



AGENDA

Ordinary Council Meeting

Date: Monday, 30 September 2024

Time: 5 pm

**Location: Cowra Council Chambers
116 Kendal Street, Cowra**

**Dirk Wymer
Acting General Manager**

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I INTRODUCTION

I.1 Welcome

I.2 Election of Chair

I.3 Recording & Publishing

In accordance with the Local Government Act (1993), Cowra Council is recording this meeting and will upload the recording to Council's website. By speaking at this meeting, you agree to being recorded and having that recording published in the public domain. Please ensure that when you speak at Council meetings you are respectful to others and use appropriate language at all times. Cowra Council accepts no liability for any defamatory or offensive remarks or gestures made during the course of this meeting.

I.4 Acknowledgement of Country

We acknowledge the traditional custodians of the land on which we gather, the Wiradjuri people, and pay our respects to elders both past and present.

I.5 Apologies and Applications for Leave of Absence by Councillors

List of apologies for the meeting.

I.6 Disclosures of Interest

Councillors and staff please indicate in relation to any interests you need to declare:

- a. What report/item you are declaring an interest in?
- b. Whether the interest is pecuniary or non-pecuniary?
- c. What is the nature of the interest?

I.7 Public Forum

I invite any member of the public wishing to speak on an item in the agenda to please come to the lectern, introduce yourself, state the item you wish to speak on and allow time for any councillor or member of staff if they have declared an interest in the item to manage that conflict which may include them leaving the chamber during your presentation.

2 REPORTS OF GENERAL MANAGER

2.1 Audio-Visual Attendance

File Number: D24/1480

Author: Paul Devery, General Manager

RECOMMENDATION

That Councillor Ruth Fagan and Councillor Paul Smith be permitted to attend and participate in the ordinary council meeting held on Monday 30 September 2024 by audio-visual means as both will be travelling overseas and unable to attend in person.

INTRODUCTION

Part 5 of Council's Code of Meeting Practice provides for the attendance of councillors by audio-visual link, with the approval of Council:

5.18 Councillors may attend and participate in meetings of the council and committees of the council by audio-visual link with the approval of the council or the relevant committee.

5.19 A request by a councillor for approval to attend a meeting by audio-visual link must be made in writing to the general manager prior to the meeting in question and must provide reasons why the councillor will be prevented from attending the meeting in person.

5.22 A councillor who has requested approval to attend a meeting of the council or a committee of the council by audio-visual link may participate in the meeting by audio-visual link until the council or committee determines whether to approve their request and is to be taken as present at the meeting. The councillor may participate in a decision in relation to their request to attend the meeting by audio-visual link.

5.23 A decision whether to approve a request by a councillor to attend a meeting of the council or a committee of the council by audio-visual link must be made by a resolution of the council or the committee concerned. The resolution must state:

(a) the meetings the resolution applies to, and

(b) the reason why the councillor is being permitted to attend the meetings by audio-visual link where it is on grounds other than illness, disability, or caring responsibilities.

Councillors Ruth Fagan and Paul Smith have sought permission to attend the 30 September 2024 council meeting by audio-visual means as they will be travelling at the time. Accordingly, it is recommended Council resolve to allow councillors Fagan and Smith to participate in the meeting.

BUDGETARY IMPLICATIONS

Nil

ATTACHMENTS

Nil

2.2 Oath and Affirmation of Office

File Number: D24/1482

Author: Paul Devery, General Manager

RECOMMENDATION

That council note the taking of the oath/affirmation of office by councillors Cheryl Downing, Tony Horton, Erin Watt, Nikki Kiss, Cheryl Speechley, Peter Wright, Ruth Fagan and Paul Smith.

INTRODUCTION

Under the NSW Local Government Act 1993 councillors are required to take an oath or affirmation of office.

BACKGROUND

The oath or affirmation must be taken or made by each councillor at or before the first meeting after being elected.

Councillors Cheryl Downing, Tony Horton, Erin Watt, Nikki Kiss, Cheryl Speechley and Peter Wright will be taking their oath/affirmation at this meeting.

The oath or affirmation may be taken or made before the general manager of the council, an Australian legal practitioner, or a justice of the peace.

Councillors need to be physically present before the general manager, legal practitioner or justice of the peace when taking their oath or making their affirmation of office.

Given the requirement for the councillor to be physically present, Councillors Smith and Fagan made their oath before the general manager on 14 and 17 September 2024 respectively and copies of their signed oaths are included at Attachments 1 and 2.

BUDGETARY IMPLICATIONS

Nil

ATTACHMENTS

1. Affirmation - Cr Ruth Fagan [↓](#)
2. Oath - Cr Paul Smith [↓](#)



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www.cowracouncil.com.au

Councillor Oath

I, Ruth Fagan, swear that I will undertake the duties of the office of councillor in the best interests of the people of Cowra Shire and the Cowra Council and that I will faithfully and impartially carry out the functions, powers, authorities and discretions vested in me under the Local Government Act 1993 or any other Act to the best of my ability and judgement.

Councillor Affirmation

I, Ruth Fagan, solemnly and sincerely declare and affirm that I will undertake the duties of the office of councillor in the best interests of the people of Cowra Shire and the Cowra Council and that I will faithfully and impartially carry out the functions, powers, authorities and discretions vested in me under the Local Government Act 1993 or any other Act to the best of my ability and judgement.

Oath/Affirmation taken before General Manager Paul Devery on Tuesday 17 September 2024 at Cowra Council, 116 Kendal Street Cowra NSW 2794.

Cr Ruth Fagan

Paul Devery
General Manager

Graham Apthorpe
A/g Director Corporate Services





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Councillor Oath

I, Paul Smith, swear that I will undertake the duties of the office of councillor in the best interests of the people of Cowra Shire and the Cowra Council and that I will faithfully and impartially carry out the functions, powers, authorities and discretions vested in me under the Local Government Act 1993 or any other Act to the best of my ability and judgement.

Councillor Affirmation

I, Paul Smith, solemnly and sincerely declare and affirm that I will undertake the duties of the office of councillor in the best interests of the people of Cowra Shire and the Cowra Council and that I will faithfully and impartially carry out the functions, powers, authorities and discretions vested in me under the Local Government Act 1993 or any other Act to the best of my ability and judgement.

Oath/Affirmation taken before General Manager Paul Devery on Saturday 14 September 2024 at Cowra Council, 116 Kendal Street Cowra NSW 2794.

Cr Paul Smith

Paul Devery
General Manager

Graham Apthorpe
A/g Director Corporate Services

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2.3 Term of Deputy Mayor

File Number: D24/1478

Author: Paul Devery, General Manager

RECOMMENDATION

That the Deputy Mayor be elected for a 2-year term to end in September 2026 coinciding with the next Mayoral election.

INTRODUCTION

Section 230 of the NSW Local Government Act (the Act) provides that a Mayor elected by councillors holds the office of Mayor for 2 years, subject to the Act. Section 231 of the Act provides that a Council may elect a person to the office of deputy mayor for the mayoral term or a shorter term. Since the inclusion of this provision in 2016 Cowra Council has resolved to appoint a person to the office for 2 years in line with the term for the office of mayor.

BACKGROUND

The Act provides for the Mayor to be elected for a period of 2 years. Therefore, a mayoral election will be held in September 2026 with the Mayor elected at that time holding office until the September 2028 election. It is recommended the term of the Deputy Mayor mirror that of the Mayor for this term of Council.

BUDGETARY IMPLICATIONS

Nil

ATTACHMENTS

Nil

2.4 Election of Mayor and Deputy Mayor

File Number: D24/1479

Author: Paul Devery, General Manager

RECOMMENDATION

That the process to elect the Mayor and Deputy Mayor be by open voting in the event of two or more nominations being received for either position.

INTRODUCTION

The NSW Local Government Act provides that the Mayor elected at this meeting will hold office until September 2026.

Given that two councillors have requested to participate in this meeting remotely it is recommended the elections, if required, are conducted by open voting ie a show of hands.

BACKGROUND**Election of Mayor**

Schedule 7 of the Local Government (General) Regulation 2021, details the procedure for the election of a mayor by councillors. The Fact Sheet included at Attachment 1 details the key elements of the process.

The Council is required to determine the method of voting for the elections.

Three methods are available:

- Ordinary ballot
- Open voting; or
- Preferential ballot

As indicated above the open voting method is recommended.

Election of Deputy Mayor

Procedures for the election of Deputy Mayor are the same as for the election of Mayor.

BUDGETARY IMPLICATIONS

Nil

ATTACHMENTS

- I. Mayoral Elections Factsheet [↓](#)

Fact Sheet

ELECTION OF MAYOR AND DEPUTY
MAYOR BY COUNCILLORS

Summary

Councillors must elect a mayor from among their number every two years unless they have a popularly elected mayor.

Councillors may also elect a deputy mayor. The deputy mayor may be elected for the mayoral term or a shorter term.

The election of the mayor and the deputy mayor must be conducted in accordance with section 394 and Schedule 7 of the *Local Government (General) Regulation 2021* (the Regulation).

The purpose of this document is to assist councils to conduct mayoral and deputy mayoral elections in accordance with these requirements. It includes scripts for key activities to help returning officers exercise their functions. These scripts are provided in the text boxes inserted in the relevant parts of this document.

How can councils use this document?

Electing a mayor is an important activity. It is vital that the process is smooth, open and easy to follow and not rushed or confusing. Where necessary, it may be appropriate to stop and provide clarification for the benefit of councillors, staff or the gallery.

Returning officers can circulate this document prior to the meeting to help councillors understand the election process.

Election of a mayor after an ordinary election of councillors

An election for mayor must be held within three weeks of the declaration of the ordinary election at a meeting of the council.

The returning officer is to be the general manager or a person appointed by the general manager.

As no mayor or deputy mayor will be present at the start of the meeting, the first business of the meeting should be the election of a chairperson to preside at the meeting. Alternatively, the returning officer may assume the chair for the purpose of conducting the election.

Mid-term election of a mayor

A mayor elected by councillors holds office for two years. A mid-term mayoral election must be held in the September two years after the ordinary election of councillors or the first election of a new council following its establishment.

Procedures

Prior to the meeting

Before the council meeting at which the election is to be conducted, the returning officer will give notice of the election to the councillors.

The notice is to set out how a person may be nominated as a candidate for election as chairperson.

As returning officer, I now invite nominations for the position of mayor/deputy mayor for [name of council] for a two year period.

In accordance with the Local Government (General) Regulation 2021, two or more councillors may nominate a councillor (one of whom may be the nominee) for the position of mayor/deputy mayor. Nominations must be in writing and the nominee must consent to their nomination in writing.

A councillor may be nominated without notice for election as mayor or deputy mayor. The nomination is to be made in writing by two or more councillors (one of whom may be the nominee). The nomination is not valid unless the nominee has indicated consent to the nomination in writing.

The returning officer checks the nomination forms and writes the nominees' names on a candidates' sheet.

At the meeting

At the start of the first meeting after an ordinary election, in the absence of a chairperson, the returning officer assumes the chair and announces that the first item of business is to be the election of a mayor.

If a chairperson is present, they announce that the first item of business is the election of the mayor then vacates the chair for the returning officer who will then conduct the election.

The returning officer reads out the names of the nominees and seeks confirmation that the nominee has accepted the nomination.

If only one councillor has been nominated for the position of mayor/deputy mayor, the nominee is elected.

As there is only one nominee for the role of mayor/deputy mayor, I declare that [name of successful candidate] is elected as mayor/deputy mayor for the ensuing two years.

If more than one candidate has been nominated, the council must determine by resolution, the method of voting for the position of mayor/deputy mayor, by way of one of the following methods:

- Open voting – i.e. by show of hands
- Ordinary ballot – i.e. a secret ballot (place an "X" against the candidate of their choice)
- Preferential ballot – i.e. place 1, 2, 3 etc. against each candidate.

The returning officer must ask for a motion to be put to the meeting by one of the councillors on the preferred method of voting for the election of a chairperson. This must then be seconded and voted on by the councillors.

Note: In the event of a tie, if there is a chairperson, they may use their casting vote. If there is a tie and no chairperson, an election for the role of chairperson should be conducted. Then the election for mayor resumes.

Open voting (show of hands)

Open voting is the most transparent method of voting. It is also the least bureaucratic method and reflects normal council voting methods.

The returning officer will advise the meeting of the method of voting and explains the process.

It has been resolved that the method of voting for the position of mayor/deputy mayor will be by show of hands.

Each councillor is entitled to vote for only one candidate in each round of voting.

I will now write each candidate's name on a slip of paper and deposit it in a barrel. The first name out of the barrel will be written first on the tally sheet, with second name out being written second on the tally sheet, etc.

When all candidates' names have been written on the tally sheet, the returning officer announces the names of the candidates and, commencing with the first candidate, states the following:

Would those councillors voting for [name of candidate] please raise your hand.

The returning officer records the number of votes for each successive candidate on the tally sheet and announces the number of votes received for each candidate.

The minute taker records the vote of each councillor.

The returning officer should check with the minute taker that each councillor has voted. If a councillor has not voted it should be confirmed that they are abstaining (an informal vote).

Two candidates

If there are only two candidates for the position of mayor/deputy mayor and the voting is higher for one candidate than another (number of formal votes recorded on the tally sheet), the returning officer then announces the result.

[Name of candidate] has the higher number of formal votes and as a result I declare that [name of candidate] is elected as mayor/deputy mayor for the ensuing two years.

In the event of a **tied vote**, the returning officer will advise the meeting of the following process.

In accordance with section 12 of Schedule 7 of the Local Government (General) Regulation 2021, I will now write the

names of the candidates on similar slips of paper, fold them and place them in the barrel. Please note that the candidate whose name is drawn out will be declared as mayor/deputy mayor.

It is appropriate to show the meeting the names and the barrel. Councillors may inspect but not touch the items.

The returning officer places the names of the candidates into the barrel and requests a staff member to shake the barrel.

The returning officer then draws a name out of the barrel and shows the meeting.

I declare that [name of candidate] is elected as mayor/deputy mayor for the ensuing two years.

The returning officer then draws out the remaining name and reads it for completeness. The second name should be shown to the meeting.

Three or more candidates

If there are three or more candidates, the candidate with the lowest number of votes for the position of mayor/deputy mayor is excluded.

[Name of candidate], having the lowest number of votes, is excluded.

The voting continues as above until there are only two candidates remaining (see voting for **two candidates** above).

In the event that the **lowest number of votes are tied**, the returning officer advises the meeting of the following process:

In accordance with section 12 of Schedule 7 of the Local Government (General) Regulation 2021, I will now write the names of the candidates on similar slips of paper, fold them and place them in the barrel. Please note that the candidate whose name is drawn out will be excluded.

It is appropriate to show the meeting the names and the barrel. Councillors may inspect but not touch the items.

The returning officer places the names of the candidates into the barrel and requests a staff member to shake the barrel.

The returning officer then draws a name out of the barrel and shows it to the meeting.

I declare that [name of candidate] is excluded.

The returning officer then draws out the remaining name and reads it for completeness. The second name should be shown to the meeting.

Ordinary ballot – (secret ballot)

The returning officer advises the meeting of the method of voting and explains the process.

It has been resolved that the method for voting for the position of mayor/deputy mayor will be by ordinary ballot, in other words by placing an "X" against the candidate of the councillor's choice.

The returning officer announces the names of the candidates for mayor/deputy mayor and writes each name on a slip of paper and deposits it in a barrel.

The returning officer requests that a staff member shakes the barrel and advises that the order in which the names will appear on the ballot paper will be determined by a draw out of the barrel, i.e. first name out of the barrel is written first on the ballot papers and so on.

It will be necessary to have a number of blank papers as this process may require more than one round of voting.

The returning officer writes the names on one set of the ballot papers and initials the front of each ballot paper.

A staff member distributes the ballot papers and collects them into the ballot box when completed and gives it to the returning officer who counts the votes and records them on the tally sheet.

The returning officer announces the results.

[Name of candidate], having the lowest number of votes, is excluded.

In the event that the **lowest number of votes are tied**, the returning officer advises the meeting of the following process:

In accordance with section 12 of Schedule 7 of the Local Government (General) Regulation 2021, I will now write the names of the candidates on similar slips of paper, fold them and place them in the barrel. Please note that the candidate whose name is drawn out will be excluded.

It is appropriate to show the meeting the names and the barrel. Councillors may inspect but not touch the items.

The returning officer places the names of the candidates into the barrel and requests a staff member to shake the barrel.

The returning officer then draws a name out of the barrel and shows it to the meeting.

I declare that [name of candidate] is excluded.

The returning officer then draws out the remaining name and reads it for completeness. The second name should be shown to the meeting.

The returning officer writes the names of the remaining candidates on a further set of the ballot papers and initials the front of each ballot paper.

The staff member distributes ballot papers listing the remaining candidates and collects them into the ballot box when completed and gives it to the returning officer who again counts the votes and records them on the tally sheet and announces the results.

The process continues until two candidates remain, where a final vote takes place.

[Name of candidate] has the higher number of votes and I declare that [name of candidate] is elected as mayor/deputy mayor for the ensuing two years.

In the event of a **tied vote** between the two remaining candidates, the returning officer makes the following statement and announces the process.

The votes are tied between [name of candidate 1] and [name of candidate 2] having received [number] votes each, and, in accordance with section 12 of Schedule 7 of the Local Government (General) Regulation 2021, I will now write the names of the candidates on similar slips of paper, fold them and place them in the barrel.

Please note that the candidate whose name is drawn out will be declared as mayor/deputy mayor.

It is appropriate to show the meeting the names and the barrel. Councillors may inspect but not touch the items.

The returning officer places the names of the candidates into the barrel and requests that a staff member shakes the barrel.

The returning officer then draws a name out of the barrel and shows the meeting.

I declare that [name of candidate] is elected as mayor/deputy mayor for the ensuing two years.

The returning officer then draws out the remaining name and reads it for completeness. The second name should be shown to the meeting.

Preferential ballot

The returning officer explains the process.

It has been resolved that the method for voting for the position of mayor/deputy mayor will be by preferential ballot, i.e. placing 1, 2 and so on against the candidate of the councillor's choice in order of preference for all candidates.

The returning officer announces the names of the candidates for mayor/deputy mayor and writes each candidate's name on a slip of paper and deposits it in a barrel.

The returning officer requests that a staff member shakes the barrel and advises that the order in which the names will appear on the ballot paper will be determined by a draw out of the barrel, i.e. first name out of the barrel is written first on the ballot papers and so on.

The returning officer writes the names on the ballot papers and initials the front of each ballot paper. This method of voting requires only one set of ballot papers.

A staff member distributes the ballot papers and collects them when completed and gives them to the returning officer who counts the first preference votes and records them on the tally sheet.

If a candidate has an absolute majority of first preference votes (more than half), the returning officer declares the outcome.

[Name of candidate], having an absolute majority of first preference votes, is elected as mayor/deputy mayor for the ensuing two years.

If no candidate has the absolute majority of first preference votes, the returning officer excludes the candidate with the lowest number of first preference votes.

[Name of candidate], having the lowest number of first preference votes, is excluded.

The preferences from the excluded candidate are distributed. This process continues until one candidate has received an absolute majority of votes, at which time the returning officer announces the result.

[Name of candidate], having an absolute majority of votes, is elected as mayor/deputy mayor for the ensuing two years.

In the event of a **tied vote** where there are only two candidates remaining in the election, the returning officer explains the process.

The votes are tied between [name of candidate 1] and [name of candidate 2] having received [number] votes each, and, in accordance with section 12 of Schedule 7 of the Local Government (General) Regulation 2021, I will now write the names of the candidates on similar slips of paper, fold them and place them in the barrel. Please note that the candidate whose name is drawn out will be declared as mayor/deputy mayor.

It is appropriate to show the meeting the names and the barrel. Councillors may inspect but not touch the items.

The returning officer places the names of the candidates into the barrel and requests a staff member to shake the barrel. The returning officer then draws a name out of the barrel and shows the meeting.

I declare that [name of candidate] is elected as mayor/deputy mayor for the ensuing two years.

The returning officer then draws out the remaining name and reads it for completeness. The second name should be shown to the meeting.

In the event that the **lowest number of votes are tied** and where there are three or more candidates remaining in the election, the returning officer advises the meeting of the process.

In accordance with section 12 of Schedule 7 of the Local Government (General) Regulation 2021, I will now write the names of the candidates on similar slips of paper, fold them and place them in the barrel. Please note that the candidate whose name is drawn out will be excluded and their preferences distributed.

It is appropriate to show the meeting the names and the barrel. Councillors may inspect but not touch the items.

The returning officer places the names of the candidates into the barrel and requests that a staff member shakes the barrel.

The returning officer then draws a name out of the barrel and shows the meeting.

I declare that [name of candidate] is excluded and any votes cast for them will be distributed by preference.

The returning officer then draws out the remaining name and reads it for completeness. The second name should be shown to the meeting.

Schedule 7 - Election of Mayor by Councillors

Part 1 Preliminary

1 Returning officer

The general manager (or a person appointed by the general manager) is the returning officer.

2 Nomination

- (1) A councillor may be nominated without notice for election as mayor or deputy mayor
- (2) The nomination is to be made in writing by 2 or more councillors (one of whom may be the nominee). The nomination is not valid unless the nominee has indicated consent to the nomination in writing.
- (3) The nomination is to be delivered or sent to the returning officer.
- (4) The returning officer is to announce the names of the nominees at the council meeting at which the election is to be held.

3 Election

- (1) If only one councillor is nominated, that councillor is elected.
- (2) If more than one councillor is nominated, the council is to resolve whether the election is to proceed by preferential ballot, by ordinary ballot or by open voting.
- (3) The election is to be held at the council meeting at which the council resolves on the method of voting.
- (4) In this section:

ballot has its normal meaning of secret ballot.

open voting means voting by a show of hands or similar means.

Part 2 Ordinary ballot or open voting

4 Application of Part

This Part applies if the election proceeds by ordinary ballot or by open voting.

5 Marking of ballot-papers

- (1) If the election proceeds by ordinary ballot, the returning officer is to decide the manner in which votes are to be marked on the ballot-papers.
- (2) The formality of a ballot-paper under this Part must be determined in accordance with section 345 of this Regulation as if it were a ballot-paper referred to in that section.
- (3) An informal ballot-paper must be rejected at the count.

6 Count—2 candidates

- (1) If there are only 2 candidates, the candidate with the higher number of votes is elected.
- (2) If there are only 2 candidates and they are tied, the one elected is to be chosen by lot.

7 Count—3 or more candidates

- (1) If there are 3 or more candidates, the one with the lowest number of votes is to be excluded.
- (2) If 3 or more candidates then remain, a further vote is to be taken of those candidates and the one with the lowest number of votes from that further vote is to be excluded.
- (3) If, after that, 3 or more candidates still remain, the procedure set out in subsection (2) is to be repeated until only 2 candidates remain.
- (4) A further vote is to be taken of the 2 remaining candidates.
- (5) Section 6 of this Schedule then applies to the determination of the election as if the 2 remaining candidates had been the only candidates.
- (6) If at any stage during a count under subsection (1) or (2), 2 or more candidates are tied on the lowest number of votes, the one excluded is to be chosen by lot.

Part 3 Preferential ballot

8 Application of Part

This Part applies if the election proceeds by preferential ballot.

9 Ballot-papers and voting

- (1) The ballot-papers are to contain the names of all the candidates. The Councillors are to mark their votes by placing the numbers "1", "2" and so on against the various names so as to indicate the order of their preference for all the candidates.
- (2) The formality of a ballot-paper under this Part is to be determined in accordance with section 345 of this Regulation as if it were a ballot-paper referred to in that section.
- (3) An informal ballot-paper must be rejected at the count.

10 Count

- (1) If a candidate has an absolute majority of first preference votes, that candidate is elected.
- (2) If not, the candidate with the lowest number of first preference votes is excluded and the votes on the unexhausted ballot-papers counted to him or her are transferred to the candidates with second preferences on those ballot-papers.
- (3) A candidate who then has an absolute majority of votes is elected, but, if no candidate then has an absolute majority of votes, the process of excluding the candidate who has the lowest number of votes and counting each of his or her unexhausted ballot-papers to the candidates remaining in the election next in order of the voter's preference is repeated until one candidate has received an absolute majority of votes. The latter is elected.
- (4) In this section, "**absolute majority**", in relation to votes, means a number that is more than one-half of the number of unexhausted formal ballot-papers.

11 Tied candidates

- (1) If, on any count of votes, there are 2 candidates in, or remaining in, the election and the numbers of votes cast for the 2 candidates are equal—the candidate whose name is first chosen by lot is taken to have received an absolute majority of votes and is therefore taken to be elected.
- (2) If, on any count of votes, there are 3 or more candidates in, or remaining in, the election and the numbers of votes cast for 2 or more candidates are equal and those candidates are the ones with the lowest number of votes on the count of the votes—the candidate whose name is first chosen by lot is taken to have the lowest number of votes and is therefore excluded.

Part 4 General

12 Choosing by lot

To choose a candidate by lot, the names of the candidates who have equal numbers of votes are written on similar slips of paper by the returning officer, the slips are folded by the returning officer so as to prevent the names being seen, the slips are mixed and one is drawn at random by the returning officer and the candidate whose name is on the drawn slip is chosen.

13 Result

The result of the election (including the name of the candidate elected as mayor or deputy mayor) is:

- a) to be declared to the councillors at the council meeting at which the election is held by the returning officer, and
- b) to be delivered or sent to the Secretary and to the Chief Executive of Local Government NSW.

3 CONFIRMATION OF MINUTES

Confirmation of Minutes of Ordinary Council Meeting held on 26 August 2024

Confirmation of Minutes of Extraordinary Council Meeting held on 9 September 2024



MINUTES

**Ordinary Council Meeting
Monday, 26 August 2024**

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**MINUTES OF COWRA COUNCIL
ORDINARY COUNCIL MEETING
HELD AT THE COWRA COUNCIL CHAMBERS, 116 KENDAL STREET, COWRA
ON MONDAY, 26 AUGUST 2024 AT 5 PM**

PRESENT: Cr Ruth Fagan (Mayor), Cr Paul Smith (Deputy Mayor), Cr Sharon D'Elboux, Cr Cheryl Downing, Cr Nikki Kiss OAM, Cr Judi Smith, Cr Erin Watt, Cr Bill West, Cr Peter Wright

IN ATTENDANCE: Mr Paul Devery (General Manager), Mrs Larissa Hackett (Director-Environmental Services), Mr Dirk Wymer (Director-Infrastructure & Operations), Mr Graham Apthorpe (Acting Director - Corporate Services)

I INTRODUCTION

1.1 Recording & publishing

The Mayor advised that the meeting was being recorded.

1.2 Acknowledgement of Country

The Mayor delivered the Acknowledgment of Country.

1.3 Apologies and Applications for Leave of Absence by Councillors

Nil

1.4 Disclosures of Interest

Cr Bill West declared a non-pecuniary interest in relation to Item 3.1 *Donation - Cowra Japanese Garden & Cultural Centre for Sakura Matsuri Festival* due to his position as Chair of the Cowra Japanese Garden & Cultural Centre.

Cr Erin Watt declared a non-pecuniary interest in relation to Item 7.1 *Development Application No. 56/2024* due to a close relative being involved in submitting the application.

Cr Peter Wright declared a non-pecuniary interest in relation to Item 5.5 *Donation Request - Cowra Eisteddfod Inc.* due to his wife being President of the Eisteddfod Committee.

Cr Cheryl Downing declared a non-pecuniary interest in relation to Item 5.4 *Donation - Chor Farmer Concert* due to her Rotarian membership and Rotary's support of the Seikei Student Exchange.

Cr Judi Smith declared a non-pecuniary interest in relation to Item 5.4 *Donation - Chor Farmer Concert* due to her membership on the Cowra Seikei Student Exchange Committee.

Cr Nikki Kiss OAM declared a non-pecuniary interest in relation to Item 5.3 *Section 355 Committee Draft Minutes - Cowra Youth Council* due to her son being a member of the Youth Council.

1.5 Presentations

Nil

1.6 Public Forum

Mr Richard Neate, Treasurer of the Cowra Eisteddfod Inc., addressed Council speaking in support of the Eisteddfod's request for a donation for the fees for the Civic Centre hire to ensure the costs are known for the 2025 Eisteddfod.

2 CONFIRMATION OF MINUTES**RESOLUTION 151/24**

Moved: Cr Judi Smith

Seconded: Cr Sharon D'Elboux

That the minutes of Ordinary Council Meeting held on 22 July 2024 be confirmed.

CARRIED

RESOLUTION 152/24

Moved: Cr Sharon D'Elboux

Seconded: Cr Erin Watt

That the minutes of Extraordinary Council Meeting held on 12 August 2024 be confirmed.

CARRIED

3 GENERAL COMMITTEE RECOMMENDATIONS - MONDAY, 12 AUGUST 2024**DIRECTOR-CORPORATE SERVICES REPORT**

At 5.08 pm, Cr Bill West left the meeting.

3.1 Donation - Cowra Japanese Garden & Cultural Centre for Sakura Matsuri Festival**RESOLUTION 153/24**

Moved: Cr Peter Wright

Seconded: Cr Judi Smith

That Council provide a donation from the Section 356 expenses budget to assist the Cowra Japanese Garden and Cultural Centre during the Sakura Matsuri Festival to be held on 24 September 2024 of:

- 1. \$313.50 to assist with supply, delivery and waste disposal costs.**
- 2. \$2,200 to assist with the event costs.**

CARRIED

At 5.09 pm, Cr Bill West returned to the meeting.

3.2 Donation - Cowra & District Senior Citizen's Club for Water and Sewerage Access Charges

RESOLUTION 154/24

Moved: Cr Nikki Kiss OAM

Seconded: Cr Judi Smith

That Council contribute the sum of \$1,214.00 from the Section 356 expenses budget to assist Cowra & District Senior Citizens Club Inc with its water and sewer charges for 2023-24.

CARRIED

3.3 Investments and Financial Report

RESOLUTION 155/24

Moved: Cr Erin Watt

Seconded: Cr Sharon D'Elboux

That Council note the Investments and Financial Report for July 2024.

CARRIED

DIRECTOR-ENVIRONMENTAL SERVICES REPORT

3.4 Draft Cowra Community Participation Plan (CPP) 2024

RESOLUTION 156/24

Moved: Cr Erin Watt

Seconded: Cr Judi Smith

1. **That Council notes the report on the findings of the public exhibition of the Draft Cowra Community Participation Plan 2024.**
2. **That the Draft Cowra Community Participation Plan 2024 be formally adopted by Council.**
3. **That the Director – Environmental Services arranges to publish the adopted Cowra Community Participation Plan 2024 on the NSW Government's Planning Portal.**

CARRIED

In Favour: Crs Ruth Fagan, Paul Smith, Sharon D'Elboux, Cheryl Downing, Nikki Kiss OAM, Judi Smith, Erin Watt, Bill West and Peter Wright

Against: Nil

CARRIED 9/0

3.5 Review of Council's Code of Planning Practice - processing Development Applications policy

RESOLUTION 157/24

Moved: Cr Bill West
Seconded: Cr Judi Smith

That Council note the recommendation on the Draft Code of Planning Practice – processing Development Applications policy.

CARRIED

3.6 Development Application No. 1/2023, Lot 1 DP 599492, 17 Walker Street Cowra, Section 4.55(1A) modification to 3 lot subdivision and the construction of two dwellings (modify sewer design) Mod 1, lodged by T Bruin

RESOLUTION 158/24

Moved: Cr Judi Smith
Seconded: Cr Paul Smith

1. **That Council notes that the reason for the decision is that the proposal largely complies with Section 4.15 of the Environmental Planning and Assessment Act 1979; and**
2. **That Section 4.55(1A) Modification No. 1/2023, for the modification to 3 lot subdivision and the construction of two dwellings (modify sewer design) Mod 1 on Lot 1 DP 599492, 17 Walker Street Cowra be approved subject to the following conditions:**

GENERAL CONDITIONS

1. **Development is to be in accordance with approved plans.**

The development is to be implemented in accordance with the plans and supporting documents stamped and approved and set out in the following table except where modified by any conditions of this consent.

Plan No./ Supporting Document	Prepared by/Reference Details	Cowra Shire Council Reference
Site Plan Sheet 01	K. Ostini-Donnelly 9 December 2022	Received 3 January 2023 Stamped No. DA 1/2023
Floor Plans Sheet 02	K. Ostini-Donnelly 9 December 2022	Received 3 January 2023 Stamped No. DA 1/2023
Elevation Plan Sheet 03	K. Ostini-Donnelly 9 December 2022	Received 3 January 2023 Stamped No. DA 1/2023

Notes & Basix Commitments Sheet 04	K. Ostini-Donnelly 9 December 2022	Received 3 January 2023 Stamped No. DA 1/2023
Proposed Plan of Subdivision Sheet A.01 Rev E	Currajong Pty Ltd 14 April 2023	Received 14 April 2023 Stamped No. DA 1/2023(C)
Proposed Vehicle Surfaces Sheet A.02 Rev D	Currajong Pty Ltd 22 March 2023	Received 22 March 2023 Stamped No. DA 1/2023(B)
Landscaping Plan Sheet A.03 Rev B	Currajong Pty Ltd 22 March 2022	Received 22 March 2023 Stamped No. DA 1/2023(A)
Landscaping Plan Sheet A.04 Rev A	Currajong Pty Ltd 20 December 2022	Received 3 January 2023 Stamped No. DA 1/2023
Sewer – Zone of Influence Assessment Sheet A.05 Rev A	Currajong Pty Ltd 7 March 2023	Received 7 March 2023 Stamped No. DA 1/2023
Sewer Layout Plan Issue G Dwg No. C01	Calare Civil Consulting Engineers 8/05/24	Received 22 July 2024 Stamped No. DA 10.2023.1.2
Stormwater Management Plan Issue C Dwg No. G01, G02, C01, C02 & C03	Calare Civil Consulting Engineers 20/02/23	Received 7 March 2023 Stamped No. DA 1/2023(A)
BASIX Certificate No. 1355841S	Currajong Pty Ltd Issued: 8 December 2022	Received 3 January 2023 Stamped No. DA 1/2023
BASIX Certificate No. 1361831S	Currajong Pty Ltd Issued: 8 December 2022	Received 3 January 2023 Stamped No. DA 1/2023
Statement of Environmental Effects Rev E	Currajong Pty Ltd 28 August 2023	Received 29 August 2023 Stamped No. DA 1/2023(B)

In the event of any inconsistency between conditions of this development consent and the plans/supporting documents referred to above, the conditions of this development consent prevail.

2. The applicant shall comply with all relevant prescribed conditions of

development consent under Part 4, Division 2 of the Environmental Planning and Assessment Regulation 2021 (see attached Advisory Note).

3. The development is to be undertaken in the following stages:

Stage 1 – The construction of two new dwellings and associated infrastructure including access crossing, driveway, landscaping and all service connections.

Stage 2 – The subdivision of Lot 1 DP 599492 into 3 lots.

4. Pursuant to Section 4.17(4) of the Environmental Planning & Assessment Act 1979, the outcome that this development must achieve is the establishment of a single dwelling on each allotment. This is to be achieved by ensuring that both stages of the development are completed in accordance with condition 3.

5. All traffic movements in and out of the development are to be in a forward direction.

6. Where the proposed building works necessitate the cutting-in of new stormwater outlets into the existing street kerb, the Applicant and plumbing/drainage contractor shall ensure that the following procedures are carried out:

- (i) A kerb adaptor suitable for the particular kerb profile and capable of withstanding vehicle loadings is to be utilised;**
- (ii) The opening in the kerb is created by either a saw cut or bored hole only. Breaking out the kerb by impact methods is not permitted;**
- (iii) The kerb adaptor is to be kept flush with the top and outside face of the kerb; and**
- (iv) The fixing of the kerb adapter and filling in of side gaps is to be undertaken by the use of an epoxy resin. Mortar or concrete is not to be used.**

CONDITIONS TO BE COMPLIED WITH PRIOR TO THE ISSUE OF A CONSTRUCTION CERTIFICATE

7. Pursuant to Section 7.12 (formerly Section 94A) of the Environmental Planning & Assessment Act 1979, the monetary contribution set out in the following table is to be paid to Council prior to the issue of a Subdivision Certificate or Construction Certificate. The contribution is current as at the date of this consent and is levied in accordance with the Cowra Section 94A Contributions Plan 2016 adopted on 26 April 2016. The contribution payable will be calculated in accordance with the contributions plan current at the time of payment, and will be adjusted at the time of payment in accordance with the Consumer Price Index (CPI) (All Groups Index for Sydney) published by the Australian Bureau of Statistic (ABS). Contribution amounts will be adjusted by Council each financial year.

Contribution Type	Proposed Cost of Development ¹	Levy Percentage	Total Contribution	Contribution Rate Remains Current Until
Section 94A Contribution ²	\$560,00.00	1%	\$5,600.00	30 June 2023

Notes

¹ As shown on the Development Application/Construction Certificate Application/Complying Development Certificate Application

² Council's Section 94A Contributions Plan 2016 may be viewed during office hours at Council's Customer Service Centre, 116 Kendal Street Cowra, or on Council's website www.cowracouncil.com.au

8. Prior to the issue of a Construction Certificate, the Applicant must obtain consent from the roads authority pursuant to Section 138 of the Roads Act 1993 for the carrying out of works in a road reserve.
9. Prior to the issue of a Construction Certificate, a separate application is to be made to Council, with the appropriate fee being paid, for the provision of suitably sized metered water services to the new dwellings.

CONDITIONS TO BE COMPLIED WITH PRIOR TO THE COMMENCEMENT OF WORKS

10. No building, engineering or excavation work is to be carried out in relation to this development until the necessary Certificates have been obtained. It is the responsibility of the Applicant to ensure that the development complies with the applicable Council Engineering Standards This may entail alterations to the proposal so that it complies with these standards.
11. The Applicant is to obtain a Construction Certificate from either Council or an Accredited Certifier, certifying that the proposed works are in accordance with the Building Code of Australia and applicable Council Engineering Standards prior to any building and or subdivision works commencing. No building, engineering or excavation work is to be carried out in relation to this development until the necessary construction certificates have been obtained. It is the responsibility of the Applicant to ensure that the development complies with the Building Code of Australia and applicable engineering standards in the case of building work and the applicable Council Engineering Standards in the case of subdivision works. This may entail alterations to the proposal so that it complies with these standards.
12. The Applicant is to submit to Cowra Shire Council, at least two days prior to the commencement of any works, a 'Notice of Commencement of Building or Subdivision Works' and 'Appointment of Principal Certifier'.
13. Prior to the commencement of work on the site, all erosion and sediment control measures shall be implemented and maintained prior to, during and after the construction phase of the development. The erosion and sediment control measures are to comply with Part B of Cowra Shire Council Development Control Plan 2021 at all times.
14. Council's sewer main alignment and depth shall be accurately located and the greater of the following clearance criteria must be achieved prior to commencement of works:

- (i) A line taken at an angle of 45 degrees downwards from the lower edge of the proposed footing will not intersect Council's sewer main and its trench;
- (ii) A minimum 1100mm between the building's footings and centre line of the sewer main;
- (iii) The building and its footings are located outside any existing sewer easement.

If the above criteria cannot be achieved, the submission to, and approval by Council of designs prepared by a suitably qualified engineer for special footings adjacent to Council's sewer main is required prior to the commencement of works. Construction is to be supervised by an engineer and certified as being constructed in accordance with the approved design prior to issue of the final certificate or occupation of the dwelling, whichever is the earliest.

CONDITIONS TO BE COMPLIED WITH DURING CONSTRUCTION

- 15. All construction work shall be carried out within the confines of the property unless separate written permission is obtained from the relevant landowner and/or authority in control of the land. A copy of any written notices authorising off-site construction operations shall be submitted to Council prior to any operations commencing on the affected land.
- 16. While building work is being carried out, any such work must not continue after each critical stage inspection unless the principal certifier is satisfied the work may proceed in accordance with this consent and the relevant construction certificate.
- 17. Any damage caused to footpaths, roadways, utility installations and the like by reason of construction operations shall be made good and repaired to a standard equivalent to that existing prior to commencement of construction. The full cost of restoration/repairs of property or services damaged during the works shall be met by the Applicant.
- 18. Any damage caused to footpaths, roadways, utility installations and the like by reason of construction operations shall be made good and repaired to a standard equivalent to that existing prior to commencement of construction. The full cost of restoration/repairs of property or services damaged during the works shall be met by the Applicant.
- 19. All storage of goods and building materials and the carrying out of building operations related to the development proposal shall be carried out within the confines of the property. All vehicles must be parked legally and no vehicles are permitted to be parked over the public footpath. The unloading of building materials over any part of a public road by means of a lift, hoist or tackle projecting over the footway will require separate approval under Section 68 of the Local Government Act 1993.
- 20. Building activities and excavation work involving the use of electric or pneumatic tools or other noisy operations shall be carried out only between 7.00 am and 6.00 pm on weekdays and 8.00 am and 1.00 pm on

Saturdays. No work on Sundays or Public Holidays is permitted.

- 21. All building rubbish and debris, including that which can be windblown, shall be contained on site in a suitable container for disposal at an approved Waste Landfill Depot. The container shall be erected on the building site prior to work commencing and shall be maintained for the term of the construction to the completion of the project. No building rubbish or debris shall be placed or permitted to be placed on any adjoining public reserve, footway or road. The waste container shall be regularly cleaned to ensure proper containment of the building wastes generated on the construction site.**
- 22. As soon as is practical, and within a maximum of 7 days following the placement of any roofing material, all guttering and downpipes must be installed and connected to Council's drainage system.**
- 23. Deleted**
- 24. All plumbing work shall be carried out by a licensed plumber and drainer and to the requirements of the Plumbing Code of Australia. The licensed plumber or drainer must submit a Notice of Works form to Council prior to the commencement of any plumbing and drainage works and a Certificate of Compliance at the completion of the works. The plumbing and drainage works must be inspected by Council at the time specified below:**
 - (a) Internal Drainage: When all internal drainage work is installed and prior to concealment. Pipes should be under water test.**
 - (b) External Drainage: When all external drainage work is installed and prior to concealment. Pipes should be under water test.**
 - (c) Water Supply: Hot and cold water supply pipework, when the pipework is installed and prior to concealment. Pipes should be under pressure test.**
 - (d) Stormwater: When the stormwater and roof water drainage system has been completed.**

CONDITIONS TO BE COMPLIED WITH PRIOR TO OCCUPATION OR COMMENCEMENT OF USE

- 25. The Applicant must not commence occupation or use of the proposed dwellings until a Whole or Partial Occupation Certificate has been issued from the Principal Certifier appointed for the subject development.**
- 26. Prior to the issue of any Occupation Certificate, all roofed areas from the proposed dwellings and the existing rear shed are to be properly drained in accordance with the Plumbing Code of Australia and discharged to Council's stormwater management system on Walker Street in accordance with the approved Stormwater Management Plan.**
- 27. Prior to the issue of any Occupation Certificate, the applicant shall connect the new dwellings to Council's reticulated water and sewer supply systems and to the satisfaction of the relevant service provider, being**

Cowra Shire Council.

28. Prior to the issue of any Occupation Certificate, the Applicant shall seal or concrete internal driveways and manoeuvring areas in accordance with the approved plans and with Cowra Infrastructure and Operations Engineering Standards.
29. Prior to the issue of any Occupation Certificate, the Applicant shall construct an access crossing to the development site from Walker Street in accordance with consent from the road's authority pursuant to Section 138 of the Roads Act 1993 for the carrying out of works in a road reserve. The driveway is to be constructed in accordance with the Section 138 Permit. All costs associated with the construction of the access driveway(s) shall be borne by the Applicant.
30. Prior to the issue of a Whole Occupation Certificate, all landscape works shall be completed in accordance with the approved plans including the installation of the proposed internal fencing dividing dwellings 1 and 2.

CONDITIONS TO BE COMPLIED WITH PRIOR TO THE ISSUE OF A SUBDIVISION CERTIFICATE

31. The Applicant is to lodge with Cowra Shire Council a Subdivision Certificate Application together with the original plan and a minimum of four copies for signature. All necessary information to support the certificate release and the necessary fee is required to be included with the Subdivision Certificate Application.
32. The Applicant shall include on the final plan of subdivision all necessary easements required over access, water, sewer, stormwater, electricity and telecommunications mains. This includes 3 metre wide easements centrally located over all sewerage mains for the purpose of providing access to the mains system and for maintenance purposes.
33. The plan of survey subject of a Subdivision Certificate shall indicate restrictions on title under Section 88B of the Conveyancing Act 1919 creating:
 - (a) a right of carriageway in favour of the lot(s) for which access is to be provided being of a width adequate to accommodate the full width as constructed;
 - (b) a restriction as to user whereby it is noted that responsibility for construction and/or maintenance of the right of carriageway is with the owner(s) of the lots benefited.

ADVICE

- I. The Applicant is required to obtain a Certificate of Compliance pursuant to Section 68 of the Local Government Act 1993 certifying that all works, fees and charges required in connection with the provision of water and sewer supply to the development have been undertaken and complied with in full. The certificate shall include all relevant works verified by appropriate inspections, fees and charges that are currently being applied at the time of the issue of the Occupation Certificate. Water and sewer

reticulation mains and metered services must be physically provided to the development in accordance with Cowra Infrastructure and Operations Engineering Standards. Council will not issue the Occupation Certificate until a Compliance Certificate has been issued, verifying that all works have been satisfactorily completed. All monetary contributions in relation to the augmentation of reticulated water and sewer supply must be paid in full to Cowra Shire Council before the Occupation Certificate will be issued. Necessary inspections must be arranged at least 48 hours in advance. Contact Cowra Infrastructure and Operations on (02) 6340 2070.

2. If, during work, an Aboriginal object is uncovered then **WORK IS TO CEASE IMMEDIATELY** and the Office of Environment & Heritage is to be contacted urgently on (02) 6883 5300. Under the National Parks and Wildlife Act 1974 it is an offence to harm an Aboriginal object or place without an 'Aboriginal heritage impact permit' (AHIP). Before making an application for an AHIP, the applicant must undertake Aboriginal community consultation in accordance with clause 80C of the NPW Regulation.

CARRIED

In Favour: Crs Ruth Fagan, Paul Smith, Sharon D'Elboux, Cheryl Downing, Nikki Kiss OAM, Judi Smith, Erin Watt, Bill West and Peter Wright

Against: Nil

CARRIED 9/0

- 3.7 Section 355 Committee Draft minutes - Cowra Natural Resource Management Advisory Committee meeting held 19 June 2024

RESOLUTION 159/24

Moved: Cr Peter Wright

Seconded: Cr Cheryl Downing

That Council note the draft minutes of the Cowra Natural Resource Management Advisory Committee meeting held on 19 June 2024.

CARRIED

4 GENERAL MANAGER

- 4.1 State of our City Report 2024

RESOLUTION 160/24

Moved: Cr Judi Smith

Seconded: Cr Nikki Kiss OAM

That Council endorse the State of our City Report 2024 with an amendment on page 4 to the second item under Council Services: Waste Management as below:

- **Change "little control" to "litter control".**

CARRIED

4.2 Delivery Program 2022-2023 to 2025-2026; Operational Plan 2023-2024; Six-Month Review to 30 June 2024

RESOLUTION 161/24

Moved: Cr Bill West

Seconded: Cr Judi Smith

That Council note the Six-Month Review to 30 June 2024 of the Delivery Program 2022-2023 to 2025-2026; Operational Plan 2023-2024.

CARRIED

4.3 Acting General Manager

RESOLUTION 162/24

Moved: Cr Bill West

Seconded: Cr Sharon D'Elboux

- 1. That Director Infrastructure and Operations Dirk Wymer be appointed Acting General Manager during periods of General Manager Paul Devery's leave during September 2024.**
- 2. That Director Environmental Services Larissa Hackett be appointed Acting General Manager during periods of General Manager Paul Devery's leave during October 2024.**

CARRIED

4.4 Appointment of Delegates

RESOLUTION 163/24

Moved: Cr Nikki Kiss OAM

Seconded: Cr Sharon D'Elboux

That Council endorse the following delegates continuing until the new council considers appointments:

Cowra Tourism Corporation	Judi Smith
	Erin Watt
Cowra Japanese Garden & Cultural Centre	Bill West

CARRIED

4.5 2024 Meeting Dates

Moved: Cr Ruth Fagan
 Seconded: Cr Nikki Kiss OAM
RECOMMENDATION

1. That Council rescind resolution number 24/24 from February 2024

That Council adopt the following Council meeting dates for 2024 and amending the recommendation to change the date for the September meeting to the 23rd September 2024:

<i>Month</i>	<i>Day</i>	<i>Date</i>	<i>Meetings</i>	<i>Time</i>
<i>JANUARY</i>	<i>Monday</i>	<i>22</i>	<i>Ordinary Council</i>	<i>5pm</i>
<i>FEBRUARY</i>	<i>Monday</i>	<i>12</i>	<i>General Committee</i>	<i>5pm</i>
	<i>Monday</i>	<i>26</i>	<i>Ordinary Council</i>	<i>5pm</i>
<i>MARCH</i>	<i>Monday</i>	<i>11</i>	<i>General Committee</i>	<i>5pm</i>
	<i>Monday</i>	<i>25</i>	<i>Ordinary Council</i>	<i>5pm</i>
<i>APRIL</i>	<i>Monday</i>	<i>8</i>	<i>General Committee</i>	<i>5pm</i>
	<i>Monday</i>	<i>22</i>	<i>Ordinary Council</i>	<i>5pm</i>
<i>MAY</i>	<i>Monday</i>	<i>13</i>	<i>General Committee</i>	<i>5pm</i>
	<i>Monday</i>	<i>27</i>	<i>Ordinary Council</i>	<i>5pm</i>
<i>JUNE</i>	<i>Tuesday</i>	<i>11</i>	<i>General Committee</i>	<i>5pm</i>
	<i>Monday</i>	<i>24</i>	<i>Ordinary Council</i>	<i>5pm</i>
<i>JULY</i>	<i>Monday</i>	<i>8</i>	<i>General Committee</i>	<i>5pm</i>
	<i>Monday</i>	<i>22</i>	<i>Ordinary Council</i>	<i>5pm</i>
<i>AUGUST</i>	<i>Monday</i>	<i>12</i>	<i>General Committee</i>	<i>5pm</i>
	<i>Monday</i>	<i>26</i>	<i>Ordinary Council</i>	<i>5pm</i>
<i>OCTOBER</i>	<i>Monday</i>	<i>14</i>	<i>Ordinary Council</i>	<i>5pm</i>
	<i>Monday</i>	<i>28</i>	<i>Ordinary Council</i>	<i>5pm</i>
<i>NOVEMBER</i>	<i>Monday</i>	<i>11</i>	<i>General Committee</i>	<i>5pm</i>
	<i>Monday</i>	<i>25</i>	<i>Ordinary Council</i>	<i>5pm</i>
<i>DECEMBER</i>	<i>Monday</i>	<i>9</i>	<i>General Committee</i>	<i>5pm</i>
	<i>Monday</i>	<i>16</i>	<i>Ordinary Council</i>	<i>5pm</i>

2. That Council adopt the following meeting dates for the remainder of 2024:

SEPTEMBER	Monday	23	Ordinary Council	5pm
OCTOBER	Monday	14	General Committee	5pm
	Monday	28	Ordinary Council	5pm
NOVEMBER	Monday	11	General Committee	5pm
	Monday	25	Ordinary Council	5pm
DECEMBER	Monday	9	General Committee	5pm
	Monday	16	Ordinary Council	5pm

LOST

RESOLUTION 164/24

Moved: Cr Peter Wright

Seconded: Cr Cheryl Downing

1. That Council rescind resolution number 24/24 from February 2024*That Council adopt the following Council meeting dates for 2024:*

Month	Day	Date	Meetings	Time
JANUARY	Monday	22	Ordinary Council	5pm
FEBRUARY	Monday	12	General Committee	5pm
	Monday	26	Ordinary Council	5pm
MARCH	Monday	11	General Committee	5pm
	Monday	25	Ordinary Council	5pm
APRIL	Monday	8	General Committee	5pm
	Monday	22	Ordinary Council	5pm
MAY	Monday	13	General Committee	5pm
	Monday	27	Ordinary Council	5pm
JUNE	Tuesday	11	General Committee	5pm
	Monday	24	Ordinary Council	5pm
JULY	Monday	8	General Committee	5pm
	Monday	22	Ordinary Council	5pm
AUGUST	Monday	12	General Committee	5pm
	Monday	26	Ordinary Council	5pm
OCTOBER	Monday	14	Ordinary Council	5pm
	Monday	28	Ordinary Council	5pm
NOVEMBER	Monday	11	General Committee	5pm
	Monday	25	Ordinary Council	5pm
DECEMBER	Monday	9	General Committee	5pm
	Monday	16	Ordinary Council	5pm

2. That Council adopt the following meeting dates for the remainder of 2024:

SEPTEMBER	Monday	30	Ordinary Council	5pm
OCTOBER	Monday	14	General Committee	5pm
	Monday	28	Ordinary Council	5pm
NOVEMBER	Monday	11	General Committee	5pm
	Monday	25	Ordinary Council	5pm
DECEMBER	Monday	9	General Committee	5pm
	Monday	16	Ordinary Council	5pm

CARRIED

5 DIRECTOR-CORPORATE SERVICES**5.1 Quarterly Budget Review Statement - June 2024****RESOLUTION 165/24**

Moved: Cr Bill West

Seconded: Cr Judi Smith

That the Fourth Quarter Budget Review for 2023-2024 showing a Surplus of \$11,096,000 be adopted.

CARRIED

5.2 Section 355 Committee Draft Minutes - Audit, Risk & Improvement Committee - 8 August 2024**RESOLUTION 166/24**

Moved: Cr Paul Smith

Seconded: Cr Nikki Kiss OAM

That the draft Minutes of the Audit, Risk & Improvement Committee meeting held on 8 August 2024 be noted.

CARRIED

5.3 Section 355 Committee Draft Minutes - Cowra Youth Council**RESOLUTION 167/24**

Moved: Cr Erin Watt

Seconded: Cr Bill West

- 1. That the draft Minutes of the Cowra Youth Council ordinary meeting held on 17 June 2024 and 12 August be noted.**
- 2. That Council forward a letter of appreciation to Cr Judi Smith thanking her for her contribution and significant role with the Cowra Youth Council.**

CARRIED

At 6.43 pm, Cr Judi Smith and Cr Cheryl Downing left the meeting.

5.4 Donation - Chor Farmer Concert**RESOLUTION 168/24**

Moved: Cr Bill West

Seconded: Cr Nikki Kiss OAM

That Council provide a donation of up to \$988 (excluding GST) to the Cowra Seikei Student Exchange Committee from the Section 356 expenses budget for the hire of the Civic Centre for the Chor-Farmer concert on 12th October 2024.

CARRIED

At 6.45 pm, Cr Judi Smith and Cr Cheryl Downing returned to the meeting.

At 6.45 pm, Cr Peter Wright left the meeting.

5.5 Donation Request - Cowra Eisteddfod Inc.

RESOLUTION 169/24

Moved: Cr Bill West
Seconded: Cr Paul Smith

That the fee for the 2025 Eisteddfod be the 2024 fee of \$12,000 plus the rate percentage increase of 4.5% being \$12,540 ex GST.

That the \$356 donation to the Cowra Eisteddfod Committee is estimated to be \$16,595, being the difference between \$12,540 to be paid by the Eisteddfod Committee and the actual charges estimated at \$29,135.

CARRIED

At 6.50 pm, Cr Peter Wright returned to the meeting.

5.6 Release of Closed Decisions

RESOLUTION 170/24

Moved: Cr Bill West
Seconded: Cr Judi Smith

That Council note the release of the resolution made in Closed Council at the Council Meeting on 22 July 2024:

Saleyards - eID Installation Project

RESOLUTION 149/24

- 1. That Council accept the quote in full from Allflex for \$255,408 (incl. GST) for design and installation of eID readers and associated infrastructure and a second purchase order be issued to Allflex.**
- 2. That Council award the contract in accordance with the NSW Local Government Act (1993) Section 55.3.i.**
- 3. That the extenuating circumstances under Section 55.3.i are:**
 - Council has staged the engagement for the works as required to meet granting funding limits and conditions.**
 - A thorough quote assessment process has been undertaken via both Council's standard Quote Assessment procedure and through the DPI Report Form Planning Design Grants.**
 - The project needs to be completed by 1 January 2025 to meet the NSW DPI regulatory requirements. There is a high likelihood that this limited timeframe would not allow sufficient time to undertake a tender and for construction works to be completed.**

CARRIED

6 DIRECTOR-INFRASTRUCTURE & OPERATIONS**6.1 Committee Minutes - Traffic Committee****RESOLUTION 171/24**

Moved: Cr Paul Smith

Seconded: Cr Nikki Kiss OAM

1. That the minutes of the Traffic Committee meeting held on 19 August 2024 be noted.
2. That no changes to vehicle movements be made to the Busby Place carpark Macquarie Street access.
3. That Council approves, in principle, the Class 2 special event to be held by Cowra Show Society on 18 October 2024 to 19 October 2024 subject to compliance with the requirements of Transport for New South Wales (TfNSW) and NSW Police.
4. That the following route be approved for Tier 3, PBS Level 2B, 30m “A Double” access at 85.5T Higher Mass Limits (HML):
 - Campbell Street, from Parkes Street to Darby’s Falls Road (MR576).
 - Darby’s Falls Road to Kendal Street via Fitzroy Street (MR576).
5. That the single disabled parking space in front of 37 Macquarie Street remain in its current location, with the following changes to be made for compliance, and facilitating access from the disabled space to the footpath:
 - Existing disabled space to be widened 1.2m to facilitate access from the passenger door and not intrude on the adjacent space.
 - The existing galvanised gutter crossing to the west of the disabled space be moved to the western extent of the widened existing disabled space.
 - Removal of the planter box and tree immediately behind the existing disabled space.

CARRIED

6.2 Wyangala Water Treatment Plant Land Acquisition**RESOLUTION 172/24**

Moved: Cr Bill West

Seconded: Cr Judi Smith

That Council receive and note the information provided on progress of the land acquisition for the Wyangala Water Treatment Plant.

CARRIED

7 DIRECTOR-ENVIRONMENTAL SERVICES

At 7.01 pm, Cr Erin Watt left the meeting.

7.1 Development Application No. 56/2024, Lot 1 DP 738717, 16-18 Kendal Street Cowra, internal alterations to a pub (Imperial Hotel), lodged by Vision Town Planning Consultants Pty Ltd

RESOLUTION 173/24

Moved: Cr Paul Smith

Seconded: Cr Nikki Kiss OAM

1. That Council notes that the reason for the decision is that the proposal largely complies with Section 4.15 of the Environmental Planning and Assessment Act 1979. The application was publicly exhibited and no submissions were received; and
2. That Development Application No. 10.2024.56.1, for the construction of internal alterations to a pub (Imperial Hotel) on Lot 1 DP 738717, 16-18 Kendal Street Cowra be Approved subject to the following conditions:

GENERAL CONDITIONS

1. Development is to be in accordance with approved plans.

The development is to be implemented in accordance with the plans and supporting documents stamped and approved and set out in the following table except where modified by any conditions of this consent.

Plan No./ Supporting Document	Prepared by/Reference Details	Cowra Shire Council Reference
Site plan	Vision Property development hub	Received 9 July 2024 Stamped No. DA 10.2024.56.1
Existing floor plan	Vision Property development hub	Received 9 July 2024 Stamped No. DA 10.2024.56.1
Proposed floor plan	Vision Property development hub	Received 9 July 2024 Stamped No. DA 10.2024.56.1
Statement of Environmental Effects	Vision Property development hub	Received 9 July 2024 Stamped No. DA 10.2024.56.1

In the event of any inconsistency between conditions of this development

consent and the plans/supporting documents referred to above, the conditions of this development consent prevail.

2. The applicant shall comply with all relevant prescribed conditions of development consent under Part 4, Division 2 of the Environmental Planning and Assessment Regulation 2021 (see attached Advisory Note).
3. Any demolition works shall comply with the provisions of Australian Standard AS2601:2001 The Demolition of Structures and the Work Health and Safety Act 2011.

CONDITIONS TO BE COMPLIED WITH PRIOR TO THE COMMENCEMENT OF WORKS

4. The Applicant is to obtain a Construction Certificate from either Council or an Accredited Certifier, certifying that the proposed works are in accordance with the Building Code of Australia and applicable Council Engineering Standards prior to any building and or subdivision works commencing. No building, engineering or excavation work is to be carried out in relation to this development until the necessary construction certificates have been obtained. It is the responsibility of the Applicant to ensure that the development complies with the Building Code of Australia and applicable engineering standards in the case of building work and the applicable Council Engineering Standards in the case of subdivision works. This may entail alterations to the proposal so that it complies with these standards.
5. It is the responsibility of the Applicant to ensure that the development complies with the Building Code of Australia and applicable engineering standards in the case of building work.
6. The Applicant is to submit to Cowra Shire Council, at least two days prior to the commencement of any works, a 'Notice of Commencement of Building or Subdivision Works' and 'Appointment of Principal Certifier'.
7. Prior to the commencement of work on the site, all erosion and sediment control measures shall be implemented and maintained prior to, during and after the construction phase of the development. The erosion and sediment control measures are to comply with Part B of Cowra Shire Council Development Control Plan 2021 at all times.

CONDITIONS TO BE COMPLIED WITH DURING CONSTRUCTION

8. While building work is being carried out, any such work must not continue after each critical stage inspection unless the principal certifier is satisfied the work may proceed in accordance with this consent and the relevant construction certificate.
9. All storage of goods and building materials and the carrying out of building operations related to the development proposal shall be carried out within the confines of the property. All vehicles must be parked legally and no vehicles are permitted to be parked over the public

footpath. The unloading of building materials over any part of a public road by means of a lift, hoist or tackle projecting over the footway will require separate approval under Section 68 of the Local Government Act 1993.

10. Building activities and excavation work involving the use of electric or pneumatic tools or other noisy operations shall be carried out only between 7.00 am and 6.00 pm on weekdays and 8.00 am and 1.00 pm on Saturdays. No work on Sundays or Public Holidays is permitted.
11. All building rubbish and debris, including that which can be windblown, shall be contained on site in a suitable container for disposal at an approved Waste Landfill Depot. The container shall be erected on the building site prior to work commencing and shall be maintained for the term of the construction to the completion of the project. No building rubbish or debris shall be placed or permitted to be placed on any adjoining public reserve, footway or road. The waste container shall be regularly cleaned to ensure proper containment of the building wastes generated on the construction site.

CONDITIONS TO BE COMPLIED WITH PRIOR TO OCCUPATION OR COMMENCEMENT OF USE

12. The Applicant must not commence occupation or use of the alterations until a Whole or Partial Occupation Certificate has been issued from the Principal Certifier appointed for the subject development.

ADVICE

If, during work, an Aboriginal object is uncovered then **WORK IS TO CEASE IMMEDIATELY** and the Office of Environment & Heritage is to be contacted urgently on (02) 6883 5300. Under the National Parks and Wildlife Act 1974 it is an offence to harm an Aboriginal object or place without an 'Aboriginal heritage impact permit' (AHIP). Before making an application for an AHIP, the applicant must undertake Aboriginal community consultation in accordance with clause 80C of the NPW Regulation.

CARRIED

In Favour: Crs Ruth Fagan, Paul Smith, Sharon D'Elboux, Cheryl Downing, Nikki Kiss OAM, Judi Smith, Bill West and Peter Wright

Against: Nil

CARRIED 8/0

At 7.03 pm, Cr Erin Watt returned to the meeting.

7.2 Review of Council's Code of Planning Practice - processing Development Applications policy

RESOLUTION 174/24

Moved: Cr Judi Smith
Seconded: Cr Bill West

1. That Council endorses the Draft Code of Planning Practice – processing Development Applications policy for the purpose of public exhibition for a minimum of 28 days in accordance with the Cowra Community Participation Plan.
2. That following the public exhibition the Director of Environmental Services provides a further report to Council for the formal adoption of the draft Code of Planning Practice – Processing of Development Applications Policy considering any submissions made.

CARRIED

7.3 Access Incentive Fund Application - Gooloogong Historical Society

RESOLUTION 175/24

Moved: Cr Sharon D'Elboux

Seconded: Cr Cheryl Downing

That Council provides \$5,500 from the Access Incentive Scheme Grant fund to assist with the costs of providing improved access to the Club House building at I Racecourse Road Gooloogong for the Gooloogong Historical Society.

CARRIED

8 LATE REPORTS

9 CONFIDENTIAL MATTERS

RESOLUTION 176/24

Moved: Cr Nikki Kiss OAM

Seconded: Cr Erin Watt

That Council considers the confidential report(s) listed below in a meeting closed to the public in accordance with Section 10A(2) of the Local Government Act 1993:

10 CONFIDENTIAL DIRECTOR-INFRASTRUCTURE & OPERATIONS

10.1 Demolition and Disposal of Council Owned Building at 10 Lowe Lane

This matter is considered to be confidential under Section 10A(2)(c) of the Local Government Act, and the Council is satisfied that discussion of this matter in an open meeting would, on balance, be contrary to the public interest as it deals with information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business.

10.2 Safe and Secure Water Program - Cowra Water Treatment Works (SSWP413)

This matter is considered to be confidential under Section

10A(2)(d(ii)) of the Local Government Act, and the Council is satisfied that discussion of this matter in an open meeting would, on balance, be contrary to the public interest as it deals with information that would, if disclosed, confer a commercial advantage on a competitor of the council.

II CONFIDENTIAL DIRECTOR-ENVIRONMENTAL SERVICES

II.1 Appeal NSW Land and Environment Court - DA 37/2022 - Refusal Subdivision and Multi Dwelling Housing 13 Tokyo Terrace, Cowra

This matter is considered to be confidential under Section 10A(2)(g) of the Local Government Act, and the Council is satisfied that discussion of this matter in an open meeting would, on balance, be contrary to the public interest as it deals with advice concerning litigation, or advice as comprises a discussion of this matter, that would otherwise be privileged from production in legal proceedings on the ground of legal professional privilege.

CARRIED



MINUTES

Extraordinary Council Meeting Monday, 9 September 2024

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2 Director-Environmental Services 3

2.1 Development Application No. 68/2024, Lot 291 DP 45349, Lot 292 DP 46474, 14 Short Street
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**MINUTES OF COWRA COUNCIL
EXTRAORDINARY COUNCIL MEETING
HELD AT THE COWRA COUNCIL CHAMBERS, 116 KENDAL STREET, COWRA
ON MONDAY, 9 SEPTEMBER 2024 AT 5 PM**

PRESENT: Cr Ruth Fagan (Mayor), Cr Paul Smith (Deputy Mayor), Cr Sharon D'Elboux, Cr Cheryl Downing, Cr Nikki Kiss OAM, Cr Judi Smith, Cr Erin Watt, Cr Bill West, Cr Peter Wright

IN ATTENDANCE: Mr Dirk Wymer (Director-Infrastructure & Operations and Acting General Manager), Mrs Larissa Hackett (Director-Environmental Services), Mr Graham Apthorpe (Acting Director - Corporate Services)

I INTRODUCTION

1.1 Recording & publishing

The Mayor advised that the meeting was being recorded.

1.2 Acknowledgement of Country

The Mayor delivered the Acknowledgment of Country.

1.3 Apologies and Applications for Leave of Absence by Councillors

That the apology received from Mr Paul Devery (General Manager) be noted.

1.4 Disclosures of Interest

Nil

1.5 Public Forum

Libby Ewing-Jarvie addressed Council speaking in support of DA 68/2004.

2 DIRECTOR-ENVIRONMENTAL SERVICES

2. Development Application No. 68/2024, Lot 291 DP 45349, Lot 292 DP 46474, 14 Short Street
1 Cowra, centre-based child care facility (preschool care), lodged by S D'souza

RESOLUTION 180/24

Moved: Cr Erin Watt

Seconded: Cr Judi Smith

1. That Council notes that the reason for the decision is that the proposal largely complies with Section 4.15 of the Environmental Planning and Assessment Act 1979. The variation to Part N.2 of Council's Development Control Plan 2021 is sufficiently justified and the application was publicly notified and no submissions were received; and
2. That Council approves a variation to Part N.2 of Part N of Council's Development Control Plan 2021 for this development to allow the provision of a landscape plan after the determination of the application; and
3. That Development Application No. 68/2024, for the construction of a centre-

based child care facility (preschool care) on Lot 291 DP 45349, Lot 292 DP 46474, 14 Short Street Cowra be approved subject to the following conditions:

GENERAL CONDITIONS

- I. Development is to be in accordance with the approved plans. The development is to be implemented in accordance with the plans and supporting documents stamped and approved and set out in the following table except where modified by any conditions of this consent.

Plan No./ Supporting Document	Prepared by/Reference Details	Cowra Shire Council Reference
Cover Plan Drawing TP01	HJL Architecture Pty Ltd 7/08/2024	Received 13 August 2024 Stamped No. 10.2024.68.1
Site Plan Drawing TP02	HJL Architecture Pty Ltd 7/08/2024	Received 13 August 2024 Stamped No. 10.2024.68.1
Site Plan Parking & Drive Detail Drawing TP03	HJL Architecture Pty Ltd 7/08/2024	Received 13 August 2024 Stamped No. 10.2024.68.1
Site Analysis Plan Drawing TP04	HJL Architecture Pty Ltd 7/08/2024	Received 13 August 2024 Stamped No. 10.2024.68.1
Existing Site & Demolition Plan Drawing TP05	HJL Architecture Pty Ltd 7/08/2024	Received 13 August 2024 Stamped No. 10.2024.68.1
Floor Plan Drawing TP06	HJL Architecture Pty Ltd 7/08/2024	Received 13 August 2024 Stamped No. 10.2024.68.1
Roof Plan Drawing TP07	HJL Architecture Pty Ltd 7/08/2024	Received 13 August 2024 Stamped No. 10.2024.68.1
Building Elevations Drawing TP08	HJL Architecture Pty Ltd 7/08/2024	Received 13 August 2024 Stamped No. 10.2024.68.1

Boundary Elevations Drawing TP09	HJL Architecture Pty Ltd 7/08/2024	Received 13 August 2024 Stamped No. 10.2024.68.1
Building Sections & Details Drawing TP10	HJL Architecture Pty Ltd 7/08/2024	Received 13 August 2024 Stamped No. 10.2024.68.1
Building Details Drawing TP11	HJL Architecture Pty Ltd 7/08/2024	Received 13 August 2024 Stamped No. 10.2024.68.1
3D Images Drawing TP12	HJL Architecture Pty Ltd 7/08/2024	Received 13 August 2024 Stamped No. 10.2024.68.1
3D Images Drawing TP13	HJL Architecture Pty Ltd 7/08/2024	Received 13 August 2024 Stamped No. 10.2024.68.1
Detailed contamination investigation Phase A of the proposed Early Childhood Precinct Rev 0 R43874c	Barnson Pty Ltd 9/05/2024	Received 13 August 2024 Stamped No. 10.2024.68.1
Detailed contamination investigation Phase B of the proposed Early Childhood Precinct Rev 0 R43874cI	Barnson Pty Ltd 4/07/2024	Received 13 August 2024 Stamped No. 10.2024.68.1
Stormwater Management Plan Ref: 24116	Engineering Project Solutions August 2024	Received 13 August 2024 Stamped No. 10.2024.68.1
Waste Management Plan Ref: 24191W Version F01	Sustainable Transport Surveys Pty Ltd 9 August 2024	Received 13 August 2024 Stamped No. 10.2024.68.1
Traffic Impact Assessment Report Ref: 24191T Version F01	Sustainable Transport Surveys Pty Ltd 9 August 2024	Received 13 August 2024 Stamped No. 10.2024.68.1

Statement of Environmental Effects Ref: 21235P	Ratio Consultants Pty Ltd 12 August 2024	Received 13 August 2024 Stamped No. 10.2024.68.1
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In the event of any inconsistency between conditions of this development consent and the plans/supporting documents referred to above, the conditions of this development consent prevail.

2. The applicant shall comply with all relevant prescribed conditions of development consent under Part 4, Division 2 of the Environmental Planning and Assessment Regulation 2021 (see attached Advisory Note).
3. Any cutting and filling on the site shall be either battered at a maximum slope of one vertical to two horizontal (1V:2H) and revegetated or suitably retained by a retaining structure, designed and constructed to appropriate engineering standards. A retaining wall that does not comply with State Environmental Planning Policy (Exempt & Complying Development Codes) 2008 will require the prior consent of Council. The erection of retaining walls may require the approval and certification of a suitably qualified structural engineer. All works are to be carried out within the boundaries of the property and without affecting the structural integrity of boundary fencing or neighbouring structures.
4. Where the proposed building works necessitate the cutting-in of new stormwater outlets into the existing street kerb, the Applicant and plumbing/drainage contractor shall ensure that the following procedures are carried out:
 - (i) A kerb adaptor suitable for the particular kerb profile and capable of withstanding vehicle loadings is to be utilised;
 - (ii) The opening in the kerb is created by either a saw cut or bored hole only. Breaking out the kerb by impact methods is not permitted;
 - (iii) The kerb adaptor is to be kept flush with the top and outside face of the kerb; and
 - (iv) The fixing of the kerb adapter and filling in of side gaps is to be undertaken by the use of an epoxy resin. Mortar or concrete is not to be used.
5. Remediation of the site is to be carried out in accordance with the recommendations of the 'Detailed contamination investigation Phase B of the proposed Early Childhood Precinct' (Ref R4387c1) prepared by Barnson Pty Ltd and dated 4/07/2024.
6. All traffic movements in and out of the development are to be in a forward direction.
7. Liquid trade waste material is not to be discharged into the sewerage system without first obtaining the approval of Cowra Shire Council. An approval is

needed if liquid trade waste is being discharged into the sewer. A liquid trade waste notification is required if it is produced, but not discharged into Council's sewer system.

8. The approved hours of operation are as follows:

- 6:30am to 7:00pm Monday to Friday

CONDITIONS TO BE COMPLIED WITH PRIOR TO THE ISSUE OF A CONSTRUCTION CERTIFICATE

9. Prior to the issue of a Construction Certificate, notice is to be provided to Council in accordance with Section 4.15 of State Environmental Planning Policy (Resilience and Hazards) 2021 which includes a validation assessment confirming that the site is suitable for the proposed childcare land use.
10. Prior to the issue of a Construction Certificate, the Applicant must demonstrate that the development complies with firefighting capabilities in accordance with AS 2419.1:2021, Fire Hydrant Installations, and Fire and Rescue NSW (FRNSW) guidelines. If required, prior to the issue of a Construction Certificate, a separate application is to be made to Council, with the appropriate fee being paid, for the provision of a 25mm water service to the development. All costs associated with the augmentation of water reticulation relating to the development shall be borne by the Applicant and at no cost to Council.
11. Prior to the issue of a Construction Certificate, the Applicant is to submit a Landscape Plan for the approval of the Principal Certifier which includes details of the proposed plant species and maintenance schedule. The plan is to be prepared in accordance with Part N of Cowra Council Development Control Plan 2021.
12. Pursuant to Section 7.12 (formerly Section 94A) of the Environmental Planning & Assessment Act 1979, the monetary contribution set out in the following table is to be paid to Council prior to the issue of a Construction Certificate. The contribution is current as at the date of this consent and is levied in accordance with the Cowra Section 94A Contributions Plan 2016 adopted on 26 April 2016. The contribution payable will be calculated in accordance with the contributions plan current at the time of payment, and will be adjusted at the time of payment in accordance with the Consumer Price Index (CPI) (All Groups Index for Sydney) published by the Australian Bureau of Statistic (ABS). Contribution amounts will be adjusted by Council each financial year.

Contribution Type	Proposed Cost of Development¹	Levy Percentage	Total Contribution	Contribution Rate Remains Current Until
Section 94A Contribution²	\$3,693,252.00	1%	\$36,932.52	30 June 2025

Notes

¹ As shown on the Development Application/Construction Certificate Application/Complying Development Certificate Application

²Council's Section 94A Contributions Plan 2016 may be viewed during office hours at Council's Customer Service Centre, 116 Kendal Street Cowra, or on Council's website www.cowracouncil.com.au

13. Prior to the issue of the Construction Certificate, the Applicant must obtain consent from Council pursuant to Section 138 of the Roads Act 1993 for the demolition and remediation of the existing access crossing and kerb and gutter from Short Street and the construction of a new access crossing to the development site from Short Street. Construction is to be in accordance with Cowra Shire Council's Engineering Standards.

CONDITIONS TO BE COMPLIED WITH PRIOR TO THE COMMENCEMENT OF WORKS

14. The Applicant is to obtain a Construction Certificate from either Council or an Accredited Certifier, certifying that the proposed works are in accordance with the Building Code of Australia and applicable Council Engineering Standards prior to any building and or subdivision works commencing. No building, engineering or excavation work is to be carried out in relation to this development until the necessary construction certificates have been obtained. It is the responsibility of the Applicant to ensure that the development complies with the Building Code of Australia and applicable engineering standards in the case of building work and the applicable Council Engineering Standards in the case of subdivision works. This may entail alterations to the proposal so that it complies with these standards.
15. It is the responsibility of the Applicant to ensure that the development complies with the Building Code of Australia and applicable engineering standards in the case of building work.
16. The Applicant is to submit to Cowra Shire Council, at least two days prior to the commencement of any works, a 'Notice of Commencement of Building or Subdivision Works' and 'Appointment of Principal Certifier'.
17. Prior to the commencement of work on the site, all erosion and sediment control measures shall be implemented and maintained prior to, during and after the construction phase of the development. The erosion and sediment control measures are to comply with the approved plans and Part B of Cowra Shire Council Development Control Plan 2021 at all times.

CONDITIONS TO BE COMPLIED WITH DURING CONSTRUCTION

18. While building work is being carried out, any such work must not continue after each critical stage inspection unless the principal certifier is satisfied the work may proceed in accordance with this consent and the relevant construction certificate.
19. Any alterations to the ground surface adjacent to the sewerage access chamber in the vicinity/or within the property will require application and payment to Council for alterations to the access chamber level to match the new ground surface level. Access chambers within driveways will require provision of a trafficable lid at the applicant's cost.

- 20. Any damage caused to footpaths, roadways, utility installations and the like by reason of construction operations shall be made good and repaired to a standard equivalent to that existing prior to commencement of construction. The full cost of restoration/repairs of property or services damaged during the works shall be met by the Applicant.**
- 21. All storage of goods and building materials and the carrying out of building operations related to the development proposal shall be carried out within the confines of the property. All vehicles must be parked legally and no vehicles are permitted to be parked over the public footpath. The unloading of building materials over any part of a public road by means of a lift, hoist or tackle projecting over the footway will require separate approval under Section 68 of the Local Government Act 1993.**
- 22. Building activities and excavation work involving the use of electric or pneumatic tools or other noisy operations shall be carried out only between 7.00 am and 6.00 pm on weekdays and 8.00 am and 1.00 pm on Saturdays. No work on Sundays or Public Holidays is permitted.**
- 23. All building rubbish and debris, including that which can be windblown, shall be contained on site in a suitable container for disposal at an approved Waste Landfill Depot. The container shall be erected on the building site prior to work commencing and shall be maintained for the term of the construction to the completion of the project. No building rubbish or debris shall be placed or permitted to be placed on any adjoining public reserve, footway or road. The waste container shall be regularly cleaned to ensure proper containment of the building wastes generated on the construction site.**
- 24. Stormwater infrastructure is to comply with the following:**
 - 1. That:**
 - a) Stormwater runoff volumes and detention; and**
 - b) Stormwater quality treatment measures; and**
 - c) Erosion and Sedimentation Control,**

be addressed as stated in the Stormwater Management Report submitted by Engineering Project Solutions for the proposed Childcare Development at 14 Short Street; and
 - 2. The detention basin be designed to have a minimum slope of 1% to the discharge control pit; and**
 - 3. That the development stormwater runoff will discharge directly into the existing council stormwater reticulation network at the corner of Main Street and Short Street. It is to be a direct connection into the existing pit.**
- 25. Car parking facilities, including all internal parking and manoeuvring areas are to be constructed and sealed in accordance with Australian Standard 2890.1 Off-Street Car Parking and Australian Standard 2890.2 Commercial**

Vehicle Facilities and are to include all necessary line marking, directional arrows and signage to delineate parking spaces, traffic flow and traffic priority. All costs associated with the construction of the parking area shall be borne by the Applicant.

26. Parking for disabled persons is to be provided and signposted in accordance with the approved plans and the requirements of Australian Standard 2890.1. The access linking such parking areas to their associated developments shall generally not have gradients steeper than 1:14.
27. The primary entrances and pathways to the building are to comply with the requirements of the Disability (Access to Premises – Buildings) Standards 2010 and Australian Standard 1428.1-2021 Design for Access and mobility.
28. All plumbing work shall be carried out by a licensed plumber and drainer and to the requirements of the Plumbing Code of Australia. The licensed plumber or drainer must submit a Notice of Works form to Council prior to the commencement of any plumbing and drainage works and a Certificate of Compliance at the completion of the works. The plumbing and drainage works must be inspected by Council at the time specified below:
 - (a) Internal Drainage: When all internal drainage work is installed and prior to concealment. Pipes should be under water test.
 - (b) External Drainage: When all external drainage work is installed and prior to concealment. Pipes should be under water test.
 - (c) Water Supply: Hot and cold water supply pipework, when the pipework is installed and prior to concealment. Pipes should be under pressure test.
 - (d) Stormwater: When the stormwater and roof water drainage system has been completed.

CONDITIONS TO BE COMPLIED WITH PRIOR TO OCCUPATION OR COMMENCEMENT OF USE

29. The Applicant must not commence occupation or use of the premises until a Whole or Partial Occupation Certificate has been issued from the Principal Certifier appointed for the subject development.
30. Prior to issue of any Occupation Certificate, the Applicant shall construct the access crossing to the development site from Short Street and remediate the existing crossing in accordance with consent from the road's authority pursuant to Section 138 of the Roads Act 1993 for the carrying out of works in a road reserve. The driveway is to be constructed in accordance with the Section 138 Permit. All costs associated with the construction of the access driveway(s) shall be borne by the Applicant.
31. Prior to issue of the Occupation Certificate, the applicant shall connect to Council's Reticulated Water Supply System and to the satisfaction of the relevant service provider, being Cowra Shire Council.

- 32. Prior to issue of the Occupation Certificate, the applicant shall connect to Council's Reticulated Sewer Supply System and to the satisfaction of the relevant service provider, being Cowra Shire Council.**
- 33. Prior to the issue of any Occupation Certificate, the Applicant shall replace kerb and gutter in the location of the existing Short Street crossover and reinstate a level footpath area. The kerb and gutter shall be constructed in accordance with Cowra Infrastructure and Operations Engineering Standards.**
- 34. Prior to the issue of an Occupation Certificate, the Applicant shall construct a concrete footpath in Short Street for the full frontage of the development site. The footpath shall be constructed in accordance with Cowra Infrastructure and Operations Engineering Standards. Full engineering plans and details of the footpath are to be provided to Cowra Shire Council's Infrastructure and Operations Department for approval prior to the commencement of the work. The footpath in front of the allotment shall be made level with the profile of kerb and guttering.**
- 35. Prior to the issue of any Occupation Certificate the Applicant shall pave/seal and line-mark and provide concrete edging around all car parking areas in accordance with Cowra Council's Development Control Plan 2021 and Cowra Infrastructure and Operations Engineering Standards. All costs associated with the sealing of the car parking areas and construction of concrete edging shall be borne by the Applicant and at no cost to Council.**
- 36. Prior to the issue of a Whole Occupation Certificate, all landscape works shall be completed in accordance with the approved plans.**
- 37. A Fire Safety Certificate shall be furnished to the Principle Certifying Authority for all the Essential Fire Safety Measures specified in the current fire safety schedule for the building, prior to issue of an Occupation Certificate. A copy of the Fire Safety Certificate must be submitted to Council by the PCA with the Occupation Certificate. An electronic copy of the Final Fire Safety Certificate (together with a copy of the current Fire Safety Schedule) shall also be forwarded to the Fire Commissioner via the following dedicated email address: afss@fire.nsw.gov.au**
- 38. An Annual Fire Safety Statement for all the Essential Fire Safety Measures applicable to the building must be given to Council and a copy forwarded to the Fire Commissioner via the dedicated email address afss@fire.nsw.gov.au:**
 - (i) within 12 months after the date on which an annual fire safety statement was previously given, or**
 - (ii) if a fire safety certificate has been issued within the previous 12 months, within 12 months after the fire safety certificate was issued, whichever is the later.**

A copy of the Annual Fire Safety Statement (together with a copy of the current fire safety schedule) must also be prominently displayed in the building.

- 39. The Applicant is required to obtain a Certificate of Compliance pursuant to Section 64 of the Local Government Act 1993 certifying that all works, fees and charges required in connection with the provision of water and sewer supply to the development have been undertaken and complied with in full. The certificate shall include all relevant works verified by appropriate inspections, fees and charges that are currently being applied at the time of the issue of any Occupation Certificate.

Water reticulation mains and metered services and sewer reticulation mains must be physically provided to the development in accordance with Cowra Infrastructure and Operations Engineering Standards. Council will not issue any Occupation Certificate until a Compliance Certificate has been issued, verifying that all works have been satisfactorily completed. All monetary contributions in relation to the augmentation of reticulated water and sewer supply must be paid in full to Cowra Shire Council before any Occupation Certificate will be issued. Necessary inspections must be arranged at least 48 hours in advance. Contact Cowra Infrastructure and Operations on (02) 6340 2070.

ADVICE

If, during work, an Aboriginal object is uncovered then **WORK IS TO CEASE IMMEDIATELY** and the Office of Environment & Heritage is to be contacted urgently on (02) 6883 5300. Under the National Parks and Wildlife Act 1974 it is an offence to harm an Aboriginal object or place without an ‘Aboriginal heritage impact permit’ (AHIP). Before making an application for an AHIP, the applicant must undertake Aboriginal community consultation in accordance with clause 80C of the NPW Regulation

CARRIED

In Favour: Crs Ruth Fagan, Paul Smith, Sharon D'Elboux, Cheryl Downing, Nikki Kiss OAM, Judi Smith, Erin Watt, Bill West and Peter Wright

Against: Nil

CARRIED 9/0

3 LATE REPORTS

Nil

Retirement of Director – Art Gallery

The Acting Director – Corporate Services announced to Council that Mr Brian Langer, Director – Cowra Regional Art Gallery, will be retiring in November 2024

The Meeting closed at 5.21 pm

The minutes of this meeting were confirmed at the Council Meeting held on 30 September 2024.

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CHAIRPERSON

4 DIRECTOR-CORPORATE SERVICES

4.1 Completion of 2023/24 Financial Statements

File Number: D24/I476

Author: Graham Apthorpe, Acting Director - Corporate Services

RECOMMENDATION

1. That Council authorise the referral to audit of the financial statements for the financial year ending 30 June 2024 in order for Council's Auditors to conduct the audit.
2. That Council upon completion of the audit, authorise the Mayor, Deputy Mayor, General Manager and Director – Corporate Services to sign the Statement by Council and Management for the General Purpose and Special Purpose Financial Statements.

INTRODUCTION

Request for Council to sign documentation under Section 413(2) of the Local Government Act for the referral of the 2023/24 Financial Statements to the Audit office of NSW for audit.

BACKGROUND

Council's 2023/24 principal financial reports are presented in draft form and are recommended to be provided to the Council's auditors.

Section 413 of the Local Government Act 1993 requires Council to refer to audit its Annual Financial Statements ensuring lodgement prior to the Office of Local Governments deadline on 31 October 2024.

The draft income statements and balance sheets for both the General Purpose Financial Statements and Special Purpose Financial Statements are attached. As part of the audit process, these financial reports may be subject to change.

In order for the audited financial statements to be submitted to the Office of Local Government by the deadline, the Mayor, Deputy Mayor, General Manager and Director – Corporate Services are required to sign the Statement by Council and Management for the General Purpose and Special Purpose Financial Statements.

BUDGETARY IMPLICATIONS

Included in Annual Audit Fee

ATTACHMENTS

1. Statement by Councillors and Management for General Purpose and Special Purpose Financial Statements [↓](#)

Cowra Shire Council

General Purpose Financial Statements

for the year ended 30 June 2024

Statement by Councillors and Management

Statement by Councillors and Management made pursuant to Section 413 (2c) of the *Local Government Act 1993* (NSW)

The attached general purpose financial statements have been prepared in accordance with:

- the *Local Government Act 1993* and the regulations made thereunder,
- the Australian Accounting Standards and other pronouncements of the Australian Accounting Standards Board
- the Local Government Code of Accounting Practice and Financial Reporting.

To the best of our knowledge and belief, these statements:

- present fairly the Council's operating result and financial position for the year
- accord with Council's accounting and other records.

We are not aware of any matter that would render these statements false or misleading in any way.

Signed in accordance with a resolution of Council made on 30 September 2024.

Mayor
30 September 2024

Deputy Mayor
30 September 2024

General Manager
30 September 2024

Responsible Accounting Officer
30 September 2024

Cowra Shire Council

Income Statement

for the year ended 30 June 2024

Original unaudited budget 2024	\$ '000	Notes	Actual 2024	Actual 2023
Income from continuing operations				
16,234	Rates and annual charges	B2-1	16,100	15,387
15,197	User charges and fees	B2-2	18,967	15,525
1,465	Other revenues	B2-3	2,734	2,421
11,669	Grants and contributions provided for operating purposes	B2-4	12,347	13,140
6,059	Grants and contributions provided for capital purposes	B2-4	16,376	6,356
1,289	Interest and investment income	B2-5	2,136	1,209
236	Other income	B2-6	237	209
170	Net gain from the disposal of assets	B4-1	507	419
<u>52,319</u>	Total income from continuing operations		69,404	54,666
Expenses from continuing operations				
17,401	Employee benefits and on-costs	B3-1	16,879	17,081
16,842	Materials and services	B3-2	20,200	17,643
883	Borrowing costs	B3-3	895	974
8,684	Depreciation, amortisation and impairment of non-financial assets	B3-4	9,201	8,701
1,544	Other expenses	B3-5	1,507	1,333
<u>45,354</u>	Total expenses from continuing operations		48,682	45,732
<u>6,965</u>	Operating result from continuing operations		20,722	8,934
<u>6,965</u>	Net operating result for the year attributable to Council		20,722	8,934
<u>904</u>	Net operating result for the year before grants and contributions provided for capital purposes		4,346	2,578

The above Income Statement should be read in conjunction with the accompanying notes.

Cowra Shire Council

Statement of Financial Position

as at 30 June 2024

\$ '000	Notes	2024	2023
ASSETS			
Current assets			
Cash and cash equivalents	C1-1	9,068	15,333
Investments	C1-2	29,771	26,771
Receivables	C1-4	8,099	5,321
Inventories	C1-5	894	1,367
Contract assets and contract cost assets	C1-6	5,694	4,865
Other		39	39
Total current assets		53,565	53,696
Non-current assets			
Inventories	C1-5	149	149
Infrastructure, property, plant and equipment (IPPE)	C1-8	813,590	752,271
Other		174	174
Total non-current assets		813,913	752,594
Total assets		867,478	806,290
LIABILITIES			
Current liabilities			
Payables	C3-1	4,469	2,968
Contract liabilities	C3-2	2,707	6,963
Borrowings	C3-3	1,000	1,380
Employee benefit provisions	C3-4	5,223	5,257
Total current liabilities		13,399	16,568
Non-current liabilities			
Borrowings	C3-3	11,922	12,472
Employee benefit provisions	C3-4	240	242
Provisions	C3-5	546	516
Total non-current liabilities		12,708	13,230
Total liabilities		26,107	29,798
Net assets		841,371	776,492
EQUITY			
Accumulated surplus	C4-1	257,776	237,054
IPPE revaluation reserve	C4-1	583,595	539,438
Council equity interest		841,371	776,492
Total equity		841,371	776,492

The above Statement of Financial Position should be read in conjunction with the accompanying notes.

Cowra Shire Council

Special Purpose Financial Statements

for the year ended 30 June 2024

Statement by Councillors and Management

Statement by Councillors and Management made pursuant to the Local Government Code of Accounting Practice and Financial Reporting

The attached special purpose financial statements have been prepared in accordance with:

- NSW Government Policy Statement, *Application of National Competition Policy to Local Government*
- Division of Local Government Guidelines, *Pricing and Costing for Council Businesses: A Guide to Competitive Neutrality*
- The Local Government Code of Accounting Practice and Financial Reporting
- Sections 3 and 4 of the NSW Department of Climate Change, Energy, the Environment and Water's (DCCEEW) *Regulatory and assurance framework for local water utilities, July 2022*

To the best of our knowledge and belief, these statements:

- present fairly the operating result and financial position for each of Council's declared business activities for the year,
- accord with Council's accounting and other records; and
- present overhead reallocation charges to the water and sewerage businesses as fair and reasonable.

We are not aware of any matter that would render these statements false or misleading in any way.

Signed in accordance with a resolution of Council made on 30 September 2024.

Mayor
30 September 2024

Deputy Mayor
30 September 2024

General Manager
30 September 2024

Responsible Accounting Officer
30 September 2024

Cowra Shire Council

Income Statement of water supply business activity
for the year ended 30 June 2024

\$ '000	2024	2023
Income from continuing operations		
Access charges	2,013	1,918
User charges	5,406	4,823
Interest and investment income	61	41
Grants and contributions provided for operating purposes	88	91
Net gain from the disposal of assets	5	-
Other income	-	5
Total income from continuing operations	7,573	6,878
Expenses from continuing operations		
Employee benefits and on-costs	1,470	1,184
Borrowing costs	206	241
Materials and services	3,867	3,716
Depreciation, amortisation and impairment	2,430	2,252
Water purchase charges	366	307
Calculated taxation equivalents	10	1
Other expenses	25	19
Total expenses from continuing operations	8,374	7,720
Surplus (deficit) from continuing operations before capital amounts	(801)	(842)
Grants and contributions provided for capital purposes	8,329	1,042
Surplus (deficit) from continuing operations after capital amounts	7,528	200
Surplus (deficit) from all operations before tax	7,528	200
Surplus (deficit) after tax	7,528	200
Plus accumulated surplus	22,418	22,217
Plus adjustments for amounts unpaid:		
- Taxation equivalent payments	10	1
Closing accumulated surplus	29,956	22,418
Return on capital %	(0.6)%	(0.7)%
Subsidy from Council	4,821	4,128
Calculation of dividend payable:		
Surplus (deficit) after tax	7,528	200
Less: capital grants and contributions (excluding developer contributions)	(8,329)	(1,035)
Surplus for dividend calculation purposes	-	-
Potential dividend calculated from surplus	-	-

Cowra Shire Council

Income Statement of sewerage business activity
for the year ended 30 June 2024

\$ '000	2024	2023
Income from continuing operations		
Access charges	3,151	3,014
User charges	976	808
Liquid trade waste charges	–	81
Interest and investment income	139	85
Net gain from the disposal of assets	10	–
Other income	30	12
Total income from continuing operations	4,306	4,000
Expenses from continuing operations		
Employee benefits and on-costs	605	456
Borrowing costs	478	490
Materials and services	1,981	1,932
Depreciation, amortisation and impairment	1,054	977
Calculated taxation equivalents	3	2
Other expenses	1	1
Total expenses from continuing operations	4,122	3,858
Surplus (deficit) from continuing operations before capital amounts	184	142
Grants and contributions provided for capital purposes	48	7
Surplus (deficit) from continuing operations after capital amounts	232	149
Surplus (deficit) from all operations before tax	232	149
Less: corporate taxation equivalent (25%) [based on result before capital]	(46)	(36)
Surplus (deficit) after tax	186	113
Plus accumulated surplus	29,894	29,743
Plus adjustments for amounts unpaid:		
– Taxation equivalent payments	3	2
– Corporate taxation equivalent	46	36
Closing accumulated surplus	30,129	29,894
Return on capital %	1.4%	1.4%
Subsidy from Council	1,374	1,173
Calculation of dividend payable:		
Surplus (deficit) after tax	186	113
Less: capital grants and contributions (excluding developer contributions)	(48)	–
Surplus for dividend calculation purposes	138	113
Potential dividend calculated from surplus	69	57

Cowra Shire Council

Statement of Financial Position of water supply business activity

as at 30 June 2024

\$ '000	2024	2023
ASSETS		
Current assets		
Cash and cash equivalents	2,736	2,817
Investments	4,500	5,500
Receivables	2,419	1,956
Contract assets and contract cost assets	100	21
Total current assets	9,755	10,294
Non-current assets		
Infrastructure, property, plant and equipment	98,281	87,736
Total non-current assets	98,281	87,736
Total assets	108,036	98,030
LIABILITIES		
Current liabilities		
Payables	40	54
Contract liabilities	1,342	2,300
Borrowings	199	668
Employee benefit provisions	391	338
Total current liabilities	1,972	3,360
Non-current liabilities		
Borrowings	2,644	2,843
Employee benefit provisions	21	34
Total non-current liabilities	2,665	2,877
Total liabilities	4,637	6,237
Net assets	103,399	91,793
EQUITY		
Accumulated surplus	29,956	22,418
Revaluation reserves	73,443	69,375
Total equity	103,399	91,793

Cowra Shire Council

Statement of Financial Position of sewerage business activity

as at 30 June 2024

\$ '000	2024	2023
ASSETS		
Current assets		
Cash and cash equivalents	3,116	3,060
Investments	7,621	7,721
Receivables	720	688
Total current assets	11,457	11,469
Non-current assets		
Infrastructure, property, plant and equipment	47,347	44,900
Total non-current assets	47,347	44,900
Total assets	58,804	56,369
LIABILITIES		
Current liabilities		
Payables	37	38
Borrowings	185	169
Employee benefit provisions	75	57
Total current liabilities	297	264
Non-current liabilities		
Borrowings	5,587	5,772
Employee benefit provisions	17	11
Total non-current liabilities	5,604	5,783
Total liabilities	5,901	6,047
Net assets	52,903	50,322
EQUITY		
Accumulated surplus	30,129	29,894
Revaluation reserves	22,774	20,428
Total equity	52,903	50,322

5 LATE REPORTS