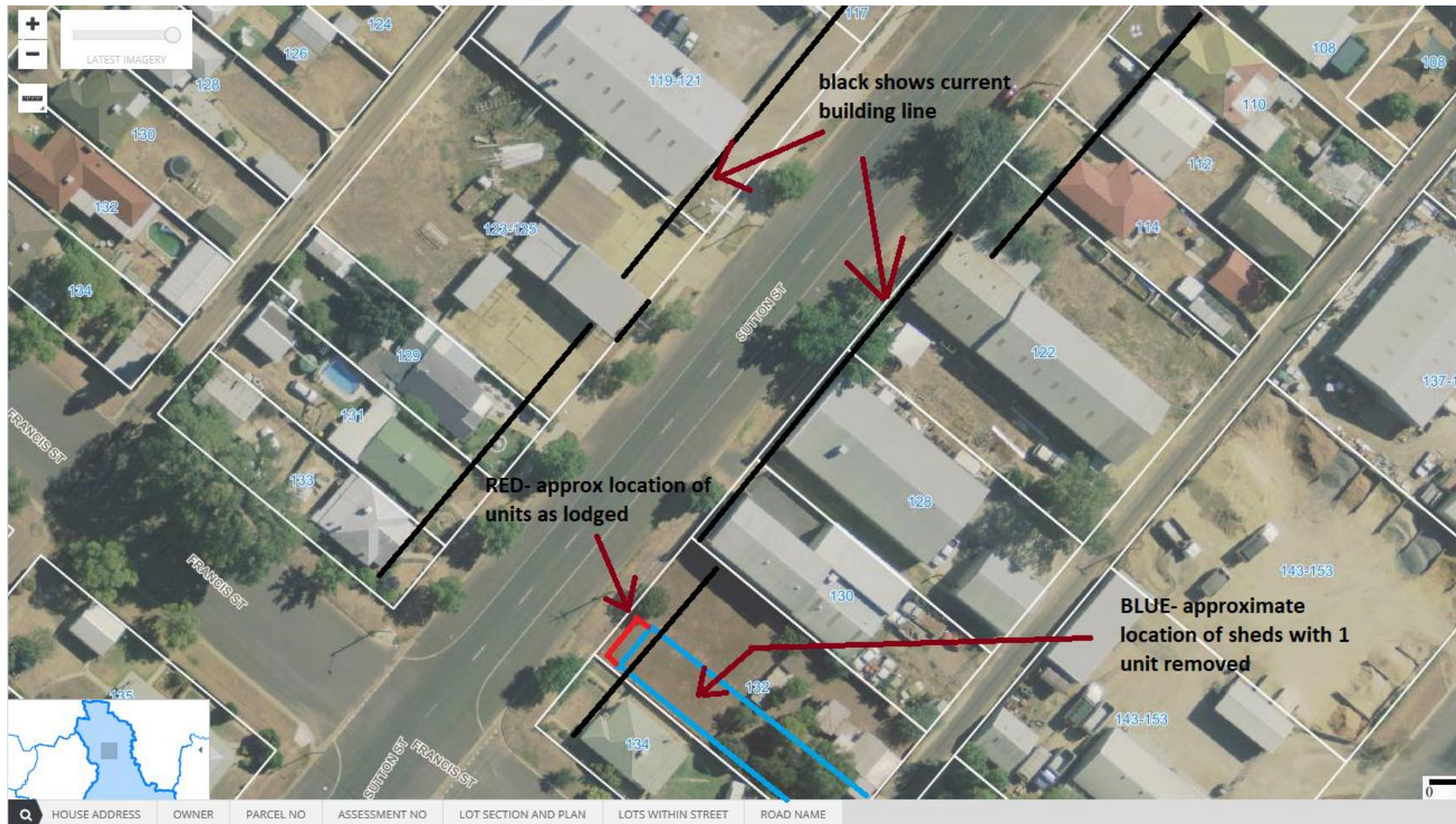
nil

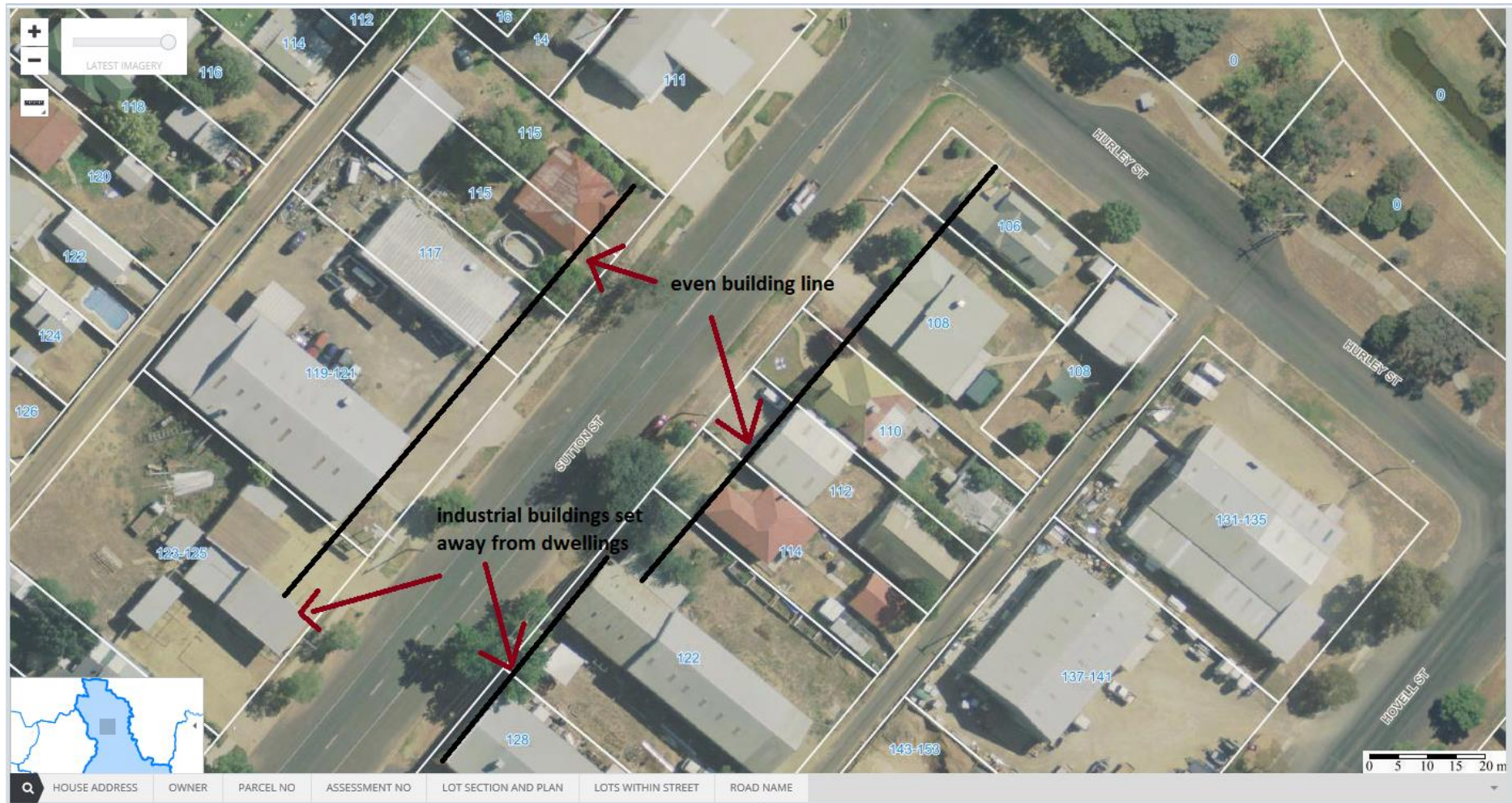
DEVELOPMENT ASSESSMENT SIGNING OFFICER:

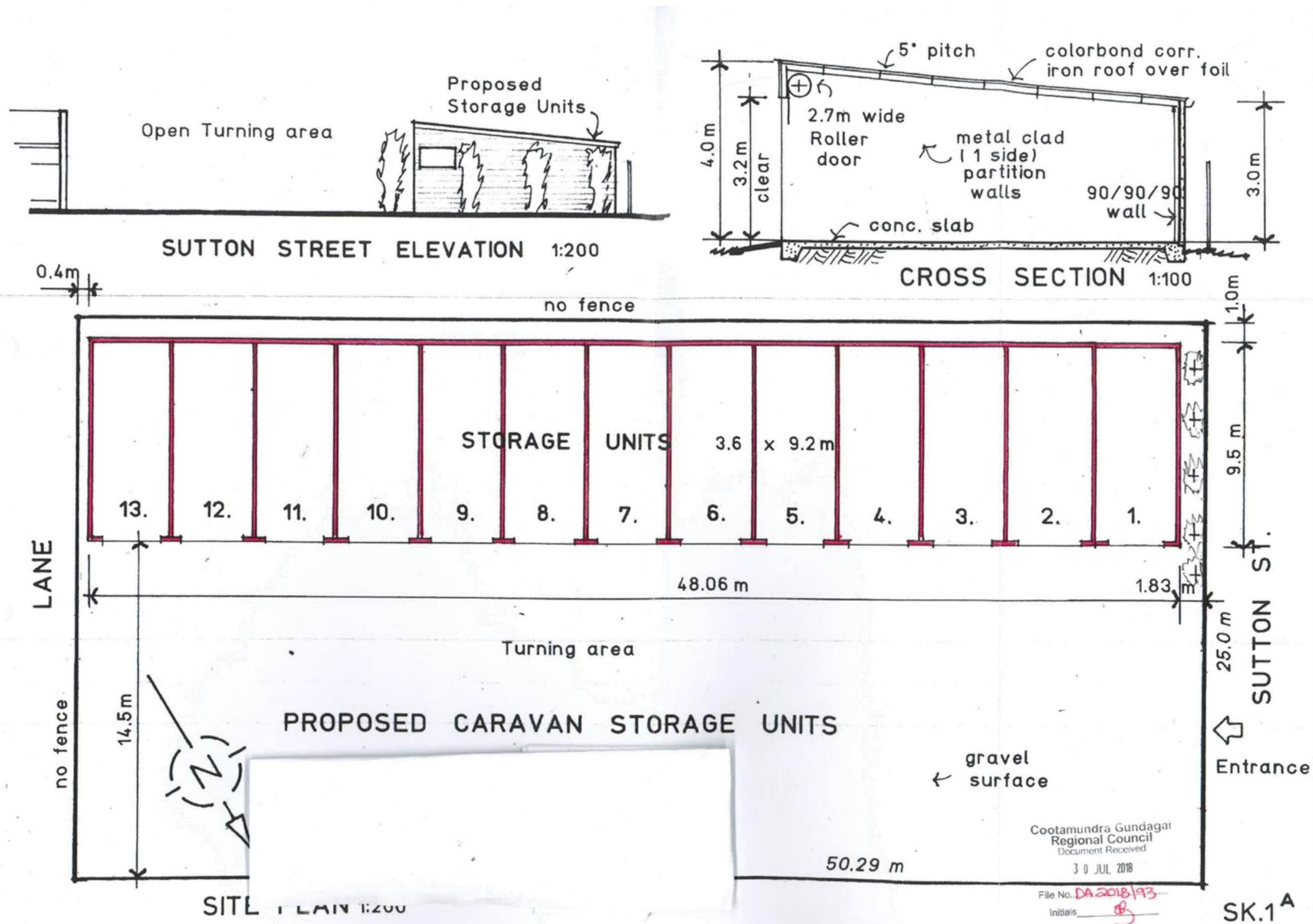
Luke Izzard
Health and Building Surveyor

Date

DA2018/93- building lines













<p>CGRC 255 Sheridan St PO Box 34 Gundagai NSW 2722</p> <p>81 Wallendore St PO Box 420 Cootamundra NSW 2590</p> <p>Phone: 1300 459 589 Fax: (02) 6949 2137 MAIL@CGRC.NSW.GOV.AU WWW.CGRC.NSW.GOV.AU</p>	<p> COOTAMUNDRA- GUNDAGAI REGIONAL COUNCIL</p> <p><small>© CGRC © LPI Department of Finance and Services, Panorama Avenue, Ballarat, 2795, www.lpi.nsw.gov.au. While every care is taken to ensure the accuracy of this product, Gundagai Council and the Local / State / Federal Government departments and Non-Government organisations whom supply data, make no representations or warranties about its accuracy, reliability, completeness or suitability for any particular purpose and disclaims all responsibility and all liability (including without limitation, liability in negligence) for all expenses, losses, damages (including indirect or consequential damage) and costs which you might incur as a result of the product being inaccurate or incomplete in any way and for any reason.</small></p>	<p>Created By: Luke Izard</p> <p>Projections: GDA94 / MGA zone 55</p> <p>Date: 21/11/2018 8:56 AM</p>	<p>12 units- not on rear lane</p>
---	--	---	--



<p>CGRC 255 Shalidon St PO Box 24 Gundagai NSW 2722</p> <p>81 Wallendore St PO Box 420 Cootamundra NSW 2590</p> <p>Phone : 1300 459 589 Fax : (03) 6940 2127 mail@cgrc.nsw.gov.au 100M6826ANX.BKX.AN</p>	 <p>COOTAMUNDRA- GUNDAGAI REGIONAL COUNCIL</p>	<p>Created By: Luke Seard</p> <p>Projection: GDA94 / MGA zone 55</p> <p>Date: 21/11/2018 8:55 AM</p>	<p>13 units-</p>
<p><small>© CGRC © UPI Department of Finance and Services, Panorama Avenue, Bathurst, 2795. www.upi.nsw.gov.au. While every care is taken to ensure the accuracy of this product, Gundagai Council and the Local / State / Federal Government departments and Non-Government organisations whom supply datasets, make no representations or warranties about its accuracy, reliability, completeness or suitability for any particular purpose and disclaims all responsibility and all liability (including without limitation, liability in negligence) for all expenses, losses, damages (including indirect or consequential damage) and costs which you might incur as a result of the product being inaccurate or incomplete in any way and for any reason.</small></p>			

8.2.6 PROPOSED 88B VARIATION DA2018.155

DOCUMENT NUMBER	292728
REPORTING OFFICER	Luke Izzard, Building Surveyor
AUTHORISING OFFICER	Phil McMurray, Acting General Manager
RELEVANCE TO COMMUNITY STRATEGIC PLAN	3. Sustainable natural and built environments: we connect with the places and spaces around us 3.2 Our built environments support and enhance liveability
FINANCIAL IMPLICATIONS	There are no Financial implications associated with this report.
LEGISLATIVE IMPLICATIONS	There are no Legislative implications associated with this report.
POLICY IMPLICATIONS	There are no Policy implications associated with this report.
ATTACHMENTS	<ol style="list-style-type: none"> 1. Bartley Street Site Pictures 2. Location Plan 3. Bartley Street 88B Instrument

RECOMMENDATION

Council consider modifying the 88B instrument, subject to legal advice coupled with further investigation of the possible financial variation to Council.

Introduction

A request has been received from the applicant for Council to consider the modification of the existing 88B instrument which adjoins the land title plan DP119338.

The applicant wishes to reduce 2x parts of the 88b, which include:

- part 3.(b), which states that “No dwelling shall be constructed of less than 200 square metres (200m2) in floor area including the garage but not including verandahs, pergolas, entry porticos and the like”. Applicant wishes to change from 200m2 to 160m2.
- Part 3.(d), which states “No building will be constructed within 6 metres of the street boundary or 3 metres of the side street boundary (the Building Lines)”. Applicant wishes to change 6 metres to 4.5 metres.

A copy of the 88B instrument and the cover page of the applicants Statement of Environmental Effects which states the reasons for the modification.

Discussion

The request is for the modification of the existing 88B instrument for the 13 blocks that are contained in Stage 1, of the Claron Estate subdivision, that the former Cootamundra Shire Council created in 2016.

Contained within the Deposited plans is an 88B instrument, of which, within Part 2 (terms) list the restrictions of the land. The applicant wishes to modify 2 restrictions contained within the document, these are sections 3(b) and 3(d) which are detailed below:

3(b) No dwelling shall be constructed of less than 200 square metres (200m²) in floor area including the garage but not including verandahs, pergolas, entry porticos and the like,

3(d) No building will be constructed within 6 metres of the street boundary or 3 metres of the side street boundary (the Building Lines).

The applicant states their reasons for the proposed changes as follows:

- The setback reduces the useable rear yard area by having an excessive front yard area. This is because of the 9.5m distance between kerb and lot boundary plus the 6m boundary setback equals 15.5m from kerb to dwelling. This compared to other road reserves around the township of Cootamundra of between 3m to 6m would have a distance of around 11m to 14m total distance from kerb to dwelling.
- By reducing the setback 1.5m to 4.5m it will create a more appealing street frontage in keeping with other similar sized blocks in town and offer a more practical front yard to back yard proportion. The applicant also states this change will not affect existing services, such as power and communications, as this is within 900mm of the front boundary.
- The reduction of the minimum size of the dwelling increases the number of residents to the area as there is a need for smaller, reduced maintenance dwellings. By reducing the minimum size it will open up the market to more purchasers such as first home buyers, empty nest families, retirees and investors that may be on a budget, and as such, restricted by the cost of a larger dwelling. Since 2016 the subdivision little interest in the blocks has been received by purchasers /developers and it is believed that the option of a smaller dwelling would generate interest in the blocks.

It is considered the above points are valid considerations. Site photographs of the area show a large distance between kerb and proposed dwelling at a 4.5 metres setback. (See tabled documents for photographs of the area at 4.5 metres setback and 6.0 metres setback). It is considered the extra 1.5 metres closer to the kerb will have little to no effect on changing the streetscape overall, as the distance is still at approximately 14 metres. This distance is consistent with others areas around Cootamundra. In the attached tabled documents are varying areas around Cootamundra showing the road reserve distance, the setback from boundary to dwelling and the total distance from kerb to dwelling. The road way itself is also wide, the full corridor being 30 metres.

In normal circumstances the purpose of a 6 metre setback is to enable full off street parking to the dwelling (i.e. fully contained within the lot boundaries). However this is when a smaller road reserve distance applies. In some areas of town such as the examples within the tabled documents, where there may be a road reserve of 4 metres, the 6 metre or more setback enables off street parking that doesn't block or impact the road reserve for pedestrian use.

In the example of the Bartley street blocks, the change from 6 metre to 4.5 metres still leaves 9.5 metres from boundary to kerb, which is envisaged as more than enough room to allow for a 5.5 metre long vehicle and safe pedestrian access.

The visual impact of the change is envisaged to be positive. An excessive setback is considered to leave an "empty" or "missing" look to the building line. In this case, the mature tree-line that exists

along the northern side of the street creates a set line, so the 1.5m change brings the dwellings closer to this line which is considered to create a more even, consistent line along Bartley Street.

Another consideration is the private use of the rear yard is envisaged to be compromised by a larger setback. In examples of the two lodged development applications from the applicant for the Bartley Street area, the proposed back yard space is 13 metres and 10.8 metres respectively. If the 6 metre setback was enforced as the 88B instrument states, it would reduce this space at the rear of the dwellings by 1.5 metres to 11.5 metres and 9.3 metres. Once you take into consideration the 2 metre easement along the rear boundary this usable space is reduced even more reduced. If you then wish to build a rear shed as most dwellings like in this day and age the usable space remaining is even further reduced.

Any gain in this rear space is considered positive to the overall amenity of the area. Also the reduction in front area for maintenance by the home owners is also considered a positive. It is considered that in normal residential use the rear portion of a dwelling is more suited to private entertainment and will be utilised more and may be a defining point that may have limited the lands development up to this time. The area at the rear of the dwelling is also considered a safer area to maximise the use compared to the front when it comes general family safety such as the example of a young family with children. Consider even building a rear shed in the backyard there is sure to be implications with the usable space left.

Under the current Development Control Policy (DCP) for the Cootamundra area, there are site coverage percentages that must be adhered too and also principal private open space rules which also apply which may be harder to comply to if usable space is wasted at the front. Also within the DCP is primary setbacks which states a 4.5 metres for a block sized between 600m² and 900m² which is not consistent with the 88B.

Overall, the difference in setback of 6 metres to 4.5 metres is considered to be better used at the rear of the property.

The minimum sized dwelling restriction is also considered to be an over excessive restriction. Many home buyers and builders are opting smaller homes with less maintenance (for example retirees and first home buyers) and the larger sized dwellings reduces the demographic of buyers/developers to an area. Coupled with the setback restriction of 6 metres, the usable space at the rear of the blocks would be reduced if a larger the development is proposed. It is considered the smaller sized block lends itself for a smaller dwelling to be constructed onsite, and as such, the impact of a smaller scaled house onsite (a 160m² compared to a 200m²) is likely to be little to none.

I have sought clarification/advise from Peter Gailey from CMS surveyors regarding the possibility of modification to the 88B instrument who informed me it is possible however to seek legal advice of the process through Councils legal team.

Currently of the 13 blocks within this stage of the Claron Estate, Council still owns 5, the developer owns 5 and 2 are in private ownership. All blocks are currently un-developed. It is considered that the changes to the 88B will have a positive impact on the possible development of the sites as to broaden the possibilities of house sizes, design and further improve the private open space at the rear of dwellings.



Above: Large road reserve of Bartley Street



Above: Bartley Street- witches hat set at 6 metres, 88B setback



Above: Bartley Street, witches hat set at 4.5 metres, proposed setback



Projection: GDA94 / MGA zone 55

Date: 21/11/2018

Created By: Luke Izzard



CGRC
2255 Sheridan Street
PO Box 34
Gundagai NSW 2722
181 Wallendoon Street
PO Box 420
Cootamundra NSW 2590
Phone : 1300 459 589
Fax : (02) 6940 2127
email@cgrc.nsw.gov.au
www.cgrc.nsw.gov.au

© CISC
U.S. Department of Finance and Services, Pentagon Avenue, Baltimore, 2795. www.cisr.org/usa
Government organizations when supply decisions, make no representations or warranties about its accuracy, reliability, completeness or suitability for any particular purpose and disclaims all responsibility and all liability (including without limitation, liability in negligence) for all expenses, losses, damages, compensation or consequential indirect or consequential damage and costs which you might incur as a result of the product being inaccurate or incomplete in any way and for

Req:R626832 /Doc:DP 1199338 B /Rev:02-May-2016 /Sts:SC,OK /Pgs:ALL /Pri:03-May-2016 10:04 /Seq:1 of 4
 Ref:Ig:coot-csmith /Src:W

ePlan

**INSTRUMENT SETTING OUT TERMS OF EASEMENTS TO BE CREATED PURSUANT
 TO SECTION 88B OF THE CONVEYANCING ACT 1919**

(Sheet 1 of 4 sheets)

DP1199338

Plan of Subdivision of Lot 10 DP1167117
 Covered by Council's subdivision certificate
 No. DA14-018

Full Name and Address of the
 Owner of the Land:

Cootamundra Shire Council
 81 Wallendoon Street
 Cootamundra

Part 1 (Creation)

Number of Item Shown In The Intention Panel On The Plan	Identity of Easement To Be Created And Referred To In The Plan	Burdened Lots	Benefitted Lot/s or Authority
1	Easement for Multi-purpose Electrical Installation 7 wide	6 7	Essential Energy Essential Energy
2	Easement for Underground Powerlines 2 wide	6	13-and- Essential Energy
3	Restriction on the use of Land	1-12	Cootamundra Shire Council
4	Easement to Drain Water 2 wide	1 2 3 4 5 6 7 8 9 10 11 12	2-12, Cootamundra Shire Council 3-12, Cootamundra Shire Council 4-12, Cootamundra Shire Council 5-12, Cootamundra Shire Council 6-12, Cootamundra Shire Council 7-12, Cootamundra Shire Council 8-12, Cootamundra Shire Council 9-12, Cootamundra Shire Council 10-12, Cootamundra Shire Council 11-12, Cootamundra Shire Council 12, Cootamundra Shire Council Cootamundra Shire Council

\\filed\12300-12399\12399 claren estate\plan\scs\123 88b by jma final - amended 24 feb 16.docx

Req:R626832 /Doc:DP 1199338 B /Rev:02-May-2016 /Sts:SC,OK /Pgs:ALL /Prt:03-May-2016 10:04 /Seq:2 of 4
 Ref:Ig:coot-csmith /Src:W

ePlan

**INSTRUMENT SETTING OUT TERMS OF EASEMENTS TO BE CREATED PURSUANT
 TO SECTION 88B OF THE CONVEYANCING ACT 1919**

(Sheet 2 of 4 sheets)

DP1199338

Plan of Subdivision of Lot 10 DP1167117
 Covered by Council's subdivision certificate
 No. DA14-018

Part 2 (terms)

1. Terms of easement for Multi-purpose Electrical Installation 7 wide numbered 1 in above mentioned plan

Easement for the Multi-purpose Electrical Installation, the terms of which are set out in Part C of Memorandum AG189384 as registered at LPI.

2. Terms of easement for Underground Powerlines 2 wide numbered 2 in above mentioned plan

Easement for the Underground Powerlines, the terms of which are set out in Part B of Memorandum AG189384 as registered at LPI.

3. Terms of Restriction on the Use of Land numbered 3 in the above mentioned plan

The proprietor of the lot hereby burdened will ensure compliance with the following restrictions:

- (a) There must not be erected on any lot:
 - (i) any transportable or relocatable dwelling or outbuilding
 - (ii) any buildings other than,
 - (A) one single dwelling house, and
 - (B) one outbuilding of a maximum 70 square metres (70m²) and maximum 3 metre (3m) eave height.
- (b) No dwelling house will be constructed which is less than 200 square metres (200m²) in floor area including garage but not including verandahs, pergolas, entry porticos, and the like.
- (c) No dwelling house will be built which does not include at least a single car garage under the main roof.
- (d) No building will be constructed within 6 metres of the front street boundary or 3 metres of the side street boundary (the Building Lines).
- (e) The external walls of any dwelling will be of new first grade materials such as masonry, pre-painted steel or pre-painted manufactured cement sheeting.
- (f) The external walls of all outbuildings, including exempt and/or complying development, will be new first grade materials and will be masonry, pre-painted steel or pre-painted manufactured cement sheeting.
- (g) No structure of a temporary or re-locatable character, tent, trailer, campervan or caravan will be used at any time as a dwelling or as part of the main dwelling on the land.
- (h) No commercial enterprise, business or activity will be conducted on the land, or development of a like nature.

revised 12/00-12/09/12/00 clause estate plan section 88b by jna bogal - amended 24 Feb 18 abos

Req:R626832 /Doc:DP 1199338 B /Rev:02-May-2016 /Sts:SC,OK /Pgs:ALL /Prt:03-May-2016 10:04 /Seq:3 of 4
Ref:lg:coot-csmith /Src:W

ePlan

INSTRUMENT SETTING OUT TERMS OF EASEMENTS TO BE CREATED PURSUANT
TO SECTION 88B OF THE CONVEYANCING ACT 1919

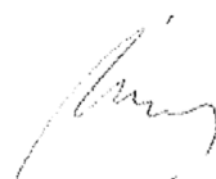
(Sheet 3 of 4 sheets)

DP1199338

Plan of Subdivision of Lot 10 DP1167117
Covered by Council's subdivision certificate
No. DA14-018

- (i) No plain galvanized or zincalume sheeting or other reflective material will be used on any roof unless the material is placed at less than 8 degrees to horizontal or restricted from site by parapets or other structures.
- (j) No plain galvanized or zincalume sheeting or other reflective material will be used on any fence.
- (k) All fences will be constructed using double sided fencing material.
- (l) Fences will be standard 1800mm in height behind the building line and no fence over 700mm will be permitted in front of the building line.
- (m) No trucks of commercial vehicles over 4.5 tonnes tare weight will be parked or permitted to park on the land.
- (n) No dwelling will be occupied until an approved driveway has been completed connecting the garage within the dwelling with the sealed surface of the street.
- (o) No gateway or other access point will be placed on any Rinkin Street frontage to any lot.

h:\jbs\12300-12300\12300 plan ePlan\section 88B by jbs\lg\doc



Req:R626832 /Doc:DP 1199338 B /Rev:02-May-2016 /Sts:SC.OK /Pgs:ALL /Prt:03-May-2016 10:04 /Seq:4 of 4
 Ref:lg:coot-csmith /Src:W

ePlan

INSTRUMENT SETTING OUT TERMS OF EASEMENTS TO BE CREATED PURSUANT
 TO SECTION 88B OF THE CONVEYANCING ACT 1919

(Sheet 4 of 4 sheets)

DP1199338

Plan of Subdivision of Lot 10 DP1167117
 Covered by Council's subdivision certificate
 No. DA14-018

Name of Authority empowered
 to release vary or modify the
 Restriction on the Use of Land
 numbered 3 in the Plan:

Cootamundra Shire Council

Executed by THE COUNCIL OF THE SHIRE OF
 COOTAMUNDRA by the authorised persons
 whose signatures appear below:

Signature of Authorised Person

KEN TRETHERLEY
 Name of Authorised Person

GENERAL MANAGER
 Office Held

Signature of Authorised Person

JAMES SLATER
 Name of Authorised Person

MAYOR
 Office Held

Executed by Essential Energy by its duly appointed attorney under Power of Attorney Book 4677
 No 684 in the presence of:

SIGNATURE OF WITNESS

Michelle Murray

NAME OF WITNESS

35 Grant Street
 Port Macquarie

SIGNATURE OF ATTORNEY

Alice Patterson

NAME OF ATTORNEY

Acting Manager
 Property, Fleet, Procurement & Logistics
 Essential Energy

REGISTERED



21.4.2016

h:\joh\112300-11300\12058 claron audit\plan\section 88b by rta signed.docx

8.2 OPERATIONS DIRECTORATE

8.3.1 OPERATIONS REPORT - NOVEMBER 2018

DOCUMENT NUMBER	292575
REPORTING OFFICER	Shelley Liehr, Executive Assistant - Operations
AUTHORISING OFFICER	Phil McMurray, Acting General Manager
RELEVANCE TO COMMUNITY STRATEGIC PLAN	3. Sustainable natural and built environments: we connect with the places and spaces around us 3.2 Our built environments support and enhance liveability
FINANCIAL IMPLICATIONS	There are no Financial implications associated with this report.
LEGISLATIVE IMPLICATIONS	There are no Legislative implications associated with this report.
POLICY IMPLICATIONS	There are no Policy implications associated with this report.
ATTACHMENTS	1. 2018-2019 Works Program - November

RECOMMENDATION

That the Operations Update Report and Works Program for the month of November, 2018 attached to the report be received and noted.

Introduction

This report provides a detailed update of the Operations Department's works for the month of November, 2018.

Discussion

This report provides a detailed update of the Operations Departments works for the month of November, 2018.

Discussion:

Civil Works Section

Maintenance grading has continued over the last month with roads in the Wallendbeen , Cullinga, Muttama, as well as around the south eastern area of Gundagai and west of Cootamundra. Roads graded include, Back Nubba, West Jindalee, Warralong, Salt Clay, Nashes, Finlay's, Wambidgee roads.

The rehabilitation works are now complete on the Old Hume Highway. This section of road pavement involved ripping, reshaping and in-situ stabilisation works followed by bitumen sealing. These works were funded from the Roads to Recovery program.

Bitumen shire road maintenance including roadside weed spraying and slashing has been undertaken as required around the whole LGA.

Heavy patching has commenced on the Olympic Highway and will progress onto the Burley Griffin Way over the last week of November. These works will be on prioritised patches determined from the RMS defect register and in areas subject to resealing in 2019.

Works have commenced on the Adjungbilly Road realignment project. Initial works have involved site clearing and earthworks

Footpath replacement works are currently underway in Cooper street Cootamundra adjacent to the Public School and in Virgil Street Gundagai. The footpath works in Byron Street Gundagai are now complete.

Construction works at the Cootamundra Truck wash have progressed over the last month. All the new concrete holding tanks are complete as well as the extensions to the truck washdown slab. Minor earthworks on the access road has also commenced.

The Cootamundra water main replacement works are currently working on the replacement of the balancing main between the two reservoirs. Work along Hurley Street has reached Poole Street, with the crews now working along Gundagai Road.

Construction works on the Yass Road turning lanes for the new fuel depot have been completed. The final section of asphalt was laid on the 15th November with the line marking and painted traffic islands completed on the 16th.

Interflow are currently undertaking more sewer main relining in the Cootamundra Township. Areas being relined include north of Temora Street in the Williams Avenue area. Several 'digs' have been required in this area to excavate and repair damaged sections including a house junctions.

Council's resealing contractor Boral has commenced resealing in the Gundagai area and will continue over the next few weeks depending on their availability.

Parks and Recreation

Staff completed the usual daily jobs involving CBD Street sweeping, litter removal, mowing, whipper snipping, edging, hand weeding, cleaning barbeques, tree maintenance and actioning on customer requests.

Preparation of sporting fields for summer competitions has been completed, with line marking of touch football fields in both Cootamundra and Gundagai. Albert Park was line marked for a school athletics carnival along with preparation for the commencement of Little Athletics. A cleaned up of the site around the new cricket wicket at Clarke Oval with staff placing clean top soil in around the wicket and then laid new turf.

Main street garden beds throughout the townships have been replanted with new colour and plants that will withstand the summer. Street tree watering has also been taking place due to the dry weather adding some much needed moisture to the ground. Along with the general maintenance of sporting fields and CBD gardens, the RV parks in Gundagai have been mowed and tidied prior to the usual increase in visitors for the Snake Gully Cup. The Cenotaph gardens at Albert Park were mowed, pruned, cleaned and tidied in readiness for Remembrance Day.

Spraying of broadleaf weeds has been carried out on various sporting grounds around Cootamundra. The fields sprayed to date are Albert Park, Mitchell Park, Bradman Oval and Clarke Oval. Maintenance works are nearing completion at the Cootamundra Swimming Pool as the summer swim season approaches. The pools have been filled and final checks are taking place. A Water Safety Day will be held at the pool on Thursday, 15 November 2018. The facility will be closed to the public on this day to allow the training to take place.

Swimming Pool

The Cootamundra Outdoor Pool is now open for the summer season with the pool opening to the public for winter hours on Wednesday, 7 November. The pool is now open for full summer hours as of Saturday, 17 November 2018.

Cootamundra pool staff held a Water Safety Day on Thursday, 15 November. The day hosted over 200 children from local schools. Water Safety Day is held each year at the Cootamundra Swimming Pool and teaches children about many aspects of water safety. Professionals from Roads & Maritime Services, NSW Police, Ambulance NSW, TAFE and Royal Lifesaving were in attendance to demonstrate first aid and CPR, how to flood rescue, boat safety, beach lifesaving, backyard pool safety and how to survive a rip amongst many other potentially lifesaving tips. Staff were also taught snorkelling techniques by a local instructor.

Construction of the new storage shed has commenced. This shed will be utilised by both Council for storage of pool supplies and equipment, as well as one bay to be used by Cootamundra Swimming and Lifesaving Club to house the Club's lane ropes, which are too large to be safely stored and removed in the Club's existing storage within the pool grounds.

Additional seating has been delivered to be installed within the pool grounds. The seating will provide space for swimmers and spectators to sit under the shade sails and out of the sun.

Property Maintenance

Event bins were delivered to the Cootamundra Public School for the annual school fete. These bins were then collected, washed and stored away. Two external doors have been vandalised at the Cootamundra West railway park building. Both entrance doors have now been replaced to make the area secure. The sink in the heritage room of Ellwood Hall in Stockinbingal has been removed and one the side doors has been repaired as requested. Staff have performed maintenance work at the Pioneer Park with the entry sign receiving a new coat of paint. The flag pole at the airport has also been repaired and painted.

Gundagai park furniture has been repainted freshening up the areas for summer. The main street furniture has also received a fresh coat of stain as well as the stainless steel handrails being cleaned and polished. The new retaining wall is nearing completion. Parks staff have installed an irrigation system in readiness for a new hedge.

The Cootamundra Off-Leash Dog Park water bubblers have been repaired. The bubblers have been out of order but with the hot weather approaching the Parks staff have replaced the bubbler heads to ensure fresh drinking water is available for both pets and their owners.

New seating for the Wallendbeen Recreation Ground has been delivered and will be installed around Barry Grace Oval. The new seating will provide additional seating around the perimeter of the sporting field which is used by various groups in the area.

Waste Services

The first stage of the transfer of the Waste Science remediated soil has been undertaken. During these works 11,500 tonnes of remediated soil was relocated from the Waste Science site was used as a capping layer to the rear or southern end of the Wallendbeen waste site. A further 5,000 tonnes has been approved for use to complete further site improvements.

Council have had the first meeting with Wright Corporate Services representative, who have been engaged to perform a waste services review and develop a Council wide waste strategy. During this initial meeting Council's current waste services and procedures were discussed and the process and program for the review was established. Following the initial meeting all waste depots and transfer

stations in the Council area were visited to allow the Wright Corporate Services representative to have further understanding of Council's current waste facilities and practices. Operational and financial Information on Council's current waste services throughout the Council area has been sent on to Wright Corporate Services so that the initial analysis can commence.

The review process is planned to be completed by March 2019.

[illegible]

8.3 ASSET MANAGEMENT DIRECTORATE

Nil

9 MOTION OF WHICH NOTICE HAS BEEN GIVEN**9.1 NOTICE OF MOTION - CONGRATULATE LOCAL SUPERMARKETS FOR THEIR COMMITMENT TO THE ENVIRONMENT**

DOCUMENT NUMBER	292050
REPORTING OFFICER	Marianne McInerney, Personal Assistant to the General Manager
AUTHORISING OFFICER	Phil McMurray, Acting General Manager

The following Notice of Motion signed by Councillor Charlie Sheahan was submitted on 8 November, 2018.

I hereby give notice of my intention to move the following motion at the Council meeting of Tuesday, 27 November, 2018:

MOTION

That Council congratulates the supermarkets, in the local government area, for their commitment to support a cleaner environment by adopting the policy to not provide free plastic shopping bags at the service registers.

9.2 NOTICE OF MOTION - COUNCIL RECOMMEND LOCAL SUPERMARKETS INSTALL COIN/TOKEN

DOCUMENT NUMBER	292053
REPORTING OFFICER	Marianne McInerney, Personal Assistant to the General Manager
AUTHORISING OFFICER	Phil McMurray, Acting General Manager

The following Notice of Motion signed by Councillor Charlie Sheahan was submitted on 8 November, 2018.

I hereby give notice of my intention to move the following motion at the Council meeting of Tuesday, 27 November, 2018:

MOTION

That Council make representations to local supermarkets to give consideration to the installation of coin/token lock systems on their shopping trolleys.

Note from Councillor

Should the supermarkets install a locking system on their trolleys, in the effort to reduce the number of trolleys left on the streets by shoppers, this would be beneficial to the environment and financially beneficial to supermarkets and Council. Many trolleys end up in Muttama Creek only to have to be removed by Council staff and impounded.

9.3 NOTICE OF MOTION - PROPOSED PURCHASE OF LAND FOR SALE IN SCOTT AVENUE COOTAMUNDRA

DOCUMENT NUMBER	292110
REPORTING OFFICER	Marianne McInerney, Personal Assistant to the General Manager
AUTHORISING OFFICER	Phil McMurray, Acting General Manager

The following Notice of Motion signed by Councillor Charlie Sheahan was submitted on 13 November, 2018.

I hereby give notice of my intention to move the following motion at the Council meeting of Tuesday, 27 November, 2018:

MOTION

That Council authorise the General Manager to investigate the feasibility of purchasing the vacant land currently listed for sale in Scott Avenue.

Note from Councillor

The land is in the vicinity of Cootamundra health and aged care district, and as such, significant for future growth industry for providing aged care to the community. It is suggested that the land was originally part of the long term plan when Southern Cross Care took over the retirement village and is not rated. We should acknowledge that plan and protect the site for the future.

9.4 NOTICE OF MOTION - ADOPTION OF LGNSW RESOLUTION TO SUPPORT DEMERGERS

DOCUMENT NUMBER	292534
REPORTING OFFICER	Marianne McInerney, Personal Assistant to the General Manager
AUTHORISING OFFICER	Phil McMurray, Acting General Manager

The following Notice of Motion signed by Councillor Cr Charlie Sheahan was submitted on 20 November, 2018.

I hereby give notice of my intention to move the following motion at the Council meeting of Tuesday, 27 November, 2018:

MOTION

That Cootamundra-Gundagai Regional Council, as a matter of policy, formally adopts the following motion which replicates and supports motion 97, which was overwhelmingly carried, at the Local Government NSW Conference held on 21st - 23rd November, 2018 in Albury,:

1. To give solidarity with the people of Gundagai as they seek to demerge from a forcibly amalgamated Council,
2. To support any other communities that seek to demerge from a forced amalgamation, and
3. To prevent forced amalgamations of councils or significant boundary alterations without the support of a plebiscite

Note from Councillor

Cootamundra-Gundagai Regional Council is the result of a forced merger of the former Cootamundra and Gundagai Shire Councils. With many residents in our community unhappy and who hold serious concerns for the future, as a Council we should either support or oppose the forced amalgamations. Local Government NSW has openly opposed this. I have, and we as a Council should also. By doing this we, as Councillors, are showing our community that we are listening and prepared to support the democratic will of the people.

10 QUESTIONS WITH NOTICE

10.1 QUESTIONS WITH NOTICE

DOCUMENT NUMBER	292048
REPORTING OFFICER	Marianne McInerney, Personal Assistant to the General Manager
AUTHORISING OFFICER	Phil McMurray, Acting General Manager

RECOMMENDATION

The Questions with Notice from Councillors and related responses from Council officers be noted.

Questions with Notice

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

Charlie Sheahan – How effective are the current rubbish traps in stormwater drains, which feed water into the Muttama Creek, from town?

Response from Council Officer – a response shall be provided at the Council meeting to be held on Tuesday, 27th November, 2018.

Charlie Sheahan – Are the rubbish traps monitored and cleaned regularly?

Response from Council Officer – The ‘gross pollutant traps’, GPT’s, are monitored regularly and cleaned as required.

Charlie Sheahan – Are technological advancements, which can provide better and cost effective ways of trapping rubbish in stormwater, being investigated?

Response from Council Officer – Information is readily available via industry news bulletins and brochures received from suppliers, however, Council has not been actively investigating new solutions.

Charlie Sheahan – Are there opportunities of securing Government funding for cleaner environments?

Response from Council Officer – Safe and Secure water offers a variety of funding opportunities. A proposal will have to be drafted for submission

Dennis Palmer – Can representations be made to Steph Cooke, Member for Cootamundra, in relation to acquiring the old RMS building in Cootamundra for the potential development as a visitor information centre?

Response from Council Officer – Council can make such representation and report back to Council once a response from the office of Steph Cooke, Member for Cootamundra, has been received.

11 CONFIDENTIAL ITEMS

Nil