

Business Paper

ORDINARY COUNCIL MEETING

**ALBY SCHULTZ MEETING CENTRE,
COOTAMUNDRA**

6:00PM, Tuesday 27th October, 2026

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 meeting Centre, Cootamundra on:

Tuesday, 27th October, 2026 at 6:00PM

The agenda for the meeting is enclosed.

Roger Bailey
Interim General Manager

Live Streaming of Meetings Statement

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. Please refrain from making any defamatory statements.

Statement of Ethical Obligations

The Mayor and Councillors are bound by the Oath/Affirmation of Office made at the start of the Council term to undertake their civic duties in the best interests of the people of Cootamundra-Gundagai Regional Council and to faithfully and impartially carry out the functions, powers, authorities and discretions vested in them under the Local Government Act or any other Act, to the best of their skill and judgement.

It is also a requirement that the Mayor and Councillors disclose conflicts of interest in relation to items listed for consideration on the Agenda or which are considered at this meeting in accordance with Council's Code of Conduct and Code of Meeting Practice.

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 APOLOGIES, LEAVE OF ABSENCE AND AUDIO-VISUAL ATTENDANCE REQUESTS**3 DISCLOSURES OF INTEREST**

4 CONFIRMATION OF MINUTES

4.1 MINUTES OF THE ORDINARY MEETING OF COUNCIL HELD ON TUESDAY 22 SEPTEMBER 2026

REPORTING OFFICER	Teresa Breslin, Executive Assistant to Mayor and General Manager
AUTHORISING OFFICER	Roger Bailey, Interim 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 22 September 2026

RECOMMENDATION

That the Minutes of the Ordinary Meeting of Council held on Tuesday 22 September 2026 be confirmed as a true and correct record of the meeting.



**COOTAMUNDRA-
GUNDAGAI REGIONAL
COUNCIL**

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

Minutes

ORDINARY COUNCIL MEETING

COUNCIL CHAMBERS, GUNDAGAI

6:00PM, TUESDAY 22nd September, 2026

Administration Centres: 1300 459 689

**MINUTES OF COOTAMUNDRA-GUNDAGAI REGIONAL COUNCIL
ORDINARY COUNCIL MEETING
HELD AT THE COUNCIL CHAMBERS, GUNDAGAI
ON TUESDAY, 22 SEPTEMBER 2026 AT 6:02PM**

PRESENT: Cr Abb McAlister (Mayor), Cr Rosalind Wight (Deputy Mayor), Cr Logan Collins, Cr Les Cooper, Cr David Graham, Cr Gil Kelly, Cr Penny Nicholson, Cr Ethan Ryan, Cr Danyal Syed

IN ATTENDANCE: Roger Bailey (Interim General Manager), Trevor Dando (Acting Deputy General Manager - Operations), Damian Smith (Acting Manager Finance), Linda Wiles (Manager Business), Teresa Breslin (Executive Assistant)

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 APOLOGIES, LEAVE OF ABSENCE, AND AUDIO-VISUAL ATTENDANCE REQUESTS

2.1 APOLOGIES

Nil

2.2 LEAVE OF ABSENCE

Nil

2.3 AUDIO-VISUAL ATTENDANCE REQUESTS

Nil

3 DISCLOSURES OF INTEREST

Nil

4 CONFIRMATION OF MINUTES

4.1 MINUTES OF THE ORDINARY MEETING OF COUNCIL HELD ON TUESDAY 25 AUGUST 2026

RESOLUTION 223/2026

Moved: Cr Logan Collins

Seconded: Cr Ethan Ryan

That the Minutes of the Ordinary Meeting of Council held on Tuesday 25 August 2026 be confirmed as a true and correct record of the meeting.

CARRIED

5 MAYORAL MINUTES

5.1 MAYORAL MINUTE - COUNCILLOR ENGAGEMENTS - 18 JULY 2026 - 14 SEPTEMBER 2026

RESOLUTION 224/2026

Moved: Cr Les Cooper

Seconded: Cr Penny Nicholson

The information in the Councillor Engagements Mayoral Minute be received and noted.

CARRIED

6 REPORTS FROM COMMITTEES

Item - 6.1 Minutes of the Demerger Transition Committee Meeting held on Tuesday 15 September 2026 was considered after the Election of Mayor and Deputy Mayor.

7 GENERAL MANAGER'S REPORT

7.1 GENERAL MANAGER OFFICE

7.1.1 ELECTION OF THE MAYOR

RESOLUTION 225/2026

Moved: Cr Logan Collins

Seconded: Cr Gil Kelly

That Council:

- 1. Notes the report on the nominations for and election for the position of Mayor for the period to September 2028 or the demerger of the Council, whichever occurs first;**
- 2. Determine the method of voting for the position of Mayor be by, Ordinary Ballot.**
- 3. Proceed to hold the election for the position of Mayor for the term.**

CARRIED

The Mayor stood down and the Returning Officer proceeded with the election process.

The Returning Officer confirmed that one nomination had been received for the position of Mayor, namely Cr Abb McAlister. Before proceeding, the Returning Officer asked whether there were any further nominations. No further nominations were received.

The Returning Officer then declared Cr Abb McAlister as Mayor for the period to September 2028 or the demerger of the Council, whichever occurs first.

Mayor McAlister assumed the Chair.

The Mayor gave address to Council and the community.

7.1.2 ELECTION OF THE DEPUTY MAYOR

RESOLUTION 226/2026

Moved: Cr Logan Collins

Seconded: Cr David Graham

That Council:

- 1. Note the report on the appointment of and procedure for the election of a Deputy Mayor;**
- 2. Elect a Deputy Mayor from its number for the Mayoral term.**
- 3. Pay to the Deputy Mayor, from the Mayor's annual fee, a sum of \$500 per month in recognition of such times where the Deputy Mayor acts in the office of Mayor; and**
- 4. Hold an election for the position of Deputy Mayor on the same basis as for the Mayoral position.**

CARRIED

The Returning Officer confirmed that one nomination had been received for the position of Deputy Mayor, namely Cr Ethan Ryan. Before proceeding, the Returning Officer asked whether there were any further nominations. No further nominations were received.

The Returning Officer then declared Cr Ethan Ryan as Deputy Mayor for the period to September 2028 or the demerger of the Council, whichever occurs first.

At 6:10 pm, Cr Ethan Ryan left the meeting.

At 6:10 pm, Cr Abb McAlister left the meeting.

At 6:12 pm, Cr Ethan Ryan returned to the meeting.

At 6:12 pm, Cr Abb McAlister returned to the meeting.

Cr Abb McAlister addressed the Council and the community, thanking Cr Ros Wight for her service as Deputy Mayor.

Cr Ros Wight, previous Deputy Mayor, addressed Council and the community.

6.1 MINUTES OF THE DEMERGER TRANSITION COMMITTEE MEETING HELD ON TUESDAY 15 SEPTEMBER 2026

RESOLUTION 227/2026

Moved: Cr Rosalind Wight

Seconded: Cr Gil Kelly

- 1. That the Minutes of the Demerger Transition Committee Meeting held on Tuesday 15 September 2026, attached to the report, be received and noted.**
- 2. In consideration of the Demerger Transition Committees recommendations detailed in the minutes, Council endorse the following:**
 - 2.1. That Council allocate its 2026-2027 financial year cash reserves opening balances based on the audited FY26 closing balances and distributed between the proposed successor Councils using the percentages from the Morrison Low Advisory Cash Analysis Allocation report, namely while noting that:**

- The Employee Leave Entitlement and Plant reserves will need to be recalculated as at 30 June 2027.
- Any pre-paid Financial Assistance Grants will need to be allocated based on appropriate pro-rata basis for both the General and Roads Component.

	Cootamundra		Gundagai	
	%	%	%	\$
Developer Contributions - General	48.0%	\$702,826	52.0%	\$762,826
Developer Contributions - Sewer	100.0%	\$421,276	0.0%	\$0
Unexpended Grants	49.3%	\$892,240	50.7%	\$918,999
Water Supply	14.5%	\$1,220,648	85.5%	\$7,206,966
Sewerage Service	98.5%	\$4,961,255	1.5%	\$74,381
Domestic Waste	77.0%	\$2,104,848	23.0%	\$629,513
Stormwater Infrastructure Renewal	93.7%	\$453,106	6.3%	\$30,354
		\$10,756,200		\$9,623,038
Employees Leave Entitlement	51.2%	\$861,371	48.8%	\$821,332
Plant Replacement	52.8%	\$1,221,996	47.2%	\$1,090,721
Waste Management	70.0%	\$350,000	30.0%	\$150,000
Bradman's Birthplace	100.0%	\$76,337	0.0%	\$0
Cootamundra Heritage Centre	100.0%	\$25,882	0.0%	\$0
Cemetery	50.0%	\$12,886	50.0%	\$12,886
Development - Land & Buildings	69.1%	\$1,220,510	30.9%	\$545,561
Cootamundra Caravan Park	100.0%	\$215,737	0.0%	\$0
Aerodrome Bitumen Resurfacing	100.0%	\$160,788	0.0%	\$0
Quarries & Pit Restoration	92.9%	\$230,672	7.1%	\$17,653
Southern Phone	100.0%	\$505,598	0.0%	\$0
Dog on the Tuckerbox Land	0.0%	\$0	100.0%	\$367,500
		\$4,881,777		\$3,005,653

CARRIED

7.2 BUSINESS

7.2.1 SECTION 355 COMMITTEE MEETING MINUTES

RESOLUTION 228/2026

Moved: Cr Logan Collins

Seconded: Cr Danyal Syed

That the following s.355 Committee Meeting minutes, attached to the report, be received and noted:

1. The Ordinary Minutes of The Muttama Creek Regeneration s.355 Committee dated 12 August 2026.
2. The Annual General Meeting Minutes (inclusive of the Chairmans Report and Financial Statement 2025-2026) of the Bradman Birthplace s.355 Committee dated 19 August 2026.
3. The Office bearers and membership of the Bradman Birthplace s.355 Committee as detailed in the report be endorsed.
4. The Ordinary Minutes of the Stockinbingal Ellwood's Hall s.355 Committee dated 24 August 2026.

CARRIED

7.2.2 DRAFT BUSINESS CONTINUITY MANAGEMENT POLICY

RESOLUTION 229/2026

Moved: Cr Penny Nicholson

Seconded: Cr David Graham

That the Business Continuity Management Policy attached to the report be adopted.

CARRIED

7.3 FINANCE

7.3.1 FINANCE UPDATE - AUGUST 2026

RESOLUTION 230/2026

Moved: Cr David Graham

Seconded: Cr Gil Kelly

That the Finance Update report for the month of August 2026, be noted.

CARRIED

At 6:22 pm, Cr Abb McAlister left the meeting.

Cr Ethan Ryan (Deputy Mayor) assumed the Chair.

7.3.2 RESTRICTED CASH RECONCILIATION - AUGUST 2026

RESOLUTION 231/2026

Moved: Cr Gil Kelly

Seconded: Cr David Graham

The Restricted Cash Reconciliation report for the period ending 31 August 2026, be received and noted.

CARRIED

At 6:24 pm, Cr Abb McAlister returned to the meeting.

Cr Abb McAlister (Mayor) resumed the Chair.

7.3.3 INVESTMENT REPORT - AUGUST 2026

RESOLUTION 232/2026

Moved: Cr Ethan Ryan

Seconded: Cr Rosalind Wight

The report detailing Council Cash and Investments as at 31st August 2026, be noted.

CARRIED

7.3.4 LODGEMENT OF FINANCIAL STATEMENTS FOR YEAR ENDED 30 JUNE 2026

RESOLUTION 233/2026

Moved: Cr David Graham

Seconded: Cr Les Cooper

That:

- 1. The Mayor, Deputy Mayor, General Manager and Responsible Accounting Officer be delegated to sign the Statements by Council and Management for the 2026 General Purpose Financial Statements and 2026 Special Purpose Financial Statements for Cootamundra-Gundagai Regional Council.**
- 2. The 2026 Financial Statements be referred for audit.**
- 3. The General Manager be authorised to issue the 2026 Financial Statements upon receipt of the auditor's report, subject to there being no material changes as result of the audit.**

CARRIED

7.3.5 2027 CARRY FORWARD CAPITAL BUDGET

RESOLUTION 234/2026

Moved: Cr Rosalind Wight

Seconded: Cr Penny Nicholson

- 1. The Carry Forward Budget report be received and noted.**
- 2. The budget variations in the report totalling \$6,126,823.44 be adopted.**

CARRIED

7.4 SUSTAINABLE DEVELOPMENT

7.4.1 DA2026/085 - PROPOSED DETACHED SHED/GARAGE - 23 NEIL MCINERNEY STREET, GUNDAGAI

RESOLUTION 235/2026

Moved: Cr Penny Nicholson

Seconded: Cr Les Cooper

That Council approve DA2026/85 subject to conditions of consent as outlined in the accompanying Draft Notice of Determination and authorise minor amendments to correct any errors prior to issuing the final Notice of Determination.

VOTING RECORD	
FOR RESOLUTION	AGAINST RESOLUTION
Cr Abb McAlister (Mayor) Cr Rosalind Wight Cr Logan Collins Cr Les Cooper	Nil

Cr David Graham Cr Gil Kelly Cr Penny Nicholson Cr Ethan Ryan Cr Danyal Syed	
ABSENT	DECLARED INTEREST
Nil	Nil

CARRIED

7.4.2 LOCAL HERITAGE GRANT FUNDING ALLOCATION

RESOLUTION 236/2026

Moved: Cr Danyal Syed

Seconded: Cr Gil Kelly

That Council defer the consideration of the report in relation to the Local Heritage Funding Allocation to the October Meeting.

CARRIED

7.4.3 NSW STATEWIDE COMMUNITY PARTICIPATION PLAN

RESOLUTION 237/2026

Moved: Cr Logan Collins

Seconded: Cr Ethan Ryan

That Council:

- 1. Note the commencement of the NSW Statewide Community Participation Plan on 1 September 2026.**
- 2. Note that the Statewide Community Participation Plan applies to all planning authorities in New South Wales, including Councils.**
- 3. Repeal the Community Participation Plan - CGRC - 2019, adopted by Council on 29 October 2019.**
- 4. Authorise the General Manager to undertake all administrative actions necessary to remove the repealed document from Council's policy register and website and replace references with the NSW Statewide Community Participation Plan.**
- 5. Undertakes a media campaign to provide more detailed information to the community regarding the proposed changes and its key impacts locally.**

CARRIED

7.5 ENGINEERING COOTAMUNDRA

7.5.1 COOTAMUNDRA ENGINEERING REPORT - AUGUST 2026

RESOLUTION 238/2026

Moved: Cr Les Cooper

Seconded: Cr Rosalind Wight

That the Cootamundra Engineering Report for the month of August 2026 be noted.

CARRIED

7.6 ENGINEERING GUNDAGAI

7.6.1 GUNDAGAI ENGINEERING REPORT - AUGUST 2026

RESOLUTION 239/2026

Moved: Cr Penny Nicholson

Seconded: Cr Les Cooper

That the Gundagai Engineering Report for the month of August 2026 be noted.

CARRIED

7.7 REGIONAL SERVICES GUNDAGAI

7.7.1 GUNDAGAI REGIONAL SERVICES REPORT - AUGUST 2026

RESOLUTION 240/2026

Moved: Cr Penny Nicholson

Seconded: Cr Ethan Ryan

That the Gundagai Regional Services report for the month of August 2026 be noted.

CARRIED

7.8 REGIONAL SERVICES COOTAMUNDRA

7.8.1 COOTAMUNDRA REGIONAL SERVICES REPORT - AUGUST 2026

RESOLUTION 241/2026

Moved: Cr Logan Collins

Seconded: Cr Ethan Ryan

The Cootamundra Regional Services Report for the month of August 2026 be noted.

CARRIED

8 MOTION OF WHICH NOTICE HAS BEEN GIVEN

Nil

9 QUESTIONS WITH NOTICE

Nil

10 CONFIDENTIAL ITEMS

10.1 CLOSED COUNCIL REPORT

RESOLUTION 242/2026

Moved: Cr Gil Kelly

Seconded: Cr Penny Nicholson

1. Items 10.2, 10.3, 10.4, 10.5, 10.6, 10.7 and 10.8 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 Items 10.2, 10.3, 10.4, 10.5, 10.6, 10.7 and 10.8 be withheld from the press and public.

Council entered Closed Council at 7:08pm.

CARRIED

10.2 HUMAN RESOURCES REPORT

RESOLUTION 243/2026

Moved: Cr Logan Collins

Seconded: Cr Ethan Ryan

That the confidential information in the Human Resources report be noted.

CARRIED

10.3 HARDSHIP APPLICATION - ASSESSMENT 10038313

RESOLUTION 244/2026

Moved: Cr Penny Nicholson

Seconded: Cr Danyal Syed

That Council:

1. Approve hardship assistance for the owner of the property identified as assessment number 10038313, subject to the ratepayer entering and maintaining a payment arrangement approved by the Interim General Manager.
2. Authorises the Interim General Manager to:
 - a) determine and enter into the payment arrangement with the ratepayer; and

- b) write off any interest accrued for the period 1 October 2026 to 31 March 2027, provided the ratepayer complies with that payment arrangement for the duration of that period.

CARRIED

10.4 HARSHIP APPLICATION - ASSESSMENT 11019510

RESOLUTION 245/2026

Moved: Cr Rosalind Wight

Seconded: Cr Les Cooper

That Council:

- 1. Approve hardship assistance for the owner of the property identified as assessment number 1109510, subject to the ratepayer entering and maintaining a payment arrangement approved by the Interim General Manager.**
- 2. Authorises the Interim General Manager to:**
 - a) determine and enter into the payment arrangement with the ratepayer; and**
 - b) write off any interest accrued for the period 1 October 2026 to 31 March 2027, provided the ratepayer complies with that payment arrangement for the duration of that period.**

CARRIED

10.5 HARSHIP APPLICATION - ASSESSMENT 10036010

RESOLUTION 246/2026

Moved: Cr Logan Collins

Seconded: Cr Rosalind Wight

That Council does not approve hardship assistance for the owner of the property identified as assessment number 10036010.

CARRIED

10.6 HARSHIP APPLICATION - ASSESSMENT 11015286

RESOLUTION 247/2026

Moved: Cr Penny Nicholson

Seconded: Cr Danyal Syed

That Council:

- 1. Approve hardship assistance for the owner of the property identified as assessment number 11015286, subject to the ratepayer entering and maintaining a payment arrangement approved by the Interim General Manager.**
- 2. Authorises the Interim General Manager to:**
 - a) determine and enter into the payment arrangement with the ratepayer; and**
 - b) write off any interest accrued for the period 1 October 2026 to 31 March 2027, provided the ratepayer complies with that payment arrangement for the duration of that period.**

CARRIED

10.7 HARSHIP APPLICATION - ASSESSMENT 10003481

RESOLUTION 248/2026

Moved: Cr Logan Collins

Seconded: Cr Ethan Ryan

That Council:

- 1. Approve hardship assistance for the owner of the property identified as assessment number 10003481, subject to the ratepayer entering and maintaining a payment arrangement approved by the Interim General Manager.**
- 2. Authorises the Interim General Manager to:**
 - a) determine and enter into the payment arrangement with the ratepayer; and**
 - b) write off any interest accrued for the period 1 October 2026 to 31 March 2027, provided the ratepayer complies with that payment arrangement for the duration of that period.**

CARRIED

10.8 TENDER - MANAGEMENT AND OPERATION OF COUNCIL'S COOTAMUNDRA SWIMMING POOL AND SPORTS STADIUM FACILITY

RESOLUTION 249/2026

Moved: Cr Ethan Ryan

Seconded: Cr Gil Kelly

That Council:

- 1. Award LeisureSafe Australia Pty Ltd (ABN 55 688 001 069) the Management and Operation of the Cootamundra Memorial Swimming Pool and Sports Stadium contract for a three-year period commencing 1 November 2026 and concluding 31 October 2029 for \$1,403,456.00 (ex GST).**
- 2. Note that the contract is for a three year period with an option for a further two year period at Council's discretion.**
- 3. Delegate authority to the Interim General Manager to execute the contract and any associated documentation required to give effect to the tender.**

CARRIED

RESUMPTION OF OPEN COUNCIL MEETING

RESOLUTION 250/2026

Moved: Cr Rosalind Wight

Seconded: Cr David Graham

That the Open Council meeting resume at 7:27pm.

CARRIED

ANNOUNCEMENT OF CLOSED COUNCIL RESOLUTIONS

Note: The Interim General Manager announced the resolutions made in Closed Council.

The Meeting closed at 7:30pm.

CHAIRPERSON

INTERIM GENERAL MANAGER

5 MAYORAL MINUTES

5.1 MAYORAL MINUTE - COUNCILLOR ENGAGEMENTS - 15 SEPTEMBER 2026 - 16 OCTOBER 2026

DOCUMENT NUMBER	484230
AUTHORISING OFFICER	Abb McAlister, Mayor
REPORTING OFFICER	Abb McAlister, Mayor
ATTACHMENTS	Nil

On behalf of Council, I intend to provide regular updates through my Mayoral Minutes to keep the community aware of Councillor engagements.

RECOMMENDATION

The information in the Councillor Engagements Mayoral Minute be received and noted.

15 September 2026

Crs McAlister (Mayor) (online), Wight (Deputy Mayor), Cooper, Graham, Kelly (online), Nicholson, and Ryan (online) attended a Council Demerge Workshop in Gundagai.

Crs McAlister (Mayor), Wight (Deputy Mayor), Collins, Cooper, Graham, Kelly (online), Nicholson, and Ryan (online) attended a Demerger Transition Committee Meeting in Gundagai.

16 September 2026

Cr McAlister (Mayor) attended an online REROC Exec Team strategy meeting regarding NSW Grants Commission Proposed Methodology for Federal Assistance Grants.

17 September 2026

Cr McAlister (Mayor) and Interim General Manager attended an online meeting with Australian Meat Group (AMG).

22 September 2026

Crs McAlister (Mayor), Wight (Deputy Mayor), Collins, Cooper, Graham, Kelly, Nicholson, and Ryan attended a Council Workshop in Gundagai.

Crs McAlister (Mayor), Wight (Deputy Mayor), Collins, Cooper, Graham, Kelly, Nicholson, Ryan and Syed attended a Council Meeting in Gundagai.

23 September 2026

Cr McAlister (Mayor) attended an online REROC Meeting with NSW Grants Commission.

24 September 2026

Cr McAlister (Mayor) attended a Gundagai Citizenship Ceremony.

Cr McAlister (Mayor) attended a Cootamundra Citizenship Ceremony.

Crs McAlister (Mayor), Ryan (Deputy Mayor) (online), Collins, Graham, and Nicholson attended a Council Demerge Workshop in Gundagai.

7 October 2026

Cr McAlister (Mayor) attended a meeting with Local Member Steph Cooke.

8 October 2026

Crs McAlister (Mayor), Graham and Nicholson attended a Gundagai specific FSP meeting in Gundagai.

9 October 2026

Cr McAlister (Mayor) and the Interim General Manager attended the Mayoral Summit in Harden.

12 October 2026

Cr Wight attended and chaired the Cootamundra Heritage Centre s.355 Committee Meeting.

13 October 2026

Crs McAlister (Mayor), Ryan (Deputy Mayor), Wight, Nicholson, Graham, Collins and Cooper attended a Demerge Transition Committee Meeting in Cootamundra.

Crs McAlister (Mayor), Ryan (Deputy Mayor) Wight, Cooper, Nicholson, Graham, Collins, and Syed (online) attended a Demerge Workshop in Cootamundra.

14 October 2026

Cr McAlister (Mayor) attended an online DR Joe McGirr Briefing with REROC Mayors regarding NSW Grants Commission Proposed Methodology for Federal Assistance Grants.

Cr McAlister (Mayor) attended an online meeting with the Minister for Local Government regarding the Demerger.

15 October 2026

Cr McAlister (Mayor) attended an online REROC Board meeting with Mr. Jamie Chaffey MP regarding NSW Grants Commission Proposed Methodology for Federal Assistance Grants.

6 REPORTS FROM COMMITTEES

6.1 MINUTES OF THE DEMERGER TRANSITION COMMITTEE MEETING HELD ON TUESDAY 13 OCTOBER 2026

REPORTING OFFICER	Peter Bascomb, Demerger Transition Manager
AUTHORISING OFFICER	Roger Bailey, Interim 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 Demerger Transition Committee Meeting held on Tuesday 13 October 2026

RECOMMENDATION

1. That the Minutes of the Demerger Transition Committee Meeting held on Tuesday 13 October 2026, attached to the report, be received and noted.
2. In consideration of the Demerger Transition Committee recommendations detailed in the minutes, Council endorse the following:

2.1. That Council:

- 2.1.1. Determine that all costs associated with the demerger be shared equally between the two successor Councils, noting that demerger related expenditure will be incurred both before and after the commencement of the successor Councils.
- 2.1.2. Note that the Financial Sustainability Plan currently under development assumes that each successor Council will fund its share of the demerger transition costs through borrowings, less any State Government grant.
- 2.1.3. Note that each successor Council will ultimately determine how it will fund its share of the demerger transition costs.
- 2.1.4. Write to the NSW Auditor-General requesting indicative costs for both the FY26 and FY27 audits.



**COOTAMUNDRA-
GUNDAGAI REGIONAL
COUNCIL**

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Email: mail@cgrc.nsw.gov.au
www.cgrc.nsw.gov.au

Minutes

DEMERGER TRANSITION COMMITTEE MEETING

ALBY SCHULTZ MEETING CENTRE, COOTAMUNDRA

5:07PM, TUESDAY 13th October, 2026

Administration Centres: 1300 459 689

**MINUTES OF COOTAMUNDRA-GUNDAGAI REGIONAL COUNCIL
DEMERGER TRANSITION COMMITTEE MEETING
HELD AT THE ALBY SCHULTZ MEETING CENTRE, COOTAMUNDRA
ON TUESDAY, 13 OCTOBER 2026 AT 5:07PM**

PRESENT: Cr Abb McAlister (Mayor), Cr Ethan Ryan (Deputy Mayor), Cr Rosalind Wight, Cr David Graham, Cr Penny Nicholson

IN ATTENDANCE: Peter Bascomb (Demerger Transition Manager), Roger Bailey (Interim General Manager), Cr Logan Collins, Cr Les Cooper

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 APOLOGIES, LEAVE OF ABSENCE, AND AUDIO-VISUAL ATTENDANCE REQUESTS

2.1 APOLOGIES

APOLOGY

COMMITTEE RESOLUTION

Moved: Cr Abb McAlister

That the apology received from Cr Kelly be accepted.

CARRIED

2.2 LEAVE OF ABSENCE

Nil

2.3 AUDIO-VISUAL ATTENDANCE REQUESTS

Nil

3 DISCLOSURES OF INTEREST

Nil

4 CONFIRMATION OF MINUTES

4.1 MINUTES OF THE DEMERGER TRANSITION COMMITTEE MEETING HELD ON TUESDAY 15 SEPTEMBER 2026

COMMITTEE RESOLUTION

Moved: Cr Rosalind Wight

Seconded: Cr Penny Nicholson

That the Minutes of the Demerger Transition Committee Meeting held on Tuesday 15 September 2026 be confirmed as a true and correct record of the meeting.

5 GENERAL MANAGER'S REPORT

5.1 GENERAL MANAGER OFFICE

5.1.1 CORRESPONDENCE FROM THE OFFICE OF LOCAL GOVERNMENT

COMMITTEE RESOLUTION

Moved: Cr David Graham

Seconded: Cr Ethan Ryan

That the Committee note the correspondence from the Office of Local Government dated 24 September 2026.

CARRIED

5.1.2 FUNDING THE COST OF THE DEMERGER

COMMITTEE RESOLUTION

Moved: Cr Penny Nicholson

Seconded: Cr Rosalind Wight

That the Committee recommends that Council:

- 1. Determine that all costs associated with the demerger be shared equally between the two successor Councils, noting that demerger related expenditure will be incurred both before and after the commencement of the successor Councils.**
- 2. Note that the Financial Sustainability Plan currently under development assumes that each successor Council will fund its share of the demerger transition costs through borrowings, less any State Government grant.**
- 3. Note that each successor Council will ultimately determine how it will fund its share of the demerger transition costs.**
- 4. Write to the NSW Auditor-General requesting indicative costs for both the FY26 and FY27 audits.**

CARRIED

The Meeting closed at 5:53pm.

CHAIRPERSON

INTERIM GENERAL MANAGER

7 GENERAL MANAGER’S REPORT

7.1 GENERAL MANAGER OFFICE

7.1.1 MEETING DATES 2027

DOCUMENT NUMBER	478540
REPORTING OFFICER	Teresa Breslin, Executive Assistant to Mayor and General Manager
AUTHORISING OFFICER	Roger Bailey, Interim General Manager
RELEVANCE TO COMMUNITY STRATEGIC PLAN	4. Collaborative and progressive leadership 4.4 Recognised as a premier local government Council that represents and advocates for community needs
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. Schedule 2027 ↓

RECOMMENDATION

That:

1. The Ordinary Council Meetings take place at 6:00pm on the fourth Tuesday of the Month from February to November 2027.
2. The January 2027 Council Meeting take place at 6pm on the fourth Wednesday of the Month, due to public holiday being on the Tuesday.
3. The December 2027 Council Meeting take place at 6pm on the second Tuesday of the Month.
4. A Council Workshop take place at 4:00pm on the second and fourth Tuesday of the Month from February to November 2027, as required.
5. The January 2027 Council Workshop take place at 4pm on the fourth Wednesday of the Month, due to public holiday being on the Tuesday, if required.
6. The December 2027 Council Workshop take place at 4pm on the second Wednesday of the Month, if required.
7. The current arrangement of alternating meetings between Cootamundra and Gundagai remain in place for CGRC.
8. 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 and Workshops for the following year.

As the demerger is anticipated to take effect from 1 July 2027, the remaining schedule will be available for use by the two new councils, if required, until each council determines its own schedule. Or a further report may be submitted closer to proclamation when further information becomes available.

Discussion

The proposed 2027 Council Meeting schedule and Workshop schedule is attached for consideration.



COUNCIL MEETING & WORKSHOP 2027 SCHEDULE

- COUNCIL MEETINGS are to be held on the fourth Tuesday of each month February-November.
The *January Council Meeting* is to take place on the fourth Wednesday (due to Public Holiday).
The *December Council Meeting* is to be held on the second Tuesday of the month.
- WORKSHOPS are to be held on the second Tuesday of each month February-December.
The *January Workshop* is to take place on the fourth Wednesday (due to Public Holiday).

Workshops commence at 4pm, Council meetings commence at 6pm.

Meeting	Date	Location
Council Meeting + Workshop	27 January	Gundagai Council Chambers, Gundagai
Workshop	9 February	Alby Schultz Meeting Centre, Cootamundra
Council Meeting + Workshop	23 February	Alby Schultz Meeting Centre, Cootamundra
Workshop	9 March	Gundagai Council Chambers, Gundagai
Council Meeting + Workshop	23 March	Gundagai Council Chambers, Gundagai
Workshop	13 April	Alby Schultz Meeting Centre, Cootamundra
Council Meeting + Workshop	27 April	Alby Schultz Meeting Centre, Cootamundra
Workshop	11 May	Gundagai Council Chambers, Gundagai
Council Meeting + Workshop	25 May	Gundagai Council Chambers, Gundagai
Workshop	8 June	Alby Schultz Meeting Centre, Cootamundra
Council Meeting + Workshop	22 June	Alby Schultz Meeting Centre, Cootamundra
Workshop	13 July	Gundagai Council Chambers, Gundagai
Council Meeting + Workshop	27 July	Gundagai Council Chambers, Gundagai
Workshop	10 August	Alby Schultz Meeting Centre, Cootamundra
Council Meeting + Workshop	24 August	Alby Schultz Meeting Centre, Cootamundra
Workshop	14 September	Gundagai Council Chambers, Gundagai
Council Meeting + Workshop	28 September	Gundagai Council Chambers, Gundagai
Workshop	12 October	Alby Schultz Meeting Centre, Cootamundra
Council Meeting + Workshop	26 October	Alby Schultz Meeting Centre, Cootamundra
Workshop	9 November	Gundagai Council Chambers, Gundagai
Council Meeting + Workshop	23 November	Gundagai Council Chambers, Gundagai
Council Meeting + Workshop	14 December	Alby Schultz Meeting Centre, Cootamundra

7.1.2 WASTE DISPOSAL - TENDERING EXEMPTION

DOCUMENT NUMBER	483180
REPORTING OFFICER	Roger Bailey, Interim General Manager
AUTHORISING OFFICER	Roger Bailey, Interim General Manager
RELEVANCE TO COMMUNITY STRATEGIC PLAN	4. Collaborative and progressive leadership 4.1 A clear strategic direction that is delivered upon
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. Council note that, pursuant to section 55(3)(i) of the Local Government Act 1993, Council is not required to invite tenders before entering into a contract with Hilltops Council, Snowy Valleys Regional Council and Yass Valley Council (collectively, the South West Regional Waste Management Group), and Bald Hill Quarry Limited (BHQ) because:
 - (a) A satisfactory result would not be achieved by inviting tenders on the basis of extenuating circumstances, being:
 - (i) that the South West Regional Waste Management Group invited tenders in 2024 from potential providers for the haulage and disposal of its general solid waste to landfill and no providers responded to the tender,
 - (ii) that, following that unsuccessful 2024 invitation for tenders, direct contract negotiations between the Group and BHQ were pursued given the existing waste management arrangements between the Group Councils and BHQ. These negotiations are now substantially advanced, and conducting a tender would materially delay progress and risk increased costs along with legal and reputational risk to Council, and
 - (iii) Council's long term waste disposal arrangements with the South West Regional Waste Management Group and BHQ,
2. The risk to these working relationships that tendering may pose, and the delay that the tendering process would cause in the context of the lifespan of the existing landfill where Council's waste is presently disposed. [We will need to confirm this is the case];
 - (a) the unavailability of competitive or reliable tenders due to the known difficulty of securing landfill operators in regional NSW; and
 - (b) the remoteness of the locality at which the landfill is required [We will need to confirm this is the case].

Summary

Council's endorsement is sought to rely on the exemption under section 55(3)(i) of the Local Government Act 1993 (NSW) (LG Act) to not invite public tenders for the procurement of waste management services, being the acceptance and processing of Council's general solid waste at a yet-to-be-developed landfill cell, as part of the South West Regional Waste Management Group (the Group).

Background

Council is participating in a regional initiative led by the Group to procure waste management services on a joint basis with other councils.

The proposed procurement involves coordination of waste transport, processing, and disposal services across multiple local government areas, leveraging existing and planned infrastructure associated with the Bald Hill Quarry Limited (BHQ).

The disposal of the waste managed by the Group is currently conducted at an appropriately licensed and approved landfill site, the Ecofill Regional Landfill at 5423 Hume Highway, Berremangra (Existing Waste Treatment Facility) under the agreement between the Group and Bald Hill Quarry Pty Limited ACN 003 764 725, trading as Ecofill (BHQ) (Current Agreement). Under the Current Agreement, BHQ takes waste from the Group and disposes of it at the Existing Waste Treatment Facility. This site is some 53kms from Cootamundra and 48kms from Gundagai.

The Existing Waste Treatment Facility is projected to run out of void space by 2033 at the latest. At that time, the ability of the Group to dispose of waste under the Current Agreement will cease.

BHQ is proposing to develop a new landfill facility (Landfill Cell) at the North Ridge Quarry site located on Lot 148 in DP753592 (the Site). It intends to lodge a development application seeking consent under the Environmental Planning and Assessment Act 1979 for the proposed Landfill Cell.

Group Councils intend to continue their relationship with BHQ and collectively procure the services of BHQ to accept and process Group Councils' waste at the Landfill Cell.

Group Councils are seeking authorisation to collectively procure the following waste management services from BHQ:

1. receipt of waste at the Landfill Cell; and
2. disposal of waste received at the Landfill Cell.

The joint exercise of the functions of councils is consistent with section 355 of the LG Act.

Tendering under the LG Act

Under section 55 of the LG Act, councils are generally required to invite tenders for contracts of this nature.

The Group invited tenders in 2024 from potential providers for the haulage and disposal of its general solid waste to landfill and no providers responded to the tender.

Following that unsuccessful 2024 invitation for tenders, direct contract negotiations between the Group and BHQ were pursued given the existing waste management arrangements between the Group Councils and BHQ. These are now substantially advanced, and conducting a tender would materially delay progress and risk increased costs along with legal and reputational risk to Council. Council has long term waste disposal arrangements with the Group and BHQ,

Section 55(3)(i) of the LG Act provides an exemption where a satisfactory result would not be achieved by inviting tenders due to:

1. extenuating circumstances;
2. remoteness of locality; or
3. the unavailability of competitive or reliable tenderers.

Council must consider whether its circumstances align with the following factors, which support reliance on the exemption under section 55(3)(i) of the LG Act:

1. Limited Market Availability

There are a limited number of suitably qualified and experienced waste management service providers with the capability, infrastructure, and regulatory approvals necessary to deliver integrated waste services across the participating council areas, particularly at the scale required for a regional solution. The Group invited tenders in 2024 from potential providers for the haulage and disposal of its general solid waste to landfill and no providers responded to the tender.

There is a significant shortage of waste management operators in or near Council's local government area:

- a. Wagga Wagga City Council has a waste management facility but has no additional volume available for use by Group Councils long term.
- b. Woodlawn Eco Precinct, located in NSW approximately 50km north of Canberra and operated by Veolia, currently has no available space as it receives the majority of Sydney metropolitan general solid waste streams into its 6,000 ha site.
- c. Mugga Lane Resource Management Centre, located in the ACT and operated by Remondis, has no available space as it accepts 100% of the ACT's general solid waste stream at its landfill site.

None of these facilities could accommodate all of the Group Councils' annual generated general solid waste.

2. Remoteness and Logistical Constraints

The geographic location of the participating councils, including haulage distances, transport costs, and infrastructure limitations, reduces the likelihood of attracting competitive tender responses and limits the pool of viable service providers.

3. Use of Existing Infrastructure

BHQ is uniquely positioned with existing and planned waste management infrastructure capable of servicing the region, meaning that a traditional open tender process is unlikely to yield genuinely competitive or alternative proposals

4. Inefficiency of Separate Tender Processes

Undertaking individual tenders by each council would likely result in duplication of effort, increased procurement costs, and reduced bargaining power, without delivering materially improved competition or value for money outcomes. It should also be noted that in 2024 when there was a tender process, there were no submissions.

If Council is satisfied that these factors apply to its circumstances, then the proposed contract with BHQ is exempt under section 55(3)(i) of the LG from the requirements for tendering set out in section 55 of the LG Act.

If Council is not satisfied that these factors apply to its circumstances, then it may need to follow the standard public tender process as the exemption under section 55(3)(i) of the LG Act would not apply.

Financial

There are no financial implications associated with this report.

OLG 23a Guideline consideration

This report does not conflict with the guidelines.

7.1.3 COUNTRY MAYORS ASSOCIATION MEETING MINUTES 28 AUGUST 2026

DOCUMENT NUMBER	484348
REPORTING OFFICER	Teresa Breslin, Executive Assistant to Mayor and General Manager
AUTHORISING OFFICER	Roger Bailey, Interim General Manager
RELEVANCE TO COMMUNITY STRATEGIC PLAN	4. Collaborative and progressive leadership 4.2 Proactive, practical Council leaders who are aligned with community needs and values
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. CMA minutes 28 August 2026 ↓

RECOMMENDATION

The Minutes of the Country Mayors Association Meetings held on 28 August 2026, attached to the report, be received and noted.

Introduction

The Minutes of the Country Mayors Association Meeting held 28 August 2026, are attached for the information of Council and the community.

Financial

There are no financial implications associated with this report.

OLG 23a Guideline consideration

This report does not conflict with the guidelines.



THE COUNTRY MAYORS ASSOCIATION OF NSW INC

"What we want is nothing more than equity"

MINUTES

Friday 28th August 2026

A General Meeting of the Country Mayors Association of NSW Inc was held in the Theatre, Parliament House, Macquarie Street, Sydney from 8:20 am until 1:00pm. The meeting had a Housing theme.

PRESENTATIONS

1. **The meeting commenced with a welcome from CMA Chairman Mayor Rick Firman OAM.**

2. **Chair of the NSW Grants Commission Ms. Linda Scott**

Ms Scott discussed how and why the NSW Grants Commission is currently conducting a review of its' FA Grants distribution methodology. She stressed that the Grants Commission has no say on the size of the pool of funds it has to disperse.

Ms Scott acknowledged how much more important FA Grants are in country NSW than in Sydney LGAs. She discussed Horizontal Fiscal Equalisation.

Ms Scott said that the methodology calculated the need for funding, what Councils choose to spend their money on is a matter for them and is not factored in.

Ms Scott said that her first speech as Chair of the NSW Grant Commission was a CMA meeting.

A thank you gift was presented to Ms Scott by CMA Board Member Mayor John Medcalf OAM (Lachlan Shire)

3. **Presentation: NSW Office of Local Government Deputy Secretary - Mr. Brett Whitworth PSM**

Mr. Whitworth addressed the code of conduct policy paper. He said that removing the GMs from the politics was important. Unsatisfactory behaviour will see a Councillor judged by a panel of their peers. Complaints will be triaged by the OLG. The time-consuming investigatory process has been cut out.

Mr. Whitworth said that the Expert Advisory Panel has produced some discussion papers, including performance ratios.

Mr. Whitworth said that the OLG will ensure Councils are not impacted by the increase of \$240,000 to \$2.7mil. in the Federal Disaster Recovery Framework.

On the housing front, he is keen to have contracts for property management with Councils in the regions.

A thank you gift was presented to Mr Whitworth PSM by CMA Board Member Mayor Josh Black (Dubbo Regional Council)

4. Presentation: Homes NSW CEO - Ms Rebecca Pinkstone

Ms Pinkstone has spent two years as CEO of Home NSW. With 100,000 public housing dwellings, it is the largest public housing provider in the southern hemisphere.

Ms Pinkstone said that the average age of public housing is about 60 years old. A State renewal program is underway.

2,200 new homes is the goal of a current modern home program.

Private developers are needed to upscale.

89% of Aboriginal Housing is in the regions. New homes are being built this year for the AHO (Aboriginal Housing Office).

The Key Worker Housing program was described as more a workforce development program. Local businesses are used as much as possible with the building of affordable home projects.

Presentation supplied.

A thank you gift was presented to Ms. Pinkstone by CMA Board Member Mayor Russell Webb (Tamworth Regional Council)

4. Presentation: IPART Chairman - Mr Anthony Wing

Mr. Wing has been in the role of IPART Chairman for nearly two months. In his introduction, Mayor Firman advised Mr Wing that he has big shoes to fill. Former IPART Chair Carmel Donnelly was a regular at CMA meetings.

The CMA was Mr Wing's first speech as Chairman of IPART. He said he had been advised that the CMA was a valuable meeting for an IPART Chair. He said IPART balances your financial sustainability needs with impact on your communities (of a SRV).

He discussed the pressures on Councils to help with housing. Contribution plans are one option. If above \$20,000 they have to go via IPART to the Minister but the process is not as onerous as it appears. They can be a source of funding for Councils. Essential works should not be subsidised by the community but the developer. No Contribution Plan from a country Council (in excess of the \$20,000 cap) has been reviewed in some time. Members were strongly encouraged to consider submitting higher developer contribution plan to IPART, if appropriate.

Mr. Wing spoke of a focus to speed up IPART's processes.

Byron Shire Mayor Ndiaye described the stressful SRV process and how drainage charges etc should be indexed.

A thank you gift was presented to Mr Wing by CMA Board Member Mayor Phyllis Miller OAM (Forbes Shire)

5. NSW Opposition Leader, Ms. Kellie Sloane MP

Ms. Sloane announced that an elected Coalition would have a stand-alone Minister for Local Government. She commended the CMA for its relentless advocacy.

She acknowledged that some LGAs are the size of small European countries, without the resources; infrastructure support is necessary. A commitment to have one-quarter of the NSW Infrastructure spend earmarked for rural, remote and regional NSW was reiterated. Ms. Sloane said that ¼ of the population should equate to ¼ of the infrastructure budget.

Ms. Sloane said that she wants more young city people building a home and a life in the country - 50% want this.

The Inland Rail Project was the cancellation of a nation building project that broke promises.

She gave a payroll tax decrease promise; that her Government would raise the threshold from \$1.2mil to \$1.5mil. Plus, there would be indexation to prevent bracket creep. Policies need to support business growth.

Ms. Sloane also said that reducing red tape and Government interference with businesses would be a priority. Service NSW Next would look at how AI could streamline processes.

The Oppositions plan to have a regional Parliament sitting (if elected) was discussed and the intention that it would be more than a box tick but an effort to listen to the regions.

I don't have the answers but I, we are listening, the Opposition Leader said.

A thank you gift was presented to Ms Sloane by CMA Chairman Mayor Rick Firman OAM (Temora Shire)

Morning Tea took place in the Fountain Court**6. Presentation: NSW Housing Minister - The Hon Rose Jackson MLC**

The Minister said that a strong connection between State and Local Government is so important for addressing the housing challenge. Regional NSW is feeling the pinch.

300 homes are to be completed by the end of the year for essential workers.

Homelessness, now evident in regional communities more and in some cases for the first time is visually evident. Local and State collaboration needed.

The Minister said encouraging longer term homelessness is not ideal but amenities that also serve the needs of seasonal workers has merit.

Members asked about energy savings in new housing, with renewables, plus water security and it's connection with housing capacity.

The Federal fund for housing supporting infrastructure was applauded by Minister Jackson.

The Minister was thanked for opposing water buybacks. She said she has expressed her opposition clearly to Minister Murray Watt.

A thank you gift was presented to Minister Jackson by CMA Deputy Chairman Mayor Russell Fitzpatrick (Bega Valley Shire)

7. Presentation: NSW Shadow Housing Minister – The Hon. Chris Rath MLC

Mr. Rath said that population growth is all the more important for regional communities and housing is obviously crucial for that.

Temporary accommodation is also a challenge for industry needs in the regions.

He said housing demand has risen far faster than supply has. Approximately 75,000 new homes are needed in NSW each year and we've been averaging 45,000.

Water, roads and other infrastructure is needed for housing growth and Councils cannot handle that alone. That is why the Coalition has committed at least 25% regional infrastructure guarantee. The cost of enabling infrastructure is insufficient. \$5bil, \$1.5bil for the regions of that infrastructure promised by the Federal Coalition at the Bush Summit.

A thank you gift was presented to Mr Rath by CMA Board Member Mayor Sue Moore (Singleton Council)

8. Presentation: Argyle Housing CEO - Ms. Carolyn Doherty

Argyle Housing provided a ground-level perspective of social and affordable housing provision.

Ms. Doherty said that regional housing is a passion of hers. Without safe secure housing people miss many opportunities.

Many clients needing social housing have not been in that circumstance long-term.

Affordable housing is another area Argyle Housing is involved in, due to the pressures around housing supply and costs.

Ms. Doherty said she sees a willingness in Local Government to innovate and housing solutions can come through partnerships.

Project with Griffith City Council – where that community had less than 1% vacancy rate and hot bedding was occurring.

Exceptional outcomes, like With BBRF funding, the Griffin Green project was a collaboration between Argyle Housing and Griffith City Council and had exceptional outcomes, according to Ms. Doherty. There were 20 rentals built and a community space developed that is valued by the community.

Ms. Doherty said that Argyle and Council stayed in their respective lanes, in terms of how they contributed to the project and both saw value in the partnership and are proud of the result.

Ms. Doherty encouraged other CMA Members to collaborate with their local social housing providers.

A thank you gift was presented to Ms Doherty by CMA Board Member Mayor Sharon Cadwallader (Ballina Shire)

9. Excelling Council Stories – Housing**Byron Shire Council**

Mayor Ndiaye said her Council had spent 20 years working on the AirBNB challenge.

No funding to do this but Byron Shire will soon have the data with which to inform others.

Housing for Council workers, essential workers is unaffordable and unavailable, with Airbnb having been a significantly contributing factor.

Post floods temporary housing has been retained.

Short Term Rental Accommodation (STRA), namely AirBnB, became the focus of Byron Shire, with that form of accommodation taking up 17.7% of the housing stock. Byron Shire established a 60-day cap on STRA and detailed how it was achieved and the outcomes.

Presentation supplied.

Forbes Shire Council

Housing shortages were recognised as an inhibitor to Forbes Shire's growth potential.

Gold Ridge was their award-winning initiative.

It consisted of 221 residential blocks. Forbes Shire got \$4mil from TCorp.

Mayor Miller said that Forbes only had mum and dad investing until our project triggered larger scale investments. She said Forbes is now the second highest growth area in the Central West.

Mayor Miller also spoke of a financial gap year campaign – encouraging young people to give a country centre a go.

She said Gold Ridge in Forbes showed that Local Government can take a leadership role in stimulating housing investment.

Presentation supplied.

A thank you gift was presented to Mayors Ndiaye and Miller by CMA Board Member Mayor Sam Coupland (Armidale Regional Council)

GENERAL MEETING

1. ATTENDANCE AND APOLOGIES

Attendance

James Roncon	GM	Armidale Regional Council
Cr. Sam Coupland	Mayor	Armidale Regional Council
Cr. Sharon Cadwallader	Mayor	Ballina Shire Council
Cr. Louie Zaffina	Mayor	Balranald Shire Council
Terry Dodds PSM	CEO	Balranald Shire Council
Cr. Robert Taylor	Mayor	Bathurst Regional Council
David Sherley PSM	GM	Bathurst Regional Council
Cr. Russell Fitzpatrick	Mayor	Bega Valley Shire Council
Anthony McMahon	CEO	Bega Valley Shire Council
Mark Griffioen GAICD	GM	Bellingen Shire Council
Cr. Julia Cornwell McKean	Mayor	Berrigan Shire Council
Cameron Boardman	CEO	Berrigan Shire Council
Grant Baker	GM	Bland Shire Council
Cr. Bruce Reynolds	Mayor	Blayney Shire Council
Mark Dicker	GM	Blayney Shire Council
Cr. Lachlan Ford	Mayor	Bourke Shire Council
Leonie Brown	GM	Bourke Shire Council
Cr. Tom Stanton	Mayor	Brewarrina Shire Council
David Kirby	GM	Brewarrina Shire Council
Jay Nankivell	GM	Broken Hill City Council
Cr. Sarah Ndiaye	Mayor	Byron Shire Council
Mark Arnold	GM	Byron Shire Council
Brad Byrnes	GM	Cabonne Council
Cr. Jamie Jones	Deputy Mayor	Cabonne Council
Cr. Bob Stewart	Chairman	Central Darling Shire Council
John Sevil	GM	Central Darling Shire Council
Natasha Walker		Central Darling Shire Council
Meredith Macpherson		Central NSW JO
Kate Barker	EO	Central NSW JO
Gary Fry	Secretariat	CMA
Julie Briggs	Policy Advisor	CMA
Murray Wood	GM	Coffs Harbour City Council
Cr. Dave McCann	Mayor	Coolamon Shire Council
Tony Donoghue	GM	Coolamon Shire Council
Cr. Daniel Keady	Mayor	Coonamble Shire Council
Greg Hill	GM	Coonamble Shire Council
Cr. Abb McCalister	Mayor	Cootamundra-Gundagai Regional Council

Roger Bailey	Interim General Manager	Cootamundra-Gundagai Regional Council
Cr. Paul Smith	Mayor	Cowra Council
Cr. Josh Black	Mayor	Dubbo Regional Council
Andrew Wilsmore	GM	Dubbo Regional Council
Cr. Digby Rayward	Mayor	Dungog Shire Council
Gareth Curtis	GM	Dungog Shire Council
Cr. Ashley Hall	Mayor	Edward River Council
Jack Bond	CEO	Edward River Council
Mark Ferguson	GM	Eurobodalla Shire Council
Cr. Mathew Hatcher	Mayor	Eurobodalla Shire Mayor
Stephen Dunshea	GM	Forbes Shire Council
Cr. Phyllis Miller OAM	Mayor	Forbes Shire Council
Cr. Nick White	Deputy Mayor	Gilgandra Shire Council
Cr. Doug Batten	Mayor	Gilgandra Shire Council
David Neeves	GM	Gilgandra Shire Council
Nick White	Deputy Mayor	Gilgandra Shire Council
Cr. Carol Sparks	Deputy Mayor	Glen Innes Severn Council
Cr. Nina Dillon	Mayor	Goulburn Mulwaree Council
Scott Gallacher	GM	Goulburn Mulwaree Council
Dena Vlekkert	GM	Greater Hume Council
Cr. Lea Parker	Mayor	Greater Hume Council
Dena Vlekkert	GM	Greater Hume Council
Cr. Colleen Fuller OAM	Mayor	Gunnedah Shire Council
Eric Groth	GM	Gunnedah Shire Council
Cr. Tiffany Galvin	Mayor	Gwydir Shire Council
Leeah Daley	GM	Gwydir Shire Council
Sarah Karaitiana	Acting General Manager	Hilltops Council
Cr. Brian Ingram	Mayor	Hilltops Council
Cr. Kate Dight	Mayor	Inverell Shire Council
Brett McInnes	GM	Inverell Shire Council
Bronwen Sandland	Principal Analyst	IPART
Joyce Tapper	Senior Analyst	IPART
Peter Chung		IPART
Cr. Bob Callow	Mayor	Junee Shire Council
Michael Jackson	GM	Junee Shire Council
Cr. Kinne Ring	Mayor	Kempsey Shire Council
Andrew Meddle	CEO	Kempsey Shire Council
Jane Frawley	CEO	Kiama Municipal Council
Cr. Melissa Matters	Deputy Mayor	Kiama Municipal Council
Cr. Danielle Mulholland OAM	Mayor	Kyogle Council
Cr. John Medcalf OAM	Mayor	Lachlan Shire Council
Ian Greenham	GM	Lachlan Shire Council
Cr. George Weston	Mayor	Leeton Shire Council
Jackie Kruger	GM	Leeton Shire Council
Cr. Darcy Byrne	President	LGNSW
David Reynolds	CEO	LGNSW
Cr. Darcy Byrne	President	LGNSW

David Reynolds	CEO	LGNSW
Cr. Steve Krieg	Mayor	Lismore City Council
Eber Butron	GM	Lismore City Council
Ross Gurney	GM	Lithgow City Council
Cr. Cassandra Coleman	Mayor	Lithgow City Council
Cr. Gail Driscoll	Deputy Mayor	Lockhart Shire Council
Gavin Rhodes	GM	Lockhart Shire Council
Adrian Panuccio	GM	Midcoast Council
Cr. Susannah Pearse	Mayor	Moree Plains Shire Council
	GM	Moree Plains Shire Council
Cr. John Harvie	Mayor	Murray River Council
Cr. Gary Pappin	Councillor	Murray River Council
Cr. Gary Pappin	Councillor	Murray River Council
Cr. Gary Lee	Mayor	Nambucca Valley Council
David Moloney	Acting GM	Nambucca Valley Council
Cr. Darrell Tiemens	Mayor	Narrabri Shire Council
Eloise Chaplain	GM	Narrabri Shire Council
Cr. Neville Kschenka	Mayor	Narrandera Shire Council
Tim Coote	GM	Narrandera Shire Council
Cr. Ewen Jones	Mayor	Narromine Shire Council
Cr. Phil Johnston	Director Community & Economic Development	Narromine Shire Council
Anthony Dickinson	Senior Advisor, Partnerships, Stakeholder Relations & Disaster response	NRMA
Cr. Andrew McKibbin	Mayor	Oberon Council
Gary Wallace	GM	Oberon Council
Anita Gambhir		OLG
Sharne Colefax		OLG
Claudia Brown		OLG
Cr. Tony Mileto	Mayor	Orange City Council
Scott Maunder	CEO	Orange City Council
Cr. Tony Mileto	Mayor	Orange City Council
Scott Maunder	CEO	Orange City Council
Cr. Neil Westcott	Mayor	Parkes Shire Council
Cr. Marg Applebee	Deputy Mayor	Parkes Shire Council
Kent Boyd	GM	Parkes Shire Council
Cr. Adam Roberts	Mayor	Port Macquarie Hastings Council
Cr. Kenrick Winchester	Mayor	Queanbeyan-Palerang Regional Council
Rebecca Ryan	GM	Queanbeyan-Palerang Regional Council
Susan Escott	Acting EO	RAMJO
Emma Avery		RAMJO
Richard Colbran	CEO	RDN
Amy Brown	Chief - Health Enterprises	RDN
Megan Mulrooney	CEO	REROC

Andrew Constance	GM	Shoalhaven City Council
Cr. Peter Wilkins	Acting Mayor	Shoalhaven City Council
Cr. Sue Moore	Mayor	Singleton Council
Cr. Nick Elliott	Councillor	Snowy Monaro Regional Council
Cr. Chris Hanna	Mayor	Snowy Monaro Regional Council
Noreen Vu	GM	Snowy Monaro Regional Council
Cr. Julia Ham	Mayor	Snowy Valleys Council
Jessica Quilty	GM	Snowy Valleys Council
Cr. Russell Webb	Mayor	Tamworth Regional Council
Cr. Rick Firman OAM	Mayor	Temora Shire Council
Kris Dunstan	Director of Environmental Services	Temora Shire Council
Cr. Bronwyn Petrie	Mayor	Tenterfield Shire Council
Cr. Maurice Collison	Mayor	Upper Hunter Shire Council
Greg McDonald	GM	Upper Hunter Shire Council
Cr. Paul Culhane	Mayor	Upper Lachlan Shire Council
Alex Waldron	CEO	Upper Lachlan Shire Council
Cr. Robert Bell	Mayor	Uralla Shire Council
Toni Averay	GM	Uralla Shire Council
Peter Thompson	GM	Wagga Wagga City Council
Cr. Dallas Tout	Mayor	Wagga Wagga City Council
Cr. Eric Noakes	Mayor	Walcha Council
Cr. Sarah Derrett	Deputy Mayor	Warren Shire Council
Gary Woodman	GM	Warren Shire Council
Cr. Kathryn Rindfleisch	Mayor	Warrumbungle Shire Council
Cr. Paul Best	Mayor	Weddin Shire Council
Matthew Sykes	GM	Weddin Shire Council
Cr. Daniel Linklater	Mayor	Wentworth Shire Council
Ken Ross	GM	Wentworth Shire Council
Cr. Jesse Fitzpatrick	Mayor	Wingecarribee Shire Council
Lisa Miscamble	GM	Wingecarribee Shire Council
Stephen Gardiner	Advocacy Manager	Wollondilly Shire Council
Cr. Matt Gould	Mayor	Wollondilly Shire Council
Cr. Jasmin Jones	Mayor	Yass Valley Council
Gayleen Burley	CEO	Yass Valley Council

Apologies

Cr. Steve Allan	Mayor	Bellingen Shire Council
Cr. Brian Monaghan	Mayor	Bland Shire Council
Cr. Kevin Beatty	Mayor	Cabonne Council
Carrathool Shire Council	GM	Carrathool Shire Council
Cr. Darryl Jardine	Mayor	Carrathool Shire Council
Cr. Ray Smith	Mayor	Clarence Valley Council
Laura Black	GM	Clarence Valley Council
Cr. Nikki Williams	Mayor	Coffs Harbour City Council
Adrian Butler	GM	Federation Council
Cr. Cheryl Cook	Mayor	Federation Council
Bernard Smith	GM	Glen Innes Severn Council
Cr. Margot Davis	Mayor	Glen Innes Severn Council
Cr. Doug Curran	Mayor	Griffith City Council
Scott Grant	GM	Griffith City Council
Cr. Carol Oataway	Mayor	Hay Shire Council
David Webb	GM	Hay Shire Council
Cr. Cameron McDonald	Mayor	Kiama
Cr. Adam Shultz	Mayor	Lake Macquarie City Council
David Hughes	CEO	Lake Macquarie City Council
Cian Middleton	GM	Liverpool Plains Shire Council
Cr. Ken Cudmore	Mayor	Liverpool Plains Shire Council
Cr. Claire Pontin	Mayor	MidCoast Council
Cr. Ruth McRae OAM	Mayor	Murrumbidgee Council
John Scarce	GM	Murrumbidgee Council
Cr. Patricia White	Mayor	Shoalhaven City Council
Ms Melissa Boxall	GM / Secretary	Temora Shire / CMA
Stephen Parry	GM	Walcha Council
Cr. Greg Whitely	Mayor	Warren Shire Council
Lindsay Mason	GM	Warrumbungle Shire Council

Recommendation: That the apologies be accepted and noted.

Moved by: Mayor Bob Callow (Junee Shire)
 Seconded by: Mayor Sharon Cadwallader (Ballina Shire)
 – Carried unanimously.

2. Adoption of Minutes from the 8 May 2026 meeting

Recommendation: That the 8 Mayor 2026 Minutes be accepted as a true record.
 Moved by: Mayor Sharon Cadwallader (Ballina Shire).
 Seconded by: Mayor Sarah Ndiaye (Byron Shire)
 – Carried unanimously.

3. Matters arising from 8 August 2025 Minutes

Mayor Ndiaye (Byron Shire) asked for CMA advocacy regarding bird costs, such as PPE.

4. CORRESPONDENCE - Since 8 May 2026

Outward

To	Subject
Newcastle Lord Mayor Gavin Morris	Congratulations re his election
Federal Arts Minister, The Hon. Tony Burke MO	National Cultural Policy
NSW Local Government Minister, The Hon Ron Hoenig MP	Western Council rep on Expert Advisory Panel
NSW Reconstruction Authority CEO, Ms Kate Fitzgerald	Invitation to Speak at the 2 July Ballina Meeting
NSW Recover Minister, The Hon. Janelle Saffin MP	Invitation to present to the 2 July Ballina meeting
NSW National Leader, Mr. Gurmesh Singh MP	Invitation to present to the 2 July Ballina meeting
NSW Roads Minister, The Hon Jenny Aitchison MP	Invitation to present to the 2 July Ballina meeting
NSW Shadow Regional Roads Minister The Hon. Paul Toole MP	Invitation to present to the 2 July Ballina meeting
Opposition Leader, The Hon Kellie Sloane MP	Seeking stand-alone local government port-folio after the next election
NSW Premier, The Hon Chris Minns MP	Seeking stand-alone local government port-folio after the next election
Federal Local Government Minister, The Hon Catherine King MP	Requesting a meeting regarding the Inland Rail Cessation
Australian Local Government Minister The Hon Kristy McBain MP	Disaster Recovery funding
NSW Premier, The Hon Chris Minns MP	CMA support for RFDS funding
NSW Regional Health Minister the Hon. Ryan	CMA support for RFDS funding

Park	
Newcastle Lord Mayor Gavin Morris	Invitation to upcoming CMA meetings
Dominic Kennedy, Connections Experience Specialist – Essential Energy	Invitation to present to the 2 July Ballina meeting
Minister for Agriculture, Minister for Regional NSW, The Hon. Tara Moriarty MLC	Appreciation for the expansion of The Welcome Experience program to include Local Government
Minister for Lands and Property, The Hon. Stephen Kamper MP	Meeting request re Crown Lands amendments
NSW Environment Minister, The Hon Penny Sharpe MLC	Requesting a deferral of mandatory FOGO until 2035
NSW Minister for Planning and Public Spaces, The Hon. Paul Scully MP	Invitation to Present at the 28 August 2026 CMA General Meeting
NSW Shadow Minister for Housing, Shadow Minister for Planning and Public Spaces The Hon. Chris Rath MLC	Invitation to Present at the 28 August 2026 CMA General Meeting
Minister for Lands and Property, The Hon. Stephen Kamper MP	Invitation to Present at the 28 August 2026 CMA General Meeting
NSW Minister for Housing The Hon. Rose Jackson MLC	Invitation to Present at the 28 August 2026 CMA General Meeting
CEO - Master Builders Association of NSW Mr. Matthew Pollock	Invitation to Present at the 28 August 2026 CMA General Meeting
Minister for Infrastructure, Transport, Regional Development & Local Government The Hon. Catherine King MP	Financial Assistance Grants
NSW Premier, The Hon Chris Minns MP	Invitation to the CMA PM dinner on 27 Aug.
Opposition Leader, The Hon Kellie Sloane	Invitation to the CMA PM dinner on 27 Aug.
NSW National Leader, Mr. Gurmesh Singh MP	Invitation to the CMA PM dinner on 27 Aug.
NSW Local Government Minister, The Hon Ron Hoenig MP	Invitation to the CMA PM dinner on 27 Aug.
LGNSW President Mayor Darcy Byrne and CEO Mr David Reynolds	Invitation to the CMA PM dinner on 27 Aug.
NSW Grants Commission Chairman Ms Linda	Invitation to the CMA PM dinner on 27 Aug.

Scott	
NSW Legislative Council President, The Hon Ben Franklin	Invitation to the CMA PM dinner on 27 Aug.
Federal Local Government Minister, The Hon Kristy McBain MP	Invitation to the CMA PM dinner on 27 Aug.
CEO of Homes NSW, Ms Rebecca Pinkstone	Invitation to Present at the 28 August 2026 CMA General Meeting
NSW Finance Minister The Hon Courtney Houssos MLC	Invitation to be a guest speaker - 28 August CMA General Meeting and to attend the 27 Aug PM Dinner
NSW Shadow Local Government Minister Mr Tim James MP	Invitation to the 27 August PM Dinner
IPART Chairman Mr Anthony Wing	Invitation to be a guest speaker - 28 August CMA General Meeting
Mr Brett Whitworth PSM,	Invitation to be a guest speaker - 28 August CMA General Meeting and to attend the 27 Aug PM Dinner
NSW Roads Minister, The Hon Jenny Aitchison MP	Invitation to the 27 August PM Dinner
NSW Roads Minister, The Hon Jenny Aitchison MP	Great Western Highway
CNSWJO	Great Western Highway (GWH) – CMA response to advocacy request
NSW Police Minister The Hon Yasmin Catley MP	Invitation to the 27 August PM Dinner
NSW Treasurer The Hon Daniel Mookhey MLC	Invitation to the 27 August PM Dinner
NSW Treasurer The Hon Daniel Mookhey MLC	Invitation to be a guest speaker - 28 August CMA General Meeting
Ms. Steph Cooke MP	Invitation to the 27 August PM Dinner
NSW Treasurer The Hon Daniel Mookhey MLC	Letter of appreciation for the Red Fleet decision
NSW Premier, The Hon Chris Minns MP	Letter of appreciation for the Red Fleet decision
NSW Emergency Services Minister, The Hon Jihad Dib MP	Letter of appreciation for the Red Fleet decision
NSW Local Government Minister, The Hon Ron Hoenig MP	Letter of appreciation for the Red Fleet decision
NSW Auditor-General, Mr Bola Oyetunji	Letter of appreciation for the Red Fleet decision

Ms Rebecca Reardon, new President – NSW Farmers	Congratulatory letter
Mr Xavier Martin, outgoing President - NSW Farmers	Commending his service
The Hon Mike Baird AO	Congratulating him as Incoming Group Chief Executive Officer - The NRMA
Forbes Shire Mayor Phyllis Miller OAM	Congratulating and commending NSW Local Government Award recognition
Hilltops Mayor Brian Ingram	Congratulating and commending NSW Local Government Award recognition
Walgett Shire Mayor Jasen Ramien	Congratulating and commending NSW Local Government Award recognition
Lismore City Council Mayor Steve Krieg	Congratulating and commending NSW Local Government Award recognition
Shoalhaven City Council Mayor Patricia White	Congratulating and commending NSW Local Government Award recognition
Narrabri Shire Mayor Darrell Tiemens	Congratulating and commending NSW Local Government Award recognition
Snowy Monaro Regional Council Mayor Chris Hanna	Congratulating and commending NSW Local Government Award recognition
Port Macquarie Hastings Council Mayor Adam Roberts	Congratulating and commending NSW Local Government Award recognition
NSW Water Minister The Hon Rose Jackson MLC	Invitation to present at the 13 Nov. CMA meeting
Prime Minister The Hon Anthony Albanese MP	The Federation Compact
NSW Local Government Minister, The Hon Ron Hoenig MP	Crown lands Amendment Bill
Shoalhaven City Council Mayor Patricia White	Well-wishes
Gunnedah Shire Mayor Colleen Fuller OAM	In-principle support for a Domestic Violence forum
Cabonne Council Mayor and CNSWJO Chairman Kevin Beatty	Appreciation for his feedback, acknowledging CMA's work and achievements.

Inwards

From	Note / Action
Waverley Council Mayor Will Nemesh	His Council's position re Code of Meeting Practice and A/V attendance in Council meetings
NSW Treasurer, The Hon Daniel Mookhey MLC	Thanking the CMA for support with the State Government's GST Distribution campaign

Federal Arts Minister, The Hon. Tony Burke MO	Response to the CMA letter about rural, remote and regional LG involvement in the National Cultural Policy
Bega Valley Shire Mayor Russell Fitzpatrick	His Council's Crown Lands letter to the Premier
Wingecarribee Council Mayor Jesse Fitzpatrick	Their evidence to the Federal Inquiry into Local Government Funding and Fiscal Sustainability
RFDS CEO Grag Sam	Thanks for CMA Support
Lake Macquarie City Council Mayor Adam Shultz	Advising of appointment of new CEO Mr David Hughes
NSW Energy Minister, The Hon Penny Sharpe MLC	Fuel Crisis
Kris Dunstan, Director of Environmental Services, Temora Shire	Proposed statewide Community Participation Plan
NSW Regional Health Minister the Hon. Ryan Park	PFAS costs
Newcastle Lord Mayor Gavin Morris	Thanks the CMA for electoral congratulations
NSW Minister for Planning and Public Spaces, The Hon. Paul Scully MP	Response to CMA correspondence about Local Planning Panels
NSW Local Government Minister, The Hon Ron Hoenig MP	Response to CMA Letter re Local Government Financial Sustainability
NSW Local Government Minister, The Hon Ron Hoenig MP	Response to CMA letter regarding remote western Council representation in his Expert Advisory Panel
NSW Health Minister The Hon Ryan Park MP	Response to CMA letter encouraging funding for the RFDS
Glen Innes Severn Mayor Margot Davis	Community and Employment Benefit Program – Eligibility of Glen Innes Severn Council
Chairman of Rural Councils Victoria Cr Rob Amos	Letter to ALGA for advocacy for a dedication portion of the Fed. \$2Billion Local Infrastructure Fund for rural and remote areas.
Junee Shire Council Mayor Bob Callow	Seeking CMA support in opposing an amendment that change the need for Councils to endorse a new rail crossing to just be consulted with about it.
Broken Hill City Council Mayor Tom Kennedy	Encouraging CMA support for the Regional Banking Investment Alliance campaign
NSW Roads Minister, The Hon Jenny Aitchison MP	Response to the CMA letter about the Waterfall Way
CNSWJO	Seeking CMA Advocacy Support re the GWH
Electoral Commissioner for NSW, Ms. Rachel McCallum	Seeking CMA consultation re principles to govern future costs arrangements for Local Government elections.
NSW Premier, The Hon Chris Minns MP	Response to CMA letter re Local Government Financial Sustainability in NSW
NSW Auditor-General, Mr Bola Oyetunji	Response to CMA letter of appreciation re the Red Fleet

NSW Roads Minister, The Hon Jenny Aitchison MP	The Roads Act Review and CMA's request to expedite the legislation
Temora Shire Council	ESL letter to the CMA
NSW Police Minister The Hon Yasmin Catley MP	Response to the CMA letter re Gun Law reforms
IPART Chairman Mr Anthony Wing	Thanking the CMA for congratulations and accepting invitation to address the 28 Aug. meeting.
Local Govt Association of Qld CEO Alison Smith	Congratulating CMA on proposed Federal Disaster Recovery cuts comments. They are interested in further collaboration.
Upper Hunter Shire Mayor Maurice Collison	Local Government (General) Amendment (Meetings) Regulation 2026 and Council Advocacy Response [briefings]
Cabonne Council Mayor and CNSWJO Chairman Kevin Beatty	Feedback, acknowledging CMA's work and achievements.
Dubbo Regional Council Mayor Josh Black	Seeking support for the re-opening of the Wallerawang to Gwabegar Railway line

Recommendation: **That the correspondence be received and noted.**

Moved by: Mayor John Medcalf OAM (Lachlan Shire)

Seconded by: Mayor Phyllis Miller OAM (Forbes Shire)

– Carried unanimously.

5. MEDIA RELEASES

[FEDERATION COMPACT WELCOMED BY NSW COUNTRY MAYORS](#)

[NSW COUNTRY MAYORS SLAM FEDERAL PLANS TO REDUCE DISASTER ASSISTANCE](#)

[NSW COUNTRY MAYORS WELCOME FRESH START EXTENSION](#)

[COUNTRY MAYORS ASK ABOUT THEIR FAIR SHARE OF THE BUDGET](#)

[NSW Country Mayors congratulate new Nationals leadership team](#)

[Country Mayors draw out political big guns](#)

[NSW Country Mayors Welcome Reopening of Inquiry](#)

[Country Mayors renew vows with LGNSW](#)

[Eugowra people, Cabonne Council honoured for Inland Tsunami response](#)

[COUNTRY MAYORS AND LOCAL GOVERNMENT NSW – A BIG WEEK OF COLLABORATION](#)

[CMA backs Dr. McGirr's Rural Health Action Plan](#)

[No quick fix for NSW Red Fleet Ownership](#)

[NSW Country Mayors react to Bondi shooting](#)

[Legislation on Guns and Public Assembly too Rushed](#)

[NSW Country Mayors react to new look State Shadow Ministry](#)

[VALE DAME MARIE BASHIR](#)

[CMA discusses GST Review with NSW Premier and Treasurer](#)

[Welcome recognition for country NSW Council luminaries](#)

[CMA and NSW Emergency Services Minister progress Red Fleet issue](#)

[Emergency Services Levy a NSW Government responsibility](#)

[NSW Government drought response a good start](#)

[NSW Country Mayors welcome LG Expert Advisory Panel](#)

[NSW Premier and Country Mayors brainstorm](#)

[NSW COUNTRY MAYORS: TIME FOR NSW TO GET ITS' FAIR SHARE OF THE GST](#)

[NSW Country Mayors mourn Ray Donald OAM](#)

Recommendation: **That the media releases be received and noted.**

Moved by: Mayor Kenrick Winchester (Queanbeyan-Palerang Regional Council)

Seconded by: Mayor Mathew Hatcher (Eurobodalla Shire Shire).

– Carried unanimously.

6. REPORTS

Report from CMA Chairman Mayor Rick Firman OAM

Recommendation: **That the Report be received and noted.**
Moved by: Mayor Miller OAM (Forbes Shire)
Seconded by: Mayor Cadwallader (Ballina Shire)
– Carried unanimously.

Finance Report – Ms. Melissa Boxall (CMA Secretary)

Recommendation: **That the Report be received and noted, as read.**
Moved by: Mayor Adam Roberts (Port Macquarie Hastings Council)
Seconded by: Mayor Nina Dillon (Goulburn Mulwaree Council)
– Carried unanimously

Report from the President of ALGA, Mayor Matt Burnett

Recommendation: **That the Report be received and noted, as read.**
Moved by: Mayor Miller OAM (Forbes Shire)
Seconded by: Mayor Ndiaye (Byron Shire)
– Carried unanimously.

Report from President of LGNSW – Mayor Darcy Byrne

Recommendation: **That the Report be received and noted.**
Moved by: Mayor Winchester (QPRC)
Seconded by: Mayor Lea Parker (Greater Hume Council).
– Carried unanimously.

Policy Advisor's Report – Mrs. Julie Briggs

Recommendation: **That the Report be received and noted and that the recommendations therein be endorsed.**
Moved by: Mayor Miller OAM (Forbes Shire)
Seconded by: Mayor Medcalf OAM (Lachlan Shire).
– Carried unanimously.

Mayor Paul Culhane (Upper Lachlan) raised the policy concern of data centres “being dumped on the regions,”. This was deferred to Urgent Business Without Notice.

Business with Notice

- a) CMA Board Recommendation: That the CMA accept NBN's application to become an Associate Member of the CMA.

Moved by: Mayor Callow (Junee Shire).
Seconded by: Mayor Miller OAM (Forbes Shire)

– Carried unanimously.

- b) CMA Board Recommendation: That the CMA's Annual General Meeting (AGM) voting be modernised, with the use of Vero Voting (digital voting using smart-phones) to conduct any contested elections at the CMA AGM on Friday 13 November 2026.
Further, that Members endorse the proposed nomination timetable, with nominations opening on Thursday 1 October 2026 and closing at 5.00 pm on Friday 16 October 2026.

Moved by: Mayor Roberts (PMHC).
Seconded by: Mayor Parker (Greater Hume)

– Carried unanimously.

Urgent business without notice

1. Mayor Culhane (Upper Lachlan) initially moved That the CMA advocate for data centre renewable energy needs to be dealt with where they are required in the regions.
Wollondilly Mayor Matt Gould said it is subjective.
Mayor Miller suggested a policy paper be prepared by the Policy Advisor.

Final motion: "That the Policy Advisor be requested to prepare a discussion paper on the implications of the rapid expansion of data centres around NSW and specifically address the concern that the power requirements being met by renewable energy could lead to, if not challenged, even more renewable projects being thrust on already saturated areas of regional NSW rather than in proximity to metropolitan areas where the power is required"

Moved by: Mayor Culhane (Upper Lachlan Shire).
Seconded by: Mayor Miller OAM (Forbes Shire)

– Carried unanimously.

2. Mayor Andrew McKibbin (Oberon Council) moved That the CMA raise concerns regarding the Traffic controls changes relating to increased pilot vehicle requirements (now min. two people).
Further, that the cost implications be investigated and conveyed.
Seconded by: Mayor Callow (Junee Shire).

– Carried unanimously.

Without any further business, Chairman, Mayor Firman OAM declared the CMA General Meeting closed at 12:58 pm

The next CMA meeting will be on **Friday 13 November 2026**, in the NSW Parliament House Theatre – 8:20am-1:00pm. There will be four core segments:

- A pre-NSW Election Forum
- Water session
- AGM
- General Business

There will be a FOGO Workshop presented in conjunction with Minister Penny Sharpe's Office and the EPA's FOGO team on the afternoon of Thursday 12 November.

NSW Premier The Hon Chris Minns will be our guest speaker for a three-course dinner and drinks at the Royal Automobile Club of Australia on Macquarie Street.

7.2 BUSINESS

7.2.1 TABLING OF PECUNIARY INTEREST RETURNS

DOCUMENT NUMBER	480235
REPORTING OFFICER	Anne Chamberlain, Governance Officer
AUTHORISING OFFICER	Linda Wiles, Manager Business
RELEVANCE TO COMMUNITY STRATEGIC PLAN	4. Collaborative and progressive leadership 4.4 Recognised as a premier local government Council that represents and advocates for community needs
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 2025 to 30 June 2026 are tabled.

Pecuniary interest returns from new designated staff as of 14 October 2026, is tabled.

Register of Annual Pecuniary Interest Returns disclosed, is tabled below:

Designated person	Position	Latest return on file
Abb McAlister	Mayor	Annual – 2025/2026
Rosalind Wight	Deputy Mayor	Annual – 2025/2026
Les Cooper	Councillor	Annual – 2025/2026
Gil Kelly	Councillor	Annual – 2025/2026
Logan Collins	Councillor	Annual – 2025/2026
Ethan Ryan	Councillor	Annual – 2025/2026
David Graham	Councillor	Annual – 2025/2026
Penny Nicholson	Councillor	Annual – 2025/2026
Danyal Syed	Councillor	Annual – 2025/2026
Kylie McRae	ARIC Chairperson	Annual – 2025/2026
Chris Webber	ARIC Member	Annual – 2025/2026
Nick Tobin	ARIC Member	Annual – 2025/2026
Stephen Dunshea	ARIC Member	Annual – 2025/2026
Roger Bailey	Interim General Manager	Annual – 2025/2026
Trevor Dando	Acting Deputy General Manager - Operations	Annual – 2025/2026
Linda Wiles	Manager Business	Annual – 2025/2026
Damian Smith	Acting Manager Finance	Annual – 2025/2026
Thomas Hogg	Acting Manager Engineering - Gundagai	Annual – 2025/2026
David Brodie	Acting Manager Engineering - Cootamundra	Annual – 2025/2026
Steve Lowe	Acting Manager Regional Services - Cootamundra	Annual – 2025/2026
Greg Ewings	Acting Manager Regional Services - Gundagai	Annual – 2025/2026
Lauren Dawes	Acting Manager Sustainable Development	Annual – 2025/2026
Emily Robinson	Ranger/ Regulatory Officer	Annual – 2025/2026
Nathan Campbell	Ranger/Cemetery Attendant	Annual – 2025/2026
Andrew Wiegold	Ranger	Annual – 2025/2026
Jacob Tiernan	Acting Open Space Supervisor – Ranger Duties	Annual – 2025/2026
Gene Kessell	Ranger/Regulatory Officer	Annual – 2025/2026
Bevan Collins	Biosecurity Officer	Annual – 2025/2026
Luke Izzard	Environmental Health and Building Surveyor	Annual – 2025/2026
Andrew Gardiner	Environmental Health Officer	Annual – 2025/2026
Craig Perrin	Town Planner	Annual – 2025/2026
Alex Marshall	Town Planner (PPT)	Annual – 2025/2026
Ralph Tambasco	Contract Building Surveyor	Annual – 2025/2026
Donna Britton	Acting Manager Regional Services	New Designated person

The code of conduct specifies that a person need not make and lodge a return if they made and lodged a return in the preceding 3 months, or if they have ceased to be a designated person in the preceding 3 months.

Financial

There are no financial implications associated with this report.

OLG 23a Guideline consideration

The report purpose does not conflict with guidelines.

7.2.2 SECTION 355 COMMITTEE MEETING MINUTES

DOCUMENT NUMBER	483413
REPORTING OFFICER	Anne Chamberlain, Governance Officer
AUTHORISING OFFICER	Linda Wiles, Manager Business
RELEVANCE TO COMMUNITY STRATEGIC PLAN	4. Collaborative and progressive leadership 4.4 Recognised as a premier local government Council that represents and advocates for community needs
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	<ol style="list-style-type: none"> 1. TACC Annual General Meeting (AGM) Meeting Minutes - 16 July 2026 ↓ 2. TACC - Financial Statement 2025-2026 ↓ 3. CHCMC Minutes - 3 August 2026 ↓ 4. Stockinbingal Ellwoods Hall Meeting Minutes - 24 August 2026 ↓

RECOMMENDATION

That the following s.355 Committee Meeting minutes, attached to the report, be received and noted:

- 1. The Annual General Meeting Minutes of The Arts Centre Cootamundra (inclusive of the Financial Report).**
- 2. The Office bearers and membership of The Arts Centre Cootamundra s.355 Committee as detailed in the report be endorsed.**
- 3. The Ordinary Minutes of the Cootamundra Heritage Centre s.355 Committee (CHCMC) dated 3 August 2026**
- 4. The Ordinary Minutes of the Stockinbingal Ellwood's Hall s.355 Committee dated 24 August 2026.**

Discussion

The Meeting Minutes of the following s.355 Committees, attached to the report are submitted for the information of Council and the community.

- The Arts Centre Cootamundra AGM Meeting Minutes (inclusive of the financial report) - 16 July 2026.
- The Cootamundra Heritage Centre s.355 Committee Minutes (CHCMC) – 3 August 2026.
- The Stockinbingal Ellwood's Hall s.355 Committee Minutes - 24 August 2026.

The Arts Centre Cootamundra – Office bearers and members

Chairperson:	Natalie Cowled	Vice Chairman:	Julie Cowell
Treasurer:	Rosie Fowler-Sullivan	Secretary:	Eric Steinke
Performing Arts:	Mackenzie Bird	Visual Arts:	Sarah Hughes
Committee:	Denise Price, Dotti La Sage, Lyn Cameron, Bob Moolenaar		
Council Representative:	Logan Collins		

Financial

There are no financial implications associated with this report.

OLG 23a Guideline consideration

The report purpose does not conflict with guidelines.



Minutes

THE ARTS CENTRE COOTAMUNDRA SECTION 355 COMMITTEE

ANNUAL GENERAL MEETING

THE ARTS CENTRE COOTAMUNDRA,
18 WALLEDOON STREET, COOTAMUNDRA

6:00PM, THURSDAY 16 JULY 2026

1	2
1.1	2
1.2	2
1.3	2
1.4	Presentation of Annual Reports..... 2-3
1.5	Acceptance of nominations: 4
1.6	Date and Time of next meeting (if known)..... 4
1.7	Time Meeting Closed 5

1 MINUTES

1.1 Attendance and Confirmation of Quorum

Present: President/Chairperson: Natalie Cowled
 Secretary: Eric Steinke
 Treasurer: Rosie Fowler-Sullivan
 Council Representative: Logan Collins
 Committee Members: Julie Cowell, Mackenzie Bird, Lyn Cameron, Hannah Northy, Denise Price, Dotti Le Sage, Sarah Hughes, Isabel Scott
 Other Attendees: Lucy Main, Bob Moolanar, Marge, Leah Sutherland

1.2 Apologies

Committee Members that were unable to attend: Hannah Northey
 Annabelle Marley, Leigh Bowden,

*We acknowledge the Traditional Custodians of the Land on which we live, work, and create.
 We pay respects to Elders past, present and emerging.*

1.3 Confirmation of previous Annual General Meeting Minutes

The minutes of the last AGM of Cootamundra Arts Centre Section 355 Committee meeting dated Thursday 17 July 2025 are confirmed as true and correct.

(Moved: Eric Steinke, Seconded: Julie Cowell)

1.4 Reading of Annual Reports:

1.4.1 Chairperson

End-of-Year Report 2025-2026

*Dear Members, Volunteers, and Stakeholders,
 Thank you everyone for attending our 2026 Annual General Meeting. It has been my pleasure to serve as The Arts Centre Cootamundra's chair for the 2025-2026 period. I've been involved with the committee now for 5 years and last year for my speech I gave a bit of an annual review about all the events and such that had occurred and I'm happy to report that this years events have us in great fiscal standing and while our gross profit is slightly down on last year, our expenses were far less so our net profit is up, but this year, I thought I'd focus more on community.
 In September last year we were approached by council about hosting the visitor information centre here at TACC and after lengthy conversations, we came to a mutually beneficial agreement which came into fruition last month when the VIC officially opened the doors here in the old meeting room. In the limited time VIC has had their doors open, there have been an average of 6 per day – often at times when TACC would not have been open, happily, most of the visitors shown interest in TACC's workings*

Thanks to Leah, Denise and the council for this opportunity for TACC to further engage with our community. There's still work to be done, but so far we're off to a very positive start and we look forward to the VIC and TACCs relationship further growing in the coming years.

Over the past year, TACC has played host to 5 successful friendship groups, Artlarks, Cootamundra Town Band & Amateur Drama on Tuesdays, After Hours Art on Wednesdays, Mudlarks (Pottery) on Thursdays all well attended – A super special thanks to our friendship group hosts Anne Steinke,

Mackenzie Bird, Eric Steinke, Allison Patterson, Sarah Hughes & Lyn Cameron.

Our fabulous communications officer Lucy Main does amazing work for us. We have over 2000 followers on social media, but more than followers we have had significant interactions this year with nearly 460K views on posts on FB, and nearly 18K on Instagram, while our website has had close to 22K visitors – how many of which are Lucy is a question for the ages
When it comes to event attendance, we have directly sold over 2600 individual tickets + (which doesn't include attendees to events not ticketed by us or those events that just aren't ticketed at all) – In particular, Darren Coggan's performances did particularly well – and school holiday movies are always well attended

Thank you also goes to our fabulous cohort of volunteers and supporters. We currently have 24 active volunteers. A special thank you to

*Eric & Anne Steinke
 Julie & Eliza Cowell
 Lilian Dowell
 Graham & Caroline Bragg
 Maree
 Andy & Lindsey Baber
 Annabel Marley
 Graeme Johnson
 Rosie Fowler-Sullivan
 Michael Hoffman
 Denise Clune
 Michael Magrath
 Rachael Magrath
 Leila Ismay
 Robyn Williams*

Our movie volunteers who show up regularly to man the ticket sales, kiosk and screening of our movie showings
I'd like to thank the outgoing committee, all dedicated volunteers – Julie Cowell, Eric Steinke, Rosie Fowler-Sullivan, Isabel Scott, Lyn Cameron, Denise Bradley, Hannah Northey, Mackenzie Bird, Sarah Hughes & Dotti Le Sage – for all the hard work they've put into the centre this year and in previous years!

TACC is not technically a community centre, but we are a centre that is driven by community. We look forward to the 2026-27 period being even bigger and better for our

community.

*Thank you,
Natalie Cowled
Chair, Arts Centre Cootamundra
Natalie Cowled
Chair, Arts Centre Cootamundra*

Rosie's full report is attached (appendix B). Moved Rosie Fowler-Sullivan, Seconded Mackenzie Byrd

1.4.2 Discussion

- Julie made a heartfelt thank you to our regular hirers
 - Christine Emery with studio hire for Bowen therapy
 - Anne Steinke with a private studio hire
 - Janelle Noak and the quilters with a fortnightly meeting room hire
 - Miss Em's dance studio, with a studio and regular theatre hire
 - Baptist Care with a studio and regular exhibition room and kitchen hire.
- Noted that we've built up a reputation as a venue for hire. This has extended out into touring performers who are corresponding with the centre unprompted to hire the space. Such groups include Fanny Lumsten, Patrick James, Darren Cogan, Daniel Aranda, Matt Arthur and the lazy bones and Nantaunki theatre. These patrons are also happy to share that they are quite pleased that the centre is a more plug and play venue than they are finding in community halls that they frequent on their tours.
- Annabel Marley made a note on how open and useful the centre is for the dance schools in town. That TACC is a wonderful venue and its great to see the dances have dedicated space to perform.

Finances

The financial situation is travelling well despite the uncertainties in the economy at large. The centre is sitting comfortably at approximately \$60,000 and although TACC has brought in less revenue over the past financial year it has also seen a reduction in spending leading to a greater net profit. More details can be found in the accompanying financial report (appendix B)

All positions became vacant and Leah Sutherland proceeded with the election.

1.5 Acceptance of nominations from committee members for the position of:

- **Chairperson:** Natalie Cowled. Nominated by Mackenzie Bird, seconded by Eric Steinke. Elected unopposed.
- **Vice Chairperson:** Julie Cowell. Nominated by Natalie Cowled, seconded by Mackenzie Bird. Elected unopposed
- **Treasurer: Rosie Fowler-Sullivan.** Nominated by Natalie Cowled, seconded by Eric Steinke. Elected unopposed
- **Secretary/Minutes Secretary:** Eric Steinke Nominated by Natalie Cowled, Seconded by Rosie Fowler-Sullivan. Elected unopposed.
- **Performing Arts:** Mackenzie Bird, Nominated by Eric Steinke, seconded by Sarah Hughes. Elected unopposed
- **Visual Arts:** Sarah Hughes. Nominated by Mackenzie Bird seconded by Denise Price. Elected unopposed.
- **General committee:** Denise Price, Dotti La Sage, Lyn Cameron, Bob Moolenaar
- **Council Representative:** Logan Collins

1.6 Date and Time of Next Meeting – 15/07/27 at 5:30pm

1.7 Time Meeting Closed – 6:35pm

Balance Sheet

The Arts Centre Cootamundra
As at 30 June 2026

	30 June 2026	30 June 2025	30 June 2024
Assets			
Bank			
CCACC	60,169.83	52,130.12	41,192.85
Mastercard	1,004.05	930.30	1,103.50
Old customer deposit account	-	800.00	500.00
Total Bank	61,173.88	53,860.42	42,796.35
Current Assets			
Accounts Receivable	8,493.90	3,491.90	4,374.10
Petty Cash and Float	(250.00)	(286.50)	(286.50)
Total Current Assets	8,243.90	3,205.40	4,087.60
Fixed Assets			
Computer Equipment	3,688.06	3,688.06	955.15
Office Equipment	1,062.84	1,062.84	1,062.84
Security deposit	500.00	500.00	500.00
Total Fixed Assets	5,250.90	5,250.90	2,517.99
Total Assets	74,668.68	62,316.72	49,401.94
Liabilities			
Current Liabilities			
Accounts Payable	2,763.70	237.00	695.00
Customer Deposits	1,200.00	800.00	500.00
Do not use Grant /Donations	1,000.00	1,800.00	1,800.00
Donations for specific purposes	(28.59)	(28.59)	(28.59)
GST	(2,435.99)	(1,261.58)	(3,853.22)
Rounding	(0.06)	(0.06)	(0.06)
Total Current Liabilities	2,499.06	1,546.77	(886.87)
Non-current Liabilities			
Theatre lights	300.00	300.00	300.00
Total Non-current Liabilities	300.00	300.00	300.00
Total Liabilities	2,799.06	1,846.77	(586.87)
Net Assets	71,869.62	60,469.95	49,988.81
Equity			
Current Year Earnings	11,399.67	10,481.14	13,617.35
Retained Earnings	60,469.95	49,988.81	36,371.46
Total Equity	71,869.62	60,469.95	49,988.81

Profit and Loss

The Arts Centre Cootamundra
For the year ended 30 June 2026

	2026	2025	2024
Trading Income			
catering income	-	429.09	2,585.81
Interest Income	-	5.38	6.78
Membership	1,079.17	1,668.17	1,245.44
Other Revenue	272.73	-	6,500.00
Sales	15,330.66	19,890.43	24,962.77
VA Exhibitions	-	481.18	660.72
Total Trading Income	16,682.56	22,474.25	35,961.52
Gross Profit	16,682.56	22,474.25	35,961.52
Other Income			
Admin & Tech	1,059.00	198.00	-
Casual hire	14,061.00	13,366.36	10,437.50
Friendship group	2,249.19	1,805.75	2,362.40
General fundraising	2,000.95	178.81	95.45
Late Payment fee	80.00	60.00	-
movie	30,843.46	30,535.44	25,553.08
PA workshop	-	4,504.57	5,538.64
Performance	7,598.18	4,811.78	15,772.27
Raffle	-	-	1,277.18
sales bar	2,087.26	2,631.83	1,690.95
sales kiosk	2,518.25	3,092.33	3,921.03
VA workshops	1,810.00	1,727.27	7,258.08
Total Other Income	64,307.29	62,912.14	73,906.58
Operating Expenses			
Advertising	1,731.49	6,028.92	8,837.49
alcohol	1,046.72	689.43	745.45
art supplies	-	-	204.55
Bank Fees	484.13	139.70	-
Capital expense	6.32	2,362.73	19,263.64
Catering	54.89	95.80	5,102.20
Cleaning	3,174.09	3,117.41	1,831.18
Consulting & Accounting	749.98	763.68	633.64
Consumables	-	(98.50)	63.19
Contract	14,970.84	12,490.19	11,674.49
Donation	(177.08)	(902.58)	373.04
Equipment Hire	-	260.00	510.45
Fees for performers	7,700.00	3,222.73	785.85
Film Hire	-	-	6,380.73
Freight & Courier	295.09	94.64	146.77
Furniture	635.45	3,057.80	251.27
kiosk	1,628.60	2,030.92	2,503.38
License	430.42	1,194.49	1,024.83
Movie contract	3,115.50	11,224.28	10,098.74
Movie hire	18,359.98	17,544.94	11,589.60
Natural Gas	661.12	655.51	666.35
Office Expenses	-	19.99	20.82
Printing & Stationery	-	233.65	872.29
Repairs and Maintenance	11,040.91	4,996.51	2,392.00
Security	490.92	900.01	550.01
Sponsorship	-	413.64	-
Telephone & Internet	1,230.81	1,338.45	1,260.98
Tutor Fees	1,960.00	3,030.91	8,467.81
Total Operating Expenses	69,590.18	74,905.25	96,250.75
Net Profit	11,399.67	10,481.14	13,617.35

**THE REPORT AND RECOMMENDATIONS OF THE COOTAMUNDRA HERITAGE CENTRE
MANAGEMENT COMMITTEE MONTHLY MEETING HELD AT THE COOTAMUNDRA
HERITAGE CENTRE ON MONDAY 3 August 2026 COMMENCING AT 4.03PM**

Present: Helen Hamilton, Michele Pigram, Betti Punnett, Frances Redden, Betty Brown, Leah Sutherland, Robyn Williams

Apologies: Ros Wight

Disclosure of Interest: There was no disclosure of interest.

Minutes from the Previous Meeting: Moved Betti Punnett, seconded by Michele Pigram that the Minutes be confirmed. **CARRIED**

Business Arising: * The telephone now operating satisfactorily– thank you.

* McLaren video - instructions needed

* Michele computer - satisfactory

Financial Report: Frances Redden presented the Financial Report for July CHC 134, children, 8 \$169.25 EFTPOS \$85.00; Lucky Dips \$25.00 VIC 43 Souvenirs \$107.00 EFTPOS \$7.00 **\$286.25 EFTPOS \$107.00 \$393.25** Moved Frances Redden, seconded Betty Brown. **CARRIED**

Correspondence: **OUT** - July Minutes

General Business: * Birthday celebrations - 18 August Morning Tea 10.30am Tim McLaren exhibit to be highlighted. Sandwiches to be bought - Leah Sutherland. Members bring plate. Set up outside weather permitting.

* Tim McLaren exhibit - hopefully TV (and audio) now fully installed. Monitor to be held in a wall bracket. Instructions to be printed.

* Yvonne Forsyth - Betti Punnett reported that she had visited Yvonne in Care and that she was well and had a good chat.

* Large photos of past Cootamundra Shire Councillors - where to display CHC? CSC?

* Gutters have been cleaned out - much needed.

* Stationmaster's clock - details to follow.

Leah Sutherland reported that a front des/hatch had been ordered.

* Unwanted/extra donations - sell: eg irons as doorstops

* *Baileyanas* - progressing, 3rd *prostrate* planted.

* There being no further business, the meeting closed at 4.33pm.

Betti Punnett Secretary

Next meeting: Monday 3 September 2026 4.00pm

***Should you have any item/s you wish to place on next month's meeting
agenda, please notify me by 31 August 2026***



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Minutes

STOCKINBINGAL ELLWOOD HALL SECTION 355 COMMITTEE

AT ELLWOOD'S HALL STOCKINBINGAL

5.30PM MONDAY 24 AUGUST 2026

1. AGENDA ITEMS

1.1. Attendance and Confirmation of Quorum

Attendance: Chairperson: Carmel Payne

Secretary: Lorna Nixon

Treasurer: Alan Pether

Councillor:

General Members: Robyn Gray,

Confirmation of a Quorum: There are 7 Members appointed to this
Committee. Quorum numbers are met - **yes**

1.2. Apologies: Sue Caldwell, Su Moon, Kim Lee, Councillor Les Cooper

1.3. Disclosure of Interests: nil

1.4. Confirmation of previous meeting Minutes:

The minutes of the last Stockinbungal Ellwood's Hall Section 355 Committee meeting dated 22 June 2026 were confirmed as true and correct.

Moved: Robyn Gray Seconded: Carmel Payne

1.5. Business Arising from previous Minutes:

- **Back Yard** - Jim Preston has sprayed the weeds and the damaged fence has now been repaired (on 19 August). Council have offered to bring out bark chips. Secretary to organise with Steve Lowe.
- **New Door** - Kris has begun work on the door. Awaiting panic bar.
- **Water in the Kitchen** - Mick Roberts who repaired the back fence studied the external wall, door and inside the kitchen. It is uncertain how or where exactly the water is entering the kitchen but a roof/shelter over the outside door to the kitchen extending each side of the door may help resolve the problem. Secretary to ask Kris the carpenter if he is willing to do this job.
- **PO Air Conditioner** - job was lost at council somewhere but CEFA have now been back to look at the problem and are awaiting a part. It was still under warranty.

- **Painting the Front wall of the hall** - A grant application has been sent to Inland Rail for the maximum amount of \$4000.00. Notification of success or otherwise is not due until mid September or later. Another grant application will be made to CGRC Heritage Grants and cancelled if the Inland Rail grant is successful.
- **The AGM** was held on 27 July with the only change in the committee was the retirement of Steve Neave. Steve remains Curator of the Heritage Room and has valuable input to the function of the Hall in this position. We thank him for his years on the committee. Letter of thanks written and signed by committee members. CGRC also have written a letter of thanks.
- **Bait Stations:** CGRC were contacted but no reply so far. Secretary will follow up.
- **Kareoke Night:** Carmel has been trying to contact the man involved but no response so far.

1.6. Correspondence in/out:

- 24.06.2026: From carpenter Chris requiring \$3700 to order materials for the door. Alan transferred the money and the job is well underway.
- 24.06.2026: Replying to the painter Raymond James re Heritage colours for the front of the hall.
- 24.06.2026: From CGRC who don't know who removed the bark chips from near the rail crossing. Steve Lowe offered to have some delivered to the hall.
- 29.06.2026: From Steve Lowe advising that wet weather has delayed the repairs to the back fence.
- 01.07.2026: From Anne Chamberlain at CGRC . The WHS Officer at CGRC is requesting a list of events/meetings that are held regularly at the hall and any events coming up.
- 08.07.2026: To Carpenter Kris advising him of events coming up at the hall for him to work around when installing the door.
- 16.07.2026: From Steve Lowe advising that someone from CEFA will check out the PO air conditioner.
- 21.07.2026: From Steve Lowe re air conditioner in PO to be repaired by CEFA who originally installed it.
- 21.07.2026: Application to Inland Rail to paint front of Hall sent in.
- 28.07.2026: To Steve Lowe advising details of the purchase and installation date of the PO air conditioner and that it was probably still under warranty.
- 30.07.2026: Text message from Maddison Morgan wondering if they could use the hall yard on Saturday nights to sell pizzas. Signal message to hall committee and as a result, referred the issue to CGRC.
- 07.08.2026: Reply from Anne Chamberlain re Pizza Van requesting use of the hall yard. Forwarded to Madison Morgan who passed this on to her father Paul.
- 14.08.2026: To Steve Lowe concerning the age of the main power meter board at the hall. Some switches have been throwing out lately. This had previously been requested in March 2025.
- 18.08.2026: From Steve Lowe advising that he has engaged Brendan O'Callaghan to inspect and quote for the upgrade of the power board.

- 18.08.2026: From Steve Lowe advising that the contractor would be at the hall on 19 August to repair the back fence and look at the other issues.

1.7. Report from the Treasurer:

- Current Balance: \$13,598.43
- Income: 320.00 (20.00. (Book); 300 (deposit wedding 2027.)
- Expenses: 0.00
- Closing Balance: \$13,918.43
- Card A/c: \$496.57

Alan moved that his report be accepted., seconded by Carmel Payne.

1.8. General Business:

1) Back yard tidy up:

Action: Secretary to contact CGRC re providing a load of bark for the back yard now that the weeds have been sprayed and the fence has been fixed.

2) Water in the Kitchen:

Action: Secretary to contact carpenter Kris to see if he would be willing to do this job.

3) 80th Birthday on Sat 5th September:

Action: Committee to clean and tidy the hall the day before on Friday 4th September.

4) Curtains donated from Southern Cross Care: Discussion took place as to how these could be used in the hall to add to the appearance of the hall as well as deaden echoing sound.

Action: Carmel to contact Squires regarding tracks for the erection of the curtains. Committee to measure areas where they can be placed.

5) CGRC Heritage Grants: Committee decided to apply for part of the cost of the painting of the front external wall of the hall. If we are successful with the Inland Rail Grant we will notify the CGRC Heritage people to cancel our application. Applications close next week on Monday 31 August. We agreed to apply for \$2,000 and we would pay the rest (\$4700)

1.9. Date and Time of Next Meeting: Monday 26 October 2026.

1.10. Time Meeting Closed: 6.37pm

Signed:

Carmel Payne

Lorna Nixon

Chairperson

Secretary

7.3 FINANCE

7.3.1 FINANCE UPDATE - SEPTEMBER 2026

DOCUMENT NUMBER	483884
REPORTING OFFICER	Damian Smith, Acting Manager Finance
AUTHORISING OFFICER	Roger Bailey, Interim General Manager
RELEVANCE TO COMMUNITY STRATEGIC PLAN	4. Collaborative and progressive leadership 4.1 A clear strategic direction that is delivered upon
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

That the Finance Update report for the month of September 2026, be noted.

Report

The September Finance Update has been reviewed, and no issues have been detected.

Operations

Income

The operational income is at 53% when comparing actual to budget, with the annual rates already being recognised as income but becoming due and payable quarterly throughout the year.

Department	Income Actual	Income Budget	Variance	Result	Comment
Building Department	\$201,341	\$481,254	42%	😊	
Business Department	\$57,129	\$279,322	20%	😊	
Engineering Cootamundra	\$591,926	\$4,612,631	13%	😞	Includes RMCC works being scoped - to increase significantly in future.
Engineering Gundagai	\$197,700	\$768,805	26%	😊	
Executive Department	\$183,397	\$40,000	458%	😊	Includes income from Fresh Start of \$145.5K
Finance Department	\$173,420	\$31,500	551%	😊	Includes legal costs recovered from debt collection of \$163k
Grants	\$6,595,340	\$11,005,305	60%	😊	Includes F.A.G. prepayment of 80% and 1 st instalment.

Department	Income Actual	Income Budget	Variance	Result	Comment
Rates Cootamundra	\$7,157,939	\$7,151,598	100%	😊	
Rates Gundagai	\$4,946,810	\$4,942,428	100%	😊	
Services Cootamundra	\$2,887,068	\$3,903,177	74%	😊	Includes Waste Charges Received
Services Gundagai	\$1,144,199	\$1,956,505	58%	😊	
Sewer Cootamundra	\$800,647	\$2,504,127	32%	😊	
Sewer Gundagai	\$216,282	\$671,316	32%	😊	
Water Cootamundra	\$971,755	\$4,336,291	22%	😊	
Water Gundagai	\$567,344	\$2,130,517	27%	😊	
Plant Hire - Cootamundra	\$342,604	\$2,600,000	13%	😊	
Plant Hire - Gundagai	\$297,561	\$1,600,000	19%	😊	
Interest on Investments	\$458,667	\$1,301,319	35%	😊	Includes interest to be received from Term Deposits.
Overheads Recovery	\$937,935	\$3,609,000	26%	😊	
Total	\$28,729,063	\$53,925,094	53%		

Expenditure

Operational Expenditure is at 20% when comparing actual to budget.

Department	Expense Actual	Expense Budget	% Spent		Comment
Building Department	\$336,650	\$2,055,162	16%	😊	
Business Department	\$864,334	\$3,749,569	23%	😊	
Engineering Cootamundra	\$1,495,556	\$10,383,783	14%	😊	Includes RMCC works being scoped - to increase significantly in future. Major spend to commence in November when weather warms of for road maintenance programs. On track.
Engineering Gundagai	\$1,117,763	\$5,904,490	19%	😊	
Executive Department	\$449,137	\$2,431,191	18%	😊	
Finance Department	\$602,336	\$2,510,940	24%	😊	
Services Cootamundra	\$1,353,141	\$6,153,267	22%	😊	

Services Gundagai	\$727,397	\$4,044,351	18%	😊	Engaged Tree removal service for issue with bats and dangerous trees.
Sewer Cootamundra	\$207,188	\$1,136,132	18%	😐	Cleaning, smoke testing maintenance contract being developed. Sludge lagoon maintenance contract being developed.
Sewer Gundagai	\$140,169	\$1,009,034	14%	😐	CCTV inspection program tender has closed - \$350k
Water Cootamundra	\$799,208	\$3,460,840	23%	😊	Hydrant inspections and maintenance works near completion in Cootamundra.
Water Gundagai	\$175,534	\$1,355,908	13%	😐	Significant expenditure is likely to be incurred as part of the Hydrant inspection and repair program currently underway across CGRC.
Plant Expenses - Cootamundra	\$377,216	\$1,508,000	25%	😊	Spend on target.
Plant Expenses - Gundagai	\$275,675	\$1,092,000	25%	😊	Spend on target.
Depreciation	\$3,437,898	\$14,319,289	24%	😊	
Overhead Expenses	\$921,422	\$3,902,707	24%	😊	
Cootamundra Demerger	\$119,234	\$1,264,863	10%	😊	
Gundagai Demerger	\$119,234	\$1,264,863	10%	😊	
Total	\$13,519,091	\$67,546,389	20%	Total	

Capital

Income

Capital income is at 32% of budget when comparing actual to budget.

Asset Category	Total YTD.	Budget	% Rec'd	Result	Comments
Plant & Equipment - Cootamundra	\$72,731	\$272,000	27%	😊	
Plant & Equipment - Gundagai	\$72,563	\$272,000	27%	😊	
Section 7.12 Developer Contributions	\$78,885	\$160,000	49%	😊	
TOTAL	\$224,180	\$704,000	32%		

Expenditure

Capital expenditure is at 31% of budget when comparing actual to budget.

Asset Category	Actual Expenses	Actual Expenses + Committed Costs	Budget	% Spent	Result	Comments
Cootamundra Land	\$0	\$0	\$0	0%	😊	Aerodrome Land development on hold due to demerger and planned cost saving opportunities.
Cootamundra Plant	\$0	\$20,018	\$1,000,000	2%	😊	RFQs have closed and being assessed, purchases expected next month.
Cootamundra Roads	\$325,149	\$606,070	\$2,661,529	23%	😊	Olney Street Drainage complete. Heavy Patching scoped to commence, Reseals scoped to commence. Muttama and Wallendbeen Flood Study awarded and commenced. On track.
Cootamundra Building	\$795	\$5,566	\$129,078	4%	😐	Grease trap installation at Fisher Park to commence.
Cootamundra Recreation	\$0	\$46	\$20,000	0%	😐	Pool changeroom floor & WMH Not started.
Cootamundra Waste	\$0	\$26,820	\$25,000	107%	😐	New CCTV Complete.
Cootamundra Bridges	\$0	\$7,350	\$300,000	2%	😐	Adams St causeway design underway, procurement to be completed prior to Christmas. Works completed summer months new year.
Cootamundra Water	\$1,000	\$550,854	\$1,392,330	40%	😊	Mains replacement awarded and to commence in coming months.
Cootamundra Sewer	\$16,095	\$736,317	\$2,072,243	36%	😊	Mains replacement awarded and to commence in coming months.
Cootamundra Property	\$0	\$0	\$0	0%	😊	
Mill Centre - Interactive Tourist Attraction	\$1,700	\$71,128	\$0	0%	😊	On schedule to meet funding deadline 31 October 2026.
Gundagai Bridges	\$0	\$1,713	\$295,000	1%	😐	Brawlin Rd Bridge in design phase.
Gundagai Building	\$7,062	\$39,534	\$418,705	9%	😐	Depot Toilet Block on hold. Council Chambers – new manager chasing up. Gundagai Museum has \$29k quote to be committed to. River Caravan Park not started.

Gundagai Plant	\$50,737	\$140,138	\$1,000,000	14%	😊	
Gundagai Property	\$0	\$0	\$0	0%	😊	
Gundagai Recreation	\$0	\$0	\$664,192	0%	😐	Gundagai District Services Club – discussions ongoing on how to proceed. Capex works for pool scheduled for April 27
Gundagai Roads	\$31,431	\$56,972	\$1,941,632	3%	😐	Contractor engaged. Major spend to commence in November when weather warms of for road maintenance programs. On Track.
Gundagai Sewer	\$158,778	\$603,197	\$920,511	66%	😊	Sewer Mains Upgrade ongoing.
Gundagai Waste	\$0	\$0	\$584,500	0%	😐	Capital Projects for waste station commenced but not expended as yet.
Gundagai Water	\$573,503	\$3,026,522	\$5,336,983	57%	😊	Fluoridation Upgrade, Chemical Dosing System and Intake Structure all out to tender.
IT	\$0	\$0	\$50,000	0%	😊	
Total	\$1,166,248	\$5,892,243	\$18,811,703	31%		

Financial

There are no financial implications associated with this report.

Please note total costs generally include committed expenditure for budgeting purposes. Capital Expenditure now shows both actual expenses and total committed costs due to the material nature of commitments compared to actual expenditure for 2027.

Capital budget figures have been updated to include carry forward from 2026.

Interest on investments now includes that accrued on term deposits that is not received until date of maturity.

Demerger costs have been moved from capital to operating expenditure to align with budget and likely year end accounting treatment.

OLG 23a Guideline consideration

Report purpose does not conflict with guidelines.

Demerger Costs Report September 2026**Demerger Costs 2023**

Description	Actual (\$)
Other	2,186
Travel	144
Wages and Allowances	3,095
Total	5,425

Demerger Costs 2024

Description	Actual (\$)
Contractors & Consultants	86,183
Legal Fees	14,517
Marketing	10,400
Travel	2,901
Other	2,022
Total	113,122

Demerger Costs 2025

Description	Actual (\$)
Contractors & Consultants	15,760
Legal Fees	450
Wages and Allowances	2,373
Total	18,583

Demerger Costs 2026

Description	Actual (\$)
Contractors & Consultants	9,600
Legal Fees	2,465
Travel	738
Software Upgrades and Training	155,842
Wages and Allowances	164,500
Total	333,144

Demerger Costs to date 2027

Description	Actual (\$)	Committed (\$)	Total(\$)	Budget(\$)
Contractors & Consultants	141,588	71,105	212,693	
Software Upgrades and Training	62,950		62,950	
Food & Catering Costs	631	-	631	2,529,275
Wages and Allowances	45,561		45,561	
Total	250,730	71,105	321,835	2,529,725

7.3.2 RESTRICTED CASH RECONCILIATION - SEPTEMBER 2026

DOCUMENT NUMBER	484156
REPORTING OFFICER	Damian Smith, Acting Manager Finance
AUTHORISING OFFICER	Roger Bailey, Interim General Manager
RELEVANCE TO COMMUNITY STRATEGIC PLAN	4. Collaborative and progressive leadership 4.1 A clear strategic direction that is delivered upon
FINANCIAL IMPLICATIONS	CGRC is compliant with OLG legislation.
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 Restricted Cash Reconciliation report for the period ending 30 September 2026, be received and noted.

Report

The restricted cash figures have been reconciled to 30 September 2026 as shown in the below table.

Internally Restricted Reserves	Bal 30 June 2026	Transfers To	Transfers From	Bal 30 Sep 2026
Aerodrome Bitumen Resurfacing	160,788			160,788
Bradman's Birthplace	76,337		(795)	75,542
Cootamundra Caravan Park	215,737			215,737
Heritage Centre	25,882		(1,272)	24,610
Development - Land & Buildings	1,766,071			1,766,071
Employee Leave Entitlements	1,682,703			1,682,703
Quarries & Pit Restoration	248,325		(50,048)	198,278
Plant Replacement	2,312,717	783,567	(705,319)	2,390,965
Cemetery	25,772	108,673	(128,235)	6,211
Southern Phone	505,598			505,598
Waste Management	500,000			500,000
Dog on Tuckerbox Land	367,500		-	367,500
Advanced Financial Assistance Grant	6,127,518		(6,127,518)	-
Total Internal	14,014,947	892,240	(7,013,186)	7,894,001

Externally Restricted Reserves	Bal 30 June 2026	Transfers To	Transfers From	Bal 30 Sep 2026
Domestic Waste	2,734,361	579,592	(354,094)	2,959,859
Water Supply	8,427,614	125,264	(1,522,561)	7,030,317
Sewerage Service	5,034,916	12,881	(500,059)	4,547,737
Stormwater Infrastructure Renewal	483,460	32,449	(6,000)	509,908
Developer Contributions - General	1,465,652	77,651		1,543,303
Developer Contributions - Sewer	421,276	-		421,276
General Fund Unspent Grants & Contributions	806,247		(40,983)	765,264
RERRF, SCF Rd1, OLG Flood Unspent Grants	1,004,992		(2,476)	1,002,516
Total External	20,378,517	827,836	(2,426,173)	18,780,181
TOTALS	34,393,464	1,720,077	(9,439,358)	26,674,182

Restricted Cash Reconciliation

Cash at 30 September 2026	35,793,042
Less:	
Externally Restricted Reserves	(18,780,181)
Add:	
Grant Debtors and Contract Asset Outstanding	891,316
Unrestricted Cash	<u>17,904,177</u>

Less:	
Internally Restricted Allocations	(7,894,001)
Net Balance	10,010,176

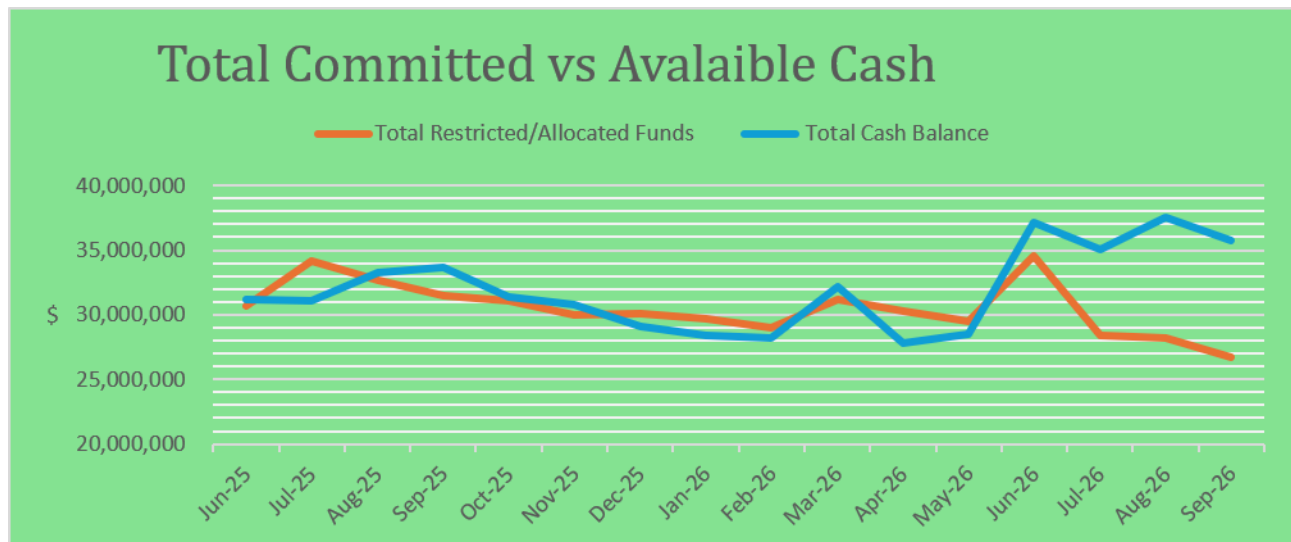
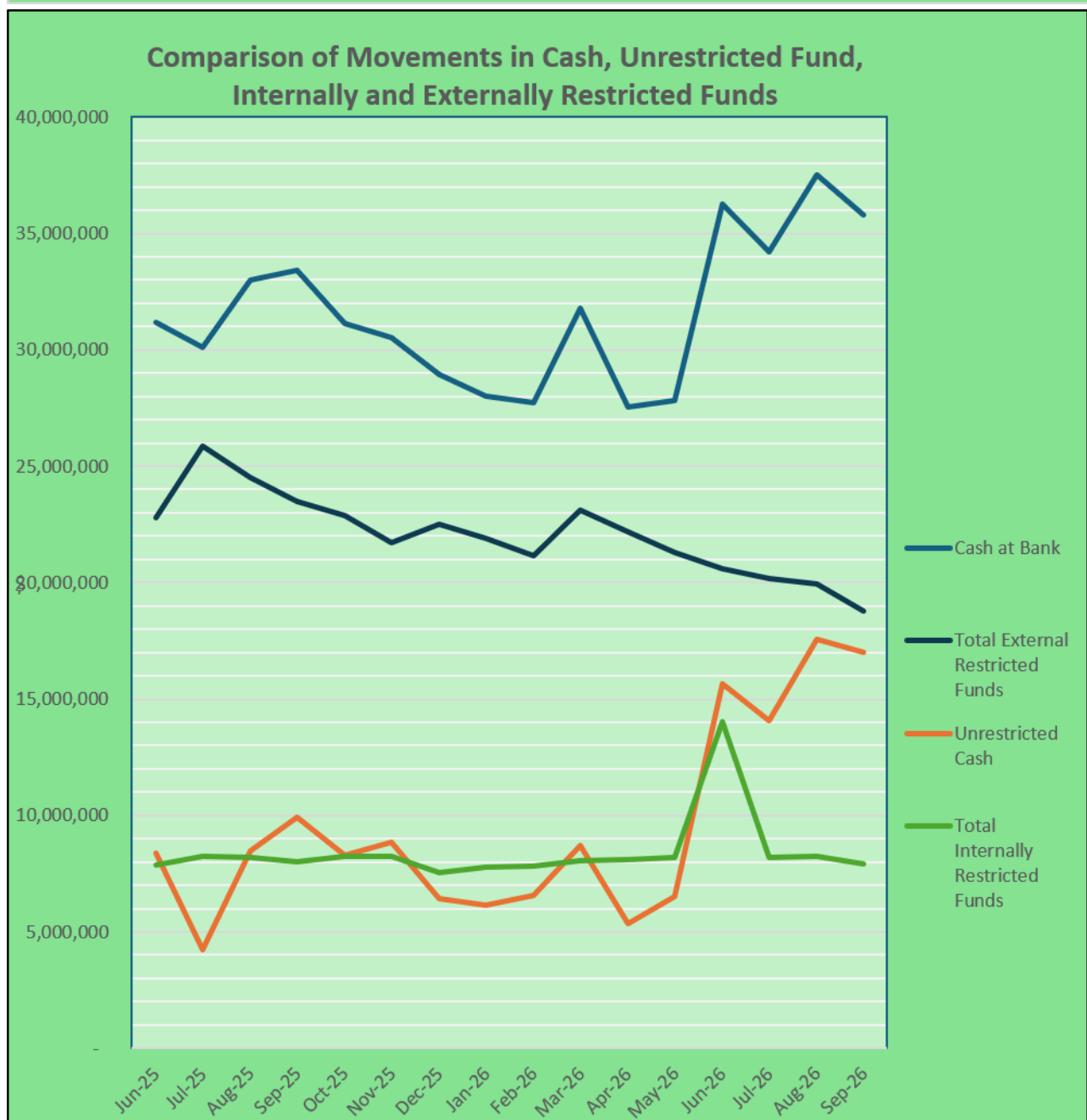
Financial

CGRC is compliant with OLG legislation having Unrestrictive Cash of \$17.9M on 30 September 2026. In addition, council currently has enough funds to also cover internally allocated restrictions, leaving a projected net balance of \$10m.

Please note the Restricted Cash Reconciliation does not currently include any proposed adjustment to balances identified from the Demerger workshops. The adjustments will be made following the finalisation of the audit.

OLG 23a Guideline consideration

Report purpose does not conflict with guidelines.



7.3.3 INVESTMENT REPORT - SEPTEMBER 2026

DOCUMENT NUMBER	484074
REPORTING OFFICER	Damian Smith, Acting Manager Finance
AUTHORISING OFFICER	Roger Bailey, Interim General Manager
RELEVANCE TO COMMUNITY STRATEGIC PLAN	4. Collaborative and progressive leadership 4.1 A clear strategic direction that is delivered upon
FINANCIAL IMPLICATIONS	Council's cash and investment portfolio decreased \$1,741,601 from \$37,534,642 as at 31st August 2026 to \$35,793,042 as at 30th September 2026.
LEGISLATIVE IMPLICATIONS	Council investments comply fully with Section 625 of the Local Government Act 1993, Clause 212 of the Local Government (General) Regulation 2021.
POLICY IMPLICATIONS	Investments comply fully with the Council's Investment Policy.
ATTACHMENTS	Nil

RECOMMENDATION

The report detailing Council Cash and Investments as at 30th September 2026, be noted.

Introduction

A report on Council's Investments is required to be presented for Council's consideration in accordance with Clause 212 of the Local Government (General) Regulation 2021.

Financial

Council's cash and investment portfolio decreased \$1,741,601 from \$37,534,642 as at 31st August 2026 to \$35,793,042 as at 30th September 2026.

OLG 23a Guideline consideration

Report purpose does not conflict with guidelines.

Cash and Investment Portfolio

Type	Long Rating	Short Rating	Issuer	Frequency	Purchase	Maturity	Days	Rate	Benchmark*	Principal
TD	BBB	A3	Heartland	At Maturity	28-01-26	27-10-26	272	4.75	4.78	\$3,000,000.00
TD	A-	A2	Bank of Queensland	At Maturity	08-04-26	07-10-26	182	5.30	4.78	\$2,000,000.00
TD	AA-	A1+	NAB	At Maturity	07-04-26	06-10-26	182	5.25	4.78	\$3,000,000.00
TD	BBB	A3	Heartland	At Maturity	19-05-26	17-11-26	182	5.35	4.78	\$3,000,000.00
TD	A-	A2	Bank of Queensland	At Maturity	24-06-26	05-01-27	195	5.25	4.78	\$2,000,000.00
TD	AA-	A1+	NAB	At Maturity	24-06-26	05-01-27	195	5.27	4.78	\$4,000,000.00
TD	BBB	A2	JUDO	At Maturity	22-07-26	19-01-27	181	5.25	4.78	\$3,000,000.00
TD	AA-	A1+	NAB	At Maturity	21-07-26	19-01-27	182	5.22	4.78	\$1,000,000.00
TD	A-	A1	Rabobank	At Maturity	12-08-26	09-02-27	181	5.25	4.78	\$2,000,000.00
TD	AA-	A1+	NAB	At Maturity	11-08-26	08-02-27	181	5.25	4.78	\$1,000,000.00
TD	A-	A1	Rabobank	At Maturity	03-09-26	02-03-27	180	5.35	4.78	\$4,000,000.00
TD	BBB	A2	JUDO	At Maturity	15-09-26	16-03-27	182	5.45	4.78	\$2,000,000.00
CASH	AA-	A1+	CBA	Monthly				4.15	4.60	\$2,722,888.48
CASH	AA-	A1+	CBA	Monthly				4.15	4.60	\$3,032,458.74
CASH	AA-	A1+	NAB	Monthly				4.35	4.60	\$37,694.37
Total										\$35,793,041.59

Performance

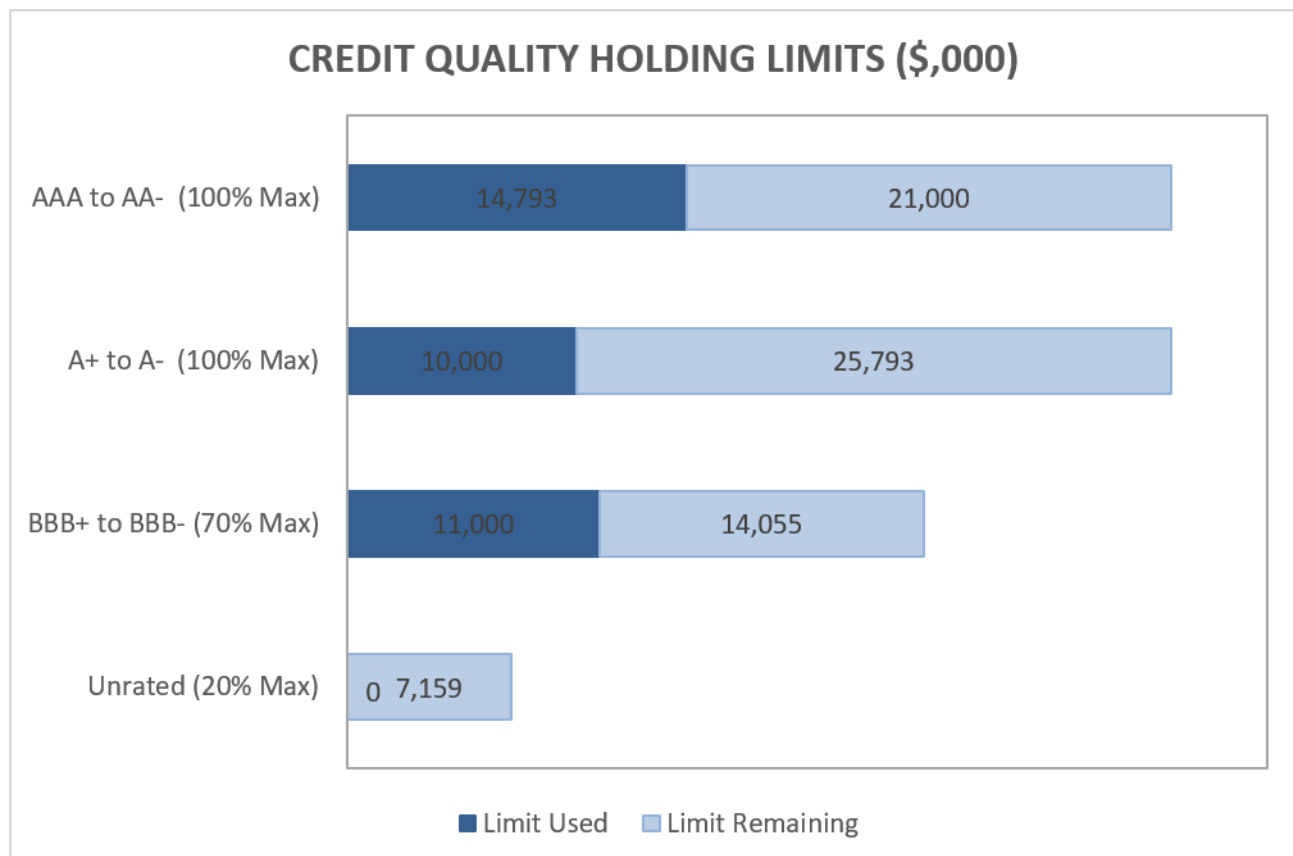
Cootamundra-Gundagai Regional Council's investment portfolio outperformed the relevant BBSW Index benchmark by 5.27%. The average weighted yield for September was 5.27%, over an average weighted term of 73.5 days, with a benchmark of 4.78%.

Please note that Council have tried to invest in longer term investments, but the rate is far below the required benchmark and it is not a financially viable alternative.

Total Cost \$35,793,042	Monthly Interest Received \$175,515	Weighted Average Term 73.5 Days
Total Value \$35,793,042	Yearly Interest Received \$458,668	Weighted Average Yield 5.03%

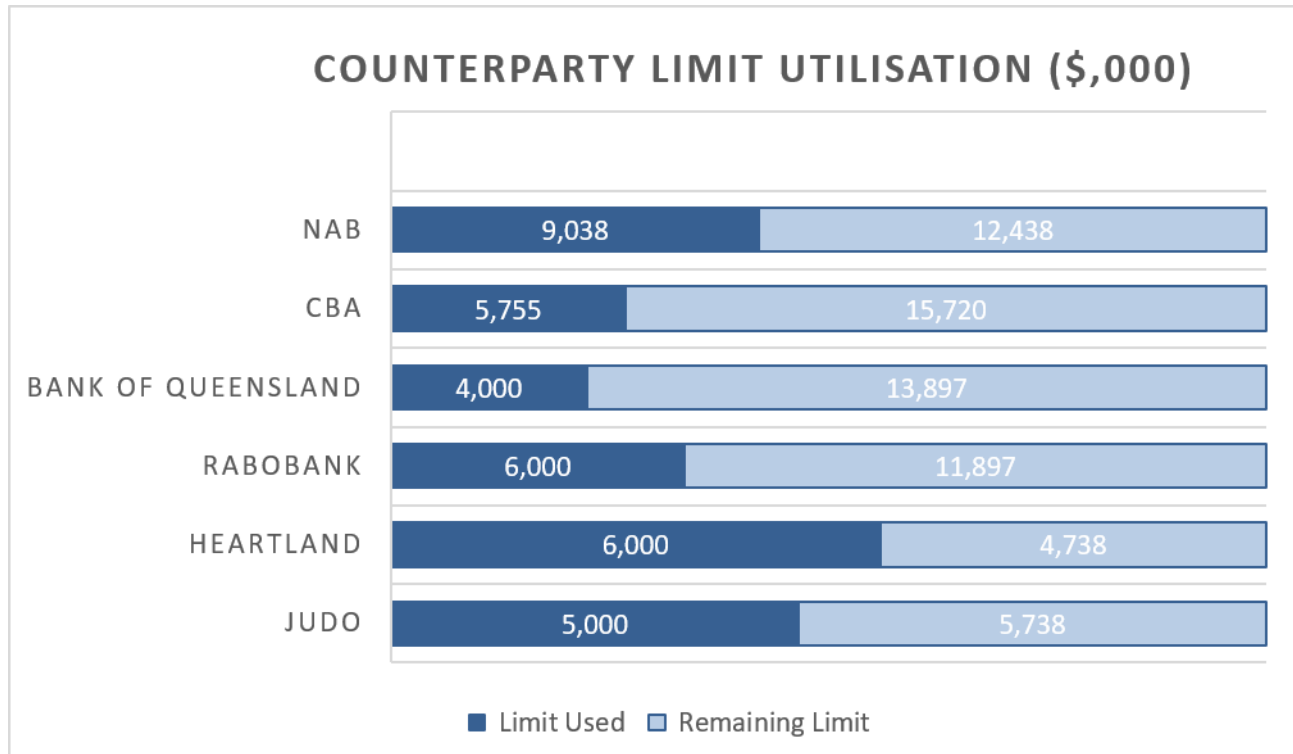
Credit Quality Compliance

Council's investment portfolio was compliant with policy in terms of S&P long term rating credit quality limits, as displayed below.



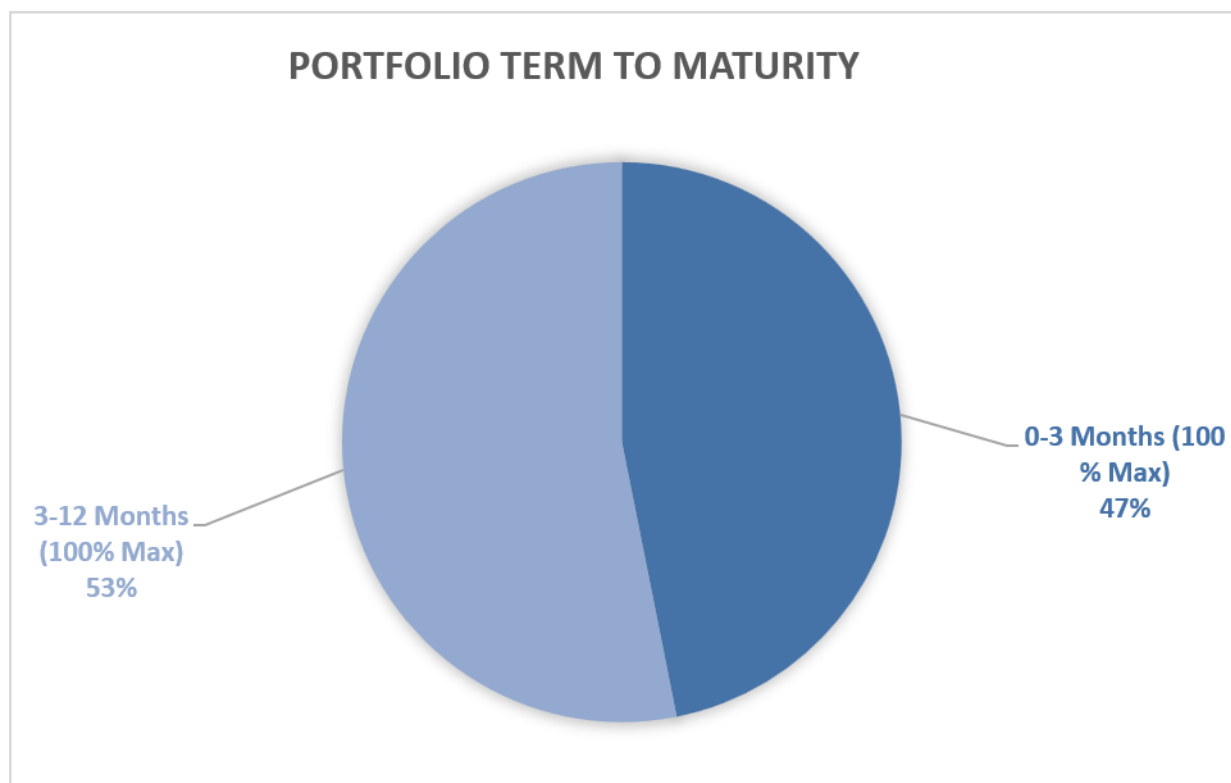
Counter Party Compliance

As at the end of September, Council was compliant with policy. It is worth noting that capacity limits are affected by changes in the on-call account balance compared to the total portfolio balance.



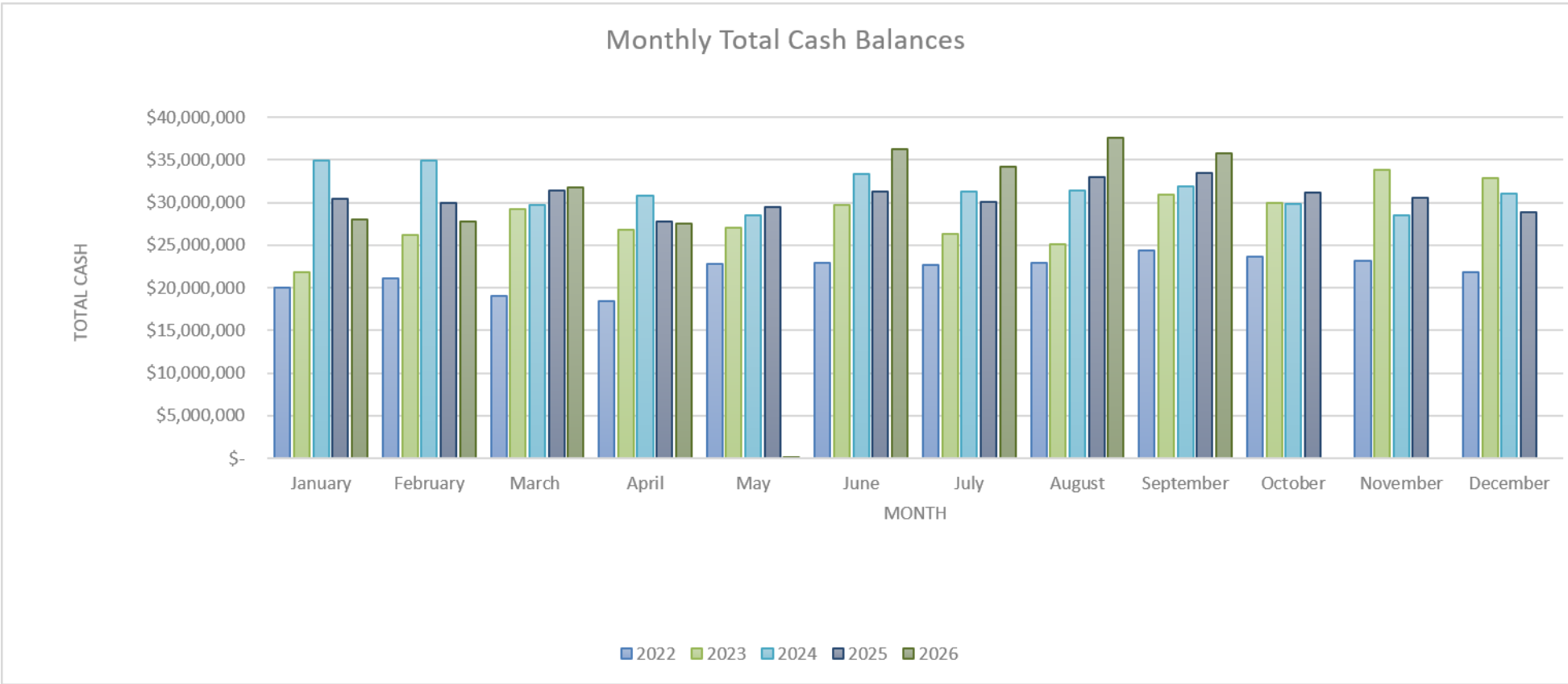
Term to Maturity

Council's investment portfolio maturities shown graphically below were also compliant with policy requirements. All of the investments are short term to deal with liquidity and to be prepared for the demerger split.



Total Cash Balance

The below graph shows the month end total cash balance, highlighting the normal fluctuations that occur throughout the year. This visual helps demonstrate Council’s liquidity position over time and supports monitoring of financial capacity and cash flow trends.



Declaration

I hereby certify that investments listed in the report have been made in accordance with Section 625 of the Local Government Act 1993, Clause 212 of the Local Government (General) Regulation 2021 and Council's Investment Policy.

Damian Smith
Responsible Accounting Officer

7.4 SUSTAINABLE DEVELOPMENT

7.4.1 LOCAL HERITAGE GRANT FUNDING ALLOCATION

DOCUMENT NUMBER	484280
REPORTING OFFICER	Craig Perrin, Town Planner
AUTHORISING OFFICER	Lauren Dawes, Acting Manager Sustainable Development
RELEVANCE TO COMMUNITY STRATEGIC PLAN	3. Protected and enhanced environment 3.2 We have attractive towns and villages
FINANCIAL IMPLICATIONS	There are no Financial implications associated with this report.
LEGISLATIVE IMPLICATIONS	There are no Legislative implications associated with this report.
POLICY IMPLICATIONS	There are no Policy implications associated with this report.
ATTACHMENTS	<ol style="list-style-type: none"> 1. LHG Application Summary 2026-27 ↓ 2. Local Heritage Grant 2026-27 - Application Assessments ↓ 3. Heritage Report - Local Heritage Applications 2026-27 ↓

RECOMMENDATION

1. That Council resolve to allocate the \$12,500 of grant funding received from Heritage NSW, Department of Climate Change, Energy, the Environment and Water under the 2025-2027 NSW Heritage Grants Program providing the Cootamundra-Gundagai Regional Council Heritage Service as follows:-
 - (a) \$6,500 of the grant funding be allocated to provide a Heritage Advisory and Consultation Service and assistance to members of the public on local heritage matters and to Council staff in relation to Development Applications involving heritage considerations; and
 - (b) The remaining \$6,000 of grant funding towards the Cootamundra-Gundagai Local Heritage Grant Program 2026/27, to be distributed among the four grant applications received by Council as follows:
 - (i) \$1,750 be awarded to the terracotta roof restoration 46 Cooper St Cootamundra (JMA Office Building).
 - (ii) \$2,250 be awarded to the replacement of asbestos sheeting to garage/shed 12 George St, Wallendbeen.
 - (iii) \$2,000 be awarded to replace roofing canopy over fuel driveway 30 Wallendoon St Cootamundra.
 - (iv) In the event that any recipient does not accept the terms of the grant or complete the works by the deadline, the unclaimed funds be redistributed to Council's Heritage Advisory Service.

2. **The above to be allocated providing the terms of the Cootamundra-Gundagai Local Heritage Grant Program are met by the respective applicants.**
3. **Alternatively, Council may resolve not to allocate any funding towards the 2026/27 Local Heritage Grant Funding and instead allocate the full \$12,500 in available grant funding towards the provision of Council's Heritage Advisory Service.**

Introduction

At its September 2026 Ordinary Council Meeting, Council considered a report recommending that the 2026/27 Local Heritage Grant Program be supplemented by a matching Council contribution of \$6,000, in addition to the proposed allocation of \$6,000 from the NSW Heritage Grants Program.

This subsequent report seeks Council endorsement to allocate \$6,000 of the \$12,500 in grant funding received for the 2026/27 towards the Local Heritage Grant Program, without a matching financial contribution from Council.

Accordingly, Council's heritage advisor has reviewed the grant applications and revised the recommended distribution of funding based on the available allocation of \$6,000 grant funding.

It is also noted that the grant application submitted for Ellwood's Hall, Stockinbingal, has subsequently been withdrawn following the applicant being successful in receiving alternate grant funding under the Inland Rail Community Grants Program

Discussion

Council has been successful in securing \$25,000 in funding under the 2025-27 Local Government Heritage program to support the delivery of the Cootamundra-Gundagai Regional Council Heritage Service.

The funding is provided over two financial years, with Council receiving \$12,500 in grant funding for each of the 2025/26 and 2026/27 financial years. This funding supports the continued delivery of Council's Heritage Service and assists Council in promoting the conservation and ongoing management of places of heritage significance across the local government area.

The Cootamundra-Gundagai Regional Council Heritage Service comprises two key components:

- Local Heritage Grants – providing financial assistance to property owners to support and promote the conservation, maintenance and restoration of buildings and places that have recognised heritage significance or contribute to the heritage character of the local area; and
- Heritage Advisory Service - Provides access to professional heritage advice through Council's Heritage Advisor, offering free consultation and guidance to property owners and members of the community on heritage-related matters. The service also assists Council staff in assessing Development Applications involving heritage considerations and supports the appropriate conservation and management of heritage items and places.

For the 2026/27 financial year, it is proposed that the available \$12,500 in grant funding be allocated as follows:

- \$6,500 towards the continued provision of Council's Heritage Advisory Service; and
- \$6,000 towards the 2026/27 Local Heritage Grant Program, to be distributed among the eligible applications in accordance with the revised assessment and recommendations of Council's Heritage Advisor.

The proposed allocation will enable Council to continue delivering both components of its Heritage Service within the available grant funding, without requiring an additional financial contribution from Council towards the Local Heritage Grant Program.

The purpose of this report is to seek Council's endorsement of the proposed funding allocation, including the recommended distribution of the \$6,000 available under the 2026/27 Local Heritage Grant Program.

Alternatively, Council may resolve to allocate the full \$12,500 in grant funding exclusively towards the Heritage Advisor Service, thereby not proceeding with the Local Heritage Grant Program for the 2026/27 financial year. Should Council adopt this alternative, the Local Heritage Grant Program would not be offered during the current financial year, with the opportunity to reconsider its reinstatement in future years, subject to the availability of funding and Council's future budgetary priorities.

Local Heritage Grant Applications

Applications for Cootamundra-Gundagai Regional Council Local Heritage Grants Program, being a component of Council's Heritage Service, were open from Monday 27 July 2026 to Monday 31 August 2026. The program was advertised through local papers and on Council's website.

Council initially received five applications under the 2026/27 Local Heritage Grant Program. Following the subsequent withdrawal of the application relating to Ellwood's Hall, Stockinbingal, four applications remain eligible for consideration. The available grant funding of \$6,000 is proposed to be distributed among these four applications in accordance with the revised funding recommendations provided by Council's Heritage Advisor, as detailed below:

1. An application seeking \$5,000 for financial assistance with the restoration of the terracotta tiled roof at 46 Cooper St, Cootamundra (JMA Legal Building). A project with a total estimated value of \$22,530. The building is not listed as a local heritage item but is located within the Cootamundra Heritage Conservation area.
2. An application seeking \$5,000 for financial assistance with the replacement of asbestos exterior sheeting of an attached shed and enhance appearance of the dwelling at 12 George St, Wallendbeen. The subject dwelling is identified as a Local Heritage Item I85 in Schedule 5 of the Cootamundra Local Environmental Plan (LEP) 2013.
4. An application seeking \$5,000 for financial assistance for cemetery conservation works in the North Gundagai Cemetery and other significant burial areas. This area is not identified as local heritage significance in the Gundagai LEP, but does include the State Heritage Item - Captain Moonlite and James Nesbitt's Graves. Noting any works to a state heritage item will require separate approvals from the NSW Environment and Heritage Office before works commence.

Unfortunately, this project was not recommended to receive grant funding under this program as there were a total of \$20,000 funding requested with only a budget of \$6,000. The heritage advisor recommended that the project/works first obtain engage a heritage specialist to identify the areas at North Gundagai Cemetery that will require conservations works.

5. An application seeking \$5,000 for financial assistance to replace the roofing over the fuel driveway area at 30 Wallendoon St, Cootamundra. The subject site is both a Local Heritage Item I52 in Schedule 5 of the Cootamundra LEP 2013 and located within the Heritage Conservation Area.

A revised assessment of the grant applications has been undertaken by Council's contracting heritage consultant and has recommended the following distribution of grant funds:

- **\$1,750** to assist the restoration of the terracotta tiled roof at 46 Cooper St, Cootamundra (JMA Legal Building).
- **\$2,250** to assist with the replacement of asbestos exterior sheeting of an attached shed and enhance appearance of the dwelling at 12 George St, Wallendbeen.
- **Nil** contribution towards the cemetery conservation works in the North Gundagai Cemetery.
- **\$2,000** to assist to replace the roofing over the fuel driveway area at 30 Wallendoon St, Cootamundra.

Financial

Nil.

OLG 23a Guideline consideration

Does not conflict with the Office of Local Government (OLG) 23a guidelines.

Local Heritage Grant Applications - Summary 2026/27

Applicant	Applicant Address and contact	Project DescriptionConservation Works	Project Address	A heritage item or an item included in a heritage conservation area	Total \$ Estimate Value of Project	Suggested Applicant's Contribution	Fundaing Requested	Funding Recommended	DA Required Yes/No	Rating	Ranking
Mr Rhett Peacey	PO Box 610 Cootamundra NSW 2590 0437 723 748 rhettpacey@gmail.com	Terracotta Tile Roof Restoration	46 Cooper St Cootamundra (JMA Office Building)	HCA	\$22,530.00	\$17,530.00	\$5,000.00	\$3,250.00	No - LEP Clause 5.10 exemption required. If replacing like for like maintenance works, then no DA will be required.	56	4
Anne Chamberlain	12 George Street, Wallendbeen	Replacement of asbestos exterior of attached shed and enhance appearance to house	12 George Street, Wallendbeen	LHI - I85	\$43,560.00	\$38,560.00	\$5,000.00	\$3,500.00	No - LEP Clause 5.10 exemption required	62	2
Cootamundra-Gundagai Regional Council	255 Sheridan Street, Gundagai	Undertake priority conservation, protection and heritage interpretation works in Gundagai's historic cemeteries, including the State Heritage Register-listed graves of Captain Moonlite and James Nesbitt, together with other significant graves, burial areas and associated cemetery fabric. The project will stabilise vulnerable elements, improve respectful understanding and support long-term heritage management.	Gundagai cemeteries, including North Gundagai Cemetery and other identified heritage-significant burial areas	Not identified as local heritage but but does include State Heritage Item - Captain Moonlite and James Nesbitt's Graves	\$10,000.00	\$5,000.00	\$5,000.00	Nil	yes - separate approval or exemption under the Heritage Act will be required for works to be carried out on the State Heritage listed item. No local heritage approval otherwise required	52	5
Mrs Melinda Chambers	30 Wallendoon Street, Cootamundra 0437 523 324 admin@chamberssg.com.au	To replace the roofing over the fuel driveway area. All replacement corrugated iron sheets, flashing and downpipes will match the original 1930's materials. At present the façade has water damage and is need of urgent structural repair.	30 Wallendoon Street, Cootamundra	LHI - I52 and HCA	\$20,000.00	\$15,000.00	\$5,000.00	\$3,250.00	No - LEP Clause 5.10 exemption required	58	3
Ellwood's Hall	PO Box 62 Stockinbingal NSW 2725 0427 974 140 lorna.nixon1@gmail.com	Fraont façade painting	30 Martin Street, Stockinbingal NSW 2725	LHI - I82 and HCA	\$6,700.00	\$4,700.00	\$2,000.00	\$2,000.00	No - LEP Clause 5.10 exemption required	64	1
					\$102,790.00	\$80,790.00	\$22,000.00	\$12,000.00			



Environment
and Heritage



**COOTAMUNDRA-GUNDAGAI REGIONAL COUNCIL
LOCAL HERITAGE FUND
ASSESSMENT FORM 2026-2027**

Project Name TERRACOTTA TILE ROOF RESTORATION 46 COOPER ST, COOTAMUNDRA			Project No. 2026-27/01			
			Score 100	Assessor	Specialist	Comments
My Project is for	Assess the heritage listing for the proposed project application	40				
	SHR Heritage listed item	15	-			
	LEP Heritage listed item	12	-			
	Conservation Area / Main Street / Heritage Study Area	8	8			
	Other significant item	5	-			
Sub Total			8			
Priorities	Assess the project against your Council's local heritage fund priorities for this funding round	23				
Priority 1	Commercial properties within the Main Street Conservation Areas and/or Heritage Item identified:- a) Repair of original features; b) Painting in period colour and styles; c) Replacement of advertising signage with appropriate style advertising signage d) Works to meet BCA requirements for new uses eg. Disabled access.	15	15			
Priority 2	Buildings outside the Main Street or Heritage Study areas that are identified by Council's Heritage Advisor as having heritage significance:- a) Painting in period colours; b) Repair/restoration of heritage features; c) Restoration of period front fences; d) Works to meet BCA requirements for new uses	8	-			
Sub Total			15			

Project Name		Score	Assessor	Specialist	Comments			
Common Selection Criteria	Assess the project against ALL of these criteria	17						
Sustainable long term benefits	Long term plan in place to manage heritage item/s	6	4					
Public benefit & enjoyment	Increase opportunities for learning about & access	4	4					
Capacity & Commitment	Time, financial & management skills	3	3					
	Complete within funding timeframe	4	4					
Sub Total			15					
Project	Assess the quality and completeness of the project application	20						
	Project scope	5	5					
	Project costings	5	5		Roofing quote received			
	Photos	5	3		No photos, Report from HA had photos			
	Greater than \$ for \$ contribution	5	5					
Sub Total			18					
TOTAL			56		ADJUSTED TOTAL			
Funding	Assess the funding requested							
	Total Project Cost		\$ 22,530					
	Requested amount		\$ 5,000					
	Applicant Contribution		\$ 3,250					
	Recommended amount		\$ 19,280					
Assessors summary comments								
Name NOEL THOMSON CURR HERITAGE ADVISOR			Date 4 SEPT 2026					
THE 'BUNGALOW' STYLE RESIDENCE/DWA PREMISES IS SIGNIFICANT DUE TO ITS CORNER LOCATION AND TERRACOTTA TILED ROOF, WITH PROPOSED REPAIRS AND RESTORATION MEETING THE CRITERIA FOR HERITAGE FUNDING								
<p>If approved, any special project funding conditions (to be added to the Funding Agreement)</p> <p>eg Heritage Specialist required for this project</p> <p>eg To confirm paint colour scheme before proceeding</p> <p>eg Approvals required: Local Government / Heritage Act</p> <p>THE WORKS CAN BE UNDERTAKEN AS PER LEP CLAUSE 5.10(3) WITH APPROVAL REQUIRED PRIOR TO WORKS COMMENCING ON SITE.</p>								



Environment
and Heritage



**COOTAMUNDRA-GUNDAGAI REGIONAL COUNCIL
LOCAL HERITAGE FUND
ASSESSMENT FORM 2026-2027**

Project Name		REPLACEMENT OF ASBESTOS SHEETING TO GARAGE / SHED 12 GEORGE ST, WALLENBEE		Project No.	2026-27 / 02	
		Score 100		Assessor	Specialist	Comments
My Project is for	Assess the heritage listing for the proposed project application	40				
	SHR Heritage listed item	15	-			
	LEP Heritage listed item	12	12			HERITAGE ITEM 185
	Conservation Area / Main Street / Heritage Study Area	8	-			"FEDERATION PERIOD BRICK HOUSE"
	Other significant item	5	-			
Sub Total			12			
Priorities	Assess the project against your Council's local heritage fund priorities for this funding round	23				
Priority 1	Commercial properties within the Main Street Conservation Areas and/or Heritage Item identified:- a) Repair of original features; b) Painting in period colour and styles; c) Replacement of advertising signage with appropriate style advertising signage d) Works to meet BCA requirements for new uses eg. Disabled access.	15	15			
Priority 2	Buildings outside the Main Street or Heritage Study areas that are identified by Council's Heritage Advisor as having heritage significance:- a) Painting in period colours; b) Repair/restoration of heritage features; c) Restoration of period front fences; d) Works to meet BCA requirements for new uses	8	-			
Sub Total			15			

Project Name		Score	Assessor	Specialist	Comments			
Common Selection Criteria	Assess the project against ALL of these criteria	17						
Sustainable long term benefits	Long term plan in place to manage heritage item/s	6	5					
Public benefit & enjoyment	Increase opportunities for learning about & access	4	3					
Capacity & Commitment	Time, financial & management skills	3	3					
	Complete within funding timeframe	4	4					
Sub Total			15					
Project	Assess the quality and completeness of the project application	20						
	Project scope	5	5					
	Project costings	5	5		As per received total project / vendors			
	Photos	5	5					
	Greater than \$ for \$ contribution	5	5					
Sub Total			20					
TOTAL			62		ADJUSTED TOTAL			
Funding	Assess the funding requested							
	Total Project Cost		\$ 43,560					
	Requested amount		\$ 5,000					
	Applicant Contribution		\$ 3,500					
	Recommended amount		\$ 40,060					
Assessors summary comments								
Name NOEL THOMSON C4RL HERITAGE ADVISOR			Date 4 SEPT 2026					
<p>THIS IMPORTANT HERITAGE LISTED HOUSE IN WALLENBEEK IS PROPOSING TO UNDERTAKE REPLACEMENT OF 'ASBESTOS' SHEETING TO SIDE GARAGE/SHED AND RENOVATIONS WHICH SUIT THE CRITERIA FOR HERITAGE FUNDING.</p>								
<p>If approved, any special project funding conditions (to be added to the Funding Agreement) eg Heritage Specialist required for this project eg To confirm paint colour scheme before proceeding eg Approvals required: Local Government / Heritage Act</p>								
<p>THE 'RESTORATION' WORKS CAN BE UNDERTAKEN AS PER LEP CHAUSE 5.10(3) WITH APPROVAL REQUIRED PRIOR TO WORKS COMMENCING ON SITE</p>								



Environment
and Heritage



**COOTAMUNDRA-GUNDAGAI REGIONAL COUNCIL
LOCAL HERITAGE FUND
ASSESSMENT FORM 2026-2027**

Project Name CEMETERY CONSERVATION WORKS IN NW NORTH GUNDAGAI CEMETERY AND OTHER SIGNIFICANT BURIAL AREAS			Project No. 2026-27/03		
			Score 100	Assessor	Specialist
					Comments
My Project is for	Assess the heritage listing for the proposed project application	40			
	SHR Heritage listed item	15	15 *		* CAPTAIN MONLITE & JAMES NESBITT'S
	LEP Heritage listed item	12	-		GRAVES LOCATED IN NORTH GUNDAGAI
	Conservation Area / Main Street / Heritage Study Area	8	-		CEMETERY
	Other significant item	5	-		
		Sub Total	15		
Priorities	Assess the project against your Council's local heritage fund priorities for this funding round	23			
Priority 1	Commercial properties within the Main Street Conservation Areas and/or Heritage Item identified:- a) Repair of original features; b) Painting in period colour and styles; c) Replacement of advertising signage with appropriate style advertising signage d) Works to meet BCA requirements for new uses eg. Disabled access.	15	-		
Priority 2	Buildings outside the Main Street or Heritage Study areas that are identified by Council's Heritage Advisor as having heritage significance:- a) Painting in period colours; b) Repair/restoration of heritage features; c) Restoration of period front fences; d) Works to meet BCA requirements for new uses	8	8		PROJECT PROPOSES 'RESTORATION' OF HERITAGE FEATURES FOLLOWING ASSESSMENT BY HERITAGE PROFESSIONAL
		Sub Total	8		

Project Name		Score	Assessor	Specialist	Comments			
Common Selection Criteria	Assess the project against ALL of these criteria	17						
Sustainable long term benefits	Long term plan in place to manage heritage item/s	6	3		WILL FORM PART OF THE PROJECT.			
Public benefit & enjoyment	Increase opportunities for learning about & access	4	4					
Capacity & Commitment	Time, financial & management skills	3	3					
	Complete within funding timeframe	4	4					
Sub Total			14					
Project	Assess the quality and completeness of the project application	20						
	Project scope	5	5					
	Project costings	5	5		INDICATIVE UNTIL SPECIALIST APPOINTED			
	Photos	5	-		WILL FORM PART OF THE PROJECT			
	Greater than \$ for \$ contribution	5	5					
Sub Total			15					
TOTAL			52		ADJUSTED TOTAL			
Funding	Assess the funding requested							
	Total Project Cost		\$ 10,000		INDICATIVE COSTS - NEED TO APPOINT SPECIALIST.			
	Requested amount		\$ 5,000					
	Applicant Contribution		\$ 10,000					
	Recommended amount		\$ -		NIL DUE TO STATUS / CRITERIA			
Assessors summary comments								
Name NOEL THOMSON CHRC HERITAGE ADVISOR			Date 4 SEPT 2026					
<p>DIFFICULT PROJECT TO ASSESS AS PART OF THE PROJECT/WORKS IS FIRST TO ENGAGE A HERITAGE SPECIALIST TO IDENTIFY THE AREAS AT NORTH GUNDAGAI CEMETERY THAT WILL REQUIRE CONSERVATION WORKS - GRAVES/HEADSTONES ARE GENERALLY NOT FUNDED WITH REFERENCE TO LHF GUIDELINES</p>								
<p>If approved, any special project funding conditions (to be added to the Funding Agreement) eg Heritage Specialist required for this project eg To confirm paint colour scheme before proceeding eg Approvals required: Local Government / Heritage Act</p>								



Environment
and Heritage



**COOTAMUNDRA-GUNDAGAI REGIONAL COUNCIL
LOCAL HERITAGE FUND
ASSESSMENT FORM 2026-2027**

Project Name		REPLACE ROOFING, ETC TO CANOPY OVER FUEL DRIVEWAY 30 WALLENDOON ST, COOTAMUNDRA		Project No.	2026-27/04	
		Score 100	Assessor	Specialist	Comments	
My Project is for	Assess the heritage listing for the proposed project application	40				
	SHR Heritage listed item	15	-			
	LEP Heritage listed item	12	12		HERITAGE ITEM I 52	
	Conservation Area / Main Street / Heritage Study Area	8	-		"ART DECO STYLE GARAGE"	
	Other significant item	5	-			
		Sub Total	12			
Priorities	Assess the project against your Council's local heritage fund priorities for this funding round	23				
Priority 1	Commercial properties within the Main Street Conservation Areas and/or Heritage Item identified:- a) Repair of original features; b) Painting in period colour and styles; c) Replacement of advertising signage with appropriate style advertising signage d) Works to meet BCA requirements for new uses eg. Disabled access.	15	15			
Priority 2	Buildings outside the Main Street or Heritage Study areas that are identified by Council's Heritage Advisor as having heritage significance:- a) Painting in period colours; b) Repair/restoration of heritage features; c) Restoration of period front fences; d) Works to meet BCA requirements for new uses	8	-			
		Sub Total	15			

Project Name		Score	Assessor	Specialist	Comments			
Common Selection Criteria	Assess the project against ALL of these criteria	17						
Sustainable long term benefits	Long term plan in place to manage heritage item/s	6	3					
Public benefit & enjoyment	Increase opportunities for learning about & access	4	3					
Capacity & Commitment	Time, financial & management skills	3	3					
	Complete within funding timeframe	4	4					
Sub Total			13					
Project	Assess the quality and completeness of the project application	20						
	Project scope	5	5					
	Project costings	5	3		INDICATIVE COSTS ONLY			
	Photos	5	5					
	Greater than \$ for \$ contribution	5	5					
Sub Total			18					
TOTAL			58		ADJUSTED TOTAL			
Funding	Assess the funding requested							
	Total Project Cost		\$ 20,000		INDICATIVE			
	Requested amount		\$ 5,000					
	Applicant Contribution		\$ 16,750					
	Recommended amount		\$ 3,250					
Assessors summary comments								
Name NOEL THOMSON CGRC HERITAGE ADVISOR			Date 4 SEPT 2026					
THIS IMPORTANT HERITAGE LISTED 'ART DECO GARAGE' IN LOOTAMUNDRA HAS WATER LEAK ISSUES AT THE FUEL DRIVEWAY/ CANOPY ROOF WITH REPLACEMENT OF ROOF + ACCESSORIES MEETS THE CRITERIA FOR HERITAGE FUNDING								
<p>If approved, any special project funding conditions (to be added to the Funding Agreement)</p> <p>eg Heritage Specialist required for this project</p> <p>eg To confirm paint colour scheme before proceeding</p> <p>eg Approvals required: Local Government / Heritage Act</p> <p>THE 'ROOFING' REPLACEMENT WORKS CAN BE UNDERTAKEN AS PER LEP CLAUSE 5.10 (3) WITH APPROVAL REQUIRED FROM COUNCIL PRIOR TO WORKS COMMENCING ON SITE.</p>								



Environment
and Heritage



**COOTAMUNDRA-GUNDAGAI REGIONAL COUNCIL
LOCAL HERITAGE FUND
ASSESSMENT FORM 2026-2027**

Project Name FRONT FACADE PAINTING TO ELLWOOD'S HALL 30 MARTIN ST, STOCKINGBINGAL			Project No. 2026-27/05		
			Score 100	Assessor	Specialist
My Project is for	Assess the heritage listing for the proposed project application	40			
	SHR Heritage listed item	15	-		
	LEP Heritage listed item	12	12		HERITAGE ITEM 182
	Conservation Area / Main Street / Heritage Study Area	8	-		" ELLWOOD'S HALL "
	Other significant item	5	-		
Sub Total			12		
Priorities	Assess the project against your Council's local heritage fund priorities for this funding round	23			
Priority 1	Commercial properties within the Main Street Conservation Areas and/or Heritage Item identified:- a) Repair of original features; b) Painting in period colour and styles; c) Replacement of advertising signage with appropriate style advertising signage d) Works to meet BCA requirements for new uses eg. Disabled access.	15	15		
Priority 2	Buildings outside the Main Street or Heritage Study areas that are identified by Council's Heritage Advisor as having heritage significance:- a) Painting in period colours; b) Repair/restoration of heritage features; c) Restoration of period front fences; d) Works to meet BCA requirements for new uses	8	-		
Sub Total			15		

Project Name		Score	Assessor	Specialist	Comments
Common Selection Criteria	Assess the project against ALL of these criteria	17			
Sustainable long term benefits	Long term plan in place to manage heritage item/s	6	6		
Public benefit & enjoyment	Increase opportunities for learning about & access	4	4		
Capacity & Commitment	Time, financial & management skills	3	3		
	Complete within funding timeframe	4	4		
Sub Total			17		
Project	Assess the quality and completeness of the project application	20			
	Project scope	5	5		
	Project costings	5	5		QUOTE RECEIVED
	Photos	5	5		
	Greater than \$ for \$ contribution	5	5		
Sub Total			20		
TOTAL			64		ADJUSTED TOTAL
Funding	Assess the funding requested				
	Total Project Cost		\$ 6,700		
	Requested amount		\$ 2,000		
	Applicant Contribution		\$ 4,700		
	Recommended amount		\$ 2,000		
Assessors summary comments					
Name NOEL THOMSON LGRC HERITAGE ADVISOR			Date 4 SEPT 2026		
THIS IMPORTANT HALL BUILDING IN STOCKINGBINGAL IS PROPOSING TO UNDERTAKE THE MAIN FACADE REPAINTING WHICH MEETS THE CRITERIA FOR HERITAGE FUNDING					
<p>If approved, any special project funding conditions (to be added to the Funding Agreement)</p> <p>eg Heritage Specialist required for this project</p> <p>eg To confirm paint colour scheme before proceeding</p> <p>eg Approvals required: Local Government / Heritage Act</p> <p>THE 'PAINTING' WORKS CAN BE UNDERTAKEN AS PER LEP CLAUSE 5.10(3) WITH APPROVAL REQUIRED FROM COUNCIL PRIOR TO WORKS COMMENCING ON SITE.</p>					

COOTAMUNDRA-GUNDAGAI REGIONAL COUNCIL

HERITAGE REPORT

To: Cootamundra-Gundagai Regional Council
By: Noel Thomson – Heritage Advisor
Subject: Local Heritage Fund Applications 2026-27
for Cootamundra-Gundagai Regional Council

SEPT 2026

REPORT - LOCAL HERITAGE FUND APPLICATIONS 2026-2027

Funding is available for 'Listed' heritage items and buildings in Heritage Conservation Areas of the Cootamundra and Gundagai Local Environmental Plans, or a building supported by Council's heritage advisor as being of heritage significance. Further to receipt of Applications to Cootamundra Gundagai Regional Council Local Heritage Fund, on review of the five (5) applications received the following advice is provided;

2026-27/01 Terracotta tile roof restoration to 'Bungalow' premises at 46 Cooper St, Cootamundra

Submission from applicant (Rhett Peacy) is for the proposed terracotta tile roof restoration to 'Bungalow' style premises (JMA Legal) at 46 Cooper St, Cootamundra. On review of the submission, the works proposed suits the criteria of the local heritage fund, with Council approval needed under LEP Clause 5.10 (3).

Recommendation is for the roof restoration works to be undertaken in accordance with heritage advisor recommendations with funding of \$3,250 from Council's LHF grant program acceptable for this project.

2026-27/02 Replacement of exterior cladding to "Federation House" at 12 George St, Wallendbeen

Submission from applicant (Anne Chamberlain) is for the replacement of exterior 'asbestos' cladding to the attached shed and enhance appearance to this locally listed Heritage Item (I85) the "Federation Period Brick House" at 12 George St, Wallendbeen. On review of the submission, the works proposed for the replacement cladding to this house suits the criteria of the local heritage fund, with Council approval needed under LEP Clause 5.10 (3).

Recommendation is for the replacement of exterior 'asbestos' cladding to the attached shed to the "Federation Period Brick House" be undertaken in accordance with heritage advisor recommendations with funding of \$3,500 from Council's LHF grant program acceptable for this project.

2026-27/03 Conservation, protection & heritage interpretation works in Gundagai's historic cemeteries

Submission from applicant (Donna Britton - CGRC) is for the conservation, protection and heritage interpretation works in Gundagai's historic cemeteries, including the State Heritage Register-listed graves of Captain Moonlite and James Nesbitt, together with other significant graves, burial areas and associated cemetery fabric. The project will stabilise vulnerable elements, improve respectful understanding and support long-term heritage management at Gundagai cemeteries, including North Gundagai Cemetery and other identified heritage-significant burial areas. On review the submission, the works proposed firstly need the appointment of a heritage specialist to review and ascertain the scope for the project and the conservation, protection and heritage interpretation works for historic cemeteries are generally not funded with reference to the LHF guidelines.

Recommendation is for not to fund this conservation, protection and heritage interpretation works in Gundagai's historic cemeteries from Council's LHF grant program.

2026-27/04 Roof replacement to canopy at "Art Deco Garage" at 30 Wallendoon St, Cootamundra

Submission from applicant (Mrs Melinda Chambers) is for the roof replacement at the fuel driveway canopy to this locally listed Heritage Item (I52) the "Art Deco Style Garage" at 30 Wallendoon St, Cootamundra. On review of the submission, the works proposed for the roof replacement over the fuel driveway area, where all replacement corrugated iron sheets, flashing and downpipes will match the original 1930's materials suits the criteria of the local heritage fund, with Council approval needed under LEP Clause 5.10 (3).

Recommendation is for the roof replacement at the fuel driveway canopy to the "Art Deco Style Garage" be undertaken in accordance with heritage advisor recommendations with funding of \$3,250 from Council's LHF grant program acceptable for this project.

COOTAMUNDRA-GUNDAGAI REGIONAL COUNCIL

HERITAGE REPORT

2026-27/05 Front facade repainting to "Ellwood's Hall" at 30 Martin Street, Stockinbingal

Submission from applicant (Lorna Nixon - Ellwood's Hall Committee) is for the front facade repainting to this locally listed Heritage Item (I82) "Ellwood's Hall" at 30 Martin Street, Stockinbingal. On review of the submission where the heritage advisor has previously provided a heritage report with the proposed new colour scheme for the front facade, the works proposed for "Ellwood's Hall" suits the criteria of the local heritage fund, with Council approval needed under LEP Clause 5.10 (3). Recommendation is for the front facade repainting to the "Ellwood's Hall" be undertaken in accordance with previous heritage advisor recommendations/report with funding of \$2,000 from Council's LHF grant program acceptable for this project.

In conclusion, Noel Thomson notes five (5) applications were submitted by the closing date for Council's Local Heritage Fund and on assessment of the applications recommendation is for the funding of 4 projects by Council's Local Heritage Fund 2026-27 round.

Note: Refer attached Summary and Assessment Forms for further information

Trusting the foregoing advice is of assistance at this time.



NOEL THOMSON FRAIA
COOTAMUNDRA-GUNDAGAI REGIONAL COUNCIL HERITAGE ADVISOR

7.4.2 4.55(1A) APPLICATION TO MODIFY DA 2023/116/2

DOCUMENT NUMBER	484640
REPORTING OFFICER	Lauren Dawes, Acting Manager Sustainable Development
AUTHORISING OFFICER	Roger Bailey, Interim General Manager
RELEVANCE TO COMMUNITY STRATEGIC PLAN	2. A region for the future 2.2 A thriving region that attracts people to live, work and visit
FINANCIAL IMPLICATIONS	There are no Financial implications associated with this report.
LEGISLATIVE IMPLICATIONS	There are no Legislative implications associated with this report.
POLICY IMPLICATIONS	There are no Policy implications associated with this report.
ATTACHMENTS	<ol style="list-style-type: none"> 1. Assessment Report - DA 2023 116.2, PAN-659836, Modification to Dog on the Tuckerbox, Gundagai ↓ 2. Plans - DA 2023 116.2, PAN-659836, Modification to Dog on the Tuckerbox, Gundagai ↓ 3. Statement Modification DA 2023 116.2, PAN-659836, Modification to Dog on the Tuckerbox, Gundagai ↓ 4. Wastewater Letter DA 2023 116.2, PAN-659836, Modification to Dog on the Tuckerbox, Gundagai ↓

RECOMMENDATION

That Council:

1. Pursuant to Section 4.55(1A) of the Environmental Planning and Assessment Act 1979, approve Modification Application DA 2023/116.2 to modify Development Consent DA 2023/116, subject to the amended conditions of consent set out in the accompanying assessment report:
 - Application No.: DA 2023/116.2
 - Property: Lots 1, 2 and 3 DP 1322201, 37 Annie Pyers Drive, Gundagai NSW 2722
 - Proposal: Modification of Development Consent DA 2023/116 to amend the setbacks and building footprint of Building 01, and to amend associated conditions of consent.
2. Note it is satisfied the development, as modified, will have minimal environmental impact and is substantially the same development as that for which consent was originally granted.
3. Delegate authority to Council's planning staff to make minor amendments to the notice of determination to correct administrative or typographical errors, provided those amendments do not alter the substance of the determination.

Introduction

The proposed development involves a Section 4.55(1A) Modification to DA 2023/116 to amend the approved development to alter setbacks and footprint of the Building 01 and amendment to conditions relating to wastewater and timing. Greater detail on the proposed development, along with plans of the proposed development are included in the attached development application (DA) assessment report (pages 1-4).

The subject site is known as the Dog on the Tuckerbox (DOTT) site and is located in an area known as the '5 Mile Precinct'.

There is a history of the site and on 17 September 2024, DA 2023/116 was granted a deferred commencement consent by Southern Regional Planning Panel for development to be constructed in 3 stages involving demolition of existing buildings; construction of 3 buildings (approval for use for food and drink premises and shop subject to separate subsequent consent); relocation of Dog on Tuckerbox Memorial; and associated works including play area; car parking; sewer treatment works; stormwater works; tree removal works; earthworks; landscape works; and subdivision to create three allotments. A detailed timeline and history of the proposed development can be found in the attached DA assessment report (pages 8-9).

The site contains a heritage items listed under Schedule 5 of the Gundagai Local Environmental Plan 2011. The attached DA assessment report provides a more detailed description of the locality and the site itself, including locality maps and aerial imagery (pages 5-7).

This application was neighbour notified in accordance with the *Cootamundra Gundagai Regional Council Community Participation Plan*. During the notification period for the proposed development, one (1) submission was received. The key issues raised in the submission are summarised in the attached DA assessment report (pages 9-10).

The application was exhibited with a Conflict-of-Interest Management Strategy given Council's ownership of some of the lots. This assessment of the modification has been undertaken by an independent contractor.

The full detailed assessment of the application is Attachment 1 – Assessment Report.

Discussion

The proposal constitutes a modification under Section 4.55(1A) of the Environmental Planning and Assessment Act, 1979 and Council's assessment has concluded that the amendments are of minimal environmental impact and the modified development will result in substantially the same development.

The development is not state significant; however, the original development was regionally significant. The proposed Section 4.55(1A) application may be determined by Council as per the *Instruction on Functions Exercisable by Council on Behalf of Sydney District or Regional Planning Panels* given Council is the landowner.

The proposed modified development was reviewed by Council's heritage consultant and deemed to be appropriate noting that there is already a condition of consent in place regarding management, preserving and enhancement of the heritage items, including a masterplan to be submitted to Council and endorsed by Council prior to the issue of a Construction Certificate.

The modified proposal, whilst increasing the footprint of Building 01 in the centre of the site, is not seeking expansion of the overall footprint of the development from approved or intensification, nor includes changes which would visually alter the appearance of development within the tourist and rural setting.

The proposal includes amendment of the conditions of consent in response to the proposed modification and to provide clarification regarding timing and are generally supported. Amendments are requested to Condition 39 to allow for the existing wastewater system to be used for Building 01 and new systems for Buildings 02 and 03, which is supported in principle and alternate amended wording for Condition 39 is recommended and an additional condition. These changes provide flexibility for the applicant to utilise the existing wastewater system should it be adequate for the final design of Building 01, or alternatively a new system will be provided.

Financial

There are no Financial implications associated with this report.

OLG 23a Guideline consideration

There are no Legislative implications associated with this report.

DEVELOPMENT ASSESSMENT REPORT

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



DATE OF REPORT COMMENCEMENT:

20 October 2026

COUNCIL OFFICER COMPLETING DEVELOPMENT ASSESSMENT:

Donna Clarke

DEVELOPMENT REFERENCE:

DA 2023/116.2

DEVELOPMENT ADDRESS:

37 Annie Pyers Drive GUNDAGAI NSW 2722

DEVELOPMENT LOT / SEC / PLAN:

Lots 1, 2 & 3 DP 1322201

OWNER(S):

The Dott Developments Pty Limited
Unit 6,161 London Circuit
Canberra ACT 2601

Cootamundra Gundagai Regional Council (Lots 2 and 3)

APPLICANT:

The Dott Developments Pty Limited
Unit 6, 161 London Circuit
Canberra ACT 2601

PROPOSED DEVELOPMENT:

This application seeks approval for a Proposed Section 4.55 (1A) Modification to DA 2023/116 to amend the approved development to alter setbacks to the Building 01, increase the footprint of the Building 01 and amendment to conditions.

The proposal specifically includes:

1. Amendment to plans referenced in Condition 2 as related to location of Building 01 to be replaced with new plans as submitted which demonstrate:
 - a. An increased setback of Building 01 from Lot 3 (Limestone Ruins site). The distance from the edge of the veranda/outdoor entertainment area to the boundary line has increased from 1865mm to 3100mm.
 - b. A decrease in the setback of Building 01 from Lot 2 (Dog Sculpture site). The distance from the edge of the veranda/outdoor entertainment area to the boundary line has been reduced from 6935mm to 3050mm.
 - c. An increase overall footprint of Building 01 from 316m² to 430m².
 - d. Corresponding changes to the elevations to reflect the proposed building footprint and setback changes.

DEVELOPMENT ASSESSMENT REPORT

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



2. Amendment to Condition 39 with the insertion of "Prior to the release of a construction certificate for buildings 02 and 03" at the beginning of the condition to allow for the existing wastewater system to be used for Building 01.
3. Amendment to Condition 41 with the insertion of "Prior to the release of a construction certificate for each building" at the beginning of the condition.

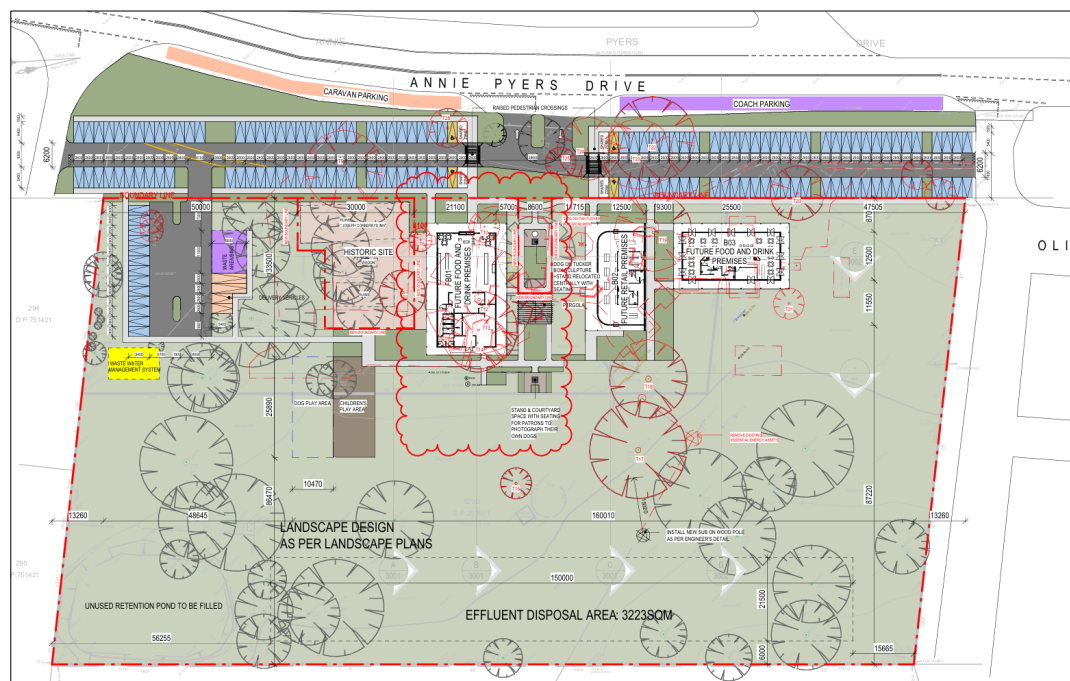
The works are proposed on Lot 1 only and no change to setbacks or building size of other approved buildings other than Building 01 is proposed.

Building 01 is located within the central portion of the site as shown in **Figure 1**.

A comparison of the approved and proposed floor plan and elevation of Building 01 is detailed in **Figures 2 to 5**, with the area of change related to Building 01 shown clouded red.

No change is proposed to the nature of the approved development and continues to involve construction of 3 buildings, with the approval for use for food and drink premises and shop being subject to separate subsequent consent.

Figure 1 – Proposed Site Plan



DEVELOPMENT ASSESSMENT REPORT

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



Figure 2 – Proposed Site Plan – Close Up of Building 01

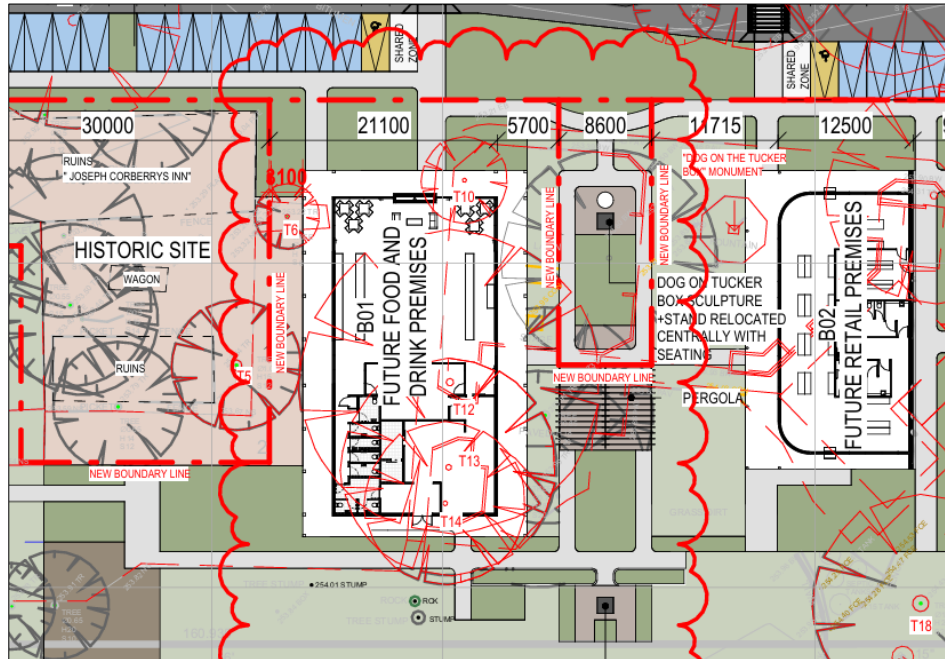
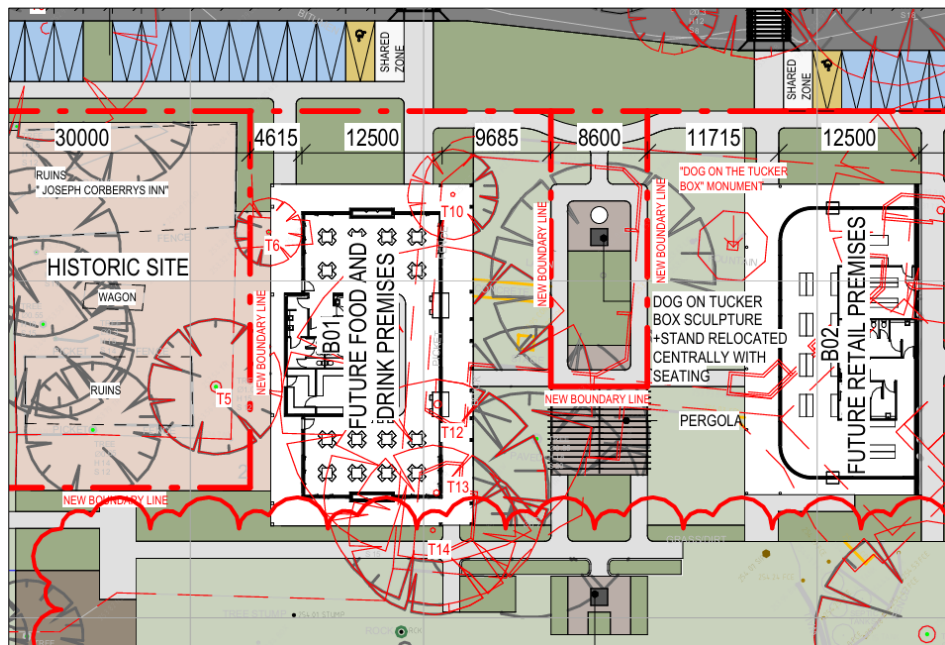


Figure 3 – Approved Site Plan – Close Up of Building 01



DEVELOPMENT ASSESSMENT REPORT

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



Figure 4 – Proposed Elevations

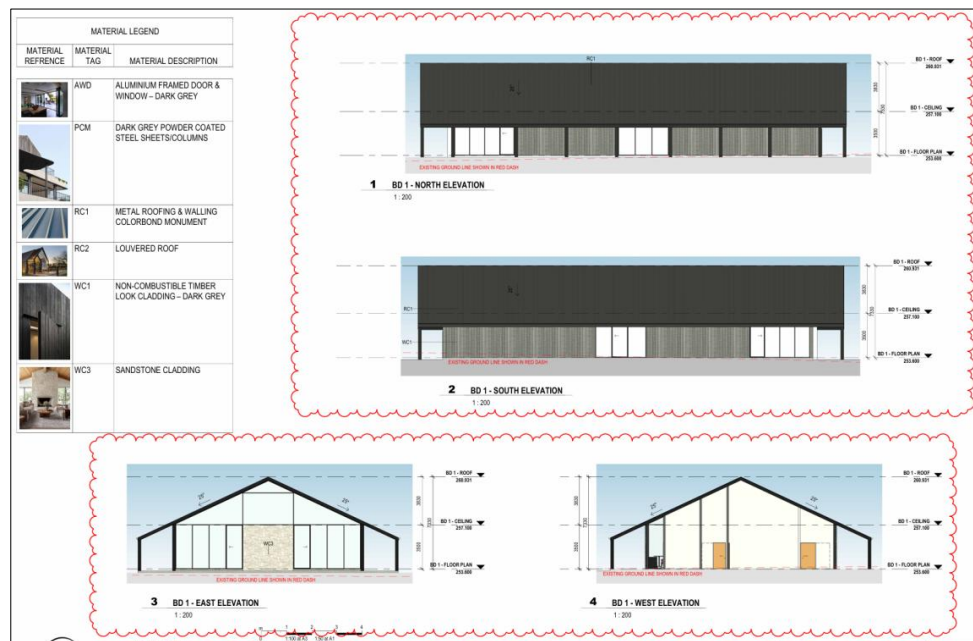
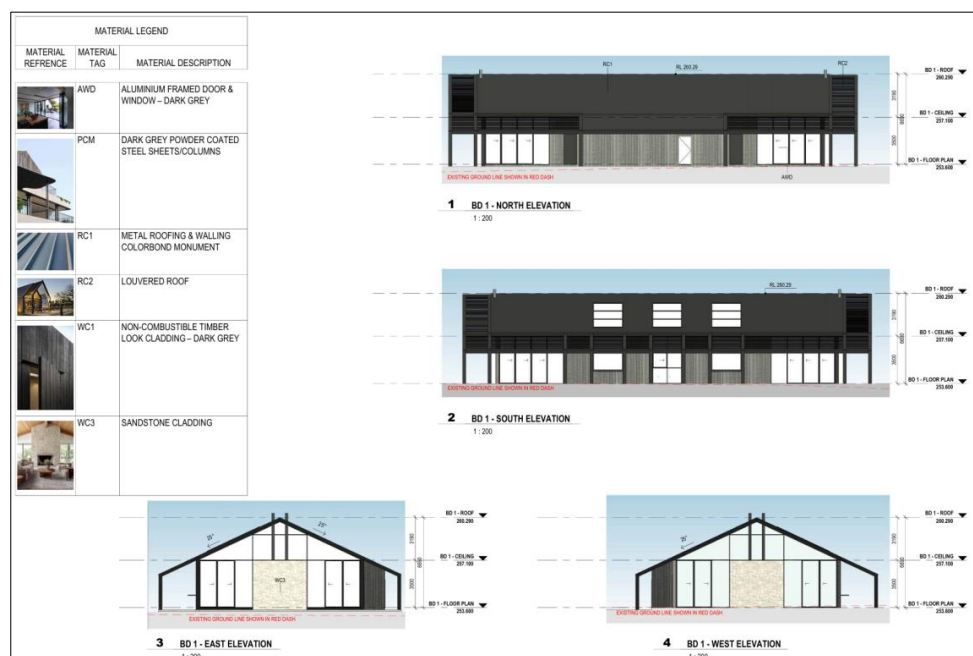


Figure 5 – Approved Elevations



DEVELOPMENT ASSESSMENT REPORT

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



SITE:

The subject site is known as the Dog on the Tuckerbox (DOTT) site and is located in an area known as the '5 Mile Precinct', which represents its distance from the township of Gundagai. The general location of the site is shown at **Figure 6**.

At the time of the consent issued for the original development under DA 2023/116, the site comprised Lot 2 in DP 160191 and Lot 529B in DP 203601 known as 37 Annie Pyers Drive and part of Council's road reservation fronting Annie Pyers Drive. Following granting of consent, three allotments were created which comprises Lots 1, 2 & 3 DP 1322201. Whilst the development site comprises all three lots, the works are proposed on Lot 1 only.

Annie Pyers Drive has 2 x at-grade intersections with the Hume Highway in the locations shown on **Figure 7**. The site is relatively flat. The nearest watercourse is Five Mile Creek, located 94 metres from the northern boundary of the site.

The site contains key structures, comprising the following:

- Kiosk building: Located on Lot 2 in DP 160191. The kiosk building was erected 1956. It comprises a simple brick and tile building with a café / kiosk and public toilets.
- Dog on the Tuckerbox Memorial: Located on Lot 2 in DP 160191. It is a listed heritage item in Gundagai Local Environmental Plan 2011. The memorial comprises the statue of the Dog on the Tuckerbox and is surrounded by a 'wishing well'.
- Limestone Inn ruins: Located on Lot 2 in DP 160191. These are included in the listed heritage item in Gundagai Local Environmental Plan 2011. They are the remains of Joseph Carberry's Limestone or 'Five Mile' Inn built in 1851.
- Service Station: Located on Lot 529B in DP 203601. The service station was constructed around 1961. It is no longer used and remains vacant. The service station includes a small retail area, forecourt and Underground Petroleum Storage System (UPSS). It is understood that the service station stopped operation around 2016. There are several trees located on this part of the site, comprising exotic and native species.
- Covered awning connecting service station and kiosk building;
- Metal roofed structure containing an industrial relic;
- Small metal 'doggy toilet' building;
- Car parking areas;
- Old dam;
- Tuckerbox photo stage;
- Essential Energy electricity supply assets; and
- Other minor ancillary structures such as fencing and seating.

The area is a mix of comprising service station and fast food to the south of the subject site and rural paddocks with scattered residential associated with the rural land.

DEVELOPMENT ASSESSMENT REPORT

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



Figure 6 – Location plan – Gundagai Township as a whole (NSW Six Maps)

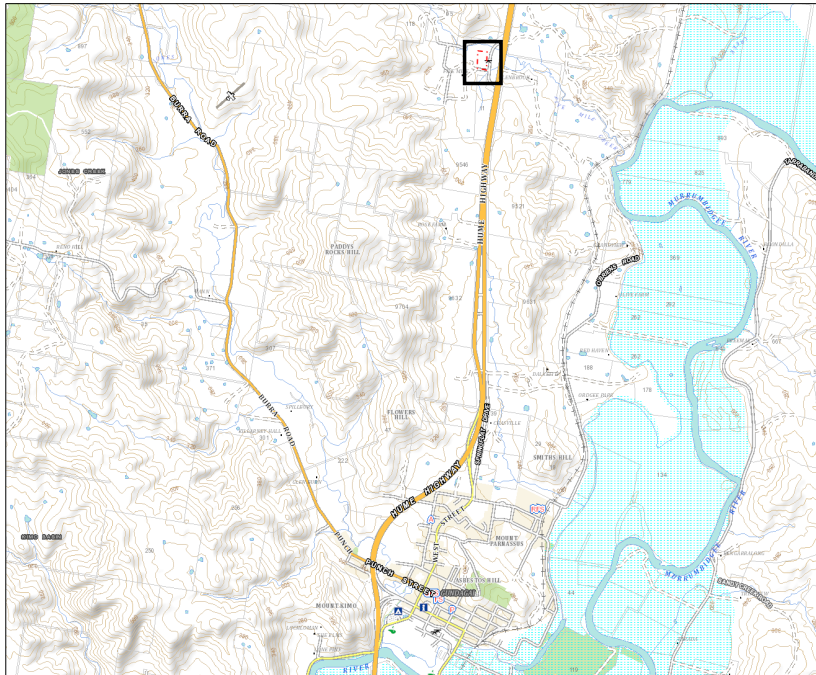
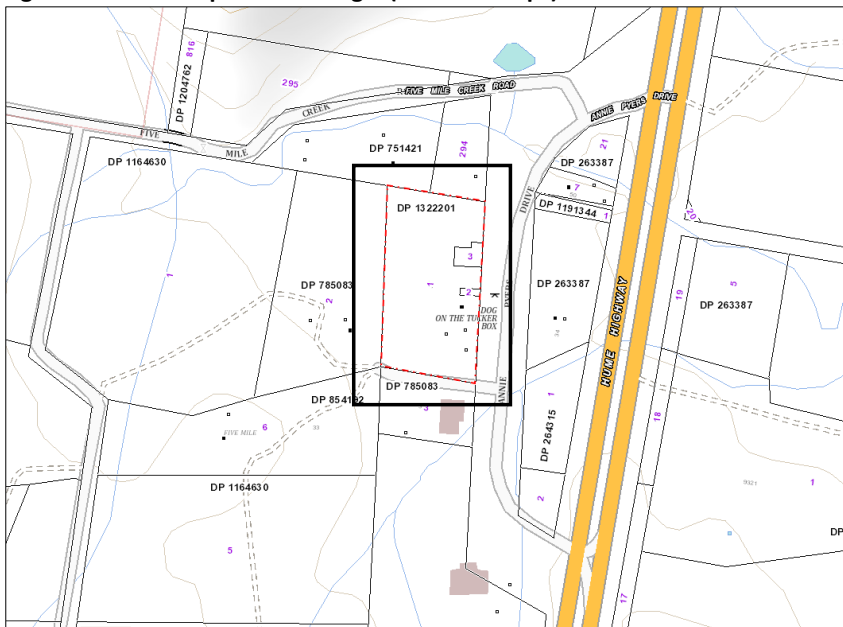


Figure 7 – Location plan – Gundagai (NSW Six Maps)



DEVELOPMENT ASSESSMENT REPORT

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



Figure 8 – Aerial view – Location plan – ‘5 Mile Precinct’ comprising service station and fast food to the south of the subject site (NearMaps)



Figure 9 – Aerial view – Location plan (NearMaps)



DEVELOPMENT ASSESSMENT REPORT

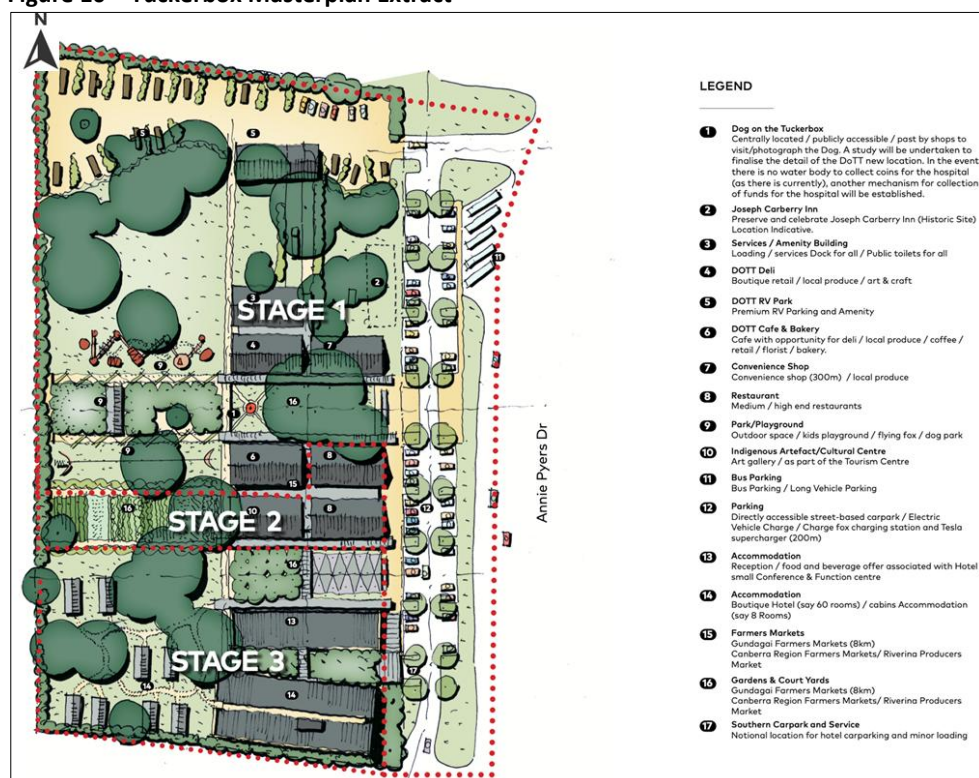
Pursuant to the Environmental Planning & Assessment Act 1979
Section 4.15 (as amended)



PREVIOUS DEVELOPMENT PROPOSALS AND DECISIONS:

There is a history of the site including development of a Development Control Plan for the 5 Mile precinct, including the Dog-on-the-Tuckerbox site in 2007 and adoption of the Draft Dog on the Tuckerbox Masterplan in 2021.

Figure 10 – Tuckerbox Masterplan Extract



On 17 September 2024, DA 2023/116 was granted a deferred commencement consent by Southern Regional Planning Panel for development to be constructed in 3 stages involving:

- demolition of existing buildings;
- construction of 3 buildings (approval for use for food and drink premises and shop subject to separate subsequent consent);
- relocation of Dog on Tuckerbox Memorial;
- construction of play area;
- construction of car parking;
- sewer treatment works;
- stormwater works;
- tree removal works;
- earthworks;
- landscape works; and

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- subdivision to create three allotments of 25,162 sqm, 210 sqm and 1,250 sqm.
- The subject approval is for the construction of the 3 buildings only – their respective land use approvals are to be determined and subject to subsequent development consents.
- The deferred commencement provides 4 years to submit information that ensures that outstanding matters relating to potable water are appropriately addressed prior to the issue of an active consent.

On 19 June 2025, the deferred commencement conditions were satisfied.

GENERAL REQUIREMENTS OF THE ENVIRONMENTAL PLANNING & ASSESSMENT ACT 1979:

1.7 Application of Part 7 of Biodiversity Conservation Act 2016 and Part 7A of Fisheries Management Act 1994

The proposed modified development does not propose the removal of any trees or expand the overall footprint of the approved development.

The development is not a key threatening process under either Act, and the site contains no known threatened species or EECs, has not been declared critical habitat or an area of outstanding biodiversity value, and is not mapped on the Biodiversity Values Map. It is not considered that the development is likely to significantly affect threatened species, populations or ecological communities, as it does not impact on any flora, fauna or their habitat, including terrestrial biodiversity and river systems.

2.22 Mandatory community participation requirements

As per this section and Schedule 1, of the Act, the development was exhibited and notified in accordance with the CGRC Community Participation Plan (CPP), for a period of twenty-eight (28) days, ending on 16 October 2026.

One (1) submission was received, raising the following objections/concerns:

- Insufficient assessment of the enlarged Building 01 traffic, visitor dispersal, commercial capacity and Gundagai town-centre impacts.
Inconsistent description of Building 01 as “bakery building” in the modification versus a future food-and-drink premises in the original approval.
- Larger building may enable a broader range and scale of activities.
- Cumulative precinct-wide commercial and visitor capacity has not been assessed.
- Visitor dispersal to Gundagai town centre and broader community benefits require consideration.
- Original traffic, wastewater, infrastructure and environmental assumptions have not been reassessed.
- No visitor or economic impact assessment.

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- For transparency, the modification must be considered objectively against its planning impacts and not only implementing an existing masterplan.
- Potential conflict between commercial expansion and the site's primary heritage and cultural function.

4.5 Designation of consent authority

The development is not state significant; however, the original development was regionally significant. The proposed Section 4.55(1A) application may be determined by Council as per the *Instruction on Functions Exercisable by Council on Behalf of Sydney District or Regional Planning Panels* given Council is the landowner.

4.10 Designated development

Schedule 3 of the EP&A Regulation defines the various types of designated development, but the application does not meet any of the criteria and therefore is not designated.

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 having regard to the changes to requirements from 1 July 2026.

4.14 Consultation and development consent—certain bush fire prone land

Development consent cannot be granted for the carrying out of development on bush fire prone land unless Council is satisfied that the development conforms to *Planning for Bush Fire Protection*, or has been provided with a certificate by a qualified consultant in bush fire risk assessment stating that the development conforms to the relevant specifications and requirements.

The original application included Bushfire Assessment Report. The proposed modification to the development, does not impact on the recommendations of the bushfire report or conditions required by the Consent in relation to bushfire protection. The development is not for residential or rural residential purposes and is not for a special fire protection purpose. Therefore, no referral to the NSW RFS was required, and the provisions of *Planning for Bush Fire Protection 2019*, do not apply.

4.22 Concept development applications

The development is not a concept development (development undertaken in stages).

4.33 Determination of Crown development applications

The development is not a Crown development.

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).

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4.46 Integrated development

The development is not integrated development (requires consent or an approval from another government agency).

4.55 Modification of consents - generally

The proposal constitutes a modification under Section 4.55(1A) of the Environmental Planning and Assessment Act, 1979. Council pursuant to Section 4.55(1A), the consent authority may consider an application to amend development consent provided that, inter alia:

(1A) Modifications involving minimal environmental impact A consent authority may, on application being made by the applicant or any other person entitled to act on a consent granted by the consent authority and subject to and in accordance with the regulations, modify the consent if—

(a) it is satisfied that the proposed modification has minimal environmental impact, and

Comment:

With respect to (a), no environmental impacts have been identified from the minor change to the footprint and setbacks of Building 01. A comparison of approved and proposed plans reveals that the area of the proposed larger Building 01 available for use by customers is similar, if not less, than as approved which would not increase traffic impacts despite the increase in floor area. Visually the appearance of the modified Building 01 is similar to that approved and does not result in unacceptable amenity impacts such as overshadowing or privacy, nor heritage impacts.

(b) it is satisfied that the development to which the consent as modified relates is the same or substantially the same development as the development for which the consent was originally granted and before that consent as originally granted was modified (if at all), and

Comment:

With respect to (b), the modification proposes no change or intensification to the nature of the approved development and continues to involve construction of 3 buildings, with the approval for use for food and drink premises and shop being subject to separate subsequent consent. In determining whether the modification will result in substantially the same development, the legislation requires Council to consider the proposed modification against the original consent.

In *Canterbury-Bankstown Council v Realize Architecture Pty Ltd [2024] NSWLEC 31* the Chief Judge endorsed a 'balanced' approach to the test of whether a proposed modification is substantially the same development as the development for which consent was originally granted. First, indentation of the respects in which the originally approved development is proposed to be modified; second, interpret the words of the 'substantially the same' test; and third, categorise the facts found,

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which is an evaluative exercise that involves assigning relative significance to the different facts and balancing them.

In this case, the above discussion demonstrates that there is an increase in floor area of 114m² of Building 01 through removal of the stepping in the building's side elevation and increase in both the width and length of the building by approx. 3m. The development remains the same, with no changes to the approved use and the development is the same, as minor physical changes only are proposed as part of the modification, which is unlikely to be discernible to the public. The proposal increases the floor space of Building 01 to be more regular in shape and remains in the same location and despite the increase in floor area, visually presents as a similar sized and proportioned building as shown in the comparison of approved and proposed plans and elevations in **Figures 2 to 5**. The increase in floor area does not necessarily mean an increase in traffic and requires additional specific assessment with the required separate development applications. Having regard to the indicative internal layout of Building 01, the increased floor area is being utilised for larger kitchen and back of house as opposed to seating which provides for a similar number, or less, of customers that can be accommodated within the building. Further, the building changes respect the heritage values of the site. On balance, the modified design of Building 01 is acceptable.

The proposed changes to conditions, which are supported in intent and through further wording changes, still ensure the development remains the same as approved.

The modified proposal and is substantially the same development as the development for which consent was originally granted.

(c) it has notified the application in accordance with—

(i) the regulations, if the regulations so require, or

(ii) the community participation plan, if the community participation plan requires the notification or advertising of applications for modification of a development consent, and

(d) it has considered any submissions made concerning the proposed modification within any period prescribed by the regulations or provided by the community participation plan, as the case may be.

Comment:

With respect to (c) and (d), the amended application was notified, and one submission was received and is considered in this report.

Section 4.55(3) states:

(3) In determining an application for modification of a consent under this section, the consent authority must take into consideration such of the matters referred to in section 4.15(1) as are of relevance to the development the subject of the application.

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The consent authority must also take into consideration the reasons given by the consent authority for the grant of the consent that is sought to be modified.

Comment:

In accordance with Section 4.55(3) there would no unmanageable environmental, social or economic issues arising from the proposed changes. The approved and modified development generally complies with the requirements of the relevant environmental planning instruments does not create unreasonable environmental impacts to adjoining development. Therefore, there are no additional adverse environmental impacts as a result of the modification including amenity, privacy, noise, traffic and security and the proposed modification is satisfactory with respect to Section 4.55 of the Environmental Planning and Assessment Act, 1979.

SECTION 4.15 CONSIDERATIONS UNDER THE ENVIRONMENTAL PLANNING & ASSESSMENT ACT 1979:

4.15(1)(a)(i) The provisions of any environmental planning instrument:

State Environmental Planning Policies (SEPPs) and deemed SEPP's

The following SEPPs are relevant to the development.

SEPP (Biodiversity and Conservation) 2021

Chapter 2 - Vegetation in non-rural areas

The proposed modification does not propose any changes to vegetation and further assessment under this policy is not required. No modifications are proposed which would alter compliance with the policy.

SEPP (Resilience and Hazards) 2021

Chapter 4 – Remediation of land

The approved application and this proposed modification do not propose any changes that will require further consideration of land contamination. No modifications are proposed which would alter compliance with the policy and no further investigation is warranted.

SEPP (Planning Systems) 2021

Chapter 4 Concurrences and consultations

- *Division 7 Transport*, requires referral to the rail authority, for development compromising:
 - *Section 4.22* - development in or near rail corridors that is likely to have an adverse effect on rail safety, places a metal finish on a structure and the corridor is used by

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electric trains, use of a crane in the air space above the corridor, within 5 m of an exposed overhead power line used for railway purposes and infrastructure, penetration of the ground to a depth of 2 m or greater, within a rail corridor or within 25 metres of a rail corridor,

- Section 4.23 - access via a level crossing,
- Section 4.30 and Schedule 7 (Traffic generating development), does not apply, as the type/and or scale of the works is not identified in the Schedule.

The proposed modification is not required to be referred to Transport for NSW as it does not trigger a referral requirement that did not apply to the original development application, nor does it change a condition of consent that was imposed because of a previous referral.

- **Section 4.31 (Electricity infrastructure)** requires referral to the electricity supply authority, for development comprising:
 - penetration of ground within 2m of an underground electricity power line or an electricity distribution pole or within 10m of any part of an electricity tower,
 - development within or immediately adjacent to an easement for electricity purposes
 - development immediately adjacent to an electricity substation
 - development within 5m of an exposed overhead electricity power line
 - installation of a swimming pool any part of which is within 30m of a structure supporting an overhead electricity transmission line, measured horizontally from the top of the pool to the bottom of the structure at ground level,
 - installation of a swimming pool any part of which is within 5m of an overhead electricity power line, measured vertically upwards from the top of the pool
 - involving or requiring the placement of power lines underground.

The development and as proposed to be modified does not meet this criteria, so no formal referral to Essential Energy was required.

- **Section 4.32 (High pressure pipelines)** requires referral to the pipeline operator, for development compromising:
 - within the licence area of a pipeline for gas
 - within 20m of the centreline of a pipeline
 - within 20m of land the subject of an easement for a relevant pipeline.

The development as proposed to be modified does not meet this criteria, so no formal referral to APA Group, was required.

Local Environmental Plan (LEP)

The applicable LEP is the Gundagai LEP 2011, and the relevant provisions of the LEP are discussed as follows.

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1.2 Aims of Plan

The development as approved and proposed to be modified is not inconsistent the aims of the LEP.

1.4 Definitions

The development was granted approval to construct three (3) new buildings for future intended use as *food and drink premises* and a *shop and kiosk*, and undertake associated ancillary works. The proposed modification does not alter the use of the development from approved.

1.6 Consent authority

The proposed Section 4.55(1A) application may be determined by Council as per the Instruction on Functions Exercisable by Council on Behalf of Sydney District or Regional Planning Panels given Council is the landowner.

2.1 Land use zones

The site is zoned SP3 – Tourist, and the proposed development is permitted in the zone with consent.

2.3 Zone objectives

The development as approved and proposed to be modified is not inconsistent the objectives of the zone.

2.7 Demolition requires development consent

Demolition works form part of the original approved application.

5.10 Heritage conservation

Located on the site is a small commercial building, ruins of the 'Limestone Inn' and the 'Dog on the Tuckerbox Memorial', which is a locally listed item (I3) on the Gundagai Local Environmental Plan 2011.

The following Statement of Significance is available for the site on the State Heritage Inventory:

The Dog on the Tuckerbox Memorial is symbolic of Gundagai's pioneering past and the hardworking teamsters who camped at the Five Mile in the 19th century. The Dog entered into Australian folklore through an anonymous teamster's song published as 'Bullocky Bill' c.1880 and was further popularised by Jack Moses in his 1920 version. The sculpture was produced by Frank Rusconi for the 1932 Back to Gundagai Celebrations as a symbol of the district's pioneers and is evidence of the community's efforts to promote its history and culture. The memorial is a fine example of Rusconi's work and evidence of the skill of the talented monumental mason and sculptor. The item is held in high esteem by the people of Gundagai as well as the wider community as a symbol of the spirit of the district's pioneers, as well as of the hardworking teamsters who stopped at the Five Mile'.

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The following Statement of Significance was extracted from the Heritage Inventory Sheet for the Limestone Inn Ruins:

The remains of the Limestone Inn or Australian Arms (sometimes known as the 'Five Mile' Inn due to its location) is able to demonstrate vernacular construction using local materials. It is significant for its association with a robbery committed in 1861 by John Malloy, alias Walsh or 'Jack in the boots'. It is possible that the remains of the inn and site can yield information about the operation of inns in the Gundagai Shire in the mid-19th century.

Whilst the Limestone Inn ruins remain in situ, the Dog on the Tuckerbox statue was shifted to its current position in 1950s. Therefore, its significance lies less in its current location and more in its physical form and association with the place generally.

Council's heritage consultant, Noel Thomson, has prepared advice on the original development and its potential impact on heritage significance and was supportive of the proposal subject to conditions. The proposed modified development was also reviewed by Council's heritage consultant and deemed to be appropriate noting that there is already a condition of consent in place regarding management, preserving and enhancement of the heritage items, including a masterplan to be submitted to Council and endorsed by Council prior to the issue of a Construction Certificate.

The approved application and this proposed modification remains appropriate in terms of aboriginal heritage.

5.21 Flood planning

The land is not in the flood planning area.

6.1 Biodiversity protection

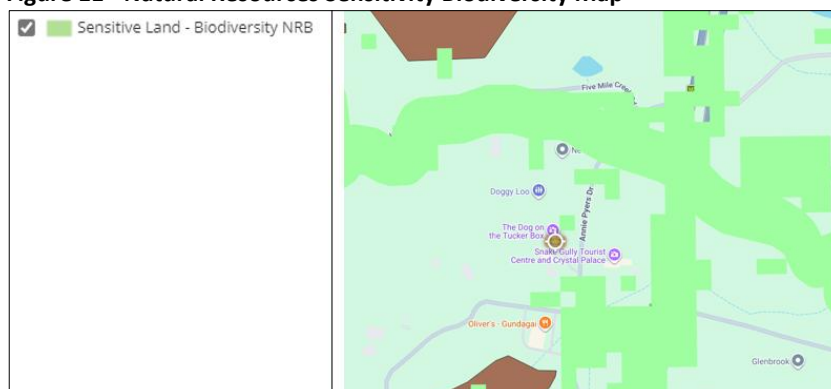
This clause applies to land that is identified as sensitive land on the *Natural Resources Sensitivity Biodiversity Map*, and the site is mapped as being affected, and accordingly this clause is applicable. Having regard to the mapping in **Figure 11** which indicates limited areas on the site and that no additional vegetation removal is required to accommodate the proposed modifications to Building 01, Clause 6.1 of the LEP remains satisfied.

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Figure 11 - Natural Resources Sensitivity Biodiversity Map



6.2 Land protection

This clause applies to land identified as “sensitive land” on the *Natural Resources Sensitivity Land Map*, but the site is not mapped as being affected, and accordingly this clause is not applicable.

6.3 Water protection

This clause applies to land that is identified as “sensitive land” on the *Natural Resources Sensitivity Water Map*, and the site is mapped as being affected, and accordingly this clause is applicable. Having regard to the proposed modifications to Building 01, Clause 6.3 of the LEP remains satisfied.

6.5 Earthworks

The approved application and this proposed modification does not alter earthworks from approved and appropriately managed via conditions of consent.

6.6 Essential Services

Council must be satisfied that any of the following services that are essential for the proposed development are available or that adequate arrangements have been made to make them available when required—

- (a) the supply of water – the deferred commandment condition of the original consent relates to potable water being provided to the site.
- (b) the supply of electricity – the proposed modification does not alter the supply of electricity to the site from approved.
- (c) the disposal and management of sewage – this modification does not proposed any changes to the approved wastewater system on site.
- (d) stormwater drainage or on-site conservation - the proposed modification does not alter the disposal of stormwater from approved.
- (e) suitable road access - the proposed modification does not alter the approved road access arrangements, including car parking on part of Council’s road reservation fronting Annie Pyers Drive.

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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 LEP's which apply to this land.

4.15(1)(a)(iii) The provisions of any development control plan:

The former Gundagai Shire Council did not have a Development Control Plan (DCP).

4.15(1)(a)(iiia) 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:

Council has considered the following matters as prescribed by Regulations:

Section 61 (Additional matters for consideration): -

- demolition was approved as part of the original application which is to comply with AS 2601,
- the development 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, Gilgandra, Warrumbungle Shire or Dubbo Regional (to which the Dark Sky Planning Guideline applies),
- the development does not pertain to a manor house or multi dwelling housing (terraces),
- the development is not land to which the Penrith LEP applies to,

Section 62 (Consideration of fire safety)

- the development is not for a change of building use for an existing building.

Section 63 (Considerations for erection of temporary structures)

- the development is not for a temporary structure.

Section 64 (Consent authority may require upgrade of buildings)

- the development does not involve the rebuilding, enlargement or extension of an existing building.

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Section 65 (Special provision relating to Sydney Opera House)

- the development does not relate to the Sydney Opera House.

4.15(1)(b) The significant likely impacts of that development:

Context and Setting:

The approved and proposed modified development would be appropriate in its surroundings given the profile of the 5 Mile Precinct as a roadside tourist destination. The site is a well-established place with extensive history. The adjoining land uses are mixed but the proposal is generally compatible.

The modified proposal, whilst marginally increasing the footprint of Building 01 in the centre of the site, is not seeking expansion of the overall footprint of the development from approved, nor includes changes which would visually alter the appearance of development within the tourist and rural setting.

Access, Transport and Traffic:

Annie Pyers Drive has 2 x at-grade intersections with the Hume Highway in the locations shown on **Figure 7**. The original assessment found that the development has been endorsed by Transport for NSW (previously RMS). Based on amendments which came into force on 1 July 2026, referral of the Modification application to TfNSW was not undertaken and is not required to be referred to Transport for NSW as it does not trigger a referral requirement that did not apply to the original development application, nor does it change a condition of consent that was imposed because of a previous referral.

The submission raised concerns regarding the lack of traffic assessment of the enlarged Building 01. The increase in floor area does not necessarily mean an increase in traffic and requires additional specific assessment with the required separate development applications. Overall, the additional floor area is reflected via an increase in width and depth of approximately 3m and removal of wall stepping which allows for an improved internal design rather than a specific new traffic generator. A comparison of approved and proposed plans reveals that the seating area of the proposed larger Building 01 available for use by customers is similar, if not less, than as approved which would not increase traffic impacts despite the increase in floor area. Further, no change is proposed to the nature of the approved development and continues to involve construction of 3 buildings only, with the approval for use for food and drink premises and shop being subject to separate subsequent development application. At that time, the traffic impact of the final internal layout will be reviewed against the original Traffic Report Prepared by JMT Consulting Dated 11 April 2024 to ensure the final design and details do not result on an increase in traffic generation from deemed acceptable with the original application.

Similarly, with respect to parking, the review at the separate subsequent development application will ensure sufficient parking is provided. The extent of car parking provided with the original application was considered to be in excess of what is needed to service the approved development due to deletion of buildings without car parking design changes. By

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way of condition, the car parking design can be modified to better reflect the car parking demands of the proposed development, which will include the additional parking generated by the proposed increase in floor space under this modification.

Public Domain:

The approved and proposed modified development will not impact negatively in terms of such things as recreational opportunities, or the amount, location, design, use and management of public spaces.

Utilities:

The proposed modification does not propose to alter the approved utility arrangements. However, amendments are requested to Condition 39 to allow for the existing wastewater system to be used for Building 01 and new systems for Buildings 02 and 03. In principle this is supported and alternate amended wording for Condition 39 is recommended to ensure that the wastewater generated by that building can be managed wholly and appropriately within the boundaries of the site by either the existing On-site Sewage Management System or a proposed On-site Sewage Management System and proposes an additional condition which requires the applicant to demonstrate prior to any Occupation Certificate permitting the use or occupation of a building that the design capacity of the On-site Sewage Management System servicing the building is adequate.

The submission raised concerns regarding the lack of assessment of the enlarged Building 01 with respect to wastewater. This assessment can only accurately be undertaken once the detailed design of the use of the buildings is undertaken and is covered by way of the amended conditions discussed above.

Heritage:

There will be no impact on Aboriginal or European heritage, as a result of the development, as discussed under Clause 5.10 of LEP.

The submission raised concerns regarding the potential conflict between commercial expansion and the site's primary heritage and cultural function. Council's heritage consultant has considered the proposed modification against the original development and its potential impact on heritage significance and was supportive of the proposal, with no concern raised that the heritage or cultural value of the site is being reduced or compromised due to the increase in size of Building 01.

Other Land Resources:

The original assessment of this issue did not identify any concerns, and the modification will have no adverse effect on conserving and using valuable land resources such as productive agricultural land, mineral extractive resources, or water supply catchments.

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Water:

The proposed modification does not propose to alter the approved water arrangements, noting the original deferred commencement condition regarding potable water which is now satisfied.

Soil:

Appropriate conditions of consent were imposed regarding erosion and sedimentation control and the proposed modification does not give rise to land contamination.

Air and Microclimate:

The approved and proposed modified development will not impact negatively in terms of air and microclimate including odour.

Flora and Fauna:

There are no impacts on flora and fauna as a result of the modified development.

Waste:

No change is proposed to the type of waste material that is generated by the approved or modified development.

Energy:

The modification will not alter the impact on the energy needs or current supply of the development.

Noise and Vibration

The approved and proposed modified development will not impact negatively in terms of noise and vibration, with no additional impacts generated by the modified proposal.

Natural Hazards:

There are no known risks to people, property or the biophysical environment from geologic or soil instability, or flooding. Bushfire has been previously considered and remains managed in an acceptable manner with respect to the modification. As per the conditions of consent, the development is to remain in accordance with the existing Bushfire Management Plan.

Technological hazards

The modification does not result in any different type of risk to people, property or the biophysical environment from industrial and technological hazards, land contamination and remediation or building fire risk.

Safety, security and crime prevention

No change is proposed to the existing security measures.

Social Impacts in the Locality:

It is not considered that the modification will change the original assessment regarding social impact.

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Economic Impact in the Locality:

The submission raised concerns regarding lack of economic assessment and insufficient consideration of visitor dispersal, commercial capacity of the Five Mile precinct and Gundagai town-centre impacts. Specific concern was raised regarding visitors not leaving the site and continuing into Gundagai, to the benefit of those businesses.

There is no change to the original proposal or assessment as a result of the modification, which found that the proposed development will have a positive impact on the Gundagai economy. Whilst it is expected that there will be a mix of visitors to the site which includes travellers who only stop at the site and those which continue into Gundagai town centre, there is no correlation between the proposed modification and a substantial change to the type of visitors to the site or their length of stay. The proposed modification does not introduce a new feature which would be an attractor that would take away from businesses in the town centre. It is also likely that visitors will visit both the site and Gundagai.

The submission also raised concerns regarding the description of Building 01 as “bakery building” in the modification versus a future food and drink premises in the original approval and that a broader range and scale of activities may result from the larger building. There is no change to the approved use from a food and drink premises, as detailed correctly on the plans. A food and drink premises allows for a range of uses where there is preparation and retail sale of food or drink (or both) for immediate consumption on or off the premises and could include a restaurant or cafe, take away food and drink premises, a pub or a small bar. The separate development application will detail the design and specific nature of the building and the assessment will ensure consideration of the use against the definition of a food and drink premises under the LEP, as well as its size, scale, operational details and intensity.

Site Design and Internal Design:

The modification does not propose any changes to the approved layout or internal design.

Construction Matters:

The modification does not require further construction on the site.

Cumulative impacts

It is not considered that the changes proposed in the modification will cumulatively have a different or greater impact, than the approved development.

Proposed Amended Conditions of Consent:

The proposal includes amendment of the conditions of consent in response to the proposed modification as follows:

- a) Amendment to Condition 2 to A109, A2001, A1003 (as relates to location of Building 1) to be replaced with new plans.

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- b) Amendment to Condition 39 with the insertion of "Prior to the release of a construction certificate for buildings 02 and 03" at the beginning of the condition.
- c) Amendment to Condition 41 with the insertion of "Prior to the release of a construction certificate for each building" at the beginning of the condition.

Additional plans are amended in addition to those identified by the applicant and are updated in Condition 2 for completeness.

Amendments are requested to Condition 39 to allow for the existing wastewater system to be used for Building 01 and new systems for Buildings 02 and 03. In principle this is supported and alternate amended wording for Condition 39 is recommended to that proposed by the applicant to ensure that the wastewater generated by that building can be managed wholly and appropriately within the boundaries of the site by either the existing On-site Sewage Management System or a proposed On-site Sewage Management System and proposes an additional condition (Condition 75A) which requires the applicant to demonstrate prior to any Occupation Certificate permitting the use or occupation of a building that the design capacity of the On-site Sewage Management System servicing the building is adequate. These changes provide flexibility for the applicant to utilise the existing wastewater system should it be adequate for the final design of Building 01, or alternatively a new system will be provided.

The addition of words to Condition 41 is appropriate given the application is being undertaken in stages.

Accordingly, the requested condition amendments are supported and incorporated within the recommended amended condition of consent.

4.15(1)(c) - The suitability of the site for the development:

Does the proposal fit in the locality ?

There are no constraints posed by adjacent developments that would prohibit the development, given the size of the property, the likely impacts and the setbacks proposed. It is considered that the air quality and microclimate are appropriate for the development, and there are no hazardous landuses or activities nearby, and ambient noise levels are suitable for the development.

Are the site attributes conducive to development ?

The site is not subject to natural hazards including flooding, subsidence, slip or mass movement, while the issue of bushfire has been satisfactorily addressed in the report. 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 modification will not prejudice future agricultural production and there are no known mineral or extractive resources on the site. This issue of potential site contamination has been discussed previously.

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4.15(1)(d) - Any submissions made:

The submissions received have been detailed above and discussed within this report.

4.15(1)(e) - The public interest:

There are no planning strategies or studies that apply to a development of this nature, or policy statements from the State or Federal Governments. Overall, the proposal would not contravene the public interest.

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 7.12 Contributions Plans

The Cootamundra-Gundagai Regional Council Section 7.12 Fixed Development Consent Levy Contributions Plan 2018, applies to the land and this development, and conditions of consent have been imposed on the original consent.

Section 64 water and sewer contributions policies:

There are no water or sewer contribution plans that apply to the former Gundagai LEP.

Disclosure of political donations and gifts:

The application and notification process did not result in any disclosure of Political Donations and Gifts.

FINANCIAL IMPACTS:

Nil impacts for Council

POLICY IMPACTS:

The application was exhibited with a Conflict-of-Interest Management Strategy given Council’s ownership of some of the lots. The submission raised concerns regarding transparency. This assessment of the modification has been undertaken by an independent contractor.

ORGANISATIONAL IMPACT:

Nil

RISK MANAGEMENT IMPACTS:

Nil

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LEGAL ISSUES:

Nil

CONCLUSION:

Council has considered all matters under the relevant legislation, and it considers that both the original development, and modified development, is appropriate having regard to the above matters, and that any impacts can be managed through existing and proposed conditions.

RECOMMENDATION:

Determination:

That Council approve the following development, subject to the consent conditions below:

- Application No.: DA 2023/116.2
- Property: Lots 1, 2 and 3 DP 1322201
37 Annie Pyers Drive GUNDAGAI NSW 2722
- Development: Proposed Section 4.55(1A) Modification to DA 2023/116 to amend the approved development to alter setbacks and footprint of the Building 01 and amendment to conditions

Conditions:

1. This Notice of Determination for modification is granted consent subject to the following:

Modifying Condition 2, by:

2 Approved plans and supporting documentation				
Development must be carried out in accordance with the following approved plans and documents, except where the conditions of this consent expressly require otherwise.				
Approved plans				
Plan number	Revision number	Plan title	Drawn by	Date of plan
A1003	D E	Site Plan	SN Architects	1 July 2024 7 July 2026
A1004	B	Site Subdivision Plan	SN Architects	11 December 2023
A1005	B C	GFA Calculation	SN Architects	11 December 2023 7 July 2026
A1104	C	Demolition Plans	SN Architects	12 March 2024
A1105	B C	Stage 1 Proposed Plan	SN Architects	11 December 2023 7 July 2026

DEVELOPMENT ASSESSMENT REPORT

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



A1106	B C	Stage 2 Proposed Plan	SN Architects	11 December 2023 7 July 2026
A1107	D E	Stage 3 Proposed Plan	SN Architects	1 July 2024 7 July 2026
A1109	B C	Building 01 Floor Plans - Future Food and Drink Premises	SN Architects	11 December 2023 7 July 2026
A1110	B	Building 2 Floor Plans - Future Retail Premises	SN Architects	11 December 2023
A1111	B	Building 3 Floor Plans - Future Food and Drink Premises	SN Architects	11 December 2023
A2001	A B	Elevations Building 01 Future Food and Drink Premises	SN Architects	18 August 2023 7 July 2026
A2003	A	Elevations Building 02 Future Retail Premises	SN Architects	18 August 2023
A2004	A	Elevations Building 03 Future Food and Drink Premises	SN Architects	18 August 2023
A2009	A B	Street Elevation	SN Architects	18 August 2023 7 July 2026
A3001	B C	Sections - Sheet No.1	SN Architects	1 July 2024 7 July 2026
A3002	B C	Sections - Sheet No.1	SN Architects	1 July 2024 7 July 2026
LPDA 24-24 sheets 1 to 8	G	Landscaping Plans	Conzept Landscape Architects	June 2024
Approved documents				
Document title		Version number	Prepared by	Date of document
Environmental Noise Assessment		-	Harwood Acoustics	1 September 2023
Aboriginal Heritage Due Diligence Assessment		-	Access Archeology	21 May 2023
Bushfire Assessment Report		-	CAF Consulting	24 January 2024

DEVELOPMENT ASSESSMENT REPORT

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



Preliminary Site Investigation	-	Environmental Consulting Services	22 August 2023
Flora and Fauna Assessment	-	East Coast Ecology	15 April 2024
Statement of Heritage Impact	-	Heritage 21	25 January 2024
Statement of Environmental Effects	-	Total Town Planning Services	15 April 2024
Civil and Drainage Infrastructure Report	-	Spiire Australia	26 January 2024
Tree Inventory	-	Mark D. McCrone	January 2024
In the event of any inconsistency with the approved plans and a condition of this consent, the condition prevails.			
Condition reason: To ensure all parties are aware of the approved plans and supporting documentation that applies to the development.			

[as amended by
DA2023/116.2, approved **** 2026]

Modifying Condition 39, by:

39	<p>Approval to Install an Onsite Sewage Management System</p> <p>(a) Servicing of each building: prior to each Construction Certificate</p> <p>Prior to the issue of each Construction Certificate for a building, it must be demonstrated to the satisfaction of Council that the wastewater generated by that building can be managed wholly and appropriately within the boundaries of the site by either the existing On-site Sewage Management System or a proposed On-site Sewage Management System. Any approval required under Section 68 of the <i>Local Government Act 1993</i> for the installation, upgrade, or alteration of that system must be obtained before the Construction Certificate is issued.</p> <p>The demonstration must be a report prepared by a suitably qualified consultant in accordance with AS/NZS 1547 and Council's On-site Sewage Management Systems Policy, and must:</p> <p>(i) be based on the greater of the actual hydraulic load of the building, where its use is known, or a share of the minimum design hydraulic load of 3,360 L/day for the development proportionate to the building's gross floor area;</p> <p>(ii) account for the combined load of any buildings already constructed and demonstrate that sufficient area remains on the site to treat and dispose of wastewater from the approved buildings not yet constructed, including a reserve area</p>
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DEVELOPMENT ASSESSMENT REPORT

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



for any future increase in visitor numbers arising from changes to the Hume Highway intersection; and

(iii) where the existing system is relied upon, confirm its capacity, condition, and compliance with part (b), or the upgrade required to comply.

(b) Design requirements

Any On-site Sewage Management System servicing the development must be designed for the hydraulic load it serves and must incorporate:

(i) an effluent disposal area sized using a Design Irrigation Rate (DIR) of 2.0 mm/day, reflecting the design limiting layer of the Category 6 medium clay subsoil;

(ii) subsurface irrigation of treated effluent, to avoid potential human and animal contact given the public-facing nature of the facility; and

(iii) signage at the irrigation area indicating that treated effluent is being irrigated.

Where a system services more than one building, it must also incorporate:

(iv) a Sequencing Batch Reactor (SBR) or an Aerated Wastewater Treatment System (AWTS), to minimise the risk of odour; and

(v) a balance tank and an effluent holding tank.

A system servicing a single building need incorporate items (iv) and (v) only where the report under part (a) identifies them as necessary for the building's load and use. In that case, the report must demonstrate that the system can be upgraded or replaced to incorporate items (iv) and (v) when a further building is to be serviced, and that space for that upgrade or replacement is reserved on the site.

~~Approval must be obtained for the installation of an On-site Sewage Management System to service the development under Section 68 of the Local Government Act 1993.~~

~~The application must be accompanied by a detailed wastewater system design, prepared by a suitably qualified consultant, must be prepared that confirms capacity of the development to manage all wastewater generated by the development wholly and appropriately within the boundaries of the development site, in accordance applicable Australian Standards, including AS/NZS 1547 and Council's On Site Sewage Management Systems (OSSMS) Policy.~~

DEVELOPMENT ASSESSMENT REPORT

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



The design must incorporate the following requirements:

1. The wastewater treatment and effluent disposal system must be designed to manage a minimum daily hydraulic load of 3,360L/day, to meet the anticipated demand based on the number of vehicles expected to visit the site as outlined in the traffic study for the development.
2. The system must include a Sequencing Batch Reactor (SBR) or an Aerated Wastewater Treatment System (AWTS), to minimise risk of odour.
3. The treatment system must incorporate a balance tank and an effluent holding tank.
4. The effluent disposal area must be compliant and sized using a Design Irrigation Rate (DIR) of 2.0mm/day, reflecting the design limiting layer of the Category 6 medium clay subsoil.
5. Irrigation of treated effluent must be subsurface to avoid potential human and animal contact, given the public-facing nature of the facility.
6. Appropriate signage of the irrigation area, indicating that treated effluent is being irrigated.
7. The design must take into account the possibility of increased visitor numbers resulting from proposed changes to the intersection on the Hume Highway.

Condition reason: To ensure the development is serviced by appropriate on-site sewage management system.

[as amended by
DA2023/116.2, approved **** 2026]

Modifying Condition 41, by:

41	Plumbing and Drainage Works
	Prior to the release of a construction certificate for each building, Approval shall be obtained under Section 68 of the Local Government Act 1993 for proposed water, sewerage and stormwater works prior to the issue of a Construction Certificate.
	Condition reason: Statutory compliance with the Local Government Act 1993

[as amended by
DA2023/116.2, approved **** 2026]

Addition of Condition 75A, as follows:

75A	Wastewater - Prior to occupation
	Prior to the issue of any Occupation Certificate permitting the use or occupation of a building:

DEVELOPMENT ASSESSMENT REPORT

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



(i) a report prepared by a suitably qualified consultant must confirm the hydraulic load generated by the approved use of the building and demonstrate that it does not exceed the design capacity of the On-site Sewage Management System servicing it. Where the load exceeds that capacity, the system must be upgraded or replaced to accommodate it, any approval required under Section 68 of the *Local Government Act 1993* must be obtained, and the report must demonstrate that Condition 39 (a)(ii) continues to be met; and

(ii) the On-site Sewage Management System servicing that building must be installed, upgraded, or replaced as required, commissioned, and hold a current approval to operate under Section 68 of the *Local Government Act 1993*.

The use of a building must not generate a hydraulic load exceeding the design capacity of the system servicing it, as stated in its current approval to operate.

Condition reason: To ensure the development is serviced by appropriate on-site sewage management system.

[as amended by
DA2023/116.2, approved **** 2026]

REASONS FOR CONDITIONS:

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 modification is not inconsistent with the objectives of the zone,
- the proposed modification is permitted in the zone,
- assessment of the modification against the relevant provisions of the EPA Act, indicates that the proposed modification will not cause significant adverse impacts on the surrounding natural environment, built environment and infrastructure, community facilities, or local character and amenity,
- the proposed modification does not compromise the relevant Environmental Planning Instruments,
- Council considers that the proposed modification 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 one submission was received and issues raised considered in the assessment.

DEVELOPMENT ASSESSMENT REPORT

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



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 and how community views were taken into account, as it relates to this development application are:

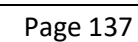
- the proposed modification is not inconsistent with the objectives of the zone,
- the proposed modification is permitted in the zone,
- assessment of the modification against the relevant provisions of the EPA Act, indicates that the proposed modification will not cause significant adverse impacts on the surrounding natural environment, built environment and infrastructure, community facilities, or local character and amenity,
- the proposed modification does not compromise the relevant Environmental Planning Instruments,
- Council considers that the proposed modification is appropriate having regard to the relevant matters and can be managed through existing and proposed conditions,
- the modification is substantially the same development as originally approved.

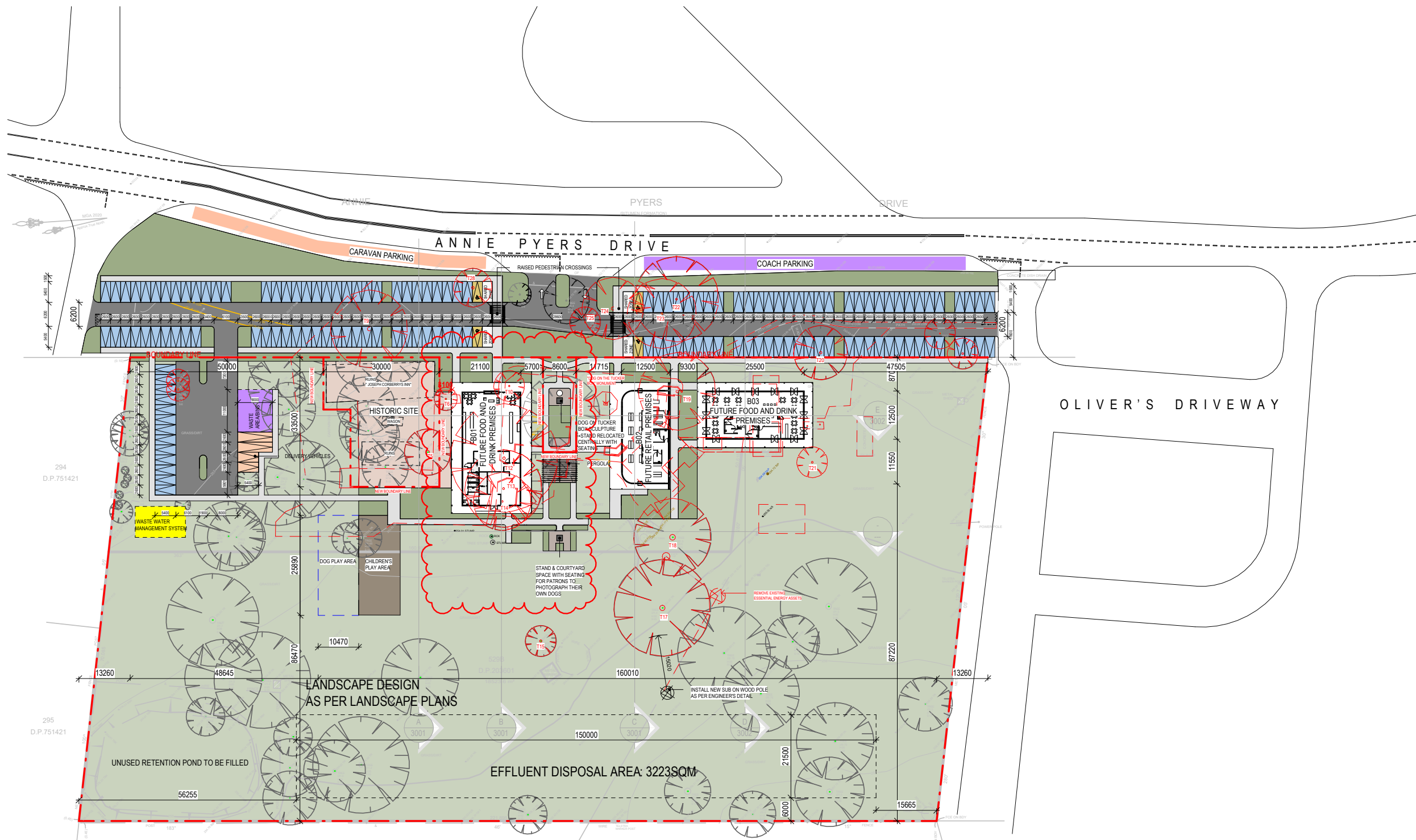
DEVELOPMENT ASSESSMENT SIGNING OFFICER:

A handwritten signature in black ink, appearing to read "Donna Clarke".

Donna Clarke

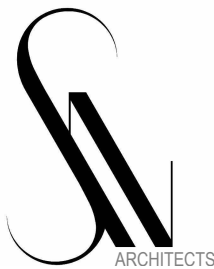
20 October 2026



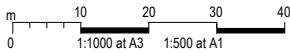


BUILDINGS LEGEND:
B01: FUTURE FOOD AND DRINK PREMISES
B02: FUTURE RETAIL PREMISES
B03: FUTURE FOOD AND DRINK PREMISES

LEGEND
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DRAWN SM
DESIGNED SM
CHECKED SM

DRAWING SCALE As indicated
SHEET SIZE A3
PROJECT NUMBER 210804

DRAWING NUMBER
A 1003

DRAWING TITLE
SITE PLAN

PROJECT STAGE
DA
PROJECT DETAILS
Mixed used Development

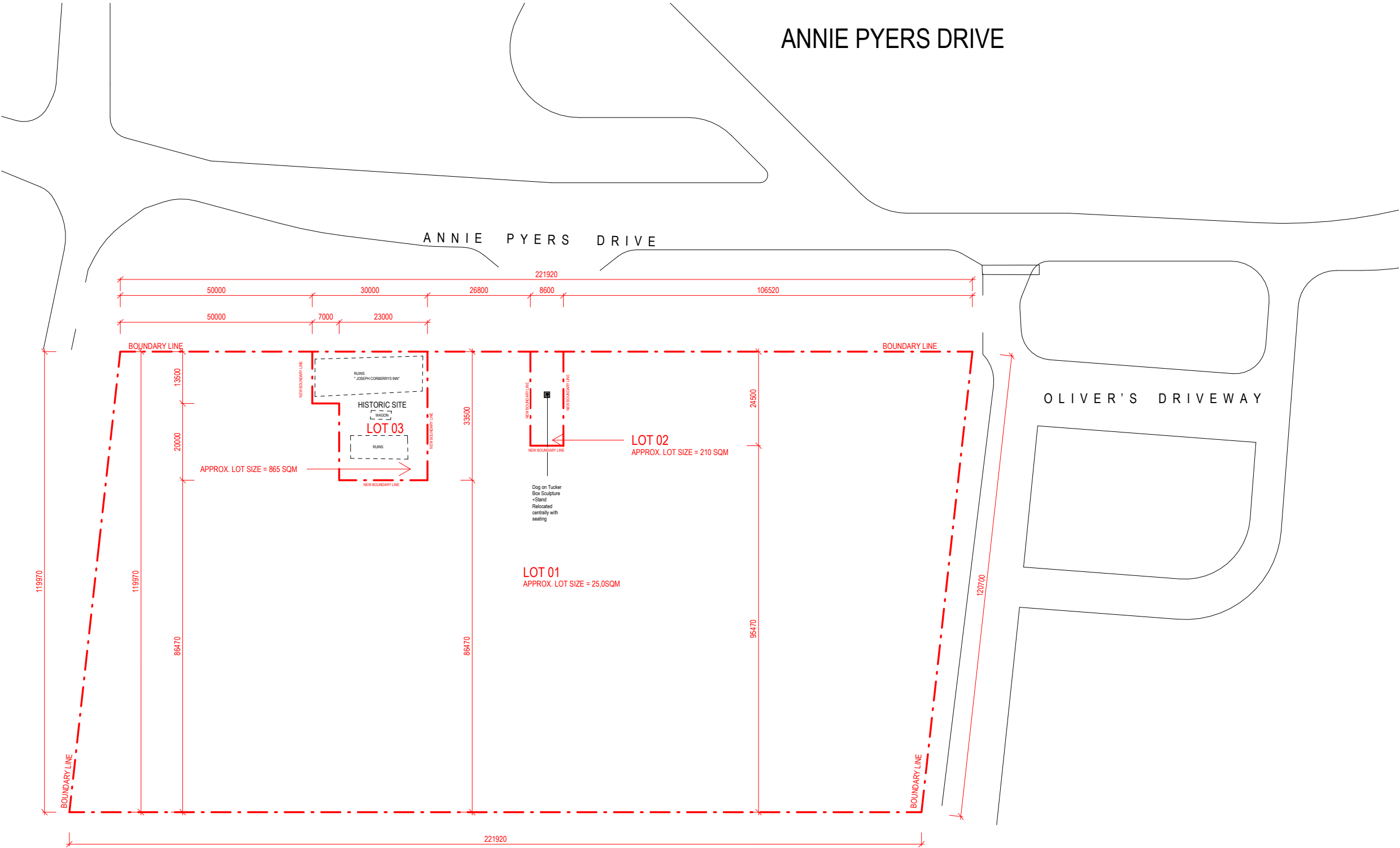
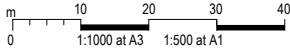
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CLIENT DETAILS
The DOTT Developments Pty Ltd



E	07.07.26	AMENDMENTS
D	01.07.24	AMENDMENTS
C	12.03.24	AMENDMENTS
B	11.12.23	AMENDMENTS
A	18.08.23	DA SUBMISSION
Rev	Date	Description

Scale



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DESIGNED SM
CHECKED SM
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SHEET SIZE A3
PROJECT NUMBER 210804

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PROJECT STAGE
DA
PROJECT DETAILS
Mixed used Development

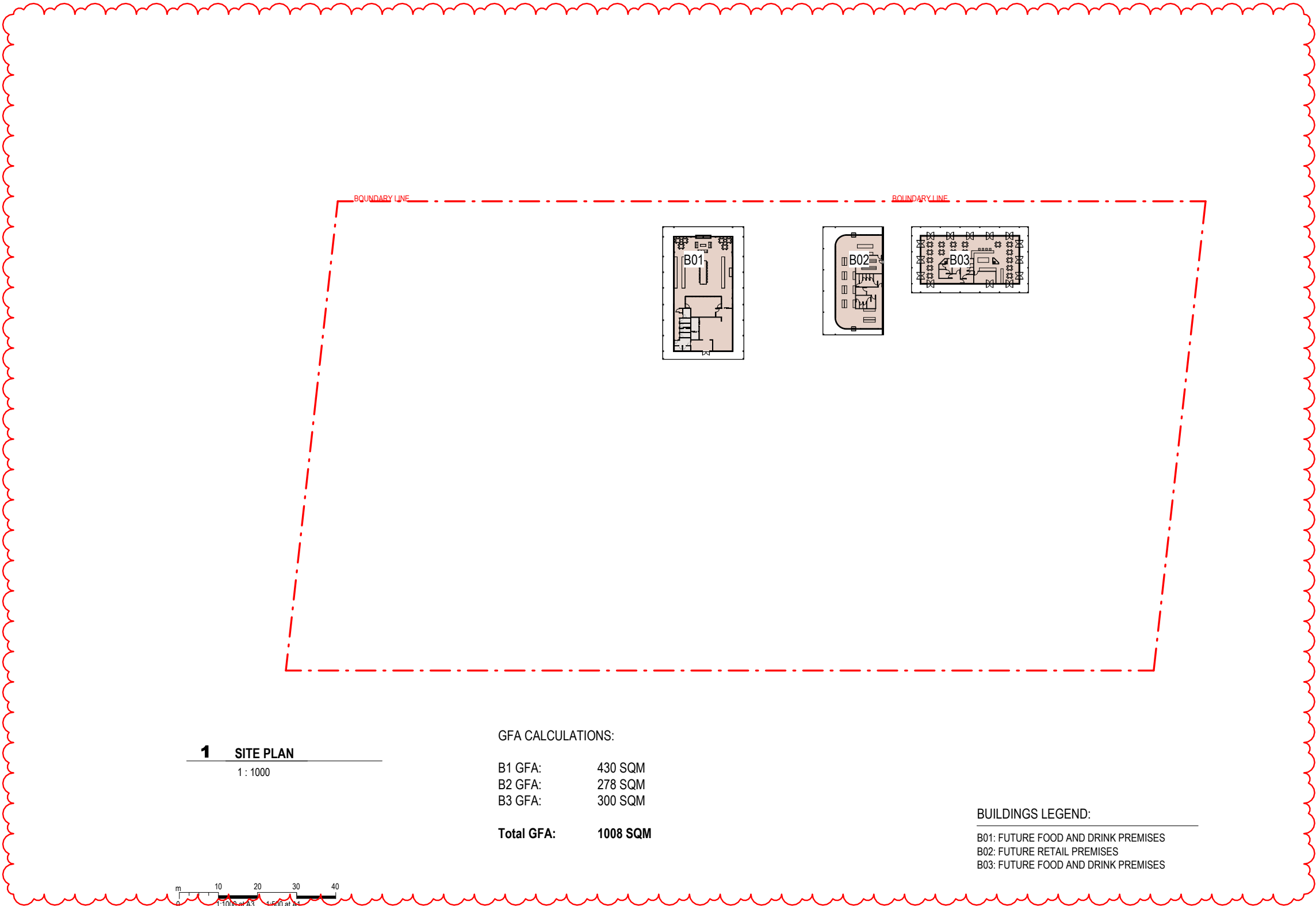
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B 11.12.23 AMENDMENTS
A 18.08.23 DA SUBMISSION
Rev Date Description



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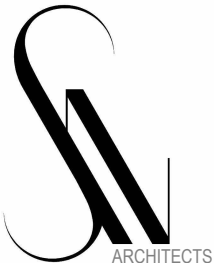


1 SITE PLAN
1 : 1000

GFA CALCULATIONS:

B1 GFA:	430 SQM
B2 GFA:	278 SQM
B3 GFA:	300 SQM
Total GFA:	1008 SQM

- BUILDINGS LEGEND:**
- B01: FUTURE FOOD AND DRINK PREMISES
 - B02: FUTURE RETAIL PREMISES
 - B03: FUTURE FOOD AND DRINK PREMISES



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NOMINATED ARCHITECT: SOROOSH MOSHKAR 11278

DRAWN	DESIGNED	CHECKED
SM	SM	SM
DRAWING SCALE	SHEET SIZE	PROJECT NUMBER
As indicated	A3	210804
DRAWING NUMBER		
A 1005		
DRAWING TITLE		
GFA CALCULATION		

PROJECT STAGE
DA

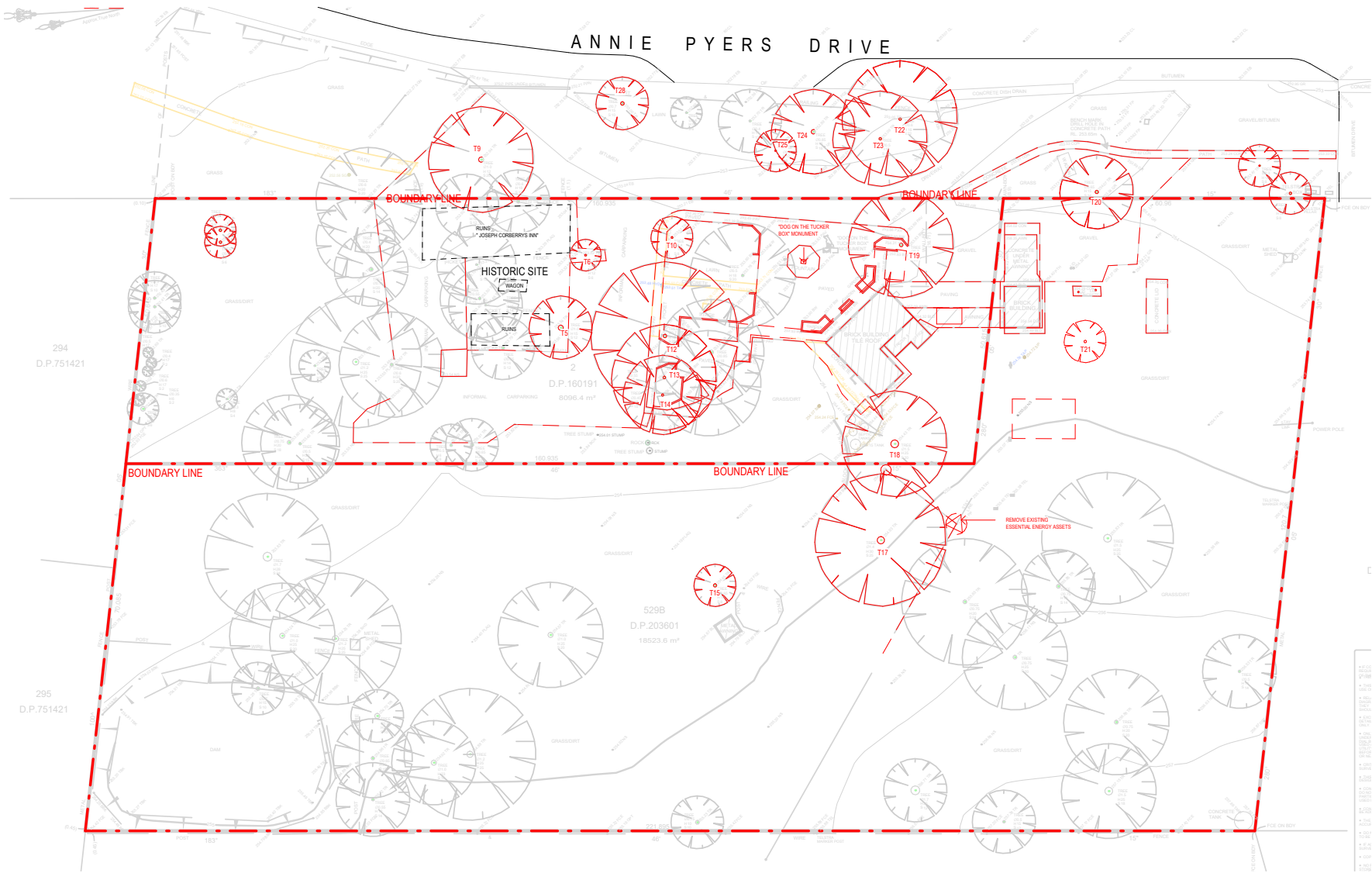
PROJECT DETAILS
Mixed used Development

DOG ON THE TUCKER BOX

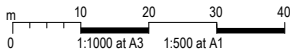
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C	07.07.26	AMENDMENTS
B	11.12.23	AMENDMENTS
A	18.08.23	DA SUBMISSION
Rev	Date	Description

Scale



1 DEMOLITION PLANS
1 : 1000



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DESIGNED
SM

CHECKED
SM

DRAWING SCALE
As indicated

SHEET SIZE
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PROJECT NUMBER
210804

DRAWING NUMBER
A 1104

DRAWING TITLE
DEMOLITION PLANS

PROJECT STAGE
DA

PROJECT DETAILS
Mixed used Development

DOG ON THE TUCKER BOX

CLIENT DETAILS
The DOTT Developments Pty Ltd

LEGEND

PROPOSED

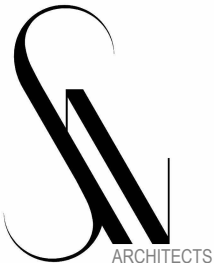
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B 11.12.23 AMENDMENTS
A 18.08.23 DA SUBMISSION

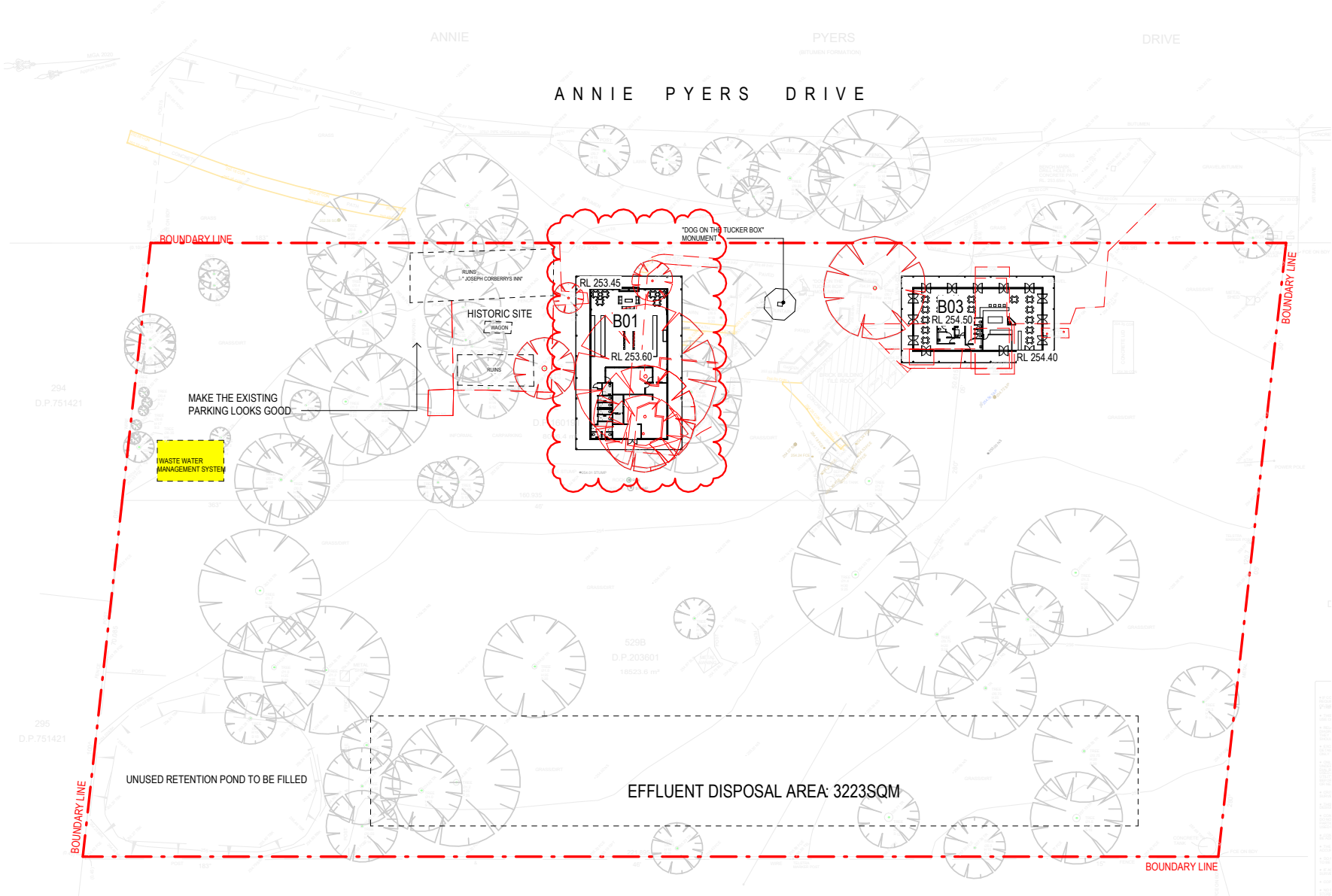
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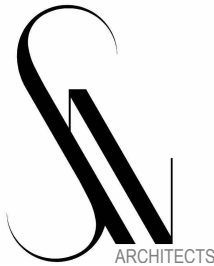
DEMOLITION NOTES
1. REMOVE ALL EXISTING PLUMBING AND ELECTRICAL WORKS AS NECESSARY BY
2. QUALIFIED TRADESPERSON.
3. MODIFIED BRICKWORK TO BE TOOTHED INTO EXISTING WHERE APPLICABLE AND
4. CAPABILITY TO REMAIN CONTINUOUS AT ALL TIMES.
5. EXISTING MATERIALS TO BE REUSED TO OWNERS DETAIL.
6. MATERIALS REMOVED FROM SITE MUST BE DISPOSED OF AS PER COUNCIL
7. REGULATIONS.
8. INVESTIGATION SHOULD BE UNDERTAKEN BEFORE ALL WORKS THAT REQUIRES
9. INVESTIGATION.
10. ALLOW TO CAREFULLY DEMOLISH/REMOVE/SALVAGE THE ITEMS SHOWN ON
11. DRAWINGS IN ACCORDANCE WITH BUILDING CODES AND
12. AUSTRALIAN STANDARDS AND AS REQUIRED FOR THE COMPLETION OF THE
13. CONTRACT WORKS.
14. ALLOW TO EXCAVATE ALL TRENCHES REQUIRED FOR NEW/RELOCATED UTILITY
15. SERVICES (ELECTRICITY, WATER, GAS, SEWER, ETC.
16. ALLOW FOR ANY OTHER DEMOLITION AND EXCAVATION AS REQUIRED FOR THIS
17. COMPLETION OF THE WORKS.
18. CHECK THE STABILITY OR OTHERWISE OF STRUCTURES IN THE VICINITY OF THE
19. DEMOLITION WORK. TAKE PRECAUTIONS TO PREVENT DAMAGE TO SUCH
20. STRUCTURES.
21. EXCAVATION IS REQUIRED BELOW THE LINE OF INFLUENCE OF AN EXISTING
22. BUILDING. USE METHODS THAT MAINTAIN THE
23. STRENGTH OF THE FOOTING AND ENSURE THAT THE STRUCTURE AND FINISHES
24. SUPPORTED BY THE FOOTING ARE NOT DAMAGED.
25. RANGE FOR DISCONNECTION, CUTTING, SEALING OFF, DIVERTING ETC. OF
26. EXISTING SERVICES AS REQUIRED BY THE CONTRACT.
27. AVOID EVENT DAMAGE OR INTERFERENCE TO EXISTING SERVICES ABOVE AND BELOW
28. GROUND. IMMEDIATELY RECTIFY ANY DAMAGE OR
29. INTERFERENCE OF THESE SERVICES AND PROVIDE TEMPORARY SERVICES WHILST
30. REPAIRS ARE BEING CARRIED OUT.
31. SEEK APPROVAL FROM COUNCIL FOR REMOVING TREES (IF NOT EXEMPT)



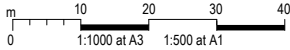
1 STAGE 1 PROPOSED PLAN
1 : 1000

BUILDINGS LEGEND:
B01: FUTURE FOOD AND DRINK PREMISES
B02: FUTURE RETAIL PREMISES
B03: FUTURE FOOD AND DRINK PREMISES

LEGEND
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[Red outline] TO BE DEMOLISHED



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NOMINATED ARCHITECT: SOROOSH MOSHKAR 11278

DRAWN SM
DESIGNED SM
CHECKED SM

DRAWING SCALE As indicated
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PROJECT NUMBER 210804

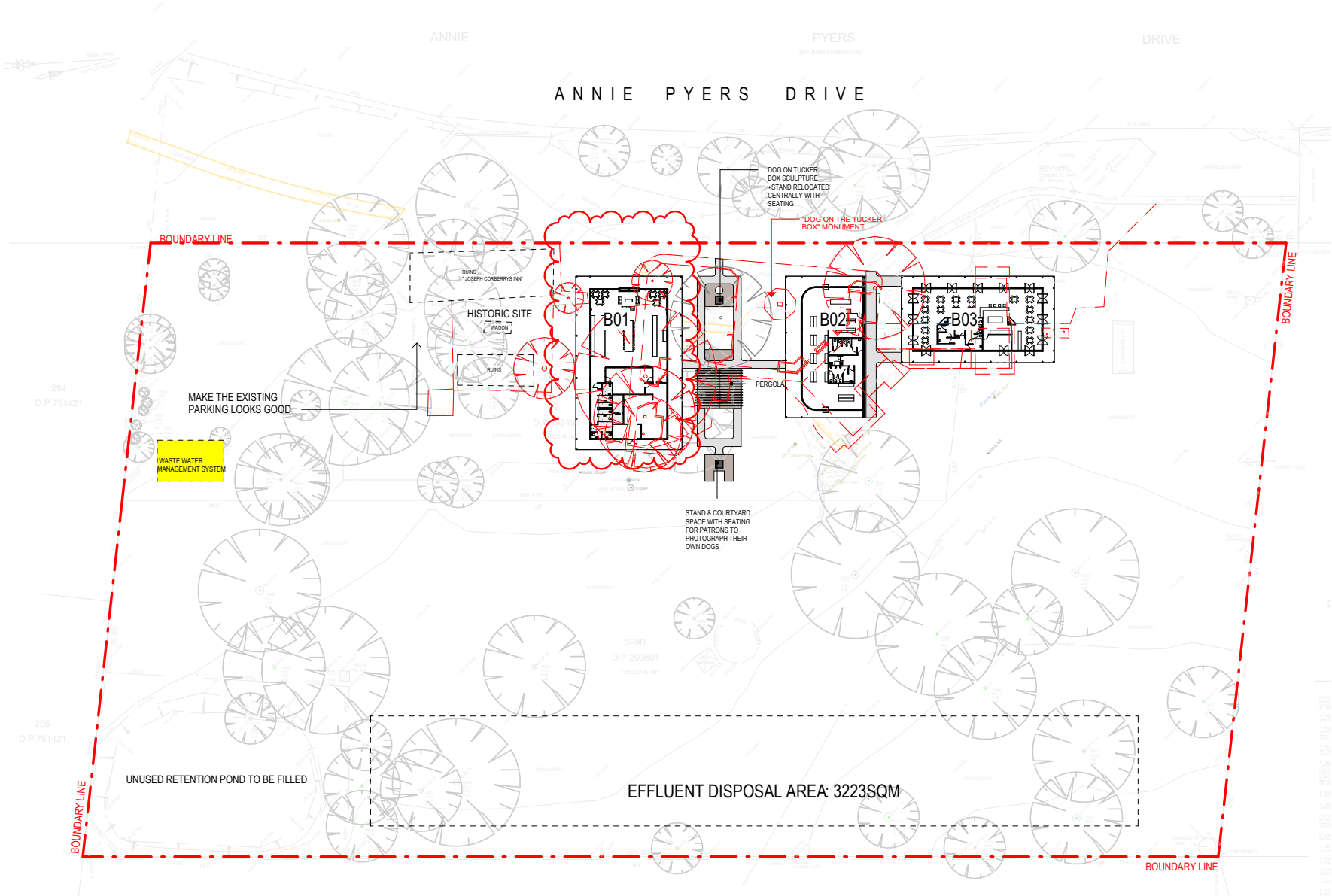
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DRAWING TITLE STAGE 1 PROPOSED PLAN

PROJECT STAGE DA
PROJECT DETAILS Mixed used Development

CLIENT DETAILS
The DOTT Developments Pty Ltd

C 07.07.26 AMENDMENTS
B 11.12.23 AMENDMENTS
A 18.08.23 DA SUBMISSION

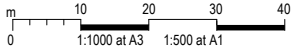
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1 STAGE 2 PROPOSED PLANS
1 : 1000

BUILDINGS LEGEND:
B01: FUTURE FOOD AND DRINK PREMISES
B02: FUTURE RETAIL PREMISES
B03: FUTURE FOOD AND DRINK PREMISES

LEGEND
[Black line] PROPOSED
[Red line] TO BE DEMOLISHED



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NOMINATED ARCHITECT: SOROOSH MOSHKAR 11278

DRAWN SM
DESIGNED SM
CHECKED SM
DRAWING SCALE As indicated
SHEET SIZE A3
PROJECT NUMBER 210804
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DRAWING TITLE STAGE 2 PROPOSED PLAN

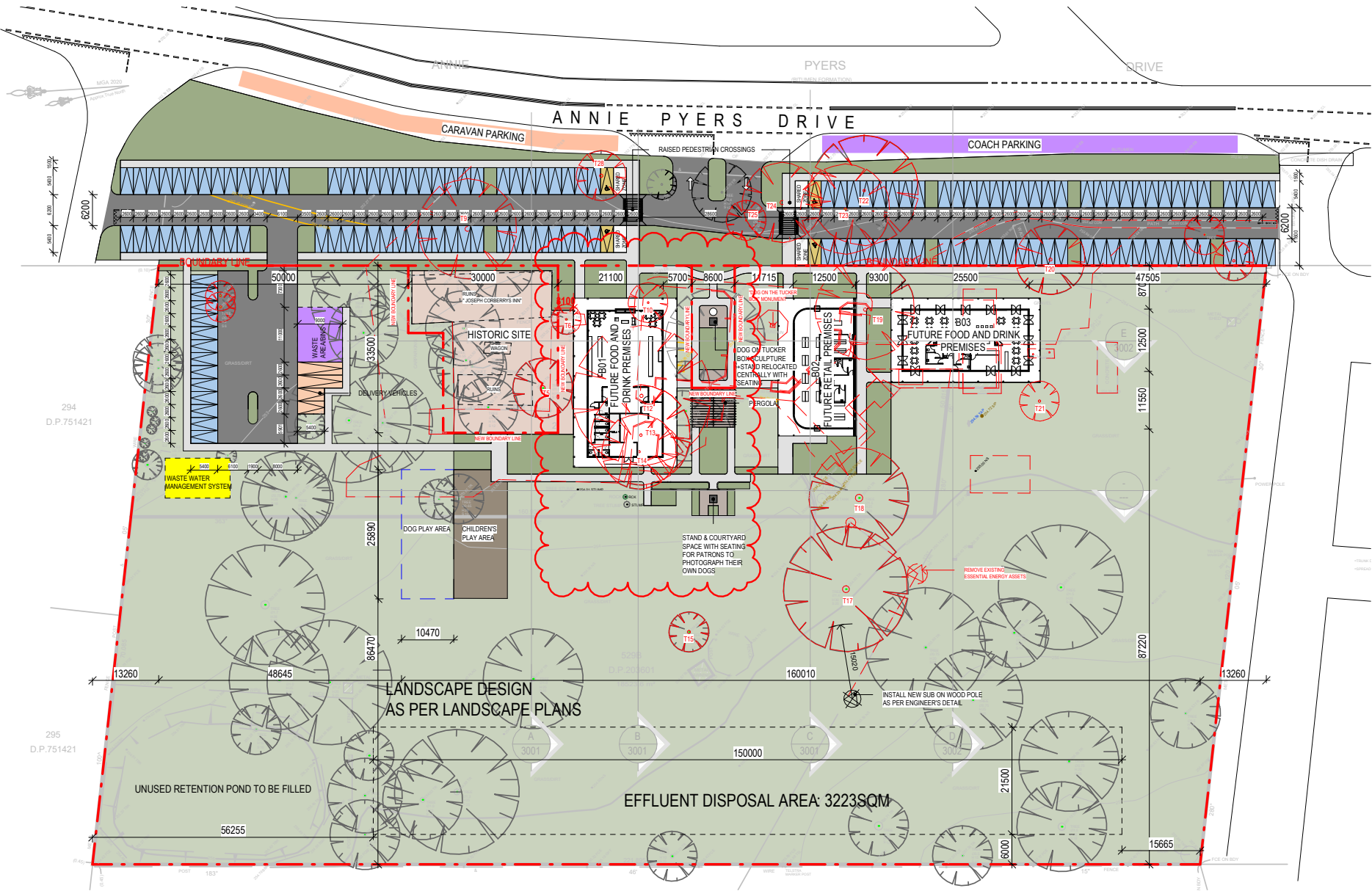
PROJECT STAGE DA
PROJECT DETAILS Mixed used Development
DOG ON THE TUCKER BOX
CLIENT DETAILS The DOTT Developments Pty Ltd

C	07.07.26	AMENDMENTS
B	11.12.23	AMENDMENTS
A	18.08.23	DA SUBMISSION
Rev	Date	Description

Scale

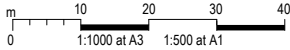


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BUILDINGS LEGEND:
B01: FUTURE FOOD AND DRINK PREMISES
B02: FUTURE RETAIL PREMISES
B03: FUTURE FOOD AND DRINK PREMISES

LEGEND
[Red outline] PROPOSED
[Thick red line] TO BE DEMOLISHED



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DESIGNED SM
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DRAWING SCALE As indicated
SHEET SIZE A3
PROJECT NUMBER 210804

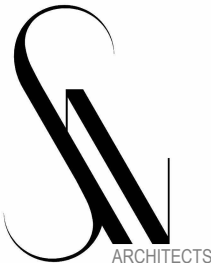
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DRAWING TITLE STAGE 3 PROPOSED PLAN

PROJECT STAGE DA
PROJECT DETAILS Mixed used Development

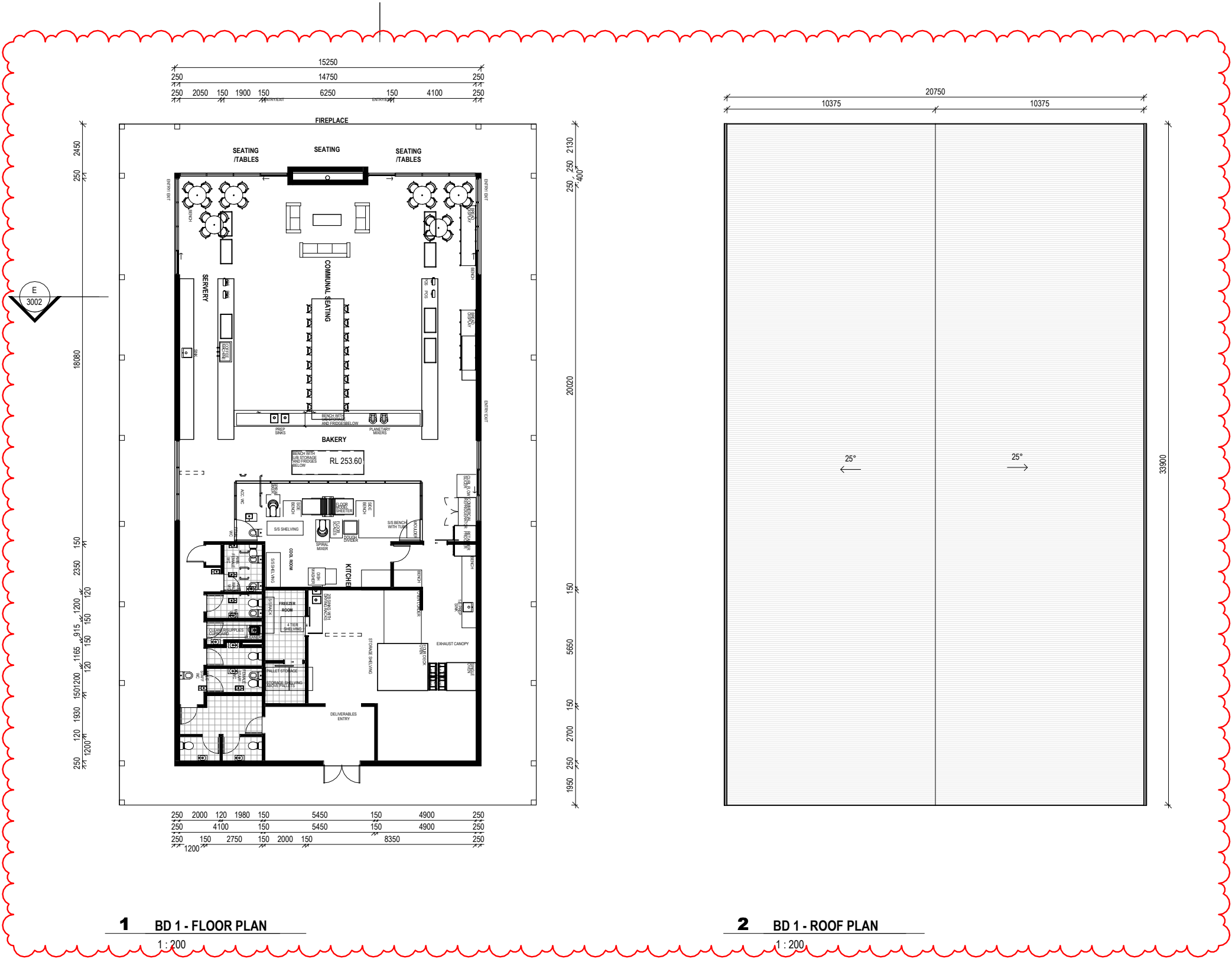
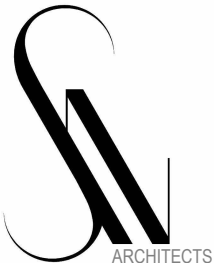
DOG ON THE TUCKER BOX
CLIENT DETAILS The DOTT Developments Pty Ltd

E	07.07.26	AMENDMENTS
D	01.07.24	AMENDMENTS
C	12.03.24	AMENDMENTS
B	11.12.23	AMENDMENTS
A	18.08.23	DA SUBMISSION
Rev	Date	Description

Scale

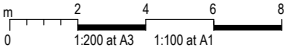


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NOMINATED ARCHITECT: SOROOSH MOSHKAR 11278

DRAWN SM DESIGNED SM CHECKED SM

DRAWING SCALE 1:200 SHEET SIZE A3 PROJECT NUMBER 210804

DRAWING NUMBER A 1109

DRAWING TITLE
BUILDING 01 FLOOR PLANS - FUTURE
عنوان المبنى المخطط المستقبلي

PROJECT STAGE
DA
PROJECT DETAILS
Mixed used Development

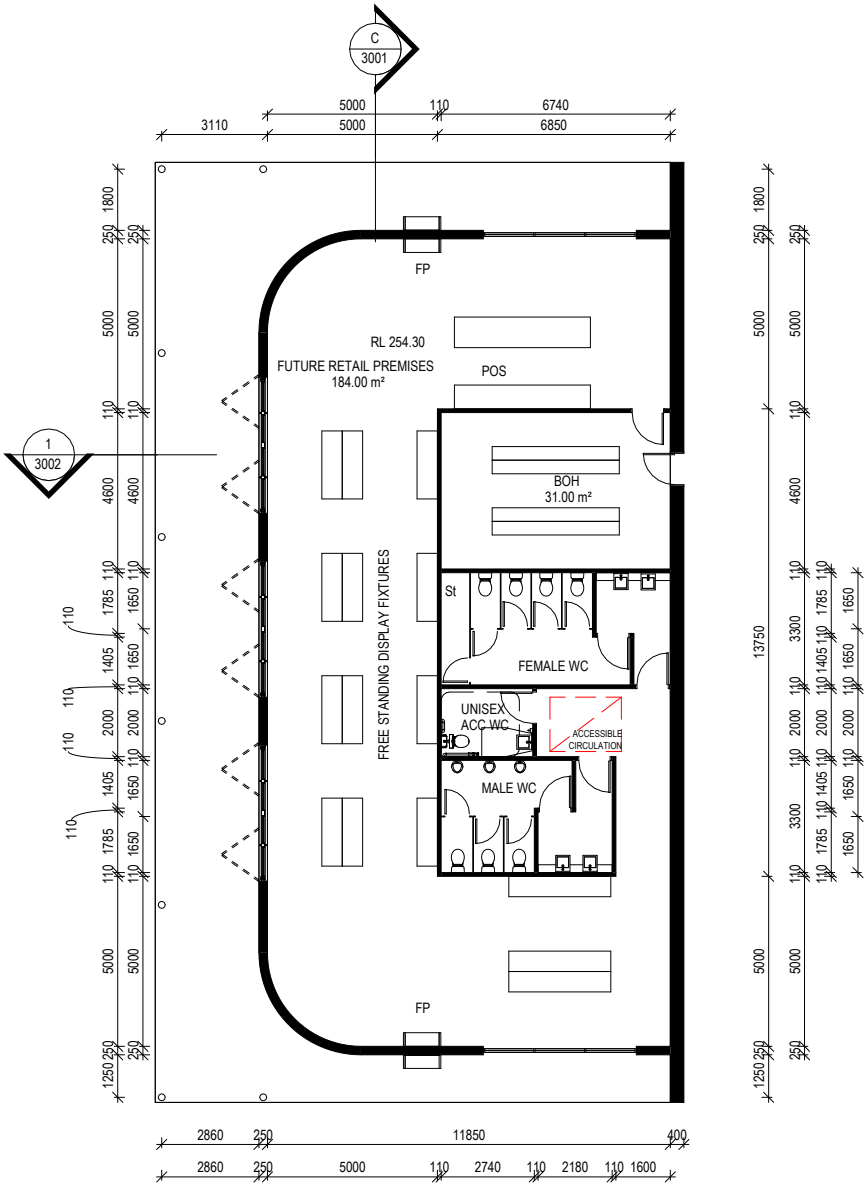
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CLIENT DETAILS
The DOTT Developments Pty Ltd

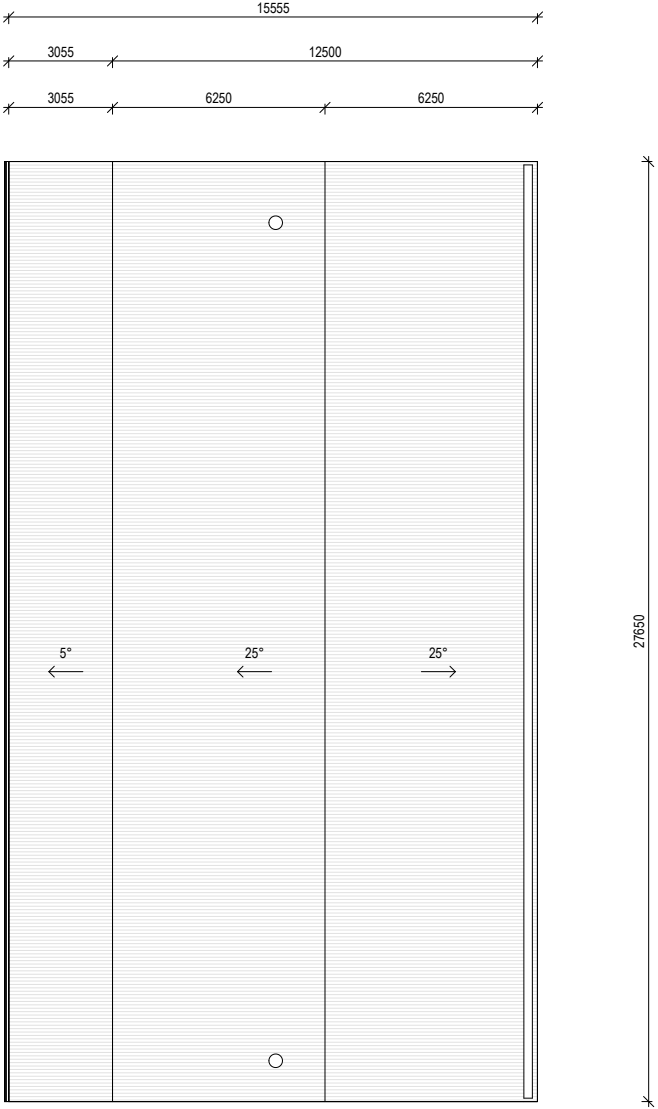
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A 18.08.23 DA SUBMISSION
Rev Date Description



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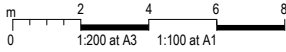
1 BD 2 - FLOOR PLAN
1 : 200



2 BD 2 - ROOF PLAN
1 : 200



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NOMINATED ARCHITECT: SOROOSH MOSHKAR 11278

DRAWN SM
DESIGNED SM
CHECKED SM

DRAWING SCALE 1 : 200
SHEET SIZE A3
PROJECT NUMBER 210804

DRAWING NUMBER
A 1110

DRAWING TITLE
BUILDING 2 FLOOR PLANS - FUTURE
DETAIL DDM/CCC

PROJECT STAGE
DA
PROJECT DETAILS
Mixed used Development

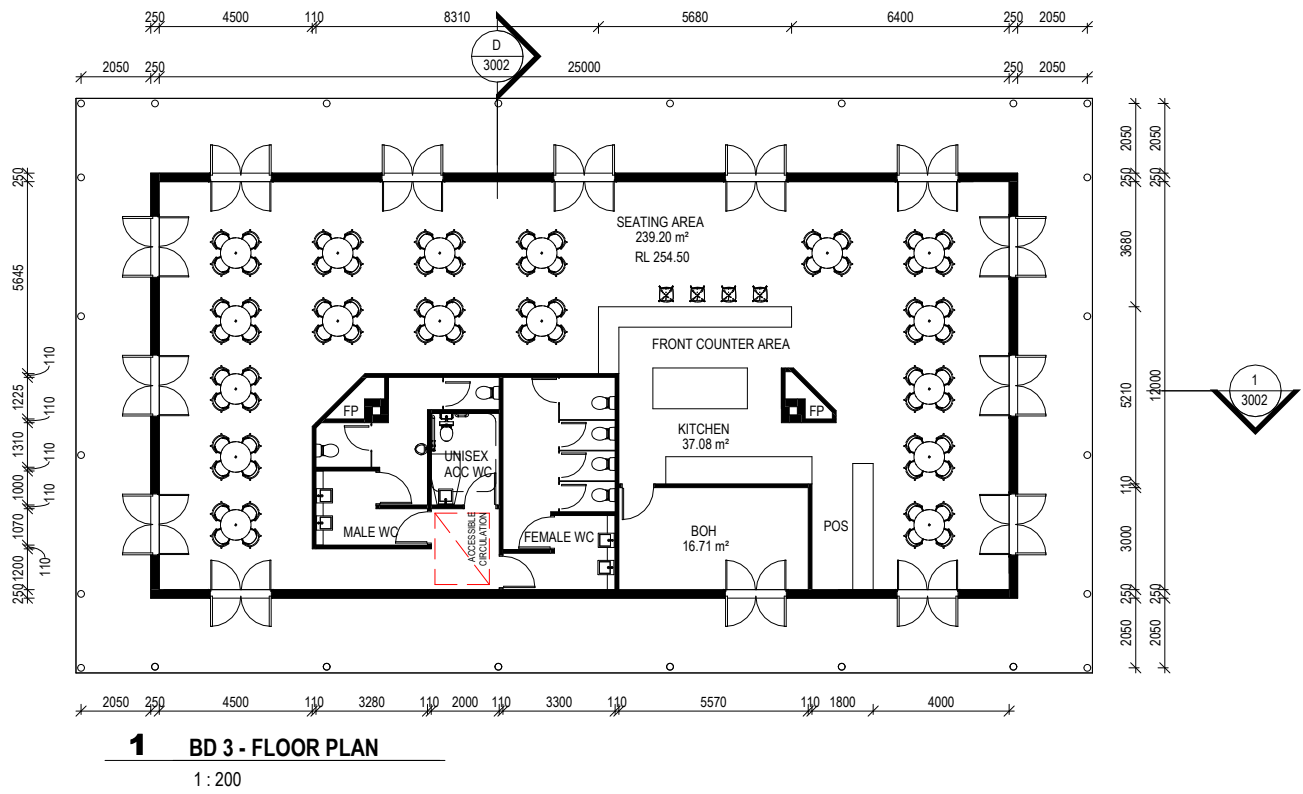
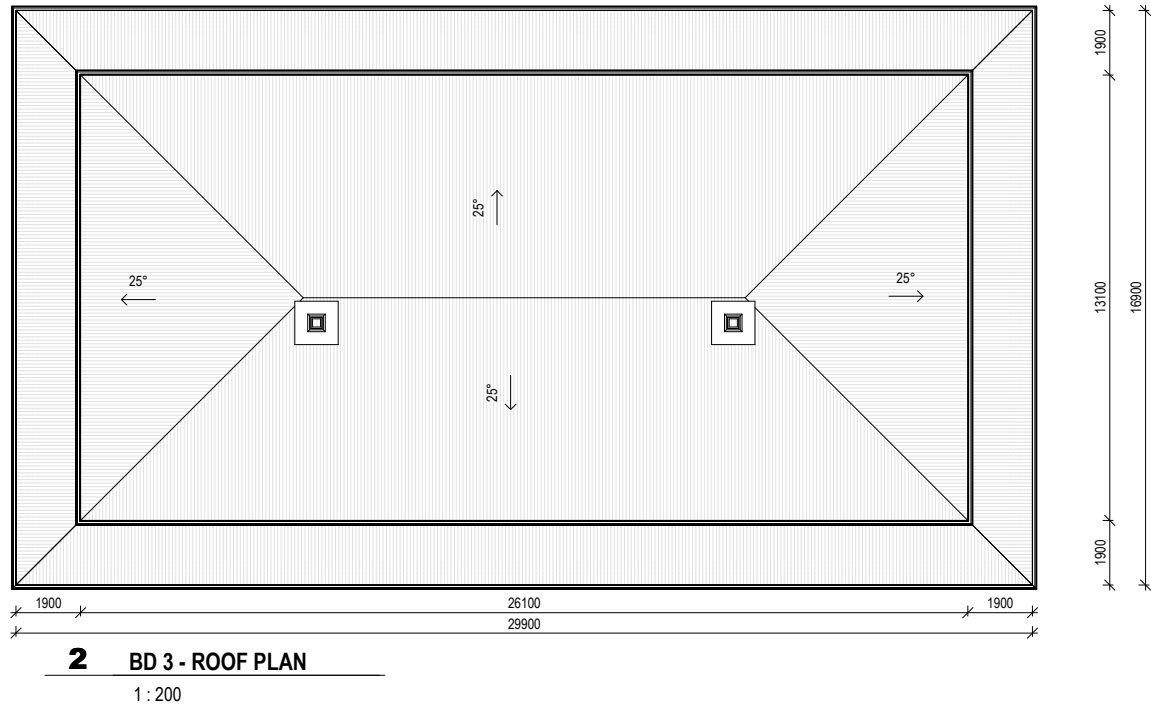
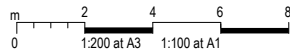
DOG ON THE TUCKER BOX

CLIENT DETAILS
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A 18.08.23 DA SUBMISSION
Rev Date Description



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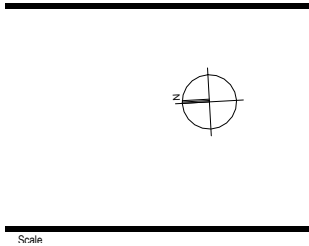
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DESIGNED SM
CHECKED SM
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DRAWING TITLE
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عنوان المبنى المستقبلي

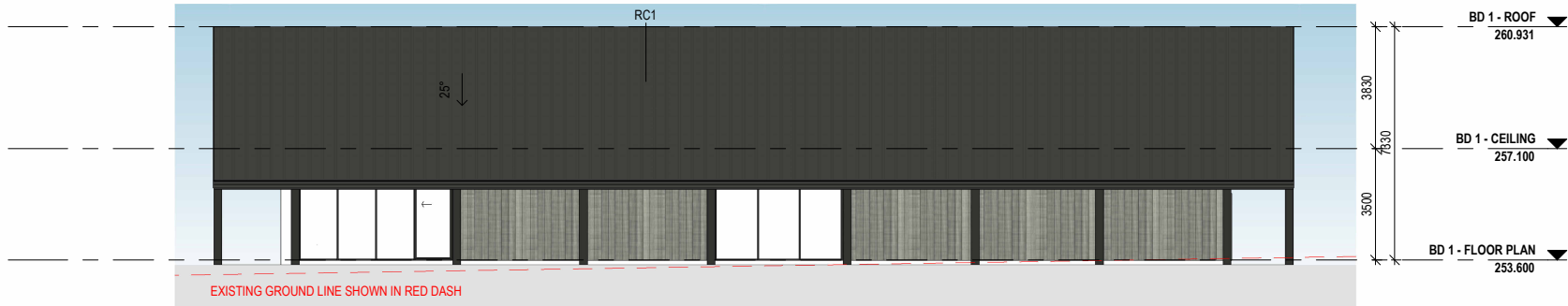
PROJECT STAGE
DA
PROJECT DETAILS
Mixed used Development

DOG ON THE TUCKER BOX
CLIENT DETAILS
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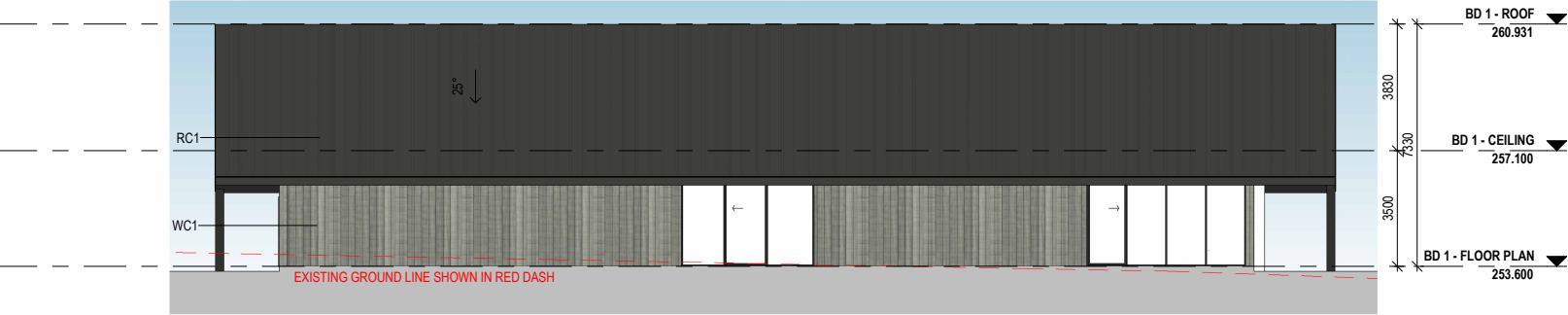
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A 18.08.23 DA SUBMISSION
Rev Date Description



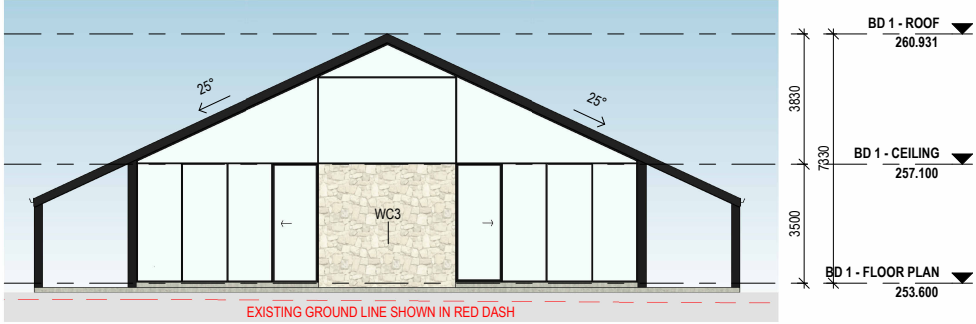
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	PCM	DARK GREY POWDER COATED STEEL SHEETS/COLUMNS
	RC1	METAL ROOFING & WALLING COLORBOND MONUMENT
	RC2	LOUVERED ROOF
	WC1	NON-COMBUSTIBLE TIMBER LOOK CLADDING – DARK GREY
	WC3	SANDSTONE CLADDING



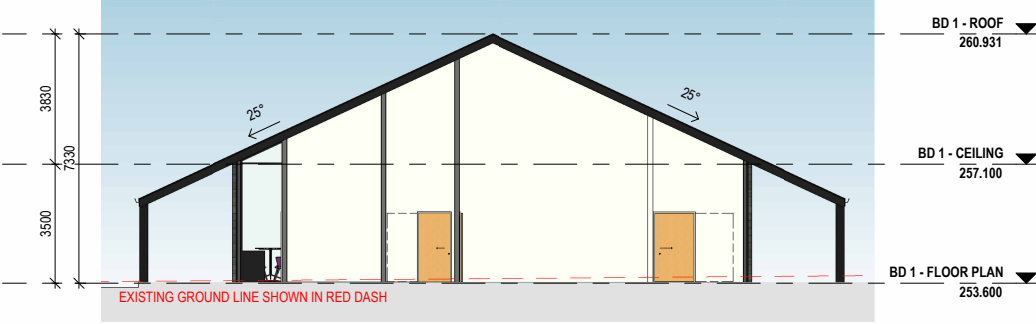
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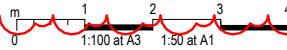
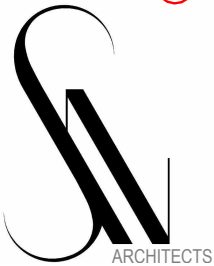
2 BD 1 - SOUTH ELEVATION
1 : 200



3 BD 1 - EAST ELEVATION
1 : 200



4 BD 1 - WEST ELEVATION
1 : 200



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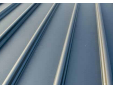
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DESIGNED SM
CHECKED SM
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SHEET SIZE A3
PROJECT NUMBER 210804
DRAWING NUMBER A 2001
DRAWING TITLE
ELEVATIONS BUILDING 01 FUTURE
ELEVATIONS BUILDING 01 FUTURE

PROJECT STAGE
DA
PROJECT DETAILS
Mixed used Development
DOG ON THE TUCKER BOX
CLIENT DETAILS
The DOTT Developments Pty Ltd

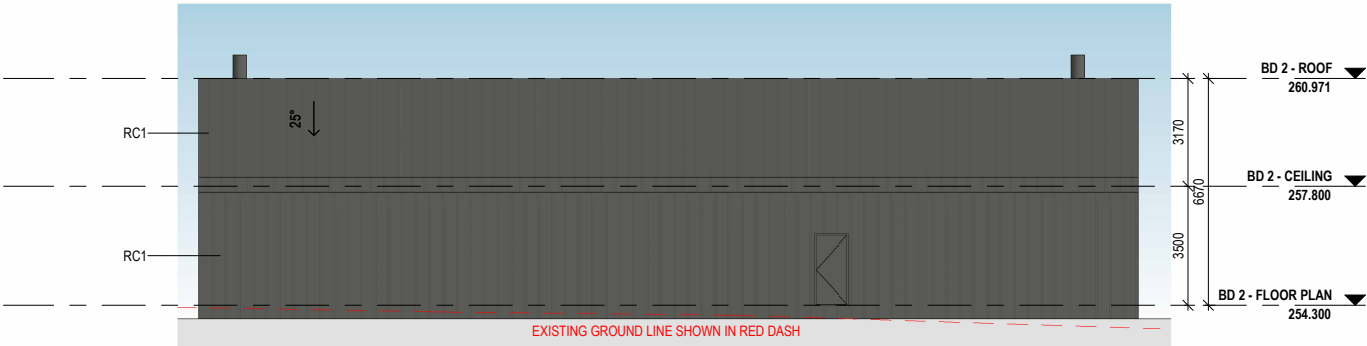
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A 18.08.23 DA SUBMISSION
Date Date Description

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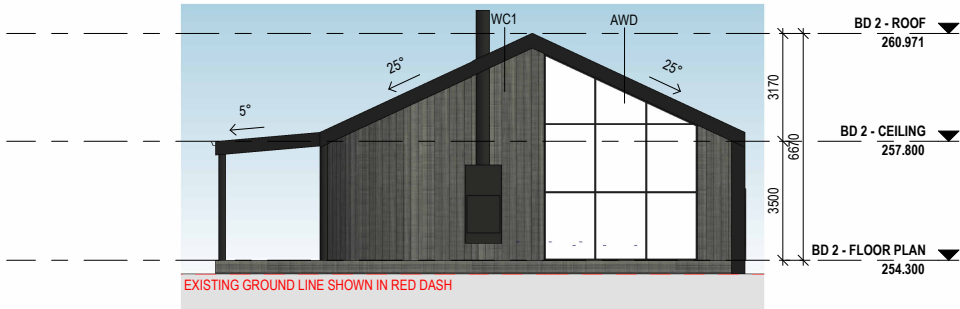
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	AWD	ALUMINIUM FRAMED DOOR & WINDOW – DARK GREY
	PCM	DARK GREY POWDER COATED STEEL SHEETS/COLUMNS
	RC1	METAL ROOFING & WALLING COLORBOND MONUMENT
	WC1	NON-COMBUSTIBLE TIMBER LOOK CLADDING – DARK GREY
	WC2	NON-COMBUSTIBLE TIMBER LOOK CLADDING – DARK GREY



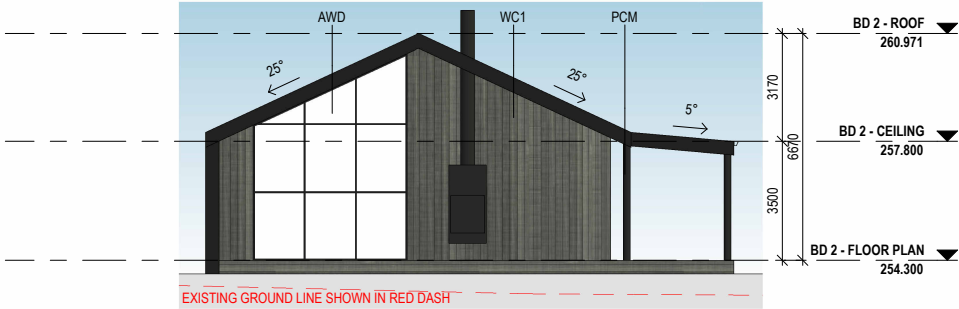
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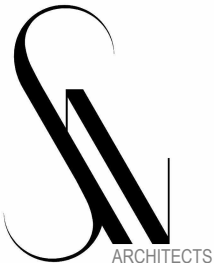
2 BD 2 - SOUTH ELEVATION
1 : 200



3 BD 2 - WEST ELEVATION
1 : 200



4 BD 2 - EAST ELEVATION
1 : 200



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NOMINATED ARCHITECT: SOROOSH MOSHKAR 11278

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DESIGNED SM
CHECKED SM
DRAWING SCALE 1 : 200
SHEET SIZE A3
PROJECT NUMBER 210804
DRAWING NUMBER A 2003
DRAWING TITLE
ELEVATIONS BUILDING 02 FUTURE
DETAIL DOCKMICE

PROJECT STAGE
DA
PROJECT DETAILS
Mixed used Development
DOG ON THE TUCKER BOX
CLIENT DETAILS
The DOTT Developments Pty Ltd

A 18.08.23 DA SUBMISSION
Rev Date Description

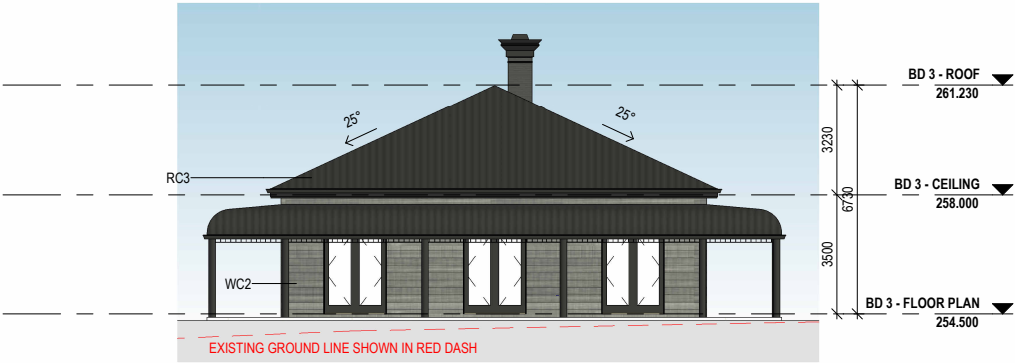
MATERIAL LEGEND		
MATERIAL REFERENCE	MATERIAL TAG	MATERIAL DESCRIPTION
	AWD	ALUMINIUM FRAMED DOOR & WINDOW – DARK GREY
	PCM	DARK GREY POWDER COATED STEEL SHEETS/COLUMNS
	RC3	METAL ROOFING & WALLING COLORBOND MONUMENT
	WC2	NON-COMBUSTIBLE TIMBER LOOK CLADDING – DARK GREY



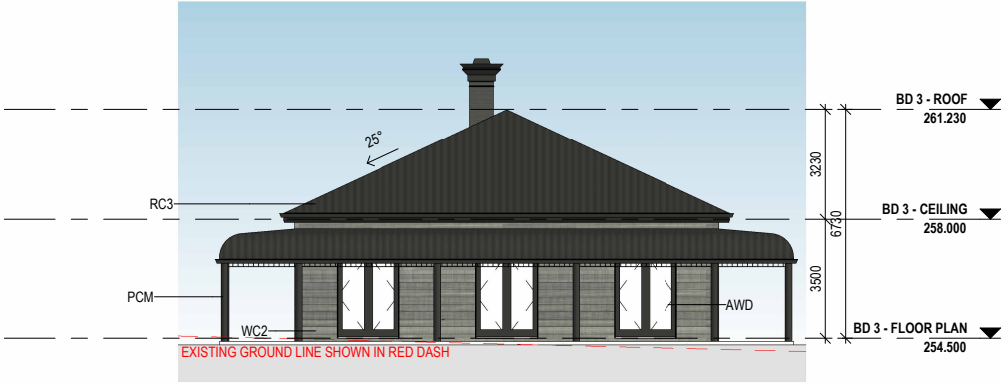
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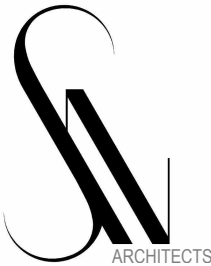
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1 : 200



3 BD 3 - NORTH ELEVATION
1 : 200



4 BD 3 - SOUTH ELEVATION
1 : 200



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DESIGNED SM
CHECKED SM

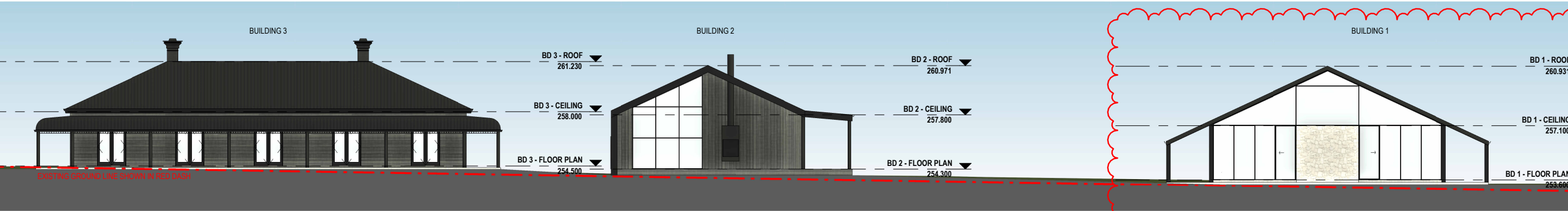
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SHEET SIZE A3
PROJECT NUMBER 210804

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DRAWING TITLE ELEVATIONS BUILDING 03 FUTURE
ELEVATIONS BUILDING 03 FUTURE

PROJECT STAGE DA
PROJECT DETAILS Mixed used Development
DOG ON THE TUCKER BOX

CLIENT DETAILS
The DOTT Developments Pty Ltd

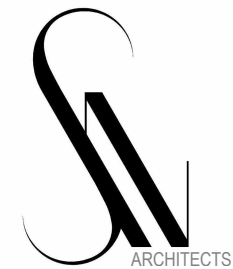
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Date Date Description



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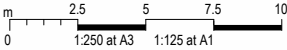
BUILDINGS LEGEND:

B01: FUTURE FOOD AND DRINK PREMISES
B02: FUTURE RETAIL PREMISES
B03: FUTURE FOOD AND DRINK PREMISES



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DESIGNED SM
CHECKED SM

DRAWING SCALE As indicated
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PROJECT NUMBER 210804

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PROJECT STAGE DA
PROJECT DETAILS Mixed used Development

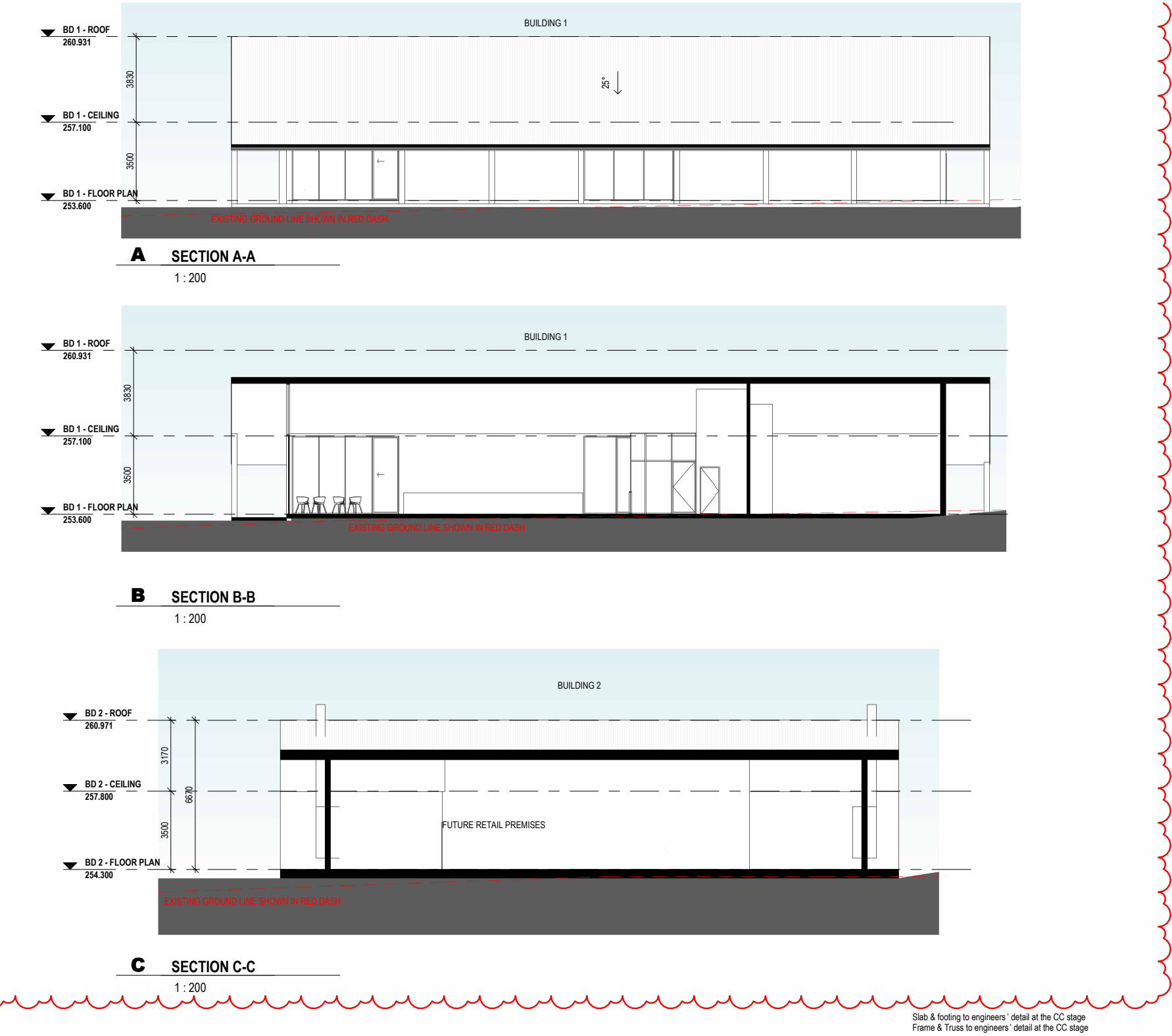
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CLIENT DETAILS
The DOTT Developments Pty Ltd

B 07.07.26 AMENDMENTS
A 18.08.23 DA SUBMISSION

Rev	Date	Description

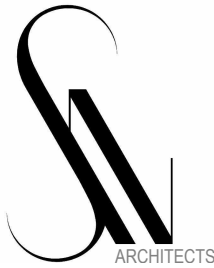
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Slab & footing to engineers' detail at the CC stage
Frame & Truss to engineers' detail at the CC stage

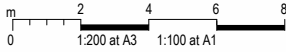
BUILDINGS LEGEND:

B01: FUTURE FOOD AND DRINK PREMISES
B02: FUTURE RETAIL PREMISES
B03: FUTURE FOOD AND DRINK PREMISES



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NOMINATED ARCHITECT: SOROOSH MOSHKAR 11278

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As indicated	A3	210804
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SECTIONS-SHEET NO.1		

PROJECT STAGE
DA

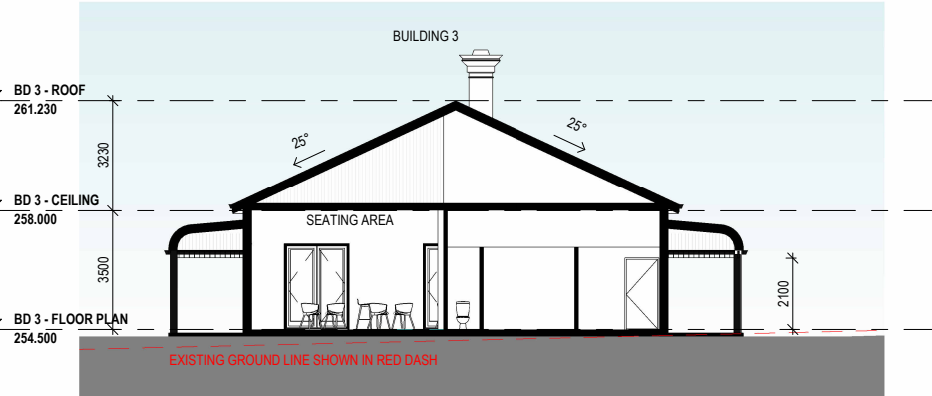
PROJECT DETAILS
Mixed used Development

DOG ON THE TUCKER BOX

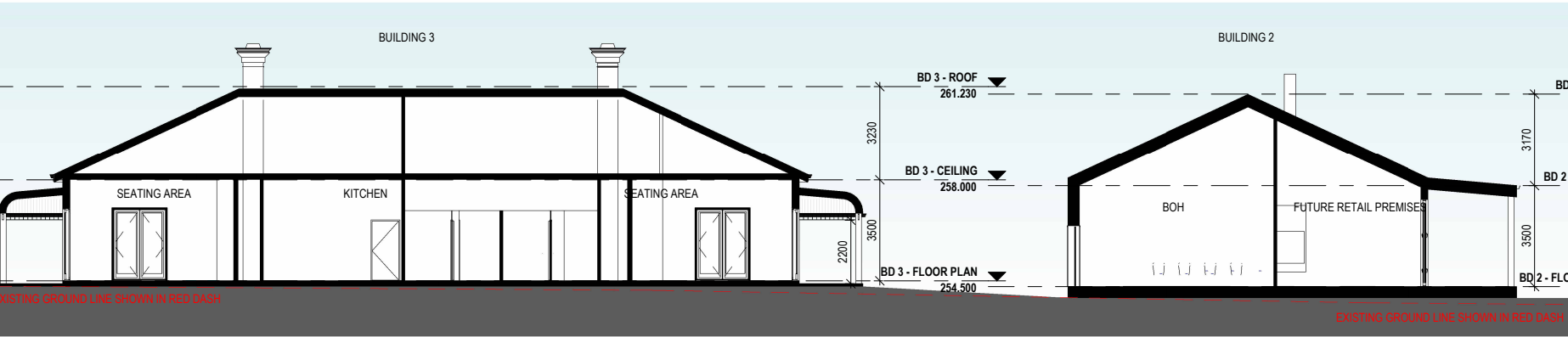
CLIENT DETAILS
The DOTT Developments Pty Ltd

Rev	Date	Description
C	07.07.26	AMENDMENTS
B	01.07.24	AMENDMENTS
A	18.08.23	DA SUBMISSION

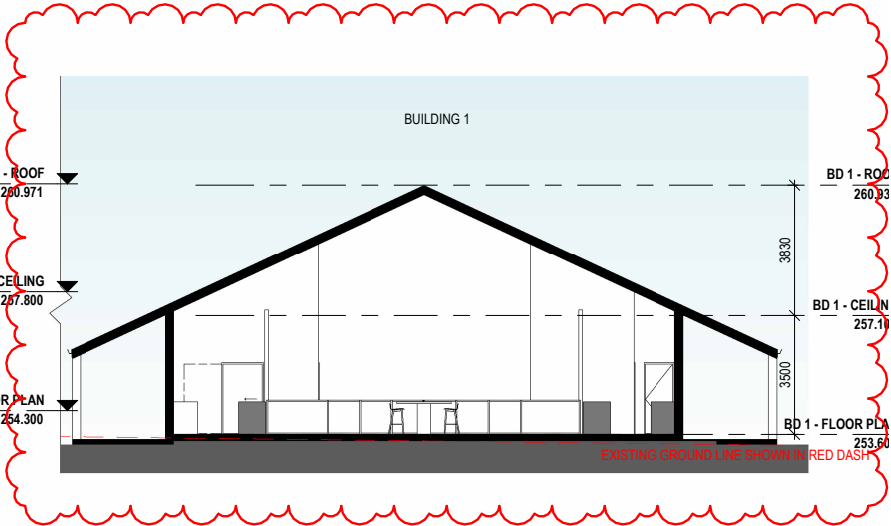
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D SECTION D-D
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1 : 200

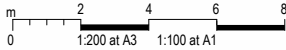


- BUILDINGS LEGEND:**
- B01: FUTURE FOOD AND DRINK PREMISES
 - B02: FUTURE RETAIL PREMISES
 - B03: FUTURE FOOD AND DRINK PREMISES



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DESIGNED SM
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DRAWING SCALE As indicated
SHEET SIZE A3
PROJECT NUMBER 210804

DRAWING NUMBER A 3002
DRAWING TITLE SECTIONS-SHEET NO.1

PROJECT STAGE
DA
PROJECT DETAILS
Mixed used Development

DOG ON THE TUCKER BOX

CLIENT DETAILS
The DOTT Developments Pty Ltd

Slab & footing to engineers' detail at the CC stage
Frame & Truss to engineers' detail at the CC stage

Rev	Date	Description
C	07.07.26	AMENDMENTS
B	01.07.24	AMENDMENTS
A	18.08.23	DA SUBMISSION

Scale



1 BUILDING 01 - VIEW 01



2 BUILDING 01 - VIEW 02



3 BUILDING 01 - OVERVIEW



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PROJECT STAGE
DA

PROJECT DETAILS
Mixed used Development

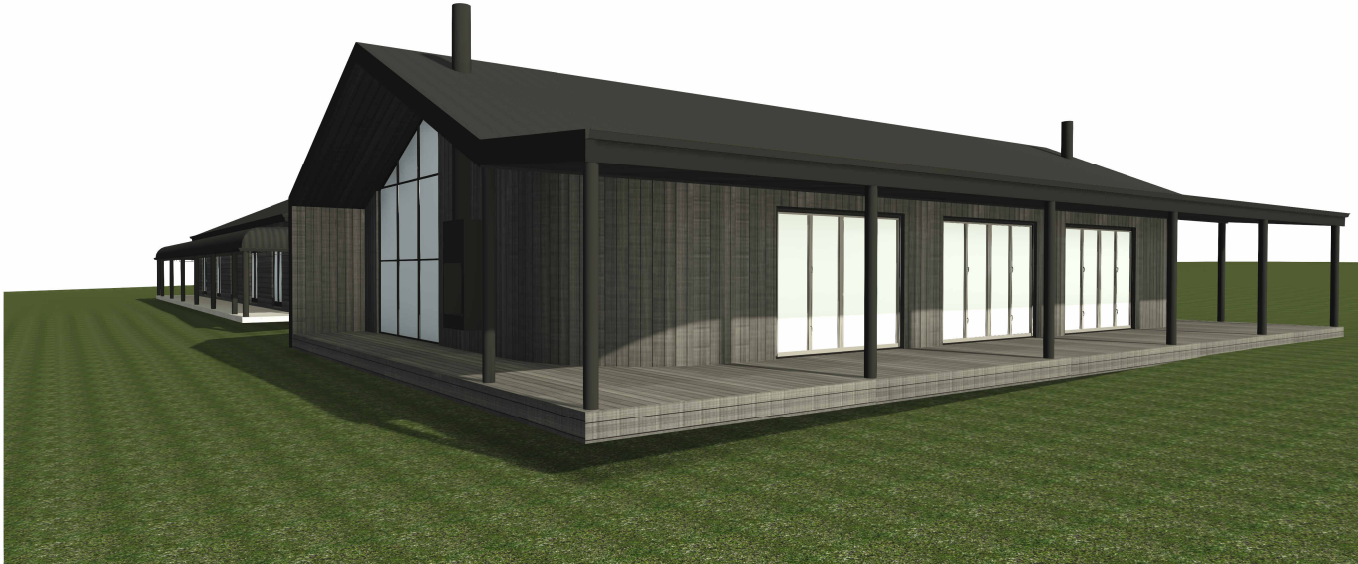
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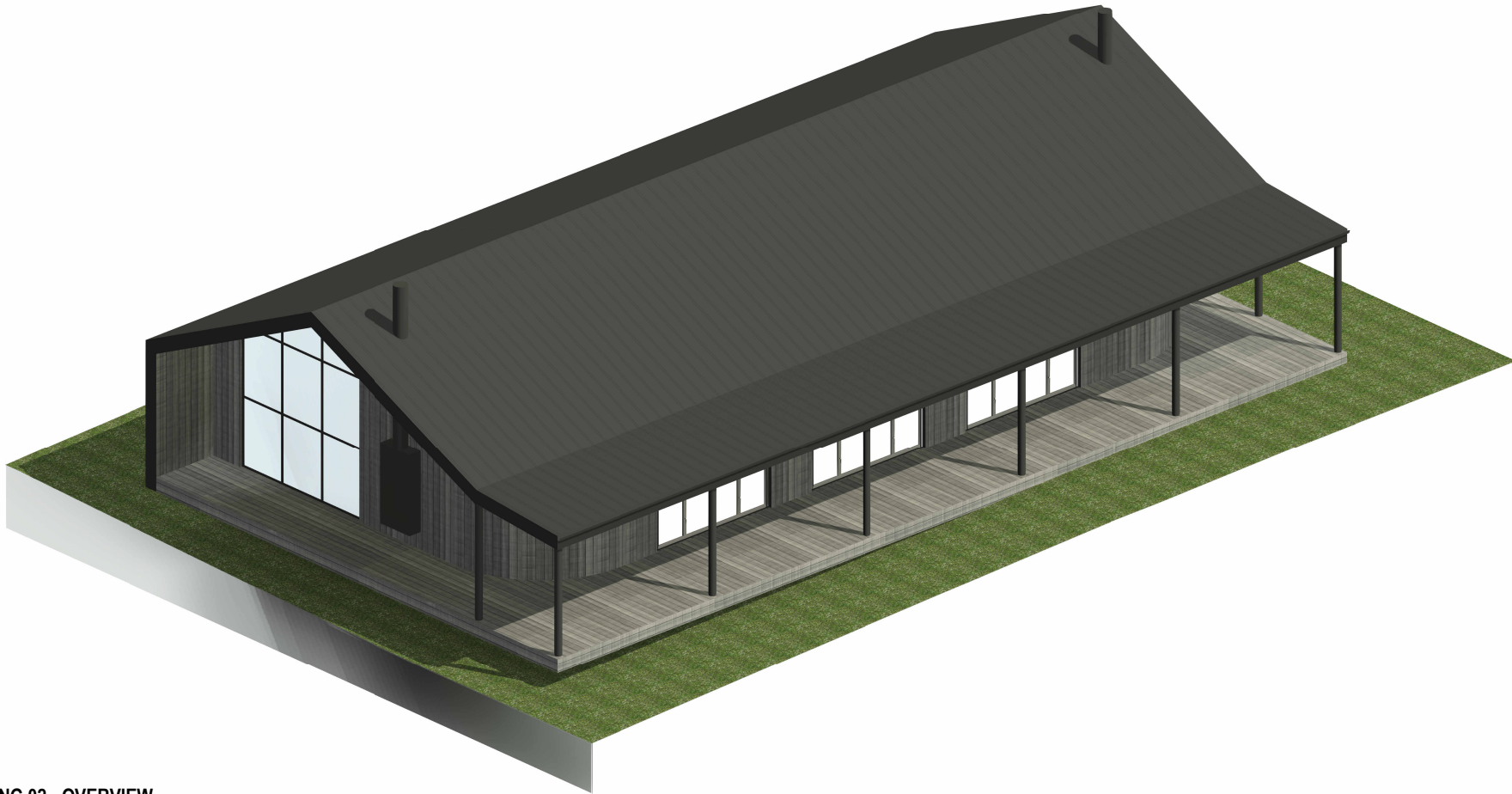
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A	18.08.23	DA SUBMISSION
Rev	Date	Description



1 BUILDING 02 - VIEW 01



2 BUILDING 02 - VIEW 02



3 BUILDING 02 - OVERVIEW



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DESIGNED
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CHECKED
SM

DRAWING SCALE
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SHEET SIZE
A3

PROJECT NUMBER
210804

DRAWING NUMBER
A 7003

DRAWING TITLE
3D VIEWS - B02: FUTURE RETAIL
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PROJECT STAGE
DA

PROJECT DETAILS
Mixed used Development

DOG ON THE TUCKER BOX

CLIENT DETAILS
The DOTT Developments Pty Ltd

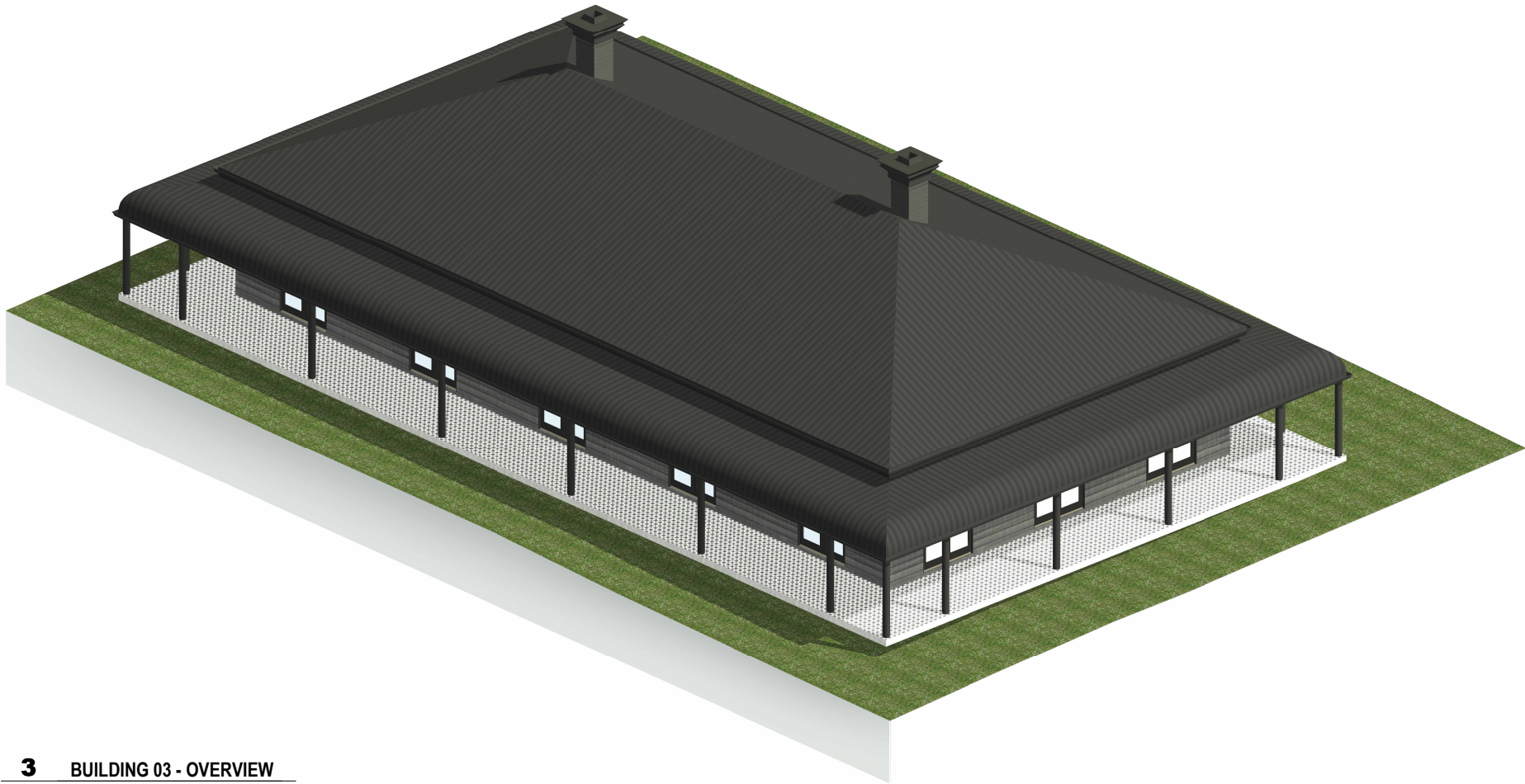
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1 BUILDING 03 - VIEW 01



2 BUILDING 03 - VIEW 02



3 BUILDING 03 - OVERVIEW



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3D VIEWS - B03: FUTURE FOOD AND		
INDIA OCEAN		

PROJECT STAGE
DA

PROJECT DETAILS
Mixed used Development

DOG ON THE TUCKER BOX

CLIENT DETAILS
The DOTT Developments Pty Ltd

A	18.08.23	DA SUBMISSION
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BUILDINGS LEGEND:

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DRAWING TITLE		
BUILDING 06 - 3D VIEWS		

PROJECT STAGE
DA
PROJECT DETAILS
Mixed used Development

DOG ON THE TUCKER BOX

CLIENT DETAILS
The DOTT Developments Pty Ltd

B	01.07.24	AMENDMENTS
A	18.08.23	DA SUBMISSION
Rev	Date	Description



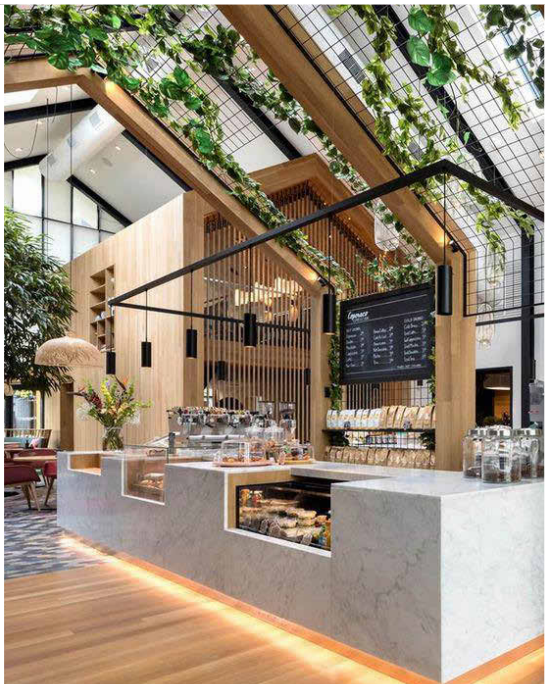
WINDOW SEAT



GLAZED ROOF



LOUVERED ROOF



OPEN KITCHEN



DARK TIMBER LOOK WALL CLADDING WITH A DARK METAL ROOF CLADDING



BUILDING ENTRY



LARGE GLAZING



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NOMINATED ARCHITECT: SOROOSH MOSHKAR 11278

DRAWN
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DRAWING NUMBER
A 7010
DRAWING TITLE
INSPIRATION

PROJECT STAGE
DA
PROJECT DETAILS
Mixed used Development
DOG ON THE TUCKER BOX
CLIENT DETAILS
The DOTT Developments Pty Ltd

A 18.08.23 DA SUBMISSION
Rev Date Description

Modification to Dog on the Tuckerbox Development Consent

Section 4.55 (1a)

PAN-367363 DA2023/116

37 Annie Pyers Drive, Gundagai

Lot 1 DP1322201



Modification – 37 Annie Pyers Drive, Gundagai

Contact:

Sharon Langman

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Total Town Planning Services

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Document Status

Date Issued	Revision	Author	Status
18/08/2026	Draft V1	Sharon Langman	Submission

Disclaimer

This variation justification has been prepared for the sole purpose of supporting a development application and is reliant upon the information supplied by the applicant. The information has been prepared using electronic resources publicly available. The use of any information contained herein without the expressed written consent of the Author is unauthorised.

Modification – 37 Annie Pyers Drive Gundagai

Modification Application Section 4.55 (1A) – DA 2023/116

Modifications Sought

This application seeks to modification development consent DA 2023/116 pursuant to the provisions of Section 4.55(1A) of the Environmental Planning and Assessment Act, 1979.

1. Plans referenced in condition 2 being A109, A2001, A1003 (as relates to location of Bakery Building) to be replaced with new plans as submitted which demonstrate:
 - a. An increased setback of the bakery building (Building 01) from Lot 3 (Limestone Ruins site). The distance from the edge of the veranda/outdoor entertainment area to the boundary line has increased from 1865mm to 3100mm.
 - b. An decrease in the setback of the bakery building (Building 01) from Lot 2 (Dog Sculpture site). The distance from the edge of the veranda/outdoor entertainment area to the boundary line has been reduced from 6935mm to 3050mm.
 - c. All other boundary setbacks remain unchanged.
2. An increase overall footprint of the bakery building (Building 01) from 316m² to 430m².
3. Amend condition 39 with the insertion of “Prior to the release of a construction certificate for buildings 02 and 03” at the beginning of the condition.
4. Amend condition 41 with the insertion of “Prior to the release of a construction certificate for each building” at the beginning of the condition.

Justification

1. New plans have been provided for the bakery building (Building 01) demonstrating a boundary setback of at least 3m in accordance with the fire rating provisions of the *National Construction Code* for non residential buildings.
2. New plans have been provided for the bakery building (Building 01) to indicate a 114m² increased in the overall footprint of the building, including the verandah area.
3. A report has been provided demonstrating that the existing on site sewage management system is able to adequately cater for the effluent from the existing café as well as the bakery building. Accordingly, a new on site sewage management system is not required to be installed until Building 02 and Building 03 become operational. It is therefore requested that condition number 39 be amended to require plans for a new onsite sewage management system be required prior to the issue of a construction certificate for Buildings 02 and 03.
4. Condition 41 currently requires the submission of water, sewerage and drainage plans for all buildings prior to the issue of a construction certificate. As the development is being constructed progressively in stages, it is requested that the condition be amended so that plans are required only for the buildings subject to each individual construction certificate application, rather than for all buildings upfront.

Modification – 37 Annie Pyers Drive, Gundagai

This approach aligns with the staged delivery of the project and ensures that detailed servicing plans are provided at the appropriate time for each building. Plans for water, sewerage and drainage works will be submitted with each construction certificate application relevant to the specific building.



Environmental Consultants

6 Jones St (PO Box 6118)
Wagga Wagga NSW 2650
t (02) 6931 0510
www.dmmcmahon.com.au

15 July 2026

Attention: Brendan Price

The Dott Developments Pty Ltd

Level 6 161 London Circuit

Canberra ACT 2601

brendan@thepricegroup.com.au

BY EMAIL

Dear Brendan

Re: Comments on the suitability of the existing septic system at 37 Annie Pyers Drive Gundagai NSW

I refer to the verbal instruction from yourself to provide comments on the suitability of the new 9,000 L pump out septic system to handle the wastewater flow from the proposed bakery in addition to the existing kiosk. The new Aqua Global pump out septic system comprises of a 6,000 L primary tank and 3,000 L secondary tank.

The wastewater flow has been calculated using Sydney Water data for cafés, fast food outlets, butchers, and delis with an average water demand of 2.5 L/m²/day, (Sydney Water 2025, Non-residential water usage, Document No. SWIM 3078898 Publish No, SW 66 03/25 Version 3).

The existing kiosk has a building area of 150m² with a calculated water demand of 375 L/day and the proposed bakery has a building area of 427.75m² with a calculated water demand of 1,070 L/day

In summary the existing 9,000 L pump out septic system has the capacity to adequately handle wastewater flow from both the kiosk and bakery, once constructed.

If you have any queries about these comments, please contact the undersigned.

Yours sincerely

A handwritten signature in black ink, appearing to read 'David McMahon', is written over a light blue horizontal line.

David McMahon

Certified Professional Soil Scientist

Certified Environmental Practitioner (Site Contamination Specialist)

BAppSc (Ag) GradDip (Water) MEnvMgmt

MALGA MEIANZ MSSA

Our reference: 10924

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7.4.3 MODIFICATION APPLICATION DA 2023/116.3 – SECTION 4.55(1) 37 ANNIE PIERS DRIVE, GUNDAGAI

DOCUMENT NUMBER	484790
REPORTING OFFICER	Lauren Dawes, Acting Manager Sustainable Development
AUTHORISING OFFICER	Roger Bailey, Interim General Manager
RELEVANCE TO COMMUNITY STRATEGIC PLAN	4. Collaborative and progressive leadership 4.2 Proactive, practical Council leaders who are aligned with community needs and values
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

That Council note that a report on Modification Application DA 2023/116.3, a Section 4.55(1) application to delete conditions of consent at 37 Annie Piers Drive, Gundagai (Dog on the Tuckerbox), will be provided as a late report to the Ordinary Meeting of Council scheduled for 27 October 2026.

Introduction

The subject application was lodged on 14 October 2026 and has been subject of a request that it be determined by Council rather than under delegation of staff.

Notably, *Section 4.55A Consent authority must not refuse certain minor modification applications if not dealt with promptly* of the Environmental Planning and Assessment Act 1979, together with section 118A of the Environmental Planning & Assessment Regulations 2021, prescribes a 14 day period within which a 4.55(1) application must be determined, following which the consent authority must not refuse the application. Accordingly, the application must be assessed and determined promptly.

Financial

Nil

OLG 23a Guideline consideration

Nil

7.5 ENGINEERING COOTAMUNDRA

7.5.1 COOTAMUNDRA ENGINEERING REPORT - SEPTEMBER 2026

DOCUMENT NUMBER	483621
REPORTING OFFICER	David Brodie, Acting Manager Engineering Cootamundra
AUTHORISING OFFICER	Trevor Dando, Acting Deputy General Manager Operations
RELEVANCE TO COMMUNITY STRATEGIC PLAN	5. Integrated and accessible region 5.2 Easily accessible from major cities and other regional towns
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

That the Cootamundra Engineering Report for the month of September 2026 be noted.

Introduction

The Cootamundra Engineering Report for the month of September 2026 is submitted for the information of Council and the community.

Discussion

Local Roads

Throughout September, grading crews have moved through gravel patching and maintenance in the Wallendbeen and Yannawah areas. Following completion of these areas, one crew moved into RMCC heavy patching with the second crew moving through the Jindalee area to undertake maintenance grading. During rain periods the team continued with guide posting and drain cleaning in various locations.

Construction Crew - are on MR 78 RMCC heavy patching

The concrete team has continued works in Olney Street prepping and assisting with the kerb renewal and storm water maintenance prior to replacement of connecting storm waters and backfilling the kerb. General works included working on town drainage and moving through Cootamundra's back lane network filling depressions and trimming trees.

Increased traffic volumes associated with the Inland Rail project has accelerated wear on roads servicing projects associated with the new rail corridor. The principal contractor managing the project is working in conjunction with Council to remediate sections of road that are directly impacted by these heavy vehicle movements, seeing the jet patching team move through Dirnaseer Road, Suttons Lane, Old Cootamundra Road and Dudauman Road undertaking patching works before moving on to Old Gundagai Road.

Correction for local heavy patching has been carted to various sites in between heavy vehicle inspections in addition to carting in correction for both local maintenance and capital heavy patching program commencing late-October. The team has also undertaken tree removals and drain cleaning on Berthong Road with the assistance of the excavator and small earthmoving crew. Minor patching works, cleaning of pipes and culverts has also been carried out in the villages and on rural roads by the small earthmoving crew.

Stop signs and lines have been implemented on the intersection of Crown and Adams Streets along with other sign replacements within town limits. Slashing of various areas within Stockinbingal has been completed in addition to RFS firebreaks and the airfield at Cootamundra Airport.

Civil Projects

Works on the Olney Street Drainage Project are now finalised. The final component has been completed with the installation of the concrete kerb and footpath.

A consultant has been engaged for design of the Adams Street culvert replacement. A sample of draft drawings have been supplied and assessments are being carried out to determine the most suitable option for the upgrade.

Local heavy patching and reseal programs and associated traffic control requirements have been finalised and line marking schedule completed for the upcoming capital works program. Works are set to commence in late-October.

RMCC

Routine Services continue on Olympic Highway and Burley Griffin Way.

Olympic Highway – TfNSW continue design of segment rehab which will include tree removal and culvert replacement pre-works. As TfNSW are still designing works to allow costing and material ordering, we expect to be removing trees and replacing culverts early in the New Year and are in the process of costing this component to allow ordering of culvert materials.

Roadside weed spraying was completed on Burley Griffin Way before moving on to Olympic Highway in preparation for roadside slashing.

Heavy Patching Program – Costing was approved by TfNSW. Commenced Monday 14 September. Olympic Highway completed, moved on to Burley Griffin Way and go for approximately 4-weeks. Olympic Highway completed and all completed and all sealed. Patching on Burley Griffin Way commenced 23/09, Patching on Burley Griffin Way approximately 60% by close of reporting period.

Reseal Program has been confirmed and will be completed during November (6-day program) to allow line marking prior to Christmas. Sand patch testing has been completed and preliminary seal designs received. Costing has been submitted to TfNSW for review.

Road Safety

Community Consultation – Cootamundra-Gundagai Regional Council conducted two rounds of community consultation to assist Transport for NSW in gathering feedback from the local government area on the Draft Riverina Murray Strategic Regional Integrated Transport Plan. Community engagement was positive, with 12 residents formally contributing feedback during the consultation period. In addition, a number of community members have continued to contact Council to share their views and experiences, demonstrating strong local interest in the future planning and development of transport services and infrastructure across the region.

Traffic Counters – Traffic counter training was provided to Graeme Braun and Chris Layton, including the deployment, retrieval and download of traffic count data. Several traffic counters were deployed in Gundagai, while three counters were removed from State Roads in Cootamundra following the completion of data collection. The resulting traffic data will be used to prepare reports for heavy patching works. An instruction sheet has also been developed and saved to the R: Drive for future reference.

Event Management – The Book Week Parade in Cootamundra was successfully delivered, with traffic management and event coordination proceeding smoothly. Event Management Plans (EMP) and Traffic Guidance Schemes (TGS) for the Festival of Gundagai were submitted to Transport for NSW and NSW Police for their information and review. Regulatory Services were also consulted regarding requests associated with the Show and Shine event scheduled for the weekend, ensuring all necessary approvals and operational requirements are being addressed.

The Wattle Time Fair was cancelled due to adverse weather. The Coota Show and Shine proceeded successfully despite the conditions and was well attended. Pro Street Challenge has confirmed two separate two-day motoring events at the Aerodrome for 2027.

Water & Sewer

Water main flushing is continuing in response to dirty water complaints resulting from the hydrant assessments currently being undertaken. A number of reports of leaking hydrants have been received by residents resulting from disturbed shutoff valves during the scheduled inspections which have been attended to by Council staff.

Cootamundra Standpipe Income – September 2026

2026/2027		No. of Transactions	Income (\$6/KL)	KL	Previous Year Income
2026	July	30	\$378.75	63.146	\$254.19
2026	August	10	\$451.00	75.182	\$1,066.02
2026	September	63	\$2,968.74	494.688	\$1,538.89
2026	October	-	-	-	\$3,733.97
2026	November	-	-	-	\$2,945.37
2026	December	-	-	-	\$3,257.99
2027	January	-	-	-	\$1,457.59
2027	February	-	-	-	\$0
2027	March	-	-	-	\$0
2027	April	-	-	-	\$0
2027	May	-	-	-	\$5.20
2027	June	-	-	-	\$88.41
2026/2027	Totals	103	\$3,798.49	633.02	\$14,347.63

Workshop

Workshop staff have completed pink-slip inspections, pre-pit inspections for the heavy white fleet for this year. General services continue to be carried out including arranging windscreen replacements.

Some of the yellow fleet has undergone major repairs, including governor valve pressure calibrations, replacement of final drive hydraulic hoses to transmission pressure pump system and a few minor repairs.

Financial

Projects funded from various funding sources as noted above.

Maintenance works funded from General Fund and align with the 2026/2027 budget.

OLG 23a Guideline consideration

The work outlined in this report does not conflict with the guidelines.

7.6 ENGINEERING GUNDAGAI

7.6.1 GUNDAGAI ENGINEERING REPORT - SEPTEMBER 2026

DOCUMENT NUMBER	483619
REPORTING OFFICER	Thomas Hogg, Acting Manager Engineering Gundagai
AUTHORISING OFFICER	Trevor Dando, Acting Deputy General Manager Operations
RELEVANCE TO COMMUNITY STRATEGIC PLAN	5. Integrated and accessible region 5.2 Easily accessible from major cities and other regional towns
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

That the Gundagai Engineering Report for the month of September 2026 be noted.

Introduction

The Gundagai Engineering Report for the month of September 2026 is submitted for the information of Council and the community.

Discussion

Road Maintenance

Roadside grass has begun to grow rapidly with the Springs conditions being very favourable and roadside slashing and weed spraying has commenced along Nangus Road, Muttama Road and Gobarralong Road.

Maintenance grading is continuing throughout the rural road network. Works have been completed on the following roads:-

- Nanangroe Road
- Bundarbo Road
- Brawlin Road
- Yammamtree Road
- Hoares Lane
- Coggans Road
- Caulderwood Road

Staff are undertaking gravel resheeting on Lockhart Road and Brawlin Road. Staff have also been undertaking the final preparations (such as marking out, Geotechnical testing and liaising with contractors) for the major capital works program over the warmer months. Table Drain maintenance has also been taking place throughout the LGA.

Projects

Annie Pyers Drive Watermains Extension – contractors have begun trenching for the watermain from the Gundagai end. Trenching speed is expected to increase once they are within the travelling stock reserve as there are less trees and infrastructure to avoid. Contractors have also been liaising with the Dog on the Tuckerbox carpark contractors and have established a plan to ensure that the works do not conflict. At this stage it appears that the carpark contractors will commence works by removing vegetation and debris. Contractors have been working on site welding pipes together in late September. There are now multiple long lengths of pipe ready to be installed into the ground to be installed by pipeline contractors. Once installation of the water main is complete works will continue on the carpark.

Dog on Tuckerbox Sale of Road Reserve – the Contract of Sale was exchanged on Wednesday 9 September and a licence has been provided to the developer for the land to enable occupation before the new title is created. Council are awaiting a Section 138 application from the developer for review before they can commence physical works on the new carpark.

National Heavy Vehicle Register

Council has received 43 applications and reviewed a total of 42 Access Permit Applications for the LGA during September 2026.

Applications Received	Approved with Conditions	Refusals	Other
43	37	4	1

“Other” applications are typically applications where the route is modified and CGRC is no longer the roads authority for the modified route, or the application is withdrawn before Council reviews the application.

Water and Sewer

Hydrant Inspections – Council’s contractor is steadily progressing through hydrant inspections in Cootamundra. It is clear from mapping that some areas are significantly better than other areas and as such the percentage of hydrants not working will continue to fluctuate as the inspections are being completed. To date 510 hydrants have been inspected, of which 70.7% are working.

The majority of non-working hydrants are silted up. This typically occurs due to ants building nests within the hydrant void space. Ant baiting has commenced in hydrants with active nests. These will then be reviewed to ensure that the bait has addressed the issue. Council is also seeing an increase in deep hydrants, particularly within newer subdivisions. Council have received a small number of complaints about the works due to the discolouration of water.

Financial

Projects funded from various sources as noted above and align with the adopted 2026/2027 budget.

OLG 23a Guideline consideration

OLG 23a Guidelines have been reviewed and the work outlined in this report does not conflict with the guidelines.

7.6.2 PROPOSED PLANNING AGREEMENT PROPOSAL - THE DOTT DEVELOPMENTS PTY LTD

DOCUMENT NUMBER	484473
REPORTING OFFICER	Trevor Dando, Acting Deputy General Manager Operations
AUTHORISING OFFICER	Roger Bailey, Interim General Manager
RELEVANCE TO COMMUNITY STRATEGIC PLAN	4. Collaborative and progressive leadership 4.2 Proactive, practical Council leaders who are aligned with community needs and values
FINANCIAL IMPLICATIONS	There are no Financial implications associated with this report.
LEGISLATIVE IMPLICATIONS	There are no Legislative implications associated with this report.
POLICY IMPLICATIONS	There are no Policy implications associated with this report.
ATTACHMENTS	<ol style="list-style-type: none"> 1. VPA Letter of Offer from The DOTT Developments Pty Ltd ↓ 2. Council's Planning Agreements Policy ↓ 3. Council Response to The DOTT Developments Pty Ltd VPA Offer ↓

RECOMMENDATION**That Council:**

1. Notes that the offer from The DOTT Developments Pty Ltd dated 4 March 2026 to enter into a Voluntary Planning Agreement (VPA) was declined on 28 April 2026 by the General Manager under his delegations, acting as VPA Officer within the meaning of Council's Planning Agreements Policy, and in accordance with clauses 44.1 and 44.2 and Schedule 1 of that Policy.
2. Notes that the offer is not current, having been declined on 28 April 2026 and, in any event, having lapsed on 2 July 2026 under its own 120-day validity term.
3. For the avoidance of doubt, resolves not to enter into the planning agreement offered, for the reasons set out in this report.
4. Reaffirms resolution 093/2025 of 22 April 2025 that Council has no plans to provide a sewerage connection to the Dog on the Tuckerbox precinct, and that any sewerage solution is to be delivered at the developer's expense.
5. Authorises the General Manager to advise the developer of this resolution, and that any future offer must comply with the provisions of Council's Planning Agreement Policy.

Introduction

The purpose of this report is to confirm Council's position on a Voluntary Planning Agreement (VPA) offer relating to land in the Dog on the Tuckerbox precinct, Gundagai, and to provide clarity for any future development application on the land.

By letter dated 4 March 2026, received by Council staff via email on 31 March 2026, The DOTT Developments Pty Ltd offered to enter into a VPA. The offer comprised a \$400,000 monetary contribution, sewer design plans and a draft Section 64 Developer Servicing Plan, in exchange for full exclusion of Section 7.11, 7.12 and 7.24 contributions. The \$400,000 contribution was to partially fund a 125 mm sewer line from the precinct to the William Street pump station, works Council estimates the project will cost more than \$2.5 million in today's dollar terms. The Interim General Manager declined the offer by letter dated 28 April 2026, 28 days after it was received.

The offer as presented relates to a proposed development application seeking demolition of existing dwelling and outbuildings on Lot 2 DP 785083, consolidation of Lot 1 DP 1164630, Lot 2 DP 785083, and Lot 1 DP 1322201, construction and operation of a caravan park, recreation area and outdoor recreation facility.

A development application for this development was submitted but not accepted for lodgement, and was returned by the Acting Manager Sustainable Development. The developer has advised that it intends to resubmit the application.

Council has been criticised on the basis that the offer still stands because it has not been determined by Council. This report finds that the offer was validly declined in accordance with the Planning Agreements Policy (the Policy) and is no longer current. For the avoidance of doubt, it recommends that Council confirm by resolution that it will not enter into the agreement. This closes the matter and allows any future development application to be prepared with a clear understanding of Council's position.

The developer has advised of their intention to resubmit a development application for the proposed development. For the avoidance of doubt, the recommendation is that Council, by resolution, confirms the decision not to enter into the agreement and closes the matter. In doing so allowing any subsequent development application to be prepared with relevant knowledge.

The offer is not current. It was declined on 28 April 2026 and, in any event, lapsed under its own 120-day validity term no later than 29 July 2026.

The offer, the Policy and Council's letter of 28 April 2026 are attached for reference.

Discussion

Status of the offer

Under the Policy, an initial offer is first assessed against the acceptability test in clause 9.1 (Schedule 1, step 3). Only an offer that satisfies the test proceeds to negotiation and drafting. Council's involvement arises at those later stages. A draft agreement is reported to Council before public notification (clause 44.16; Schedule 1, step 6), and Council resolves before an agreement is executed (clause 43.8; Schedule 1, Step 9).

Those requirements apply to proceeding with an agreement, not to declining an offer that fails the preliminary assessment. The offer did not satisfy the acceptability test and so did not reach any stage requiring a resolution of Council. The Interim General Manager, acting under his existing delegations, was entitled to decline it.

The offer is no longer current, for two independent reasons. First, it was declined on 28 April 2026, and an offer that has been declined cannot later be accepted. Second, it lapsed under its own terms. The offer was valid for 120 days. Measured from the date of the letter, it lapsed on 2 July 2026; measured from its receipt, it lapsed on 29 July 2026.

Position going forward

Adopting the recommendation establishes the following position for the developer and for any future application:

- There is no VPA offer before Council for this land, and the offer of 4 March 2026 cannot be revived.
- Consistent with Council's April 2025 resolution, Council does not intend to provide a sewerage connection to the Dog on the Tuckerbox precinct. Any sewerage solution required for the development is to be provided at the developer's expense.
- Any development application will be assessed on its merits. Under Section 7.7(2) of the *Environmental Planning and Assessment Act 1979*, the absence of a planning agreement is not a ground for refusal.
- The Section 7.12 levy will apply to any consent granted, unless a planning agreement provides otherwise.
- Any future VPA offer must comply with Part 3 of the Policy and will be assessed against the acceptability test afresh.

Date of Policy adoption

The Policy's version control records adoption as 26 August 2026. This is a typographical error. The draft Policy was reported to Council for exhibition on 26 August 2025 and was adopted following the 28-day exhibition period. The error will be corrected under the Policy's administrative changes provision.

References to Appendix 2 rather than Schedule 1 shall also be updated accordingly.

Financial

The recommendation has no budget impact. It avoids an unfunded commitment of at least \$1.6 million. The *Cootamundra-Gundagai Regional Council Section 7.12 Fixed Development Consent Levy Contributions Plan 2018* will apply to any consent granted for the proposed development.

OLG 23a Guideline consideration

The Minister approved the demerger of Cootamundra-Gundagai Regional Council in July 2025, with the new councils planned to commence on 1 July 2027. During this period Council must consider the Section 23A guidelines and avoid decisions that impose avoidable costs on a new council.

The guidelines direct councils to avoid entering into contracts or undertakings involving expenditure above \$250,000 or 1% of the preceding year's rate revenue, whichever is greater, unless an exception applies. The offer would have committed Council to sewer works estimated at more than \$2 million, well above that threshold. No exception applies, as the works are not identified in Council's Delivery Program or Operational Plan.

The recommendation is consistent with the guidelines and avoids committing the future Gundagai council to the cost.

04 March 2026

The General Manager
Cootamundra Gundagai Regional Council
PO Box 420
COOTAMUNDRA NSW 2590

Attention: Trevor Dando

Dear Trevor

Letter of offer to enter into Voluntary Planning Agreement (VPA) for 37 Annie Pyers Drive, Gundagai (Site)

We refer to our ongoing discussions regarding a proposed VPA to be offered in connection with the Development Application for Stage 1 works at the above site (DA).

This letter is a formal offer to enter into a VPA in accordance with Section 7.1 of the *Environmental Planning and Assessment Act, 1979*. The terms of the VPA will be subject to finalisation via the VPA negotiation process and is offered in good faith to provide services and monetary contributions set out herein.

1. Parties

The parties to the proposed VPA will be:

a) Developer Details

Name: The DOTT Developments Pty Ltd
ABN: 34635654741
Address: Level 6/161 London Circuit, Canberra ACT 2601

and

b) Council Details

Name: Cootamundra Gundagai Regional Council
ABN: 46 211 642
Address: PO Box 420 Cootamundra NSW 2590

2. Description of the land

The VPA will apply to the following

- a) Lot 1 DP 1164630, Five Mile Creek Road, Gundagai
- b) Lot 2 DP 785083, Annie Pyers Drive, Gundagai, and
- c) Lot 1 DP 1322201, 37 Annie Pyers Drive, Gundagai

3. The Development

The proposed development is stage three of the masterplan endorsed by Cootamundra Gundagai Regional Council in 2021 for the redevelopment of the Dog on the Tuckerbox Precinct. The proposal is for the demolition of existing dwelling and outbuildings on Lot 2 DP 785083, consolidation of Lot 1 DP 1164630, Lot 2 DP 785083, and Lot 1 DP 1322201,

construction and operation of a caravan park, recreation area and outdoor recreation facility.

4. Public Benefit Offer (The VPA Offer)

The developer offers to provide the following material public benefit to the Council:

- a) **Monetary Contribution:** A contribution of \$400,000 to be used to connect the Dog on the Tuckerbox Precinct via a 125mm sewer line to the William Street, Gundagai sewer pump station for transfer to the Gundagai Sewer Treatment Plant for treatment and disposal.
- b) **Works-in-kind:**
 - Design plans for the provision of a 125mm sewer line from the Dog on the Tuckerbox Precinct to the William Street, Gundagai sewer pump station for transfer of sewage to the Gundagai Sewer Treatment Plant for treatment and disposal.
 - Provision of a draft Developer Contributions Plan under Section 64 of the Local Government Act, 1993 for the collection of funds for headworks and associated charges related to the provision of reticulated sewer and water services to Gundagai.

The provision of a reticulated sewer service connecting all sewage from the Dog on the Tuckerbox precinct, including service centre and other business will release additional land for further development in the precinct. At present the precinct is serviced by individual on site effluent systems that consume significant amounts of land and, in some instances, are operating in a manner that is less than beneficial to the environment due to a number of factors such as sizing, water consumption, water table, topography, etc. The offer to provide a collection point for sewer connection serves the benefit of the environment and the landowners within the precinct.

Growth in Gundagai is heavily constrained due to topography, the Murrumbidgee River, the Hume Highway and flooding. A reticulated sewer service in North Gundagai, along with reticulated water as proposed by Council, will allow the area to be rezoned for residential and employment purposes, thus providing a 25 year land supply for the growth of Gundagai. The provision of a designed sewer system that allows for growth in the identified area along with a fully costed developer contributions plan at no cost to Council will allow Council to proceed to rezone the land with confidence that services can be made available and Council will recoup the costs of providing such services.

These plans along with the monetary contribution of \$400,000 places Council in an enviable position of having additional serviced land available for tourist, employment and recreational land at no cost to the community. The public benefit of such is far greater than any monies able to be collected for the proposed development under the existing Section 7.12 Contributions Plan

5. Timing of Provision

The contributions will be provided at the following stages:

- a) **Monetary Contribution:** \$400,000 paid upon release of the approved plans for the installation of the sewer collection well and pump station on (existing) Lot 1 DP 1154630.
- b) **Works-in-kind:**
 - Design plans for the provision of a 125mm sewer line from Dog on the Tuckerbox Precinct to the William Street, Gundagai sewer pump station will be provided upon approval of the plans for the installation of the sewer collection well and pump station on (existing) lot 1 DP 1154630.

- Draft Developer Contributions Plan under Section 64 of the *Local Government Act, 1993* for the collecting of funds for reticulated sewer and water services to Gundagai will be provided within 3 months of the signed voluntary planning agreement.

6. Exclusion of section 7.11, 7.12 and 7.24 contributions

The development will be excluded from contributions under sections 7.11, 7.12 and 7.24.

7. Mechanism for dispute resolution

The dispute resolution mechanisms included in Council's VPA template, including mediation, will be included in the VPA.

8. Enforcement of the agreement by a suitable means

If this offer is accepted all monies and documents will be handed over upon execution of signed agreement. Accordingly, there will be no need for any enforcement of agreement.

9. Costs

Each party agrees to pay their own costs for the preparation, negotiation and registration of the VPA.

10. Offer Validity

This offer is valid for 120 days.

We look forward to receipt of Council's response to the above VPA Offer. Please contact me to discuss any aspect of the offer and we look forward to working with Council on the proposed VPA and the redevelopment of the Dog on the Tuckerbox site.

Brendan Price
Director
The DOTT Developments Pty Ltd





**COOTAMUNDRA-
GUNDAGAI** REGIONAL
COUNCIL

ABN: 46 211 642 339
PO Box 420, Cootamundra NSW 2590
Ph: 1300 459 689 Fax: 02 6940 2127
Email: mail@cgrc.nsw.gov.au
www.cgrc.nsw.gov.au

Cootamundra Office
81 Wallendoon Street,
Cootamundra NSW 2590

Gundagai Office:
255 Sheridan Street,
Gundagai NSW 2722

Planning Agreements Policy

Policy Approval and Distribution

Approved by	Council resolution
Responsible Officer	Manager Sustainable Development
Council Service Unit	Sustainable Development
Next Review Date	26/08/2030
RELEVANCE TO COMMUNITY STRATEGIC PLAN	<p>4. Good governance: an actively engaged community and strong leadership team</p> <p>4.1 Decision-making is based on collaborative, transparent and accountable leadership</p>

Version Control

Ref	Date	Description	Resolution Number
0.1	26/08/2025	<i>Presented to Council to facilitate public exhibition process</i>	170/2025
0.2	26/08/2026	<i>No submissions received after 28 day public exhibition- Adopted</i>	170/2025

Policy Statement

This policy has been developed to set out the policies and procedures relating to the use of planning agreements under section 7.4 of the *Environmental Planning and Assessment Act 1979* and to meet the requirements of the Practice Note for the Council in relation to such a policy.

Related CGRC Documents

- Cootamundra-Gundagai Regional Council Section 7.12 Fixed Development Consent Levy Contributions Plan 2018
- Gundagai Shire Council Contributions Plan -Development generating heavy vehicle usage of local roads

Review Period

This document is to be reviewed every four (4) years to ensure that it remains relevant and meets legislative requirements.

Administrative Changes

From time-to-time circumstances may change leading to the need for minor administrative changes to this document. Where an update does not materially alter this document, such a change may be made including branding, references to related policies, Council Officer titles or department changes and legislative name or title changes which are considered minor in nature and not required to be formally endorsed.

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Part 1 - Introduction

1. Definitions

Councillor	Cootamundra-Gundagai Regional Council elected representative
Council Officer	Cootamundra-Gundagai Regional Council members of staff (including full-time, part-time, casual, and contracted staff)
Contributions Plan	means a contributions plan within the meaning of the Act pursuant to which contributions can be required to be made under s7.11 or 7.12 of the Act.
Council Committee	means a group of internal stakeholders from relevant divisions of Council.
Developer	is a person who has sought a change to an environmental planning instrument (which includes the making, amendment or repeal of an instrument (section 7.4(11) of the Act), or who has made or proposes to make a Development Application, or who has entered into an agreement with or is otherwise associated with such a person
Development Application	has the same meaning as in the Act.
Development Contribution	means the kind of provision made by a Developer under a Planning Agreement, being a monetary contribution, the dedication of land free of cost or the provision of a material public benefit, to be used for or applied towards a public purpose.
EPA Act	means the Environmental Planning and Assessment Act 1979.
Environmental Planning Instrument	has the same meaning as in the Act.
Explanatory Note	means the written statement that is required to be exhibited with a Planning Agreement under clause 203 of the Regulation and that provides details of the objectives, nature, effect and merits of a Planning Agreement, or an amendment to or revocation of a Planning Agreement.
ICAC Audit Tool	the Development Assessment Internal Audit Tool published by the Independent Commission Against Corruption dated April 2010 in so far as it applies to planning agreements.
Instrument Change	means a change to an environmental planning instrument.
LEP	Local Environmental Plan
LGA	Local Government Area
local infrastructure contribution	a condition of development consent imposed under section 7.11 of the Act requiring the payment of a monetary contribution or the dedication of land free of cost or under section 7.12 requiring the payment of a levy.
Modification application	an application under section 4.55 or 4.56 of the EPA Act to modify a development consent.
Part 6 certificate	a certificate under Part 6 of the Act.
Planning Agreement	is a voluntary planning agreement within the meaning of s7.4(1) of the Act.

Planning Proposal	has the same meaning as in the Act
Policy	means this Policy
Practice Note	means Practice Note title “ <i>Council policies and procedures for planning agreement</i> ” published by NSW Department of Planning, Housing and Industry first published in May 2025 and periodically updated. Available at https://www.planningportal.nsw.gov.au/local-infrastructure-contributions/council-policies-procedures-planning-agreements
public	includes a section of the public
Public benefit	the benefit enjoyed by the public as a consequence of a development contribution made by a developer under a planning agreement.
public facilities	means public infrastructure, facilities, amenities and services
Public purpose	has the same meaning as in section 7.4(2) of the Act.
Public Notice	is a notification made to the public advising them of a proposed Planning Agreement in relation to an Instrument Change or Development Application.
Surplus value	the value of the developer’s contribution under a planning agreement for a Contributions Plan Category of facilities less the value of development contributions that are or could have been required to be made under section 7.11 or section 7.12 of the Act for that category in respect of the development the subject of the agreement.
Regulation	means the Environmental Planning and Assessment Regulation 2021.
VPA Officer	VPA Officer means a Council officer having the function of negotiating a proposed planning agreement on behalf of Council but does not include a person having the function of assessing a planning proposal or a development application or modification application.

2. Purpose

- 2.1 The purposes of this Policy are:
 - 2.1.1 to set out Cootamundra-Gundagai Regional Council's policies and procedures relating to the use of planning agreements under section 7.4 of the Environmental Planning and Assessment Act 1979, and
 - 2.1.2 to meet the requirement of the Practice Note for the Council in relation to such a policy.

3. Scope

- 2.2 This policy applies to any planning agreement that the Council enters into or proposes to enter into that applies to land or development within the Council's local government area.
- 2.3 This policy also applies to any planning agreement that the Council enters into or proposes to enter into jointly with another council or other planning authority that applies to land outside the Council's local government area.

4. What is a planning agreement?

- 4.1 For the purposes of this Policy, a planning agreement is a voluntary agreement or other arrangement under Subdivision 2 of Division 7.1 of the EPA Act between a planning authority and a developer, being a person who has:
 - 4.1.1 sought a change to an environmental planning instrument; or
 - 4.1.2 made or proposes to make a development application or application for a complying development certificate,

under which the developer is required to dedicate land free of cost, pay a monetary contribution, provide any other material benefit; or provide any combination of the above, to be used for or applied towards a public purpose¹.
- 4.2 Under the EPA Act, a public purpose relating to a planning agreement includes but is not limited to the following:
 - 4.2.1 the provision of (or the recoupment of the cost of providing) public amenities or public services,
 - 4.2.2 the provision of (or the recoupment of the cost of providing) affordable housing,
 - 4.2.3 the provision of (or the recoupment of the cost of providing) transport or other infrastructure relating to land,
 - 4.2.4 the funding of recurrent expenditure relating to the provision of public amenities or public services, affordable housing or transport or other infrastructure,
 - 4.2.5 the monitoring of the planning impacts of development,
 - 4.2.6 the conservation or enhancement of the natural environment².
- 4.3 Competitive tendering under section 55(1) of the *Local Government Act 1993* (NSW) is not feasible before the Council enters into a planning agreement and, for this reason, the Council has resolved that tenders will not be invited before the Council enters into such an agreement.

¹ See section 7.4(1) of the EPA Act.

² See section 7.4(2) of the EPA Act.

5. About this Policy

- 5.1 The Practice Note must be considered by the Council when negotiating or entering into a planning agreement³.
- 5.2 The Practice Note strongly encourages all councils to publish policies and procedures concerning their use of planning agreements, which:
 - 5.2.1 provide a generally applicable test for determining the acceptability of a planning agreement,
 - 5.2.2 contain specific measures to protect the public interest and prevent misuse of planning agreements,
 - 5.2.3 have published and accessible rules and procedures,
 - 5.2.4 provide for effective formalised public participation,
 - 5.2.5 extend fairness to all parties affected by a planning agreement, and
 - 5.2.6 guarantee regulatory independence of the planning authority.
- 5.3 It is intended that this Policy will be periodically reviewed and, depending on the outcome of any review, may be updated from time to time.
- 5.4 This Policy should be read in conjunction with the Practice Note.

6. Legislative and regulatory framework

- 6.1 Division 7.1 of the EPA Act and Division 7.1 of the Regulation establish a statutory scheme for contributions by developers to local councils in connection with development.
- 6.2 The statutory scheme has compulsory and voluntary elements.
- 6.3 The compulsory element contained in Subdivision 3 of Division 7.1 of the EPA Act and Division 2 of Part 9 of the of the Regulation provides for consent to be granted to proposed development subject to a condition requiring local infrastructure contribution in the form of a monetary contribution or levy or the dedication of land free of cost.
- 6.4 Subdivision 2 of Division 7.1 of the EPA Act and Division 1 of Part 9 of the Regulation set out the primary legislative framework for planning agreements.
- 6.5 A planning agreement must provide for the following:
 - 6.5.1 the land to which it applies,
 - 6.5.2 the planning proposal or the development (or both) to which it applies,
 - 6.5.3 details of the nature, manner and timing of the provision of public benefits to be made by the developer under the agreement,
 - 6.5.4 whether the agreement excludes (wholly or in part) or does not exclude the application of sections 7.11, 7.12 or 7.24 of the EPA Act to the development to which it applies,
 - 6.5.5 if the application of section 7.11 is not excluded, whether benefits under the agreement are or are not to be taken into consideration in determining a local infrastructure contribution under section 7.11,
 - 6.5.6 a dispute resolution mechanism,

³ See section 203(7) of the Regulation.

- 6.5.7 a suitable means of enforcing the agreement in the event of a breach of the agreement by the developer⁴.
- 6.6 There is no need for any connection between the development to which a planning agreement applies and the object of expenditure of any money paid under the agreement⁵.
- 6.7 A planning agreement may, but is not required to, be registered on the title to the land to which it applies⁶.
- 6.8 The Direction applies to planning agreements providing for affordable housing development contributions.
- 6.9 The Practice Note and the ICAC Audit Tool also form part of the regulatory framework covering planning agreements.

Part 2 – Council’s policies on the use of planning agreements

7. Policy objectives

- 7.1 The objectives of this Policy are as follows:
- 7.1.1 to meet the requirement of the Practice Note for the Council in relation to such a policy and cover the matters recommended by the Practice Note,
 - 7.1.2 to set out the Council’s policies and procedures on its use of planning agreements,
 - 7.1.3 to establish a clear, transparent, ethical, efficient, fair and accountable framework governing the use of planning agreements by the Council,
 - 7.1.4 to promote consistency in the use of planning agreements by Council,
 - 7.1.5 to promote an enhanced and more flexible development contributions system for the Council,
 - 7.1.6 to align the negotiation and use of planning agreements by the Council with applicable standards of public sector probity and good governance,
 - 7.1.7 to align the use of planning agreements by the Council with the Council’s corporate planning and strategic planning goals and to promote the attainment of those goals,
 - 7.1.8 in appropriate circumstances, to enable the provision of development contributions above those required to address the direct impact of a particular development on neighbouring land and the wider community.

8. Principles governing the use of planning agreements

- 8.1 The fundamental principles that are intended to safeguard the public interest and the integrity of the planning process in relation to the use of planning agreements are as follows:

⁴ See section 7.4(3) of the EPA Act.

⁵ See section 7.4(4) of the EPA Act.

⁶ See section 7.6 of the EPA Act.

- 8.1.1 planning authorities should always consider a development proposal on its merits, not on the basis of a planning agreement⁷,
 - 8.1.2 planning agreements must be underpinned by proper strategic land use and infrastructure planning carried out on a regular basis and must address expected growth and the associated infrastructure demand,
 - 8.1.3 strategic planning should ensure that development is supported by the infrastructure needed to meet the needs of the growing population,
 - 8.1.4 a consent authority cannot refuse to grant development consent on the grounds that a planning agreement has not been entered into in relation to the proposed development or that the developer has not offered to enter into such an agreement⁸,
 - 8.1.5 planning agreements should not be used as a means of general revenue raising or to overcome revenue shortfalls,
 - 8.1.6 planning agreements must not include public benefits wholly unrelated to the particular development⁹,
 - 8.1.7 value capture should not be the primary purpose of a planning agreement.
- 8.2 Additionally, the following principles will govern the Council's use of planning agreements:
- 8.2.1 planning decisions must not be bought or sold through planning agreements,
 - 8.2.2 the Council will not allow planning agreements to unlawfully or otherwise improperly fetter the exercise of its planning functions under the EPA Act, Regulation or any other Act or law,
 - 8.2.3 the Council will not use planning agreements for any purpose other than a proper planning purpose,
 - 8.2.4 the decision to negotiate a proposed planning agreement, the terms of the planning agreement and the decision whether or not to enter into the planning agreement will be undertaken within Council separately from the consideration of the proposed planning agreement as part of the merit assessment of a development application or a planning proposal,
 - 8.2.5 development that is unacceptable on planning grounds will not be permitted because of the public benefits offered by a developer under a planning agreement that do not make the development acceptable on planning grounds,
 - 8.2.6 in assessing a development application or planning proposal, the Council will not take into consideration planning agreements that are wholly unrelated to the subject matter of the development application or planning proposal, nor will the Council give disproportionate weight to a planning agreement in the assessment process,
 - 8.2.7 the Council will not allow the interests of developers, individuals or interest groups to outweigh the public interest when considering a proposed planning

⁷ However, section 4.15(1)(a)(iia) of the EPA Act requires that the consent authority considers, so far as relevant, 'any planning agreement that has been entered into under section 7.4, or any draft planning agreement that a developer has offered to enter into under section 7.4'; also, section 7.4(9) of the EPA Act provides that '[a] planning agreement cannot impose an obligation on a planning authority to grant development consent, or to exercise any function under this Act in relation to a change to an environmental planning instrument'.

⁸ This requirement is contained in section 7.7(2) of the EPA Act.

⁹ However, section 7.4(4) of the EPA Act provides that '[a] provision of a planning agreement in respect of development is not invalid by reason only that there is no connection between the development and the object of expenditure of any money required to be paid by the provision'.

agreement,

- 8.2.8 the Council will not improperly rely on its position in order to extract unreasonable public benefits from developers under planning agreements.

9. Acceptability test

- 9.1 The test adopted by this Policy that will be applied by Council in determining the acceptability of any planning agreement that is negotiated or entered into by the Council is as follows:
- 9.1.1 Do the procedures followed by the Council to negotiate and enter into a planning agreement, and the terms of the planning agreement, as relevant comply with the relevant requirements of:
- (a) the EPA Act, the Regulation and the Direction?
 - (b) the Audit Tool?
 - (c) this Policy?
- 9.1.2 Is the planning agreement directed towards legitimate planning purposes ascertainable from the statutory planning controls and other adopted planning policies applying to development and the circumstances of the case?
- 9.1.3 Does the planning agreement provide for the delivery of infrastructure or public benefits that are not wholly unrelated to the development?
- 9.1.4 Will the planning agreement produce outcomes that meet the general values and expectations of the public and protect the overall public interest?
- 9.1.5 Does the planning agreement provide for reasonable means of achieving the relevant outcomes and securing the relevant infrastructure and public benefits?
- 9.1.6 Will the planning agreement protect the community against adverse planning decisions?
- 9.1.7 Will the planning agreement be registered on title and, if not, has the developer provided alternative satisfactory security in lieu of registration?
- 9.1.8 Are there any relevant circumstances that may operate to preclude the Council from negotiating or entering into the proposed planning agreement?

10. Probity

- 10.1 To ensure that the planning agreement negotiations are transparent, consistent, efficient, fair, and accountable and to protect the public interest and integrity of the planning process, the Council will:
- 10.1.1 provide a copy of this policy to any person who seeks to enter into a planning agreement with Council;
 - 10.1.2 publish this Policy on Council's website and promote the general awareness of this Policy;
 - 10.1.3 negotiate planning agreements in accordance with this Policy,
 - 10.1.4 comply with public notification requirements in the EPA Act and Regulation;
 - 10.1.5 ensure appropriate delegations and separation of responsibilities in relation to:

- (a) the assessment of planning proposals and development applications; and
 - (b) the consideration and negotiation of planning agreements;
- 10.1.6 ensure that modifications to approved development must be subject to the same scrutiny as the original development application;
- 10.1.7 ensure that Councillors and Council staff understand their particular role and responsibility, some of which carry the potential for conflicts of interest; and
- 10.1.8 take appropriate steps to ensure that it avoids a conflict of interest between its role as a planning authority and its commercial interest in the development, such as appointing an independent person(s) and/or probity advisor where the Council has a commercial stake in development the subject of a planning agreement, including owning land the subject of the agreement that will be developed; and
- 10.1.9 take appropriate steps to ensure that it avoids any other conflicts of interest such as appointing a probity advisor in any other cases where there may be a risk of conflict of interest, or where there is significant public interest;
- 10.1.10 ensure that it will not enter into any contractual arrangement that purports to fetter Council's statutory discretion or guarantee outcomes that are subject to separate regulatory processes; and
- 10.1.11 ensure that all negotiations with a developer and their consultants are sufficiently documented.

10.2 These and other probity measures will be implemented by Council¹⁰.

11. Land use planning context

- 11.1 This section addresses how the use of planning agreements aligns with any relevant regional plans and policies.
- 11.2 The EPA Act authorises the Minister to review and make the regional plan prepared by the Department as the relevant strategic planning authority for the Riverina-Murray region, to which the Council's LGA belongs.
- 11.3 The EPA Act relevantly requires the Council's LEP to give effect to its local strategic planning statement¹¹. In this regard, the Council must prepare and make such strategic planning statement to include or identify the planning priorities for the Council's LGA that are consistent with the applicable regional plan, and (subject to any such strategic plan) any applicable community strategic plan¹².
- 11.4 The Council's use of planning agreements can align with the regional plan, the local strategic planning statement and their supporting documents when planning agreements are used by the Council to implement and achieve the planning priorities and directions outlined in these plans and policy documents.
- 11.5 At a practical level, such alignments are achieved when planning agreements are negotiated between the Council and developer to secure the funding or delivery of local infrastructure and public facilities that are contemplated by these plans and policy

¹⁰ See sections 43.6 - 43.13 of this Policy in relation to who will negotiate a planning agreement on behalf of Council and separation of Council's planning assessment and planning agreement negotiation roles.

¹¹ See section 3.33(2)(c) of the EPA Act.

¹² See sections 3.9(1), 3.9(2)(b) and 3.9(3A) of the EPA Act.

documents.

12. Corporate strategic planning context

- 12.1 This section addresses how the use of planning agreements fits within the context of the broader organisational strategic planning and land use planning policies, goals, and strategies.
- 12.2 The Council is required to develop and implement a set of corporate strategic planning documents for its LGA under the *Local Government Act 1993*¹³, including a community strategic plan¹⁴, a community engagement strategy¹⁵, a resourcing strategy¹⁶, a delivery program¹⁷, and an operational plan¹⁸.
- 12.3 These documents are supported by a number of supporting policies and strategies of the Council. In particular, the Council is required to prepare and make a local strategic planning statement, which includes or identifies the planning priorities for the Council's LGA that are 'consistent with any strategic plan applying to the area and (subject to any such strategic plan) any applicable community strategic plan under section 402 of the Local Government Act¹⁹.
- 12.4 Planning agreements are one means of enabling the Council to fund and deliver some of the projects and infrastructure identified in the Council's corporate strategic planning documents. These documents provide guidance to the Council in relation to the planning priorities and projects that it should pursue via planning agreements.

13. When will Council consider a planning agreement?

- 13.1 This section addresses the circumstances in which the Council would consider entering into a planning agreement.
- 13.2 This section should be read in conjunction with sections 14-17 of the Policy.

Relationship of planning agreements with development applications and planning proposals

- 13.3 A planning agreement can be entered into in connection with a planning proposal, the grant of development consent (including a complying development certificate), or the modification of a development consent.
- 13.4 Council intends to use planning agreements in connection with all of these, including particularly where the impacts of proposed new development cannot be addressed adequately or at all through local infrastructure contributions, or through affordable housing contributions imposed under section 7.32 of the EPA Act.

Planning proposals

¹³ See Part 2 of Chapter 13 of the Local Government Act 1993.

¹⁴ See section 402 of the Local Government Act 1993.

¹⁵ See section 402A of the Local Government Act 1993.

¹⁶ See section 403 of the Local Government Act 1993.

¹⁷ See section 404 of the Local Government Act 1993.

¹⁸ See section 405 of the Local Government Act 1993.

¹⁹ See section 3.9(2)(b) of the EPA Act.

- 13.5 The Council from time to time receives planning proposals from developers seeking to rezone land for a more intense land use or to increase the permissible development density on land under the existing zoning through reductions in minimum lot size requirements or changes to other provisions applying to the land.
- 13.6 Such development typically requires the provision of new or additional public facilities including (but not limited to) new or upgraded public parks and open space, new or upgraded public footpaths, and improvements to local roads and traffic management facilities.
- 13.7 The Regulation requires the Contributions Plan to predict the expected types of development in the Council's area and the demand for additional public amenities and public services to meet the expected development in the period covered by the plan²⁰. The local infrastructure contribution rates specified in the plan relate to the development predicted by the plan and the cost of providing new or additional public facilities to meet the demands of that development.
- 13.8 Proposed development the subject of planning proposals seeking to rezone land for a more intense land use or increase the permissible development density on land, and the demand for additional public facilities required to meet such development, are often beyond the predictions and funding outcomes of the Contributions Plan.
- 13.9 The Council will seek to enter into planning agreements with developers in relation to such planning proposals in order to obtain development contributions to meet the demand for public facilities not covered by the Contributions Plan.

Development applications & modification applications: Objections to development standards in the LEP

- 13.10 The Council from time to time receives development applications accompanied by objections under clause 4.6 of the LEP to density development standards in the LEP, such minimum lot size requirements²¹.
- 13.11 The additional development density proposed by such development applications, and the demand for additional public facilities required to meet such development, are beyond the predictions and funding outcomes of the Contributions Plan.
- 13.12 The Council will seek to enter into planning agreements with developers in relation to such development applications in order to obtain development contributions to meet the demand for public facilities not covered by the Contributions Plan.
- 13.13 The Council's position is that the benefits provided under a planning agreement must not be exchanged for a variation from a development standard under any circumstances. Variations to development standards under Clause 4.6 of the Standard Instrument LEP must be justified on planning grounds.
- 13.14 The use of a planning agreement in connection with the variation of a development standard is not prohibited per se but the Council's position is that the benefit under the agreement should contribute to achieving the planning objective of the development standard.

²⁰ See section 212(1) of the Regulation.

²¹ Clause 4.6(2) of the LEP provides that '*Development consent may, subject to this clause, be granted for development even though the development would contravene a development standard imposed by this or any other environmental planning instrument...*' An objection to a development standard under clause 4.6 must demonstrate that '*...compliance with the development standard is unreasonable or unnecessary in the circumstances of the case, and... that there are sufficient environmental planning grounds to justify contravening the development standard*'.

Other circumstances

- 13.15 Other circumstances in which the Council may seek or agree to enter into a planning agreement with a developer in relation to proposed development include (but are not limited to) the following:
- 13.15.1 where the demand for public facilities is not covered adequately or at all by the Contributions Plan and cannot be addressed through local infrastructure contributions,
 - 13.15.2 where the demand for public facilities is outside of the permissible scope of local infrastructure contributions or affordable housing contributions under the EPA Act,
 - 13.15.3 where the Council and a developer agree to the provision of additional or different public benefits than those addressed in the Contributions Plan,
 - 13.15.4 where the Council and a developer agree that the developer may deliver one or more works contained in the Contributions Plan works schedule instead paying monetary local infrastructure contributions towards the works pursuant to a development consent,
 - 13.15.5 where the planning agreement provides for affordable housing contributions and is entered into in connection with a development application or proposed development application (see immediately below).

Affordable housing contributions

- 13.16 The Council must comply with the Direction when entering into planning agreements to obtain affordable housing contributions in connection with a development application or proposed development application²².
- 13.17 The Direction requires the Council to consider a number of specified matters when negotiating the terms of a proposed planning agreement that includes provision for affordable housing in connection with a development application or proposed development application.
- 13.18 In relation to development applications, in addition to the matters specified in the Direction which the Council must consider when negotiating a planning agreement that includes provision for affordable housing, the Council will also consider the following additional matters as relevant to the development to which the planning agreement relates:
- 13.18.1 whether the development will be likely to reduce the availability of affordable housing within the Council's area,
 - 13.18.2 whether the development will be likely to create a need for affordable housing within the Council's area.
- 13.19 In relation to planning proposals, the Council will consider the matters specified in the Direction and in clause 13.18, so far as relevant, when negotiating a planning agreement that includes provision for affordable housing.

Land use planning & development objectives

- 13.20 This section addresses the land use planning and development objectives that are sought to

²² See section 5(1) of the Direction.

be promoted or addressed by the use of planning agreements and the role served by planning agreements in Council's development contributions and infrastructure funding systems.

- 13.21 Those systems include the provisions of the EPA Act providing for local infrastructure contributions, affordable housing contributions and development contributions through planning agreements, as well as provisions under other Acts²³ and arrangements with the other levels of Government for infrastructure funding through grants and the like.
- 13.22 Planning agreements provide flexibility in the Council's development contributions and infrastructure-funding systems under the EPA Act as discussed in the following paragraphs.
- 13.23 Conditions requiring local infrastructure contributions and those requiring affordable housing contributions under section 7.32 of the EPA Act may only be imposed on the grant of development consent. In some circumstances, it is appropriate from a planning perspective to address local infrastructure and affordable housing requirements in connection with proposed new development at the planning proposal stage. Planning agreements enable the Council to do so.
- 13.24 Some demands for public facilities arising from proposed new development are not covered adequately or at all by the Contributions Plan and cannot be addressed through local infrastructure contributions. This may be so, for example, where the demands exceed the predictions in the contributions plan and cannot be adequately funded through the plan or they relate to public facilities not anticipated or covered by the plan. Planning agreements enable the Council to address such demands either in connection with planning proposals or the grant of development consents, as appropriate.
- 13.25 The EPA Act imposes limitations on conditions of development consent requiring local infrastructure contributions. For example, local infrastructure contributions may not be imposed for the recurrent funding of public facilities, and generally cannot be imposed for the conservation or enhancement of the natural environment and the relocation or the replacement or repair of public assets required in connection with proposed new development. Planning agreements enable the Council to obtain development contributions for those and other purposes outside of the permissible scope of local infrastructure contributions either in connection with planning proposals or the grant of development consents, as appropriate.
- 13.26 Planning agreements may be used to obtain development contributions additional to or instead of local infrastructure contributions. The EPA Act requires a planning agreement to provide for whether the application of the local infrastructure contributions provisions of the Act²⁴ are excluded in whole or part in relation to the development to which the agreement applies²⁵.
- 13.27 Examples of where it may be appropriate to exclude the application of the local infrastructure provisions of the EPA Act to proposed development include (but are not limited to):
 - 13.27.1 where the Council and a developer enter into a planning agreement to provide different public benefits than those addressed in the Contributions Plan,

²³ See for example section 495 of the Local Government Act 1993, which allows a council A council may make a 'special rate' for or towards meeting the cost of any works, services, facilities or activities provided or undertaken, or proposed to be provided or undertaken, by the council within the whole or any part of the council's area.

²⁴ See sections 7.11 and 7.12 of the EPA Act

²⁵ See section 7.4(3)(d) of the EPA Act.

- 13.27.2 to enable the developer to deliver one or more works contained in the Contributions Plan works schedule instead of paying monetary local infrastructure contributions towards the works pursuant to a development consent.

14. Types of development planning agreements relate to

- 14.1 Planning agreements will ordinarily relate to development the subject of planning proposals or development applications that will or are likely to require the provision of or increase the demand for public facilities in the Council's area.

15. Planning agreements for different development types

- 15.1 The Council will determine whether it seeks to enter into a planning agreement and the benefits that it may require under the planning agreement on a case by case basis having regard to the public interest. This may result in planning agreements differing for different types of development.

16. Thresholds for use of planning agreements

- 16.1 The base threshold the Council will consider in deciding whether it seeks to enter into a planning agreement is whether development the subject of a planning proposal or development application will or is likely to require the provision of or increase the demand for public facilities in the Council's area.

17. Usual matters covered by planning agreements

- 17.1 This section addresses the matters ordinarily covered by planning agreements entered into by the Council.
- 17.2 The EPA Act sets out matters that must be provided for in all planning agreements²⁶, being:
- 17.2.1 a description of the land to which the agreement applies,
 - 17.2.2 a description of:
 - (a) the change to the environmental planning instrument to which the agreement applies, or
 - (b) the development to which the agreement applies,
 - 17.2.3 the nature and extent of the provision to be made by the developer under the agreement, the time or times by which the provision is to be made and the manner by which the provision is to be made,
 - 17.2.4 in the case of development, whether the agreement excludes (wholly or in part) or does not exclude the application of sections 7.11, 7.12 or 7.24 of the EPA Act to the development,
 - 17.2.5 if the agreement does not exclude the application of section 7.11 of the EPA Act to the development, whether benefits under the agreement are or are not to be taken into consideration in determining a development contribution under section 7.11,
 - 17.2.6 a mechanism for the resolution of disputes under the agreement,

²⁶ See section 7.4(3) of the EPA Act.

- 17.2.7 the enforcement of the agreement by a suitable means, such as the provision of a bond or guarantee, in the event of a breach of the agreement by the developer.
- 17.3 In addition to the above, the Council will require that a planning agreement cover matters contained in the Council's currently publicly available template planning agreement, subject to the requirements for the particular agreement, which may necessitate the deletion of some of those matters or the inclusion of other matters.
- 17.4 The Council's template planning agreement requires the agreement to be registered on the title to the land to which the agreement applies, and the Council will require registration in every case except where all public benefits under the agreement are provided at the time of the execution of the agreement.
- 17.5 The Council will also require that particular planning agreements cover additional matters relevant to the particular planning proposal or proposed development concerned to which they relate.

18. Form of development contributions under planning agreements

- 18.1 This section addresses the form of development contributions the Council will seek under planning agreements.
- 18.2 The form of development contributions to be provided by a developer under a planning agreement can be monetary contributions, the dedication of land free of cost, other material public benefits such as (but not limited to) the carrying out of works, or any combination of the those.
- 18.3 The Council will generally seek monetary development contributions through planning agreements, towards the provision of public facilities or infrastructure and other material public benefits on a case by case basis based on an assessment of the most efficient and effective means of providing public facilities to meet the demands created by proposed development on a case by case basis.

19. Kinds of public benefits through planning agreements

- 19.1 This section should be read in conjunction with section 18 of this Policy.
- 19.2 This section addresses the kinds of public benefits the Council will seek through planning agreements.
- 19.3 The Council will generally seek development contributions through planning agreements towards the provision of new, additional or upgraded public facilities or the need for affordable housing in connection with proposed development the subject of planning proposals or objections to development standards made under clause 4.6 of the EPA Act accompanying development applications.
- 19.4 The public facilities that will typically be funded through monetary contributions in such cases include (but are not limited to) new or upgraded public parks and open space, new or upgraded libraries and public facilities, new or upgraded public footpaths, and improvements to local roads and traffic management facilities and the provision of affordable housing.

20. Valuing public benefits

- 20.1 This section addresses the method for determining the value of public benefits provided under a planning agreement.
- 20.2 The EPA Act does not require a planning agreement to set out the dollar value of non-monetary benefits provided by the developer under the agreement.
- 20.3 However, valuing non-monetary benefits is relevant in some circumstances, such as determining the extent of a non-monetary benefit, credits and offsets against local infrastructure contribution or determining the amount of security to be provided by the developer under the agreement.
- 20.4 The Council will decide on a case-by-case basis whether non-monetary benefits provided under a planning agreement are required to be valued.
- 20.5 Where a planning agreement provides for the dedication of land free of cost, the value for the purposes of the agreement will generally be the market value of the land determined in accordance with Division 4 of Part 3 of the *Land Acquisition (Just Terms Compensation) Act 1991* (NSW).
- 20.6 Where land required to be dedicated under a planning agreement is required to be valued, the Council will engage, at the developer's cost, a suitably qualified and experienced valuer independent of the parties to provide a written opinion on the estimated value of the relevant land to the Council.
- 20.7 Where a planning agreement provides for the carrying out of works, the value for the purposes of the agreement will be the estimated design and construction costs of the works agreed to by Council.
- 20.8 Where works to be provided under a planning agreement are required to be valued, the Council will engage, at the developer's cost, a suitably qualified and experienced quantity surveyor independent of the parties to provide a written opinion on the estimated value of the works.
- 20.9 Notwithstanding the above, if the land or works to be valued for the purposes of a planning agreement are included in the works schedule in the Council's contributions plan, the value for the purposes of the agreement will be the dollar value stated in the plan, unless the Council otherwise agrees.

21. When, how and where public benefits are provided

- 21.1 The Council will consider when, how and where public benefits will be provided having regard to the demand for public facilities arising from proposed development the subject of a planning proposal or development application and the public interest.

22. Access to information

- 22.1 The Council must include in its annual report particulars of compliance with and the effect of the planning agreement during the year to which the annual report relates²⁷.
- 22.2 The Council must also keep a register of any planning agreements that apply to land within

²⁷ See section 7.5(5) of the EPA Act.

the Council's area, whether or not the Council is a party to a planning agreement²⁸.

- 22.3 The Council must publish matters regarding planning agreements on the NSW planning portal and the Council's website²⁹.

23. Deciding the parties to a planning agreement

- 23.1 The Council and the developer must always be parties to a planning agreement³⁰.
- 23.2 Where a planning agreement requires the dedication of land, the granting of a charge to the Council as security for performance, or the registration of any other instrument on title, the landowner of the land to which the planning agreement applies must also be a party to the agreement in order to bind the landowner to the relevant obligation concerning the land³¹.

24. Documentation & drafting of planning agreement

- 24.1 The parties to a planning agreement should agree on which party is to draft the agreement to avoid duplication of resources and costs. This also encourages planning authorities to publish and use standard form planning agreements or standard clauses for inclusion in planning agreements in the interests of process efficiency.
- 24.2 The Council has an electronic planning agreement template that is publicly available on the Council's website. The template is revised and updated from time to time.
- 24.3 All planning agreements to which the Council is a party (other than planning agreements to which another planning authority is also a party) must be prepared using the Council's currently publicly available electronic template.
- 24.4 A planning agreement is different to a commercial agreement in that it imposes obligations on a developer to provide public benefits in connection with proposed development and the Council is party to the agreement to receive the benefits on behalf of the public and to protect the public interest.
- 24.5 The provisions of the Council's template are intended to protect the Council and the public interest. The provisions must not be altered by a party to a proposed planning agreement (other than Council) who is using the Council's template without the Council's express agreement.
- 24.6 If a party to a proposed planning agreement wishes to alter the provisions of the template, electronic comments should be inserted in the right-hand margin on the template identifying, explaining and justifying the proposed alterations.
- 24.7 The Council will arrange for the preparation of the planning agreement on its template at the developer's cost.
- 24.8 A developer who proposes to enter into a planning agreement with Council must pay to the Council an assessment fee in order for the Council to consider the proposal as specified in the Council's fees and charges policy in its operational plan.

²⁸ See section 206(1) of the Regulation. The Register must set out: (a) the day on which the agreement was entered into, (b) the names of the parties to the agreement, (c) a description of the development to which the agreement relates, if relevant, (d) the land to which the agreement applies.

²⁹ See section 206(2) of the Regulation. The matters are: (a) the Council's planning agreements register, (b) each relevant planning agreement and its explanatory note, (d) financial records for planning agreements for each financial year.

³⁰ See section 7.4(1) of the EPA Act.

³¹ See section 7.6(3) of the EPA Act; see also section 32 of this Policy.

- 24.9 Before preparing the planning agreement, the Council will require the developer to provide to the Council a non-refundable security deposit for the Council's estimated costs of preparing, negotiating, finalising and executing the planning agreement.

25. Development feasibility

- 25.1 Changes in property market conditions from time to time may potentially materially adversely affect the feasibility of development to which a planning agreement applies. Where a developer considers this to be the case, the onus is on the developer, at its cost, to submit a detailed written development feasibility analysis to the Council.
- 25.2 The form and content of the feasibility analysis must be satisfactory to the Council. Ordinarily, the Council will require the feasibility analysis to be prepared using a residual land value analysis applying to the development site.
- 25.3 Upon receipt of the feasibility analysis in the circumstances referred to, the Council may engage, at the developer's cost, a suitably qualified and experienced person independent of the parties to review and advise the Council on the feasibility analysis.
- 25.4 Following consideration of a feasibility analysis, the Council may, in its absolute discretion, agree to modify the planning agreement to postpone, reduce or otherwise change the development contributions or security obligations of the developer under the agreement. The Council may require the modified agreement to contain a 'clawback' provision that operates if development feasibility improves at a future time.
- 25.5 The Council may require:
- 25.5.1 a submitted feasibility analysis to be re-assessed from time to time at the developer's cost,
 - 25.5.2 the developer, at its cost, to submit a revised feasibility analysis from time to time.
- 25.6 If a re-assessed or revised feasibility analysis shows that the feasibility of development to which a planning agreement applies has improved and subject to the terms of the planning agreement, the Council may seek to 'clawback' development contributions or security obligations that have been reduced or postponed under the agreement based on the previous feasibility analysis.

26. Works & Works-in-kind

- 26.1 The Council requires specific provisions to be included in all planning agreements that require the carrying out of works.
- 26.2 Provisions relating to the carrying out of works are contained in the Council's currently publicly available template planning agreement.
- 26.3 The provisions of a particular planning agreement applying to the carrying out of works are subject to the circumstances of each case, which may require the deletion or modification of some of the provisions contained in the template or the inclusion of other provisions.

27. Land dedication

- 27.1 In this section, a reference to land includes a reference to a lot or common property in a strata plan or land defined in stratum.

- 27.2 A planning agreement may provide for the dedication of land to Council where the land is required for or in connection with the provision, extension or augmentation of public facilities associated with development the subject of a planning proposal or development application.
- 27.3 Ordinarily, land dedicated to Council under a planning agreement must:
- 27.3.1 serve a planning purpose,
 - 27.3.2 be fit for the purpose for which the land will be dedicated,
 - 27.3.3 unless otherwise agreed by Council, be free of encumbrances,
 - 27.3.4 unless otherwise agreed by Council, be dedicated free of cost to the Council.
- 27.4 The developer will be responsible for preparing all documents and meeting all costs associated with the dedication of land under a planning agreement, including all costs associated with any subdivision of land necessary to facilitate the dedication.
- 27.5 Where the Council acquires land for value under a planning agreement, the value will be the market value of the land determined in accordance with section 56 *Land Acquisition (Just Terms Compensation) Act 1991* by a suitably qualified and experienced valuer who is appointed by Council and is independent of, and at arms-length from, the parties to the planning agreement.
- 27.6 Where Council agrees in a planning agreement to offset part or all of the value of land dedicated to Council under the agreement against section 7.11 contributions or section 7.12 levies under the EPA Act, the value of the land for offsetting purposes will not exceed the agreed contribution value of the land set out in the planning agreement, which value may be less than its market value determined in accordance with section 56 *Land Acquisition (Just Terms Compensation) Act 1991*.
- 27.7 The timing of the dedication of land under a planning agreement will ordinarily be determined by the planning purpose served by the dedication and whether the planning agreement is associated with a planning proposal or a development application.

28. Recurrent funding

- 28.1 The EPA Act provides that the public purposes towards which development contributions may be applied under a planning agreement include the funding of recurrent expenditure relating to the provision of public amenities or public services and affordable housing³².
- 28.2 There is a distinction between recurrent funding of public facilities that primarily serve the development to which the planning agreement applies or neighbouring development' and public facilities providing 'broader benefits.
- 28.3 In respect of public facilities that primarily serve the development to which the planning agreement applies or neighbouring development, Council may require development contributions to be provided towards the recurrent costs of those facilities in perpetuity.
- 28.4 In respect of public facilities that provide 'broader benefits', Council will only require development contributions to be provided towards the recurrent costs of those facilities until a public revenue stream is established to support the ongoing costs of the facility.

29. Credits & offsets

- 29.1 Planning agreements may be used to obtain development contributions additional to or instead of local infrastructure contributions. A planning agreement can be entered into to

³² See section 7.4(2)(d) of the EPA Act.

require provision of public benefits that are different to those addressed in the Contributions Plan, or to enable the delivery of one or more works or land items contained the Contributions Plan.

- 29.2 The Council will, on a case by case basis, consider whether contributions under section 7.11 of the EPA Act should be reduced in consideration of the benefits provided under a planning agreement.
- 29.3 Typical circumstances where this may occur include, but are not limited to the following:
- 29.3.1 where a planning agreement requires the provision of a work or land identified in the works schedule in a Contributions Plan but the demand for the work or the land is spread among a number of future developments and other developers have contributed or will contribute towards a proportion of the cost of the work or land item through s7.11 contributions,
 - 29.3.2 where a planning agreement requires the provision of a work or land which will wholly or partly replace an item in the works schedule in the Contributions Plan,
 - 29.3.3 where a planning agreement requires the provision of a work or land identified in the works schedule in the Contributions Plan and the cost of constructing work, or the value of the land determined in accordance with this Policy, exceeds the amount identified in the Contributions Plan,
 - 29.3.4 where a planning agreement requires the provision of a work that falls within a particular category of contributions in the Contributions Plan (e.g. open space) and the planning agreement applies the value of the work determined in accordance with this Policy as an offset against section 7.11 monetary contributions in another category of contributions in the Contributions Plan (e.g. to offset roads s7.11 contributions).

30. Refunds

- 30.1 There is no legal obligation on the Council to refund to developers monetary contributions paid to the Council under a planning agreement and the Council will not do so under any circumstances.
- 30.2 Where monetary contributions paid under a planning agreement exceed the funds necessary for the public purpose for which they are paid, Council may, in its complete discretion, apply those contributions towards another public purpose having regard to the public interest prevailing at the time.

31. Timing of provision of benefits by developer

- 31.1 The EPA Act requires a planning agreement to provide for the time or times by which the provision of development contributions are to be made³³.
- 31.2 The timing of provision of development contributions may differ from case to case depending on factors that Council will take into consideration in so far as relevant, such as:
- 31.2.1 whether the planning agreement is associated with a planning proposal or a development application,

³³ See section 7.4(3)(c) of the EPA Act.

- 31.2.2 the particular development to which the planning agreement relates, including whether the development is staged or otherwise has significant milestones,
 - 31.2.3 the time or times at which the demand or need for public facilities arising from development the subject of a planning agreement arises,
 - 31.2.4 the public purposes and objects of development contributions under the planning agreement (ie., public utility infrastructure, public services, public amenities, environmental protection, or enhancement, affordable housing, etc.),
 - 31.2.5 the manner in which development contributions will be provided under the planning agreement (ie. monetary contributions, land dedication, works, recurrent and instalment payments, etc.),
 - 31.2.6 the nature and extent of security for the developer's performance provided under the planning agreement,
 - 31.2.7 whether the planning agreement will be registered on the title to the land to which the planning agreement applies,
 - 31.2.8 any requirements of public authorities affecting the timing of provision of development contributions,
- 31.3 So far as security for performance is concerned and subject to consideration of the above factors, Council will seek, where appropriate, to tie the provision of development contributions under a planning agreement to the issuing of certificates under Part 6 of the EPA Act relating to the development to which the planning agreement relates.

32. Registration

- 32.1 The EPA Act provides for the registration of a planning agreement on the title to land. The effect of registration is that the planning agreement becomes binding on, and is enforceable against, the owner of the land from time to time (ie. future owners) as if each owner for the time being had entered into the planning agreement³⁴.
- 32.2 Registration is important to inform people of the existence of a planning agreement affecting the land and for the enforcement of a planning agreement.
- 32.3 To ensure that the intention of the parties to register the planning agreement is not defeated, the developer must ordinarily get written agreement to the registration from each person with an estate or interest in the land to which the planning agreement applies and provide this to the Council as a precondition to the execution of the planning agreement.
- 32.4 Registration requires the written consent of all persons having a registered interest in the land. Such persons include the registered proprietor, caveators, mortgagees, chargees, lessees and the like³⁵.
- 32.5 Council requires all planning agreements to be registered on the title. For this reason, the landowner, if different to the developer, will generally be required to be an additional party to the planning agreement³⁶.

³⁴ See section 7.6 of the EPA Act.

³⁵ See section 7.6(1) of the EPA Act; see also Registrar General's Guidelines in relation to requests for registering planning agreements which require the registered proprietor and every lessee, mortgagee, chargee, covenant chargee and caveator to execute the registrable instrument or provide their written consent.

³⁶ See section 32 of this Policy.

- 32.6 The Council will only consider entering into a planning agreement where the landowner is not a party in circumstances where:
 - 32.6.1 the only obligation on the landowner is registration of the planning agreement, and
 - 32.6.2 the Council has been provided with written consent from the landowner to the registration of the planning agreement on title prior to execution of the planning agreement.
- 32.7 The Council will require the landowner to provide the following documents immediately upon commencement of the planning agreement:
 - 32.7.1 an instrument requesting registration of the planning agreement in registrable form identifying the Council as the applicant on the instrument, and
 - 32.7.2 the landowner's written consent and the written consent of all persons having a registered interest in the land to the registration of a planning agreement.
- 32.8 This means that the landowner is expected to liaise with relevant interest holders prior to the execution of the planning agreement, and Council will generally not execute a planning agreement unless and until it has been provided with the required documents.
- 32.9 The Council will lodge the planning agreement for registration. The developer or landowner or both under the planning agreement will be required to meet the Council's costs of and incidental to registering the planning agreement.
- 32.10 The landowner will be required to promptly address any requisitions issued by NSW Land Registry Services relating to the registration that is relevant to the landowner and any interest holders.
- 32.11 Provision should be made in a registered planning agreement about when the notation of the planning agreement on the title to land can be removed. Some relevant examples include:
 - 32.11.1 the developer has complied with the obligations under the planning agreement in respect of a part of the land and the notation of the planning agreement will be removed from that part of the land.
 - 32.11.2 land the subject of the planning agreement is subdivided and titles for new lots are created and the developer has complied with all relevant planning agreement obligations relating to the subdivision.
 - 32.11.3 additional valuable security for performance of the planning agreement acceptable to the planning authority is provided by the developer in exchange for removal of the registration of the planning agreement from the title to land.
- 32.12 The Council's currently available template planning agreement contains registration clauses reflecting the above.

33. Security for performance

- 33.1 The EPA Act requires a planning agreement to provide for the enforcement of the agreement by a suitable means, such as the provision of a bond or guarantee, in the event of a breach of the agreement by the developer³⁷.
- 33.2 The most suitable means of enforcement may depend on:

³⁷ See section 7.4(3)(g) of the EPA Act.

- 33.2.1 the circumstances of the planning agreement,
- 33.2.2 the nature and extent of the developer's obligations under the planning agreement, and
- 33.2.3 the planning authority's reasonable assessment of the risk and consequences of non- performance.
- 33.3 Security for the enforcement of a planning agreement may be achieved using a number of different means or a combination of them, including:
 - 33.3.1 registration of the planning agreement on title,
 - 33.3.2 requiring the provision of development contributions prior to the issuing of Part 6 certificates for the development to which the agreement³⁸,
 - 33.3.3 in the case of a planning proposal, requiring the provision of development contributions prior to or in conjunction with the taking effect of the amendment to the relevant local environmental plan,
 - 33.3.4 bonds or bank guarantees,
 - 33.3.5 granting and registration of a charge over land in the Council's favour,
 - 33.3.6 in the case of an obligation for the developer to dedicate land, a provision in the planning agreement providing for the compulsory acquisition by the Council of the relevant land.
- 33.4 In addition to registration of a planning agreement, the Council will generally require the following security for the following types of development contributions under an agreement:
 - 33.4.1 for monetary development contributions, payment to be tied to the issuing of Part 6 certificates, where possible otherwise, the Council will require a bond or bank guarantee on terms acceptable to the Council to be provided for the full value of the contributions, or a charge encumbering land with sufficient value to secure the payment of the monetary contribution to be registered on the title to the land.
 - 33.4.2 for the dedication of land, the inclusion of a provision in the planning agreement allowing the compulsory acquisition of the relevant land for \$1 in the event the land is not dedicated as required under the planning agreement,
 - 33.4.3 for the carrying outworks:
 - (a) completion of the works or stages of the works to be tied to the issuing of Part 6 certificates for the development to which the agreement applies, and provision of a bank guarantee in an amount determined by the Council in the circumstances having regard to the construction cost of the work,
 - (b) for works that are not tied to the issuing of a Part 6 certificate, or where the developer seeks to defer the timing for completion of a work, provision of a bank guarantee equal to 100% of the estimated construction cost of the work, and
 - (c) provision of bank guarantee in an appropriate amount not exceeding 50% of the construction cost of a work to secure the defects liability and

³⁸ See section 6.15(1)(d) of the EPA Act in relation to subdivision certificates; see also *Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021*, section 21 in relation to construction certificates, section 34(2)(d) in relation to subdivision works certificate, and section 48 in relation to occupation certificates.

maintenance obligations relating to the work under the planning agreement.

- 33.5 The Council will require security to be provided on and from the date of execution of the planning agreement.
- 33.6 In addition to the above, if a planning agreement is not registered on title on and from the commencement of the planning agreement, the Council may require the provision, on commencement of the agreement, of a bond or bank guarantee equal to the full value of all of the development contributions to be provided until such time as the planning agreement is registered.

34. Other means of enforcement by Council

- 34.1 The Council will require provisions to be included in all planning agreements relating to the procedure for dealing with a breach of the planning agreement.
- 34.2 Such provisions will allow the Council to issue a notice of breach requiring the developer to rectify the breach within a specified period. If the developer fails to comply with the notice, the Council may take action to remedy the developer's breach including by calling up any security provided under the planning agreement, stepping in to carry out works, or doing any other thing to remedy the breach.
- 34.3 The Council will generally be required to follow such procedures before it may exercise any rights that it may have at law to commence legal proceedings, except where urgent interlocutory relief is sought.
- 34.4 If a dispute resolution mechanism is triggered, the Council will also generally be required to complete the resolution process before it may exercise any rights to commence legal proceedings, except where urgent interlocutory relief is sought.
- 34.5 The Council's currently available template planning agreement contains enforcement clauses reflecting the above.

35. Dispute resolution

- 35.1 The EPA Act requires a planning agreement to provide for a mechanism for the resolution of disputes under the agreement³⁹.
- 35.2 Different kinds of dispute resolution mechanisms may suit different disputes, and this should be reflected in a planning agreement.
- 35.3 The Council will require planning agreements to make provision for mediation and expert determination. The relevant dispute resolution method to be applied in any case will depend on the nature of the dispute.
- 35.4 Expert determination will ordinarily be applicable in relation to disputes about technical or quantifiable matters such as costs and values, designs and specifications and the like, which lend themselves to resolution by independent experts.
- 35.5 Mediation will apply in all other cases.
- 35.6 The Council's currently available template planning agreement contains dispute resolution clauses reflecting the above.

³⁹ See section 7.4(3)(f) of the EPA Act.

36. Monitoring & performance reporting by developer

- 36.1 The Council endeavours to require standardised systems to monitor the implementation of planning agreements in a systematic and transparent way.
- 36.2 One means of enabling the Council to monitor the implementation of a planning agreement is to require the developer to provide a periodic performance report to the Council.
- 36.3 The report is to contain such information as the Council may require in order for Council to determine the progress of the development to which the planning agreement relates and the developer's compliance with the obligations under the planning agreement.
- 36.4 A performance report may typically include:
 - 36.4.1 a summary of the status of all the development contributions under the planning agreement, including a list of all development contributions due to be commenced or completed within the next 12 months,
 - 36.4.2 a list of securities provided to the Council under the planning agreement and a statement about the current value of each such security.
- 36.5 The Council's currently available template planning agreement contains a clause reflecting the above.

37. Review of planning agreement

- 37.1 Planning agreements should contain a mechanism for their periodic review that should involve the participation of all parties.
- 37.2 The Council will require a planning agreement to be reviewed periodically. The Council may also allow a planning agreement to be reviewed where there has been, or will be, an unexpected change in circumstances that materially affects the operation of the planning agreement.
- 37.3 In respect of a planning agreement that is entered into in connection with a planning proposal, a change of circumstance triggering a review of the planning agreement may include the circumstance where a development standard which can be numerically quantified (such as maximum building height or floor space ratio) that is effected by the instrument change pursuant to the planning proposal differs by more than 10% from the numerical development standard sought in the planning proposal that has been subject to and as varied by a gateway determination⁴⁰.
- 37.4 For the purposes of addressing any matter arising from a review of a planning agreement, the parties will be required to use all reasonable endeavours to agree on and implement appropriate amendments to the planning agreement. However, any failure by a party to agree to take action requested by another party as a consequence of a review is not a dispute for the purposes of the planning agreement and is not a breach of the planning agreement.
- 37.5 The Council's currently available template planning agreement contains a clause reflecting the above.

⁴⁰ See section 3.34(3) of the EPA Act, which allows a planning proposal to be varied by a gateway determination.

38. Amendment of planning agreement

- 38.1 This section sets out the Council's policy on the amendment of planning agreements.
- 38.2 Where the developer or another party to a planning agreement (other than Council) requests an amendment to a planning agreement, they must provide a request in writing and supporting justification to the Council.
- 38.3 The Council will consider the request and supporting information in good faith and will liaise with the developer or other party in deciding whether to agree to the amendment.
- 38.4 However, the Council may, in its complete discretion, decide whether or not to agree to the amendment or whether to propose a varied or different amendment to meet the circumstances identified by the developer or other party in requesting the amendment.
- 38.5 Where the Council seeks an amendment to a planning agreement, the developer and any other party to the planning agreement must work co-operatively and in good faith with the Council with a view to achieving the amendment.
- 38.6 The Regulation provides that a planning agreement can be amended by agreement between the parties to the planning agreement.
- 38.7 An amendment to a planning agreement must be documented in a deed of variation to be entered into in a form and on terms acceptable to the Council.
- 38.8 A developer seeking to amend a planning agreement must bear the Council's costs of the modification.

39. Novation & assignment by developer

- 39.1 Unless and until all planning agreement obligations are completed by the developer, the agreement will impose restrictions on:
 - 39.1.1 the sale or transfer the land to which the planning agreement applies,
 - 39.1.2 the assignment of the developer's rights or obligations under the planning agreement, and
 - 39.1.3 novation of the planning agreement.
- 39.2 The Council will not allow any of the above dealings unless it is satisfied that any incoming landowner or developer party will be bound by the provisions of the planning agreement and are capable of performing the obligations under the planning agreement, and that there is no existing unremedied breach of the planning agreement.
- 39.3 If any of the above dealings occur in breach of the requirements in the planning agreement, the developer will continue to be liable to perform the obligations under the planning agreement until those requirements have been complied with.
- 39.4 If a planning agreement is registered on the title to the land the Council may agree that the restrictions referred to above do not apply to a sale or transfer of the land on the basis that any new landowner will be bound by the provisions of the planning agreement⁴¹.
- 39.5 However, unless and until a deed of novation of the planning agreement is entered into in connection with the sale or transfer, the original developer and landowner parties

⁴¹ See section 7.6(3) of the EPA Act.

will continue to be bound by the contractual obligations under the planning agreement.

- 39.6 The Council's currently available template planning agreement contains a clause reflecting the above. The Council can also provide a standard form of a deed or novation or deed of assignment to be used for any assignment or novation of a planning agreement.

40. Discharge of developer from planning agreement

- 40.1 Planning agreements should not impose obligations on developers indefinitely but instead should set out the circumstances in which the parties agree to discharge the developer's obligations under the agreement.
- 40.2 The Council will discharge a developer from its obligations under the planning agreement where all the obligations have been completed in accordance with the planning agreement. The discharge will be effected by means of written correspondence to the developer and take effect according to the terms of the correspondence.
- 40.3 Where the developer's obligations under a planning agreement have not been completed, the Council may discharge a developer from its obligations in the following circumstances:
- 40.3.1 in respect of a planning agreement that is entered into in connection with a planning proposal, where the planning proposal authority has requested the Minister for Planning that the matter not proceed,
- 40.3.2 in respect of a planning agreement that is entered into in connection with a development application, where the development consent to which the agreement relates has lapsed and the development has not commenced.

41. Costs

- 41.1 This section addresses the Council's policy on payment of costs relating to the preparation, negotiation, execution, monitoring and other administration of planning agreements.
- 41.2 The Council requires a developer party to be responsible for all costs and expenses related to a planning agreement.
- 41.3 This will include (without limitation) Council's costs and expenses of:
- 41.3.1 preparing, negotiating, executing, registering and stamping (if required) a planning agreement,
- 41.3.2 an amendment of a planning agreement other than amendment requested by Council or an amendment required because of an error or omission by Council,
- 41.3.3 removing registration of a planning agreement from title,
- 41.3.4 preparing and registering any related instrument on title such as any easements, covenants, restrictions, charges and caveats required or allowed by the planning agreement,
- 41.3.5 any other document related to the specific planning agreement, such as any deed of novation or assignment,
- 41.3.6 enforcing and remedying a breach of the planning agreement, including costs and expenses incurred by the Council in connection with investigating a non-compliance by the developer and enforcing compliance by the Developer with this Deed

(including the costs and expenses of preparing and issuing notices for those purposes).

42. Notification on planning certificates

- 42.1 Pursuant to section 10.7(5) of the EPA Act, Council will include a notation about the existence of a planning agreement on a Planning Certificate issued in respect of land to which the planning agreement applies.

Part 3 – Procedures for planning agreements

43. Basic procedures for entering into planning agreement

- 43.1 This section sets out the indicative steps for entering into planning agreements.
- 43.2 Planning agreements should ordinarily be negotiated before the relevant development application is determined or the instrument change takes effect so that the draft planning agreement is publicly notified alongside the relevant development application and planning proposal.
- 43.3 Wherever possible, planning agreement negotiations should run in parallel with the relevant planning processes. As far as practicable, the Council will seek to ensure that the process for negotiation, assessment and public notification of a planning agreement runs in parallel with the process for public exhibition, assessment and determination of a development application, or the public exhibition of a planning proposal and making of an instrument change.
- 43.4 The Council will implement the procedures set out below which may be varied on a case by case basis.
- 43.5 Indicative flow charts showing the general steps to be followed during a planning agreement negotiation for a planning proposal and a development application or modification application appear in Appendix2.

Who will negotiate on behalf of the Council

- 43.6 The Council will nominate the VPA Officer to be the representative of the Council in all negotiations regarding the key commercial terms of any proposed planning agreement.
- 43.7 The VPA Officer will negotiate a planning agreement on behalf of the Council.
- 43.8 Where Council is the determining authority for a development application involving a planning agreement the Councillors will not be involved in the negotiation of the planning agreement but a decision on whether the Council will enter into a planning agreement will be made by resolution of the governing body of the Council.

Separation of roles within Council

- 43.9 The Council will ensure that the Council staff responsible for assessing and determining a development application, modification application or planning proposal, to which a planning agreement relates, do not have a role in negotiating or assessing the key commercial terms of the planning agreement.
- 43.10 The VPA Officer will not have any involvement with the assessment of the development application, modification application or planning proposal to which the proposed planning agreement relates.
- 43.11 If any person reporting to the VPA Officer is involved with the draft planning agreement, that person shall be bound by the same provisions of this policy in respect of interaction with Council officers assessing the development application, modification application or planning proposal and conflicts of interest.
- 43.12 The Council will ensure that the VPA Officer does not have any conflict of interest, pecuniary or otherwise, within the meaning of Council's Code of Conduct in respect of the subject matter of the planning agreement or the development application, modification application or planning proposal to which it relates.
- 43.13 If the VPA Officer considers that she or he may have such a conflict, that person must immediately advise the Council in writing and a different VPA Officer, or if necessary an independent third party, must be appointed.

44. Offer & negotiation steps for planning agreements

Commencement

- 44.1 Before the lodgement of the relevant development application or modification application or request for a planning proposal by the developer, the Council staff and the developer will meet to discuss whether to negotiate a planning agreement.
- 44.2 At this time, the Council's VPA Officer will be responsible for all functions with regard to the proposed planning agreement. The Council's General Manager or their delegate or nominee may also be involved in negotiating the proposed planning agreement, at the General Manager's discretion.
- 44.3 If the developer is not the owner of the relevant land, the landowner should also be a party to any discussion and negotiation.
- 44.4 If the parties decide to negotiate a planning agreement:
 - 44.4.1 the parties will decide whether any independent third parties need to be engaged for the negotiation and assessment for the planning agreement,
 - 44.4.2 the developer will advise the Council of the person that will represent them in the negotiations, and
 - 44.4.3 a timetable for negotiations will be agreed between the VPA Officer and developer.

Preliminary negotiation and offer

- 44.5 The VPA Officer and the developer will identify the key commercial issues and the negotiations in relation to those issues will then take place.
- 44.6 The VPA Officer will assess the merits of a proposed planning agreement when negotiating the key commercial terms and consider relevant stakeholders and any

relevant Council's policies when negotiating the planning agreement.

- 44.7 If agreement is reached on commercial terms, the developer must give the Council a letter of offer to enter into the planning agreement with the Council⁴².
- 44.8 The Council requires a letter of offer to specify that it is an irrevocable offer by the developer, pursuant to section 7.7(3) of the EPA Act, to enter into a planning agreement on these terms set out in the document.
- 44.9 A letter of offer should:
 - 44.9.1 be in writing,
 - 44.9.2 be addressed to the Council,
 - 44.9.3 be signed by or on behalf of all parties to the proposed planning agreement other than the Council,
 - 44.9.4 set out the key terms of the planning agreement,
 - 44.9.5 outline in sufficient detail the matters required to be included in a planning agreement as specified in section 7.4 (3) of the EPA Act to allow proper consideration of the offer by the Council.
 - 44.9.6 address in sufficient detail any relevant matters as specified in this Policy to allow proper consideration by the Council.
 - 44.9.7 outline in sufficient detail all other key terms and conditions proposed to be contained in the planning agreement to allow proper consideration by the Council.
- 44.10 The developer may also submit a draft planning agreement with a letter of offer prepared based on the Council's template.

Preparation of draft planning agreement & further negotiations

- 44.11 In preparing the draft planning agreement document, the parties are to negotiate any other relevant terms of the planning agreement.
- 44.12 The VPA Officer will generally consult any relevant public authorities in relation to the planning agreement and consider relevant Council's policies when negotiating the terms of the planning agreement.
- 44.13 When the VPA Officer is satisfied with the terms of the draft planning agreement, the developer is to provide the Council with a further letter of offer that:
 - 44.13.1 is in writing,
 - 44.13.2 is addressed to the Council,
 - 44.13.3 is signed by or on behalf of all parties to the proposed planning agreement other than the Council,
 - 44.13.4 expressly provides that it is an offer pursuant to section 7.7(3) of the EPA Act, and
 - 44.13.5 attaches the draft planning agreement and expressly offers to enter into that version of the planning agreement.
- 44.14 If required by the Council, the version of the planning agreement attached to the further

⁴² See section 7.7(3) of the EPA Act.

letter of offer is to be signed by the developer and any landowner.

Notification

- 44.15 The draft planning agreement and its explanatory note must be publicly notified in accordance with the EPA Act and Regulation⁴³.
- 44.16 The draft planning agreement must be reported to the governing body of the Council prior to public notification and will only proceed to public notification if supported by the Council. The Council's VPA Officer will further assess the merits of a draft planning agreement and prepare a report to the Council for public notification.
- 44.17 In addition to the above paragraph, for draft planning agreement which relate to a planning proposal:
 - 44.17.1 the draft planning agreement is to be reported to a Council meeting, together with the planning proposal, prior to proceeding to a Gateway Determination under section 3.34 of the Act, and
 - 44.17.2 the draft planning agreement will only proceed to public notification if the Gateway Determination determines that the planning proposal should proceed.
- 44.18 The Council may require re-notification of the draft planning agreement in certain circumstances.
- 44.19 See section 50 below for more detail in relation to the procedure for public notification and re-notification of a draft planning agreement.
- 44.20 If any changes are made to the draft planning agreement, the Council will generally require a further letter of offer from the developer to be provided which attaches the amended draft planning agreement.

Consideration of planning agreement in planning processes

- 44.21 A draft planning agreement and public submissions will be considered by Council in the determination of the related application. The weight given to the draft planning agreement and public submissions is a matter for Council acting reasonably.
- 44.22 For the avoidance of doubt, the VPA Officer's assessment of the merits of the draft planning agreement when negotiating the terms of the VPA is separate to any consideration by the Council's development assessment staff of the planning agreement as required under section 4.15(1)(a)(iia) of the EPA Act in determining a development application.
- 44.23 The fact that the VPA Officer approves the terms of a draft planning agreement will not necessarily mean that the development application or planning proposal, to which the proposed planning agreement relates, is acceptable on its merits on planning grounds.

Entering into a planning agreement

- 44.24 A planning agreement can generally be entered into at any time after the planning agreement is publicly notified in accordance with the EPA Act and Regulation. In some cases, the planning agreement may need to be reported to the Council before Council's execution. This may be in connection with the Council's determination of the development application or decision to proceed with the planning proposal.

⁴³ See section 7.5(1) of the EPA Act; section 204 of the Regulation.

- 44.25 Where possible, planning agreements should be negotiated with Council before a development application is determined or a gateway determination relating to a planning proposal is made by Council.
- 44.26 Council will typically require the developer to sign the planning agreement, or provide a further letter of offer, before it determines the development application to which the planning agreement relates or prior to Council requesting that the Minister make the instrument change referred to in the planning proposal.
- 44.27 If the Council determines the development application before the planning agreement is signed, then the Council will generally require the planning agreement to be entered into as a deferred commencement condition in the terms of the developer's letter of offer⁴⁴.
- 44.28 In such a case, a deferred condition of consent may be imposed.
- 44.29 Any documents that are required to be provided to Council on commencement of the planning agreement such as instruments and letters of consents to the registration of a planning agreement or any security should be provided to Council before the planning agreement is executed by the Council.
- 44.30 A planning agreement is entered into when it is signed by all of the parties⁴⁵. It must also be submitted on the NSW planning portal. The Council's Planning Agreements Register, which appears on the NSW planning portal, contains links to planning agreements entered into by Council.
- 44.31 The Council will generally require a provision to be included in a planning agreement to the effect that the planning agreement operates as a deed poll in favour of the Council on and from the date of execution by the developer until the date on which this deed is signed by all the parties.

45. Involvement of independent third parties

- 45.1 In some cases, the use of independent third parties during the negotiation of a planning agreement may be appropriate.
- 45.2 The Council will encourage the appointment of an independent person to facilitate or participate in the negotiations of a planning agreement in circumstances where:
 - 45.2.1 an independent assessment of a proposed instrument change, development application or modification application is necessary or desirable;
 - 45.2.2 there is a risk of conflict of interests,
 - 45.2.3 factual information requires validation in the course of negotiations;
 - 45.2.4 sensitive financial or other confidential information must be verified or established in the course of negotiations;
 - 45.2.5 facilitation of complex negotiations are required in relation to large projects or where numerous parties or stakeholders are involved; and
 - 45.2.6 dispute resolution is required under a planning agreement.
- 45.3 The costs of the independent person will be borne by the developer.

⁴⁴ See section 7.7(3) of the EPA Act.

⁴⁵ See section 203 of the Regulation.

46. Procedure relating to development of Council owned land

- 46.1 This policy is intended to apply as far as practicable to planning proposals relating to Council-owned or controlled land, and to development by or on behalf of the Council on Council owned or controlled land, in the same way as it applies to other land.
- 46.2 In such circumstances, the Council will seek to provide a public benefit in accordance with this policy by one of the following means:
 - 46.2.1 registering a covenant on title under s88D of the *Conveyancing Act 1919*,
 - 46.2.2 entering into a planning agreement via a deed poll and registering the agreement on title, or
 - 46.2.3 making provision in the relevant local environmental plan to require provision of the public benefit in respect of the development of the land.
- 46.3 The Council will generally prefer to register a covenant on title as described above. However, if that is not practicable, the Council will provide for the public benefit by one of the other specified means.

47. Procedure for dispute resolution

- 47.1 See section 35 of this Policy above in relation to Council's policy on dispute resolution under a planning agreement.

48. Costs & charges

- 48.1 See section 41 above in relation to Council's policy on costs related to a planning agreement.
- 48.2 See section 28 above in relation to Council's policy on requiring funding for recurrent costs.

49. Registration and administration

Standard form & documentation of planning agreement

- 49.1 See section 24 above in relation to Council's policy on documentation and drafting of a planning agreement.

Monitoring & review of planning agreements

- 49.2 See section 36 above in relation to Council's policy on monitoring and review of a planning agreement.

Security for enforcement

- 49.3 See sections 33 above in relation to Council's policy on security and enforcement of a planning agreement.

Registration

- 49.4 See section 32 above in relation to Council's policy on registration of planning agreements.

Discharge

- 49.5 See section 40 above in relation to Council's policy on discharge of planning agreements.

50. Public participation & notification

Public notification

- 50.1 The EPA Act requires a proposed planning agreement to be publicly notified and available for public inspection for a minimum of 28 days⁴⁶.
- 50.2 The Regulation requires public notification of the draft planning agreement to occur as part of, and at the same time and in the same way as public exhibition of the planning proposal, development application or modification application unless it is not practicable to do so. In which case, public notification of the planning agreement must occur as soon as practicable.
- 50.3 Where the development application or planning proposal to which a planning agreement relates is required by or under the EPA Act or Regulation to be publicly notified and available for public inspection for a period exceeding 28 days, the Council will publicly notify the planning agreement and make it available for public inspection for that longer period.

Public submissions

- 50.4 Public submissions that are received during the public notification period of a draft planning agreement will be considered by the VPA Officer.
- 50.5 The VPA Officer may negotiate changes to the draft planning agreement having regard to any matters raised following public notification.

Re-notification

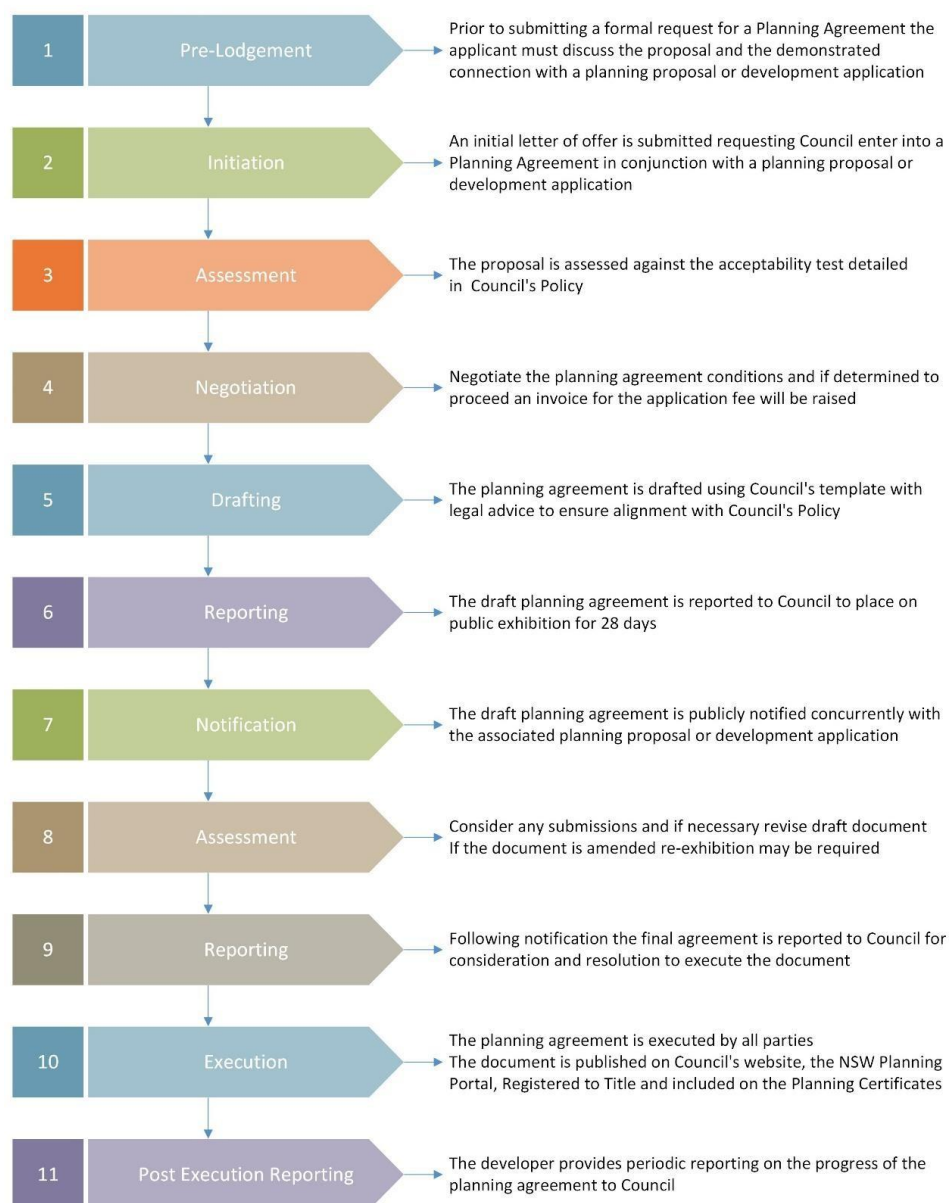
- 50.6 A draft planning agreement may be amended by the parties to address any issues arising from submissions that are received or for any other reason.
- 50.7 The EPA Act does not provide for re-notification of a draft planning agreement after it has been notified.
- 50.8 A draft planning agreement should be renotified where changes are made to the draft planning agreement that materially affect:
 - 50.8.1 how any of the matters specified in section 7.4 of the EPA Act are dealt with by the planning agreement,
 - 50.8.2 other key terms and conditions of the planning agreement,
 - 50.8.3 the planning authority's interests or the public interest under the planning agreement, or
 - 50.8.4 whether a non-involved member of the community would have made a submission objecting to the change if it had been publicly notified.
- 50.9 The Council will publicly re-notify a draft planning agreement and the associated development application, modification application or planning proposal to which it relates if, in the Council's opinion, a material change as described above has been made to the terms of the agreement.
- 50.10 The amended draft planning agreement may need to be reported to the Council and if so, the VPA Officer will again assess the merits of the amended draft planning agreement before it is reported to the Council and before any re-notification.

⁴⁶ See section 7.5(1) of the EPA Act.

51. Explanatory Note

- 51.1 The Regulation requires an explanatory note in relation to a draft planning agreement to be prepared and exhibited with the draft planning agreement⁴⁸.
- 51.2 An explanatory note is to help the broader community to simply and clearly understand what a planning agreement is proposing, how it delivers public benefit, and why it is acceptable and in the public interest. An explanatory note must be prepared in plain English and address the specific matters set out in the Practice Note.
- 51.3 The Council has an explanatory note template that is publicly available on the Council's website. The template is revised and updated from time to time.

Schedule 1 - VPA process relating to a planning proposal and development application





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Brendan Price
C/- Total Town Planning Services
The DOTT Developments Pty Ltd

Via email: admin@tppsaustralia.com

Dear Brendan

RE: Response to VPA Letter of Offer - Lot 2 DP 785083, Lot 1 DP 1164630, Lot 2 DP 785083, and Lot 1 DP 1322201

Reference is made to your letter of offer to enter into a VPA dated 4 March 2026, received 31 March 2026.

Council has carefully considered the proposal and respectfully declines the offer for the reasons outlined below.

1. Council Resolution – April 2025

In April 2025, Council resolved to advise the developer that it has no plans to provide a sewerage connection to the Dog on the Tuckerbox precinct. Council further resolved that any sewerage solution required to service the development is to be delivered at the developer's expense in order to meet the conditions of development consent.

The current proposal is inconsistent with this resolution.

2. Merger-Related Legislative Constraints

Council is presently subject to the Section 23A Guidelines – Council Decision Making During Merger Proposal Periods, issued by the Office of Local Government.

These guidelines restrict Council from entering into contracts or making financial commitments exceeding \$250,000 or 1% of Council's rate revenue from the preceding financial year (whichever is greater), except in limited circumstances.

The proposed VPA would require Council to make a financial commitment exceeding these thresholds and does not fall within the permitted exceptions. Accordingly, Council is precluded from entering into the agreement at this time.

3. Non-Compliance with Planning Agreements Policy

Council's adopted Planning Agreements Policy establishes acceptability criteria for VPA proposals. Assessment of the submitted proposal indicates that it does not satisfy key requirements, including but not limited to the following:

- a) *9.1.4 Will the planning agreement produce outcomes that meet the general values and expectations of the public and protect the overall public interest?*

The proposal requires Council to fund a substantial upfront capital investment, estimated to exceed \$2 million, while the proponent contribution is limited to \$400,000.

This creates a significant financial burden on Council and, by extension, the community. Recovery of costs through a Section 64 Contributions Plan would likely occur over an extended timeframe, resulting in prolonged debt exposure.

Such an arrangement is not considered to be in the public interest.

Furthermore, the proposed works are not identified within any of Council's adopted strategic plans or capital works programs and therefore do not align with Council's established priorities.

- b) *9.1.8 Are there any relevant circumstances that may operate to preclude the Council from negotiating or entering into the proposed planning agreement?*

As outlined above, the current merger-related restrictions under the Section 23A Guidelines constitute a material constraint that prevents Council from negotiating or entering into the proposed agreement.

Further to the above, it is noted that, contrary to the assertions made in your correspondence, the development of Lot 2 DP 785083 and Lot 1 DP 1164630 was not included in the Council-endorsed masterplan for the Dog on the Tuckerbox precinct.

I also attach a letter for the Return of Development Application outlining that the application is not suitable for acceptance at this point due to a number of identified issues.

I understand that you are keen to discuss these issues. The earliest that staff would be available to discuss this would be 13 May 2026. Please advise if this is acceptable or if you wish to select a later date.

Should you require further information or wish to discuss the matter please contact the undersigned on 1300 459 689.

Yours faithfully



Roger Bailey
Interim General Manager

28 April 2026

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7.7 REGIONAL SERVICES GUNDAGAI

7.7.1 GUNDAGAI REGIONAL SERVICES REPORT - SEPTEMBER 2026

DOCUMENT NUMBER	483618
REPORTING OFFICER	Donna Britton, Acting Manager Regional Services Gundagai
AUTHORISING OFFICER	Trevor Dando, Acting Deputy General Manager Operations
RELEVANCE TO COMMUNITY STRATEGIC PLAN	2. A region for the future 2.2 A thriving region that attracts people to live, work and visit
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

That the Gundagai Regional Services report for the month of September 2026 be noted.

Overview

This report provides a summary of the major achievements, operational activities and project outcomes delivered by the Gundagai Regional Services Division during **September 2026**. Staff remained focused on maintaining Council assets, delivering essential services, progressing key projects and preparing community facilities and public spaces for the upcoming peak season.

Regional Services – Parks, Reserves, Sporting Fields, Playgrounds and Projects

Key Achievements for the Month:

- Programming and prioritisation of grounds maintenance and fire mitigation activities in preparation for the high-growth and fire season.
- Commencement of fire mitigation works across priority areas in response to rapid seasonal vegetation growth and increased fuel loads.
- Ongoing mowing, edging, brush cutting, weed management and rubbish collection across parks, reserves and public open spaces to maintain a high standard of presentation.
- Regular inspections and maintenance of recreational facilities and public assets to ensure they remain safe, accessible and fit for purpose.
- Continued preparation of community facilities and open spaces for increased seasonal use, including maintenance of grounds, gardens and associated infrastructure.
- Ongoing asset inspections and maintenance activities to support the safety, usability and appearance of public spaces for residents and visitors.

Gundagai Memorial Swimming Pool

- Significant progress has been made in preparing the Gundagai Swimming Pool and Gymnasium for the 2026/27 season. The pool pump has been successfully commissioned and is operating exceptionally well, with new water supply and chlorine lines installed to improve reliability and ensure efficient operation of the treatment system.
- Grounds maintenance has been completed across the facility, including mowing, brush cutting and rubbish removal.
- Within the amenities block, all taps have been replaced with quarter-turn fittings, resolving ongoing maintenance issues, while flooring rectification works continue and are scheduled for completion prior to opening.

Council has also finalised the management arrangements for the facility, with Management Agreements issued to the successful tenderer, Leisuresafe Australia Pty Ltd, for signing and execution. The pool remains on schedule to open for the 2026/27 season on Monday, 26 October 2026, with preparations continuing to ensure the facility is presented to a high standard for the community.

Cemeteries

Council continues to actively manage and maintain cemetery facilities across the Gundagai region, balancing operational requirements with the preservation of important historical and community assets. The cemeteries at Gundagai, Coolac, Muttama, Tumblong, Mt Adrah and Wraggobilly (Darbalara) provide an enduring record of the region's settlement and development, preserving the stories of generations of local families and community members.

Biosecurity

During September we have delivered a range of biosecurity activities across the Gundagai region in accordance with the Weed Action Program (WAP) and Council's biosecurity responsibilities. Key activities included the preparation and distribution of inspection correspondence, undertaking property and roadside inspections, and completing targeted weed control works at the Gundagai Pool precinct, Hanley Street, Burra Road, Hume/H. (West St) > Tumblong village, Nangus Rd (village) > West St, Adjungbilly, Muttama Rd and other priority locations. Crown Land and Council-managed land inspections were also completed, with follow-up spraying undertaken where required. Ongoing surveillance, monitoring and treatment of priority weed infestations continued throughout the month, supporting improved land management outcomes and reducing the risk of further weed spread across the Local Control Area.

Gundagai Public & Council Facilities income

Gundagai RV Park Income September 2026

- 01/09/26 – 30/09/26 - Total Income \$403.55

Gundagai Landfill Income September 2026

- 01/09/26 – 30/09/26 - General Income \$3916.69

Gundagai Standpipe Income September 2026

2026/2027		Income	Number of Transactions	2025/26 Income
2026	July	\$7204.41	15	\$3,013.61
2026	August	\$5813.62	17	\$1,202.81
2026	September	\$4768.96	17	\$2,543.68
2026	October	\$		\$1,827.94
2026	November	\$		\$5,232.65
2026	December	\$		\$6,384.75
2027	January	\$		\$11,743.19
2027	February	\$		\$26,650.59
2027	March	\$		\$25,746.73
2027	April	\$		\$17,136.31
2027	May	\$		\$21,059.48
2027	June	\$		\$12,538.85
26/27	Totals	\$17,786.99	49	\$135,080.59

Gundagai Saleyards Truck Wash September 2026

2026/2027		Income GST Incl.	Number of Transactions	2025/26 Income
2026	July	\$4164.37	30	\$3,518.05
2026	August	\$3608.78	34	\$3,254.40
2026	September	\$2578.79	27	\$4,022.16
2026	October	\$		\$5,094.67
2026	November	\$		\$3,976.71
2026	December	\$		\$3,170.29
2027	January	\$		\$3,908.68
2027	February	\$		\$2,455.41
2027	March	\$		\$3,442.91
2027	April	\$		\$3,641.40
2027	May	\$		\$3,179.79
2027	June	\$		\$5,562.64
26/27	Totals	\$10,351.94	91	\$45,227.11

Compliance

Council's Compliance and Ranger Services team continued to respond to a range of customer requests and regulatory matters throughout September, supporting community safety, responsible animal ownership and compliance with relevant legislation. Routine patrols, investigations and follow-up actions were undertaken across the region to address animal management and public amenity concerns.

During the reporting period, two impounded dogs were successfully rehomed, resulting in positive outcomes for both the animals and their new owners. Stray and unmanaged cat populations continue to present challenges across several areas of the region. In response, Council has implemented an active management program, including monitoring, trapping and community education initiatives in affected locations to reduce impacts on residents, wildlife and public amenity.

Financial

There are no further financial implications as all work has been carried out as per the approved 25/26 budget allocations.

OLG 23a Guideline consideration

There are no implications for the guidelines.

7.8 REGIONAL SERVICES COOTAMUNDRA

7.8.1 COOTAMUNDRA REGIONAL SERVICES REPORT - SEPTEMBER 2026

DOCUMENT NUMBER	483433
REPORTING OFFICER	Robinson Emily, Acting Regional Services Manager Cootamundra
AUTHORISING OFFICER	Trevor Dando, Acting Deputy General Manager Operations
RELEVANCE TO COMMUNITY STRATEGIC PLAN	2. A region for the future 2.2 A thriving region that attracts people to live, work and visit
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 Cootamundra Regional Services Report for the month of September 2026 be noted.

Introduction

This report has been prepared to inform Council of the activities undertaken by the Regional Services – Cootamundra department for the month of September 2026.

Discussion

Parks & Gardens

Tree maintenance requests continue to be carried out with the recent weather allowing staff to prioritise this area. Staff are working through a backlog of requests prioritising potentially hazardous trees ahead of general maintenance pruning. Contractors have been engaged to assess a few larger jobs outside the scope of Council's trained staff and jobs where an Arborist opinion is required.

General seasonal maintenance is continuing within the CBD. Annuals have been ordered and scheduled for planting in early October.

Minor maintenance jobs within several Council buildings and public toilets continue were carried out by Parks & Gardens staff. Replacement of sharps containers and other rusted out fixtures have also been carried out.

Weekly playground inspections continue to be performed as required, with repairs and component maintenance being carried out.

With summer sports commencing for the season, staff are continuing to line mark and maintain sports surfaces along with general turf care, and irrigation troubleshooting and repairs as required.

The fish pond within Max Whitteron Reflective Garden received an upgrade with a new pump and sand filter being installed due to the previous pump burning out and the existing filter not suitable

to effectively maintain the size of the pond without extensive manual maintenance practices. The pond level will vary over the following month as staff work to improve the water quality and seal the top layer of the pond tends to alleviate leaks.

Truck Wash

The truck wash recorded 139 transactions, generating \$9442.73 in invoicing.

A contractor has been engaged to connect a secondary tank so that water is available when a high number of trucks use the facility.

Month	Income GST Incl.	Number of transactions	2025/2026 Income	2025/2026 Transactions
July 2026	\$9,102.13	124	\$5,855.20	129
August 2026	\$7,616.66	149	\$8,464.02	113
September 2026	\$9,442.73	139	\$7,428.21	82
October 2026			\$6,233.04	123
November 2026			\$8,969.33	135
December 2026			\$10,260.45	148
January 2027			\$10,546.46	136
February 2027			\$9,899.61	139
March 2027			\$10,527.99	154
April 2027			\$11,073.50	140
May 2027			\$10,534.38	181
June 2027			\$12,506.56	135

Cemeteries

There were 2 funerals in September, both at Stockinbingal.

Regulatory Services

September saw the position of Ranger being recruited successfully by an internal staff member. Having previously undertaken the role on a relieving basis, the staff member was already familiar with Council and many aspects of the Ranger role. They have settled into the position well and is continuing to build on their existing knowledge while working alongside staff with experience in Council's Ranger functions and processes.

The Companion Animal Register recorded 12 lifetime registrations totalling \$586.

Shelter Statistics

The month of September was again busy, with 17 animals arriving at the facility. Of those, 14 (82%) were not microchipped. The two field return-to-owners demonstrate the benefit of maintaining current microchipping records, allowing animals to be identified and returned directly to their owners without entering the facility.

Outgoing	Number
Transferred to rescue	15 dogs
Reclaimed	2 dogs, 2 cats
Adopted	1 dog, 1 cat

Euthanised – Dangerous Dog Orders	3 dogs
Returned to owner in field	1 dog, 1 cat

Biosecurity

Cootamundra's Biosecurity Officer had another busy month in September. Working alongside Local Land Services, the rabbit baiting program concluded, private property inspections continued as well as inspections of the Red Guideposts and Olympic Highway. Spraying was completed at the Ex-Ampol Fuel Depot, Pioneer Park and red guidepost locations as well as other locations throughout the LGA.

General Overview:

- Rabbit baiting completed. Significant number drop at Ex-Ampol Fuel Depot.
- Henty field days biosecurity talk.
- Red Guidepost inspections continuing – many new incursions identified. Significant African Lovegrass incursion spreading from Frampton to council border after Tanyinna Gates (Bethungra).
New Red Guideposts need to be added.
- Education talks with Sacred Heart Central School at Muttama Creek
- Private Property Inspections all but finished, remaining results to be sent out to landholders in October.
- In talks to obtain Flea Beetle as a biological control for Paterson's Curse, the existing population has died down due to its food (Paterson's Curse) not being as available in recent years.
- Getting reports of minimal number of Bee's in the area, enquired to BeeAware and apparently the dropped numbers are probably related to the Varroa Mite being statewide now.

Planned:

- Red Guidepost program to be completed.
- Continued WAP funding targets.
- Continued Pioneer Park Spraying.
- Spraying of Tips in Cootamundra and Villages.
- Spraying of Priority Weeds on roadsides.

Waste Services

The second-hand tip shop processed 69 transactions for September, generating a total income of \$565.23. During this period, staff continued to support waste diversion and resource recovery through the reuse and repurposing of items collected at the facility.

A total of 1,793 tonnes of recycled crushed concrete and 575 tonnes of mulch were sold during September. Sales of recycled materials continue to support resource recovery by providing opportunities to reuse materials and reduce waste sent to landfill.

Facilities

The pool tender process has now concluded, with LeisureSafe Australia selected as the successful tenderer. Preparations are underway to transition to the new contractor, and we look forward to working with them to deliver a positive experience for the community throughout the upcoming swimming season. A media release has been prepared to communicate the change, with the

contractor's website and social media platforms also in place to support community engagement and provide relevant information to pool users.

The outdoor pool is currently being filled in preparation for the summer season, with the opening scheduled for 1 November. Final preparations are progressing to ensure the facility is ready to welcome the community for the season.

The Coota Cordial function, held at the Town Hall on 26 September, was a great success. The event provided a positive opportunity for community engagement and was well received.

The Cootamundra EV charging stations' data for September is shown below:-

	Chargers installed			Charging sessions
	0			64
	kWh charged			Revenue
	841.999			\$253.97
	Petrol offset (L)			Carbon offset (kg)
	450.77			199.27

Capital Works Projects

The renovation project at the designated flood evacuation centre within the Cootamundra Showground luncheon pavilion is now complete. The facility has undergone a significant transformation and will provide a valuable community asset during future flood events. The upgraded facility will also be available for hire for private functions and events.

The final fit-out of the Cootamundra Showground luncheon pavilion has been completed. The renovated facility is now ready to serve as a designated flood evacuation centre during future flood events and will also be available for hire for private functions and community events.

Financial

All areas of expenditure relating to the operation within the Regional Services – Cootamundra department are within budget allocations.

OLG 23a Guideline consideration

No impacts associated with this report.

8 MOTION OF WHICH NOTICE HAS BEEN GIVEN

Nil

9 QUESTIONS WITH NOTICE

Nil

10 CONFIDENTIAL ITEMS

10.1 CLOSED COUNCIL REPORT

DOCUMENT NUMBER	484295
REPORTING OFFICER	Teresa Breslin, Executive Assistant to Mayor and General Manager
AUTHORISING OFFICER	Roger Bailey, Interim General Manager
RELEVANCE TO COMMUNITY STRATEGIC PLAN	4. Collaborative and progressive leadership 4.1 A clear strategic direction that is delivered upon
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 10.2 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 10.2 be withheld from the press and public.

10.2 HUMAN RESOURCES REPORT

Provisions for Confidentiality

Section 10A (2) (a) – The Confidential Report contains personnel matters concerning particular individuals (other than councillors).

Public Interest

N/A.