



COOTAMUNDRA-  
GUNDAGAI REGIONAL  
COUNCIL

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# Business Paper

## ORDINARY COUNCIL MEETING

**ALBY SCHULTZ CENTRE, COOTAMUNDRA**

**6:00 PM, TUESDAY 27<sup>TH</sup> OCTOBER, 2020**

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 Alby Schultz Centre, Cootamundra on:

**Tuesday, 27th October, 2020 at 6:00 PM**

The agenda for the meeting is enclosed.

Phillip McMurray  
General Manager

#### **Live Streaming of Meetings**

This meeting is streamed live via the internet and an audio-visual recording of the meeting will be publicly available on Council's website.

By attending this meeting, you consent to your image and, or, voice being live streamed and publicly available.

# AGENDA

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**1 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.

**2 OPEN FORUM – DUE TO COVID-19 RESTRICTIONS THERE IS NO OPEN FORUM HELD. SUBMISSIONS RECEIVED WILL BE READ ALOUD AT THE COUNCIL MEETING.**

**3 APOLOGIES**

**4 DISCLOSURES OF INTEREST**

## 5 CONFIRMATION OF MINUTES

### 5.1 MINUTES OF THE ORDINARY MEETING OF COUNCIL HELD ON TUESDAY 29 SEPTEMBER 2020

REPORTING OFFICER	Marianne McInerney, Personal Assistant to the General Manager
AUTHORISING OFFICER	Phillip McMurray, General Manager
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. Minutes of the Ordinary Meeting of Council held on Tuesday 29 September 2020

### RECOMMENDATION

**The Minutes of the Ordinary Meeting of Council held on Tuesday 29 September 2020 be confirmed as a true and correct record of the meeting.**

# Minutes

## ORDINARY COUNCIL MEETING

**COUNCIL CHAMBERS, GUNDAGAI**

**6:00 PM, TUESDAY 29th September, 2020**

Administration Centres: 1300 459 689

**MINUTES OF COOTAMUNDRA-GUNDAGAI REGIONAL COUNCIL  
ORDINARY COUNCIL MEETING  
HELD AT THE COUNCIL CHAMBERS, GUNDAGAI  
ON TUESDAY, 29 SEPTEMBER 2020 AT 6:00 PM**

**PRESENT:** Cr Abb McAlister (Mayor), Cr Dennis Palmer (Deputy Mayor), Cr Leigh Bowden, Cr David Graham, Cr Gil Kelly, Cr Penny Nicholson, Cr Doug Phillips, Cr Charlie Sheahan and Cr Craig Stewart

**IN ATTENDANCE:** Phil McMurray (General Manager), Kay Whitehead (Interim Deputy General Manager), Ganesh Ganeshamoorthy (Manager Assets), Miriam Crane (Manager of Community and Culture), Sharon Langman (Manager Development, Building and Compliance), Andrew Brock (Manager Facilities), Tim Swan (Manager Finance), Glen McAtear (Manager Regulatory Services), Matt Stubbs (Manager Technical Services), Wayne Bennett (Manager Waste, Parks & Recreation Services),

**1 ACKNOWLEDGEMENT OF COUNTRY**

The Chairperson acknowledged the Wiradjuri people who are the Traditional Custodians of the Land at which the meeting was held and paid his respects to Elders, both past and present, of the Wiradjuri Nation and extended that respect to other Aboriginal people who were present.

**2 OPEN FORUM**

Open Forum is not held due to COVID-19 Restrictions. No submissions for Open Forum were received prior to the meeting.

**3 APOLOGIES**

Nil

**4 DISCLOSURES OF INTEREST**

Cr Phillips disclosed a significant non pecuniary interest in item 11.2 Cootamundra Aquatic Centre and Sports Stadium Expressions of Interest and 11.3 Cootamundra Aquatic Centre and Sports Stadium Expressions of Interest – Late Report

**5 CONFIRMATION OF MINUTES****5.1 MINUTES OF THE ORDINARY MEETING OF COUNCIL HELD ON TUESDAY 25 AUGUST 2020****RESOLUTION 259/2020**

Moved: Cr Dennis Palmer

Seconded: Cr Charlie Sheahan

**The Minutes of the Ordinary Meeting of Council held on Tuesday, 25<sup>th</sup> August, 2020 be confirmed as a true and correct record of the meeting.**

**CARRIED**

**6 MAYORAL MINUTES****6.1 MAYORAL MINUTE - COUNCILLOR ENGAGEMENT****RESOLUTION 260/2020**

Moved: Cr Leigh Bowden

Seconded: Cr Dennis Palmer

**The information in the Mayoral Minute be received and noted.**

**CARRIED**

**7 REPORTS FROM COMMITTEES**

Nil

**8 GENERAL MANAGER'S REPORT****8.1 BUSINESS****8.1.1 COOTAMUNDRA FLOODPLAIN RISK MANAGEMENT COMMITTEE - MINUTES****RESOLUTION 261/2020**

Moved: Cr Charlie Sheahan

Seconded: Cr Dennis Palmer

**The Minutes of the Cootamundra Floodplain Risk Management Committee Meeting held on Thursday 9 September 2020 (attached) are submitted for adoption.**

**CARRIED**

**8.1.2 AMENDMENTS TO THE MODEL CODES OF CONDUCT AND CODE OF CONDUCT PROCEDURE  
EFFECTIVE 7TH AUGUST, 2020****RESOLUTION 262/2020**

Moved: Cr Leigh Bowden

Seconded: Cr Gil Kelly

- 1. The following three (3) amended draft Codes of Conduct, attached to the report be adopted:**
  - (a) Code of Conduct for Councillors**
  - (b) Code of Conduct for Staff**
  - (c) Code of Conduct for Delegates and Committee Members**
- 2. The draft Procedures for the Administration of the Code of Conduct, attached to the report be adopted.**
- 3. Council increase the existing \$50 cap on the value of gifts to \$100.**
- 4. The Circular 20-32 Amendments to the Model Code of Conduct for Local Councils in NSW and Procedures be noted.**

**CARRIED**

**8.1.3 AMENDMENTS TO THE CODE OF MEETING PRACTICE****RESOLUTION 263/2020**

Moved: Cr Dennis Palmer

Seconded: Cr David Graham

- 1. The report on amendments to the Model Code of Meeting Practice, including amended Model Code of Meeting Practice and Circular 20-31, attached to the report, be received and noted.**
- 2. The amended Model Code of Meeting Practice attached to the report be adopted.**

**CARRIED**

**8.1.4 AMENDMENT TO RESOLUTION 169/2020 LIQUID WASTE CHARGES BILLING PERIOD****RESOLUTION 264/2020**

Moved: Cr Penny Nicholson

Seconded: Cr Doug Phillips

**The Liquid Trade Waste Charges incorrectly identified as being charged 'bi-annually in arrears', in resolution 169/2020, in respect of the billing period, be amended to be charged 'quarterly in arrears,' and be adopted as follows:**

**10. Liquid Trade Waste Charges**

The annual trade waste charges as identified below are charged quarterly in arrears. In accordance with the provisions of Section 535 and 502 of the *Local Government Act, 1993*, Council hereby resolves to make the following trade waste charges for the 2020/21 rating year:

- a) Trade Waste Annual Fee on non-residential land connected to the sewerage service of \$231.00 where liquid trade waste is discharged.
  
- b) Trade Waste Usage Charge on (Category 2) non-residential land connected to the sewerage service of \$4.00 per kilolitre of the estimated volume of liquid trade waste discharged to the sewerage system with prescribed pre-treatment. The volume of liquid trade waste discharged shall be calculated by multiplying the volume of water measured at the water meter(s) connected to the property, based on actual usage per kilolitre, by the trade waste discharge factors (TWDF) for the predominant use of the property. An indicative list of the applicable trade waste discharge factors is as follows:

PROPERTY USE	TWDF %
Concrete Plant, Park Watering and Sewer Well	1
Pool, Bowling Green, Clubhouse and General Business	10
RLPB, Pharmacy, Medical Centre	20
Caravan Park, School and Bakery, Community use (as defined in Community Based Not for Profit Organisations)	25
Motel, Restaurant, Hotel, Club	30
Takeaway food	50
McDonalds	62
Service Station	70
Dentist	80
Hospital	85
Butcher, Hairdresser, Supermarket, Carwash	90

**CARRIED**

**8.1.5 COOTAMUNDRA DEVELOPMENT CORPORATION - NOMINATION FOR SECOND COUNCILLOR BOARD MEMBER****RESOLUTION 265/2020**

Moved: Cr Gil Kelly

Seconded: Cr Leigh Bowden

**Council appoint Cr Stewart to the Cootamundra Development Corporation Board.**

**CARRIED**

**8.1.6 UPDATE ON S355 COMMITTEES****RESOLUTION 266/2020**

Moved: Cr Dennis Palmer

Seconded: Cr Charlie Sheahan

**Council receive and note the report, and that**

1. **Council note the Cootamundra Concert Band's decision not to reconvene as a s355 Committee.**
2. **Council dissolve the Cootamundra Beach Volleyball s355 Committee, for reasons detailed in the report.**
3. **The Cootamundra Beach Volleyball Committee be thanked for their long standing and continued efforts.**
4. **Council acknowledge the community benefits of the Cootamundra Beach Volleyball event and community donations of \$35,000, and**
5. **Council review any future in-kind support to the Cootamundra Beach Volleyball event during its normal annual budgeting process.**

**CARRIED**

**8.1.7 THE ARTS CENTRE COOTAMUNDRA S.355 COMMITTEE MEETING MINUTES****RESOLUTION 267/2020**

Moved: Cr Leigh Bowden  
Seconded: Cr Dennis Palmer

**The Minutes of the Art Centre Cootamundra s355 Committee meeting held on 20 August, 2020, attached to the report, be received and noted.**

**CARRIED**

**8.1.8 THE ART CENTRE COOTAMUNDRA S.355 COMMITTEE MEETING MINUTES AND MEMBERSHIP****RESOLUTION 268/2020**

Moved: Cr David Graham  
Seconded: Cr Dennis Palmer

- 1. The Minutes of The Art Centre Cootamundra s355 Committee meeting held on 17 September, 2020, attached to the report, be received and noted.**
- 2. The office bearers and membership of The Art Centre Cootamundra s355 Committee as detailed in the report, be endorsed.**

**CARRIED**

**8.1.9 THE COOTAMUNDRA TOURISM ACTION GROUP S.355 COMMITTEE MEETING MINUTES****RESOLUTION 269/2020**

Moved: Cr Craig Stewart  
Seconded: Cr Doug Phillips

**The Minutes of the Cootamundra Tourism Action Group Section 355 Committee meeting held on 3 September 2020, be received and noted.**

**CARRIED**

**8.1.10 THE COOTAMUNDRA HERITAGE CENTRE MANAGEMENT S.355 COMMITTEE MEETING MINUTES****RESOLUTION 270/2020**

Moved: Cr Craig Stewart  
Seconded: Cr Leigh Bowden

**The Minutes of the Cootamundra Heritage Centre Management s.355 Committee meeting held on 7 September, 2020, attached to the report, be received and noted.**

**CARRIED**

**8.1.11 COOTAMUNDRA SHOWGROUND USERS GROUP S.355 COMMITTEE MEETING MINUTES****RESOLUTION 271/2020**

Moved: Cr Dennis Palmer  
Seconded: Cr Gil Kelly

**The Minutes of the Cootamundra Showground Users Group s.355 Committee Ordinary Meeting held on 16 September, 2020, attached to the report, be received and noted.**

**CARRIED**

**8.1.12 INFORMATION BULLETIN****RESOLUTION 272/2020**

Moved: Cr Leigh Bowden  
Seconded: Cr Penny Nicholson

- 1. The information and correspondence attached to the report, be received and noted.**
- 2. That Council write to the Hon. Mark Coulton, MP thanking him for the first quarterly payment of its Financial Assistance Grant and tell him of some of our local priority projects and stressing that the amount of the Financial Assistance Grant grant is insufficient for Councils local infrastructure.**
- 3. Council correspond with the Hon. Shelley Hancock MP and express interest in having a workshop for Women held in the Cootamundra-Gundagai Local Government Area.**

**CARRIED**

**8.1.13 UPDATED COUNCIL MEETING ACTION REPORT****RESOLUTION 273/2020**

Moved: Cr Dennis Palmer  
Seconded: Cr David Graham

**The Updated Council Meeting Action Report be noted.**

**CARRIED**

**8.1.14 AUSTRALIA DAY 2021****RESOLUTION 274/2020**

Moved: Cr Penny Nicholson  
Seconded: Cr Leigh Bowden

1. **Information on Australia Day Awards 2021 be received and noted.**
2. **Council support the submission of an application for funding for local Australia Day 2021 activities, from the \$500,000 Australia Day 2021 event branding grants program.**
3. **Council staff further investigate the viability of Council applying for funding from the \$7.5 million Australia Day 2021 COVIDsafe Events grant program.**

**CARRIED**

**8.2 FINANCE****8.2.1 COOTAMUNDRA-GUNDAGAI REGIONAL COUNCIL SEWERAGE FUND REPLENISHMENT LOAN****RESOLUTION 275/2020**

Moved: Cr David Graham  
Seconded: Cr Dennis Palmer

**That authority be granted to the General Manager to execute the loan agreement on behalf of Council.**

**CARRIED**

**8.2.2 MONTHLY FINANCE REPORT FOR AUGUST 2020****RESOLUTION 276/2020**

Moved: Cr David Graham

Seconded: Cr Doug Phillips

**The Finance Report for August, 2020 be received and noted.**

**CARRIED**

**8.2.3 INVESTMENT REPORT - AUGUST 2020****RESOLUTION 277/2020**

Moved: Cr Charlie Sheahan

Seconded: Cr Gil Kelly

**That the Investment Report as at 31<sup>st</sup> August, 2020 be received and noted.**

**CARRIED**

**8.2.4 UPDATED MONTHLY MAJOR PROJECTS PROGRAM AND PROJECTS SCHEDULE****RESOLUTION 278/2020**

Moved: Cr Charlie Sheahan

Seconded: Cr Penny Nicholson

**The Updated Monthly Major Projects Program Report, and Updated Monthly Major Projects Schedule, attached to the report, be received and noted.**

**CARRIED**

**8.3 COMMUNITY AND CULTURE****8.3.1 COOTAMUNDRA-TUMBLONG RAIL TRAIL DETAILED DEVELOPMENT PLAN****RESOLUTION 279/2020**

Moved: Cr Charlie Sheahan

Seconded: Cr Leigh Bowden

**That Council allocate an amount of \$10,000 from the existing budget for the Recreational Needs Study to complete initial project consultation with primary producers neighbouring the Cootamundra-Tumblong Rail Corridor.**

**CARRIED**

**8.3.2 OLD MILL GUNDAGAI STABILISATION WORK REQUEST FOR QUOTATION****RESOLUTION 280/2020**

Moved: Cr David Graham

Seconded: Cr Penny Nicholson

1. The report on the Old Mill Gundagai Stabilisation Work, Request for Quotation and the Old Mill Gundagai Stabilisation Work, Request for Quotation Confidential (under separate cover) be received and noted.
2. Council delegate authority to the General Manager to negotiate with Adaptive Interiors (the preferred supplier) to determine whether all or part of the project can be delivered within existing budget, by utilising local suppliers or different methodology.
3. That further funding be sought to enable the project to proceed, if required.

**CARRIED**

**8.3.3 GUNDAGAI TOURISM ACTION S355 COMMITTEE - MINUTES****RESOLUTION 281/2020**

Moved: Cr Penny Nicholson

Seconded: Cr Charlie Sheahan

1. The Minutes of the Gundagai Tourism Action Group S355 Committee attached to the report, be received and noted.
2. That Madeline Ryan be appointed as member of the Gundagai Tourism Action Group s355 Committee as the Gundagai Regional Enhancement Group Representative.

**CARRIED**

**8.4 DEVELOPMENT, BUILDING AND COMPLIANCE****8.4.1 DEVELOPMENT APPLICATION - 110/2020 - PUMP TRACK - LOT 7009 DP1021379, BOURKE STREET, COOTAMUNDRA****RESOLUTION 282/2020**

Moved: Cr Dennis Palmer

Seconded: Cr Leigh Bowden

Council approve development application 110/2020 for a pump track on Lot 7009 DP1021379, Bourke Street, Cootamundra, subject to the following conditions:

**GENERAL**

1. Compliance with plans

The developer shall carry out the development generally in accordance with the following plans and documentation:

Development application form dated 15 July 2020, submitted 17 August 2020				
Summary Environmental Report dated 6 July 2020, submitted 17 August 2020				
The following plans prepared by Trailscapes Pty Ltd:				
Drawing No:	Issue/Version	Content	Date of Plan	Date lodged
20027 SK01	B	Concept Plan	03 July 2020	17 August 2020
20027 SK02	B	Concept Section	03 July 2020	17 August 2020
Survey Plan drawn by CMS Surveyors title 19376 detail dated 18/05/2020				

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

## **2. Inconsistencies between approved plans and documents**

In the event of an inconsistency between the documents and/or plans referred to above, the latter documents and/or plans, shall prevail to the extent of the inconsistency.

*Reason: To manage any inconsistencies between the approved plan and documents.*

## **3. Inconsistencies between approved plans/documents and conditions of consent**

In the event of an inconsistency between the conditions of this consent and the documents and/or plans referred to above, then the conditions of this consent shall prevail to the extent of the inconsistency.

*Reason: To manage any inconsistencies between the approved plan/documents and conditions of consent.*

## **PRIOR TO CONSTRUCTION**

### **4. Tree protection**

Existing trees located on site and not identified for removal shall be protected during the construction period.

*Reason: The amount of vegetation in the Cootamundra-Gundagai Regional Council Area should continue to increase to improve climate and appearance.*

### **5. Utilities**

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

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

### **6. Section 7.12 Contribution**

The applicant shall pay all monies relating to Section 7.12 Contributions prior to the commencement of works.

Section 7.12 contributions are calculated on the estimated cost of the development as specified on the Development Application at the time of lodgement. The cost of development as lodged is \$165,000; the applicable percentage of contribution under Cootamundra-Gundagai Regional Council Section 7.12 Contributions Plan is 0.5% of the development cost. The amount payable is \$825.00.

*Reason: To ensure that the applicable developer contributions are paid in accordance with Cootamundra-Gundagai Regional Council Section 7.12 Contributions Plan.*

**7. Imported fill material**

Any and all imported fill material shall be from an approved source. Prior to use of fill on site the applicant shall submit to Council details of the source of fill, haul route and documentary evidence that the fill material is free from contaminants.

*Reason: To ensure that all imported fill material transported to the site is not contaminated and is suitable for use.*

**8. Public Safety**

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

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

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

*Reason: To protect the general public.*

**DURING CONSTRUCTION****9. Hours of construction**

Construction site works including the entering and leaving of vehicles is limited to the following hours:

Monday to Friday 7:00am – 7:00pm

Saturday from 8:00am to 5:00pm

Sunday and public holidays from 8:00am to 12 noon.

*Reason: To protect the amenity of the neighbourhood.*

**10. Waste storage during construction**

Provision shall be made on site for the proper storage and disposal of waste such that no waste shall be left in the open. Specific attention should be given to items which are subject to relation by the action of the wind.

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

**11. Soil erosion control**

Site erosion measure shall be incorporated into site management during construction. Seepage and surface water shall be collected and diverted clear of the construction site by a drainage system. Care shall be taken to ensure that no nuisance is created to adjoining properties or public space by way of sediment run off.

*Reason: To ensure that adequate measures are in place so that damage from sediment run off to adjoining sites and waterways is minimised.*

**DURING OPERATION****12. Clean and tidy**

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

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

### 13. Amenity general

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

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

VOTING RECORD	
FOR RESOLUTION	AGAINST RESOLUTION
Cr Abb McAlister (Mayor) Cr Dennis Palmer Cr Leigh Bowden Cr David Graham Cr Gil Kelly Cr Penny Nicholson Cr Doug Phillips Cr Charlie Sheahan Cr Craig Stewart	Nil
ABSENT	DECLARED INTEREST
Nil	Nil

CARRIED

### 8.4.2 DEVELOPMENT APPLICATION 109/2020 - INTERNAL ROCK CLIMBING WALL - LOT 1 DP7740, ADAMS STREET, COOTAMUNDRA

#### RESOLUTION 283/2020

Moved: Cr Dennis Palmer

Seconded: Cr Doug Phillips

**Council approve development application 109/2020 for an internal rock climbing wall Lot 1 DP758287, Adams Street, Cootamundra, subject to the following conditions:**

#### GENERAL

##### 1. Compliance with plans

The developer shall carry out the development generally in accordance with the following plans and documentation:

Development application form dated 23 July 2020, submitted 17 August 2020

Summary Environmental Report dated 22 July 2020, submitted 17 August 2020

The following plans prepared by Summit Climbing Walls:

Drawing No:	Issue/Version	Content	Date of Plan	Date lodged

-	-	Project Proposal	03 July 2020	17 August 2020
Floor Plan, undated, submitted 17 August 2020				

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

## 2. Inconsistencies between approved plans and documents

In the event of an inconsistency between the documents and/or plans referred to above, the latter documents and/or plans, shall prevail to the extent of the inconsistency.

**Reason:** To manage any inconsistencies between the approved plan and documents.

## 3. Inconsistencies between approved plans/documents and conditions of consent

In the event of an inconsistency between the conditions of this consent and the documents and/or plans referred to above, then the conditions of this consent shall prevail to the extent of the inconsistency.

**Reason:** To manage any inconsistencies between the approved plan/documents and conditions of consent.

## PRIOR TO CONSTRUCTION

### 4. Prior to work commencing

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

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

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

### 5. Site signage

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

- statement that unauthorised entry to the site is not permitted

- show the name of the builder or another person responsible for the site and a telephone number at which the builder or other person can be contacted outside working hours, and
- the name, address and telephone contact of the principal certifying authority for the work.

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

*Reason: to meet the minimum requirements of the Environmental Planning and Assessment Regulation.*

## **6. Notice of commencement**

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

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

## **PRIOR TO ISSUE OF CONSTRUCTION CERTIFICATE**

### **7. Additional details**

The applicant shall submit to Council prior to issue of a construction certificate a structural engineer is to provide a design for any structural changes to the existing building and for the proposed climbing wall.

*Reason: To ensure the structural adequacy of the building is maintained.*

### **8. Payment of developer contributions**

The applicant shall pay all monies relating to Section 7.12 Contributions prior to the commencement of works. Section 7.12 contributions are calculated on the estimated cost of the development as specified on the Development Application at the time of lodgement. The cost of development as lodged is \$200,000; the applicable percentage of contribution under Cootamundra-Gundagai Regional Council Section 7.12 Contributions Plan is 0.5% of the development cost. The amount payable is \$1,000.00.

*Reason: To ensure that the applicable developer contributions are paid in accordance with Cootamundra-Gundagai Regional Council Section 7.12 Contributions Plan.*

### **9. Clause 94 consideration**

In determining the development application Council has considered it would be appropriate to require the existing building to be partially upgraded to meet the Building Code of Australia. In this regard the building will require a current annual fire safety statement, egress paths, door hardware and fire services to be upgraded on the ground floor of the building. A plan demonstrating this is to be submitted prior to the issue of a construction certificate.

*Reason: To ensure regulatory compliance.*

### **10. Construction management and egress plan**

If the building is to be used or occupied whilst construction is underway a detailed construction management and egress plan is to be submitted to Council prior to the issue of a construction certificate.

*Reason: To ensure safety of occupants.*

## DURING CONSTRUCTION

### 11. Waste storage during construction

Provision shall be made on site for the proper storage and disposal of waste such that no builders' waste shall be left in the open. Specific attention should be given to items which are subject to relocation by the action of wind.

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

### 12. Hours of construction

Construction site works including the entering and leaving of vehicles is limited to the following hours:

Monday to Friday 7:00am – 7:00pm

Saturday from 8:00am to 5:00pm

Sunday and public holidays from 8:00am to 12 noon.

*Reason: To protect the amenity of the neighbourhood.*

### 13. BCA Compliance

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

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

## POST CONSTRUCTION

### 14. Occupation certificate

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

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

## ONGOING USE

### 15. Annual Certification

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

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

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

#### **16. Hours of operation**

The development shall only be conducted between the hours of:

Monday to Sunday – 8:00am to 10:00pm

#### **17. Clean and tidy**

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

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

#### **18. Amenity general**

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

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

<b>VOTING RECORD</b>	
<b>FOR RESOLUTION</b>	<b>AGAINST RESOLUTION</b>
Cr Abb McAlister (Mayor)	Nil
Cr Dennis Palmer	
Cr Leigh Bowden	
Cr David Graham	
Cr Gil Kelly	
Cr Penny Nicholson	
Cr Doug Phillips	
Cr Charlie Sheahan	
Cr Craig Stewart	
<b>ABSENT</b>	<b>DECLARED INTEREST</b>
Nil	Nil

**CARRIED**

#### **8.4.3 ACTIVITIES APPROVAL POLICY**

#### **RESOLUTION 284/2020**

Moved: Cr Leigh Bowden  
Seconded: Cr Penny Nicholson

- Council place the draft Activities Approval Policy on public exhibition for a period of 28 days.**
- Council endorse the adoption of the Activities Approval Policy without a further report to Council if there are no submissions received during the exhibition period.**

**CARRIED**

#### **8.4.4 DEVELOPMENT APPLICATIONS APPROVED AUGUST 2020**

##### **RESOLUTION 285/2020**

Moved: Cr Charlie Sheahan  
Seconded: Cr Dennis Palmer

**The information on Development Applications Approved in August, 2020 be noted.**

**CARRIED**

#### **8.5 REGULATORY SERVICES**

Nil

#### **8.6 ASSETS**

##### **8.6.1 CONSTRUCTION OF WATER SUPPLY EXTENSION TO DOG ON THE TUCKER BOX, GUNDAGAI**

##### **RESOLUTION 286/2020**

Moved: Cr Penny Nicholson  
Seconded: Cr David Graham

- The report on the construction of Water Supply Extension to the Dog on the Tucker Box, Gundagai be noted.**
- In accordance with section 55(3)(i) of the Local Government Act, 1993, Council resolve that the requirements for tendering do not apply to this contract due to extenuating circumstances as detailed in the report.**
- Council enter into a contract as detailed in the Water Supply Extension documentation, circulated under Confidential Cover in this unique circumstance.**

**CARRIED**

#### **8.7 CIVIL WORKS**

##### **8.7.1 CIVIL WORKS AND TECHNICAL SERVICES REPORT - SEPTEMBER 2020**

##### **RESOLUTION 287/2020**

Moved: Cr David Graham

Seconded: Cr Craig Stewart

**The Civil Works and Technical Services Report for the month of September 2020 be received.**

**CARRIED**

## **8.8 TECHNICAL SERVICES**

### **8.8.1 REPLACEMENT OF MEDIUM RIGID TIPPER - PLANT 3204**

#### **RESOLUTION 288/2020**

Moved: Cr David Graham

Seconded: Cr Penny Nicholson

- 1. The Report for the replacement of 2014 Hino FD1124 Truck, Plant No 3204 be received and noted.**
- 2. The quotation of \$151,961.28 (ex. GST) received from Wagga Trucks for the purchase of a 2020 Hino GH1828 500 series Truck (with fitted tipping body) be accepted.**
- 3. The trade in offer of \$40,909 (ex. GST) received from Wagga Trucks for the 2014 Hino FD1124 Truck, Plant No 3204 be accepted.**
- 4. The additional funds of \$21,052.28 required above the plant reserve allocation be funded from within the Gundagai operational component of the plant fund.**

**CARRIED**

### **8.8.2 REPLACEMENT OF VOLVO BACKHOE - PLANT 2102**

#### **RESOLUTION 289/2020**

Moved: Cr Penny Nicholson

Seconded: Cr David Graham

- 1. The Report for the replacement of the Volvo BL71 backhoe, Plant No 2102 be received and noted.**
- 2. The quotation of \$181,900 (ex. GST) received from Westrac Pty Ltd for the purchase of a 2020 CAT 432F2 backhoe loader be accepted.**
- 3. The trade in offer of \$33,000 (ex. GST) received from Westrac Pty Ltd for the Volvo BL71 backhoe, Plant No 2102 be accepted.**
- 4. The additional funds of \$21,900 required above the plant reserve allocation be funded from within the Gundagai operational component of the plant fund.**

**CARRIED**

**8.8.3 NSW ROAD CLASSIFICATION REVIEW AND TRANSFER****RESOLUTION 290/2020**

Moved: Cr Dennis Palmer

Seconded: Cr Charlie Sheahan

1. That Council proceed to nominate Annie Pyers Drive for reclassification.
2. The merits of nominating Muttama Road for reclassification be discussed by Council's Operations and Finance staff with a further report to come to Council for consideration if reclassification is recommended.

**CARRIED**

**8.9 FACILITIES**

Nil

**8.10 WASTE, PARKS AND RECREATION**

Nil

**9 MOTION OF WHICH NOTICE HAS BEEN GIVEN****9.1 ACQUISITION OF LAND FOR RESIDENTIAL AND INDUSTRIAL EXPANSION AT GUNDAGAI****RESOLUTION 291/2020**

Moved: Cr Abb McAlister

Seconded: Cr Charlie Sheahan

1. That Council investigate the purchase of suitable industrial and residential land for expansion of North and South Gundagai.
2. That Council consult local developers and real estate agents about opening up further blocks for residential growth in Cootamundra.
3. That Council fast track the provision of services to the Turners Lane industrial blocks and list them with the local real estate agents.

**CARRIED**

**9.2 COUNCIL MEET WITH THE COOTAMUNDRA HOSPITAL BOARD TO DISCUSS LOBBYING THE STATE GOVERNMENT FOR A NEW HOSPITAL****RESOLUTION 292/2020**

Moved: Cr Abb McAlister  
Seconded: Cr Dennis Palmer

Arrangements be made for Council to meet with the Cootamundra Hospital Board and discuss a proposal of lobbying the State Government for a new hospital to be built in Cootamundra.

**CARRIED****10 QUESTIONS WITH NOTICE**

Nil

**11 CONFIDENTIAL ITEMS**

Having disclosed a significant non pecuniary interest in the items in the Confidential Report Cr Phillips left the room.

**11.1 CONFIDENTIAL****RESOLUTION 293/2020**

Moved: Cr Dennis Palmer  
Seconded: Cr Gil Kelly

1. Item 11.2 be considered in closed Council at which the press and public are excluded in accordance with the applicable provisions of the Local Government Act, 1993 and related public interest reasons detailed.
2. In accordance with section 11 (2) and (3) of the Local Government Act, 1993, the reports, correspondence and other documentation relating to Item 11.2 be withheld from the press and public.

**11.2 COOTAMUNDRA AQUATIC CENTRE AND SPORTS STADIUM EXPRESSIONS OF INTEREST**Provisions for Confidentiality

Section 10A (2) (c) – The Confidential Report contains information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business.

Public Interest

It is considered that discussions of this matter in open Council would, on balance, be contrary to the public interest as it would prejudice Council's ability to secure the optimum outcome for the community.

**CARRIED**

**11.2 COOTAMUNDRA AQUATIC CENTRE AND SPORTS STADIUM EXPRESSIONS OF INTEREST****RESOLUTION 294/2020**

Moved: Cr Dennis Palmer

Seconded: Cr Leigh Bowden

1. The report on the Cootamundra Aquatic Centre and Sports Stadium Expressions of Interest be received and noted.
2. Council hold an Extraordinary Meeting following negotiations with shortlisted firms in order to make a timely decision about operating arrangements for the Cootamundra Aquatic Centre prior to the peak summer season on Tuesday 6<sup>th</sup> October, 2020 in Gundagai at 4:00pm.

**CARRIED**

**11.3 COOTAMUNDRA AQUATIC CENTRE AND SPORTS STADIUM EXPRESSION OF INTEREST - LATE REPORT****RESOLUTION 295/2020**

Moved: Cr Dennis Palmer

Seconded: Cr Leigh Bowden

1. The report on the Cootamundra Aquatic Centre and Sports Stadium Expressions of Interest be received and noted.
2. Council hold an Extraordinary Meeting following negotiations with shortlisted firms in order to make a timely decision about operating arrangements for the Cootamundra Aquatic Centre prior to the peak summer season on Tuesday 6<sup>th</sup> October, 2020 in Gundagai at 4:00pm.

**CARRIED**

**11.4 RESUMPTION OF OPEN COUNCIL MEETING****RESOLUTION 296/2020**

Moved: Cr Dennis Palmer

Seconded: Cr David Graham

**The Open Council meeting resume.**

**CARRIED**

## **11.5 ANNOUNCEMENT OF CLOSED COUNCIL RESOLUTIONS**

Note: The Chairperson announced the resolutions made in Closed Council.

**The Meeting closed at 8:53:00PM .**

**The minutes of this meeting were confirmed at the Ordinary Council Meeting held on 27 October 2020.**

.....  
**CHAIRPERSON**

.....  
**GENERAL MANAGER**

**5.2 MINUTES OF THE EXTRAORDINARY MEETING OF COUNCIL HELD ON TUESDAY 6 OCTOBER 2020**

REPORTING OFFICER	Marianne McInerney, Personal Assistant to the General Manager
AUTHORISING OFFICER	Phillip McMurray, General Manager
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. Minutes of the Extraordinary Meeting of Council held on Tuesday 6 October 2020

**RECOMMENDATION**

**The Minutes of the Extraordinary Meeting of Council held on Tuesday 6 October 2020 be confirmed as a true and correct record of the meeting.**

# Minutes

## EXTRAORDINARY COUNCIL MEETING

**COUNCIL CHAMBERS, GUNDAGAI**

**4:00PM, TUESDAY 6th OCTOBER, 2020**

Administration Centres: 1300 459 689

**MINUTES OF COOTAMUNDRA-GUNDAGAI REGIONAL COUNCIL  
EXTRAORDINARY COUNCIL MEETING  
HELD AT THE COUNCIL CHAMBERS, GUNDAGAI  
ON TUESDAY, 6 OCTOBER 2020 AT 4:00PM**

**PRESENT:** Cr Abb McAlister (Mayor), Cr Dennis Palmer (Deputy Mayor), Cr Leigh Bowden, Cr David Graham, Cr Gil Kelly, Cr Penny Nicholson, Cr Doug Phillips, Cr Charlie Sheahan, Cr Craig Stewart

**IN ATTENDANCE:** Phil McMurray (General Manager), Kay Whitehead (Interim Deputy General Manager), Wayne Bennett (Manager Waste, Parks & Recreation Services)

**1 ACKNOWLEDGEMENT OF COUNTRY**

The Chairperson acknowledged the Wiradjuri people who are the Traditional Custodians of the Land at which the meeting was held and paid his respects to Elders, both past and present, of the Wiradjuri Nation and extended that respect to other Aboriginal people who were present.

**2 OPEN FORUM – OPEN FORUM IS NOT HELD IN EXTRAORDINARY MEETINGS OF COUNCIL**

Nil

**3 APOLOGIES**

**4 DISCLOSURES OF INTEREST**

Cr Phillips disclosed a less than significant pecuniary interest in item 6.2 Cootamundra Aquatic Centre and Sports Stadium Reviewed Expressions of Interest

**5 GENERAL MANAGER'S REPORT****5.1 BUSINESS****5.1.1 CALL FOR NOMINATIONS OF MOTIONS FOR THE LGNSW CONFERENCE****RESOLUTION 297/2020**

Moved: Cr David Graham

Seconded: Cr Dennis Palmer

**That Local Government NSW call on the NSW Government to:**

- 1. Work with NSW Councils to redesign the funding mechanism and implement a broad base property tax to replace the Emergency Services Levy on both Local Government and insurance policies.**
- 2. Until such time as such a mechanism is introduced any proposed increases to the Emergency Services Levy shall be limited to the annual rate peg percentage increase to local government. Further, any increase greater than the rate peg percentage increase be paid by the NSW Government.**

**CARRIED**

**RESOLUTION 298/2020**

Moved: Cr Leigh Bowden

Seconded: Cr Penny Nicholson

**The NSW Government introduce a Capital Improved Value to the New South Wales rating system as an option available to all Councils. This is so that growth and rates and revenue outside the rate peg percentage be calculated on changes to the Capital Improved Value as this would enable growth in the rate base to keep pace with real growth and associated increases in demand for council infrastructure and services. In light of such support increasing the income of city Councils, then a redistribution of Financial Assistance Grants to rural Councils be considered at the same time, to enhance financial sustainability for the sector.**

**CARRIED**

**RESOLUTION 299/2020**

Moved: Cr David Graham

Seconded: Cr Charlie Sheahan

**That Local Government NSW continue to oppose ongoing cost shifting by the NSW Government to local government, such as the Emergency Services Levy, Local Council Elections, and the Audit, Risk and Improvement Committee.**

**CARRIED**

**RESOLUTION 300/2020**

Moved: Cr David Graham

Seconded: Cr Charlie Sheahan

**That Local Government NSW call on the NSW Government to:**

**Reconsider the factors that determine the allocation of Financial Assistance Grants, being road distance and other terrain issues, so that local government areas with difficult terrain receive a fairer distribution of Financial Assistance Grants. This is for the reason that the cost to build a kilometre of road in undulating and mountainous country is substantially more expensive than in the tablelands.**

**CARRIED**

**5.2 ASSETS****5.2.1 INTEGRATED WATER CYCLE MANAGEMENT STRATEGY****RESOLUTION 301/2020**

Moved: Cr Gil Kelly

Seconded: Cr Doug Phillips

- 1. The Report on the Integrated Water Cycle Management Strategy and role and Purpose of the Project Reference Group and CGRC Integrated Water Cycle Management Issues Paper attached to the report, be received and noted.**
- 2. Council determine the membership of the Project Reference Group:**
  - **Manager Assets**
  - **Goldenfields Water County Council Representative - letter of offer of position**
  - **Cr McAlister (Mayor ), Cr Palmer (Deputy Mayor) and Cr Graham.**
  - **Water and sewer staff**
  - **Council send a letter to two nominated community representatives detailing the Integrated Water Cycle Management Strategy Project Reference Group containing an offer of the position of community representative on the Project Reference Group.**

**CARRIED**

**6 CONFIDENTIAL ITEMS****6.1 CONFIDENTIAL****RESOLUTION 302/2020**

Moved: Cr Leigh Bowden

Seconded: Cr Dennis Palmer

1. Item 6.2 be considered in closed Council at which the press and public are excluded in accordance with the applicable provisions of the Local Government Act, 1993 and related public interest reasons detailed.
2. In accordance with section 11 (2) and (3) of the Local Government Act, 1993, the reports, correspondence and other documentation relating to Item 6.2 be withheld from the press and public.

**6.2 COOTAMUNDRA AQUATIC CENTRE AND SPORTS STADIUM REVIEWED EXPRESSIONS OF INTEREST**Provisions for Confidentiality

Section 10A (2) (d(i)) – The Confidential Report contains commercial information of a confidential nature that would, if disclosed prejudice the commercial position of the person who supplied it.

Public Interest

It is considered that discussions of this matter in open Council would, on balance, be contrary to the public interest as it would prejudice Council's ability to secure the optimum outcome for the community.

**CARRIED**

**6.2 COOTAMUNDRA AQUATIC CENTRE AND SPORTS STADIUM REVIEWED EXPRESSIONS OF INTEREST**

Note: Having disclosed and less than significant pecuniary interest in this item Cr Phillips left the meeting.

**RESOLUTION 303/2020**

Moved: Cr Leigh Bowden

Seconded: Cr Gil Kelly

1. **The report on the Cootamundra Aquatic Centre and Sports Stadium Expressions of Interest be received and noted.**
2. **Council accept the revised offer of \$308,000 (exc. GST) from L&R Group to Manage the Cootamundra Aquatic Centre and Sports Stadium.**
3. **Council delegate authority to the General Manager to negotiate the contract terms with L&R Group for the Management of the Cootamundra Aquatic Centre and Sports Stadium.**

**CARRIED**

**6.3 RESUMPTION OF OPEN COUNCIL MEETING****RESOLUTION 304/2020**

Moved: Cr David Graham

Seconded: Cr Charlie Sheahan

**The Open Council meeting resume.**

**CARRIED**

**6.4 ANNOUNCEMENT OF CLOSED COUNCIL RESOLUTIONS**

Note: The Chairperson announced the resolutions made in Closed Council.

**The Meeting closed at 4:50 PM.**

**The minutes of this meeting were confirmed at the Extraordinary Council Meeting held on 27 October 2020.**

.....  
**CHAIRPERSON**

.....  
**GENERAL MANAGER**

## 6 MAYORAL MINUTES

### 6.1 MAYORAL MINUTE - COUNCILLOR ENGAGEMENT

DOCUMENT NUMBER	337391
AUTHORISING OFFICER	Phillip McMurray, General Manager
REPORTING OFFICER	Marianne McInerney, Personal Assistant to the General Manager
ATTACHMENTS	Nil

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

#### RECOMMENDATION

**The information in the Mayoral Minute be received and noted.**

#### 23<sup>rd</sup> and 24<sup>th</sup> September, 2020

Cr Sheahan attended community consultation meetings in relation to the Access and Inclusion Play Space proposed for Albert Park, Cootamundra.

#### 25<sup>th</sup> September, 2020

Cr Sheahan met with Jack Robertson from Australian Meat Group.

#### 28<sup>th</sup> September, 2020

Cr's Nicholson, Graham and I attended a Transgrid Meeting.

#### 29<sup>th</sup> September, 2020

I attended a meeting with Coolac Business representatives.

I attended a meeting for the Snake Gully Cup Race Meeting with representatives from numerous authorities.

Cr Palmer (Deputy Mayor), Cr's Bowden, Graham, Nicholson, Sheahan and Stewart, Phillip McMurray (General Manager), Kay Whitehead (Interim Deputy General Manager) and I attended a Council presentation by Lotus Energy.

Cr Palmer (Deputy Mayor), Cr's Bowden, Graham, Nicholson, Sheahan and Stewart, Phillip McMurray (General Manager), Kay Whitehead (Interim Deputy General Manager) and I attended a Councillor Workshop.

#### 30<sup>th</sup> September, 2020

Cr Bowden attended a Cootamundra Cooperative Steering Group Meeting.

#### 1st October, 2020

I attended a Dog on the Tuckerbox meeting.

Cr Sheahan Chaired a Cootamundra-Gundagai Access and Inclusion Committee Meeting.

Cr Bowden attended a Cootamundra Tourism Action Group s355 Committee meeting.

6<sup>th</sup> October, 2020

Cr Graham and I attended a Finance Committee Meeting with Phillip McMurray (General Manager) and Kay Whitehead (Deputy General Manager)

Cr Palmer (Deputy Mayor), Cr's Bowden, Graham, Kelly, Nicholson, Phillips, Sheahan and Stewart, Phillip McMurray (General Manager), Kay Whitehead (Interim Deputy General Manager) and I attended an Extraordinary Meeting of Council.

13<sup>th</sup> October, 2020

Cr Palmer (Deputy Mayor), Cr's Bowden, Graham, Nicholson, Sheahan, Phillip McMurray (General Manager), Kay Whitehead (Interim Deputy General Manager) and I attended a Councillor Workshop.

Cr Sheahan attended a Rail Trail Meeting

7<sup>th</sup> October, 2020

Cr Sheahan attended an Adina Care Board meeting.

Cr Bowden attended a Cootamundra Cooperative Steering Group Meeting.

8<sup>th</sup> October, 2020

Cr's Bowden and Stewart attended a Cootamundra Development Corporation Committee meeting.

10<sup>th</sup> October, 2020

Cr Nicholson and Cr Graham attended the official opening of the Coolac Oval where, on my behalf, Cr Graham welcomed Member for Riverina, MS. Steph Cooke, MP to open the Oval. The Coolac Oval and Hall project was funded through the NSW Government Stronger Community Fund Round 2.

12<sup>th</sup> October, 2020

Cr Sheahan attended a Muttama Creek Regeneration Group meeting.

Cr Stewart attended a Cootamundra Heritage Committee meeting.

13<sup>th</sup> October, 2020

Cr Sheahan attended a Rail Trail Working Group meeting.

Cr Palmer (Deputy Mayor), Cr's Bowden, Graham, Nicholson and Sheahan, Phillip McMurray (General Manager), Kay Whitehead (Interim Deputy General Manager) and I attended a Cootamundra Aerodrome Users Group meeting.

Cr Palmer (Deputy Mayor), Cr's Bowden, Graham, Nicholson, Sheahan and Stewart, Phillip McMurray (General Manager), Kay Whitehead (Interim Deputy General Manager) and I attended a Councillor Workshop.

14<sup>th</sup> October, 2020

I attended a Gundagai Tourism Action Group s355 Committee meeting.

16<sup>th</sup> October, 2020

I attended a Riverina Eastern Regional Organisation of Councils Executive Meeting.

20<sup>th</sup> October, 2020

I attended a Gundagai Sporting User Groups meeting.

Cr Stewart attended a meeting at the Cootamundra Country Club.

21st October, 2020

Cr Bowden attended a Cootamundra Cooperative Steering Group Meeting.

22<sup>nd</sup> October, 2020

I welcomed representatives from the United Services Union to Cootamundra

Cr's Bowden, Graham Nicholson, and Sheahan and I attended a meeting with Australian Local Government Association President, Cr Linda Scott.

Cr Bowden attended an Ellwood's Hall s355 Committee Meeting.

## 7 REPORTS FROM COMMITTEES

### 7.1 MINUTES OF THE ACCESS AND INCLUSION COMMITTEE MEETING HELD ON THURSDAY 1 OCTOBER 2020

REPORTING OFFICER	Marianne McInerney, Personal Assistant to the General Manager
AUTHORISING OFFICER	Phillip McMurray, General Manager
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. Minutes of the Access and Inclusion Committee Meeting held on Thursday 1 October 2020

#### RECOMMENDATION

1. The Minutes of the Access and Inclusion Committee Meeting held on Thursday 1 October 2020 (attached) are submitted for adoption.
2. Council consider the recommendations contained within the Minutes.

#### Introduction

The Minutes of the Access and Inclusion Committee Meeting held on Thursday, 1st October, 2020 are submitted for the information of Council and the community.

#### Discussion

Item 3.3 Request for Upgrade of Pedestrian Access has a recommendation for the consideration of Council:

**Council prioritise the upgrade of the footpath on the western side of Sutton Street, between Hurley and Mackay Streets, so it joins the existing footpath leading to the town centre.**

# Minutes

## ACCESS AND INCLUSION COMMITTEE MEETING

**ALBY SCHULTZ MEETING CENTRE, COOTAMUNDRA  
& COUNCIL CHAMBERS, GUNDAGAI (VIA TEAMS)**

**3:00 PM, THURSDAY 1<sup>ST</sup> OCTOBER, 2020**

Administration Centres: 1300 459 689

**MINUTES OF COOTAMUNDRA-GUNDAGAI REGIONAL COUNCIL  
ACCESS AND INCLUSION COMMITTEE MEETING  
HELD AT THE ALBY SCHULTZ MEETING CENTRE, COOTAMUNDRA , COUNCIL CHAMBERS, GUNDAGAI  
ON THURSDAY, 1 OCTOBER 2020 AT 3:00 PM**

**PRESENT:** Cr Charlie Sheahan, Marjorie Taprell, Sharon Langman, Miriam Crane, Cheney Dewar, Andrew Brock.

**IN ATTENDANCE:** Miriam Crane (Manager of Community and Culture), Sharon Langman (Manager Development, Building and Compliance)

**1 APOLOGIES**

Narelle Gilholme, Irene Booby, Gaye Duncan, Allan Young, Anthony Carroll, Wayne Bennett, Peggy Elliott, Lin Chaplin

**2 CONFIRMATION OF MINUTES**

**2.1 MINUTES OF THE ACCESS AND INCLUSION COMMITTEE MEETING HELD ON THURSDAY  
30 JULY 2020**

**COMMITTEE RESOLUTION**

Moved: Ms Marjorie Taprell

Seconded: Cr Charlie Sheahan

**The Minutes of the Access and Inclusion Committee Meeting held on Thursday 30 July 2020 be confirmed as a true and correct record of the meeting.**

**CARRIED**

**3 REPORTS**

**3.1 ALBERT PARK INCLUSIVE PLAYSPACE**

Lisa from Livvi's Place talked about the new inclusive play space being designed for Albert Park. She spoke about the toilet block being challenging to update within the budget and the real need for an adult changing place to be provided. This is something that the committee could seek future funding for. Plans for the space will incorporate a suitable location for this facility to be built in future. A comment was made regarding not including a liberty swing as they do not provide for inclusive play. Equipment that can accommodate adult sizes will be utilised where possible. Water play is also being considered. The committee would like to see the inclusion of groups such as the Cootamundra Youth Council and Cootamundra Aboriginal Working Party to "theme" the area perhaps with wattles and turtles so it is locally unique.

### **3.2 PROCESS FOR ASSESSING RAMPS/ACCESS IN HERITAGE CONSERVATION AREA UNDER 5.10 HERITAGE PROVISIONS OF THE LOCAL ENVIRONMENT PLANS**

At the Council meeting the recommendation of donating backing Development Application Fees was not supported due to a concern for the budget impacts of such a measure. Sharon will prepare a Fact Sheet providing advice on how to approach Council for DA exempt access upgrades in a Heritage Conservation Area, which involves writing a formal detailed letter to seek approval.

### **3.3 REQUEST FOR UPGRADE OF PEDESTRIAN ACCESS**

(i) Marjorie raised the issue of Pedestrian Access along Sutton Street (Olympic Way) between Hurley and Mackay Streets. It could run on the western side of the street so that it links in with current pedestrian access over the bridge and into existing footpaths. Further detailed information and photographs of the concerns will be forthcoming.

#### **(ii) RECOMMENDATION**

Moved: Ms Marjorie Taprell

Seconded: Cr Charlie Sheahan

**1. Council prioritise the upgrade of the footpath between the Garden Motel and main street shops in Cootamundra.**

**(iii) CARRIED**

### **GENERAL BUSINESS**

Charlie asked regarding the progress on the Lift & Change Facilities at the Cootamundra Pool. Andrew advised that he has sufficient funding to order the table but not the lifter. Miriam and Marjorie will discuss options to seek local/grant funding for this item.

Sharon advised that she hopes to have sufficient staffing shortly in order to be able to complete the Business Access Audit.

The committee received a resignation from Narelle Gilholme due to health reasons. Miriam will send a Card to Narelle thanking her for her involvement. Miriam to also send a card to Irene Booby who has recently suffered the loss of her husband.

**Next meeting to be held at 3pm Thursday 26<sup>th</sup> November 2020 via Teams (join from either office).**

**The Minutes of this meeting were confirmed at the Access and Inclusion Committee Meeting held on 26<sup>th</sup> November 2020.**

.....  
**CHAIRPERSON**

.....  
**MANAGER**

## 8 GENERAL MANAGER'S REPORT

### 8.1 BUSINESS

#### 8.1.1 BOUNDARY COMMISSION'S PUBLIC ENQUIRY INTO THE DEMERGER PROPOSAL AFFECTING COOTAMUNDRA-GUNDAGAI REGIONAL COUNCIL

DOCUMENT NUMBER	337889
REPORTING OFFICER	Phillip McMurray, General Manager
AUTHORISING OFFICER	Phillip McMurray, General Manager
RELEVANCE TO COMMUNITY STRATEGIC PLAN	<p><b>4. Good governance: an actively engaged community and strong leadership team</b></p> <p>4.3 Cootamundra-Gundagai Regional Council is a premier local government Council</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	<ol style="list-style-type: none"> <li>1. Boundaries Commission Correspondence dated 22nd October 2020 <a href="#">Download</a></li> <li>2. NSW Boundaries Commission Public Hearings Schedule - CGRC <a href="#">Download</a></li> </ol>

### RECOMMENDATION

1. **The Report on the Boundaries Commission Public Inquiry into the Demerger Proposal Affecting Cootamundra-Gundagai Regional Council be received and noted.**
2. **The Mayor, Deputy Mayor, and General Manager be nominated as representatives at each NSW Local Government Boundaries Commission's first community consultation session, in both Cootamundra and Gundagai, as detailed in the report.**
3. **The NSW Local Government Boundaries Commission be advised that Council will be making representations at each first NSW Local Government Boundaries Commission's community consultation session in both Cootamundra and Gundagai.**
4. **The Local Government Boundaries Commission be advised of the Councillors nominated to be representatives at the remaining NSW Local Government Boundaries Commission's community consultation sessions in both Cootamundra and Gundagai, as detailed in the report.**

### Introduction

The NSW Local Government Boundaries Commission (the Commission) has announced the dates and venues of its Community Consultation as part of its public inquiry into the demerger proposal

affecting Cootamundra-Gundagai Regional Council. This report provides details of the process for the consideration of Council and the information of the community.

### Discussion

Council has made recommendation through previous reports in relation to the Commission's examination of the proposal to demerge Cootamundra-Gundagai Regional Council as proclaimed on 12<sup>th</sup> May, 2016.

At its Ordinary Meeting held 25<sup>th</sup> March, 2020 Council resolved (Min. no. 094/2020) its response in relation to this matter and a submission addressing the factors to be considered, in accordance with Section 263(3) of the Local Government Act, 1993 (the Act), was made to the Commission. Since that time, and due to COVID-19 restrictions, the subsequent public inquiry process was delayed and the public submission period was extended.

On 16<sup>th</sup> July, 2020, an update was issued by the Commission, advising of the appointment of Deloitte Touche Tohmatsu to provide the Commission advice on the financial aspects of the proposal. That work is currently ongoing with one of the factors under consideration, being the financial advantages or disadvantages of a demerger.

On 30<sup>th</sup> September, 2020 Council received formal notification that the public inquiry process was recommencing, and links to a media release on their website, attached, were provided.

The community consultation inquiry dates, times and venues are:

Venue 1: Cootamundra Ex-Services Club, 299 Parker Street, Cootamundra – 25<sup>th</sup> November, 2020

- Session 1: 11am – 1:00pm
- Session 2: 1:45pm – 3:30pm
- Session 3: 4:00pm – 5:30pm

Venue 2: Gundagai District Services Club, 254 Sheridan Street, Gundagai – 26<sup>th</sup> November, 2020

- Session 1: 10:00am – 12:00pm
- Session 2: 1:00pm – 2:30pm
- Session 3: 3:00pm – 4:30pm
- Session 4: 5:00pm – 6:30pm

Council made representations requesting an additional (4th) session be held in Cootamundra and an evening session be held in both Cootamundra and Gundagai. The response from the Commission Chair dated 9<sup>th</sup> October, 2020, attached, was received noting no changes to the above schedule.

Due to the COVID-19 legislated restrictions on public gatherings, the numbers attending each session are limited. To facilitate this, it is strongly recommended that those wanting to attend must register in advance. There was some concern raised with Council over the short registration period, and after some liaison with the Commission, this has been extended until 13<sup>th</sup> November, 2020. The most direct way for people to register is through the registration process via the following link - <https://www.olg.nsw.gov.au/events/>

Other detailed information in relation to the public inquiries can be found at [www.olg.nsw.gov.au/lgbc](http://www.olg.nsw.gov.au/lgbc)

The above information has also been advertised through Council's usual mediums.

On 12<sup>th</sup> October, 2020, Council received correspondence from the Commission Chair in relation to the Public Hearing arrangements, attached to the report.

At the commencement of the first session at each location, there is a 15 minute allowance for Council to make representations if desired. To accommodate this, the Commission has specifically reserved 3 spaces where Council may make representation at those sessions. Those representing Council are allocated the 3 reserved spaces.

At the latter sessions at each location, the Commission has specifically reserved 1 space for a representative of Council, however, they are unable to make any representation. It has been noted that the Commission's restriction on members of the community only attending one session does not apply to Council's representatives in these 'reserved' spots, nor are they required to register through the Commission's website.

In order to advise the Commission of Council's arrangements, it is proposed that the Mayor, Deputy Mayor and General Manager, be allocated the three reserved seats at each first session, with the Deputy Mayor to represent Council at Cootamundra, and the Mayor to represent Council at Gundagai. Presentations will be prepared addressing the factors to be considered, in accordance with Section 263(3) of the Local Government Act, 1993, and generally following Council's previous written submission.

A Councillor representative is to be determined for each subsequent session on their availability. All Councilors are encouraged to attend and register to speak at one alternate session via the public registration process.

A Councillor workshop may be requested to assist in the preparation of Council for each representation and speeches.

**From:** [Phil McMurray](#)  
**To:** [Marianne McInerney](#)  
**Subject:** Boundaries Commission Report  
**Date:** Thursday, 22 October 2020 6:42:50 AM  
**Attachments:** [Boundaries Commission Media Statement and Public Notice - Cootamundra Gundagai Proposal.msg](#)  
[Public-hearings-scheduled-CGRC.PDF](#)  
[Re Boundaries Commission Public Sessions for Cootamundra Gundagai Regional Council..msg](#)  
[Public Hearing Arrangements.msg](#)  
[CGRC\\_5f31424a-2515-4065-a9fa-700bd4d63a35.png](#)

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**Title:**

Boundaries Commission public inquiry into the demerger proposal affecting Cootamundra Gundagai Regional Council.

**Recommendation:**

It is recommended that:

1. The report regarding the Boundaries Commission public inquiry into the demerger proposal affecting Cootamundra Gundagai Regional Council be received and noted;
2. That Council advise the Local Government Boundaries Commission that Council will be making presentations at session 1 in both Cootamundra and Gundagai;
3. Council advise the Local Government Boundaries Commission that the Mayor, Deputy Mayor, and General Manager be nominated representatives at session 1 in both Cootamundra and Gundagai;
4. Council advise the Local Government Boundaries Commission that specific Councillors (as determined) be nominated representatives at other sessions in both Cootamundra and Gundagai.

**Introduction:**

The Local Government Boundaries Commission has announced the dates and venues for its public inquiry into the demerger proposal affecting Cootamundra Gundagai Regional Council. This report outlines details of the process for the consideration of Council.

**Background:**

Council has had previous reports in relation to the Boundaries Commission's examination of the proposal to demerge Cootamundra-Gundagai Regional Council. Council last resolved its response in relation to this matter at an ordinary meeting held 25 March 2020, and a submission addressing the factors to be considered, in accordance with Section 263(3) of the Local Government Act 1993, was made. Since that time, and due to COVID-19 restrictions, the subsequent public inquiry process was delayed, and the public submission period was extended.

On 16 July 2020, an update was issued by the Local Government Boundaries Commission, advising of the appointment of Deloitte Touche Tohmatsu to provide them advice on the financial aspects of the proposal. That work is ongoing at present, and considers one of the factors under consideration, being financial advantages or disadvantages.

On 30 September 2020 Council received formal notification of the public inquiry process recommencing, with links to a media release on their website about the same, both attached.

The inquiry dates, times and venues are:

Venue 1: Cootamundra Ex-Services Club, 299 Parker Street, Cootamundra - 25 November 2020

- Session 1: 11am – 1:00pm
- Session 2: 1:45pm – 3:30pm
- Session 3: 4:00pm – 5:30pm
- 
-

Venue 2: Gundagai District Services Club, 254 Sheridan Street, Gundagai - 26 November 2020

- Session 1: 10:00am – 12:00pm
- Session 2: 1:00pm – 2:30pm
- Session 3: 3:00pm – 4:30pm
- Session 4: 5:00pm – 6:30pm

Council made representation in regards to holding an additional (4th) session in Cootamundra; and the holding of an evening session in both Cootamundra and Gundagai. The response from the Commission Chair dated 9 October 2020 is attached, noting no changes to the above.

Because of the COVID-19 restrictions on public gatherings, the numbers attending each session must be limited. To facilitate this, those wanting to attend should register in advance. There was some concern raised with Council over the short registration period, and after some liaison, this has been extended until 13 November 2020. The most direct way for people to register is through the registration forms at the following link -

<https://www.olg.nsw.gov.au/events/>

Otherwise other information about the public inquiries is at [www.olg.nsw.gov.au/lgbc](http://www.olg.nsw.gov.au/lgbc) Council officers have advertised all this information into our local media outlets.

On 12 October 2020, Council received correspondence from the Commission Chair in relation to the Public Hearing arrangements, as attached.

At the beginning of the first session at each location, there is a 15-minute slot for Council afforded to give a presentation if desired. To accommodate this, the Commission have specifically reserved 3 spaces each for representatives of Council to attend those sessions. Those presenting are counted as part of the 3 reserved spaces.

At the later sessions at each location, the Commission have specifically reserved 1 space for a representative of the Council but they are unable to do a presentation. It has been noted that the Commission's restriction on people only attending one session does not apply to Council's representatives in these 'reserved' spots, nor are they required to register through the Commission's website.

In order to advise the Commission of Council's arrangements, I suggest that the Mayor, Deputy Mayor and General Manager, may take the three seats at the session 1 sittings, with the Deputy Mayor to present Council position at Cootamundra, and the Mayor to present at the Gundagai session. Presentations will be prepared addressing the factors to be considered, in accordance with Section 263(3) of the Local Government Act 1993, and generally following Council's previous written submission.

A Councilor representative be need to be determined for each subsequent session on a roster and availability basis. I would encourage all Councilors to attend and speak at one alternate session via the public registration process.

A workshop may be held to assist in the preparation of presentations and speeches if necessary.

Regards,



30 September 2020

## PUBLIC INQUIRY DATES ANNOUNCED

The Local Government Boundaries Commission has announced the dates and venues for its public inquiry into the demerger proposal affecting Cootamundra Gundagai Regional Council.

The inquiry dates and venues are:

- Cootamundra – 25 November 2020 – Cootamundra Ex-Services Club
- Gundagai – 26 November 2020 – Gundagai District Services Club

Boundaries Commission Chair Bob Sendt said that due to COVID-19 restrictions, numbers at each venue will need to be limited and prior registration by residents and ratepayers wanting to attend will be required. Priority will be given to those seeking to address the public inquiry. Mr Sendt said that the inquiry proceedings will also be webcast for those who are not able to attend in person.

Further details regarding the inquiries, including session times and the attendance registration process, is available on the [www.olg.nsw.gov.au/lgbc](http://www.olg.nsw.gov.au/lgbc) and will be published in public notices in local print media.

**MEDIA:** Mark Nolan, [EO@lgbc.nsw.gov.au](mailto:EO@lgbc.nsw.gov.au).

**8.1.2 MEETING DATES FOR ORDINARY MEETINGS OF COUNCIL FOR 2020**

DOCUMENT NUMBER	327627
REPORTING OFFICER	Marianne McInerney, Personal Assistant to the General Manager
AUTHORISING OFFICER	Phillip McMurray, General Manager
RELEVANCE TO COMMUNITY STRATEGIC PLAN	<p><b>4. Good governance: an actively engaged community and strong leadership team</b></p> <p>4.3 Cootamundra-Gundagai Regional Council is a premier local government Council</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	Nil

**RECOMMENDATION**

- 1. The Ordinary Meetings of Council remain on the last Tuesday of the Month from January to November at 6:00pm.**
- 2. The Ordinary Meeting held in December remain on the second Tuesday at 6:00pm.**
- 3. The current arrangement of alternating meetings between Cootamundra and Gundagai remain.**
- 4. Alternatives to the current meeting arrangements be considered if requested.**

Introduction

A report is submitted annually for Councillors to consider the dates and times of Ordinary Council Meetings for the following year.

It is timely to review and consider alternative days and times should any Councillor be of the opinion that the current format is unsustainable. General discussion by Council is encouraged to raise any concerns in relation to the day of the month and the time the ordinary meetings are held.

### 8.1.3 TABLING OF PECUNIARY INTEREST RETURNS

DOCUMENT NUMBER	334202
REPORTING OFFICER	Teresa Breslin, Governance Officer
AUTHORISING OFFICER	Phillip McMurray, General Manager
RELEVANCE TO COMMUNITY STRATEGIC PLAN	<p><b>4. Good governance: an actively engaged community and strong leadership team</b></p> <p>4.3 Cootamundra-Gundagai Regional Council is a premier local government Council</p>
FINANCIAL IMPLICATIONS	There are no Financial implications associated with this report.
LEGISLATIVE IMPLICATIONS	In accordance with Section 449 Local Government Act, 1993.
POLICY IMPLICATIONS	To comply with the Code of Conduct.
ATTACHMENTS	Nil

### RECOMMENDATION

**The tabling of pecuniary interest returns from Councillors and designated persons be noted.**

#### Introduction

The Code of Conduct specifies that Councillors and designated persons must make and lodge with the general manager a return, disclosing the designated person's or Councillors interests within 3 months after:

*(a) becoming a designated person or Councillor, and*

*(b) 30 June of each year, and*

*(c) the designated person or Councillor becoming aware of an interest they are required to disclose under schedule 1 that has not been previously disclosed in a return lodged under paragraphs (a) or (b).*

*Returns required to be lodged with the general manager under (a) and (b) must be tabled at the first meeting of the council after the last day the return is required to be lodged.*

*Returns required to be lodged with the general manager under clause (c) must be tabled at the next council meeting after the return is lodged.*

#### Discussion

Annual pecuniary interest returns from Councillors and designated persons for the period 1 July 2019 to 30 June 2020 are tabled.

Pecuniary interest return from new designated persons as at 1 October, 2020 are tabled.

Register of Pecuniary Interest Returns disclosed, tabled below:

Designated Person	Position	Return Type	Return received
Phillip McMurray	General Manager	Annual	29 September 2020
Kay Whitehead	Deputy General Manager	New	23 September 2020
Mark Ellis	Manager Civil Works	Annual	15 September 2020
Miriam Crane	Manager Community and Culture	Annual	22 September 2020
Glen McAtear	Manager Regulatory Services	Annual	8 September 2020
	Manager Finance and Customer Service	Annual	23 September 2020
Tim Swan	Manager Development, Building and Compliance	Annual	8 September 2020
Sharon Langman	Coordinator Business	New	23 September 2020
Linda Wiles	Manager Technical Services	Annual	9 September 2020
Matt Stubbs	Manager Assets	Annual	29 September 2020
Ganesh Ganeshamoorthy	Manager Waste, Facilities and Recreation Services	Annual	23 September 2020
Wayne Bennett	Manager Facilities	Annual	7 September 2020
Andrew Brock	Ranger/ Regulatory Officer	Annual	9 September 2020
Nicole Godber	Ranger/ Regulatory Officer	New	15 September 2020
Bruce Webb	Ranger	Annual	15 September 2020
Nathan Campbell	Ranger	Annual	15 September 2020
Andrew Wiegold	Environmental Health and Building Surveyor	Annual	15 September 2020
Luke Izzard	Building Surveyor	New	23 September 2020
Robert Briant	Town Planner (PPT)	Annual	15 September 2020
Laura Schweiger	Procurement Officer	Annual	8 September 2020
Catherine Smith	Environmental Health Officer	Annual	8 September 2020
Sally Atkinson			28 September 2020
<b>Councillors</b>			
Abb McAlister	Mayor	Annual	25 September 2020
Doug Phillips	Councillor	Annual	24 September 2020
Dennis Palmer	Deputy Mayor	Annual	9 September 2020
Craig Stewart	Councillor	Annual	8 September 2020
Charlie Sheahan	Councillor	Annual	25 September 2020
Gil Kelly	Councillor	Annual	29 September 2020
David Graham	Councillor	Annual	29 September 2020
Penny Nicholson	Councillor	Annual	9 September 2020
Leigh Bowden	Councillor	Annual	18 September 2020

### 8.1.4 DRAFT AGENCY INFORMATION GUIDE (AIG)

DOCUMENT NUMBER	335383
REPORTING OFFICER	Teresa Breslin, Governance Officer
AUTHORISING OFFICER	Phillip McMurray, General Manager
RELEVANCE TO COMMUNITY STRATEGIC PLAN	<p><b>4. Good governance: an actively engaged community and strong leadership team</b></p> <p>4.3 Cootamundra-Gundagai Regional Council is a premier local government Council</p>
FINANCIAL IMPLICATIONS	There are no Financial implications associated with this report.
LEGISLATIVE IMPLICATIONS	To comply with part 2, division 2 of the <i>Government Information (Public Access) Act, 2009</i> .
POLICY IMPLICATIONS	The AIG is supported by Council's Access to Information Policy.
ATTACHMENTS	1. Draft Agency Information Guide 2020 <a href="#">Download</a>

### RECOMMENDATION

**The draft Agency Information Guide (AIG), attached to the report, be adopted.**

#### Introduction

The *Government Information (Public Access) Act, 2009* (GIPA Act) states that;

- (a) All agencies (other than a Minister) must have an Agency Information Guide (AIG).
- (b) An Agency must make their AIG available free of charge on the agency's website.
- (c) An agency must review their AIG and adopt a new AIG every 12 months.
- (d) An agency must also notify the Information Commissioner before adopting or amending an AIG.

The updated Agency Information Guide (AIG) attached to the report was forwarded to the Information Commissioner as required.

#### Discussion

Council's AIG is developed and reviewed in pursuant to the *Government Information (Public Access) Act, 2009* (GIPA Act) and the Information and Privacy Commission (IPC) guidelines. Only minor alterations were identified as necessary for this year's review. A further review will be undertaken when council adopts a new organisational structure.



COOTAMUNDRA-  
GUNDAGAI REGIONAL  
COUNCIL

# DRAFT Agency Information Guide 2019

24 September 2020



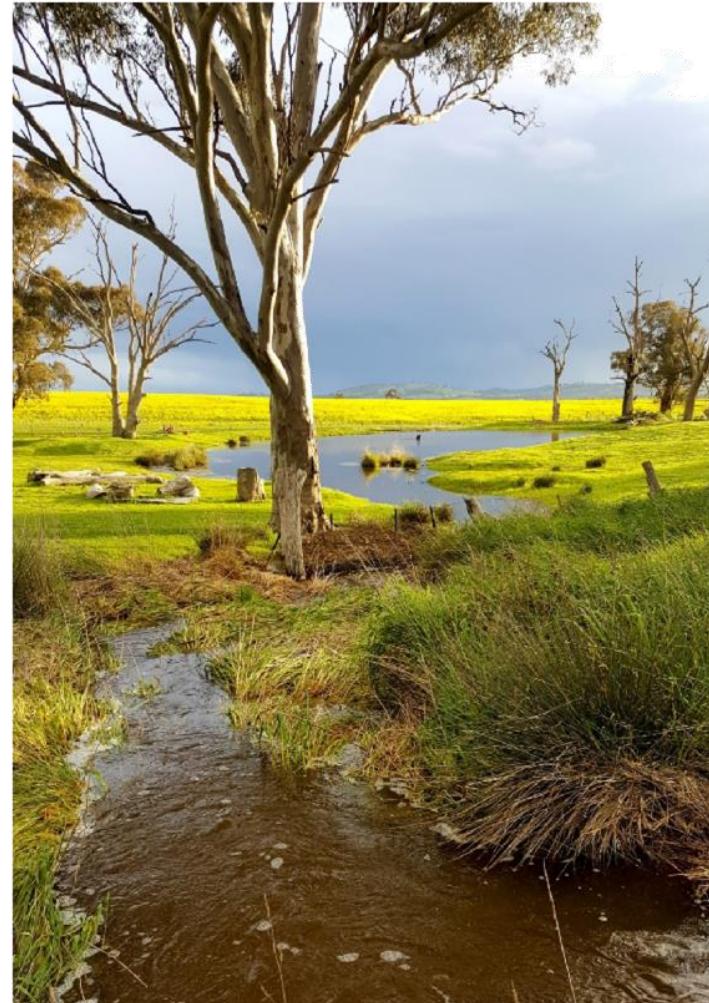
## PART 1 - INTRODUCTION

This Information Guide has been prepared in accordance with section 20 of the *Government Information (Public Access) Act 2009* (GIPA Act) and is reviewed annually.

The purpose of Council's Information Guide is to provide members of the community, Council staff and the public with information concerning:

- The structure and functions of Council
- The way in which the functions of Council affect members of the public
- The avenues available to the public to participate in policy development and the exercise of Council's functions; and
- The type of information available from Council and how this information is made available.

The Information Guide is available at [www.cgrc.nsw.gov.au](http://www.cgrc.nsw.gov.au)



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## Version Control

Ref	Date	Description	Council Resolution
0.1	01/03/2018	Forwarded to the Information Commissioner as per s.22(1) of the GIPA act	N/A
1.0	27/03/2018	Adopted by Council.	62/2018
1.1	26/07/2019	Updated some content, Organisation Structure, Legislation, phone numbers, and added relevant content.	N/A
1.2	02/08/2019	Forwarded to the Information Commissioner.	N/A
1.3	24/09/2019	Adopted by Council.	315/2019
1.4	24/09/2020	Yearly review as per the Gipa Act.	N/A
1.5	19/10/2020	Forwarded to the Information Commissioner as per s.22(1) of the GIPA act	N/A
1.6	27/10/2020	Presented to Council.	TBA

## PART 2 - STRUCTURE AND FUNCTION OF COUNCIL

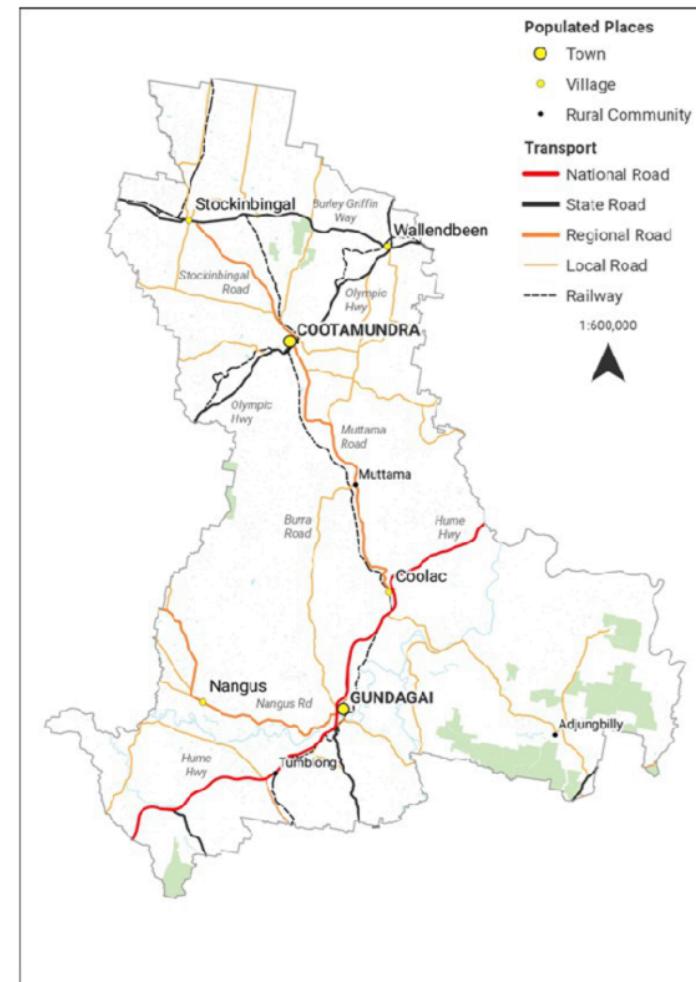
### Cootamundra-Gundagai Regional Council at a glance

Cootamundra-Gundagai Regional Council was formed by Proclamation of the NSW Government on 12 May 2016 and incorporates the former Cootamundra Shire Council and Gundagai Shire Council local government areas.

Cootamundra-Gundagai Regional Council provides services and support to a community of approximately 11,500 people, including residents of Cootamundra and Gundagai, as well as the villages of Adjungbilly, Coolac, Muttama, Nangus, Stockinbingal, Tumblong and Wallendbeen.

The figure to the right shows the Cootamundra-Gundagai Regional Council boundary area.

COOTAMUNDRA-GUNDAGAI REGIONAL COUNCIL



## How is Cootamundra-Gundagai Regional Council Managed?

### The Elected Council

The Cootamundra-Gundagai Region Council is made up of 9 Councillors, including the Mayor and Deputy Mayor. These Councillors are elected by residents and ratepayers, every four years, to represent the community and provide leadership and guidance. The Councillors then elect the Mayor and Deputy Mayor, amongst them.

### The Administration

The General Manager, leads the administrative arm of Council. The General Manager is responsible for the efficient and effective operation of the Council's organisation and for ensuring that the decisions of the Council are implemented.

The General Manager is responsible for:

- the operation of the Council's organisation,
- for implementing decisions of the Council,
- the day-to-day management of the Council,
- the exercise of any functions delegated by the Council,
- the appointment of staff,
- the direction and dismissal of staff,
- and the implementation of Council's Equal Employment Opportunity Management Plan.

The Deputy General Manager assists the General Manager in the exercise of these functions.

To assist the General Manager and Deputy General Manager, Management staff are appointed. Council's Sections Manager positions are as follows:

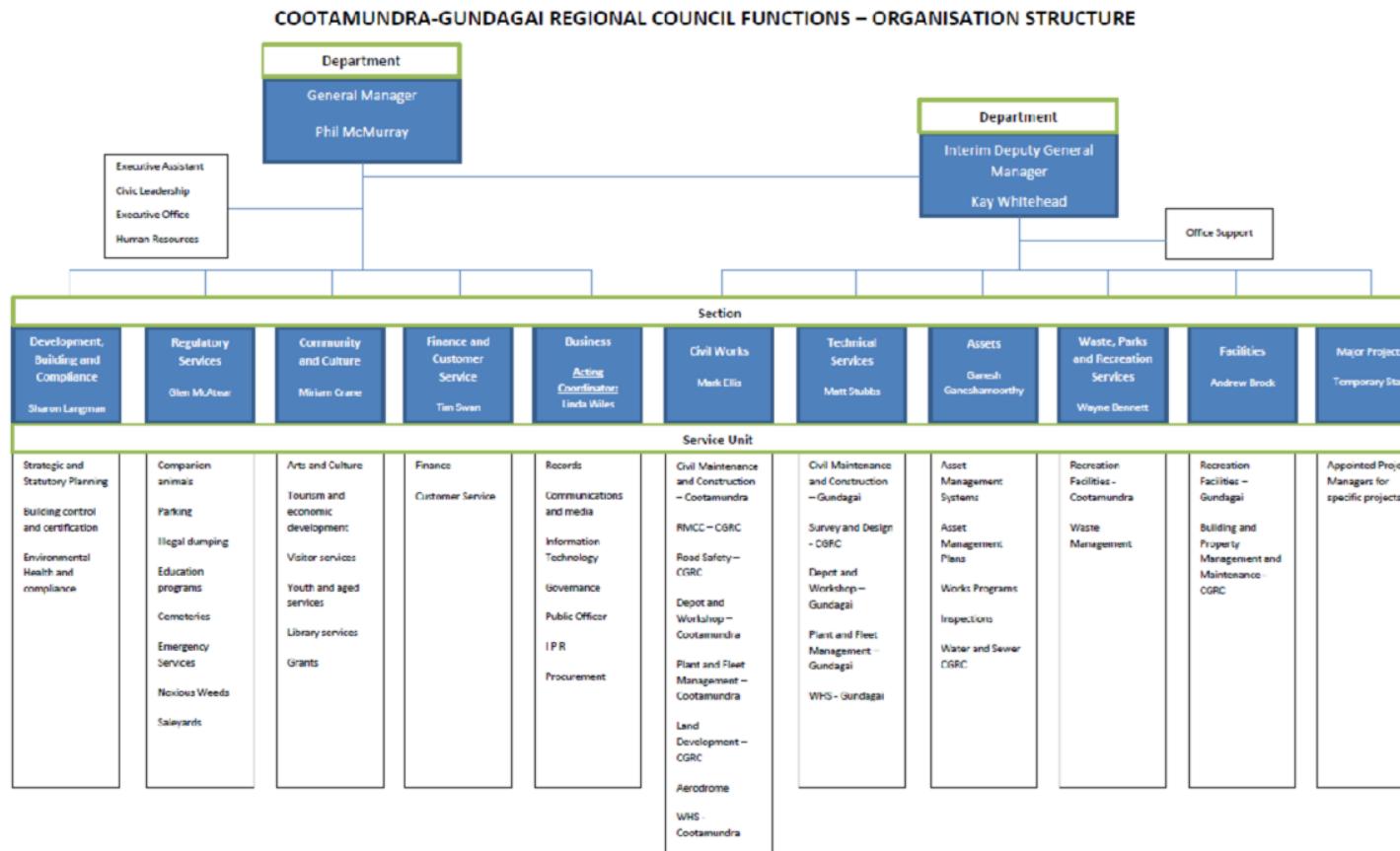
- Manager Development, Building and Compliance
- Manager Regulatory Services
- Manager Community and Culture
- Manager Finance and Customer Service
- Manager Business
- Manager Civil Works
- Manager Technical Services
- Manager Assets
- Manager Waste, Parks and Recreation Services
- Manager Facilities

The Management staff are supported by individual staff members each responsible for their own area of expertise.

The next page shows Cootamundra-Gundagai Regional Council's organisational structure.

## COOTAMUNDRA-GUNDAGAI REGIONAL COUNCIL

## Cootamundra-Gundagai Regional Council Organisational Structure



## COOTAMUNDRA-GUNDAGAI REGIONAL COUNCIL

Under the Local Government Act 1993, Council's functions can be grouped into the following categories:

<b>Service Functions</b>	<p>Including:</p> <ul style="list-style-type: none"><li>• Provision of community health, recreation, education &amp; information services</li><li>• Environmental protection</li><li>• Waste removal &amp; disposal</li><li>• Land &amp; property, industry &amp; tourism development &amp; assistance</li><li>• Civil Infrastructure Planning</li><li>• Civil Infrastructure Maintenance &amp; Construction</li></ul>
<b>Regulatory Functions</b>	<p>Including:</p> <ul style="list-style-type: none"><li>• Approvals</li><li>• Orders</li><li>• Building Certificates</li></ul>
<b>Ancillary Functions</b>	<p>Including:</p> <ul style="list-style-type: none"><li>• Resumption of land</li><li>• Powers of entry and inspection</li></ul>
<b>Revenue Functions</b>	<p>Including:</p> <ul style="list-style-type: none"><li>• Rates</li><li>• Charges</li><li>• Fees</li><li>• Borrowings</li><li>• Investments</li></ul>
<b>Admin Functions</b>	<p>Including:</p> <ul style="list-style-type: none"><li>• Employment of staff</li><li>• Management plans</li><li>• Financial reporting</li><li>• Annual report</li></ul>
<b>Enforcement Functions</b>	<p>Including:</p> <ul style="list-style-type: none"><li>• Proceedings for breaches of the Local Government Act &amp; Regulations and other Acts &amp; Regulations.</li><li>• Prosecution of offences</li><li>• Recovery of rates and charges.</li></ul>

## COOTAMUNDRA-GUNDAGAI REGIONAL COUNCIL

As well as the Local Government Act 1993, Council has powers under a number of other Acts, including but not limited to:

Biosecurity Act 2015	Privacy & Personal Information Protection Act 1998
Biodiversity Conservation Act 2016	Protection of the Environment Operations Act 1997
Building Professionals Act 2005	Public Health Act 2010
Community Land Development Act 1989	Public Interest Disclosures Act 1994
Companion Animals Act 1998	Recreation Vehicles Act 1983
Contaminated Land Management Act 1997	Roads Act 1993
Conveyancing Act 1919	Road Rules 2008 NSW Consolidated Regulations
Crown Land Management Act 2016	Roads Transport Act 2013
Dividing Fences Act 1991	Rural Fires Act 1997
Environmental Planning and Assessment Act 1979	State Emergency & Rescue Management Act 1989
Fluoridation of Public Water Supplies Act 1957	State Emergency Service Act 1989
Food Act 2003	Strata Schemes Development Act 2015
Government Information (Public Access) Act 2009	Strata Schemes Management Act 2015
Health Records and Information Privacy Act 2002	Swimming Pools Act 1992
Heritage Act 1977	Unclaimed Money Act 1995
Impounding Act 1993	Waste Avoidance and Resource Recovery Act 2001
Library Act 1939	Water Management Act 2000
Liquor Act 2007	Work Health and Safety Act 2011
Plumbing and Drainage Act	Workplace Injury Management and Workers Compensation Act 1998

## What does Council do?

Council provides a range of services and support to the community, including:

- Strategic land and town planning
- Waste management and recycling
- Pet registration and control
- Pest and weed management
- Building and development supervision
- Local road and streetscape maintenance
- Emergency and disaster planning
- Food and public health services
- Economic development
- Servicing of libraries, community centres, sporting facilities
- Maintenance of parks, pools and sporting fields
- Tourism services and many more.

## Vision Statement

***A vibrant region attracting people, investment and business through innovation, diversity and community spirit.***

The vision for the future is built around four key directions:

- **A vibrant and supportive community: all members of our community are valued and connected**
- **A prosperous and resilient economy: we are innovative and 'open for business'**
- **Sustainable natural and built environments: we connect with the places and spaces around us**
- **Good governance: an actively engaged community and strong leadership team**

## PART 3 - HOW COUNCIL'S FUNCTIONS AFFECT MEMBERS OF THE PUBLIC

The Cootamundra-Gundagai Regional Council is a governing body, therefore every decision it makes affects members of the public. The Council plans for the future and manages the infrastructural comfort and financial stability of current and future generations of residents.

Council has certain functions imposed on it by the Local Government Act 1993 and also undertakes other discretionary functions. These functions and how they affect the public are summarised as follows:

### **Service Functions**

Service functions affect the public as Council provides services and facilities to the public. These include the provision of libraries and child care services, halls and community centres, recreation facilities, sports fields, parks, local infrastructure, tree maintenance and the removal of waste.

### **Regulatory Functions**

Regulatory functions place restrictions on developments and buildings to ensure that they meet certain requirements affecting the amenity of the community and do not endanger the lives and safety of any person. Members of the public must be aware of, and comply with, such regulations.

### **Ancillary Functions**

Ancillary functions affect only some members of the public. These functions include, for example, the resumption of land, or the power

for Council to enter onto a landowner's land. In these circumstances, only the owner of the property would be affected.

### **Revenue Functions**

Revenue functions affect the public directly as revenue from rates and other charges paid by the public is used to fund services and facilities provided to benefit the community.

### **Administrative Functions**

Administrative functions do not necessarily affect the public directly but have an indirect impact on the community through the efficiency and effectiveness of the service provided.

### **Enforcement Functions**

Enforcement functions only affect those members of the public who are in breach of certain legislation. This includes matters such as the nonpayment of rates and charges, unregistered dogs, parking offences and other regulatory offences.

## PART 4 - PUBLIC PARTICIPATION IN LOCAL GOVERNMENT

There are two ways in which the public may participate in the policy development and the general activities of the Council. These are through representation and personal participation.

### Representation

The community elect representatives to their local council to make decisions on their behalf. The public have the opportunity to participate every 4 years when elections are held. All residents of the area who are on the electoral roll are eligible to vote. Property owners who live outside of the area and rate paying lessees can also vote. Voting is compulsory.

Residents are able to raise issues with, and make representations to, the elected Councillors. The Councillors, may pursue the matter on the resident's behalf, therefore allowing members of the public the opportunity to influence the development of policy. Members of the public are encouraged to discuss local community concerns with their elected representatives. To get in touch with an elected Councillor please email [mail@cgrc.nsw.gov.au](mailto:mail@cgrc.nsw.gov.au).

### Personal Participation

Council recognises the importance of providing opportunities for the community to make their voice heard. Council values community input in the engagement process, which enables Council to make decisions based on the views of residents, ratepayers, business owners and community groups.



## COOTAMUNDRA-GUNDAGAI REGIONAL COUNCIL

A number of avenues are available for members of the public to directly contribute to Council's decision making process, including:

**Council and Committee Meetings**

Members of the public are invited to attend Council meetings and address Council on any matters on the agenda to assist with the decision making process and any other Council related matters, during public forum. Council also has a number of advisory committee meetings which discuss policy and strategic matters and make recommendations for Council's consideration.

A full list of Council meeting dates and locations is available on Council's website. Business papers and minutes of the meetings are published on Council's website and are also available at Council offices.

**Public exhibition of proposed policies, plans and projects**

Council consults with its residents in relation to policy and other matters throughout the year. Policies that have an impact on the public and other matters of importance to the community are exhibited for public comment prior to Council decisions. Refer to Council's website for information in relation to matters that are currently on public exhibition.

**Submissions to Council on specific matters**

Through the provisions of certain Acts or Regulations, members of the public have the opportunity to influence Council's decisions by making submissions, comments or objections to proposals. For example, the contents of Council's Community Strategic Plan, Delivery Program and Operational Plan and the consideration of development applications are advertised and public comment is invited prior to Council's decision on the matter.

**Other opportunities**

Council is committed to consulting with the community about important projects and initiatives and has a Community Engagement function to gather and analyse information relating to community needs and concerns.

## COOTAMUNDRA-GUNDAGAI REGIONAL COUNCIL

**Community consultation will take place**

- Where community input can enhance decision making
- To help identify community needs
- In response to community expressions of interest
- When Council resolves to consult the community
- When required by law

**Community engagement may also take place on**

- The allocating of funding to various projects whether that be for new or current
- Services or to improve or create new infrastructure
- The planning and creation of new services and infrastructure
- The provision of existing services
- The creation of major events
- Major planning and development projects
- Key topics and issues affecting the Cootamundra-Gundagai Regional Council community i.e. environmental Health, safety, transport etc.

**Methods of Communication**

There are many different methods to engage and share information with stakeholders and Council may utilise multiple techniques on a single project to ensure a broad section of the community has been consulted.

These may include:

- Council's website – [www.cgrc.nsw.gov.au](http://www.cgrc.nsw.gov.au)
- Media releases and statements
- Fortnightly community newsletters
- Print, telephone and online surveys
- Meetings, seminars and forums
- Advertising in the local media
- Letters
- Facebook



## PART 5 - ACCESS TO INFORMATION

### Information available

The Government Information (Public Access) Act 2009 (GIPA Act) provides the public with a general right of access to information held by Council as long as it does not infringe privacy or other laws or there aren't public interest considerations against disclosure.

The following information is prescribed Open Access information in accordance with the GIPA Act and is available on Council's website:

- This information guide
- Documents (if any) tabled in Parliament on behalf of Council (will be available on Council's website if and when any information is tabled in parliament on behalf of Council)
- [Council's Policy documents](#)
- Council's Disclosure Log of Access Applications
- [Council's Register of Government Contracts](#)
- [A record of open access information that is not made available to the public on the basis of an overriding public interest against disclosure.](#)

Council holds a range of information in various formats that relate to a number of different issues concerning the Cootamundra-Gundagai Regional Council Local Government Area. This information may be available on Council's website, via an Informal Access to Information request or a [Formal Access to Information application](#). All requests for access to information held by Council will be determined in accordance with the requirements of the GIPA Act.

In addition, pursuant to Schedule 1 of the Government Information (Public Access) Regulation 2009, all of Council's 'Open Access' information is required to be available via Council's website (unless there is an unreasonable additional cost to Council to publish these documents on the website). Where this is the case, the information will be available for inspection at Council offices. Any current (and the immediately preceding version of) documents of this type may be inspected by the public free of charge. Copies can be supplied for reasonable copying charges, in accordance with [Council's Fees and Charges](#).

### How to access information held by Council

Under the GIPA Act there is an underlying rationale to encourage greater accessibility to government information for members of the public. A large amount of the information Council holds is made available on the Council's website. Information that is not published on Council's website may be requested via informal release or via a formal access application in line with sections 7 to 9 of the GIPA Act. There are four ways to obtain access to information held by Council:

#### Mandatory Proactive Release (open access information)

- Under legislation Council must release certain information unless there is an overriding public interest against doing so.
- Council's website is the central reference point where members of the public can search for this information.
- This type of information includes Council policies, meeting agendas and minutes, media releases, annual reports, register of government contracts and disclosures log of access applications.

Open Access information includes:

#### Information about Council

- The model code of conduct prescribed under section 440(1) of the Local Government Act 1993 (LGA)
- Council's adopted Code of Conduct
- Code of Meeting Practice
- Annual report
- Annual financial reports
- Auditor's report
- Integrated Planning and Reporting plans (Operational Plan, Delivery Program, Community Strategic Plan)
- EEO Management Plan
- Policy concerning the payment of expenses incurred by, and the provision of facilities to Councillors,
- Annual reports of bodies excising functions delegated by the local authority
- Any codes referred to in the LGA
- Returns of the interests of Councillors, designated persons and delegates
- Agendas and business papers for any meeting of Council or its committee's of the local authority (excluding closed council meeting business papers)
- Minutes of any meeting of the Council or its committees, but restricted (in the case of any part of a meeting that is closed to the public) to the resolutions and recommendations of the meeting

## COOTAMUNDRA-GUNDAGAI REGIONAL COUNCIL

- Departmental representative reports presented at a meeting of the Council in accordance with section 433 of the LGA
- Land Register
- Register of Investments
- Register of Delegations
- Register of Voting on Planning Matters

Plans and Policies

- Local policies adopted by Council concerning approvals and orders
- Plans of Management for Community Land
- Environmental Planning Instruments, Development Control Plan and Contribution Plans

Information about development applications

- Development applications and any associated documents received in relation to a proposed development including:
  - Home Warranty Insurance documents
  - Construction Certificates
  - Occupation Certificates
  - Structural Certification documents
  - Town Planner Reports
  - Submissions received on development applications
  - Heritage Consultant reports
  - Tree Inspection Consultant reports
  - Acoustics consultant reports,
  - Land Contamination Consultant Reports
- Records of decisions made on or after 1 July 2010 on development applications (including decisions made on appeal),
- Records describing the general nature of the documents that Council decides to exclude from public view including internal specifications and configurations and commercially sensitive information.

Please note that access to open access development application information is available via the following methods:

- Development application information made on or after 1 July 2010, view only access can be obtained at Council's administration centres.
- Development application information prior to 1 July 2010, copy and view access can be obtained via an Informal Access to Information request.

Council is currently investigating options to make open access information on development applications available on our website.

Approvals, orders and other documents

- Applications for approvals under part 7 of the LGA

## COOTAMUNDRA-GUNDAGAI REGIONAL COUNCIL

- Applications for approvals under any other Act and any associated documents received
- Records of approvals granted or refused, any variation from local policies with reasons for the variation, and decisions made on appeals concerning approvals
- Orders given under Part 2 of Chapter 7 of the LGA, and any reasons given under section 136 of the LGA
- Orders given under the authority of any other Act
- Records of building certificates under the Environment Planning and Assessment Act 1979
- Plans of land proposed to be compulsorily acquired by the local authority
- Compulsory acquisition notices
- Leases and licences for use of public land classified as community land

**Authorised Proactive Release**

Council proactively releases information with a commitment to providing as much information as possible for free on Council's website, or in another appropriate manner and by the amount specified in [Council's Fees and Charges](#). Such information may include information frequently requested or information of public interest that has been released as a result of other requests.

**Informal Access Applications**

- Information that is not available by mandatory or authorised proactive release may be provided through informal release, subject to any reasonable conditions that Council may wish to impose, including deleting matter that would otherwise result in there being an overriding public interest against disclosure.
- Informal requests will be processed in a timely manner and as soon as practical. Turnaround times will also depend on the volume of information sought and whether documents need to be retrieved from archives.
- Applications for informal release can be made in writing by completing the [Informal Access to Information form](#) which is available on Council's Website.
- There is no fee required for an informal access application, however photocopying fees may apply as specified in [Council's Fees and Charges](#).

**Formal Access Applications**

- A formal access application may be required where the information requested is not available by proactive or authorised release or informal access, and the information sought:

## COOTAMUNDRA-GUNDAGAI REGIONAL COUNCIL

- Is of a sensitive nature that requires careful consideration of the public interest test;
- Contains confidential information;
- Contains personal information of third parties who must be consulted;
- Contains business information of third parties who must be consulted; or
- Would involve a significant diversion of Council resources

- Formal access applications must be made in writing by completing a [Formal Access Application Form](#) which is available on Council's website.
- Formal Access Applications require payment of \$30.00 application fee and \$30.00 hourly processing charges may apply.
- A 50% discount on processing charges may be available to holders of a pension concession card, non-profit organisations, fulltime students, and persons whom are experiencing financial hardship, as prescribed by section 10 of the Gipa Regulations.
- Formal access applications will be acknowledged and determined within the statutory periods prescribed by section 57 of the GIPA Act, which includes making a determination and notifying the applicant of the decision within 20 working days, unless the applicant agrees to extend the time. Council may also extend the time by up to 15 working days when consultation with a third party is required or if Council needs to retrieve records from archives.

**Fees and Charges**

The Government Information (Public Access) Regulation requires that Open Access information held by Council, is to be made publicly available for inspection, free of charge. The public is entitled to inspect these documents on Council's website (unless there is an unreasonable additional cost to Council to publish these documents on the website) and at the offices of the Council during ordinary office hours or at any other place as determined by the Council. Any current and previous documents of this type may be inspected by the public free of charge. Copies can be supplied for reasonable copying charges as set out in [Council's Fees and Charges](#).

**Copyright Restrictions**

Nothing in the regulations requires or permits council to make open access information available that would constitute an infringement of copyright (Section 6.6 GIPA Act). Access to copyright documents will be granted by way of inspection only, unless the copyright owner's written consent is provided. Where authority is unable to be obtained or the copyright owner is not able to be contacted, copies of copyright material

## COOTAMUNDRA-GUNDAGAI REGIONAL COUNCIL

will not be provided. These documents include plans/drawings, consultant reports, Statement of environmental Effects and other miscellaneous reports submitted with a DA. (Please note that this list is not definitive).

**The Public Interest Test**

Providing access to government information is restricted only when there is an overriding public interest against disclosure. Schedule 1 of the GIPA Act lists the conclusive considerations against disclosure. In addition, section 14 of the GIPA Act lists the discretionary considerations against disclosure.

**Review of Decisions**

Where an applicant is refused access to information under a formal application pursuant of the GIPA Act, Council will provide details of the reasons for refusal in writing. The types of decisions that are reviewable and further information regarding review rights is available on the ['Your review rights under the GIPA Act'](#) IPC fact sheet available on the IPC website.

If the applicant is dissatisfied with Council's determination of their application they may seek to have the decision reviewed either by:

- Internal review - this is a review by a Council officer more senior than the original decision maker. Applicants have 20 working days from receiving notice of a decision to ask for a review, and a \$40 fee is payable by the applicant.
- External Review by the Information Commissioner - the applicant has 40 working days from receiving notice of a decision to ask for a review.
- External Review by NSW Civil Administration Tribunal – the applicant has 40 working days from receiving notice of a decision from Council to ask for a review, or 20 working days after the completion of a review by the Information Commissioner.

**Third Party Consultation**

In accordance with section 54 of the GIPA Act, Council must consult where the information requested concerns:

<ul style="list-style-type: none"><li>• Personal information</li><li>• Business interests</li></ul>	<ul style="list-style-type: none"><li>• Research that has been carried out; or</li><li>• The affairs of another state or the Commonwealth government</li></ul>
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Consultation must take place if the information is such that the person may have reasonable concerns about disclosure and those concerns are relevant to the public interest test.

## PART 6 - CONTACT DETAILS

### Public Officer

The Coordinator of Business is Council's Public Officer. Amongst other duties, the Public Officer may deal with requests from the public concerning Council's affairs and has the responsibility of assisting people gain access to the public documents of Council.

### Access to Information Officer

The Governance Officer is Council's Access to Information Officer. Amongst other duties, Council's Access to Information Officer is responsible for determining formal applications for access to documents. If you have any difficulty in obtaining access to Council documents, you may wish to refer your enquiry to the Public Officer. Members of the public seeking amendment to their personal information recorded by Council should make written application to the Public Officer in the first instance.



### Contact:

Public Officer or Access to Information Officer

Email: [mail@cgrc.nsw.gov.au](mailto:mail@cgrc.nsw.gov.au) Phone: 1300 459 689

Address: Cootamundra-Gundagai Regional Council,  
PO Box 420, Cootamundra NSW 2590

### Information Commissioner

If you require any other advice or assistance about access to information, you may contact the Information Commissioner at the Information and Privacy Commission by telephone on 1800 472 679 (freecall), email at [ipcinfo@ipc.nsw.gov.au](mailto:ipcinfo@ipc.nsw.gov.au) or by post at GPO Box 7011, Sydney NSW 2001.



**COOTAMUNDRA-GUNDAGAI REGIONAL COUNCIL**

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[www.cgrc.nsw.gov.au](http://www.cgrc.nsw.gov.au)

**Cootamundra Office:**

81 Wallendoon Street, Cootamundra NSW 2590  
Phone: 1300 459 689  
Fax: 02 6940 2127

**Gundagai Office:**

255 Sheridan Street, Gundagai NSW 2722  
Phone: 1300 459 689  
Fax: 02 6940 2127



**8.1.5 STOCKINBINGAL ELLWOOD'S HALL S.355 COMMITTEE MEETING MINUTES**

DOCUMENT NUMBER	336486
REPORTING OFFICER	Teresa Breslin, Governance Officer
AUTHORISING OFFICER	Phillip McMurray, General Manager
RELEVANCE TO COMMUNITY STRATEGIC PLAN	<b>4. Good governance: an actively engaged community and strong leadership team</b>  4.2 Active participation and engagement in local decision-making
FINANCIAL IMPLICATIONS	There are no Financial implications associated with this report.
LEGISLATIVE IMPLICATIONS	There are no Legislative implications associated with this report.
POLICY IMPLICATIONS	To comply with the s.355 Committee Management Manual.
ATTACHMENTS	1. Stockinbingal Ellwood's Hall s.355 Committee Meeting Minutes 24 Sept 2020 <a href="#"><u>↓</u></a>

**RECOMMENDATION**

**The Minutes of the Stockinbingal Ellwood's Hall s.355 Committee Ordinary Meeting held on 24 September, 2020, attached to the report, be received and noted.**

**Discussion**

The attached Minutes of the Stockinbingal Ellwood's Hall s.355 Committee Ordinary Meeting held on 24 September, 2020, are submitted for the information of Council.

The Minutes of the Meeting held on 24 September 2020 have been distributed to Council's Manager of Facilities for investigation.



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# Minutes

## STOCKINBINGAL ELLWOOD'S HALL SECTION 355 COMMITTEE

ELLWOODS HALL, MARTIN ST, STOCKINBINGAL

DATE: 5.15PM 24 SEPT 2020

### 1 AGENDA ITEMS

#### 1.1 Attendance and Confirmation of Quorum

<u>Attendance:</u>	Chairperson:	Carmel Payne
	Secretary:	Lorna Nixon
	Treasurer:	Alan Pether
	Councillor:	Leigh Bowden
	General Members:	Lynn Basham, Russell Vincent, Sue Caldwell

##### Confirmation of a Quorum:

There are 7 Members appointed to this Committee.  
Quorum numbers are met – YES.

#### 1.2 Apologies:

Steve Neave

Chairperson Carmel welcomed everyone to the meeting and gave a special meeting to Sue Caldwell who has recently joined the committee.

#### 1.3 Disclosure of Interests:

Nil

#### 1.4 Confirmation of previous meeting Minutes

The minutes of the last Ellwood's Hall Section 355 Committee meeting dated 23 July 2020 were confirmed as true and correct.

Moved: Russell Vincent

Seconded: Lynn Basham

#### 1.5 Business Arising from previous Minutes:

- Quotes from New Joiner and revised quote from Evans Joinery – refer to General Business.

#### 1.6 Correspondence in/out:

It was moved by Alan Pether and seconded by Russell Vincent that we deal with correspondence as read:

- Thank you letter to Essential Energy for the \$200 grant.
- CGRC – notification that we were unsuccessful in our application for Council Donation.
- CGRC – Notification to Our Heritage Room that they were successful in an application for \$300 to go towards publishing a book.
- Letter to Andrew Brock at CGRC advising that the Solar Panel screen has a fault showing.
- Reply from Andrew advising a Solar Tech was booked to look at this issue.

**1.7 Report from the Treasurer:** See separate report.

Report for July, August, September:

Opening Balance:	7796.73
Income:	390.00 (PO Rental for June)
Expenses:	0.00
Balance:	\$ 8488.07

Term Deposit: \$ 5,000 maturing 1 October 2020.

Alan Pether moved that his report be adopted, seconded Carmel Payne.

Alan Pether moved that we withdraw all of our Term Deposit and place it in our General Account, in preparation for Kitchen renovations and cupboards (and hopefully to match a grant from the Community Building Partnership, results to be made known in November), seconded Russell Vincent.

**1.8 General Business (List Agenda Items)**

- 1) **Kitchen Quotes:** Three quotes were obtained from three different Joiners to make the Kitchen cupboards. It was moved by Lorna Nixon and seconded by Lynn Basham that we ask Evans Joinery to make our cupboards.

**HOWEVER – before Ricky Evans can commence work some repairs and maintenance needs to be done to the ceiling, floor, outside guttering, and chimney, in the Kitchen.**

Previous discussions with Andrew Brock, Facilities Manager of the CGRC, indicated that Council will assist with these maintenance issues with an allocated fund that he has been given for the Ellwoods Hall. The question is WHEN this can happen? The committee are anxious to have a functional Kitchen ready for a wedding happening in the Hall in April 2021.

**Action:** Councillor Leigh Bowden will make enquiries on our behalf.

- 2) **Fundraiser:** The Committee members are keen to hold a function to raise some funds for our Kitchen work. With current restrictions in mind, it was suggested that we go ahead with a Car Boot Sale which was originally planned for March just as Lockdown occurred.

**Saturday 28 November** has been designated.

**Action:** Advertising to be made widely via posters, phone calls, word of mouth, Newsletter, Facebook etc

**1.9 Date and Time of Next Meeting:** 5.15 Thursday 22 Oct 2020**1.10 Time Meeting Closed:** 6.20 pm.

**8.1.6 MUTTAMA CREEK REGENERATION GROUP S.355 COMMITTEE MEETING MINUTES**

DOCUMENT NUMBER	337145
REPORTING OFFICER	Teresa Breslin, Governance Officer
AUTHORISING OFFICER	Phillip McMurray, General Manager
RELEVANCE TO COMMUNITY STRATEGIC PLAN	<b>4. Good governance: an actively engaged community and strong leadership team</b>  4.2 Active participation and engagement in local decision-making
FINANCIAL IMPLICATIONS	There are no Financial implications associated with this report.
LEGISLATIVE IMPLICATIONS	There are no Legislative implications associated with this report.
POLICY IMPLICATIONS	To comply with the Section 355 Committee Management Manual.
ATTACHMENTS	1. Muttama Creek Regeneration Group s.355 Committee Meeting Minutes 10 August 2020 <a href="#">Download</a>

**RECOMMENDATION**

**The Minutes of the Muttama Creek Regeneration Group s.355 Committee meeting held on 10 August, 2020, attached to the report, be received and noted.**

**Introduction**

The attached Minutes of the Muttama Creek Regeneration Group s.355 Committee meeting held on 10 August 2020, are submitted for the information of Council.

**Muttama****Regeneration Group****Muttama Creek Regeneration Group****Minutes Monday, 10 August, 2020**

**Present:** Graeme Johnson, Di Pearton, Betti Punnett, Steve Mills, Norma Clarke, Charlie Sheahan, Win Main, Lin Chaplin

**Apologies:**

**Welcome:** Meeting opened at 4.07 pm

GJ presented the evacuation plan for the building as required prior to every meeting. Minutes read by GJ and accepted by SM.

**Business Arising:**

- **Water Quality testing-** GJ Re stocking Bernie Barnes the test kit. Area of concern near the Abattoirs.
- **Pat's seat-** planting has been carried out Jim C brought kangaroo grass plants he had at home to plant
- **Flood planning committee-** Steve Mills reported that the flood planning report has been done – draft to be reviewed by the council and then to public for perusal, probably this month.

**GENERAL BUSINESS**

- **Exotics-** Graeme and Steve to attack a few at each working bee.
- **Callistemons** – let Charlie S. know what we need and he may be able to get some from a bulk supplier
- **Get in touch-** with Annie Jacobs regard Viv Thompson the new president of Muttama Creek Land Care
- **Invitation-** to Wayne Bennett to next meeting.
- **Thryptomene** Saxicola, purchased by Win M. at the Cold Country Nursery, planted at Bird Walk x2 Coota Wattles
- **Norma C.** revisited the Peter Bacon Shrubs Plan. **Plant** shrubs near the creek, Trees further back, Shade from shrubs will control the cumbungi. **Section G** down from South of John Rees Bridge make into a wetland. (longitudinal cracking indicates the need for bank stabilisation. **Cumbungi** is acting as a pollutant trap. This can eventually interfere with flow and encourage flooding. A major tributary enters the Creek at the point behind the Drill Hall. It is essential that the opposite bank be protected from scouring flows. **Upstream** from Thompson St stream widening and sediment accumulation has resulted in an unstable and unsightly area. Sediment could be removed from the centre of the creek. Replant with native riparian plants. **Remove** accumulated sedimentation from the creek down stream of Mackay St. **Establish** a pond upstream on John Rees Bridge
- **Graeme-** Development of new area at the Casuarina Walk east of Pats seat. Spraying, mounding and mulch by the council, Plan already discussed with the council parks and gardens staff.

Muttama Creek Regeneration Group Minutes, August 10 2020

- **Working bee-** Bird Walk Thompson St, 22 August 9:00am Casuarina walk 12 Sept 9:00am
- Next Meeting: 4pm, 12<sup>th</sup> October, 2020 at Stephen Ward Rooms

**Meeting closed at 5:03 pm**

**8.1.7 COOTAMUNDRA TOURISM ACTION GROUP S.355 COMMITTEE MEETING MINUTES**

DOCUMENT NUMBER	337309
REPORTING OFFICER	Jeana Scott, Tourism and Economic Development Officer
AUTHORISING OFFICER	Phillip McMurray, General Manager
RELEVANCE TO COMMUNITY STRATEGIC PLAN	<p><b>4. Good governance: an actively engaged community and strong leadership team</b></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	To comply with the Section 355 Committee Management Manual.
ATTACHMENTS	1. Cootamundra Tourism Action Group s355 Committee Meeting - 1 October 2020 Minutes <a href="#">↓</a>

**RECOMMENDATION**

- 1. The Minutes of the Cootamundra Tourism Action Group held 1st October, 2020 attached to the report, be received and noted.**
- 2. Council consider the recommendations contained within the Minutes.**

Introduction

The Minutes of Cootamundra Tourism Action Group Section 355 Committee held 1<sup>st</sup> October, 2020, attached to the report, are submitted for the information of Council and the community.

The recommendations contained in the Minutes for the consideration of Council are as follows:

1. Council reinstate the “Best dry land wheat growing region” sign at the Wallendbeen round-about area that was removed when the new Council signage was erected.
2. Council install new and appropriate Village Centre directional signage (current signs are small and easily missed when travelling on the highways)
3. Council seek appropriate permissions from Transport for NSW to undertake landscaping and beautification + ongoing maintenance of the Roundabout.
4. Council enact any existing or develop a new landscaping plan for the Wallendbeen Rest-area. This should be bright, colourful and enticing and give a great first impression of our LGA!
5. Council seek funding to re-vamp the Milestone Sculptures including the replacement or upgrade of the Fibre-optics lighting system.
6. Council assist the Wallendbeen Community Association by working with the new owners of the Service station site to see development progress made, and with GrainCorp to progress options for the Silo painting to go ahead or other appropriate activities to be considered.

7. Council Planning staff consider an approach to allow an easier approval process for Food Vans to set up at the rest stop. For instance, space being automatically earmarked, with a booking system in place rather than individual approval applications needed.



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# Minutes

## COOTAMUNDRA TOURISM ACTION GROUP SECTION 355 COMMITTEE

WATTLE ROOM, EX-SERVICES CLUB, PARKER STREET  
4.30PM, THURSDAY 1<sup>ST</sup> OCTOBER 2020

### 1 AGENDA ITEMS

#### 1.1 Attendance and Confirmation of Quorum

Attendance: President/Chairperson: Nina Piotrowicz

Secretary: N/A

Treasurer: N/A

Councillor: Leigh Bowden

General Members: Gwen Norman, Leah Sutherland, Hans Brultzman, Brian Nolan, Dotti LeSage, Annie Jacobs (part mtg only)

Other: Miriam Crane (Staff), Kim Knox-Thurn (Wallendbeen Community Association), Greg Quirk (Wallendbeen Community Association)

Confirmation of a Quorum:

Due to the approved Leave of Absence of Sarah Last, there are 8 Members appointed to this Committee.

Quorum numbers are met [yes]

#### 1.2 Apologies & Disclosure of Interests

Apologies were received from Cr Penny Nicholson, Jeana Scott & Yvonne Forsyth.

#### 1.3 Minutes of Previous Meeting

The Committee confirmed that the minutes of Meeting 3<sup>rd</sup> September 2020 were a true and accurate record of that meeting. (Moved: Nina Piotrowicz, Seconded: Brian Nolan. Carried)

As per the action arising for the Chair, signage re the Milestone Sculptures was noted to Council staff.

#### 1.4 Committee Membership

No updates discussed.

#### 1.5 Discussion items

- *Current & Future Projects of the Waste, Parks & Recreation Services Team*

Unfortunately, Wayne Bennett, Manager Waste, Parks & Recreation Services was not in attendance. He will be invited to a future meeting.

- *Supporting the Villages*

Greg Quirk & Kim Knox-Thorn from the Wallendbeen Community Association (WCA) talked to the committee about their current activities. The group is very busy with dedicated volunteers running

the post office and working on a community WiFi project, establishing walking & riding tracks around the village, and running three main events – a samba night, Anzac Day and “The Long Lunch”. They hope that tourism can be improved a little into the actual Village to ensure that the Pub remains open and can maybe return to serving food.

The Round-about & rest-stop area are the first landing point of many travellers to our Local Government Area and as a first impression, it is currently woeful. This is also the intersection point of Burley Griffin Way and the Olympic Highway – two popular back roads for travellers wanting to “Get of the Hume and Explore” as well as many Canberrans heading to Young each cherry season or to Temora for their signature aviation events. This area really needs attention. Unfortunately, the town is hidden from view, and with poor signage, many are under the impression that this roundabout area, including the old service station and the few houses is the full extent of the Village.

There are opportunities at this rest area for improved tourism signage, regular food vans and local produce stalls. The main set of the Milestone Sculptures are also located here. These were installed in the 1990s and should be re-vamped as one of Cootamundra’s key “Art Trail” pieces. In particular, the fibre-optic light system needs to be upgraded or replaced as the sculptures are barely visible at night as originally envisaged.

The WCA are disappointed that the old service station site remains as a mess and hopes that Council may be able to assist them in seeking updates as to any Development proposals and ability to at least see if the current dilapidated structures can be demolished & the area kept in a reasonable condition until fully developed in the future.

Prior to COVID, a regular market was held monthly at the rest area – Hans suggested some improvements to the markets. Greg & Kim will pass on to the Market organisers.

Funds are on hold for the Wallendbeen Silos to be painted and included in the Silo Art Trail. Unfortunately, GrainCorp still have the silo marked as a “Stand-by” silo and will not allow the painting to go ahead. Other options such as digital projections have been considered, but this would only then be feasible as an evening attraction. The Wallendbeen Community is keen to continue to hold out for GrainCorp to allow the painting to go ahead rather than redirect the funds to another project.

Wallendbeen is perfectly located to be considered one of the prime “Agritourism” locations in the LGA along with those already noted in the draft Agritourism strategy of Coolac and The Old Mill at Gundagai. There are already a few agritourism offerings here with Wallendbeen Park Farm, Yandilla Mustard Seed Oil and some BnBs etc, but also due to being so close to the Hilltops LGA offerings. The intersection & rest-stop could be prime locations for local produce to be sold for example.

The Committee agreed on several recommendations below to be made for Council action in Wallendbeen (Moved: Nina Piotrowicz, Seconded: Gwen Norman)

**Recommendations to Council:**

1. **That Council reinstate the “Best dry land wheat growing region” sign at the Wallendbeen round-about area that was removed when the new Council signage was erected.**
2. **That Council install new and appropriate Village Centre directional signage (current signs are small and easily missed when travelling on the highways)**
3. **That Council seek appropriate permissions from Transport for NSW to undertake landscaping and beautification + ongoing maintenance of the Roundabout.**

4. That Council enact any existing or develop a new landscaping plan for the Wallendbeen Rest-area. This should be bright, colourful and enticing and give a great first impression of our LGA!
5. That Council seek funding to re-vamp the Milestone Sculptures including the replacement or upgrade of the Fibre-optics lighting system.
6. That Council assist the Wallendbeen Community Association by working with the new owners of the Service station site to see development progress made, and with GrainCorp to progress options for the Silo painting to go ahead or other appropriate activities to be considered.
7. That Council Planning staff consider an approach to allow an easier approval process for Food Vans to set up at the rest stop. For instance, space being automatically earmarked, with a booking system in place rather than individual approval applications needed.

As part of the above discussions, uncertainty on the planning rules and requirements around Food Vans, Market Stalls and signage rules were raised numerous times. It would be useful for simple 1-2-page fact sheets and application forms to be in place for these activities and for the Council reception & TED staff to be well versed in these to assist with enquiries. A clear & easily accessible location on the website would also be beneficial.

**Recommendation to Council:**

**That simple factsheets and application forms/processes be put in place, and any current ones reviewed and updated as necessary, for food vans, market stalls, business & community signage, busking & performance activities etc** (Moved: Gwen Norman, Seconded: Hans Brutzman. Carried)

• *Agritourism Strategy*

Individual Committee members had provided feedback through to Jeana. The Agritourism sub committee will review the comments provided and it is expected that a draft version will be presented for Council review shortly. The strategy is likely to also follow the usual Public Consultation process period before formal adoption by Council.

• *Council Tourism Activities*

Rail Trail - \$10K has been allocated to fund a local consultant to talk with the identified adjoining landholders to the Rail Trail route. The letter of support from CTAG for the Rail Trail was acknowledged by Council at their September meeting.

Cootamundra Marketing – the Chair noted conversations with community members who had approached her re their view of lack of exposure/promotion of Cootamundra, particularly with the latest Love NSW & Visit Riverina online activities. The Chair indicated that she knows this is not from the lack of trying by Jeana and Miriam. The TED staff consistently provide content for these destination bodies; however, they have no control over whether those bodies utilise & publish that content. Miriam did advise that Destination NSW will be including Cootamundra in a future feature on road trips in 2021. In addition, a social media strategy may be worthwhile for the TED team to enact. to improve the consistency and content of the Visit Cootamundra posts.

## 1.6 Other Business

Cootamundra resident Lyn Angus has written to Cr Leigh Bowden to suggest a dedicated viewing site with appropriate grading and signage be undertaken on Rosehill Road at the current marker point 500 over 200/190. This is the road between Cootamundra and Jugiong. There are some spectacular views from this ridge point. In addition, Lyn suggests the inclusion of directional interest signage such as pointers to Sydney, Melbourne & Kosciuszko directions. Greg Quirk added that there is currently no Bushfire mustering point on this road and this new "viewing area" could also serve that purpose if the need arose. The Committee were very much in favour of this idea.

**Recommendation to Council:**

**That Council investigate its options to develop a dual-purpose tourist viewing area and bushfire mustering point on Rosehill Road.** (Moved: Gwen Norman, Seconded: Leah Sutherland. Carried)

Hans Bruitzman raised the idea of a competition for a new theme song for Cootamundra. This could be considered by the CDC as part of their 2021 Wattle Fair planning.

Brian Nolan raised the continuing eyesore issues of the old Mitre 10 site as such a prominent location. Unfortunately, there seems to be little Council can do.

## 1.7 Next Meeting

Thursday 5<sup>th</sup> November @ 4.30pm.

**8.1.8 UPDATED COUNCIL MEETING ACTION REPORT**

DOCUMENT NUMBER	336915
REPORTING OFFICER	Marianne McInerney, Personal Assistant to the General Manager
AUTHORISING OFFICER	Phillip McMurray, General Manager
RELEVANCE TO COMMUNITY STRATEGIC PLAN	<b>4. Good governance: an actively engaged community and strong leadership team</b> 4.2 Active participation and engagement in local decision-making
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. Updatd Council Meeting Action Report <a href="#">↓</a>

**RECOMMENDATION**

**The Updated Council Meeting Action Report be noted.**

COUNCIL MEETING ACTION REPORT

MEETING / ITEM	ACTION	OFFICER	STATUS
05.07.2017	Amend Gundagai LEP 2011 to correct mapping discrepancies	Manager Development, Building and Compliance	Ongoing.  Amendment No 4 is currently being reviewed following feedback from the Department of Planning prior to a Gateway determination.
18.06.2019			Gateway determination issued, currently on exhibition for 28 days. To be reported back to October 2019 Council meeting.
19.09.2019			Partly complete – schedule 1 amendment gazette  May 2020 update – negotiations underway with DPIE regarding progressing the remainder of this proposal.  June 2020 – Council has been allocated new staff from DPIE, negotiations underway as to the most appropriate way to progress this matter.  September 2020- ongoing  <b>October 2020 - ongoing</b>

Ordinary Meeting 30 October 2018			
ITEM	ACTION	STAFF	Status
Council, with further consultation, consider the representations made by Mr Peter Beath on behalf of the members of the Cootamundra Aboriginal Working Party, in his letter dated 24 October 2018.  8.1.4 Resolution 215/2018	"It is recommended the CGRC take a proactive approach engaging with the existing community groups and organisations to look at the formation of a formal Aboriginal Advisory/Consultative Committee under section 355 of the local Government Act 1993"	Manager Culture and Community	July 2020 MOU written <b>September 2020 - CAWP making comments for draft revision.</b>
8.1.5 Resolution 216/2018	<p>2. In time, and subject to available funding, CGRC, in conjunction with the local Aboriginal communities, the Brungle-Tumut LALC and the Young LALC, undertake the mapping of the sites of cultural significance to Aboriginal people in this LGA.</p> <p>3. CGRC, in consultation and negotiation with Aboriginal communities in the region, form an Aboriginal Advisory Committee to liaise with Council about matters of importance and concern to local Aboriginal people.</p> <p>4. The Consultative Committee consider the implementation of an Indigenous Employment Strategy</p>	<p>Manager Development</p> <p>Manager Culture and Community</p> <p>HR</p>	May 2020 – seek funding opportunities to undertake the required studies as they arise.  June 2020 – Funding opportunities from Heritage Office will allow this to occur. Grant applications will open in the latter part of the year. Council is on the mailing list to be notified when the grants open.
	CGRC put in place Cultural (Aboriginal) Competency/Cross Cultural training to Council Staff and Councillors.	Manager Culture and Community	<b>September 2020 - CAWP/Gundagai Cultural Group considering options for suitable training providers.</b>

28.11.2017 – 7.3.2.1	Waste Collection Services	Manager Waste, Parks and Recreation	<p>23/10/19 update - Draft financial plan delivered to council in September with the final plan scheduled to go to the November Council meeting.</p> <p><u>November 2019</u> - Report to November 2019 for Councils consideration</p> <p>February 2020 – report adopted in principal, report to Feb meeting seeking council approval to place the report out to the community for 3 months seeking comment.</p> <p>March 2020 – Reviewed report going to council this month.</p> <p>July 2020 – Council has taken over the operation of the Cootamundra Transfer Station (Pit) and will present a report on the weigh bridge activities every 3 months for the information of Council.</p> <p><b>Sept 2020 – staff are current correlating data collected and working on the waste operations financial structure with a further report to come back to Council.</b></p>
31.01.2018 – 7.1.1.4	Prepare detailed design and cost estimates for Turners Lane industrial subdivision. Include budget allocation in 2018/2019 budget.	GM	<p>22/03/2018 To be outsourced. An amount of \$500K has been included in budget estimates.</p> <p>Proposals being sought.</p> <p>Awarded to MJM – Designs expected Dec 18.</p>
18.06.2019		Bill	<p>July 2019 update - Final civil design plans received. Awaiting final electrical design (anticipated mid-August). Awaiting result of funding application prior to commencement of construction.</p>

ITEM	ACTION	STAFF	Status
17.01.2019	Investigations to be undertaken to determine feasibility of providing a safe and accessible pedestrian pathway to link Cootamundra town centre and the cemetery on Yass Rd.	Manager Civil Works/ Road Safety Officer	Long term project.  Include in new PAMP CYCLEWAYS Plan Safety audit of rail overpass completed.
31.07.18 – 9.2	Council, in collaboration with the Muttama Creek Regeneration Group, investigate the feasibility of creating a walking track alongside sections of Muttama Creek.	Manager Waste, Parks and Recreation	<b>November 2019</b> - This is still yet to happen with the current work load and this rated as a low priority action will be implemented ASAP.  In the meantime Council is working with the Group with the existing works as required  no change to date.  March – no change  June 2020 – Council staff have been working with the Muttama Group delivering mulch and undertaking some clearing works. There is no funding for any works associated with the Muttama Group.  July 2020 – no change  <b>Sept 2020 – Council staff are collectively working with the Muttama Creek Group in managing related activities.</b>

ORDINARY MEETING - 28 MAY, 2019			
ITEM	ACTION	STAFF	Status
Question 8.1.9 Council Meeting Action Report		GM	Prepare report for June/July business paper.  Ongoing. Seeking funding opportunities for bridge assessment.

ORDINARY MEETING - 25 June, 2019			
ITEM	ACTION	GM	Status
Aside request from Cr Sheahan	Disability access audit of business' with awareness programme delivered by Council staff to business owners/managers Starting with Council premises first.	Manager Development, Building and Compliance	May 2020 Update – committee agreed to access the professional services on offer to commence this process. Due to the COVID 19 situation this has not been possible.  June 2020 – still on hold due to COVID 19  July 2020 – still on hold due to COVID 19  October 2020 – still on hold due to COVID-19

ORDINARY MEETING - 27 AUGUST, 2019			
ITEM	ACTION	STAFF	Status
8.5.1 Pigeon Strategy Report	<p>Council prepare a fact sheet to distribute to residents and local businesses providing information on pigeon control.</p> <p>Council undertake pigeon proofing on Council assets where roosting pigeons congregate.</p> <p>Council liaise with business owners to facilitate efforts to eradicate pigeons from the CBD area and seek Expressions of Interest from pest exterminators with the intention of providing a report to Council once the information has been collated.</p> <p>The report and resolution be distributed to CBD businesses.</p>	Manager Regulatory Services	12.02.2020 Manager Regulatory Services has written to the Cootamundra Development Corporation and, in turn, they have written to the local businesses regarding contributing towards a pigeon control program. A meeting to be held with interested local businesses will be arranged at the end of February.
8.10.1 Cootamundra Aquatic Centre Access	3. The cost for the installation of permanent barricades be investigated with the consideration to disabled access.	Manager Waste, Parks	This has been completed on a temporary trial basis. <u>November 2019</u> – no change.

		and Recreation	March – Pool now closed no further action at this stage. June 2020 – No Further action to date July 2020 – On hold pending the outcome of the EOI <b>September 2020 – No Change</b>
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ORDINARY MEETING - 29 <sup>th</sup> October, 2019			
ITEM	ACTION	STAFF	Status
8.1.1 Local Government Elections 2020	Council invite a representative from the Australian Electoral Commission to address Council and explain the costs included in the quote received for the local Government elections 2020.	GM/ EA to GM & Mayor	Waiting on response from AEC to indicate their availability to attend a Councillor Workshop  Elections deferred due to COVID-19

ORDINARY MEETING 26TH NOVEMBER, 2019			
ITEM	ACTION	STAFF	STATUS
8.7.2 COUNCIL MINI HIACE BUS COMMUNITY USAGE REVIEW RESOLUTION 437/2019 Moved: Cr Penny Nicholson Seconded: Cr Leigh Bowden	2. Council undertake consultation with representatives of Mirabooka to develop a fee proposal, to be included in the report, to be prepared and submitted to the Ordinary Meeting to be held Tuesday, 26th May, 2020 for the consideration of Council for inclusion in the 20/21 Fees and Charges. 3. A further report with more accurate hire details be prepared and submitted to the Ordinary Meeting to be held Tuesday, 26th May, 2020 for the consideration of Council.	Manager Civil Works/ GM	12.02.2020 Trial continuing.  Report to be prepared for the consideration of Council at the Ordinary Meeting to be held 26 <sup>th</sup> May 2020  June 2020- Report to be prepared for the consideration of Council at the Ordinary Meeting to be held 30 <sup>th</sup> November, 2020

ORDINARY MEETING 28 <sup>TH</sup> JANUARY, 2020			
ITEM	ACTION	STAFF	STATUS
8.1.15 Cootamundra Tourism Action Group Section 355 Committee Minutes of meeting held 15 January 2020  RES 020/2020	That Council seek an appropriate funding arrangement to ensure the position of Economic Development and Tourism Officer in Cootamundra, continues beyond the current one year term which ends in November, 2020.	Manager Culture and Community	Memo drafted to GM proposing solution for funding role to June 2021.
8.1.16 Gundagai Tourism Action Section 355 Committee  RES 021/2020	Council seek permission from Transport for New South Wales to locate a variable message sign on the northern side of Gundagai, with the intention of encouraging south bound motorists to Stop, Revive, Survive in Gundagai.	Manager Culture and Community	Anthony Carroll taking to February, 2020 traffic committee  June 2020- still seeking advice from TfNSW on location of the variable message sign  September 2020 – sign location Gundagai approved. Design being drafted for Cootamundra.

Ordinary Meeting March, 2020			
ITEM	ACTION	STAFF	STATUS
8.1.4 Cootamundra Showground Users Group s355 Committee Minutes 18 <sup>th</sup> march, 2020	Tree dropping limbs on to private property bordering the ground be removed.	Manager Facilities	Staff investigated and planning for removal with other work in area this month
8.1.6 Minutes of the Gundagai Tourism Action s355 Committee Meeting February 2020	Council look at options for funding a speaker system to be purchased and installed in Sheridan Street that has the capacity to play a local radio station and can be utilised for events	T and ED Officer	
8.6.2 Stockinbingal Sewerage Scheme	1. Engage Public Works to prepare business case 2. An application be made under the safe and secure water program for funding towards a detailed design.	B Moore	October, 2020 -ongoing

Ordinary Meeting 30 <sup>th</sup> June, 2020			
ITEM	ACTION	STAFF	STATUS
8.1.2 Draft Operational Plan 170/2020	9. A review of the sporting and recreational ground user fees be undertaken within three (3) months.	Manager Facilities	
8.3.1 Tourism Branding and Marketing Strategy	Actions arising from the strategy be incorporated into the Operational Plan and be sent to Relief Governance officer	Manager Community and culture	September 2020 – Workshop with Tourism Committees to determine 12 month actions to be held October.
8.7.1 Aerodrome Charges	1. Council endorse a trial of the Avdata Airport Billing Service to ascertain the value of landing fees at the Cootamundra Aerodrome. 2. A further report be prepared and submitted detailing the results of the Avdata Airport Billing Service at the end of the trial period for the consideration of Council. 3. A consultation process on the development of annual fees for use of the aerodrome be undertaken with aerodrome users.	Manager Civil Works	Meeting undertaken with Avdata Consultations with aerodrome users  Meeting with User Group and Councillors scheduled for 13 <sup>th</sup> October, 2020.  Report prepared for October, 2020 Ordinary Meeting for the consideration of Council
9.2 NoM – Identification of Local Arts and Cultural Groups in the LGA	That Council undertake research to identify the arts and cultural groups which exist in our LGA with a view to building and sustaining partnerships with them, supporting their activities and helping them to secure funding for cultural and arts development in the local government area.	Manager Community and culture	

ORDINARY MEETING 28 <sup>TH</sup> JULY, 2020			
ITEM	ACTION	OFFICER	STATUS
8.1.3 Governance responses to issues identified by the Audit Office NSW  <b>Resolution 204/2020</b>	2. Council continue negotiations with Riverina Eastern Regional Organisation of Council regarding software and training for <i>Legislative policy and register reporting frameworks</i> and initiate more formal discussions with the Office of Local Government and the Audit Office to address	GM	

	administrative and cost burdens associated with best practice responses.		
8.1.4 Cootamundra Tourism Action Group Section 355 Committee - Minutes of Meeting held 2 July 2020  <b>Resolution 205/2020</b>	Two Town Centre directional signs – one on Yass Road, prior to the Hovell Street Olympic Highway diversion turn-off and one at the Sutton Street Wallendoon Street intersection be installed.	Manager Culture and Community	
8.5.1 Cootamundra CBD Pigeon Strategy Report  <b>Resolution 224/2020</b>	1. Pigeon proofing be undertaken on Council assets where roosting pigeons congregate. 2. Council consider the ongoing maintenance of pigeon control be the responsibility of affected businesses. 3. Council contribute to a pigeon population management program. 4. The businesses in the central business district be advised of Council's final resolution of this matter.	Manager Regulator	<b>Council has engaged a pest control firm to assist with pigeon control</b>
8.6.1 Ten Year Plant Replacement Programme and Plant Fund  <b>Resolution 225/2020</b>	That development of a detailed ten year strategic plant management plan be referred to the Finance Committee for ongoing review until the committee is satisfied that the plan be referred to Council for adoption.	Finance Committee	<b>October, 2020 - Ongoing</b>
8.7.1 Civil Works and Technical Services Report - July 2020  <b>Resolution 226/2020</b>	Council investigate drainage concerns along the Wallendoon Street edge of Clarke Oval.	Manager Civil Works	To be surveyed and designed to prepare cost estimate for future funding
9.1 Notice of Motion - Rail Trail between Cootamundra and Tumblong  <b>Resolution 229/2020</b>	That CGRC produce a submission to present to the NSW Government for development of the Cootamundra to Tumblong Rail Trail as a place making project, promoting tourism growth and economic stimulus, benefiting the whole local government area.  That Council apply for \$100,000 to be reallocated for project pre-planning from NCIF2, A Better Community Strategy Project funding through the Office of Local Government.	Manager culture and Community	Application submitted to OLG to reallocate funding of \$100K for pre-planning.  <b>Tour arranged for 24<sup>th</sup> October, 2020</b>

	That all legitimate concerns of adjoining landholders be considered and addressed.		
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Ordinary Meeting 29 <sup>th</sup> September, 2020			
ITEM	ACTION	OFFICER	STATUS
8.1.2 Amendments to the Model Codes of Conduct and Code of Conduct Procedure Effective 7th August, 2020 <b>RESOLUTION 262/2020</b>	<p>1. The following three (3) amended draft Codes of Conduct, attached to the report be adopted:</p> <p>(a) Code of Conduct for Councillors</p> <p>(b) Code of Conduct for Staff</p> <p>(c) Code of Conduct for Delegates and Committee Members</p> <p>2. The draft Procedures for the Administration of the Code of Conduct, attached to the report be adopted.</p> <p>3. Council increase the existing \$50 cap on the value of gifts to \$100.</p> <p>4. The Circular 20-32 Amendments to the Model Code of Conduct for Local Councils in NSW and Procedures be noted.</p>	Governance Officer	Complete
8.1.3 Amendments to the Code of Meeting Practice <b>RESOLUTION 263/2020</b>	<p>1. The report on amendments to the Model Code of Meeting Practice, including amended Model Code of Meeting Practice and Circular 20-31, attached to the report, be received and noted.</p> <p>2. The amended Model Code of Meeting Practice attached to the report be adopted.</p>	Governance Officer	Complete
8.1.5 Cootamundra Development Corporation - Nomination for second Councillor Board Member <b>RESOLUTION 265/2020</b>	Council appoint Cr Stewart to the Cootamundra Development Corporation Board.	Governance Officer	Complete
8.1.6 Update on s355 Committees <b>RESOLUTION 266/2020</b>	2. Council dissolve the Cootamundra Beach Volleyball s355 Committee, for reasons detailed in the report.	Governance Officer	Complete

	<p>3. The Cootamundra Beach Volleyball Committee be thanked for their long standing and continued efforts.</p> <p>4. Council acknowledge the community benefits of the Cootamundra Beach Volleyball event and community donations of \$35,000, and</p> <p>5. Council review any future in-kind support to the Cootamundra Beach Volleyball event during its normal annual budgeting process.</p>		
8.1.8 The Art Centre Cootamundra s.355 Committee Meeting Minutes and Membership <b>RESOLUTION 268/2020</b>	2. The office bearers and membership of The Art Centre Cootamundra s355 Committee as detailed in the report, be endorsed.		Complete
8.1.12 Information Bulletin <b>RESOLUTION 272/2020</b>	<p>1. That Council write to the Hon. Mark Coulton, MP thanking him for the first quarterly payment of its Financial Assistance Grant and tell him of some of our local priority projects and stressing that the amount of the Financial Assistance Grant is insufficient for Council's local infrastructure.</p> <p>2. Council correspond with the Hon. Shelley Hancock MP and express interest in having a workshop for Women held in the Cootamundra-Gundagai Local Government Area.</p>	EA to GM	
8.1.14 Australia Day 2021 <b>RESOLUTION 274/2020</b>	<p>1. Information on Australia Day Awards 2021 be received and noted.</p> <p>2. Council support the submission of an application for funding for local Australia Day 2021 activities, from the \$500,000 Australia Day 2021 event branding grants program.</p> <p>3. Council staff further investigate the viability of Council applying for funding from the \$7.5 million Australia Day 2021 COVIDsafe Events grant program.</p>	Coordinator Business	

8.2.1 Cootamundra-Gundagai Regional Council Sewerage Fund Replenishment Loan <b>RESOLUTION 275/2020</b>	That authority be granted to the General Manager to execute the loan agreement on behalf of Council.	Manager Finance	
8.3.1 Cootamundra-Tumblong Rail Trail Detailed Development Plan <b>RESOLUTION 279/2020</b>	That Council allocate an amount of \$10,000 from the existing budget for the Recreational Needs Study to complete initial project consultation with primary producers neighbouring the Cootamundra-Tumblong Rail Corridor.	Manager Community and Culture	
8.3.2 Old Mill Gundagai Stabilisation Work Request for Quotation <b>RESOLUTION 280/2020</b>	Council delegate authority to the General Manager to negotiate with Adaptive Interiors (the preferred supplier) to determine whether all or part of the project can be delivered within existing budget, by utilising local suppliers or different methodology.	Manager Community and Culture/GM	
8.6.1 Construction of Water Supply Extension to Dog on the Tucker Box, Gundagai <b>RESOLUTION 286/2020</b>	Council enter into a contract as detailed in the Water Supply Extension documentation, circulated under Confidential Cover in this unique circumstance.	Manager Assets	
9.1 Acquisition of Land for Residential and Industrial Expansion at Gundagai <b>RESOLUTION 291/2020</b>	<ol style="list-style-type: none"> <li>That Council investigate the purchase of suitable industrial and residential land for expansion of North and South Gundagai.</li> <li>That Council consult local developers and real estate agents about opening up further blocks for residential growth in Cootamundra.</li> <li>That Council fast track the provision of services to the Turners Lane industrial blocks and list them with the local real estate agents.</li> </ol>	Manager Community and culture	
9.2 Council Meet with the Cootamundra Hospital Board to Discuss Lobbying the State Government for a New Hospital <b>RESOLUTION 292/2020</b>	Arrangements be made for Council to meet with the Cootamundra Hospital Board and discuss a proposal of lobbying the State Government for a new hospital to be built in Cootamundra.	Mayor	

Ordinary Meeting 6 <sup>th</sup> October, 2020			
ITEM	ACTION	OFFICER	STATUS
5.1.1 Call for Nominations of Motions for the LGNSW Conference  <b>RESOLUTION 001/2020</b>  <b>RESOLUTION 002/2020</b>  <b>RESOLUTION 003/2020</b>  <b>RESOLUTION 004/2020</b>	Lodge Motions resolved at the extraordinary meeting by 25 <sup>th</sup> October, 2020	GM	
5.2.1 Integrated Water Cycle Management Strategy  <b>RESOLUTION 005/2020</b>	<ul style="list-style-type: none"> <li>Council send a letter to Goldenfields Water County Council detailing the Integrated Water Cycle Management Strategy Project Reference Group containing an offer of the position of community representative on the Project Reference Group.</li> <li>Council send a letter to two nominated community representatives detailing the Integrated Water Cycle Management Strategy Project Reference Group containing an offer of the position of community representative on the Project Reference Group.</li> </ul>	Manager Assets	<p>Complete</p> <p>Letter sent to Gundagai nominate community representative</p> <p>Cootamundra Representative yet to be determined.</p>
6.2 Cootamundra Aquatic Centre and Sports Stadium Reviewed Expressions of Interest  <b>RESOLUTION 006/2020</b>	<ul style="list-style-type: none"> <li>Council accept the revised offer \$ from L&amp;R Group to Manage the Cootamundra Aquatic Centre and Sports Stadium.</li> <li>Council delegate authority to the General Manager to negotiate the contract with L&amp;R Group for the Management of the Cootamundra Aquatic Centre and Sports Stadium.</li> </ul> <p>Media release be arranged containing information on the acceptance of the offer from L&amp;R Group</p>	Manager Waste, Parks and Recreation	

## 8.2 FINANCE

### 8.2.1 SPECIAL RATE VARIATION - NOTIFICATION OF INTENTION TO APPLY

DOCUMENT NUMBER	337880
REPORTING OFFICER	Kay Whitehead, Interim Deputy General Manager
AUTHORISING OFFICER	Phillip McMurray, General Manager
RELEVANCE TO COMMUNITY STRATEGIC PLAN	<p><b>4. Good governance: an actively engaged community and strong leadership team</b></p> <p>4.1 Decision-making is based on collaborative, transparent and accountable leadership</p>
FINANCIAL IMPLICATIONS	There will be a cost to undertake effective community consultation and engage appropriate resources to assist in preparing Council's application. If Council is successful with an application, the longer term financial benefits will far outweigh these upfront costs..
LEGISLATIVE IMPLICATIONS	Compliance with s508(a) of the Local Government Act, 1993
POLICY IMPLICATIONS	There are no Policy implications associated with this report.
ATTACHMENTS	1. Office of Local Government Special Variation Guidelines 2020-2021 <a href="#">↓</a>

### RECOMMENDATION

**IPART be notified of Council's intention to apply for a Special Rate Variation (SRV) under Section 508(A) of the Local Government Act, 1993 to be retained permanently in the rate base.**

#### Introduction

If Council wishes to seek a Special Rate Variation above rate peg to apply for the 2021/2022 financial year, then it is required to notify the Independent Pricing and Review Tribunal (IPART) of this intention by 27<sup>th</sup> November, 2020.

#### Discussion

Dr. Joseph Drew was employed to review Council's financial sustainability and prepare a submission, on Council's behalf, to be submitted to the NSW Boundaries Commission. As part of that submission Dr Drew made recommendations in relation to steps to be taken to improve Council's financial sustainability.

Dr. Drew recommended a new rating structure, new fees and charges, and that Council apply for a special rate variation to be implemented in the 2021/22 financial year that Council adopted at its Ordinary Meeting held 30<sup>th</sup> June, 2020 (Min. no. 169/2020).

Council has to date adopted all of Dr Drew's recommendations, including harmonising rates, fees and charges (including significant increases), in the 2020/21 financial year. Council now needs to

consider the option to pursue a special rate variation for implementation in the 2021/22 financial year.

Relevant dates for submission of an application for Special Rate Variation are:

Notification of intent to submit an application: due by 27<sup>th</sup> November, 2020.

Submission of application: due by 8<sup>th</sup> February, 2021.

If Council does not implement a Special Rate Variation, the adopted long term financial plan predicts operating deficits in the order of \$4 to \$4.5 million per year. Of immediate concern is the prediction in the business as usual scenario that unrestricted cash will reduce to a zero \$balance shortly after the end of the 2021/22 financial year (if preventative steps aren't taken).

Dr. Drew recommended Council consider an application for a special rate variation for the 2021/22 to 2023/24 financial years for consecutive 17.5%, 17.5%, and 10% increase above the rate peg of 2%, 2.5%, 2.5% which compounds to 62.7% over the three year time period). Dr. Drew also recommended that application be made for a Section 508(A) variation to be permanently included in Council's revenue.

Council has already included substantial savings in its adopted budget for 20/21, and continues to identify and implement other opportunities for cost savings on an ongoing basis.

The Office of Local Government releases a set of guidelines each year for the preparation of an application for a special variation to general income. A copy of the most recent 2019 guidelines is attached to this report.

IPART will assess each application against the criteria listed in the guidelines. These criteria are:

\*The need for, and purpose of a different revenue path for Council's General Fund (as requested through the special variation) is clearly articulated and identified in Council's IP&R documents.

Comment: Council's Long Term Financial Plan (LTFP) includes the proposed special rate variation, and commentary attached to the report clearly articulates the reason for the SRV, but Council's delivery program has not been amended to reflect the extent of the rate rise. This can be addressed by an addendum to the program.

\*Evidence that the community is aware of the need for and extent of a rate rise including the full cumulative increase of the proposed SRV in percentage terms and total increase in dollars for the average ratepayer by rating category. Council must undertake a comprehensive community engagement strategy using a variety of methods available.

Comment: Council has not communicated the full cumulative increase of the proposed SRV in percentage terms and the total increase in dollar terms for the average ratepayer, by rating category. To date, Council has not undertaken specific community engagement relating to the proposed SRV given other significant changes in rates and charges. It has not been possible to undertake consultation before now, given the harmonisation of rates levied 18<sup>th</sup> August, 2020 and new increased service charges levied 24<sup>th</sup> September, 2020. To proceed with an application for SRV, Council will need to demonstrate an appropriate variety of engagement methods to ensure community consultation, awareness and participation occur. Community engagement undertaken by other councils seeking a SRV has typically included a range of information brochures by mail, media releases, static displays and information, website, telephone survey, community information sessions, facebook, and logging of all feedback.

\*The impact on affected ratepayers must be reasonable, having regard to both the current rate levels, existing ratepayer base, and proposed purpose of the variation. The Delivery Program and Long Term Financial Plan need to clearly show the impact of the SRV upon the community, include

council's consideration of the community's capacity and willingness to pay rates, and establish that the proposed rate increases are affordable having regard to the community's capacity to pay.

Comment: Dr. Drew's report regarding the rates harmonisation referred to the need for a special rate variation in the future, but did not include discussion about the quantum or effect on ratepayers and their capacity to pay. Nor has this been included in Council's Delivery Program and Long Term Financial Plan. Other councils who have made successful SRV applications have employed consultants (such as the Western Research Institute) to undertake financial impact analysis of the proposed rate increase on the local community. Council is also required to critically review its policies in relation to debt recovery, hardship provisions and pensioner concessions.

\*The relevant Integrated Planning and Reporting (IP&R) documents must be exhibited, approved and adopted by the Council prior to Council applying to IPART for a special rate variation.

Comment: Amendments would be needed to Council's current IP&R documents for adoption at the December, 2020 meeting, in order to be exhibited for the required time before submission of an application prior to 8<sup>th</sup> February, 2021 deadline.

\*The IP&R documents or the council's application must explain the productivity improvements and cost containment strategies the council has realised in past years, and plans to realise over the proposed special variation period.

Comment: Council has achieved significant cost reductions which are included in the current financial year budget. A number of recommendations from Council's Finance Committee for further opportunities for increased revenue and reduced costs are being actively pursued. These can be documented in an application.

As can be seen from the discussion above, there are a number of steps required before Council could submit an application with reasonable prospect for success.

Strong arguments are available for and against an application for a SRV to apply from 2021/22 or to delay to the following year.

Arguments **for** submission of a Notice of Intention to apply for a SRV by 8<sup>th</sup> February, 2021

\*Council's 'business as usual' Long Term Financial Plan predicts that Council's unrestricted cash position will reduce to zero shortly after the end of 2021/2022. Delaying an application for special rate variation to commence in 2022/23 will require other measures to be implemented to address liquidity requirements. Staff are continuing to investigate and implement cost savings, and have targeted savings of at least \$1.4 million in the current year in addition to savings already included in the budget. In the event Council does not proceed with an application for SRV, there is the option of reducing capital renewal expenditure, or funding some capital works by loan given the very low current interest rates, as well as continuing to aggressively pursue savings.

\*Council has not yet finalised its annual statements for 2019/2020, and therefore does not have confirmation of its cash position as at 30<sup>th</sup> June, 2020 against budget. An unfavourable result compared to budget could bring forward a need for additional revenue such as a special rate variation. Council could submit a Notice of Intention to apply for an SRV without committing itself to an application, pending completion of the statements. However the volume of work required and the timeframe available would require work to commence immediately, with the appointment of consultants as needed.

\*Council elections are due to be held 4<sup>th</sup> September, 2021. If a Special Rate Variation is not adopted before the Council election, a decision will need to be made by newly elected Councillors who may

not include current experienced Councillors, and candidates standing for election may not have the appetite or understand the need for a special rate variation.

Arguments **against** submission of a Notice of Intention to apply for a SRV by 8<sup>th</sup> February, 2021

\*Council has already implemented rates harmonisation and significant increases in sewer and water charges in the current financial year.

\*A SRV may cause undue hardship for ratepayers who have been financially impacted by the pandemic.

\*The volume of work still to be undertaken as described above. The timelines are possible, however, challenging. Whether Council can achieve the required standards of consultation and documentation and therefore proceed to submit an application will depend in large part on the availability of external assistance, given the current workload of Council staff.

A demerger proposal for Cootamundra Gundagai Regional Council has been referred to the NSW Boundaries Commission for examination and report. The Commission will be holding public inquiries into the proposal on 25<sup>th</sup> and 26<sup>th</sup> November, 2020. The result of the inquiry and decision of the Minister for Local Government may impact on a decision of Council to proceed or not with application for a Special Rate Variation.

#### Consultation with IPART

The General Manager, Deputy General Manager and Finance Manager have discussed the proposed submission of an application for an SRV with IPART.

IPART is generally supportive of an application, and advises that Notice of Intention to submit a Special Rate Variation is not binding on Council.

Council is advised that the Local Government Act, 1993 was recently amended such that if Council applies for and is approved for an SRV, but elects not to increase rates to the full extent of the approved SRV, it has up to 10 years to “catch up” on the collection of the rates income.



# **GUIDELINES FOR THE PREPARATION OF AN APPLICATION FOR A SPECIAL VARIATION TO GENERAL INCOME**

Strengthening local government



**2019**

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978-1-922001-81-8 Produced by the Office of Local Government



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## 1. Introduction

Special variations provide an opportunity for councils to vary general income by an amount greater than the annual rate peg.

The Independent Pricing and Regulatory Tribunal (IPART) will assess and determine special variation applications by councils under powers delegated to it by the Minister for Local Government<sup>1</sup>. These powers include:

- setting the annual rate peg based upon an IPART-published Local Government Cost Index; and
- assessing and determining applications for special variations.

The Office of Local Government (OLG) establishes guidelines for applying for special variations. These guidelines set the criteria against which applications will be assessed and provide information on how and when to apply.

Councils must take these guidelines into consideration before applying for a special variation.<sup>2</sup>

In addition to these guidelines, IPART may publish fact sheets on how it will assess applications for special variations. Councils are encouraged to review any fact sheets available on IPART's website before making an application for a special variation.<sup>3</sup>



*Only those councils that have the additional funding decision i.e. special variation in their Integrated Planning and Reporting process should consider applying.*



*All special variation applications must comply with the requirements set out in these guidelines.*

*It is the responsibility of councils to ensure their application is fully compliant and that all relevant information is provided as part of their application.*



*Any inquiries regarding these **Guidelines** should be directed to the Office of Local Government on (02) 4428 4100.*

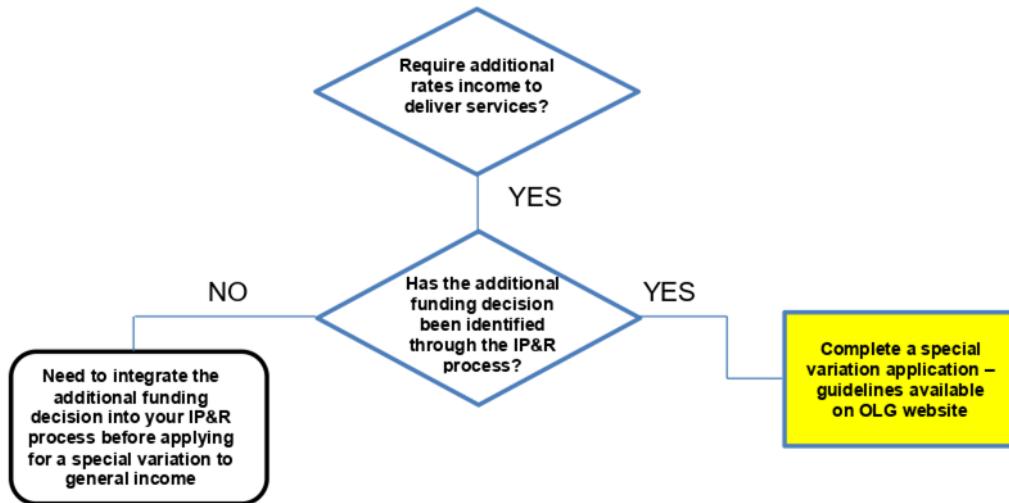
*Council must apply to IPART for a special variation.*

<sup>1</sup> On 6 September 2010, the Minister for Local Government, delegated authority under the following sections of the Local Government Act 1993: sections 506, 507, 508(2), 508(3), 508(6), 508(7), 508A, 548(3) and 548(8) to IPART.

<sup>2</sup> Local Government Act 1993 (NSW) section 23A(3).

<sup>3</sup> <https://www.ipart.nsw.gov.au/Home/Industries/Local-Government/For-Councils/Apply-for-a-special-variation-or-minimum-rate-increase>

## 1.1 Flowchart



This document is structured as follows:

- **Section 2** discusses the importance of the Integrated Planning and Reporting framework (IP&R) in informing a council's decision to apply for a special variation.
- **Section 3**, and in particular subsection 3.1, outlines the criteria that IPART will assess a council's special variation application against.
- **Section 4** outlines which councils may apply for a special variation.
- **Section 5** explains the purpose and types of special variations available, providing scenarios and the impact of each type.
- **Section 6** outlines how IPART will assess special variation applications.
- **Section 7** provides other information such as link to the IPART website, reporting mechanisms and council resolution.
- **Section 8** outlines the application process, including application forms.

There are 5 attachments to this document as follows:

- Attachment 1 – Calculation of expiring special variations
- Attachment 2 – Special variations contributions plan costs above relevant cap
- Attachment 3 – Other adjustments to general income
- Attachment 4 – Increasing minimum rates
- Attachment 5 – SV application checklist

## 2. Integrated planning and special variations



The Integrated Planning and Reporting (IP&R) framework provides a mechanism for councils and the community to engage in important discussions about service levels and funding priorities and to plan in partnership for a sustainable future.

IP&R therefore underpins decisions on the revenue required by each council to meet the

community needs and demands, and in particular, whether the council requires a special variation to meet those needs.

All NSW councils have implemented IP&R. The special variation guidelines and IPART's assessment process are based on an expectation that councils will have engaged the community in a discussion about the funding required to deliver community priorities through the IP&R process.

Before applying to IPART for a special variation to general income, councils must adopt the Community Strategic Plan, Delivery Program, Long Term Financial Plan and where applicable, Asset Management Plan. Absent any exceptional circumstances, Councils may only apply to IPART for a special variation to general income on the basis of those adopted IP&R documents. However, councils do not have to adopt their Operational Plan for the coming year before applying to IPART for a special variation.

More information on implementing IP&R can be found in the Integrated Planning and Reporting Manual for local government in NSW *“Planning a Sustainable Future”*, March 2013, located on OLG's website at the following link:

- <http://www.olg.nsw.gov.au/sites/default/files/Intergrated-Planning-and-Reporting-Manual-March-2013.pdf>

### 3. Assessment criteria for special variation applications

The assessment of applications for a special variation will examine the extent to which councils have fulfilled their obligations under IP&R, in accordance with the criteria.

The IP&R Manual for Local Government “*Planning a Sustainable Future*”, March 2013, outlines what is expected of councils in completing IP&R. In particular it discusses the importance of linking community outcomes and aspirations (as identified in the Community Strategic Plan) to key actions (the Delivery Program). It also identifies the need for councils to ensure that the appropriate resources are available at the right time (Resourcing Strategy).

The IP&R Manual states that in considering the likely revenue that will be available to meet the community's long term objectives, the Long Term Financial Planning process needs to address capacity for rating, fees and charges, grants and subsidies, borrowings and cash reserves. In particular page 69 of the IP&R Manual states:

*“The planning process should include an assessment of the community's capacity and willingness to pay rates and whether there is the potential for changes in that capacity. In making that judgement, the council might review information relating to:*

- *Separate or specific rates and charges*
- *The potential to reduce the reliance on rates through increased revenues from other sources e.g. fees and charges*
- *Potential growth/decline in rating revenues from changing demographic and industry makeup*
- *Possible need to increase reliance on rating due to reduction of revenues from other sources e.g. a decline in grants or subsidies*
- *Projected impact of the rate peg*
- *Opportunities for a special variation to general income*
- *Council's current rating policy and likely changes to that policy in the future.”*

#### 3.1 Criteria for special variation applications

Undertaking the IP&R processes, and in particular developing the Long Term Financial Plan as outlined in the IP&R Manual, should provide sufficient information to meet the criteria against which IPART assesses applications provided that the special variation is clearly identified in this process.

The criteria against which IPART is to assess each application are based on what councils are required to do under IP&R. These criteria are:

**1. The need for, and purpose of, a different revenue path for the council's General Fund (as requested through the special variation) is clearly articulated and identified in the council's IP&R documents**, in particular its Delivery Program, Long Term Financial Plan and Asset Management Plan where appropriate. In establishing need for the special variation, the relevant IP&R documents should canvas alternatives to the rate rise. In demonstrating this need councils must indicate the financial impact in their Long Term Financial Plan applying the following two scenarios<sup>4</sup>:

- Baseline scenario – General Fund revenue and expenditure forecasts which reflect the business as usual model, and exclude the special variation, and
- Special variation scenario – the result of implementing the special variation in full is shown and reflected in the General Fund revenue forecast with the additional expenditure levels intended to be funded by the special variation.

The IP&R documents and the council's application should provide evidence to establish this criterion. This could include evidence of community need/desire for service levels/project and limited council resourcing alternatives. Evidence could also include analysis of council's financial sustainability conducted by Government agencies.

**2. Evidence that the community is aware of the need for and extent of a rate rise.** The Delivery Program and Long Term Financial Plan should clearly set out the extent of the General Fund rate rise under the special variation. In particular, councils need to communicate the **full cumulative increase** of the proposed SV in percentage terms, and the total increase in dollar terms for the average ratepayer, by rating category.

The council's community engagement strategy for the special variation must demonstrate an appropriate variety of engagement methods to ensure community awareness and input occur. The IPART fact sheet includes guidance to councils on the community awareness and engagement criterion for special variations.<sup>5</sup>

<sup>4</sup> Page 71, IP&R Manual for Local Government "Planning a Sustainable Future", March 2013

<sup>5</sup> <https://www.ipart.nsw.gov.au/Home/Industries/Local-Government/For-Councils/Apply-for-a-special-variation-or-minimum-rate-increase>

3. **The impact on affected ratepayers must be reasonable**, having regard to both the current rate levels, existing ratepayer base and the proposed purpose of the variation. The Delivery Program and Long Term Financial Plan should:
  - clearly show the impact of any rate rises upon the community,
  - include the council's consideration of the community's capacity and willingness to pay rates, and
  - establish that the proposed rate increases are affordable having regard to the community's capacity to pay.
4. **The relevant IP&R documents<sup>6</sup> must be exhibited (where required), approved and adopted by the council** before the council applies to IPART for a special variation to its general income. It is expected that councils will hold an extraordinary meeting if required to adopt the relevant IP&R documents before the deadline for special variation applications.
5. **The IP&R documents or the council's application must explain the productivity improvements and cost containment strategies** the council has realised in past years, and plans to realise over the proposed special variation period.
6. **Any other matter** that IPART considers relevant.

The criteria for all types of special variation are the same. However, the magnitude or extent of evidence required for assessment of the criteria is a matter for IPART.



*Smaller councils with limited resources with which to prepare an application or councils that are considering a very small increase should still consider applying.*

*IPART is required to consider the assessment criteria and the level of information required in relation to the particular circumstances of individual councils. Generally the application and evidence required is to be in keeping with the scale of the variation sought.*

*Councils are strongly encouraged to contact IPART early in the application process, to discuss the information requirements for their particular circumstance.*

---

<sup>6</sup> The relevant documents are the Community Strategic Plan, Delivery Program, and Long Term Financial Plan and where applicable, Asset Management Plan. Of these, the Community Strategic Plan and Delivery Program require (if amended), public exhibition for 28 days. It would also be expected that the Long Term Financial Plan (General Fund) be posted on the council's web site.

### 3.2 Exemption

There may be exceptional circumstances in which unforeseen events have occurred outside a council's control, which:

- have a demonstrated material impact on the council's general income, and
- prevent the council from being able to reflect the special variation in its IP&R documentation.

Should these conditions occur, IPART may consider and approve the council's application for a special variation where it determines that the approval is appropriate, including whether the council would have met the criteria for a special variation even though the evidence that it would have done so is not necessarily reflected in the council's IP&R documentation. Councils considering doing this are advised to contact IPART as soon as possible to discuss the implications and their options in this regard.

## 4. New councils

On 12 May 2016, the NSW Government announced the creation of 19 new councils. Bayside Council was subsequently created on 9 September 2016.

When the Government announced proposals to merge councils, it made a commitment that residents of new councils would pay no more for their rates than they would have under their former council for four years. In 2019, this period was extended by an additional 12 months to five years so that councillors elected in 2020 are part of the decision-making process and to allow councils more time to have challenging conversations with their communities about the rates harmonisation process. This means that new councils may choose to maintain the rating trajectories of former councils for five years.

On 31 March 2017, the NSW Government introduced an Act to amend the *Local Government Act 1993* with respect to the maintenance of pre-merger rate paths for land in the areas of newly merged councils; and for related purposes.<sup>7</sup>

On 26 May 2017, the determination to maintain rate paths was published in the Government Gazette. This determination set out the methodology merged councils must follow in implementing the rate path protection for the relevant period.

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<sup>7</sup> Local Government Amendment (Rates—Merged Council Areas) Act 2017 No 8

In 2019, the *Local Government Act 1993* was amended to extend the relevant period by an additional 12 months. This means that the rate path protection will continue to apply in the 2020-21 rating year, unless a council chooses to opt-out of the extension.

During the rate path protection, the amounts on rate notices may still increase to take into account:

- The annual rate peg.
- Any Special Variations to general income approved by IPART
- Changes in property valuations undertaken by the NSW Valuer General. Valuations must occur at least every three years for each council area. However, council's general income cannot increase as a result of these valuations during the rate path protection period.

For the 2020-2021 rating year period, if as part of a new council's Integrated Planning and Reporting the council determines the need for a Special Variation to General Income or Minimum Rates Variation to assist in the transition from the rates path protection, they may apply to the Independent Pricing and Regulatory Tribunal for determination.

## 5. Purpose and types of special variations

Special variations are an important means of providing additional funding to councils to allow them to deliver services and infrastructure that the community has requested and the council is unable to fund within its existing revenue.

The reasons an individual council may require a special variation are wide and varied. Special variations do not have to be tied to a particular project or series of projects. A council may need a special variation to either maintain current service levels or to increase service levels where the community has clearly indicated a desire to do so. In some circumstances, councils may seek special variations for contributions plan costs when these are above the relevant cap (Attachment 2).

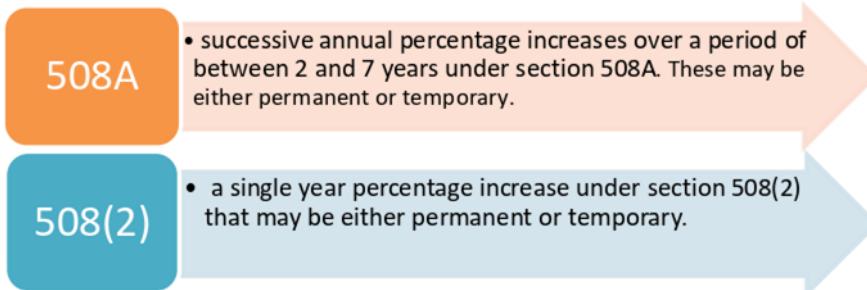
The need for additional funding through a special variation must be identified through the Council's IP&R processes. The adopted Delivery Program should include the rationale, impact on ratepayers and the benefits of the proposed special variation.<sup>8</sup>

This framework provides councils with a clear path for consulting with their communities on needs, priorities and willingness to pay rates at levels above the projected rate peg. However, where there are exceptional circumstances that prevent councils from reflecting the special variation in their IP&R documentation, IPART may approve a special variation (see section 3.2 for further details).

The type of special variation that is appropriate will depend on councils' IP&R deliberations. The criteria for assessing both types of special variation are the same but councils are required to specify the type of special variation for which they are applying. Further information on this is contained at section 5.1 below.

## 5.1 Types of special variations

There are two special variation options under the *Local Government Act 1993*. When seeking a special variation, councils may apply under section:-



The type of special variation that is appropriate for each council will be determined by the General Fund revenue requirements of the council, as outlined in the adopted Long Term Financial Plan. This will depend on a number of factors including:

- the size of the variation required,
- the reason for the variation,
- the need for the increase to be either permanent, or temporary for a fixed term,
- the fluctuation of expenditure over time,
- the financial objectives of a council, and

<sup>8</sup> The Delivery Program is required to outline the impact of the proposed special variation, including the annual, cumulative dollar and percentage increases in rates for the various rating categories respectively.

- the rate at which a council wishes to recover its costs.

It is important to understand the difference between each type of variation and the impact each will have on a council's financial position, the provision of services and the ability of ratepayers to pay the additional rates.

In general, a council's general income could follow one of five paths:

**Scenario 1**  
*s508A  
permanent*

- Successive annual percentage increases (between 2 and 7 years), which remain permanently in the rate base;
- **Example Scenario 1 - s508A permanent** – successive annual percentage increases (5 years) of 7.0%, 7.0%, 6.0%, 5.0%, 4.0%, which are permanently retained within the rates base (ie, General Income). The rate peg increase applies from Year 6 (or in any of the five years if the rate peg for that year is greater than the percentage for that year under the special variation).

**Scenario 2**  
*s508A  
temporary*

- A council may be given a s508A special variation subject to a condition to reduce its general income at the expiry of the special variation to the level that it would have been without the special variation (i.e. the rate peg path) or to some other level. This is referred to as a 's508A temporary' special variation.
- **Example Scenario 2 - s508A temporary** - successive increases of 7.0%, 7.0%, 6.0%, 5.0%, 4.0%, including the rate peg. The cumulative increase above the rate peg is removed from the rate base in year 6.

**Scenario 3**  
*s508(2)  
permanent*

- a one-off (single year) percentage increase that remains permanently in the rate base.
- **Example Scenario 3 - s508(2) permanent** – one off increase of 7.0% in Year 1 which is retained within the rates base permanently. Rate peg increases apply from Year 2.

**Scenario 4**  
*s508(2)  
temporary  
for x years*

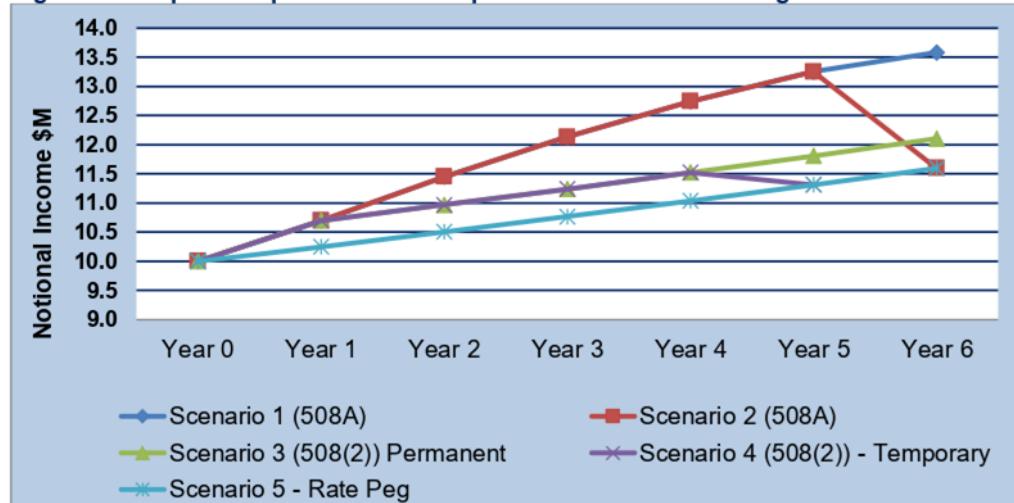
- a one-off (single year) percentage increase subject to a condition to return to the rate peg path (or some other level) after a period of  $x$  years.
- **Example Scenario 4 - s508(2) temporary** – one off increase of 7.0% in Year 1 which is retained within the rates base for four years. Rate peg applies from Year 2 with general income returning to the rate peg path in Year 5

**Scenario 5**  
*Rate Peg*

- IPART determined rate peg applies each year.
- Scenario 5 – annual rate peg increases are 2.5% in Years 1 to 6.

Figure 5.1 charts the resulting revenue path for a council under each of these scenarios.

**Figure 5.1: Impact of special variation options on a council's rating income**



#### **Scenario 1 – 508A permanent special variation**

Scenario 1 allows successive annual percentage increases to a council's general income for between 2 to 7 years.

The council identifies the additional revenue required over the period of the proposed increases, as indicated by the IP&R. The council then determines the annual percentage increases for the proposed special variation (including the assumed rate peg of 2.5% pa) required over the period to match this total amount.

There is no automatic adjustment to the approved percentage as a result of the actual rate peg in a particular year being higher or lower than what was assumed when the increase was approved. However, if the percentage approved for the special variation is lower than the rate peg in that year, the rate peg applies.

The increases for each year for this special variation are cumulative and compounding. The following example, scenario 1, illustrates how this variation would operate for a council that was seeking to increase its general income by \$3.25 million by the end of a five year period. In doing so, the council is proposing to increase its rates by 7%, 7%, 6%, 5% and 4% over a 5-year period or a total amount of 32.52%. It is assumed that the rate peg is 2.5% in Year 6:

**Table 5.1: Impact of a scenario 1 (508A) variation on total income yield**

Year	Special Variation	Cumulative increase	Notional General Income (\$000s)
0	-	-	\$10,000
1	7%	7.00%	\$10,700
2	7%	14.49%	\$11,449
3	6%	21.36%	\$12,136
4	5%	27.43%	\$12,743
5	4%	32.52%	\$13,252
6	2.5% (rate peg)	35.84%	\$13,584

Under scenario 1, a council is able to phase in a potentially significant rate increase over a number of years, rather than concentrate the increase in rates in one year, as under scenario 3. This type of variation can have a significant impact on a council's rating income and ratepayers. This is due to the cumulative nature of the rate increases over successive years and because the increases are retained permanently in the revenue base.

#### **Scenario 2 – 508A temporary special variation**

Scenario 2 is the same as scenario 1 but subject to a condition that makes it temporary. With a 508A temporary special variation the council must either adjust its general income to the level that it would have been without the SV (or some other level required by the relevant condition) or apply for a new special variation on expiry of the fixed term (see expiring scenarios 2 & 4 below).

#### **Scenario 3 – 508(2) permanent special variation**

Scenario 3 allows a single percentage revenue increase for a specified year that is greater than the rate peg for that year.<sup>9</sup>

While the percentage increase in general revenue is only for a specific year, the period to which the increase in general income is to be retained in the council's income base may be permanent (scenario 3) or temporary for a determined number of years (scenario 4).

Under scenario 3, the percentage increase is a permanent one and therefore has a greater impact on income. That is, the additional revenue generated from the special variation in the specified year permanently goes into the council's revenue base.

<sup>9</sup> Note: An instrument under section 508(2) may require a council to *reduce* its general income.

**Scenario 4 – 508(2) temporary (for x years) special variation**

Under scenario 4, the single percentage increase is subject to a condition to adjust the council's general income to a certain level after a fixed period of time. The condition will typically require a council to remove the additional revenue generated from the special variation (excluding the rate peg increases) from the rate base after a fixed period of time. This provides the council with the additional revenue for every year of a fixed term, indexed by the rate peg amount. On expiry of the fixed term, the council must either adjust its general income in accordance with the conditions of the SV or apply for a new special variation (see expiring scenarios 2 & 4 below).

The council should be aware that while a temporary variation may allow infrastructure upgrades to be undertaken, these assets may require ongoing maintenance on completion. Additional funding may therefore still be required on an ongoing basis to meet this commitment.

**Scenarios 2 and 4 – expiring special variations**

Where a s508(2) or s508A special variation is subject to a condition to remove a certain amount from its general income, a council must comply with that condition. A typical condition will require a council to deduct the value of an expiring special variation on the date of the special variation's expiry or at some other point in the future.

The value of the deduction will typically be equal to the total increase in general income under the special variation less the general income the council would have received under the rate peg had the special variation not been approved.

Councils that currently have a temporary (i.e. fixed term) special variation approaching its expiry date may:

- accept the required income adjustment on expiry of the variation, usually reflecting that the council no longer needs the additional funds, or
- apply for a new special variation to partially or fully continue the funding from the expiring variation and, in effect, avoid the income adjustment that would otherwise occur.

It is important for the council to clearly communicate the impact of the expiring variation when consulting with the community on a special variation proposal. This applies even if the new special variation is to continue essentially the same level of funding for the same projects.

For expiring variations, councils are required to contact the Office of Local Government to confirm the calculation of the expiring variation (see attachment 1 for more information).

In exceptional circumstances a council may need to end an existing special variation earlier than its approved term to form part of a new special variation application. Councils considering doing this are advised to contact IPART to discuss the implications and their options in this regard.

## **5.2 Variations to ongoing s508A special variations**

Where a council has an ongoing s508A special variation and the council is seeking additional changes to its general income during the term of that existing special variation, the council must apply to IPART for a variation of the existing instrument.

IPART will assess an application for a variation using the same broad criteria (set out in section 3.1) as for an original application. While IPART's assessment will typically focus on the *additional* percentage sought, IPART may also consider whether it is appropriate to maintain the *existing* component of the s508A special variation.

In demonstrating the need for the variation to the ongoing s508A special variation, councils must indicate the financial impact of the special variation in their Long Term Financial Plan applying the following three scenarios:

- Baseline scenario – General fund revenue and expenditure forecasts that would apply if there was no special variation. This excludes the already approved component of the special variation and the additional percentage applied for.
- The status quo scenario – General fund revenue and expenditure forecasts which reflect the status quo. This includes the already approved component of the existing special variation but excludes the additional percentage applied for in the application for variation.
- The varied special variation scenario – the result of implementing the varied special variation in full is shown and reflected in the General Fund revenue forecast with the additional expenditure levels intended to be funded by the varied special variation.

When communicating the full cumulative increase of the proposed varied special variation, the council must communicate the full cumulative increase of the whole special variation (including the previously approved component of the existing special variation) to place the variation application in context. However, the focus of the community consultation may be on the difference between the status quo scenario and the varied special variation scenario.

### **5.3 Other types of income adjustment**

Councils must include any other adjustments to their general income such as:

- catch up or excess results from the previous year,
- valuation objections successfully claimed in the previous year, and
- Crown land adjustments for newly rateable Crown land.

The requirements of these guidelines do not apply to these adjustments. See Attachment 3 for further information.

Councils can also apply to increase minimum ordinary rates or special rates above the statutory limits under sections 548(3) (a) and (b) of the *Local Government Act 1993*. Applications to increase minimum amounts above the statutory limit are the subject of a separate assessment process also undertaken by IPART in accordance with the "*Guidelines for the Preparation of an Application to Increase Minimum Rates above the Statutory Limit*" (see also attachment 4) or visit the Office's website link:

- <http://www.olg.nsw.gov.au/strengthening-local-government/supporting-and-advising-councils/directory-of-policy-advice/rating-and-special-variations>

## **6. IPART's assessment approach for special variation applications**

The Independent Pricing and Regulatory Tribunal (IPART) comprises three permanent members appointed by the Premier.

IPART will assess applications for special variations against the criteria set out in these guidelines. Councils should be aware that if they provide all of the required information, this does not guarantee that applications will be approved by IPART.

IPART will assess each application on its merits. In doing so, IPART may consider:

- size of the council,

- resources of a council,
- size (both actual \$ and %) of increase requested,
- current rate levels and previous rate rises,
- purpose of the special variation,
- compliance with this or any other applicable guideline,
- compliance with the conditions of any previous special variations, and
- any other matter considered relevant in the assessment of a special variation application.

Based on these considerations, IPART will determine the level and length of the increase in general income. It is generally expected that special variations will be for up to four years, to align with a council's Delivery Program and to avoid committing future councils to rate rises. However, it is recognised that in some circumstances a period of longer than four years (and up to seven years) may be appropriate.

IPART will assess each application based on its merits. To assist IPART in assessing the application while also reducing the burden on councils to provide additional documents, council applications must be based on their adopted IP&R documentation and relevant application forms should provide IPART with relevant extracts of the IP&R documentation (including web links to the relevant plans once they have been finalised and published on a council's website). It is not anticipated that a complete suite of IP&R documents is provided to IPART, unless requested. Some supplementary material will also be necessary, as outlined in the application forms.

IPART will publish on its website a statement of reasons for its decision to approve, either in full or in part, or to decline an application. Where an application is approved, IPART will issue the council with an Instrument setting out the amount approved and any conditions applying to the approval.



*IPART will make the **final decision** as to whether the proposed special variation is approved, partially approved or not approved. This decision is final and IPART will not reassess an application after it has made its decision.*

## 7. Other information requirements

In its application forms IPART may require councils to provide specific information to address the assessment criteria. These application forms are available on the IPART website link:

- <https://www.ipart.nsw.gov.au/Home/Industries/Local-Government/For-Councils/Apply-for-a-special-variation-or-minimum-rate-increase>

Councils are encouraged to read these guidelines in conjunction with the application forms.

### 7.1 Reporting mechanisms

Where a special variation is approved, the council is issued with an Instrument of Approval, which sets out the conditions of that approval. These conditions will typically include minimum annual reporting requirements.

For those councils seeking a special variation, it is expected that they will put in annual reporting requirements to transparently report to their communities. This may be done through supplements to existing reporting processes and should include reporting on the additional income obtained through the variation, and if the special variation relates to a specific project:

- the projects or activities funded from the variation,
- details of any changes to the projects or activities funded from the variation compared with the council's initial proposal (any such changes must be consistent with the terms of the Instrument of Approval), and
- the outcomes achieved as a result of the projects or activities.

The application should include the reporting mechanisms which should align with the reporting processes identified through IP&R. A council's Annual Report must provide a report on the achievements through the Delivery Program. The End of Term report should also outline detailed performance indicators to report against the Delivery Program achievements in relation to the special variation.

### 7.2 Council resolution

Councils must supply a copy of the resolution(s) to apply for the special variation, with its application. IPART will not assess a special variation application unless the council

demonstrates its commitment to its proposal. It is expected that councils will hold an extraordinary meeting if necessary to meet this requirement.

## 8. Application process

### 8.1 Application forms

The forms for a special variation application consist of 2 separate parts:

- SV Part A – Microsoft Excel form that gathers data to calculate the amount of the special variation in terms of the dollar and percentage amounts, the impact on rates and the proposed program of expenditure. The form also seeks a council's contact information.
- SV Part B – Microsoft Word template for providing information to assist IPART in assessing the merits of the application. It also includes a certification page that must be signed by the council's General Manager and Responsible Accounting Officer.

Information on the application process and forms is available from the IPART website link:

- <https://www.ipart.nsw.gov.au/Home/Industries/Local-Government/Councils/Apply-for-a-special-variation-or-minimum-rate-increase>



*Councils that are seeking to apply for a Special Variation are urged to notify IPART of their intention to apply*



*Any inquiries regarding the application process should be directed to IPART via phone 02 9290 8400 or email [localgovernment@ipart.nsw.gov.au](mailto:localgovernment@ipart.nsw.gov.au)*

IPART will not accept late applications, unless it grants an extension to a particular council. IPART encourages councils to submit applications as early as possible.

## Attachment 1 – Calculation of expiring special variations

For illustration, a council is approved a scenario 3 – s508(2) special variation for a fixed term of three years to fund infrastructure projects with a new infrastructure levy.

This special variation will expire at the end of the third rating year, having been in place for three years.

When this infrastructure levy ends, the council must comply with the terms of any conditions included in the special variation instrument. The conditions in a 'temporary' s508(2) special variation will typically require a council to deduct the additional income from the levy (or the value of this expiring variation) from the council's notional general income (rate base) before the council may apply the rate peg or other special variation percentage in the fourth rating year.

The value of the expiring variation will typically equate to the original value of the special variation plus the equivalent cumulative proportion of this increase under the rate peg or a subsequent special variation..

If the special variation approved in the first year was 6% and the rate peg increase in the second and third year were 2.5% and 2.6% respectively, the value of the expiring variation would equate to the dollar value of the initial special variation (detailed in the original special variation approval instrument) plus 2.5% for the second year, plus a further 2.6% for the third year (note: each annual increase is cumulative).

Another example shows the impact on a council's general income where the council is seeking to continue the funding from an expiring special variation and at the same time increase its general income over two years. The value of the expiring special variation shown in Table A1 is \$50,000, but the council wants to continue the expiring special variation and further increase its income by \$45,000. In the following year council wants an increase of \$104,500 (Note that this proposal would require a scenario 1 (s508A) application as it represents two years of increases above the rate peg percentage).

**Table A.1: Example of the impact of an expiring special variation on permissible general income in a special variation application**

Year	Unadjusted or Permissible General Income	Value of expiring variation	Adjusted General Income	Special Variation	Increase in income due to special variation	Net increase to income on previous year
Year 1	\$1,000,000	\$50,000	\$950,000	10%	\$95,000	\$45,000
Year 2	\$1,045,000	-	\$1,045,000	10%	\$104,500	\$104,500

In this example, the net increase in income in Year 1 is \$45,000. This is less than the increase due to the special variation of 10% (\$95,000) due to the deduction of the expiring special variation. The net increase in income in Year 1 is 4.5%, not the special variation percentage of 10%.

In these circumstances, the net increase in average rates levels in the first year is also likely to be around 4.5%. However, if the special variation was not approved, and assuming that the rate peg is 2.5% in the first year, the council's general income and average rates would actually fall by approximately 2.6% without the new special variation.

## Attachment 2 – Special variations – contributions plan costs above relevant cap

The Minister for Planning has issued a Direction under section 7.17 of the *Environment Planning and Assessment Act 1979* that limits local development contributions to a cap.<sup>10</sup>

If a council's development contributions for a development area exceed the relevant cap, the council may seek to fund the gap by applying for a special variation. Councils may apply for a special variation to recover the costs in a contributions plan to the extent that the costs exceed the relevant cap.

### Application and assessment process

Councils planning to submit a special variation application to IPART for the costs of essential works must have submitted its relevant contributions plan to IPART and IPART must have completed its review of the plan prior to the council submitting a special variation application.

Councils should ensure the development contributions plans comply with the requirements of the relevant Department of Planning practice note and any information required by IPART.

Councils have the discretion to determine whether its proposed special variation, which may be over one or more years, would be collected from all ratepayers, or as a special rate (under s495 of the *Local Government Act 1993*) levied on only those ratepayers who will directly benefit from the enabling infrastructure.

IPART will assess the application against the relevant criteria for special variation applications as outlined in these guidelines.



*Councils should note that special variations or components of special variations that are approved by IPART for contributions plan works will ordinarily have conditions requiring that the additional revenue be spent only on works outlined in the relevant contributions plan.*

<sup>10</sup> The most recent Direction issued under s7.17 of the Environmental Planning and Assessment Act 1979 is available at <https://www.planning.nsw.gov.au/Policy-and-Legislation/Infrastructure/Infrastructure-policies>

### Attachment 3 – Other adjustments to general income<sup>11</sup>

Councils may also be entitled to other adjustments to their permissible general income in the coming financial year (generally the first year of a new special variation period). These adjustments are for:

- a) catch up or excess results from the previous year,
- b) valuation objections successfully claimed in the previous year, or
- c) Crown land adjustments (CLA) for newly rateable Crown land.

#### **The requirements of these guidelines do not apply to these adjustments**

The adjustments to the income base for a) catch up/excess amounts and b) valuation objection income successfully claimed in the previous year will not form part of the special variation percentage which may be approved by IPART. However, should the special variation not be approved by IPART, the council will still be entitled to these income adjustments in addition to the rate peg.

Any income adjustment for c) newly rateable Crown Land must be approved by IPART. A crown land adjustment (CLA) may take the form of a discrete special variation under s508(2) of the *Local Government Act 1993*. If a council is also applying for a broader special variation, the percentage component for a CLA will form part of the total percentage approved in the s508(2) special variation or s508A special variation.

Where a council has an ongoing s508A special variation and the council is seeking a CLA, the council's application will be taken to be an application to vary the existing instrument. As part of its assessment of the CLA application, IPART may consider any significant developments that have taken place since the original special variation application was made and determine whether the existing component of the special variation should be maintained. This assessment may include consideration of any subsidies or grants that have affected the financial need for the existing component of the special variation as well as the council's compliance with the conditions of the existing special variation.

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<sup>11</sup> This information is provided as a brief summary of the various adjustments which may be applicable to councils on an annual basis. For more detail, councils should refer to the Office's Rating and Revenue Raising Manual located at: [www.olg.nsw.gov.au](http://www.olg.nsw.gov.au)

Councils are generally not expected to undertake further community consultation where they are only seeking a variation to effect a CLA.

Where a council is not applying for a broader special variation, it should submit its request for a CLA to IPART. IPART will send all requests to OLG to confirm the amount of additional general income, and IPART will separately assess those where the council is also asking for a SV. IPART will make the final assessment as to whether or not to grant a CLA.

IPART will then decide whether to approve the increase having regard to OLG's assessment of eligibility, the council's application for the adjustment and any other matter considered relevant to the application.



*Catch up/excess amounts and adjustments to income for successful valuation objection income claimed in the previous year do not form part of the special variation percentage, but Crown Land adjustments do.*

## Attachment 4 – Increasing minimum rates

Section 548 of the *Local Government Act 1993* (Act) allows a council to specify a minimum amount of a rate to be levied on each parcel of land within a particular category or sub-category.

The size of any minimum amount must not exceed the relevant permissible limits provided for in section 548(3) and clause 126 of the *Local Government (General) Regulation 2005*, unless Ministerial approval for a higher amount has been granted or where the council is entitled to increase its minimum rate under section 548(4) and (5) of the Act.

The Minister for Local Government has delegated to IPART responsibility for approving higher minimum rates.

A council must apply to IPART for an increase in minimum rates above the statutory limit when:

- it is seeking to increase its ordinary minimum rates above the statutory limit for the 'first time' with or without increasing its general income above the rate peg limit,
- it is already above the statutory limit but is seeking to increase its ordinary minimum rates by a higher percentage than it is permitted to under section 548(4) and (5) of the Act, or
- it is seeking to increase the minimum amount of its **special rates** above the statutory limit.



***Council should contact IPART to confirm whether or not an application is necessary.***

If a council is seeking to apply a higher rate of increase to its minimum rates than to its other rates in a special variation application, this must be clearly identified and addressed in the special variation application.

### Ordinary rate minimums

Clause 126 of the Regulation is typically amended each year to increase the statutory limit on ordinary rate minimums by the rate peg increase for that year. This means that

councils do not need to make applications for ordinary rate minimum increases if the amount proposed is within that limit.

Under section 548(4) and (5) of the Act, a council is also entitled to increase the minimum amount of an ordinary rate in line with an approved special rate variation, if the council was previously granted approval to increase its minimum rate above the statutory limit provided for in section 548(3) of the Act and clause 126 of the Regulation.

### **Special rate minimums**

For special rates, s548(3)(b) of the Act specifies that the minimum amount of a special rate (other than a water supply special rate or a sewerage special rate) may not exceed \$2 unless Ministerial approval for a higher amount has been granted. The Minister for Local Government has delegated the function of approving higher amounts to IPART.

Unlike the minimum amount for an ordinary rate, the Act does not provide the flexibility to increase the special rate limit through an amendment to the Regulation. Rather, a council must obtain approval on **every** occasion (including the application of the rate peg) that it wishes to increase the minimum amount on special rates.

Once a council receives approval to increase a special rate minimum, this increase is ongoing and continuing. However, should a council wish to increase the approved special rate minimum by the rate peg, by virtue of s 548(3)(b) of the Act, a council must complete an application.



*If a council levies minimum amounts for ordinary or special rates and it is seeking a special variation, it must show the impact on these minimum rates by its proposed special variation as part of its special variation application.*

### **Minimum rates applications**

Where a council wishes to increase its minimum rates above the statutory limit as part of a special variation application, it should submit *both* a special variation application and a minimum rate increase application.

A council that is considering increasing its minimum rates (ordinary or special) above the statutory limit must refer to the *Guidelines for the Preparation of an Application to*

*increase Minimum Rates above the Statutory Limit.* These guidelines are available from the Office's website link:

- <http://www.olg.nsw.gov.au/strengthening-local-government/supporting-and-advising-councils/directory-of-policy-advice/rating-and-special-variations>

Applications to increase minimum rates must be made on the Minimum Rates Application Form available on the IPART website link:

- <https://www.ipart.nsw.gov.au/Home/Industries/Local-Government/For-Councils/Apply-for-a-special-variation-or-minimum-rate-increase>

## Attachment 5 – SV Application Checklist

- Council has contacted IPART early in the application process to discuss the information requirements for its particular circumstance.
- Council resolution has been passed to apply for a special variation.
- Council has notified IPART of their intention to apply for a special variation on or before the due date as specified by IPART.
- Council's application is based on adopted IP&R documentation which identifies:-
  - The need and purpose of a different revenue path is clearly articulated and identified in the councils Delivery Program.
  - Evidence that the community is aware of the need for and extent of a rate rise.
  - The impact on affected ratepayers is reasonable.
  - IP&R documents are exhibited, approved and adopted by council.
  - IP&R documents explain the productivity improvements and cost containment strategies.
- Council has completed special variation application forms Part A (excel workbook) & Part B (word document) (available on IPART's website).
  - SV Part B certification page has been signed by the council's General Manager and Responsible Accounting Officer.
- Council's application includes a copy of the council's resolution(s) to apply for the special variation.
- Application which includes Part A and B, certification and council resolution and other supporting documentation, is lodged on or before the due date as specified on the OLG Council Circular and on the OLG and IPART websites.

**8.2.2 DRAFT CONCEALED WATER LEAK POLICY**

DOCUMENT NUMBER	337230
REPORTING OFFICER	Teresa Breslin, Governance Officer
AUTHORISING OFFICER	Phillip McMurray, General Manager
RELEVANCE TO COMMUNITY STRATEGIC PLAN	<b>4. Good governance: an actively engaged community and strong leadership team</b> 4.1 Decision-making is based on collaborative, transparent and accountable leadership
FINANCIAL IMPLICATIONS	There are no Financial implications associated with this report.
LEGISLATIVE IMPLICATIONS	There are no Legislative implications associated with this report.
POLICY IMPLICATIONS	Adoption of the draft policy will provide an appropriate policy in relation to the subject matter.
ATTACHMENTS	1. Draft Concealed Water Leak Policy <a href="#">↓</a>

**RECOMMENDATION**

**The draft Concealed Water Leak policy attached to the report be endorsed.**

Introduction

It is appropriate for Council to develop a policy to establish clear guidelines and procedures in relation to the write-off of water consumption in the instance of a concealed water leak.

Discussion

Subsequently, the draft Concealed Water Leak policy, attached to the report, is submitted for the consideration and endorsement of Council.



## Draft Concealed Water Leaks Policy

### Policy Approval and Distribution

Approved by	Council resolution
Responsible Officer	Manager Finance and Customer Service
Section/Service Unit	Finance
Next Review Date	01-September-2022

### Version Control

Ref	Date	Description	Resolution Number
0.1	27-10-2020	Presented to Council.	TBA

### Purpose

To establish clear guidelines and procedures in relation to the write-off of water consumption in the instance of a concealed water leak.

### Policy Provision

1. For the purposes of this policy, a "concealed water leak" is defined as water escaping from a private water service that is hidden from view (usually below ground or under concrete). The interpretation of the customer being unaware of a leaking service and the leak being concealed from view is to be taken that there is no visible evidence of soaking or dampness. Damp walls, lush grass or damp soil does not constitute being concealed from view. Running toilets, leaking taps or unmonitored automated sprinkler systems (as examples only) are not concealed water leaks.
2. Council is not responsible for leaking internal property pipes beyond the water meter. Any repairs to the internal property pipes will need to be arranged and payable by the property owner. This includes (but is not limited to) any damage which may be resultant from tree roots or aging pipework.
3. Section 607 of the *Local Government Act 1993* refers to the write-off of rates, charges or interest. Section 131 of the *Local Government (General) Regulation 2005* determines that a write-off of rates or charges may be undertaken if there is an error in the assessment, if the amount is not lawfully recoverable, as a result of a decision of a court, or if the council or general manager believes on reasonable grounds that an attempt to recover the amount would not be cost effective.
4. The write-off of water consumption charges will be a 'one-off' provision which will be provided on the grounds that:
  - The customer was unaware of the leak and the leak was concealed from view.

- The leak was not due to the neglect of obvious defects in the private water service. The customer is responsible for the maintenance and repair of their private water service and evidence found of negligence or carelessness will result in the application being denied.
- The private water service is repaired to Council's satisfaction. The customer must engage the services of a licensed plumber to repair the concealed leak in a timely fashion.
- The water supply is turned off as soon as the leak has been identified in order to reduce further wastage.

5. The amount of the write-off of water consumption charges will be determined by Council. The average water consumption for the preceding year, as well as the consumption during the period immediately prior to the leak will be used to estimate what the consumption would have been for the period in question if the leak had not been present. Council will write-off 50% of the consumption costs incurred above that of the average consumption determined for the period. If the balance of the account payable is determined to be excessive and is likely to be a financial burden on the ratepayer that cannot be reconciled with payment arrangements or other such agreement, the matter will be referred to Council for determination of the write-off amount under the Local Government Act 1993 and Local Government (General) Regulation 2005.

6. If the property has been charged for sewer usage charges based on the consumption recorded by the water meter (ie. non-residential properties), the consumption that has been granted as the water consumption write-off will also be granted for sewer usage charges.

7. Under the circumstances of this policy, no write-offs will be granted for water access or sewer access charges, or the consumption associated with other meter(s) at the property.

8. The amount of the write-off will be determined by the Revenue Officer which shall then be authorised by council or the general manager in accordance with the delegations register.

9. Claims for a write-off of water consumption or sewer usage under this policy must be made in writing. The customer is required to advise:

- How they became aware of the leak
- The date they became aware of the leak
- The details of the repair via a Plumber's Statement (as below)

10. Before any write-off will be considered or granted, the leak must be repaired by a licensed plumber who must supply a written report to advise:

- The date the leak was detected
- Where the leak was situated
- The estimated rate of the leak
- The date the leak was repaired
- The meter reading at the time the leak was repaired (if available)
- Possible cause
- Copy of the plumber's invoice

It will be the responsibility of the ratepayer to make arrangements for this report to be supplied to the Council office.

11. Ratepayers who are not considered eligible for a concealed leak write-off will be liable for all consumption of water that has passed through the meter.

### 8.2.3 MONTHLY FINANCE REPORT FOR SEPTEMBER 2020

DOCUMENT NUMBER	337645
REPORTING OFFICER	Tim Swan, Manager Finance and Customer Service
AUTHORISING OFFICER	Phillip McMurray, General Manager
RELEVANCE TO COMMUNITY STRATEGIC PLAN	<p><b>4. Good governance: an actively engaged community and strong leadership team</b></p> <p>4.1 Decision-making is based on collaborative, transparent and accountable leadership</p>
FINANCIAL IMPLICATIONS	Regular monitoring of Council's finances will ensure that any issues are identified in a timely manner.
LEGISLATIVE IMPLICATIONS	There are no legislative implications associated with this report.
POLICY IMPLICATIONS	There are no policy implications associated with this report.
ATTACHMENTS	1. September 2020 Finance Report <a href="#"></a>

#### RECOMMENDATION

**The Finance Report for September, 2020 be received and noted.**

#### Introduction

The Monthly Finance Report provides Councillors with an update on the current budget status.

#### Discussion

After  $\frac{1}{4}$  of the financial year no concerns have been identified. Expenditure is at 33% of budget, but this relates to payments and commitments for annual expenses.

Some expenditure on grant funded projects budgeted for completion in 2019/20 has rolled into the current year. This results in some anomalies, particularly in the Capital Expenditure section. Budgets for these will be adjusted in the Quarterly Budget Review, and the capital expenditure section of the report will be expanded to include details of all capital works. It is anticipated that this will be included in the November or December, 2020 reports.



September 2020

# Financial reporting pack

*Monthly operational analysis*



**Monthly budget variance report**  
**Consolidated**  
**Period ended 30 September**



	Year to date actual					Consolidated total	Consolidated budget	Balance remaining	% of annual budget	Comments
	General	Waste	Water	Sewer						
<b>Revenue</b>										
Rates and annual charges	7,660,851	2,506,603	481,124	602,347		11,250,926	14,895,445	3,644,519	75.53%	Rates levied for year. Q1 Water & Sewer
User charges and fees	991,667	135,255	474,566	100,929		1,702,418	7,873,231	6,170,813	21.62%	
Interest and investment revenues	52,767	-	1	627	-	1	52,139	209,800	157,661	24.85%
Other revenues	124,207	-	250	-		124,457	346,850	222,393	35.88%	
Operating grants and contributions	1,482,230	-	-	-		1,482,230	10,209,458	8,727,228	14.52%	
Capital grants and contributions	1,183,646	-	-	-		1,183,646	16,123,054	14,939,408	7.34%	
Internal Plant hire	897,334	-	-	-		897,334	3,475,000	2,577,666	25.82%	
Internal Overheads	-	-	-	-		-	1,877,561	1,877,561	0.00%	
Internal Easements	-	-	-	-		-	-	-	0.00%	
<b>Total revenue</b>	<b>12,392,704</b>	<b>2,641,857</b>	<b>955,313</b>	<b>703,275</b>		<b>16,693,150</b>	<b>55,010,399</b>	<b>38,317,249</b>	<b>30.35%</b>	
<b>Expenditure</b>										
Employee costs	2,765,754	139,648	163,994	134,762		3,204,158	12,460,981	9,256,823	25.71%	
Borrowing costs	-	10,334	-	12,519	-	22,853	280,667	303,520	-8.14%	
Materials and contracts	2,615,623	236,338	449,406	142,068		3,443,435	9,851,641	6,408,206	34.95%	Includes some expenditure on community projects budgeted for 2019/20
Plant hire	725,475	19,064	20,691	19,811		785,041	2,342,201	1,557,160	33.52%	
Other expenses	2,296,296	15,974	53,983	56,025		2,422,277	3,355,199	932,922	72.19%	POs raised for full year for insurance etc.
Internal Overheads	-	-	-	-		-	1,877,561	1,877,561	0.00%	
Internal Easements	-	-	-	-		-	-	-	0.00%	
<b>Total expenses</b>	<b>8,392,813</b>	<b>411,024</b>	<b>675,555</b>	<b>352,665</b>		<b>9,832,058</b>	<b>30,168,250</b>	<b>20,336,192</b>	<b>32.59%</b>	
<b>Net result</b>	<b>3,999,891</b>	<b>2,230,834</b>	<b>279,758</b>	<b>350,610</b>		<b>6,861,093</b>	<b>24,842,149</b>	<b>17,981,056</b>		

**Business Unit Summary - Operating**

Period ended 30 September



	Income				Expenditure				Comments
	Actual	Budget	Variance	%	Actual	Budget	Variance	%	
Development, Building and Compliance	282,271	324,820	42,549	86.90%	269,951	1,041,169	771,218	25.93%	
Regulatory Services	135,821	601,610	465,789	22.58%	258,606	1,113,662	855,056	23.22%	
Community and Culture	22,682	163,340	140,658	13.89%	509,026	1,399,782	890,756	36.36%	
Business Services	30	6,180	6,150	0.49%	586,541	1,229,002	642,461	47.72%	Includes 1/2 RRL contribution and expenditure on a grant received after budget. POs raised for full year.
Finance and Customer Services	8,178,610	14,831,888	6,653,278	55.14%	320,055	1,588,305	1,268,250	20.15%	
Executive Office	750,513	2,780,262	2,029,749	26.99%	726,113	2,110,387	1,384,274	34.41%	Includes expenditure of grant funds budgeted for 2019/20.
Operations Management	516,153	865,913	349,760	59.61%	862,343	918,809	56,466	93.85%	Mostly Workers Comp insurance for full year, to be allocated to other departments.
Facilities	119,910	193,700	73,790	61.91%	353,710	1,289,315	935,605	27.43%	Includes insurance for full year.
Recreation	51,390	175,973	124,583	29.20%	463,327	1,625,881	1,162,554	28.50%	Includes insurance for full year.
Technical Services	565,795	4,717,663	4,151,868	11.99%	826,635	2,293,917	1,467,282	36.04%	Expenditure is consistent with seasonal nature of maintenance activities.
Civil Works	651,017	4,212,824	3,561,807	15.45%	1,412,174	4,893,408	3,481,234	28.86%	
Asset Management	1,118,511	3,977,488	2,858,977	28.12%	1,804,333	2,862,236	1,057,903	63.04%	
Waste Services	2,641,857	3,153,612	511,755	83.77%	411,024	2,235,430	1,824,406	18.39%	
Water	955,313	4,783,664	3,828,351	19.97%	675,555	3,788,292	3,112,737	17.83%	
Sewer	703,275	14,221,462	13,518,187	4.95%	352,665	1,778,655	1,425,990	19.83%	
<b>Total</b>	<b>16,693,150</b>	<b>55,010,399</b>	<b>38,317,249</b>	<b>30.35%</b>	<b>9,832,058</b>	<b>30,168,250</b>	<b>20,336,192</b>	<b>32.59%</b>	

**Capital expenditure**

	YTD	Budget	Variance	%	Comments
<b>Capital income</b>					
Proceeds from sale of plant	154,182	696,500	(542,318)	<b>22.14%</b>	
Proceeds from sale of property	71,759	-	71,759	<b>0.00%</b>	
Sports facilities capital income			-	<b>0.00%</b>	
Stormwater capital income			-	<b>0.00%</b>	
Roads capital income			-	<b>0.00%</b>	
Water capital income			-	<b>0.00%</b>	
Sewer capital income			-	<b>0.00%</b>	
Waste capital income			-	<b>0.00%</b>	
Other capital income			-	<b>0.00%</b>	
<b>Total Income</b>	225,941	696,500	(470,559)	<b>32.44%</b>	
<b>Capital expenditure</b>					
Plant and equipment	1,063,531	2,484,000	(1,420,469)	<b>42.82%</b>	
Office equipment	9,691	40,000	(30,309)	<b>24.23%</b>	
Buildings	198,340	544,869	(346,529)	<b>36.40%</b>	
Land improvements	20,111	25,000	(4,889)	<b>80.45%</b>	
Major projects	726,196	125,000	601,196	<b>580.96%</b>	Expenditure of grant funding budgeted for 2019/20
Roads, bridges and footpaths	628,158	7,450,000	(6,821,842)	<b>8.43%</b>	
Stormwater drainage	1,166	160,000	(158,834)	<b>0.73%</b>	
Recreation assets	259,322	261,000	(1,678)	<b>99.36%</b>	
Parks and Gardens	84,404	448,526	(364,122)	<b>18.82%</b>	
Waste Services	159,353	455,000	(295,647)	<b>35.02%</b>	
Water supply network	129,641	1,000,000	(870,359)	<b>12.96%</b>	
Sewerage network	10,958,253	12,597,339	(1,639,086)	<b>86.99%</b>	PO raised for STP project.
Other assets	-	-	-	<b>0.00%</b>	
<b>Total Expenses</b>	14,238,165	25,590,734	(11,352,569)	<b>55.64%</b>	
<b>Net capital expenditure</b>	14,012,225	24,894,234	(10,882,009)		

#### 8.2.4 UPDATED MONTHLY MAJOR PROJECTS PROGRAM AND PROJECTS SCHEDULE

DOCUMENT NUMBER	337709
REPORTING OFFICER	Tim Swan, Manager Finance and Customer Service
AUTHORISING OFFICER	Phillip McMurray, General Manager
RELEVANCE TO COMMUNITY STRATEGIC PLAN	<p><b>4. Good governance: an actively engaged community and strong leadership team</b></p> <p>4.3 Cootamundra-Gundagai Regional Council is a premier local government Council</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	1. Updated Council Project Management Program <a href="#">↓</a>

#### RECOMMENDATION

**The Updated Monthly Major Projects Program Report, and Updated Monthly Major Projects Schedule, attached to the report, be received and noted.**

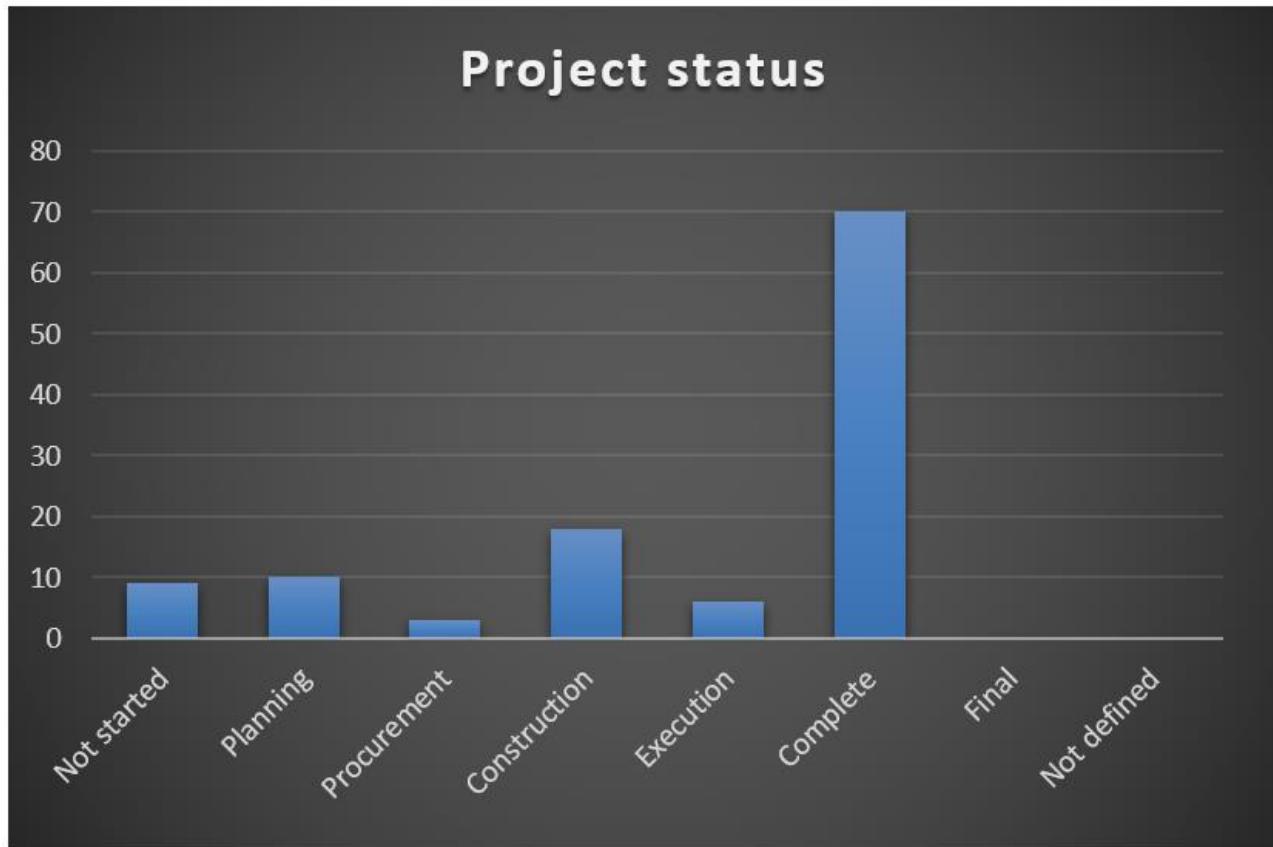
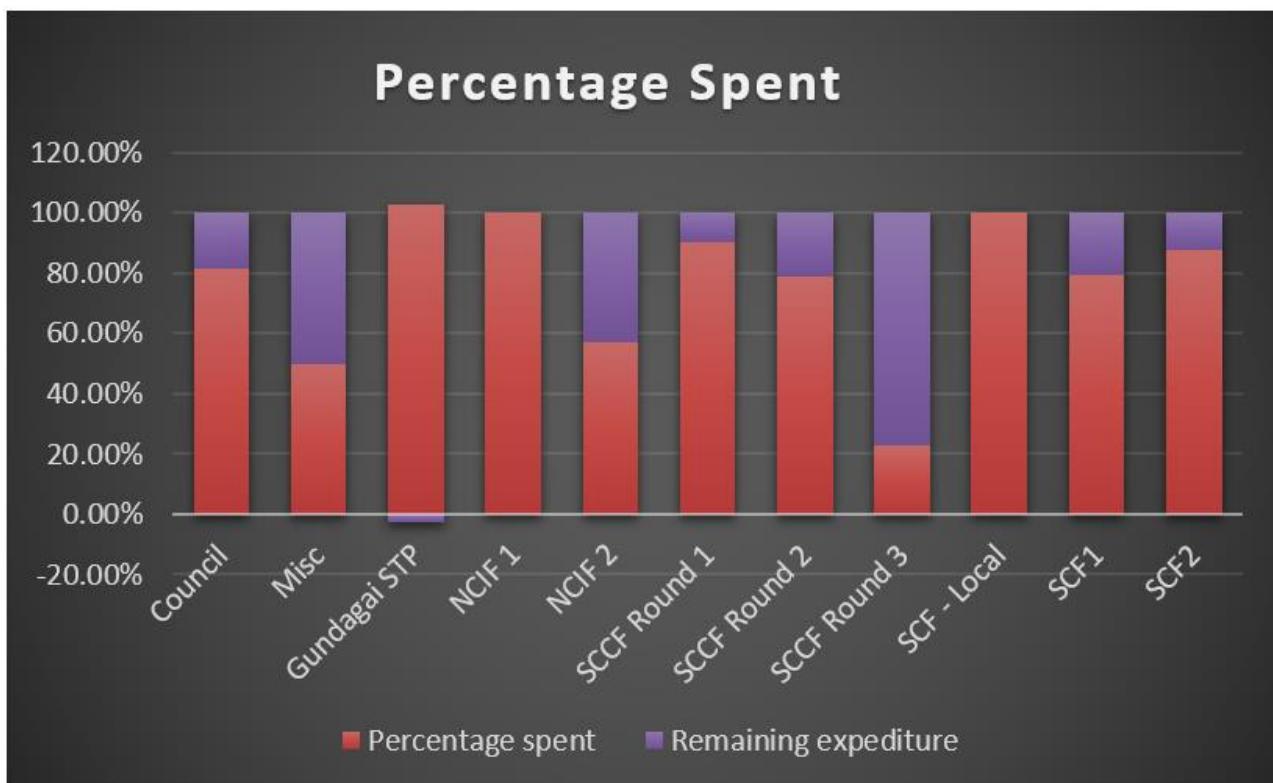
#### Introduction

Council is currently managing 110 projects worth \$53,030,487. This report provides a monthly update as at 30<sup>th</sup> September, 2020 to Councillors as to the progress of the projects. The attached schedule provides a brief update on the status of each of the projects.

#### Discussion

##### **Project expenditure**

The figures used for total expenditure include both actual invoices paid and orders raised in the system but not yet paid (committed expenditure). In some instances there can be a lag in time between the goods being ordered and being physically delivered on site. From a budget point of view it is important to include both actual and committed expenditure to assist with management of budgets.





As at 30th September 2020

Project	Funding source	Status	Completion Date	Budget	Total committed expenditure	Percentage spent
<b>Council funded projects</b>						
Gundagai Library Extension	Council	Complete	Oct-20	195,000	189,159	97.00%
Mirrabooka Retaining Wall & Store Room	Council	Complete	Complete	-	-	0.00%
Cootamundra depot refurbishments	Council	Planning	Ongoing	900,000	27,424	3.05%
Turners Lane Industrial Land Development	Council	Planning	Ongoing	790,000	26,724	3.38%
Yass Road Service Centre - SW Fuels	Council	Complete	Complete	800,000	802,587	100.32%
Sheridan Street Gundagai Redevelopment - Main Street Upgrade	Council	Complete	Complete	5,430,490	5,470,380	100.73%
Sheridan and West Streets intersection treatments	Council	Complete	Complete	500,000	500,025	100.01%
		Total		8,615,490	7,016,300	81.44%
<b>Misc grant funded projects</b>						
Truckwash Upgrade - Cootamundra Saleyards	Country Truck Washes	Complete	Complete	362,935	371,171	102.27%
Morley's Creek Fishing Pier Replacement	Dept of Fisheries	Complete	Complete	61,600	61,600	100.00%
Wallenbeen Strategic Heritage Study & King Street Revitalisation	Heritage Near Me	Complete	Complete	95,000	48,282	50.82%
Stan Crowe Oval Gundagai canteen and changerooms construction (CAPREN)	NRL Grants	Complete	Complete	240,000	239,327	99.72%
Gundagai Sewerage Treatment Works Plant Replacement	NSW State Govt - Sewer	Construction	Jun-21	17,000,000	17,495,502	102.91%
Old Gaol - completion of repairs and maintenance activities and redesign of drainage (PRMF Grant)	Public Reserves Management Fund	Complete	Complete	15,000	15,637	104.25%
Old Primary School and Mens Shed - Renewal of fencing gutters, downpipes, fascia and construction of retaining wall	Public Reserves Management Fund	Complete	Complete	171,760	166,802	97.11%
Coolac Recreation Reserve & Public Hall Trust - Solar Panels	SCF - Local	Complete	Complete	23,450	23,450	100.00%
Old Gaol masterplan, structural repairs, publicity and Captain Moonlight display (Heritage near me grant)	Heritage Near Me Heritage Activation Grant	Complete	Complete	87,605	92,362	105.43%
Parker St Redevelopment - Main St Upgrade	Drought Community	0	Jul-21	500,000	35,586	7.12%
Sheridan St Redevelopment - Main St Upgrade - Stage 2	Drought Community	0	Jul-21	500,000	3,367	0.67%
		Total		19,057,350	18,514,133	97.15%
<b>NCIF Round 1</b>						
NCIF Round 1	NCIF 1	Complete	Complete	5,000,000	5,000,000	100.00%
		Total		5,000,000	5,000,000	100.00%
<b>Total NCIF 2</b>						
Gundagai Depot Training Room Construction	NCIF 2	Complete	Complete	300,000	294,774	98.26%
Gundagai Admin Refurbishment	NCIF 2	Procurement	Feb-21	100,000	5,027	5.03%
Branding and marketing plan	NCIF 2	Execution	Dec-20	100,000	42,199	42.20%
Better Community Strategy (ABCS)	NCIF 2	Execution	Dec-20	100,000	5,000	5.00%
Tourism and Economic development strategic plan	NCIF 2	Execution	Dec-20	150,000	124,035	82.69%
Recreational Needs Study	NCIF 2	Execution	Dec-20	100,000	77,537	77.54%
Consolidation and upgrade of Authority Corporate Software System	NCIF 2	Execution	Dec-20	414,282	275,855	66.59%
GIS Operational Review	NCIF 2	Complete	Oct-20	50,000	51,742	103.48%



As at 30th September 2020

Project	Funding source	Status	Completion Date	Budget	Total committed expenditure	Percentage spent
Fees and charges review	NCIF 2	Complete	Complete	30,000	30,000	100.00%
Internal audit committee implementation	NCIF 2	Complete	Complete	20,000	20,000	100.00%
Business continuity and disaster recovery plans	NCIF 2	Planning	Nov-20	50,000	5,000	10.00%
Rates structure review	NCIF 2	Complete	Complete	50,000	50,000	100.00%
Signage updates	NCIF 2	Planning	Dec-20	250,000	78,601	31.44%
Local environmental plan development	NCIF 2	Planning	Dec-20	200,000	27,079	13.54%
Total				1,914,282	1,086,850	56.78%
<b>SCCF Round 1 projects</b>						
Cootamundra AFL - Demolition of old clubrooms & construction of new clubrooms	SCCF Round 1	Construction	Mar-21	372,800	122,312	32.81%
Gundagai Tigers - Construction of new shed & fitout of gymnasium	SCCF Round 1	Complete	Complete	100,000	99,940	99.94%
Cootamundra Racecourse - EXTERNAL repairs to flooring, repainting inside & out, refurbishment of function room, replacement of external cladding & replacement of seating of Grandstand building	SCCF Round 1	Complete	Complete	50,000	52,970	105.94%
Gundagai RSL - refurbishment of tennis clubrooms and squash courts - EXTERNAL	SCCF Round 1	Complete	Complete	150,000	150,772	100.51%
Coolac to Tumblong Rail Trail Development Plan	SCCF Round 1	Complete	Complete	54,600	54,600	100.00%
Nangus - Village Playground & Fitness Infrastructure (CAPREN)	SCCF Round 1	Complete	Complete	53,322	53,364	100.08%
Stockinbingal Playground and BMX track	SCCF Round 1	Complete	Complete	109,200	113,011	103.49%
Wallenbeen fitness infrastructure, playground and Rage Cage	SCCF Round 1	Complete	Complete	216,393	215,849	99.75%
Cootamundra Tennis - refurbishment of tennis court surfaces, new line marking including hot shot courts	SCCF Round 1	Complete	Complete	183,029	183,848	100.45%
Gundagai Scouts - EXTERNAL Construction & Installation of Climbing Wall	SCCF Round 1	Complete	Complete	100,000	99,931	99.93%
Large Scale Teen Playground at Jubilee Park Cootamundra	SCCF Round 1	Complete	Complete	499,900	499,900	100.00%
Gundagai large scale adventure playground & fitness centre	SCCF Round 1	Complete	Complete	1,000,000	955,963	95.60%
Total				2,889,244	2,602,459	90.07%
<b>SCCF Round 2 projects</b>						
Cootamundra Showground Completion of Multipurpose Pavilion SCCF2	SCCF Round 2	Complete	Complete	53,290	36,738	68.94%
Anzac Park South Supporters Toilets - Gundagai	SCCF Round 2	Complete	Complete	86,061	88,151	102.43%
Mirrabooka Revivification (SCCF2)	SCCF Round 2	Complete	Complete	67,045	67,387	100.51%
Cootamundra Rifle Club Mower, top dressing, building maintenance, storage shed	SCCF Round 2	Construction	Dec-20	63,015	26,901	42.69%
Upgrades to Christ Church hall Cootamundra	SCCF Round 2	Complete	Complete	70,273	70,143	99.81%
Cootamundra Squash Court Renovation	SCCF Round 2	Planning	Jun-21	97,655	293	0.30%
Gundagai Pony Club Undercover Arena	SCCF Round 2	Complete	Complete	199,151	198,762	99.80%
Gundagai Racecourse and Showground Amenities Block	SCCF Round 2	Complete	Complete	215,000	214,965	99.98%
Cootamundra Event Promotion Banners	SCCF Round 2	Complete	Complete	53,841	54,106	100.49%
Gundagai Event Promotion Banners	SCCF Round 2	Complete	Complete	53,841	53,841	100.00%
Gundagai Friendship Park Playground	SCCF Round 2	Complete	Oct-20	60,000	54,569	90.95%
Muttama Hall Re-stumping	SCCF Round 2	Complete	Complete	140,707	131,055	93.14%
Gundagai Community Garden	SCCF Round 2	Construction	Dec-20	63,552	15,594	24.54%



As at 30th September 2020

Project	Funding source	Status	Completion Date	Budget	Total committed expenditure	Percentage spent
Stockinbingal Tennis Court resurfacing - 3 courts	SCCF Round 2	Complete	Complete	118,093	118,836	100.63%
Community Safety & Beautification of King Street Wallendbeen	SCCF Round 2	Execution	Dec-20	55,964	304	0.54%
Barry Grace Oval Wallendbeen	SCCF Round 2	Construction	Dec-20	98,397	17,742	18.03%
O'Connor Park - Home of the Cootamundra Strikers Soccer Club - Lighting	SCCF Round 2	Construction	Dec-20	98,397	91,191	92.68%
Cootamundra Arts Centre Tin Shed Theatre Projection	SCCF Round 2	Complete	Complete	61,682	61,755	100.12%
Cootamundra Arts Centre Rehearsal Space	SCCF Round 2	Procurement	Jun-21	122,294	12,911	10.56%
Cootamundra Turf Club Irrigation system upgrade	SCCF Round 2	Construction	Sep-20	81,970	67,624	82.50%
Cootamundra Aerodrome Drag Pad and Taxiway for Water Refilling	SCCF Round 2	Complete	Complete	160,312	160,312	100.00%
Cootamundra Junior Rugby League Rejuvenation of football field	SCCF Round 2	Complete	Complete	60,000	57,196	95.33%
Upgrade to change rooms at ANZAC park Gundagai	SCCF Round 2	Complete	Complete	172,987	172,775	99.88%
Cootamundra Community Garden	SCCF Round 2	Construction	Oct-20	70,242	61,476	87.52%
Total				2,323,769	1,834,627	78.95%
<b>SCF1 projects</b>						
Gundagai pool tiling and disabled ramp	SCF1	Complete	Complete	894,724	364,639	40.75%
Gundagai Visitors Information Centre redevelopment - disabled ramp and disabled toilet	SCF1	Planning	Jun-21	300,000	19,864	6.62%
Gundagai Netball Courts Masterplan - construction of lighting, storage & shelter	SCF1	Construction	Dec-20	200,000	40,695	20.35%
Stephen Ward Rooms Outdoor Area construction	SCF1	Construction	Jun-21	200,000	45,308	22.65%
Rathmells Lane - Bitumin seal from Temora St to end	SCF1	Complete	Complete	248,451	247,115	99.46%
Footpath renewal	SCF1	Complete	Complete	500,000	500,705	100.14%
Cootamundra pool - water park	SCF1	Complete	Complete	400,000	398,431	99.61%
Fisher Park Cootamundra sports ground lighting installation	SCF1	Complete	Complete	250,000	255,451	102.18%
Pool shade Cloth - Cootamundra and Gundagai	SCF1	Complete	Complete	100,000	97,626	97.63%
Extension of Gundagai Water Supply to the Dog on the Tuckerbox site	SCF1	Planning	Dec-20	600,000	357,727	59.62%
Nangus Water Supply Works	SCF1	Procurement	Dec-21	647,500	71,153	10.99%
Stormwater mitigation	SCF1	Construction	Oct-20	1,000,000	889,954	89.00%
Cootamundra saleyards lighting and electrical upgrade	SCF1	Complete	Complete	268,882	259,021	96.33%
Adjungbilly Road reconstruction for B'Doubles	SCF1	Complete	Complete	2,100,000	2,100,000	100.00%
Cootamundra water mains replacement project *should be a separate work order for each segment*	SCF1	Complete	Complete	2,000,000	1,999,978	100.00%
Construct public toilets - Sheridan St Gundagai	SCF1	Complete	Complete	150,000	152,911	101.94%
Total				9,859,557	7,800,578	79.12%
<b>SCF2 projects</b>						
Yarri Park Youth precinct/Lions Park – Basketball courts and Pump Track	SCF2	Construction	Sep-20	130,000	122,154	93.96%
Gundagai Preschool – Capital works projects to build additional rooms, providing more spaces.	SCF2	Planning	Jun-21	510,000	268,549	52.66%
Coole Hall & Oval – Project includes relining hall, new kitchen, installation of cricket nets, picket fence, irrigation and seating.	SCF2	Complete	Complete	200,000	195,268	97.63%
Gundagai Public School P&C – Installation of soft fall for playground.	SCF2	Complete	Complete	75,100	75,099	100.00%



As at 30th September 2020

Project	Funding source	Status	Completion Date	Budget	Total committed expenditure	Percentage spent
Gundagai Tourism Action Group (s355 Committee) – Gundagai Main Street History walk.	SCF2	Complete	Complete	50,000	50,566	101.13%
Ellwood Hall (Stockinbingal) – General repairs and installation of heating and cooling.	SCF2	Complete	Complete	60,000	56,967	94.94%
Gundagai Junior Rugby League – New PA system.	SCF2	Complete	Complete	14,753	14,753	100.00%
Battle of the Bidgee – Installation of permanent storage sheds to support to event.	SCF2	Complete	Complete	22,449	20,121	89.63%
Town & Country Inc – Disabled toilet.	SCF2	Complete	Complete	30,000	30,227	100.76%
Gundagai South Public School – Sensory garden.	SCF2	Complete	Complete	60,000	54,811	91.35%
Adjungbilly Hall – Upgrade tennis courts into multipurpose facility, install community BBQ.	SCF2	Construction	Dec-20	130,000	116,546	89.65%
Tumblong Hall – Community facilities, multipurpose courts and BBQ area.	SCF2	Construction	Dec-20	137,447	102,909	74.87%
Mill Centre – Interactive Tourist Attraction.	SCF2	Construction	Jun-21	200,000	54,404	27.20%
Owen Vincent Oval - Gundagai	SCF2	Complete	Complete	150,000	148,821	99.21%
Gundagai RSL – Landscaping Anzac Grove, Gundagai.	SCF2	Complete	Complete	25,000	22,768	91.07%
Cootamundra Nursing Home – Installation of solar panels	SCF2	Complete	Complete	53,227	52,507	98.65%
Cootamundra Mens Shed – Relocation of Mens Shed to Depot 2 on Hovell Street.	SCF2	Construction	Dec-20	100,000	69,781	69.78%
Cootamundra Arts Centre – Disabled access ramp.	SCF2	Planning	Jun-21	3,142	-	0.00%
Owen Vincent Oval Gundagai – River water pump	SCF2	Complete	Complete	40,000	40,000	100.00%
Cootamundra Rugby Union Club – New dressing room facilities and club room.	SCF2	Construction	Dec-20	430,000	431,112	100.26%
(CAPNEW)	SCF2	Construction	Dec-20	52,000	24,653	47.41%
Cootamundra Harness Racing – Upgrades and maintenance to track.	SCF2	Construction	Dec-20	450,000	450,000	100.00%
Cootamundra Netball Courts – 4 new netball courts to replace non-complying courts.	SCF2	Complete	Complete	1,355,000	1,353,542	99.89%
Cootamundra Country Club – Upgrades to precinct including dam, machinery shed, course, upgrade to building façade.	SCF2	Complete	Complete			
		Total		4,278,118	3,755,556	87.79%

SCCF3 projects						
Sustainable Redevelopment and Upgrade of Cootamundra Library	SCCF3	Not started	Jun-21	199,659	30,156	15.10%
Youth and Community Toolbox Room	SCCF3	Not started	Jun-21	200,000	30,207	15.10%
Muttama Memorial Hall Rejuvenation Works, Stage 2 – Kitchen and Supper Room Upgrade	SCCF3	Not started	Jun-21	59,869	8,980	15.00%
Stan Crowe Replacement of Turf Wicket - Carberry Park Car Park and Toilet Upgrade	SCCF3	Not started	Jun-21	96,000	14,400	15.00%
SCCF3	Not started	Jun-21	448,526	67,498	15.05%	
Indoor Rock Climbing Wall Cootamundra Stadium	SCCF3	Not started	Jun-21	250,000	62,730	25.09%
Pump Track Cootamundra	SCCF3	Not started	Jun-21	165,000	118,248	71.67%
St Patricks Primary School Enhanced Active Spares	SCCF3	Not started	Jun-21	129,000	19,350	15.00%
	Total			1,548,054	351,570	22.71%

**8.2.5 INVESTMENT REPORT - SEPTEMBER 2020**

DOCUMENT NUMBER	337731
REPORTING OFFICER	Tim Swan, Manager Finance and Customer Service
AUTHORISING OFFICER	Phillip McMurray, General Manager
RELEVANCE TO COMMUNITY STRATEGIC PLAN	<p><b>4. Good governance: an actively engaged community and strong leadership team</b></p> <p>4.3 Cootamundra-Gundagai Regional Council is a premier local government Council</p>
FINANCIAL IMPLICATIONS	Council's investment income for July 2020 was \$9,833.57, 4% under the budgeted figure of \$10,250.00.
LEGISLATIVE IMPLICATIONS	Council investments comply fully with Section 625 of the Local Government Act (NSW), 1993, Local Government (General) Regulation, 2005 paragraph 212 and Council's Investment Policy.
POLICY IMPLICATIONS	The Investment Policy was adopted on 31 <sup>st</sup> July 2018 and is due for review on 31 <sup>st</sup> July 2021.
ATTACHMENTS	1. Investment Report September 2020 <a href="#">↓</a>

**RECOMMENDATION**

**The Investment Report for September 2020 be received and noted.**

Introduction

The monthly investment report provides an overview of Council's investments, and their performance for the month.

Discussion

Investments for September 2020 have produced interest of \$9,833.57, 4% below the budget. It should be noted that a formula error in the report for August 2020 resulted in interest for the month being understated. The report stated that interest for the month was under budget by 44%, however the corrected result was 4% over budget.

INVESTMENT REPORTAs at: 30-09-20

Date Invested	Interest Rate	Term Days	Investment Amount	Held With	Interest	Maturity Date
25 Jun 2020	1.20%	124	\$1,000,000.00	AMP	\$ 986.30	27 Oct 2020
23 Sep 2020	0.60%	60	\$2,000,000.00	National Australia Bank	\$ 986.30	22 Nov 2020
25 Jun 2020	0.90%	152	\$2,000,000.00	BOQ	\$ 1,479.45	24 Nov 2020
25 Jun 2020	0.85%	180	\$2,000,000.00	National Australia Bank	\$ 1,397.26	22 Dec 2020
11 Aug 2020	0.80%	182	\$2,000,000.00	AMP	\$ 1,315.07	9 Feb 2021
18 Aug 2020	0.80%	182	\$1,000,000.00	AMP	\$ 657.53	16 Feb 2021
				AC	\$ 1,881,836.35	At Call
				BOS	\$ 1,860,640.60	At Call
				AC	\$ 56,930.65	At Call
<b>Total</b>			<b>\$13,799,407.60</b>			
Matured in Report Month						
25 Jun 2020	0.85%	90	\$2,000,000.00	National Australia Bank	\$ 1,071.23	23 Sep 2020
<b>Totals</b>					<b>\$ 9,833.57</b>	

Budgeted Interest for Month	\$ 10,250.00
Combined Interest Rate	0.86%
BBSW Benchmark Rate	0.0889%

This report is produced in accordance with  
section 625 of the local Government Act 1993  
and all investments have been made in accordance  
with the Act, the Regulations and council's investment policy.

Signed

A handwritten signature of Tim Swan in black ink, placed over a horizontal line.

Tim Swan  
Responsible Accounting Officer

### 8.3 COMMUNITY AND CULTURE

#### 8.3.1 LIST OF LOCAL ARTS AND CULTURAL GROUPS ACROSS THE COOTAMUNDRA AND GUNDAGAI LOCAL GOVERNMENT AREA

DOCUMENT NUMBER	337336
REPORTING OFFICER	Jeana Scott, Tourism and Economic Development Officer
AUTHORISING OFFICER	Phillip McMurray, General Manager
RELEVANCE TO COMMUNITY STRATEGIC PLAN	<p><b>1. A vibrant and supportive community: all members of our community are valued</b></p> <p>1.1 Our Community is inclusive and connected</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	Nil

#### RECOMMENDATION

**Council adopt this list as the Arts & Culture list across the Local Government Area and the Community and Culture department actively engages with these committees to assist them where necessary.**

#### Introduction

As requested by Council, a list of local Arts and Cultural Groups across the Cootamundra and Gundagai Local Government area has been compiled to enable the Community and Culture Team to better connect and support these groups (via their contact people). This list includes the following:

Gundagai:

- Gundagai Drawing Group (Joe Morton)
- Gundagai Lions Club Craft Group (Sandra Simpson)
- Gundagai Cultural Group (Bonita Taylor)
- Gundagai Men's Shed (Matt Day)
- Gundagai Museum (Ian Petty)
- Gundagai Heritage Railway (Mason Crane)

Cootamundra:

- Miss Em's Drama School (Emma McCallum)
- Cootamundra Youth Improvisation Group (Eric Steinke)
- Cootamundra Ukulele Group (Hans Brutzman)

- Coota Strings (Katie Spicer)
- Cootamundra Mudlarks (potters) (Lyn Cameron)
- Cootamundra Poetry Group (Richard White)
- Cootamundra Arts Centre (Andrew Brock)
- Cootamundra History Society (Marie Scott)
- Cootamundra Heritage Centre (Betti Punnet)
- Bradman's Birthplace (Phil Moran)
- Cootamundra Aboriginal Working Party (Amanda Levett)
- Cootamundra Men's Shed (John Ashcroft)
- Cootamundra Town and Country Inc. (Carol East)
- Cadas (Todd Kable)

#### Discussion

These committees (via their contact people) will be contacted in the near future to inform them on what assistance the Council can provide with things such as:

- Finding suitable funding opportunities, and proof-reading grant applications
- Providing letters of support for funding applications
- Connecting their events to the community and visitors through social media, websites newsletters and other relevant avenues
- Providing information to new residents via the new residents pack

### 8.3.2 REGIONAL CONNECTIVITY FUNDING PROGRAM APPLICATION

DOCUMENT NUMBER	337650
REPORTING OFFICER	Miriam Crane, Manager Community and Culture
AUTHORISING OFFICER	Phillip McMurray, General Manager
RELEVANCE TO COMMUNITY STRATEGIC PLAN	<p><b>2. A prosperous and resilient economy: we are innovative and 'open for business'</b></p> <p>2.1 The local economy is strong and diverse</p>
FINANCIAL IMPLICATIONS	\$80,000 to be funded through the sale of Southern Phone Shares
LEGISLATIVE IMPLICATIONS	There are no Legislative implications associated with this report.
POLICY IMPLICATIONS	There are no Policy implications associated with this report.
ATTACHMENTS	1. Wi-sky CootaGundRCP maps.pdf <a href="#">Download</a>

#### RECOMMENDATION

**Council support the Regional Connectivity Program application of local internet service provider Wi-Sky to provide internet coverage to over 95% of the local government area, through the provision of a co-contribution of \$80,000.**

#### Introduction

The Australian Government Regional Connectivity Program grants opportunity (the RCP) will provide up to \$83 million of targeted investment in 'place-based' telecommunications infrastructure projects which maximise economic and social opportunities in regional, rural and remote Australian communities. This is part of the Government's response to the 2018 Regional Telecommunications Review.

Applications for RCP funding are now open to interested parties from the telecommunications industry, regional communities, regional development organisations and local businesses as well as local, state and territory governments. Applications have been extended by four weeks, now closing on 17 November 2020 (5:00pm AEDT).

#### Discussion

Recent studies conducted by NDP Economic Development have indicated that 13% of respondents believe that business in our LGA is suffering due to a lack of telecommunications and internet coverage. Wi-Sky is a local internet service provider that has a cost effective model of delivering internet service in the outlying areas of the Council area.

The Wi-sky/Cootamundra Gundagai - Rural Connectivity Program Application (CGRCPA) aims to bring high speed, low latency, unlimited internet services to all areas of the Local Government Area (LGA). To date Wi-sky owns and operates 64 poles in the LGA and would propose another 20 – 25 poles to enable close to full coverage of the shire population. The proposed Wi-sky solution will build and extend the established network of low impact, interlinked communication poles to deliver high speed fixed wireless internet services to the remaining areas in the LGA not currently well

covered. Poles will also enable IoT (Internet of Things) based solutions with provisions made to allow access for smart sensors and mobile Wi-Fi.

These low cost, low impact towers can be positioned in the best strategic locations to enable connectivity in some of the hardest to service areas in a short timeframe. With the network interlinked with fibre connectivity it will have the best internet backhaul available and redundancy from the existing Wi-sky network.

**The benefits for the Council:**

- Low cost and high community benefit solution
- Proven connectivity solution, redundant, existing infrastructure base
- Fast implementation of solution, provides a solution now, locally owned and operated
- Matched federal funding and Wi-sky funding (3 for 1) otherwise not available

**The benefits for the region and the community:**

- Business grade broadband services available anywhere in the LGA. Enabling work and schooling from home.
- Internet plans - Unlimited data, low latency, high speed internet services – Best possible, no restrictions
- Infrastructure built in hard to service areas, community input on location position
- Enables a platform for IOT / future related technology to be established and to service the surrounding community. (i.e. Farming / animal sensors, monitor solutions, Wi-Fi calling)
- Alternative communication solution, solar powered not reliant on grid (i.e. Bushfire, storm)
- Towers are low impact, stock proof, hardy and have low visual disruption.
- Tower are low cost and upgradable to higher power and technology use in future.
- Lower cost and fast installation time will allow more towers to be installed, quickly and ultimately strives to achieve 100% LGA population coverage.
- Infrastructure can service small customer numbers, or hundreds based on configuration

**Key new coverage areas:**

• Stockinbingal	• Wallendbeen
• Muttama	• Nangus
• Gocup	• Adjungbilly

**Financial Contribution:**

- Proposed total funding \$240,000 - \$80,000 from CGRC, \$80,000 Wi-sky, \$80,000 RCP
- Infrastructure cost per pole \$ 8,000 - \$10,000 (20-25 poles)

## Snapshot of Wi-sky

- 100+km radius
- 4 fibre connections
- 1000 customers
- 210 poles
- *locally owned & operated*
- *operate our own private wireless networks*
- *independent of the NBN and other major telcos*

### Our services:

- Broadband internet to within rural areas
- VOIP services
- Private networking infrastructures
- IoT – automation, monitoring, and controls

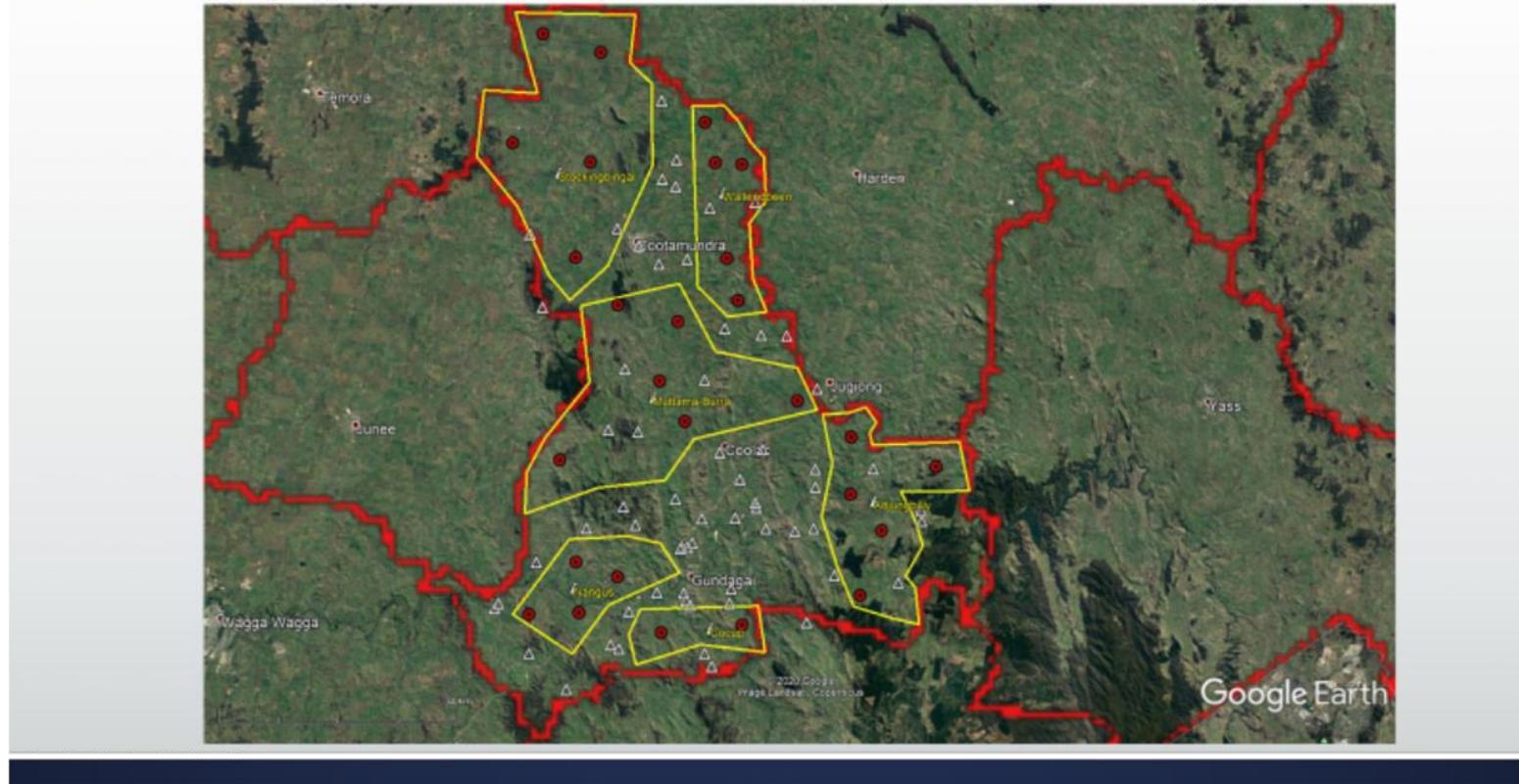


© wi-sky 2020



Green outline – Wi-sky coverage area  
Red outline – Local Government areas

## Coota Gundagai current (64)-future coverage



### 8.3.3 CLUBGRANTS CATERGORY 1 LOCAL COMMITTEE FORMATION

DOCUMENT NUMBER	337676
REPORTING OFFICER	Miriam Crane, Manager Community and Culture
AUTHORISING OFFICER	Phillip McMurray, General Manager
RELEVANCE TO COMMUNITY STRATEGIC PLAN	<p><b>4. Good governance: an actively engaged community and strong leadership team</b></p> <p>4.2 Active participation and engagement in local decision-making</p>
FINANCIAL IMPLICATIONS	There are no Financial implications associated with this report.
LEGISLATIVE IMPLICATIONS	Compliance with the Gaming Machines Act, 2001
POLICY IMPLICATIONS	There are no Policy implications associated with this report.
ATTACHMENTS	Nil

#### RECOMMENDATION

**A ClubGRANTS Local Advisory Committee be formed in accordance with the required structure as detailed in the report, to meet four times per year.**

#### Introduction

ClubGRANTS is a State Government initiated scheme and should have a broad consultative and advisory process based on the establishment of locally appointed committees in which qualifying clubs and key community service agencies participate. Further information on the scheme can be found at <https://www.liquorandgaming.nsw.gov.au/operating-a-business/gaming-licences/clubgrants/clubgrants-categories>

Therefore, ClubGRANTS local committees must be established in each local government area (LGA) where the total ClubGRANTS Category 1 liability of local qualifying clubs is in excess of \$30,000 in the tax year. As a newly amalgamated Local Government Area Cootamundra-Gundagai Regional Council is now required to form a ClubGRANTS local advisory committee.

#### Discussion

The core local committee membership in each LGA is to comprise of:

- (a) Representative/s of ClubGRANTS qualifying clubs;
- (b) Representative/s of the local council;
- (c) Representative/s of the Department of Family and Community Services;
- (d) Representative/s of NSW Council of Social Service (NCOSS), or a major local or regional affiliate of NCOSS; and
- (e) Representative/s of the local Aboriginal community where appropriate.

The club representatives must ensure that all local committee information is forwarded to the club/s they are representing.

The respective responsibilities of local committee members are as follows:

- qualifying clubs are the ClubGRANTS funding bodies;
- local councils provide local area governance, and provide local community service planning input;
- the Department of Family and Community Services is the lead government agency providing a community service planning, co-ordination, and delivery role across the State; and
- (NCOSS), or its nominated local affiliate, represents local non-profit community organisations.

A local committee may invite representatives of other government or non-government organisations to participate in meetings.

The local council representative will be responsible for convening the first meeting of the local committee. Decisions about ClubGRANTS funding allocations are the responsibility of each club's board of directors. However, in all LGAs where it is required that a local committee be established, it is compulsory for all qualifying clubs in that LGA to participate in the local committee processes.

## 8.4 DEVELOPMENT, BUILDING AND COMPLIANCE

### 8.4.1 DEVELOPMENT APPLICATION 2020/131 - USE FISH AS A FEEDSTOCK FOR EXISTING RENDERING PLANT - LOT 1 DP611755, 572 STOCKINBINGAL RD COOTAMUNDRA

DOCUMENT NUMBER	337679
REPORTING OFFICER	Sharon Langman, Manager Development, Building and Compliance
AUTHORISING OFFICER	Phillip McMurray, General Manager
RELEVANCE TO COMMUNITY STRATEGIC PLAN	<p><b>3. Sustainable natural and built environments: we connect with the places and spaces around us</b></p> <p>3.1 The natural environment is valued and protected</p> <p><b>4. Good governance: an actively engaged community and strong leadership team</b></p> <p>4.2 Active participation and engagement in local decision-making</p>
FINANCIAL IMPLICATIONS	There are no Financial implications associated with this report.
LEGISLATIVE IMPLICATIONS	Council is required to undertake its duties under planning legislation in an ethic and transparent manner. Applications are required to be assessed against criteria of the Environmental Planning and Assessment Act, 1979 contained within Section 4.15.
POLICY IMPLICATIONS	There are no Policy implications associated with this report.
ATTACHMENTS	1. Attachment A - Environment Protection Authority General Terms of Approval <a href="#">↓</a>

## RECOMMENDATION

**Council approve the following development, subject to the consent conditions below:**

Application Number: DA2020/131

Property: Lot 1 DP611755  
572 Stockinbingal Road  
COOTAMUNDRA NSW 2590

Development: Livestock Processing Industry – use of fish as feedstock for existing rendering plant

### A. Administrative Conditions

#### Compliance with Council

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

Document Reference	Description	Author	Date

	Statement of Environmental Effects and Planning Report	Jason Graham, Australian Meat Group	March 2020
	Annexure 1a Modifications to the Existing Rendering plant at AMG PTY Ltd	TF Consultants	
	Annexure 2a Draft Environmental Impact of Conversion from High Temperature to Low Temperature Rendering	ProAnd Associates Australia Pty Ltd	August 2020
	Response and Medli v2.1.0.0 (20/9/2020)	ProAnd Associates Australia Pty Ltd	17/9/2020
	Annexure 3 Safety Data Sheet "Mackerel Fish Meal	Manildra Group	15/8/2019
	Annexure 4 Waste Management Plan	Australian Meat Group	
191179_NIA_Rev3	Noise Impact Assessment	Bendow Environmental	6/9/2019
1053r01v1	Traffic Impact Assessment	Ason Group	23/07/2019
	Trial Period Environmental Audit Report	Jason Graham, Australian Meat Group	
	Odour Management System Review Assessment	The Odour Unit	22/9/2020
	Survey Plan	C.M.S Surveyors Pty Limited	5/9/2020
	Drawing titled: AMG Cootamundra Low Temp Process Layout		undated
	Drawing titled: Tender Plan mark up		undated
	Rendering Procedures Manual		4/8/2020
Controlled Copy No 1	Letter: Response to EPA	Australian Meat Group	26/9/2020
	Upgrade Photos	Australian Meat Group	
	Email to Council	Australian Meat Group	22/9/2020
	Email to Council	Australian Meat Group	23/9/2020

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

#### Payment of Section 7.12 Contribution

2. The applicant shall be a levy as applicable under Council's adopted Section 7.12 Contributions Plan. The applicable rate is 1% of the development costs as follows:

Cost of Development  $\$700,000 \times 1\% = \$7,000$  contribution payable.

**Reason:** To ensure that all development pays the applicable fees as a contribution to the provision of community facilities.

#### Compliance with Legislation

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

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

#### **Parameters of Consent**

4. During the time that this consent is in operation, fish are to be the only feedstock for the rendering plant. The processing of other animal by-products and the operation of the abattoir is not to occur during the period of this consent.

**Reason:** *To comply with odour limits and requirements of the NSW Environment Protection Authority.*

#### **Inconsistencies between approved plans and documents, conditions of consent and licence**

5. In the event of an inconsistency between the documents and/or plans referred to above, the latter documents and/or plans, shall prevail to the extent of the inconsistency.

**Reason:** *To provide clarity to the hierarchy and importance of documents in the consent.*

6. In the event of an inconsistency between the conditions of this consent and the documents and/or plans referred to above, then the conditions of this consent shall prevail to the extent of the inconsistency.

**Reason:** *To ensure that conditions of consent prevail.*

### **B. During Operations of the Facility**

#### **Render Fish Only**

7. This consent authorises the render of fish only, all other abattoirs operations are suspended while this consent is in operation. The operations of the abattoirs and the rendering of fish are NOT to occur concurrently.

**Reason:** *The cumulative impact of the combined operations has not been assessed and the resultant impact on the environment cannot be predicted.*

#### **Hours of Operation**

8. During the time that this consent is operational, plant operations are restricted to the hours of 12:00am Monday to 11:59pm Saturday. No operations shall occur on Sundays or Public Holidays.

**Reason:** *To protect the amenity of the neighbourhood.*

#### **Validation Report**

9. The applicant shall submit to Council an Odour Control System Validation Assessment Report within forty-eight (48) days of the commencement of operations at the site. The Assessment is to be completed with the first six weeks of operation.

**Reason:** *To protect the receiving environment and monitor the effectiveness of odour mitigation measures.*

#### **Temperature Control of Feedstock**

10. Fish stock is to be maintained under temperature control until processing, and any actions taken to maintain temperature are to be recorded. A record of temperature of raw material deliveries is required to be kept for each load that is delivered to site upon delivery and at unloading.

*Reason: To maintain product integrity and limit odour generation.*

#### **Waste Storage and Disposal**

11. All waste generated from the process onsite (i.e. fish product unsuitable for processing) shall be stored in a bunded area with an impermeable surface and shall be removed from the site and disposed of at a waste management facility lawfully permitted to accept the waste.

*Reason: To ensure that waste control and disposal measures are adequate for the development*

**NOTE:** Council's Cootamundra landfill facility does not have capacity to accept mass disposal of fish.

#### **Truck Washing**

12. All trucks used for the transport of feedstock are to be washed out on site. The truck wash area onsite shall be bunded and washwater directed to the effluent system, away from the stormwater system.

*Reason: To ensure that stormwater is not contaminated.*

#### **Bunding of Processed Material**

13. Processed material shall be stored in covered bunded areas sized to contain a spill of 150% of the material in the bunded areas.

*Reason: To ensure that pollution does not occur in the event of a spill on site.*

#### **Complaints Management System**

14. Upon commencement of this consent the applicant shall implement a complaints management system, which shall be published on their website. Contact details for complaints will be provided on the website and on the gate to the premises.

*Reason: To ensure that complaints are followed through, rectification measures are implemented, and the community informed of the rectification actions.*

#### **Records**

15. A record shall be kept during the fish rendering consent period of any complaints received from the general public including: a) the date and time of the complaint; b) the method by which the complaint was made; c) any personal details of the complainant which were provided by the complainant or, if no such details were provided, a note to that effect; d) the nature of the complaint; e) the action taken in relation to the complaint, including any follow-up contact with the complainant; and f) if no action was taken the reasons why no action was taken. Records will be made available to Council Officers and the NSW Environment Protection Authority on request.

*Reason: To ensure the amenity of the neighbourhood is protected.*

#### **Irrigation Areas**

16. The applicant is to map and record the regime of irrigating effluent to land to ensure that soil capability, capacity and stability is not impacted and to ensure that areas of terrestrial biodiversity are avoided.

**Reason:** *To ensure the amenity of the receiving environment is maintained and the activity is managed in a sustainable manner.*

#### **Amenity**

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

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

#### **Monitoring**

18. Regular oil and grease analysis is be conducted on wastewater samples taken at the EPA designated monitoring points and at the discharges from the anaerobic and aerated ponds, as part of the normal sampling program.

**Reason:** *To ensure that the receiving environment is not subject to pollution.*

#### **Amendment to Environment Protection Licence (EPL)**

19. Prior to the modification being acted upon, the Applicant shall apply to the Environment Protection Authority for a variation to Environment Protection Licence No. 3889, and the licence variation shall be approved.

**Reason:** *Requested by Environment Protection Authority to ensure that activities carried out onsite are consistent with the Environment Protection Licence.*

#### **Environment Protection Authority General Terms of Approval**

20. The operation of the site must be done in accordance with the General Terms of Approval issued by the Environment Protection Authority in **Attachment A**, which form part of this consent (Notice No. 1600465).

**Reason:** *Legislative requirement to comply with the provisions of the Protection of the Environment Operations Act, 1997.*

#### **Management of Negative Pressure**

21. The applicant shall ensure that negative pressure is maintained within the rendering plant at all times, except when loading of raw feedstock material occurs. Staff are not permitted to open doors to allow greater air exchange.

**Reason:** *To ensure that odour management is maintained in accordance with the limits contained in the EPL.*

#### **Spray Irrigation of Biofilter**

22. The applicant shall implement the minimum spray irrigation program as recommended in The Odour Unit report.

**Reason:** *To maintain optimum bed moisture and ensure sustainable biofilter bed operation.*

## Introduction

Council has received an application for the use of fish as feedstock for the existing rendering plant at the abattoir site on Stockinbingal Road, Cootamundra. The applicant seeks approval to permit fish to be trucked from the south coast of NSW to the Cootamundra plant for processing into fish meal. The meal is then to be trucked off site.

Council approved a three month trial of this process in December, 2019 and numerous odour complaints were received by both Council and the NSW Environment Protection Authority (EPA). The plant ceased the activity in April, 2020 and closed the plant to undertake upgrades to the odour capture system and convert from a high temperature rendering process to a low temperature rendering process.

The matter was notified to adjoining and potentially impacted property owners with 1 submission received in response to the notification. In accordance with the delegations issued to staff this matter is referred to Council for determination.

## Discussion

### ***Details of the Proposed Development***

Applicant: Australian Meat Group

Site: Lot 1 DP611755, 572 Stockinbingal Road, Cootamundra

Development: Rural Industry – Use fish as feedstock in rendering plant at existing abattoirs as an interim measure until red meat processing recommences.

Date Received: 26 August 2020

Zone: RU1 Primary Production, Cootamundra Local Environmental Plan 2013

### ***History of Proposal***

Council records indicate that the site has operated as an abattoir in some form since the early 1970's. Numerous additions and amendments have occurred over time, including the construction of additional killing floors, chillers, boning areas, by products plant, yards, and effluent systems. Due to a series of cumulative factors the use of the site as an abattoir significantly declined with the plant being put into maintenance mode and other forms of externally sourced material were processed in an effort to have an economic return from the site.

In May, 2019 the former owner of the site, Manildra Meat Group, approached Council and NSW Environment Protection Authority (EPA) to discuss a proposal to process mackerel caught near southern coastal NSW in the existing rendering plant at the site. The applicant verbally indicated that it was uncertain if the rendering plant would be suitable or capable of being put to such a use. The use of fish as a feedstock at the rendering plant commenced in July, 2019. Council and the EPA received numerous odour complaints during July, 2019 and the complaints continued despite the applicant making several attempts to address the odour issues.

An application for a trial of fish as feedstock for the rendering plant was lodged with Council in August, 2019 (DA 2019/103) with odour complaints to both Council and the EPA continuing. On 10 December, 2019 Council granted consent for a three (3) month time limited trial of fish as a feedstock for the rendering plant. This permitted the rendering of fish until 12 March, 2020, at which point operations were to cease unless development consent was obtained that permitted continued use.

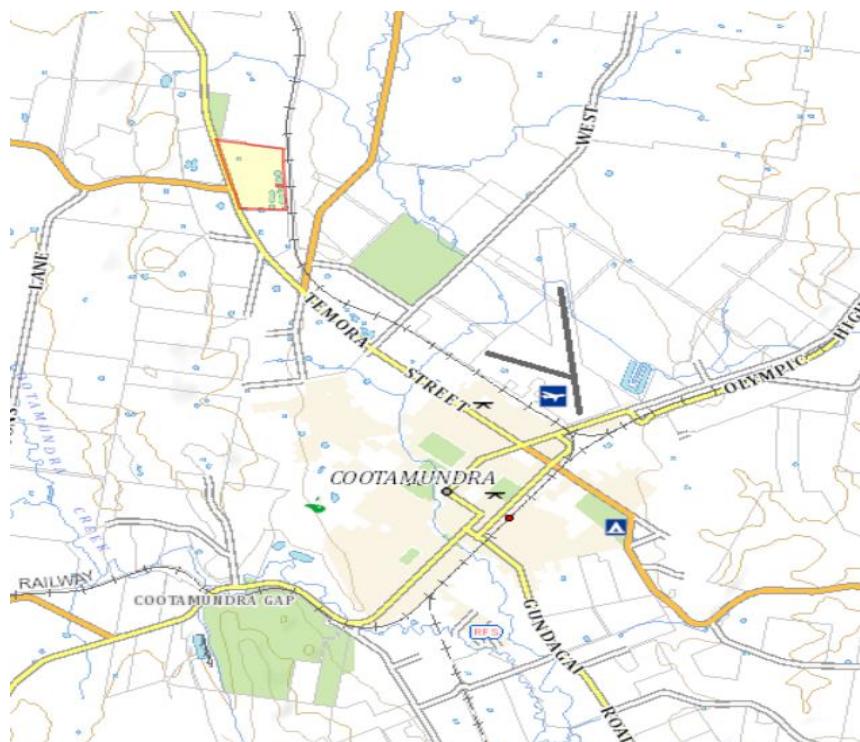
The trial commenced on 10 December, 2019 and although limited in operation during January and early February, 2020 due to bushfire impacts on transport, numerous odour complaints were received in mid February and continued until the site ceased rendering fish in June, 2020. Australian Meat Group took control of the site in mid February, 2020 and despite the consent for the rendering of fish was for a three month trial period only (until 12 March, 2020) operations continued until June 2020.

An odour assessment undertaken by Ektimo during the trial period demonstrated that the biofilter attached to the rendering plant was functioning well. Nonetheless odour continued to be a problem and was often detected off site. The NSW EPA issued a penalty notice and prevention notice to Australian Meat Group which required upgrade works be completed to mitigate odour. The applicant ceased using fish as a feedstock and undertook the upgrades required by the prevention notice. The works included conversion from a high temperature rendering process to a low temperature rendering process (LTR).

This application for the ongoing use, post plant upgrades, of fish as a feedstock for the low temperature rendering plant until such time as red meat processing recommences at the plant. The applicant has also sought consent to demolish the partially erected beef kill floor and preliminary pre lodgement discussions have also been held with Council regarding reconstruction of a beef kill structure.

#### **Site**

The abattoirs and associated infrastructure is located on a 39.7ha allotment on the eastern side of Stockinbingal Road approximately 3.8km due north of the Cootamundra Central Business District. The site slopes to east toward the Lake Cargelligo rail line. The surrounding land is predominantly rural in nature with closest dwelling being located on the lot immediately to the south less than 100metres from the property boundary with a further three dwellings located within 500metres from the centre of the subject site. Cootamundra Racecourse is situated approximately 1km from the boundary of the subject site and Rathmells Lane, which contains small rural holdings and dwellings is located 550metres from the southern boundary of the site.

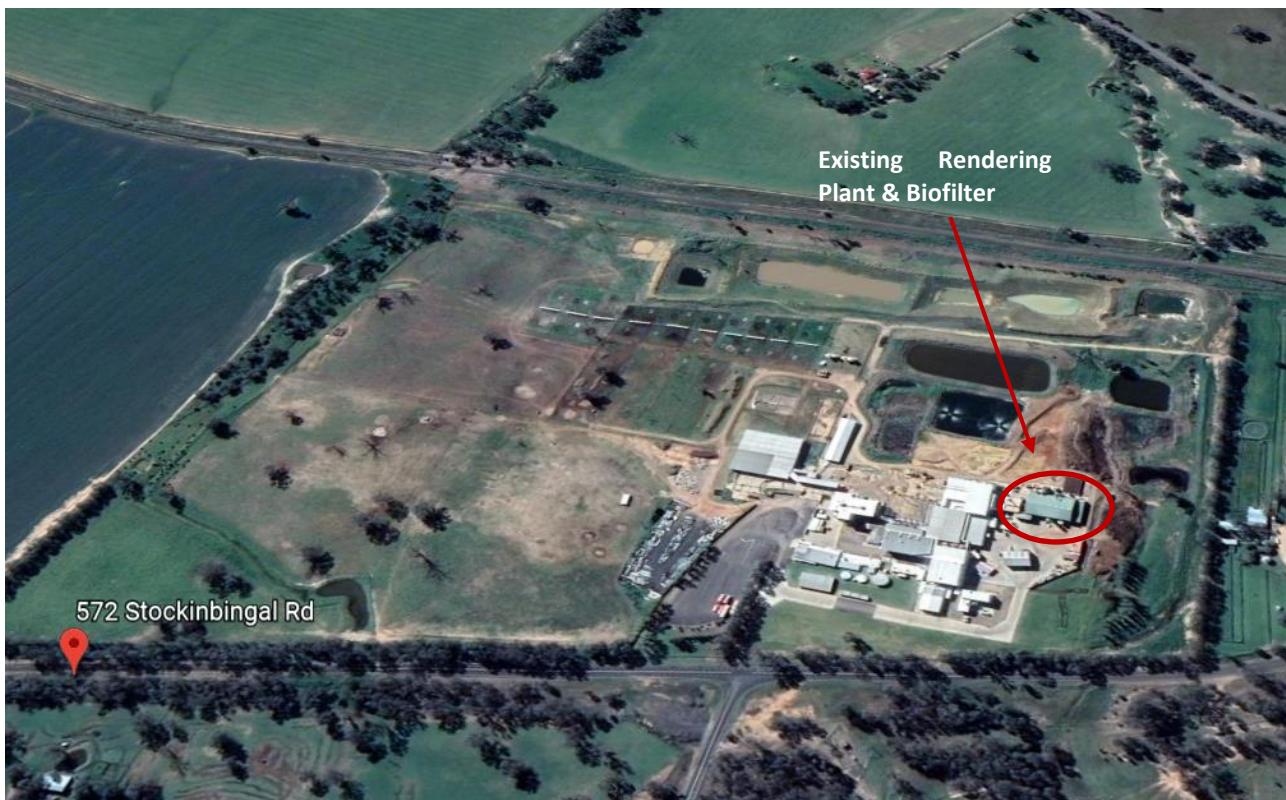


**Figure 1 - Location of Site**

Source: Six Maps



**Figure 2 – Aerial View - site in context of surrounding development** Source: CGRC Intramaps (2020)



**Figure 3 – Location of existing rendering plant on site**

*Source: Google Earth*

***GENERAL REQUIREMENTS OF THE ENVIRONMENTAL PLANNING AND ASSESSMENT ACT, 1979*****1.3 Objects of the Act**

In determining a development application, the consent authority must consider whether the proposed development is consistent with the relevant objects of the Act, which are numerous and varied. It is considered that the following objects are most relevant to the merit assessment of this application:

- (a) *to promote the social and economic welfare of the community and a better environment by the proper management, development and conservation of the State's natural and other resources* - the proposal to use fish as a feedstock for the render plant provides an opportunity for an economic return whilst conditions for processing red meat are less than ideal and provide some local employment opportunities. If the proposal does not generate adverse odour impacts the social fabric of the community will not be impacted. The proposal will not impact upon the management, development or conservation of State resources in terms of land, soil, or water use and providing no adverse odour impact is expected air quality resources will not be significantly affected. Management, conservation and protection of fish populations used as feedstock is not the subject of this application and subject to separate approvals under other legislation outside of the control of Council and the provisions of this Act.
- (b) *to facilitate ecologically sustainable development by integrated relevant economic, environmental and social considerations in decision-making about environmental planning and assessment* - this upgrades undertaken to the plant to permit this activity to be undertaken have been designed taking account of the local environmental conditions and proximity of the proposal to residential areas and nearby dwellings.
- (c) *to promote the orderly and economic use and development of land* – as indicated above the structures to support this proposal already exist on site. There have been recent upgrades to the plant which limited off site odour impacts previously associated with the development. The land is suitably zoned primary production and the proposal is an efficient and economic use of the site whilst further upgrades are undertaken to efficiently process red meat when economic conditions are appropriate for this to occur.
- (e) *to protect the environment, including the conservation of threatened species and other species of native animals and plants, ecological communities and their habitat* – subject to compliance with best practice, EPA licence conditions, commitments and recommendations provided in the documents supporting the Statement of Environmental Effects and Council's conditions of consent, the proposal is unlikely to have any adverse environmental impacts including impact on threatened species.
- (i) *to promote the sharing of the responsibility for environmental planning and assessment between the different levels of government in the State* – the proposal is integrated development, in that approval is also required from the EPA. That agency was consulted during the assessment of this application, as they are responsible for ensuring compliance with odour, noise, water and pollution control at the site. The EPA have provided their general terms of approval after assessing the application and supporting documentation as submitted by the applicant.
- (j) *to provide increased opportunity for community participation in environmental planning and assessment* - the application was notified to adjoining and potentially impacted property owners as well as being advertised on Council's website, social media and local newspaper in accordance with the relevant requirements (see Section 2.22 below) to

provide the community an opportunity to be involved and participate in the assessment of this application.

#### **1.7 Application of Part 7 of Biodiversity Conservation Act, 2016 and Part 7A of Fisheries Management Act, 1994**

These sections of the Acts require Council to consider whether the development or activity is likely to significantly affect threatened species, populations or ecological communities (as per the relevant test in each Act). Pursuant to these sections and tests, it is not considered that the development is likely to significantly affect threatened species, populations or ecological communities because:

##### ***Biodiversity Conservation Act, 2016***

- the site has not been declared as an area of outstanding biodiversity value,
- the development does not exceed the biodiversity offsets scheme thresholds (is not mapped as high biodiversity value on the Biodiversity Values Map and does not exceed the clearing threshold),
- it does not involve the removal of trees (native or otherwise), and there is no native groundcover disturbance,
- the proposal is to occur in an existing building with no increased footprint in an already highly developed site,
- the site does not contain any of the tree, shrub or grass species that are typical of the four Endangered Ecologically Communities known to occur across the Cootamundra-Gundagai Regional Council local government area,
- the proposal is not a key threatening process.

##### ***Fisheries Management Act, 1994***

- all threatened species, endangered populations and endangered ecological communities known to occur in the area, or thought to be extinct in the area, are confined to the Murrumbidgee River or river system, the development is remote from the River,
- there is no declared critical habitat in the region,
- the proposal is not a key threatening process.

#### **2.22 Mandatory Communication Participation Requirements**

Part 1 (Mandatory Communication Participation Requirements) of Schedule 1 (Community participation requirements) sets out the mandatory requirements for community participation by planning authorities with respect to the exercise of relevant planning functions, which includes, amongst other things, notification of development applications.

The relevant section that applies to this development is:

##### ***8A Application for development consent for nominated integrated development of threatened species development***

**(1) Minimum public exhibition period for an application for development consent for nominated integrated development or threatened species development – 28 days.**

Accordingly, the application was notified to adjoining and potentially impacted property owners within a 1 kilometre radius. The application was also advertised in the local newspaper, on Council's website and social media. One submission was received. The issues raised were predominantly around amenity and odour impacts.

#### **4.5 Designated of consent authority**

The development is not State or regionally significant development or infrastructure (as defined by SEPP (State and Regional Development) 2011), therefore Council is the consent authority.

#### **4.10 Designated development**

Schedule 3 of the Environmental Planning and Assessment Regulation, 2000 defines the various types of development considered to be designated development. Designated development is development for which an environmental impact statement (EIS) is required. Designated development is also subject to third party appeal by an objector under Section 8.8 of the *Environmental Planning and Assessment Act, 1979*.

Modifications or additions to designated developments do not necessarily constitute designated development in their own right and an EIS may not be required providing that it can be demonstrated that the cumulative environmental impacts of the modification and the original applications are no greater than that of the original designated development. Whilst livestock processing industries (being industries for the commercial production of products derived from the slaughter of animals or the processing of skins or wool of animals, including rendering or fat extraction plants with an intended production capacity of more than 200 tonnes per year of tallow, fat or their derivatives or proteinaceous matter) when certain thresholds are met, are considered to be designated development there is provision in Clause 35, Part 2 for Council to be satisfied that an Environmental Impact Statement is not required for alterations and additions to approved designated developments.

In order for Council to consider the application in its current form, it must first be satisfied that the application has in fact been made in the correct manner and be satisfied, as the consent authority, that an EIS is not required for the proposed alteration to the existing approved operations of an abattoir at the site. There is such a mechanism for an applicant to provide information to satisfy the consent authority that an EIS is not required even though the original operation on site required this. That mechanism is contained within the provision of Part 2 of Schedule 3 of the *Environmental Planning and Assessment Regulation, 2000*.

The applicant has argued that the proposed use does not constitute designated development (and therefore does not require an EIS) pursuant to the provisions of *Clause 35, Part 2, Schedule 3 of the Environmental Planning and Assessment Regulation, 2000* as the environmental impacts posed by the proposed use are not significantly greater when compared to existing approved operations. This Clause permits alterations and additions to a development that is not designated development if, in the opinion of the consent authority, the alterations or additions do not, when proposed mitigation measures are in place, significantly increase the environmental impacts of the total development compared with the existing approved development. In this instance the applicant is arguing that the proposed fish rendering at the existing approved abattoir and rendering/by products plant do not significantly increase the environmental impacts of the development when compared with the operation of the plant as an abattoir.

Clause 36 provides the factors that are to be taken into consideration to determine if the altered or additional development on site is in fact designated development. It is worth noting that without reliance on this clause that the proposal to render fish at the plant would be designated development due to the amount of material processed. The factors for consideration are:

- a) The impact of the existing development having regard to factors including:*

(i) *Previous environmental management performance, including compliance with the conditions of any consent, licences, leases or authorisations by a public authority and compliance with any relevant codes of practice,*

Over the years there have been numerous activities undertaken to improve environmental performance of the operations. The applicant has provided a list of improvements to the operations on site since 2003 in the Statement of Environmental Effects (SEE) submitted with the application.

The significant odour impacts experienced within the community during non authorised use and the trial period allowed the previous applicant and now the current applicant to identify potential sources of the odour throughout the plant and process. Mitigation works that were undertaken before the trial or during the trial included:

- Biofilter upgrades to increase capacity;
- Replacing the biofilter fan;
- Installation of a new biofilter for the press pit;
- Improvements to the anaerobic pond, including removal of solids which prevented effluent from discharging into the pond and being diverted straight to the aerobic pond;
- Dosing of the aerobic pond;
- Replacing the aerator on aerobic pond; and
- Covering of sumps.

Following numerous odour complaints to both Council and the EPA, the applicant has undertaken further odour reducing activities since the cessation of fish rendering in June, 2020. These works include connection of additional odour sources to the odour control system (fish meal storage area, fish oil tanks), installation of rapid roller doors, recladding and sealing protrusions from the rendering shed and installation of equipment to convert to a low temperature rendering process.

Whilst it is acknowledged by the applicant that rendering of fish has been occurring on the site since early July, 2019, the SEE argues that the applicant has demonstrated sufficient past environmental management performance and a commitment to continuous environmental improvements. The SEE notes that the applicant has worked with EPA to identify and reduce odour sources in accordance with the licence requirements. The applicant held the belief that as the EPA licence is separate from development consent and does not require a variation to use fish as a feedstock that they were acting in accordance with legislative requirements.

(ii) *rehabilitation or restoration of any disturbed lands*

The proposal does not require the rehabilitation or restoration of any disturbed land. The site has approval to operate as an abattoir and associated rendering plant for the by-products of the abattoir process. There is an existing effluent system in place. The alteration of feedstock for the rendering plant does not result in the need to rehabilitate or restore any disturbed lands.

The applicant has provided a wastewater assessment that indicates that wastewater from the fish rendering process is less than that of an operating abattoir. The reduction

in wastewater resulting from an overall decrease in water usage at the plant as no slaughtering is taking place. The same wastewater assessment indicates that nutrients within the effluent from the rendering process will have lesser impacts on soil quality when used for irrigation than that of effluent from slaughter operations.

*(iii) the number and nature of all past changes and their cumulative effects*

There have been no less than 30 amendments, modifications and alterations approved on the site since 2000. This proposal is one more alteration, the applicant has verbally indicated that they are prepared to submit a fresh development application to govern the site which would supersede any operational consent that exist on site. This would permit all site operations to fall under a single consent.

The application indicates that the site would not process fish when the abattoir is operating for the slaughtering of animals. An assessment of the effluent system indicates that less wastewater is produced by the rendering of fish and the impacts on soil quality are also less than effluent from an operating abattoir.

It is acknowledged that the odour profile of fish rendering and abattoir operations is significantly different. Nonetheless the environmental protection licence requirements are the same in that, irrespective of the feedstock, the requirement to limit odour impact remains the same. The mitigation works and changes made to the rendering plant and odour control system would not only be of benefit for fish rendering but also during operation of the abattoir and the associated by products rendering.

*(b) the likely impact of the proposed alterations or additions having regard to factors including:*

*(i) the scale, character or nature of the proposal in relation to the development*

The proposal does not involve any new construction nor additional heavy vehicle movements and animal noise impacts are likely to be less than when the site operated as an abattoir.

The scale and character of the built environment remains the same, however the scale, character and nature of the outputs in terms of odour are significantly greater as referenced by many of the complaints noting timeframes of impact are longer, the character and nature of the odour is stronger and more offensive than that of an abattoir.

Revised odour modelling and continual upgrades to the odour extraction and management system together with improvements to the effluent system indicate that the odour impact is able to be managed. It is however unclear how the effluent system would respond and the timeframe for that response if abattoir operations were to recommence.

*(ii) the existing vegetation, air, noise and water quality, scenic character and special features of the land on which the development is or is to be carried out and the surrounding locality*

The proposal was referred to the EPA who have provided general terms of approval. Nonetheless considerable odour complaints have been received both during the unauthorised use periods and approved trial period. Notwithstanding the complaints and the unauthorised use EPA staff have continually worked with the site operators to reduce odour impacts. A revised SEE including an assessment of the odour control system and the effluent system assessment have been received. These documents have

provided recommended actions to monitor and manage the onsite systems to further reduce odour impacts. A monitoring regime is also proposed together with a complaints management which will allow the operator and regulators to work together to manage adverse impacts.

The site itself does not contain any special features or scenic qualities nor can it be said that any such features exist in the surrounding locality. As noted above and throughout this report the air quality is impacted by odour which is significantly different in strength, offensiveness, time impacts and character to that of the approved abattoir when operational.

Similarly, the composition of the effluent is different and the ability of the existing effluent system, designed to cater for abattoir wastewater, to adequately cater for the wastewater needs to be considered. An assessment of the effluent system's ability to cater for the different effluent has been provided. This assessment indicates that the volume of wastewater is significantly reduced from that of an operational abattoir. Similarly, the nutrient content of the effluent from fish rendering is likely to have significantly less impact on the receiving soils. This assessment indicates that the existing effluent system is able to cater for the altered effluent.

It is acknowledged that there is likely to be less noise impact than that produced by an operating abattoir. Due to the absence of live animals on site, reduced truck movements and less cool room compressor equipment and the like.

(iii) *the degree to which the potential environmental impacts can be predicted with adequate certainty*

The rendering of fish at the site was undertaken from July, 2019 until June, 2020, and the environmental impacts of this process are mainly in relation to odour. The applicant has undertaken odour modelling on at least two separate occasion since the commencement of fish rendering. The first assessment identified a number of actual odour sources and made recommendations for the upgrading of the biofilter in particular. The second assessment, an Odour Impact Statement (OIA) prepared by GHD, contained odour sampling as well as modelling to predict odour distribution and impact. It is noted that although the OIA found that the fish processing activities at the site would not adversely impact surrounding sensitive receptors that the reality during the trial period did not support the modelling.

The applicant has submitted a revised OIA with this application, which is based on sampling undertaken before (The Odour Unit November, 2019) and during the trial (Ektimo Pty Ltd April, 2020). As it was known that odour was detected off site during this period, further information was requested from the applicant regarding the Odour Control System, including odour capture, negative pressure and capacity. The applicant has submitted an additional report from The Odour Unit (Odour Management System Review Assessment September, 2020) which concludes that the odour control system as upgraded is suitable for process operations. The report does make some recommendations regarding management for optimal performance but no further upgrades are recommended.

(iv) *the capacity of the receiving environment to accommodate changes in environmental impacts*

The largest impact of the proposed operation is odour and staff research has indicated three potential odour sources.

The first source being the rendering (heating and cooking) process itself. The process changes from High Temperature to Low Temperature Rendering should reduce the amount of odour produced within the rendering plant. The applicant has also undertaken significant works to remediate potential fugitive emissions by sealing all identifiable leak points, capturing additional odour sources and directing all air, including building ventilation, to biofilter. The most recent revised odour assessment demonstrates that with controlled air inputs and fan settings, negative pressure can be maintained in the building and all air from the rendering plant will be directed to the biofilter. In addition, the applicant has changed processes to enable the trucks to empty into the receival bin within 5 minutes rather than 30 minutes per trailer taken during the trial. This will limit the amount of time that doors are open and correspondingly reduce the time that the plant is unable to remain under negative pressure during the receival process.

The second odour source is the wastewater, effluent and irrigation systems. The revised additional information and modelling provided by ProAnd makes an assessment of the effluent and irrigation systems and indicates that the effluent system is able to cater with altered feedstock.

One significant difference between High and Low Temperature Rendering (LTR) is the production of stickwater. Stickwater contains proteinaceous material (soluble and insoluble), minerals and fats. Although the volume of oil and grease from LTR is still less than the volume produced from meat processing, the high concentration of the effluent can have impacts if not controlled. As stated in the application, fish oil and grease '*..comprises of lipids that are lighter (shorter organic chains), more volatile and more susceptible to a higher rate of oxidation than land based animal lipids. Odour problems can occur if significant levels of fish O&G passes from the Anaerobic to the Aerobic treatment pond*'. Unlike in the High Temperature Rendering process, where oil and grease was to be recycled through the rendering plant, this application proposes that the stickwater be discharged to the effluent system. To mitigate the risk of heavy contamination loading on the system, the applicant has engaged a wastewater specialist to monitor the effluent and adjust chemical treatment as required to ensure that the anaerobic pond maintains an adequate crust to mitigate odour and maintains functionality.

The end product itself, being fishmeal and fish oil, also has a high odour output. The applicant has completed works to mitigate odours from this source including the installation of rapid roller doors between the rendering plant and the storage area, rapid roller doors from the meal storage area to the outside for loading, instigated the use of barrier plastic to cover the bulker bags used to store and transport meal, installed an exhaust fan to draw air from the meal storage area into the odour control system, and directed vent air from the oil storage tanks to the Odour Control System.

(c) *any proposals:*

(i) *to mitigate the environmental impacts and manage any residual risks*

The site, and the proposal, are subject to EPA licence conditions. The revised and additional documentation indicates that the current facility, with good management, is able to manage the greatest environmental impact, being odour. The application indicates that the upgrade works to the effluent and odour control systems have been completed, and the assessment of the system indicates that improvements in odour control have been made.

(ii) to facilitate compliance with relevant standards, codes of practice or guidelines published by the department or other public authorities. The revised statement of environmental effects and supporting documentation provides a suite of recommendations to mitigate, monitor and evaluate the proposed and actual measures to reduce the off-site impact of the proposed development.

The above assessment indicates that the overall environmental impact of the proposal is not significantly greater than that of the total development when compared with the existing approved development. The reduction in noise, wastewater output, and soil impact as a result of effluent irrigation are less for fish rendering when compared to the abattoir's operations of 4,000 sheep and 200 cows per day. As a result of upgrades completed to reduce odour, the distribution of odour is not likely to be significantly different to that of the approved development. It is however acknowledged that odour strength and profile is different. In the instance the applicant has satisfied Council that the alterations or additions to the processes on site do not significantly increase the environmental impacts of the total development compared with the existing approved development.

Having satisfied the consent authority that an EIS is not required in accordance with the provisions of *Part 3, Schedule 3 of the Environmental Planning and Assessment Regulation, 2000* consideration must now be given to the provisions of *Section 4.15 of the Environmental Planning and Assessment Act, 1979*.

#### **4.13 Consultation and concurrence**

If required by an environmental planning instrument, this section requires Council to consult with or obtain the concurrence of the person. No consultation was required in this instance - see comments below relating to NSW Rural Fire Service (NSW RFS), Essential Energy, Transport for NSW (TfNSW), and integrated development.

#### **4.14 Consultation and development consent—certain bush fire prone land**

The land is not bushfire prone and the development is not for residential or rural residential purposes, and is not for a special fire protection purposes, and therefore no referral to the NSW RFS was required.

#### **4.22 Concept development applications**

The development is not a concept development (a development application that sets out concept proposals for the development of a site, and for which detailed proposals for the site or for separate parts of the site are to be the subject of a subsequent development application or applications).

#### **4.33 Determination of Crown development applications**

The development is not a Crown development (a development application made by or on behalf of the Crown).

#### **4.36 Development that is State significant development**

The development is not State significant development (of a size, type, value or with impacts deemed to be significant), as it is not identified in State Environmental Planning Policy (State and Regional Development) 2011.

#### **4.46 Integrated development**

The proposal is integrated development as it requires approval from another government agency to carry out a scheduled activity at the premises under Section 48 of the *Protection of the Environment Operations Act, 1997*, being livestock processing industry. Accordingly, general terms

of approval were sought from EPA. These have been provided and are included as recommended conditions of consent.

#### **4.55 *Modifications of consent – generally***

Not applicable.

### ***SECTION 4.15 CONSIDERATIONS UNDER THE ENVIRONMENTAL PLANNING AND ASSESSMENT ACT, 1979***

#### ***4.15(1)(a)(i) The provisions of any environmental planning instruments***

##### ***State Environmental Planning Policies (SEPPs) and deemed SEPP's***

The following SEPPs are considered relevant to the development:

##### **SEPP No 33 – Hazardous and Offensive Development**

This SEPP applies to hazardous and potentially hazardous industries, and offensive and potentially offensive industries. In determining whether the proposal is a potentially offensive industry, the Department of Planning, Industry and Environment guideline *Hazardous and Offensive Development Application Guidelines – Applying SEPP 33*, was consulted.

##### ***“Question 6.5 Does SEPP 33 apply to rural industry, such as cattle feedlots and similar development?***

*Whether SEPP 33 applies to a particular proposal depends upon whether the proposal falls within the definition of ‘industry’ as defined in the planning instrument which applies.*

*Developments such as cattle feedlots may not fit within this definition (for example, where they are separately defined as ‘animal establishments’, ‘rural industry’ or something similar). It is, however, a matter for the consent authority to interpret its own planning instruments in deciding whether any proposal is affected by SEPP 33.*

*Should the consent authority decide that SEPP 33 does not apply to a development because it is not an ‘industry’ or ‘storage establishment’, the degree of hazard or offence should still be considered as a matter under section 79C of the EP&A Act. In such cases, the SEPP 33 methodology may still be applicable, even if the policy itself does not strictly apply.”*

Under the Cootamundra Local Environmental Plan, the proposed development is a subcategory of *rural industry* wherein *rural industry* ‘are not a type of industry’. Accordingly, the SEPP does not apply, however, all the relevant issues will be addressed under section 4.15 of the *Environmental Planning and Assessment Act, 1979*.

##### **SEPP No 55 – Remediation of Land**

Clause 7(1) prescribes that a consent authority must not consent to the carrying out of any development on land, unless it has considered whether the land is contaminated. Council has no evidence to indicate that the land is a site of possible contamination. Although the site has been used for an abattoir for some considerable time, abattoirs activities of themselves are not considered to be potentially contaminating activities unless associated with other processes such as dipping, tanning, wool scouring and the like. Accordingly, no further investigation is warranted.

##### **SEPP (Infrastructure) 2007**

The sections of this policy that may be relevant to the assessment of this proposal are:

*Clause 45 (Determination of development applications – other development)* applies to a development application for development in proximity to electricity infrastructure (within 5m of an exposed overhead power line). The proposal does not meet any of the criteria and no formal referral to Essential Energy was required.

*Clause 66C (Development adjacent to corridor)* applies to developments adjacent to a gas pipeline corridor. A pipeline corridor does traverse the lot upon which the proposal is to be located, however the site of the proposal is greater than 20m (being approximately 260m) from the centreline of the pipeline and within an existing structure. Accordingly, the proposal was not referred to Jemena.

*Subdivision 2 (Development in or adjacent rail corridors)*, including *Clauses 84, 85, 86 and 87* – whilst the site is adjacent a rail corridor (Lake Cargelligo Line) it is does not trigger any of the criteria that require referral to the rail authority.

*Clause 101 (Development with frontage to classified road)* - the site does not have frontage to a classified road,

*Clause 102 (impact of road noise or vibration on non-road development)* – this clause does not apply as the activity is not identified in the SEPP,

*Clause 103 (Excavation in or immediately adjacent to corridors)* – this clause does not apply as the development will not result in any excavation,

*Clause 104 and Schedule 3 (Traffic generating development)* – this clause does not apply as the type and scale of development is not identified in the Schedule.

### SEPP (Primary Production and Rural Development) 2019

The sections of this policy that may be relevant to the assessment of this proposal are:

*Clause 13A (Consent required for certain artificial waterbodies)* – this clause does not apply as the site is not within an area of operations of an irrigations corporation and dams relied on for the proposal already exist with no plans to enlarge or alter.

### **Local Environmental Plan (LEP)**

The applicable LEP is the Cootamundra LEP 2013 (CLEP). The relevant provisions of the LEP are:

#### 1.2 Aims of Plan

The development is not inconsistent with the relevant aims of the LEP which include:

- (a) *to ensure that local amenity is maintained and enhanced,*
- (b) *to protect viable agricultural areas from conflicting land uses.*

The proposal contains measures to limit negative impacts in the area, the major potential impact being odour. The applicant has undertaken significant upgrades under the supervision and guidance of EPA staff to limit odour impacts. The proposal does not conflict with other viable agricultural land uses in the area.

#### 1.4 Definitions

The proposal is defined as:

***livestock processing industry*** means a building or place used for the commercial production of products derived from the slaughter of animals (including poultry) or the processing of skins or wool of animals and includes abattoirs, knackeries, tanneries, woolscooms and rendering plants.

### 1.6 Consent authority

The consent authority for the purposes of the CLEP is Cootamundra-Gundagai Regional Council.

### 1.9A Suspension of covenants, agreements and instruments

There are no covenants, agreements, easements or restrictions on the site that affect this proposal.

### 2.1 Land use zones

This site is zoned RU1 Primary Production, livestock processing industry development is permissible with consent in this zone.

### 2.3 Zone objectives

Council must have regard to the objectives of the zone when determining applications. The proposed development, whilst not actively achieving every objective, is considered to be not inconsistent with the zone objectives:

- *to encourage sustainable primary industry production by maintaining and enhancing the natural resource base* – outputs from this proposal, i.e. effluent, is shown by reports to be able managed in a manner that allow irrigation use on other land used by the abattoirs development. The upgrades and improvements to the plant will limit odour impact from the proposal;
- *to encourage diversity in primary industry enterprises and systems appropriate for the area* – the site has operated as an abattoir for some considerable time. This proposal provides an alternate feedstock to the rendering plant via a low temperature process to allow an economic return whilst major upgrades are undertaken to permit red meat processing to recommence;
- *to minimise the fragmentation and alienation of resource lands* – the proposal does not fragment resource lands. Surrounding land can be used for existing purposes, provided that appropriate odour control measures are implemented;
- *to minimise conflict between land uses within this zone and land uses within adjoining zones* – the predominant impact with the proposal is odour and has the potential to result in land use conflicts which has been demonstrated by the number of complaints received by Council and EPA during previous operations. Reports provided in support of the proposal indicate that the applicant is able, with significant upgrades and management control measures, to adequately contain odour from the low temperature process of fish onsite;
- *to protect and conserve deposits of extractive materials and allow their extraction by limited development where appropriate* – there is no extractive material or extraction proposed by this development;
- *to protect and conserve native and other vegetation in order to preserve scenic amenity and to minimise land degradation* – the proposal is to be undertaken within an existing building and does not involve the removal of any vegetation.

### 2.7 Demolition requires development consent

The proposal does not involve demolition work.

### 5.10 Heritage conservation

There are no items of environmental heritage identified on the site and the site is not within a heritage conservation area. A search of the Aboriginal Heritage Information Management System (AHIMS) database shows that no Aboriginal sites have been recorded and no Aboriginal places have been declared within 50m of the site. Eight (8) Aboriginal sites have been recorded within 1km of the site. However, as no excavation or building work is being undertaken the proposal is not expected to reveal any unexpected fines during the operation of the proposal.

### 6.1 Earthworks

There are no earthworks proposed as part of this development, accordingly, this clause is not applicable.

### 6.2 Flood planning

This clause is not applicable as the site is not included on the flood mapping contained with CLEP.

### 6.3 Terrestrial biodiversity

A small portion in the northern part of the site is included on the **Terrestrial Biodiversity Map**, to which this clause applies as shown in figure 4 below.



**Figure 4 – Terrestrial Biodiversity Map extract**

Source: CGRC Intramaps

Before determining a development application for development on land to which this clause applies, Council must consider, the following issues, which have been discussed previously, in relation to the Biodiversity Conservation Act 2016:

(a) *whether the development is likely to have—*

- (i) *any adverse impact on the condition, ecological value and significance of the fauna and flora on the land, and*

The proposal is to be undertaken within an existing building and no trees or vegetation is to be removed. Effluent studies indicate that the irrigated effluent will not adversely impact upon the vegetation of the irrigated area.

- (ii) *any adverse impact on the importance of the vegetation on the land to the habitat and survival of native fauna, and*

The development will not impact the importance of the vegetation on-site, in terms of its functioning as habitat for native fauna, as no trees or native groundcover, is being removed.

*(iii) any potential to fragment, disturb or diminish the biodiversity structure, function and composition of the land, and*

The works on the site will not disturb or significantly fragment any stands of vegetation on the property, due to the activity being undertaken in an existing building.

*(iv) any adverse impact on the habitat elements providing connectivity on the land, and*

The development will not impact on any wildlife corridors or connectivity, with the activity remote from any significant vegetation.

*(b) any appropriate measures proposed to avoid, minimise or mitigate the impacts of the development.*

There is no proposal, or need, to remove any trees or vegetation as part of this proposal.

In conclusion, it is determined that there will be no adverse impact on ecological communities, threatened species or any habitat, and that the development is designed, sited and will be managed to avoid any adverse environmental impact, as there is no disturbance of, or to, local flora and fauna. See also discussion relating to the Biodiversity Conservation Act, 2016.

#### 6.4 Groundwater vulnerability

This clause applies to land that is identified on the **Groundwater Vulnerability Map**. The entire site is identified on this map. Before determining an application to which the clause applies Council must consider:

*(a) the likelihood of groundwater contamination from the development (including from any on-site storage or disposal of solid or liquid waste and chemicals);*

Effluent reports submitted with the application indicate that the soil and subsequent cropping is able to adequately assimilate the nutrients contained in the effluent water so has not contaminated any groundwater. Fish oil, a by product of the process, is to be contained within tanks within an adequately bunded area.

*(b) any adverse impacts the development may have on groundwater dependent ecosystems;*

As nutrients and effluent is unlikely to reach the groundwater it is unlikely that the proposal will adversely impact any groundwater dependent ecosystems.

*(c) the cumulative impact the development may have on groundwater (including impacts on nearby groundwater extraction for a potable water supply or stock water supply);*

It is considered unlikely that the proposal will impact upon groundwater extraction used for potable water or stock water supply as effluent is unlikely to penetrate the level of the groundwater. The general terms of approval issued by EPA have indicated that testing is required to monitor soil conditions to allow early identification of potential contamination issues.

*(d) any appropriate measures proposed to avoid, minimise or mitigate the impacts of the development.*

It is proposed to use effluent water to irrigate land associated with the existing abattoirs, studies submitted with the application indicate that with effective effluent management this practise is

acceptable. Furthermore, the general terms of approval issued by EPA require monitoring to ensure that any potential groundwater contamination issues are identified early in order they may be ameliorated.

#### 6.5 Riparian land and watercourses

This clause applies to land that is identified as a watercourse on the **Watercourses Map**, and to all land that is within 40 metres of the top of the bank of each watercourse on land identified as watercourse, on that map. The site is not mapped as being affected and is not within 40 metres of a mapped area, accordingly this clause is not applicable.

#### 6.6 Salinity

This clause applies to land identified as dryland salinity on the **Natural Resources Land Map**. The site is not mapped as being affected, and accordingly this clause is not applicable.

#### 6.7 Highly erodible soils

This clause applies to land identified as high soil erodibility on the **Natural Resources Land Map**. The site is not mapped as being affected, and accordingly this clause is not applicable.

#### 6.8 Airspace operations

This clause applies to developments that penetrate the Limitation or Operations Surface of the Cootamundra Airport. This clause is not applicable as the proposal does not penetrate the Limitation or Operations Surface of the Cootamundra Airport as the building already exists.

#### 6.9 Essential Services

This clause only applies to land that is zoned Zone RU4 Primary Production Small Lots, or Zone R5 Large Lot Residential. The site is within the RU1 Primary Production Zone therefore is not applicable.

### **4.15(1)(a)(ii) The provisions of any draft environmental planning instrument:**

#### State Environmental Planning Policies (SEPPs)

There are no draft SEPP's which relate to this development.

#### Local Environmental Plan (LEP)

There are no draft LEPs which apply to this land.

### **4.15(1)(a)(iii) The provisions of any development control plan:**

#### Cootamundra Development Control Plan (DCP)

This DCP applies to the land, but is largely not relevant to this development, and the provisions of the following chapters are discussed as follows.

- *Chapter 1 General information - Section 1.7 (Notification of Development Applications)*, contains provisions that relate to the notification of applications; however, the provisions of the Community Participation Plan takes precedence over this section of the DCP (see comments above in Section 2.22).
- *Chapter 2 Residential Development* - does not apply to this type of development.
- *Chapter 3 Business & Industrial Development* - does not apply to this zone.
- *Chapter 4 Subdivision* – does not apply to this type of development.
- *Chapter 5 Car parking and vehicle access* – not applicable as no impact on parking.

- *Chapter 6 Environmental Management* – not applicable as land is not bushfire prone, flood prone or potentially contaminated.
- *Chapter 7 Heritage* – not applicable as the site does not contain a heritage item and is not in the HCA.

***4.15(1)(a)(iii) Any planning agreement or draft planning agreement:***

The developer has not entered into a planning agreement, nor has offered to enter into a draft planning agreement.

***4.15(1)(a)(iv) Matters prescribed by the Regulations:***

The following matters as prescribed by Regulations have been considered:

**Clause 92 (Additional matters for consideration):**

- the application does not involve the demolition of a building,
- the application is not for the carrying out of development on land that is subject to a subdivision order made under Schedule 7 to the Act,
- the development is not located within the local government area of Coonamble, City of Dubbo, Gilgandra or Warrumbungle (to which the Dark Sky Planning Guideline applies),
- the application does not pertain to a manor house or multi dwelling housing (terraces),
- the development is not for the erection of a building for residential purposes on land in Penrith City Centre.

**Clause 93 (Fire safety and other considerations)**

- the development is not for a change of building use for an existing building.

**Clause 94 (Consent authority may require buildings to be upgraded)**

- the development does not involve the rebuilding, enlargement or extension of an existing building.

**Clause 94A (Fire safety and other considerations - temporary structures)**

- the development is not for a temporary structure.

**Clause 288 (Special provision relating to Sydney Opera House)**

- the development does not relate to the Sydney Opera House.

***4.15(1)(b) The likely impacts of that development***

This section of the Act requires an assessment of the likely impacts of the development on the natural and built environment as well as the social and economic impacts in the locality likely to occur as a result of the development. This section is supported by Schedule 1 of the Regulations that requires applicants to submit a statement of environmental effects which examines what the likely impacts of the development will be, how they have been identified and how they are proposed to be mitigated. Council relies on the information provided by applicants, as well as research, site visits and experience to assess the information provided by applicants to make an informed and balanced assessment of the validity and veracity of the information provided.

**Likely Impact of Development**

The major impact associated with this proposal are related to air quality as a result of the odour generated and experienced during the period when rendering of fish has been occurring on site. Although the revised statement of environmental effects includes an Odour Impact Assessment, it includes modelling and sampling undertaken when fugitive emissions were observed off site. The additional information provided has reviewed the current Odour Control System and assessed its capacity to adequately mitigate the potential odour from the process.

As indicated above in the assessment of the validity of the application under *Part 3, Schedule 3 of the Environmental Planning and Assessment Regulation, 2000*, the site has been operating as an abattoir for in excess of 40 years. The change in feedstock for the rendering plant is not included in existing approvals and an application is required for this change. This change of feedstock is the subject of this application and assessment. Council is satisfied that the overall environmental impact of the change of feedstock is not significantly greater than the existing approved development, rather some of the environmental impacts such as noise, wastewater and visual impacts are likely to be lesser than that of the approved development.

#### Context and Setting

The site is located within a rural area approximately 4km north of the main street of Cootamundra. The abattoir and buildings on site have existed in some form since mid-1970s. There are no proposed building works that are likely to impact on the visual amenity. The proposal for the use of fish as feedstock for the rendering plant is suitable given the location of the site in a rural setting. Nonetheless the impact of odour, even in a rural setting, cannot be ignored. Odour impact is the largest single factor associated with this proposal. The applicant has provided a statement of environmental effects that is supported by an Odour Management System Review Assessment (OMRA), which indicates that the facility has the ability to meet compliance with its licence conditions.

#### Access, Transport and Traffic

Mackerel caught on the south coast of NSW is the raw feedstock material for the fish rendering process. It is proposed that three trucks per day would deliver raw product to site. The material is loaded in a chilled state into truck and dog type transport vehicles which are double skinned to assist with temperature control. The material is transported to the Cootamundra site during the night to arrive early in the cool of the morning, this is particularly important during summertime.

The supporting documentation indicates that the average hourly throughput capacity of the rendering process is 4 tonnes per hour and the proposal will operate 24 hours per day (however this is unclear as another section of the document suggests that operations on site will commence at 4am), six days per week with an estimated through put of 29,952 tonnes per year. The documentation indicates that there are likely to be three outbound trucks of product per week. Furthermore, there is anticipated to be one goods delivery truck visiting site per day. Staff numbers are estimated to be 15 including office, operational and engineering staff with an approximate 9 staff on site during 7am-2pm.

Accordingly, in addition to passenger vehicles there is likely to be 44 heavy vehicle movements per week (in and out movements are counted separately) or 22 heavy vehicles visiting the site per week. This equates to approximately 3.6 heavy vehicles visiting the site per day over a six day operating week. Due to the location of the facility on a major connector road, comments were sought from Transport for NSW (formerly RMS). That agency's comments indicate that as the traffic numbers are likely to be less than that of an operational abattoirs and the presence of existing turning lanes, no additional road upgrades were required. The Authority did state that no objection was raised

provided that a condition was imposed that the rendering of fish is denied whilst the abattoirs is in operation.

Similarly, the site has separated sealed entrance and egress points from Stockinbingal Road, ample on-site parking and turning areas for passenger, delivery and heavy vehicles. Accordingly, there is no requirement for any upgrades to access points, car parking or turning areas to occur as a result of this proposal.

#### Public Domain

The impact of this proposal on the public domain is likely to be odour from the rendering of the fish. It has been noted that the EPA recorded 58 complaints from multiple complainants between 15 February and 4 June, 2020. It is acknowledged that this was before the current upgrades were undertaken including the change to LTR processing.

#### Utilities

The proposed use of fish as feedstock for the rendering plant will not generate the need for additional utility installation at the site.

#### Heritage

There is no likely impact on Aboriginal or European heritage, as a result of the development (see assessment above in Section 5.10 of the LEP). Given the disturbed nature and continuous use of the site over the years for an abattoir it is unlikely that the proposal will have an impact on artefacts or relics. Similarly, no soil disturbance is proposed as part of this proposal, once again this is likely to limit the impact on historic or heritage items if such exist on site.

#### Soil

The proposal involves the irrigation of effluent water to land. The submitted documentation is accompanied by a wastewater effluent report that indicates the total effluent water resulting from this proposal is likely to be 24% of that when the site was fully operational as an abattoir. Due to the decrease wastewater output, the modelling contained within the report indicates that water available for irrigation is significantly less than that of an operational abattoir and that the majority of the water for irrigation would be stormwater runoff captured in the dams. The report also indicates that the effluent system is able to adequately treat the wastewater to a point where it is suitable for irrigation to land. The report does note that the irrigation may, in the long-term, result in the depletion of nitrogen and some accumulation of phosphorous in the irrigated soil. The EPA general terms of approval and licence contains conditions that require monitoring of soil conditions of the irrigated area.

#### Water

The wastewater report accompanying the application provides calculations for water use and capture during high rainfall events. This report demonstrates that the existing effluent and stormwater capture system has capacity to cater for the volume of wastewater generated by the proposal. However, the report also indicates that seepage from the treatment and storage ponds is likely. Nonetheless, the general terms of approval from the EPA and the conditions of the Environment Protection Licence (EPL) have requirements for piezometer monitoring to ensure that impacts can be identified and mitigated to reduce the impact.

It is noted that the use of fish as feedstock for the rendering plant will result in oil and grease of a different composition to that of abattoirs by product rendering. The report indicates that fish oil and grease has 'shorter organic chains, is more volatile and more susceptible to a higher rate of

oxidation than land based animals'. This has the potential to generate odour if allowed to pass into the aerobic treatment ponds.

The composition of wastewater from fish is different to that of land based animals and the report provides an assessment of the pathogen levels. The report concludes that pathogens in wastewater are likely to be less for the use of fish as feedstock when compared with red meat processing. This is due in part to fish being rendered whole rather than with internal material removed, as in red meat processing, and the fish material being cold rather than at body temperature as is the case in red meat processing.

#### Other Land Resources

The site is not mapped as being bushfire prone nor is the site subject to subsidence or acid sulphate soils. Similarly, the site is not mapped as being subject to flooding, dryland salinity or highly erodible soils. The proposal is therefore unlikely to have an impact on these factors of the site.

#### Microclimate

The applicant has provided information in support of the application including the OMRA undertaken by The Odour Unit (TOU) in September, 2020. Additional assessment and modelling of the wastewater, the impacts of LTR, images of the works completed and clarification of changed work processes to reduce the risk of fugitive emissions have also been provided which indicate that with appropriate management odour is able to be controlled on site.

The additional information confirms the Odour Control System and Wastewater Management System have the capacity and capability to mitigate odour impacts offsite. Nonetheless management of the system is critical to ensuring the functionality of the plant and equipment as there are several identified risks which are required to be well managed, monitored and maintained.

One such risk is that negative pressure needs to be maintained in the building to ensure that the Odour Control System works as proposed, i.e. to capture all air within the building and direct it to the biofilter. This odour control system is reliant on several factors including optimal fan settings on the main biofilter fan and exhaust fan from the meal storage area as recommended by The Odour Unit (TOU), fresh air ingress into the building and ongoing inspection and maintenance of the building to check seals at gaps and protrusions.

The TOU Assessment concludes that the roller doors on the western side of the rendering building must be open 150mm from the ground to ensure adequate airflow into the building, but states *any 'larger opening may result in the loss of capability for achieving negative pressure and may result to fugitive emissions from the building'*. Vigilant management practices are required to ensure that such a low air exchange rate (four times per hour) does not impact staff comfort so that there is a risk that staff may open a door to access fresh air.

Maintaining and monitoring the biofilter is also critical to the successful operation of the Odour Control System. In particular, the reports acknowledge that the current steam-injection humidification system for the airflow to the biofilter is inadequately providing the necessary moisture content for sustainable performance. TOU has recommended a minimum spray irrigation program, utilising a spray irrigation system on the biofilter, to maintain optimum bed moisture and ensure sustainable biofilter bed operation.

Monitoring the wastewater system for optimal functionality including maintenance of crust on the anaerobic pond, pH, and monitoring discharge of oils and grease levels to the aerobic pond is also required. Inadequate monitoring and maintenance of the wastewater system has the potential to generate significant odour impact including offsite impacts.

The TOU report states '*It should be noted that the airflow measurements reflected in the OMRA were collected from locations that are non-ideal. Moreover, all physical measurements collected in the OMRA will need to be verified during normal operation and as part of the Odour Control System condition and performance assessment within six weeks of the recommencement of operations at the Cootamundra Facility*'. Further assessment of the system will provide an opportunity to optimise the Odour Control System under normal operating conditions.

#### Flora and Fauna

No vegetation is proposed to be removed or altered as a result of this proposal. The site is not known to contain habitat for any threatened or endangered faunal species. The proposal is therefore unlikely to have an impact on flora and fauna on the site or in the immediate vicinity.

The irrigation of effluent to the site has the potential to impact upon biodiversity depending upon the type of vegetation existing on site. The applicant has indicated that irrigation of effluent water has occurred in the past and is likely to continue. The effluent report indicates that nitrogen loss and an accumulation of phosphorous is likely in the long-term as a result of effluent irrigation. Monitoring of soil conditions is required by the EPL. Nonetheless the impact on biodiversity can be reduced by limiting the area of irrigation to that which is not mapped as terrestrial biodiversity.

#### Waste

The applicant has indicated that there is no solid waste produced as a result of this proposal that will not be dealt with onsite or through existing services. The applicant has submitted a Waste Management Plan which outlines the processes and disposal options for any product that is not suitable for rendering. The applicant has indicated that mass waste product disposal is unlikely, even in hot weather, as temperature control is imperative to the processing of the material to ensure a high quality end product. In this regard the applicant has provided that the catch is chilled on the boat prior to being brought ashore and discharged immediately into transport trucks. The trucks are double skinned and the thermal mass of the catch ensure that heating does not occur even when waiting for unloading during extreme weather conditions. However, the loads are to be temperature monitored to ensure that the catch does not heat above 15°C. Where necessary loads will be placed in bins and put into refrigerated cool rooms on site.

The end product will be bagged into bulk bags covered in barrier plastic for distribution and will be stored in the meal storage area until loaded for transport. The end products of the process will be fish meal and/or fish oil. The volume of these outputs is dependent on the oil content of the raw material feedstock. Fish oil is pumped into the former tallow tank and shipped off site either in bulk tankers or in pods depending upon customer requirements. The applicant acknowledges that following changes to the rendering plant the tallow tanks now require additional bunding to contain any spillage.

#### Energy

An energy assessment is required by Section J of the Building Code of Australia where construction is proposed. This proposal does not include any construction, accordingly energy consumption is therefore not a consideration for this proposal.

#### Noise and Vibration

Noise generation from the proposed use of fish as a feedstock for the rendering plant will be significantly less than that from the facility operating as a red meat abattoirs due to the absence of large live animals on site. Compressor and staff noise are likely to be contained onsite due to the site layout and buildings acting as sound barriers. Vehicle noise is likely to be equivalent to that of an operational abattoir in terms of noise volume. Hours of vehicle noise and numbers of vehicle may

differ from that of an operational red meat abattoirs, however it is unlikely that the impact will be any greater than when the abattoir is operating.

Vibration from compressors and vehicle movement is likely to be commensurate with that of an operational red meat abattoir.

#### Natural Hazards

The site is not subject to any natural hazards of flooding, bushfire, subsidence, slip or movement. The site has been operating as an abattoir for many years.

#### Technological Hazards

There are no known risks to people, property or the biophysical environment from industrial and technological hazards, land contamination and remediation or building fire risk. All chemicals, cleaning and disinfectant agents, pesticides, herbicides and the like are to be kept in a safe and secure location.

#### Safety, Security and Crime Prevention

The site is fences and access is controlled by gates. It is unlikely that the proposal will create any additional security or crime risk in the locality. Fishmeal without stabilising additives is considered to be a dangerous goods for the purposes of transportation. The applicant is required to have a management plan in place to manage this risk.

#### Social Impact in the Locality

The social impacts associated with this proposal are in relation to the ability of property owners and the public to go about their activities free from impacts from the proposal, primarily odour impacts. The complaints and submissions received by Council and EPA centre around the nauseating odour and the resultant impact on the quality of life including inability to leave windows open, hang washing on the line or go about normal activities. Such impacts, have in the past, been experienced within the main business district of Cootamundra.

The reports submitted in support of the current application indicate that, following recent upgrades to the Odour Control System, with good management odour can be controlled in accordance with the EPL. It is acknowledged that the odour profile of fish rendering is different to that of an abattoirs, however the impact of odour on the quality of life needs to be managed onsite by the operators.

#### Economic Impact in the Locality

The proposal will not have the same economic impact in the local area as a fully operational abattoir due to the lessened employment opportunities. However, the provision of some employment opportunities in the local area are a result of the proposal. It is unclear however if this impact is negated by the negative image of the town as a result of odour penetrating into the main street area in the past.

Nonetheless, the proposal to use fish as a feedstock for the rendering plant is a short term one with the applicant indicating that it is the intention to return to red meat processing when conditions are suitable and substantial upgrades have been undertaken at the plant to ensure that best practice and efficiency is achieved.

#### Site Design and Internal Design

There are few changes to the site layout and internal design of the operation as a result of this proposal. The change of the process from High to Low Temperature Rendering has necessitated the

installation of some additional and upgraded equipment within the rendering building and slight changes to the process layout. The recent upgrades completed on the building involved removal of vents, recladding in some areas and installation of rapid roller doors on the meal storage area. A new small biofilter to capture odour from the 'press pit' was installed in November, 2019.

The changes completed on site relate to odour control and operational activities. In this regard it is proposed that the rendering plant doors are to remain in the 'closed position' except when loading of raw feedstock occurs. As part of the upgrades and new process time the doors are open will be a maximum of 30 minutes per day (five minutes six times per day). The 'closed position' will require that the two roller doors on the western section of the rendering building remain open approximately 150mm from the ground doors to ensure adequate fresh air ingress into the building. Any larger opening may result in the loss of capability for achieving negative pressure and may result to fugitive emissions from the building.

#### *Construction Matters*

No construction is proposed as part of this proposal.

#### *Cumulative Impacts*

Cumulative impacts include such things as different impacts occurring so close in time, or so close in location, that the impacts overlap and cause a greater impact. Cumulative impacts can also take the form of repetitive, often minor impacts eroding environmental conditions, or different types of impacts interacting to produce another impact. Cumulatively, the environmental impacts associated with the development have been considered in the report, as the impacts on soils, groundwater and odour. These impacts, with appropriate management, can be managed so as not to create a cumulative impact in the locality.

#### **Site Suitability (Section 4.15(1)(c)**

##### *Does the Proposal Fit in the Locality*

The suitability of a site for a development proposal is required to be assessed. In this instance the proposal is to be carried out on a site that has an approved but currently non-operational abattoir situated upon it. It is noted that the proposal is to use fish as a feedstock for the rendering plant whilst the red meat abattoir is not operating. The use of fish as a feedstock has higher and stronger odour generation rates than that of an abattoir. This is backed up by complaints received from further afield than those received when the abattoir was in operation. Furthermore, the residential zone is encroaching closer to the site and the need to mitigate odour is becoming greater. The site itself, is suitable for a rendering plant, and has successfully operated as such in the past. Upgrades to the equipment and improved management techniques demonstrate that the odour is able to be controlled and therefore the impact is likely to be limited. Nonetheless in terms of ecologically sustainable development principles it must be questioned as to whether transporting a sea product some four hours by road and then shipping the end product back to ocean based aquaculture is a practice that is both economically and environmentally sustainable in the long term.

##### *Are the Site Attributes Conducive to the Development*

The site is not subject to natural hazards including flooding, bushfire, subsidence, slip or mass movement. The soil characteristics are appropriate for the development, and there are no critical habitats, or threatened species, populations, ecological communities or habitats on the site. The development will not prejudice future agricultural production and there are no known mineral or extractive resources on the site. This issue of odour generation has been discussed previously.

#### **Submissions (Section 4.15(1)(d)):**

The application was notified and one (1) submission was received, by way of objection. The most significant issue raised in the submissions was that of odour. The issue of diminishing property values and lifestyle impacts were also raised. However these are directly related to odour impacting on lifestyle and everyday activities.

The issue of odour has been discussed elsewhere in this report as has the commencement of the operation previously without the benefit of development consent. The issue of negative economic impact in terms of lost tourism dollars is significant when the odour travels to the central business district of town and impacts on the willingness of locals and visitors alike to spend time in that space. The issue of property value impacts is not a planning consideration, however people feeling they have to leave town does have an impact on the social fabric of the community and the trust that people have in regulators to protect their interests and the wider interests of the community.

#### **Public Interest (Section 4.15(1)(e):**

This section relates to matters of public interest and includes issues such as regulators acting fairly and in the best interest of the whole of the community. In this instance the activity has occurred onsite throughout periods in 2019 and 2020 with and without the benefit of a development consent. During this time the applicant has worked with the EPA to identify and mitigate odour impacts on the community which have been the source of the majority of complaints. Furthermore, the applicant has complied with the Prevention Notice issued by the EPA. The applicant has undertaken significant upgrades including the installation of equipment to change the process to LTR. The upgrade and supporting information indicate that the operation can successfully operate on site and the odour can be controlled. Discussions with the EPA have revealed that confidence is reasonably high that compliance with EPL requirements can be achieved.

Council, as the consent authority, must take account of the public interest and act in the best interests of the community as a whole, including the environment which surrounds the community exists. In the case it is considered that the conditions recommended are adequate to mitigate the potential impacts of the proposal and provide Council with an avenue to pursue compliance if warranted.

#### **Other Matters**

##### **Section 7.11 and 7.12 Contributions Policies**

Section 7.12(2) of the EPA Act, states that “a consent authority cannot impose as a condition of the same development consent a condition under this section as well as a condition under section 7.11”. Accordingly, Council can only require payment of either a 7.11 or 7.12 contributions.

##### **Section 7.11 Contributions Plans**

The only Section 7.11 plan in force is the “Development Generating Heavy Vehicle Usage of Local Road”, which only applies in Gundagai, and therefore is not applicable to the development.

##### **Section 7.12 Contributions Plans**

The Cootamundra-Gundagai Regional Council Section 7.12 Fixed Development Consent Levy Contributions Plan 2018 applies to this development, and condition will be imposed in this regard.

##### **Disclosure of political donations and gifts**

The applicant and notification process did not result in any disclosure of Political Donations and Gifts.

#### **Conclusion**

In the assessment of a development application, Council must consider a number of issues related to that application, and essentially weigh up the positive and negative impacts of the proposal. In doing so, Council does not necessarily have to be assured that there are no impacts at all, but must be confident that those that do exist, are acceptable. In fact, there is no rule that says that if a development proposal meets with a negative reaction on any particular factor, that consent must be denied; there have been various court cases that support this premise.

In this instance there is potential for certain negative impacts associated with a development of this nature size. These most obvious relate to odour, effluent management and soil quality.

It is believed that this report demonstrates that the potential impacts associated with the proposal can be adequately dealt with, and that there are few grounds upon which to refuse the application. Council has considered all matters under the relevant legislation, and it considers that the proposed development is appropriate having regard to those matters, and that any impacts can be managed through appropriate conditions.

***Schedule 1, Division 4, Clause 20 - Reasons for the Decision***

This section of the Act requires the public notification of certain decisions, the date of the decision, the reasons for the decision and how community views were taken into account in making the decision. The reasons for the decision (as recommended to Council) and how community views were taken into account, as it relates to this application are:

- the proposed development is not inconsistent with the objectives of the zone,
- the proposed development is permitted in the zone,
- assessment of the development against the relevant guidelines demonstrates that the proposed development will not cause significant adverse impacts on the surrounding natural environment, built environment and infrastructure, community facilities, or local character and amenity,
- the proposed development does not compromise the relevant Environmental Planning Instruments,
- Council considers that the proposed development is appropriate having regard to the relevant matters and can be managed through appropriate conditions,
- neighbour notification was carried out as per the CPP, and each of the issues raised has been addressed within the report, and shown to be acceptable, subject to compliance with the EPL and the conditions of consent.



DOC20/711898-30

The Acting General Manager  
Cootamundra-Gundagai Regional Council  
PO Box 420  
COOTAMUNDRA NSW 2590

By Planning Portal

Attention: Sharon Langman

Dear Mr McMurray

**Re Development Application 2020/131**

I refer the planning portal notification on 27 August 2020 to the Environment Protection Authority (EPA) about the development application received by Cootamundra-Gundagai Regional Council (DA 2020/131) for the proposed ongoing processing of fish at the Australian Meat Group (AMG) abattoir at Stockinbingal Road Cootamundra.

The EPA has responsibilities for pollution control and environmental management under the *Protection of the Environment Operations Act 1997*. Following a review of the development application, the additional information provided on 23 and 26 September 2020 and notification of public submissions on 2 October 2020 we are able to issue our General Terms of Approval (GTA) for the proposed fish processing.

The GTA provided in Attachment 'A' are conditions that relate to the development as proposed in the documents and information provided by council. Attachment 'B' provides the mandatory conditions that apply to all Environment Protection Licences. Should council grant development consent for this proposal we recommend that these conditions are incorporated into the consent.

In the event that the development is modified either by the applicant prior to the granting of the consent, or as a result of conditions imposed by council, we request that further consultation occur with us about the proposed changes prior to the consent being issued. This will enable us to determine whether our GTA are required to be modified as a result of any proposed alterations.

Should development consent be granted it will also be necessary for the applicant to apply to the EPA for a variation of Environment Protection Licence No 3889 held by the applicant for activities at the abattoir, consistent with the development application for the proposal and our GTA.

Phone +61 2 6969 0700	Fax +61 2 6969 0710	PO Box 397	Suite 7	
Phone 131 555	TTY 133 677	Griffith	130-140 Banna Ave	<a href="http://www.epa.nsw.gov.au">www.epa.nsw.gov.au</a>
(from outside NSW)	ABN 43 692 285 758	NSW 2680 Australia	Griffith NSW	<a href="mailto:riverina.farwest@epa.nsw.gov.au">riverina.farwest@epa.nsw.gov.au</a>
			2680 Australia	

If you have any further enquiries about this matter please contact Jason Price by telephoning 6969 0700 or by email at [riverina.farwest@epa.nsw.gov.au](mailto:riverina.farwest@epa.nsw.gov.au).

Yours sincerely

 12.10.2020

**CRAIG BRETHERTON**  
Manager Regional West Operations  
Regulatory Operations Regional

Protection of the Environment Operations Act 1997

## General Terms of Approval - Issued



Notice No: 1600465

### Administrative conditions

#### **A1. Information supplied to the EPA**

**A1.1** Except as expressly provided by these general terms of approval, works and activities must be carried out in accordance with the proposal contained in:

- the development application No 202/131 submitted to *Cootamundra-Gundagai Regional Council*;
- the statement of environmental effects dated March 2020 relating to the development; and
- all additional documents supplied to the EPA in relation to the development, including documents enclosed in emails to the EPA dated 23 and 26 September 2020 and kept on EPA file DOC20/711898.

#### **A2. Fit and Proper Person**

**A2.1** The applicant must, in the opinion of the EPA, be a fit and proper person to hold a licence under the Protection of the Environment Operations Act 1997, having regard to the matters in s.83 of that Act.

### Discharges to air and water and applications to land

#### **P1. Location of monitoring/discharge points**

**P2.1** The following points referred to in the table below are identified for the purposes of monitoring and/or setting limits for the emission of pollutants to the air from the point.

Water and Land			
EPA Identification no.	Type of Monitoring Point	Type of Discharge Point	Description of Location
1	Effluent quality monitoring	Effluent quality monitoring	Discharge point (from D3 to holding dam at 70ha pivot area) identified as "DM1" on map titled "Manildra Meats Cootamundra Environmental Monitoring Plan" dated 23 March 2016 and on EPA file EF13/2972 (DOC16/148754-03)

Protection of the Environment Operations Act 1997

## General Terms of Approval - Issued



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2	Volume monitoring	Discharge to utilisation area	Discharge point (from holding dam to pivot area) identified as "Pivot Pump" on map titled "Manildra Meats Cootamundra Environmental Monitoring Plan" dated 23 March 2016 and on EPA file EF13/2972 (DOC16/148754-03)
3	Effluent quality monitoring Volume monitoring	Discharge to utilisation area	Discharge point (from D6 to paddocks 1 and 2/3) identified as "DM2" on map titled "Manildra Meats Cootamundra Environmental Monitoring Plan" dated 23 March 2016 and on EPA file EF13/2972 (DOC16/148754-03)
4	Effluent utilisation area. Soil quality monitoring		Monitoring point identified as "SQ1" within utilisation area "Paddock 1" on map titled "Manildra Meats Cootamundra Environmental Monitoring Plan" dated 23 March 2016 and on EPA file EF13/2972 (DOC16/148754-03).
5	Effluent utilisation area. Soil quality monitoring		Monitoring point identified as "SQ2" within utilisation area "Paddock 2/3" on map titled "Manildra Meats Cootamundra Environmental Monitoring Plan" dated 23 March 2016 and on EPA file EF13/2972 (DOC16/148754-03).
6	Effluent utilisation area. Soil quality monitoring		Monitoring point identified as "SQ9" within utilisation area "70ha Pivot Area" on map titled "Manildra Meats Cootamundra Environmental Monitoring Plan" dated 23 March 2016 and on EPA file EF13/2972 (DOC16/148754-03).

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7	Groundwater quality monitoring	Piezometer identified as "GW1" on map titled "Manildra Meats Cootamundra Environmental Monitoring Plan" dated 23 March 2016 and on EPA file EF13/2972 (DOC16/148754-03)
8	Groundwater quality monitoring	Piezometer identified as "GW2" on map titled "Manildra Meats Cootamundra Environmental Monitoring Plan" dated 23 March 2016 and on EPA file EF13/2972 (DOC16/148754-03).
9	Groundwater monitoring	Piezometer identified as "GW3" on map titled "Manildra Meats Cootamundra Environmental Monitoring Plan" dated 23 March 2016 and on EPA file EF13/2972 (DOC16/148754-03).
10	Groundwater quality monitoring	Piezometer identified as "GW4" on map titled "Manildra Meats Cootamundra Environmental Monitoring Plan" dated 23 March 2016 and on EPA file EF13/2972 (DOC16/148754-03)
11	Groundwater quality monitoring	Piezometer identified as "GW5" on map titled "Manildra Meats Cootamundra Environmental Monitoring Plan" dated 23 March 2016 and on EPA file EF13/2972 (DOC16/148754-03)
12	Groundwater quality monitoring	Piezometer identified as "GW6" on map titled "Manildra Meats Cootamundra Environmental Monitoring Plan" dated 23 March 2016 and on EPA file EF13/2972 (DOC16/148754-03).

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13	Groundwater quality monitoring	Piezometer identified as "GW5" on map titled "Manildra Meats Cootamundra Environmental Monitoring Plan" dated 23 March 2016 and on EPA file EF13/2972 (DOC16/148754-03).
14	Groundwater quality monitoring	Piezometer identified as "GW6" on map titled "Manildra Meats Cootamundra Environmental Monitoring Plan" dated 23 March 2016 and on EPA file EF13/2972 (DOC16/148754-03)
15	Effluent utilisation area  Soil quality monitoring	Monitoring point identified as "SQ6" on map titled "Manildra Meats Cootamundra Environmental Monitoring Plan" dated 23 March 2016 and on EPA file EF13/2972 (DOC16/148754-03)
16	Effluent utilisation area  Soil quality monitoring	Monitoring point identified as "SQ7" on map titled "Manildra Meats Cootamundra Environmental Monitoring Plan" dated 23 March 2016 and on EPA file EF13/2972 (DOC16/148754-03)
17	Effluent utilisation area  Soil quality monitoring	Monitoring point identified as "SQ8" on map titled "Manildra Meats Cootamundra Environmental Monitoring Plan" dated 23 March 2016 and on EPA file EF13/2972 (DOC16/148754-03).
18	Volume monitoring	Discharge to utilisation area  Discharge point (to Barry's and Derricks) identified as "Flow meter location for Barry's and Derrick" on map titled "Flow meter Location" received 12 September 2016 and on EPA file EF13/2972 (DOC16/148754-04).

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Protection of the Environment Operations Act 1997

## General Terms of Approval - Issued



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### Limit conditions

#### *L1. Pollution of waters*

**L1.1** Except as may be expressly provided by a licence under the Protection of the Environment Operations Act 1997 in relation of the development, section 120 of the Protection of the Environment Operations Act 1997 must be complied with in connection with the carrying out of the development.

#### *L2. Waste*

**L2.1** The licensee must not cause, permit or allow any waste generated outside the premises to be received at the premises for storage, treatment, processing, reprocessing or disposal or any waste generated at the premises to be disposed of at the premises, except as expressly permitted by a licence under the Protection of the Environment Operations Act 1997.

**L2.2** This condition only applies to the storage, treatment, processing, reprocessing or disposal of waste at the premises if it requires an environment protection licence under the Protection of the Environment Operations Act 1997.

#### *L3. Odour*

**L3.1** No condition of this licence identifies a potentially offensive odour for the purposes of section 129 of the Protection of the Environment Operations Act 1997.

Note: Section 129 of the Protection of the Environment Operations Act 1997, provides that the licensee must not cause or permit the emission of any offensive odour from the premises but provides a defence if the emission is identified in the relevant environment protection licence as a potentially offensive odour and the odour was emitted in accordance with the conditions of a licence directed at minimising odour.

#### *L4. Processing volume limits*

**L4.1** The total volume of fish processed per day must not exceed 100 tonnes.

#### *L5. Livestock processing limits*

**L5.1** The premises must not process any other livestock during fish processing activities.

Note: Other livestock includes but is not limited to sheep and cattle.

### **Operating conditions**

#### *O1. Dust*

**O2.1** All operations and activities occurring at the premises must be carried out in a manner that will minimise dust at the boundary of the premises.

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### ***O2. Effluent application to land***

- O2.1** Effluent application must not occur in a manner that causes surface runoff..
- O2.2** Spray from effluent application must not drift beyond the boundary of the premises.
- O2.3** Livestock access to any effluent application area must be denied during irrigation and until the applied effluent has dried.
- O2.4** The applicant must retain the utilisation area..
- O2.5** .The quantity of effluent/solids applied to the utilisation area must not exceed the capacity of the area to effectively utilise the effluent/solids.

For the purpose of this condition, 'effectively utilise' includes the use of the effluent/solids for pasture or crop production, as well as the ability of the soil to absorb the nutrient, salt, hydraulic load and organic material.

**O2.6** Adequate notices warning the public not to drink or otherwise use the treated effluent must be erected on the site. These notices must be legible English and in any other languages as may be necessary and must indicate at least that the water in use is "Recalimed Water - Unfit for Drinking".

**O2.7** The applicant must not irrigate effluent to any area of the premises that is not a utilisation area under condition P1.2.

**O2.8** The applicant must not irrigate effluent to any area of the premises falling within 50 metres of a stream, including such an area within a utilisation area under condition P1.2.

### ***O3. Processes and management***

**O3.1** The applicant must operate the irrigation and cropping practices on the premises as per the Waste Water Management Report in force from time to time.

**O3.2** The applicant must maintain sufficient freeboard in all waste water storage dams at the premises at all times to prevent overflow.

### ***Monitoring and recording conditions***

#### ***M1 Monitoring records***

**M1.1** The results of any monitoring required to be conducted by the EPA's general terms of approval, or a licence under the Protection of the Environment Operations Act 1997, in relation to the development or in order to comply with the load calculation protocol must be recorded and retained as set out in conditions M1.2 and M1.3.

**M1.2** All records required to be kept by the licence must be:  
in a legible form, or in a form that can readily be reduced to a legible form;  
kept for at least 4 years after the monitoring or event to which they relate took place; and  
produced in a legible form to any authorised officer of the EPA who asks to see them.

**M1.3** The following records must be kept in respect of any samples required to be collected: the date(s) on which the sample was taken;

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the time(s) at which the sample was collected;  
 the point at which the sample was taken; and  
 the name of the person who collected the sample.

### ***M2. Requirement to monitor concentration of pollutants discharged***

**M2.1** For each monitoring/ discharge point or utilisation area specified below (by a point number), the applicant must monitor (by sampling and obtaining results by analysis) the concentration of each pollutant specified in Column 1. The applicant must use the sampling method, units of measure, and sample at the frequency, specified opposite in the other columns:

#### **M2.1 Land and water monitoring requirements**

##### **Points 1, 3**

<b>Pollutant</b>	<b>Units of measure</b>	<b>Frequency</b>	<b>Sampling Method</b>
Ammonia	milligrams per litre	Monthly	Representative sample
BOD	milligrams per litre	Monthly	Representative sample
Chloride	milligrams per litre	Monthly	Representative sample
Electrical conductivity	millisiemens per centimetre	Monthly	Representative sample
Phosphorus	milligrams per litre	Monthly	Representative sample
Sodium	milligrams per litre	Monthly	Representative sample
Sulfur	milligrams per kilogram	Monthly	Representative sample
Total suspended solids	milligrams per litre	Monthly	Representative sample
pH	pH	Monthly	Representative sample

##### **Points 4, 5, 6, 15, 16, 17**

<b>Pollutant</b>	<b>Units of measure</b>	<b>Frequency</b>	<b>Sampling Method</b>
Phosphorus (total)	milligrams per litre	Yearly	Special Method 1
Aggregate stability	As appropriate	Every 3 years	Special Method 1
Available phosphorus	milligrams per kilogram	Yearly	Special Method 1
Chloride	milligrams per kilogram	Yearly	Special Method 1
Electrical conductivity	microsiemens per centimetre	Yearly	Special Method 1

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Exchangeable sodium percentage	percent	Yearly	Special Method 1
pH	pH	Yearly	Special Method 1
Nitrogen (total)	milligrams per kilogram	Yearly	Special Method 1
Nitrate	milligrams per kilogram	Yearly	Special Method 1
Phosphorus sorption capacity	milligrams per kilogram	Every 3 years	Special Method 1
Sulfur	milligrams per kilogram	Yearly	Special Method 1
Potassium	milligrams per kilogram	Yearly	Special Method 1

**M2.2** For the purposes of the table(s) above Special Method 1 means representative composite samples must be taken of (a) top soils and (b) sub soils.

**Points 7, 8, 9, 10, 11, 12, 13, 14**

Pollutant	Units of measure	Frequency	Sampling Method
Orthophosphate	milligrams per litre	Yearly	Representative sample
Electrical conductivity	microsiemens per centimetre	Yearly	Representative sample
pH	pH	Yearly	Representative sample
Nitrogen (total)	milligrams per kilogram	Yearly	Representative sample
Nitrogen (ammonia)	milligrams per kilogram	Yearly	Representative sample
Standing water level	metres	Yearly	Representative sample

### **M3. Requirement to monitor volume or mass**

**M3.1** For each discharge point or utilisation area specified below, the applicant must monitor:

- the volume of liquids discharged to water or applied to the area;
- the mass of solids applied to the area;
- the mass of pollutants emitted to the air,

over the interval, at the frequency and using the method and units of measure, specified below.

Point	Units of measure	Frequency	Sampling Method
1,2,3	kilolitres	Continuous	Flow meter and continuous logger

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### ***M4. Testing methods - concentration limits***

**M4.1** Monitoring for the concentration of a pollutant emitted to the air required to be conducted by the EPA's general terms of approval, or a licence under the Protection of the Environment Operations Act 1997, in relation to the development or in order to comply with a relevant local calculation protocol must be done in accordance with:

any methodology which is required by or under the POEO Act 1997 to be used for the testing of the concentration of the pollutant; or

if no such requirement is imposed by or under the POEO Act 1997, any methodology which the general terms of approval or a condition of the licence or the protocol (as the case may be) requires to be used for that testing; or

if no such requirement is imposed by or under the POEO Act 1997 or by the general terms of approval or a condition of the licence or the protocol (as the case may be), any methodology approved in writing by the EPA for the purposes of that testing prior to the testing taking place.

Note: The *Protection of the Environment Operations (Clean Air) Regulation 2010* requires testing for certain purposes to be conducted in accordance with test methods contained in the publication "Approved Methods for the Sampling and Analysis of Air Pollutants in NSW".

### ***Reporting conditions***

#### ***R1. Annual returns***

**R1.1** The applicant must provide an annual return to the EPA in relation to the development as required by any licence under the Protection of the Environment Operations Act 1997 in relation to the development. In the return the applicant must report on the annual monitoring undertaken (where the activity results in pollutant discharges), provide a summary of complaints relating to the development, report on compliance with licence conditions and provide a calculation of licence fees (administrative fees and, where relevant, load based fees) that are payable.

### ***Special conditions***

#### ***E1. Management plans/audit***

**E1.1** The applicant must prepare an odour management plan to monitor and maintain the effectiveness of the render plant housing and biofilter and incorporate the recommendations from The Odour Unit report titled 'Odour Management System Review Assessment' dated 22 September 2020.

**E1.2** The applicant must engage a suitably qualified person to conduct an odour audit of the fish processing activities within one month from the commencement of fish processing operations and then a further audit every 12 months after the initial audit while fish are being processed.

The audit must determine;

1. If fish processing odours are emanating off-site from the premises, and if fish odour is detected the offensiveness of the odour, the source and a resolution to minimise the odour.
2. The fish processing activities compliance with the conditions of the licence and the *Protection of the Environment Protection Operations Act 1997*.

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### Attachment 'B' – Mandatory Conditions for all EPA licences

#### Operating conditions

##### Activities must be carried out in a competent manner

Licensed activities must be carried out in a competent manner.

This includes:

- a. the processing, handling, movement and storage of materials and substances used to carry out the activity; and
- b. the treatment, storage, processing, reprocessing, transport and disposal of waste generated by the activity.

#### Maintenance of plant and equipment

All plant and equipment installed at the premises or used in connection with the licensed activity:

- a. must be maintained in a proper and efficient condition; and
- b. must be operated in a proper and efficient manner.

#### Monitoring and recording conditions

##### Recording of pollution complaints

The licensee must keep a legible record of all complaints made to the licensee or any employee or agent of the licensee in relation to pollution arising from any activity to which this licence applies.

The record must include details of the following:

- the date and time of the complaint;
- the method by which the complaint was made;
- any personal details of the complainant which were provided by the complainant or, if no such details were provided, a note to that effect;
- the nature of the complaint;
- the action taken by the licensee in relation to the complaint, including any follow-up contact with the complainant; and
- if no action was taken by the licensee, the reasons why no action was taken.

The record of a complaint must be kept for at least 4 years after the complaint was made.

The record must be produced to any authorised officer of the EPA who asks to see them.

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### Telephone complaints line

The licensee must operate during its operating hours a telephone complaints line for the purpose of receiving any complaints from members of the public in relation to activities conducted at the premises or by the vehicle or mobile plant, unless otherwise specified in the licence.

The licensee must notify the public of the complaints line telephone number and the fact that it is a complaints line so that the impacted community knows how to make a complaint.

This condition does not apply until 3 months after this condition takes effect.

### Reporting conditions

#### Annual Return documents

##### ***What documents must an Annual Return contain?***

The licensee must complete and supply to the EPA an Annual Return in the approved form comprising:

- a. Statement of Compliance; and
- b. Monitoring and Complaints Summary.

A copy of the form in which the Annual Return must be supplied to the EPA accompanies this licence. Before the end of each reporting period, the EPA will provide to the licensee a copy of the form that must be completed and returned to the EPA.

##### ***Period covered by Annual Return***

An Annual Return must be prepared in respect of each reporting, except as provided below

*Note: The term "reporting period" is defined in the dictionary at the end of this licence. Do not complete the Annual Return until after the end of the reporting period.*

Where this licence is transferred from the licensee to a new licensee,

- a. the transferring licensee must prepare an annual return for the period commencing on the first day of the reporting period and ending on the date the application for the transfer of the licence to the new licensee is granted; and
- b. the new licensee must prepare an annual return for the period commencing on the date the application for the transfer of the licence is granted and ending on the last day of the reporting period.

*Note: An application to transfer a licence must be made in the approved form for this purpose.*

Where this licence is surrendered by the licensee or revoked by the EPA or Minister, the licensee must prepare an annual return in respect of the period commencing on the first day of the reporting period and ending on

- a. in relation to the surrender of a licence - the date when notice in writing of approval of the surrender is given; or
- b. in relation to the revocation of the licence – the date from which notice revoking the licence operates.

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### **Deadline for Annual Return**

The Annual Return for the reporting period must be supplied to the EPA by registered post not later than 60 days after the end of each reporting period or in the case of a transferring licence not later than 60 days after the date the transfer was granted (the 'due date').

### **Notification where actual load can not be calculated**

(Licences with assessable pollutants)

Where the licensee is unable to complete a part of the Annual Return by the due date because the licensee was unable to calculate the actual load of a pollutant due to circumstances beyond the licensee's control, the licensee must notify the EPA in writing as soon as practicable, and in any event not later than the due date.

The notification must specify:

- a. the assessable pollutants for which the actual load could not be calculated; and
- b. the relevant circumstances that were beyond the control of the licensee.

### **Licensee must retain copy of Annual Return**

The licensee must retain a copy of the annual return supplied to the EPA for a period of at least 4 years after the annual return was due to be supplied to the EPA.

### **Certifying of Statement of Compliance and Signing of Monitoring and Complaints Summary**

Within the Annual Return, the Statement of Compliance must be certified and the Monitoring and Complaints Summary must be signed by:

- a. the licence holder; or
- b. by a person approved in writing by the EPA to sign on behalf of the licence holder.

A person who has been given written approval to certify a Statement of Compliance under a licence issued under the Pollution Control Act 1970 is taken to be approved for the purpose of this condition until the date of first review this licence.

### **Notification of environmental harm**

**Note:** The licensee or its employees must notify the EPA of incidents causing or threatening material harm to the environment immediately after the person becomes aware of the incident in accordance with the requirements of Part 5.7 of the Act

Notifications must be made by telephoning the EPA's Pollution Line service on 131 555.

The licensee must provide written details of the notification to the EPA within 7 days of the date on which the incident occurred.

### **Written report**

Where an authorised officer of the EPA suspects on reasonable grounds that:

- a. where this licence applies to premises, an event has occurred at the premises; or

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b. where this licence applies to vehicles or mobile plant, an event has occurred in connection with the carrying out of the activities authorised by this licence,

and the event has caused, is causing or is likely to cause material harm to the environment (whether the harm occurs on or off premises to which the licence applies), the authorised officer may request a written report of the event.

The licensee must make all reasonable inquiries in relation to the event and supply the report to the EPA within such time as may be specified in the request.

The request may require a report which includes any or all of the following information:

- a. the cause, time and duration of the event;
- b. the type, volume and concentration of every pollutant discharged as a result of the event;
- c. the name, address and business hours telephone number of employees or agents of the licensee, or a specified class of them, who witnessed the event; and
- d. the name, address and business hours telephone number of every other person (of whom the licensee is aware) who witnessed the event, unless the licensee has been unable to obtain that information after making reasonable effort;
- e. action taken by the licensee in relation to the event, including any follow-up contact with any complainants;
- f. details of any measure taken or proposed to be taken to prevent or mitigate against a recurrence of such an event;
- g. any other relevant matters.

The EPA may make a written request for further details in relation to any of the above matters if it is not satisfied with the report provided by the licensee. The licensee must provide such further details to the EPA within the time specified in the request.

## General conditions

### **Copy of licence kept at the premises or on the vehicle or mobile plant**

A copy of this licence must be kept at the premises or on the vehicle or mobile plant to which the licence applies.

The licence must be produced to any authorised officer of the EPA who asks to see it.

The licence must be available for inspection by any employee or agent of the licensee working at the premises or operating the vehicle or mobile plant.

**8.4.2 DEVELOPMENT APPLICATIONS APPROVED SEPTEMBER 2020**

DOCUMENT NUMBER	337592
REPORTING OFFICER	Sharon Langman, Manager Development, Building and Compliance
AUTHORISING OFFICER	Phillip McMurray, General Manager
RELEVANCE TO COMMUNITY STRATEGIC PLAN	<b>3. Sustainable natural and built environments: we connect with the places and spaces around us</b> 3.2 Our built environments support and enhance liveability
FINANCIAL IMPLICATIONS	There are no Financial implications associated with this report.
LEGISLATIVE IMPLICATIONS	Compliance with the provisions of the Environmental Planning and Assessment Act, 1979 and related legislation.
POLICY IMPLICATIONS	There are no Policy implications associated with this report.
ATTACHMENTS	Nil

**RECOMMENDATION**

**The information on Development Applications Approved in September 2020 be noted.**

Introduction

The Development Applications Approved in September 2020 Report is submitted for information of the Council and community regarding development applications processed.

Discussion

The following development applications were approved by Cootamundra-Gundagai Regional Council in September 2020.

APP. NO.	PROPOSED DEVELOPMENT	PROPERTY DESCRIPTION
DA.2020.152	Demolish Dwelling	Lot 7 Sec G DP2203 Congou St Cootamundra
DA.2020.142	Dwelling Alterations & Additions - New Awning	Lot 21 DP1093742 Matilda Ave Cootamundra
DA.2020.139	New Dwelling/Extensions	Lot 64 DP23475 Wall Ave Cootamundra
DA.2020.129	New Carport	Lot 13 Sec A DP4840 Gundagai Rd Cootamundra
DA.2020.128	New Shed	Lot B DP319665 Morris St Cootamundra
DA.2020.127	New Shed	Lot 3 DP26262 Francis St Cootamundra
CDC.2020.16	New Inground Swimming Pool	Lot C DP331211 Temora St Cootamundra
DA.2020.125	New Carport	Lot 56 DP707561 Allumba Pl Cootamundra

DA.2020.124	New Shed	Lot 1 DP403817 Berthong Rd Cootamundra
DA.2020.122	Dwelling Alterations/Additions	Lot B DP312228 Warren St Cootamundra
DA.2020.121	New Dwelling/Extensions	Lot B DP164904 Punch St Gundagai
DA.2020.113	New Carport	Lot 1 DP35621 Bullecourt St Cootamundra
DA.2020.112	New Shed	Lot 4 DP1083214 Old Cootamundra Rd Cootamundra
DA.2020.110	Install Pump Track	Lot 7009 DP1021379 Wallendoon St Cootamundra
DA.2020.109	Install Rock Climbing Wall	Plt 1 Sec 60 DP758287 Murray St Cootamundra
DA.2020.104	Funeral home (office and meeting rooms only) and signage - convert existing dwelling into funeral home	Lot 19 DP1064710 Kitchener St Gundagai
DA.2020.102	New Dwelling & New Rear Shed	Lot 315 DP751421 Charlotte St Gundagai
DA.2020.96	New Retaining Wall	Lot 1 DP89977 Homer St Gundagai
DA.2020.92	Demolish Existing Toilet Block & Construct New Toilet Block	Lot D DP396068 Bourke St Cootamundra
DA.2020.62	New Shed	Lot 10 DP111918 Charlotte St Gundagai

**VALUE OF WORK REPORTED TO THIS MEETING:** **\$1,513,378.00**  
**VALUE OF WORK REPORTED YEAR TO DATE:** **\$4,575,907.00**

**THIS TIME LAST YEAR:**

**VALUE OF WORK –September 2019:** **\$2,355,890.00**  
**VALUE OF WORK – YTD 2019:** **\$5,138,838.00**

**8.5 REGULATORY SERVICES**

Nil

**8.6 ASSETS**

Nil

## 8.7 CIVIL WORKS

### 8.7.1 CIVIL WORKS AND TECHNICAL SERVICES REPORT - OCTOBER 2020

DOCUMENT NUMBER	337525
REPORTING OFFICER	Julie Buckley, Operations Support Officer
AUTHORISING OFFICER	Phillip McMurray, General Manager
RELEVANCE TO COMMUNITY STRATEGIC PLAN	<b>3. Sustainable natural and built environments: we connect with the places and spaces around us</b>  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	Nil

### RECOMMENDATION

**The Civil Works and Technical Services Report for the month of October 2020 be received.**

#### Introduction

This report provides a detailed update of the Civil Works and Technical Services Department's works undertaken for the month of October, 2020.

#### Discussion

Cootamundra's grading crews have been undertaking gravel road maintenance on Illawong Road, Back Nubba Road, Killarney Road and Fontenoy Lane. Gundagai crews have completed maintenance grading around the Yammatree, Reno and Mingay Road areas. Crews will then be moving towards Tarrabandra and Bundarbo. Preliminary works have commenced on Nanangroe Road including topsoil stripping and shoulder widening. Gravel resheeting has been completed on Brawlin Road.

Bitumen road patching works across all bitumen roads is still a high priority for Council, State and Regional roads. Patching works have been completed on Nangus, Muttama and Gobarralong Roads. Heavy patching works have commenced on the Olympic Highway and Burley Griffin Way in the last week which are part of the approved Transport for NSW patching program for the current year and undertaken under the Roads Maintenance Council Contract (RMCC). Roadside spraying of vegetation is continuing on the road shoulders. Mowing and slashing works have been undertaken in Wallendbeen, Cootamundra and at the Aerodrome.

Culverts are being installed along Bundarbo Road with Gundagai crews undertaking cleaning of town street culverts and ongoing maintenance.

Preliminary investigation and drainage works have been completed on Mount and West Streets, Gundagai in preparation of Stabilisation Works. Private works are continuing on the Boundary Road, Cootamundra sub-division with all the drainage works expected to be completed by the end of October, 2020 weather permitting.

**8.7.2 AERODROME USERS GROUP - MEETING NOTES HELD ON 13 OCTOBER 2020**

DOCUMENT NUMBER	337472
REPORTING OFFICER	Julie Buckley, Operations Support Officer
AUTHORISING OFFICER	Phillip McMurray, General Manager
RELEVANCE TO COMMUNITY STRATEGIC PLAN	<b>3. Sustainable natural and built environments: we connect with the places and spaces around us</b> 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. Aerodrome Users Group Meeting Notes held on 13 October 2020 <a href="#">↓</a>

**RECOMMENDATION**
**That Council:**

1. **Write to Aerodrome users seeking nominations to convene an Aerodrome Advisory Committee, and if sufficient interest is received, Council convene the committee;**
2. **Undertake preliminary investigation of options for an annual fee structure for discussion with Aerodrome users/Aerodrome Advisory Committee;**
3. **Consider the establishment of a working relationship with the Aircraft Owners & Pilots Association (AOPA) and local pilots to form a partnership with Council to host an annual AOPA event;**
4. **Ensure the Cootamundra Aerodrome and its proximity to town is promoted on Council's website and social media platforms; and**
5. **Aerodrome fees and charges contained in Council's 2020/21 revenue policy not be levied.**

Introduction

At the 30 June 2020 Council Meeting it was recommended that a consultation process on the development of annual fees for use of the aerodrome be undertaken with aerodrome users.

Discussion

An Aerodrome Users Group Meeting was held on Tuesday, 13 October 2020 and attached are the Meeting Notes from this meeting.

There was consensus from all users that an introduction of landing fees would discourage use of the airfield, but there is potentially an option for annual charges.

Suggestions arising from discussion were:

1. To reconvene an Aerodrome Advisory Committee
2. Investigate the option of introducing an annual fee structure and discuss further with Aerodrome users/ Advisory Committee
3. Consider the establishment of a working relationship with the Aircraft Owners & Pilots Association (AOPA) and local pilots to form a partnership with Council to host an annual AOPA event.
4. Council not levy any of the adopted fees and charges in the interim.



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# Meeting Notes

## AERODROME USERS GROUP MEETING

ALBY SCHULTZ MEETING CENTRE, Cooper Street, Cootamundra

3:30pm, Tuesday 13 October, 2020

### 1 AGENDA ITEMS

Meeting opened at 3.30pm

#### 1.1 Attendance

John Chamberlain, Ben Morgan, John Fleming, Phil Hines, James McDonald, Terry McKenzie, Kim Martel, Greg Porter, Paul Roberts, Peter Ruwald, Tom Schade, John Washbrook, Alf George, Brian Medhurst, Bec Medhurst, Geoff Wilcock, Tony Smart, Col Adams, Scott Adams, Bob Kerr, Clinton McKenzie, Trudii Cooper-Duck, Joel Netherwood & Darren Thompson

#### 1.2 Apologies

Peter & Clare Hunt, Malcolm Hardy, Blair Savege

#### 1.3 Discussion:

##### *Information from Council*

- Council currently undertaking a trial with Avdata to ascertain the value of landing fees at Cootamundra Aerodrome. At the end of the trial a report detailing the results will be submitted to Council for their consideration.
- Yearly maintenance costs of the aerodrome - \$60,000
- Income from events this year – Nil due to COVID restrictions
- Council receives a percentage of the income through fuel sold through the bowsers

##### *General discussion*

- Confusion over Avdata charges – they take 30% and the issues with identifying correct aircraft to charge landing fees. Cost to administer out ways revenue. Avdata information not reliable
- Some Councils that imposed charges found that it was not viable after paying administration and other costs
- Airport is a part of the town just like parks and gardens and users shouldn't have an annual charge
- An example was when Wagga had fees at their airport and they lost a major user
- Only Airport in NSW within walking distance to town so attracts many fly ins benefiting the town. Pilots drive up regional tourism in a small town.
- Current freight users could return to Temora or other 'free' aerodromes for their twice daily deliveries of medical, veterinary and general freight if fees imposed
- Comparison sheet provided detailed higher standard of airports

- Fees:
  - Temora (\$12.00) or \$398/day (agricultural purposes)
  - Cowra (\$7 pp) – Fred Fahey has not been charged
  - Tumut – did have an annual fee
  - West Wyalong \$110/day (agricultural purposes)
  - Griffith – annual fee \$300
- Introduction of landing fees will:
  - Drive aircraft owners away- aircrafts go to nearest airport with no fees
  - Pilots avoid visiting towns that have fees
  - Visitors will not come to town and spend money as they won't land due to fees being imposed
  - Increase fuel prices
- West Wyalong Council administer their own cameras and have yearly charges
- No reference on Cootamundra-Gundagai website to airport at Cootamundra
- AOPA inject money into towns when they host an annual event through their Association
- Pilots have access to a book that lists aerodrome landing charges
- Limited facilities available for pilots and passengers
- Standard of facilities at Cootamundra lower than a high level terminal eg no terminal, no hardstand parking for aircraft or crew services
- Expense of airfield overstated because income from rates paid by facility owners is not included

#### 1.4 Suggestions:

- Suggestion of an annual landing fee
- Suggestion of creating a working relationship with the Aircraft Owners & Pilots Association (AOPA) and local Pilots to form a partnership with Council to host an annual AOPA event
- Suggestion that an Advisory Committee be formed
- Investigate other ways to make up costs

#### 1.5 Questions:

- Asked if Council has contacted other Councils on the impact these charges have on the town?
- Has Council explored whether there is an option to charge through cents per litre added to the cost of fuel purchased from the AVGAS bowser?
- What is the methodology of fee collection and the cost of that methodology?

Time Meeting Closed 4.00pm

#### Outcome:

Council will consider all information provided at the Users Group Meeting and will present a report to a future Council Meeting.

## **8.8 TECHNICAL SERVICES**

Nil

## 8.9 FACILITIES

### 8.9.1 UPDATE FOR GUNDAGAI PARKS AND GARDENS - SEPTEMBER 2020

DOCUMENT NUMBER	337848
REPORTING OFFICER	Andrew Brock, Manager Facilities
AUTHORISING OFFICER	Andrew Brock, Manager Facilities
RELEVANCE TO COMMUNITY STRATEGIC PLAN	<p><b>3. Sustainable natural and built environments: we connect with the places and spaces around us</b></p> <p>3.2 Our built environments support and enhance liveability</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	Nil

#### RECOMMENDATION

**The Works Update for Gundagai Parks and Gardens – September 2020 be received and noted.**

#### Introduction

This report provides an update on works being undertaken by the Gundagai Parks and Gardens.

#### Discussion

Crews have completed the transfer of roses from the Visitor Information Centre, into the newly created garden beds at Carberry Park. The replacement memorial tree has been planted back in Carberry Park to complete the landscaping works. Staff received acknowledgement of their work via a thank you card from the Carberry family for their hard work, care and attention to detail.

Tree removal and pruning works have been undertaken throughout the Gundagai Township this month, with continued works programmed for later in the year.

Tree planting, as part of the Gundagai master plan is currently being undertaken, in between additional mowing requests due to the seasonal conditions creating irregular seasonal growth.

Staff have been working at the Gundagai pool with contractors preparing the pool for the upcoming season. Major works have been undertaken to mitigate the leaks to the aging pool and works within the pump room for servicing and replacement of aged equipment have been completed. Major pipes throughout the complex have been repaired and further works are planned after the 20/21 season is closed. Replacement of rubber soft fall work to the playground is also anticipated to be completed prior to the pool season starting. A detailed risk assessment has been carried out prior to the season and works have been actioned accordingly.

Refurbishment works including new gardens, water bubblers and seating have been undertaken at Palmer Park and Friendship Park. Garden maintenance is underway in the main street with additional garden beds being developed as part of the final main street works.

The project team have been working with contractors to complete various works and preparing information for further expressions of interest on future projects. The development team has been assisting with project issues and consent requirements.

Council facilities are currently being audited for fire safety upgrades. Existing solar systems on the facilities are being inspected and overhauled where necessary.

## 8.10 WASTE, PARKS AND RECREATION

### 8.10.1 FEASIBILITY OF A WASTE TRANSFER STATION AT ADJUNGBILLY

DOCUMENT NUMBER	337574
REPORTING OFFICER	Wayne Bennett, Manager Waste, Parks and Recreation Services
AUTHORISING OFFICER	Phillip McMurray, General Manager
RELEVANCE TO COMMUNITY STRATEGIC PLAN	<p><b>1. A vibrant and supportive community: all members of our community are valued</b></p> <p>1.1 Our Community is inclusive and connected</p>
FINANCIAL IMPLICATIONS	Proposed Capital Cost to the Waste Fund of approximately <b>\$70,000</b> and an annual recurrent cost of <b>\$35,000</b> .
LEGISLATIVE IMPLICATIONS	The proposal would require DA, Planning and EPA approvals
POLICY IMPLICATIONS	The proposal would need to meet all current Waste Management requirements as per Council related policy and EPA agreements.
ATTACHMENTS	Nil

### RECOMMENDATION

1. The report on the Feasibility of a Waste Transfer Station for Adjungbilly be received and noted.
2. The information on the Feasibility of a Waste Transfer Station for Adjungbilly, contained in the report, be considered by Council.

### Introduction

The report on the Feasibility of a Waste Transfer Station for Adjungbilly is in response to inquiries received from a number of Adjungbilly residents in relation to the construction of a Waste Transfer Station, in the vicinity of Adjungbilly, and the associated feasibility of constructing such a facility.

It has been prepared for discussion and the consideration of Council.

### Discussion

Since the introduction of the Rural Waste Charge in the Gundagai area there has been an expectation from certain residents that Council would install a Waste Transfer Station at the village of Adjungbilly.

At this stage there has been no planning or investigation of the possibility of the construction of a Waste Transfer Station for that area. Nor has any site been identified by Council as being suitable or available for its location.

The closest Waste Transfer Station available for Adjungbilly residents is located at Coolac, approximately 40 kilometres (40 minutes) away.

The expense for the operation of four Council operated Waste Transfer Stations for 2019/2020 was \$136,181. Using an average case scenario, each transfer station has a cost to Council of approximately \$34,045 per annum (pa). By means of this as a base for discussion, to add another transfer station would increase Councils waste costs by approximately \$34,045 pa.

As waste is a full cost recovery operation, such costs would have to be recouped from the rural rate payers over the entire local government area. The number of rateable rural properties that are currently paying the rural waste levy is not available at the time of preparing this report. Therefore, the increase for each rateable rural property is unknown at this stage. Such information could be available later.

### **Planning and Construction Costs.**

Firstly, a study to determine the need for such a facility would have to be undertaken. This would involve surveys and determination of the amount of properties or users that would utilise the facility, in comparison to what alternative options are currently available.

An investigation of available land that is suitable and zoned accordingly, for use as a Waste Transfer Station would need to be undertaken. As no such investigation has been undertaken there is no guarantee that such a site exists.

The following Scope of Works is based on the presumption that Council land is available and has been DA & EPA approved as 'fit for purpose'.

The Scope of Works and financial estimates required to build a new Waste Transfer Station are as follows:

- Planning and design preparation and approvals - \$5,000.
- Site preparation and access (i.e. clearing and levelling, surface preparation, environmental protection) - \$45,000.
- Security, fencing and gates - \$12,000.
- Bins - \$8,000.

Estimated establishment costs would be approximately \$70,000.

The investigation into the feasibility of a Waste Transfer Station for Adjungbilly is identified within the draft Waste Strategy. To date there has been no funding allocated for such an investigation or construction of such a facility for the 2020/2021 financial year.

It is recommended that Council discuss the merits of undertaking the investigation of the construction of a waste transfer facility to be located at Adjungbilly.

**9 MOTION OF WHICH NOTICE HAS BEEN GIVEN**

Nil

**10 QUESTIONS WITH NOTICE**

Nil

## 11 CONFIDENTIAL ITEMS

### 11.1 CONFIDENTIAL REPORTS

DOCUMENT NUMBER	337686
REPORTING OFFICER	Marianne McInerney, Personal Assistant to the General Manager
AUTHORISING OFFICER	Phillip McMurray, General Manager
RELEVANCE TO COMMUNITY STRATEGIC PLAN	<p><b>4. Good governance: an actively engaged community and strong leadership team</b></p> <p>4.2 Active participation and engagement in local decision-making</p>
FINANCIAL IMPLICATIONS	There are no Financial implications associated with this report.
LEGISLATIVE IMPLICATIONS	To facilitate compliance with sections 10 and 11 of the Local Government Act 1993.
POLICY IMPLICATIONS	There are no Policy implications associated with this report.
ATTACHMENTS	Nil

#### Note

Council's Code of Meeting Practice allows members of the public present to indicate whether they wish to make representations to the meeting, before it is closed to the public, as to whether that part of the meeting dealing with any or all of the matters listed should be closed.

#### RECOMMENDATION

1. Item be considered in closed Council at which the press and public are excluded in accordance with the applicable provisions of the Local Government Act, 1993 and related public interest reasons detailed.
2. In accordance with section 11 (2) and (3) of the Local Government Act, 1993, the reports, correspondence and other documentation relating to Item be withheld from the press and public.

### 11.2 LOT 1 TURNERS LANE COOTAMUNDRA

#### Provisions for Confidentiality

Section 10A (2) (e) – The Confidential Report contains information that would, if disclosed, prejudice the maintenance of law.

#### Public Interest

It is considered that discussion of this matter in Open Council would, on balance, be contrary to the public interest as it may prejudice Council's ability to secure the optimum outcome for the community.