



16 October 2019

**NOTICE OF ORDINARY COUNCIL MEETING**

Your attendance is respectfully requested at the Ordinary Meeting of Cabonne Council convened for **Tuesday 22 October, 2019** commencing at **2:00pm**, at the Cabonne Council Chambers, Bank Street, Molong to consider the undermentioned business.

Yours faithfully

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

BJ Byrnes  
**GENERAL MANAGER**

**ORDER OF BUSINESS**

- 1) Open Ordinary Meeting
- 2) Consideration of Mayoral Minute
- 3) Consideration of General Manager's Report
- 4) Resolve into Committee of the Whole
  - a) Consideration of Called Items
  - b) Consideration of Closed Items
- 5) Adoption of Committee of the Whole Report

## **PUBLIC FORUM – OCTOBER 2019 COUNCIL MEETING**

Peter Basha – DA 2019/0163 proposed boundary adjustment, Spring Hill (planning consultant).

Warren Watts – 2019/0163 proposed boundary adjustment, Spring Hill (applicant)

Lachlan Bunting – objection to DA modification 2014/114 extractive industry lot 755 DP 83517, Escort Way, Borenore Bald Hill Quarry

Steve Guy & Richard Tomkins – applicants DA modification 2014/114 extractive industry lot 755 DP 83517, Escort Way, Borenore Bald Hill Quarry



### **COUNCIL'S MISSION**

*“To be a progressive and innovative Council which maintains relevance through local governance to its community and diverse rural area by facilitating the provision of services to satisfy identified current and future needs.”*

### **COUNCIL'S VISION**

*Cabonne Council is committed to providing sustainable local government to our rural communities through consultation and sound financial management which will ensure equitable resource allocation.*

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CONFIDENTIAL ITEMS

*Clause 240(4) of the Local Government (General) Regulation 2005 requires Council to refer any business to be considered when the meeting is closed to the public in the Ordinary Business Paper prepared for the same meeting. Council will discuss the following items under the terms of the Local Government Act 1993 Section 10A(2), as follows:*

**ITEM 1 CARRYING OF COMMITTEE RESOLUTION INTO CLOSED COMMITTEE OF THE WHOLE MEETING**

*Procedural*

- ITEM 2 ENDORSEMENT OF PROCEEDINGS OF CONFIDENTIAL MATTERS CONSIDERED AT COMMITTEE OF THE WHOLE MEETING**  
*Procedural*
- ITEM 3 SALE OF LAND FOR OVERDUE RATES**  
*(b) matters in relation to the personal hardship of a resident or ratepayer*
- ITEM 4 REQUEST FOR CONSIDERATION OF WATER CHARGES FOR 994102000001**  
*(b) matters in relation to the personal hardship of a resident or ratepayer*
- ITEM 5 REQUEST FOR CONSIDERATION OF WATER CHARGES FOR 834000002**  
*(b) matters in relation to the personal hardship of a resident or ratepayer*
- ITEM 6 REQUEST FOR CONSIDERATION OF INTEREST RELIEF FOR A94176 AND A94184**  
*(b) matters in relation to the personal hardship of a resident or ratepayer*
- ITEM 7 DEBT RECOVERY REPORT OF OUTSTANDING DEBTS**  
*(b) matters in relation to the personal hardship of a resident or ratepayer*
- ITEM 8 CONSULTING PROJECT MANAGEMENT SERVICES**  
*(d) (ii) commercial information of a confidential nature that would, if disclosed, confer a commercial advantage on a competitor of the council*
- ITEM 9 CONTRACT NO 1026830 - CONSTRUCTION TO FILL GAP IN EXISTING PUZZLE FLAT CREEK LEVEE, EUGOWRA NSW 2806**  
*(d) (i) commercial information of a confidential nature that would, if disclosed prejudice the commercial position of the person who supplied it (Tender pricing)*
- ITEM 10 SUPPLY, DELIVERY AND PLACEMENT OF SPRAYED BITUMINOUS SURFACING - CONTRACT 2019-2022**  
*(d) (ii) commercial information of a confidential nature that would, if disclosed, confer a commercial advantage on a competitor of the council*

**ANNEXURE ITEMS**

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**ITEM 1 - APPLICATIONS FOR LEAVE OF ABSENCE**

**REPORT IN BRIEF**

<b>Reason For Report</b>	To allow tendering of apologies for councillors not present.
<b>Policy Implications</b>	Nil
<b>Budget Implications</b>	Nil
<b>IPR Linkage</b>	4.5.1.g - Code of Meeting Practice adopted and implemented.
<b>Annexures</b>	Nil
<b>File Number</b>	\\OFFICIAL RECORDS LIBRARY\GOVERNANCE\COUNCIL MEETINGS\COUNCIL - COUNCILLORS LEAVE OF ABSENCE - 1021278

**RECOMMENDATION**

THAT any apologies tendered be accepted and the necessary leave of absence be granted.

**GENERAL MANAGER REPORT**

A call for apologies is to be made.

**ITEM 2 - DECLARATIONS OF INTEREST**

**REPORT IN BRIEF**

<b>Reason For Report</b>	To allow an opportunity for councillors to declare an interest in any items to be determined at this meeting.
<b>Policy Implications</b>	Nil
<b>Budget Implications</b>	Nil
<b>IPR Linkage</b>	4.5.1.g - Code of Meeting Practice adopted and implemented.
<b>Annexures</b>	Nil
<b>File Number</b>	\\OFFICIAL RECORDS LIBRARY\GOVERNANCE\COUNCIL MEETINGS\COUNCIL - COUNCILLORS AND STAFF DECLARATIONS OF INTEREST - 2019 - 1021279

**RECOMMENDATION**

THAT the Declarations of Interest be noted.

**GENERAL MANAGER REPORT**

A call for Declarations of Interest.

**ITEM 3 - DECLARATIONS FOR POLITICAL DONATIONS**

**REPORT IN BRIEF**

<b>Reason For Report</b>	To allow an opportunity for Councillors to declare any Political Donations received.
<b>Policy Implications</b>	Nil
<b>Budget Implications</b>	Nil
<b>IPR Linkage</b>	4.5.1.g - Code of Meeting Practice adopted and implemented.
<b>Annexures</b>	Nil
<b>File Number</b>	\\OFFICIAL RECORDS LIBRARY\GOVERNANCE\COUNCIL MEETINGS\COUNCIL - COUNCILLORS DECLARATION OF POLITICAL DONATIONS - 1021288

**RECOMMENDATION**

THAT any Political Donations be noted.

**GENERAL MANAGER REPORT**

A call for declarations of any Political Donations.

**ITEM 4 - MAYORAL MINUTE - APPOINTMENTS**

**REPORT IN BRIEF**

<b>Reason For Report</b>	To allow noting of the Mayoral appointments plus other Councillors' activities Reports.
<b>Policy Implications</b>	Nil
<b>Budget Implications</b>	Nil
<b>IPR Linkage</b>	4.5.1.g - Code of Meeting Practice adopted and implemented.
<b>Annexures</b>	Nil
<b>File Number</b>	\\OFFICIAL RECORDS LIBRARY\GOVERNANCE\COUNCIL MEETINGS\MAYORAL MINUTES - 1021320

**RECOMMENDATION**

THAT the information contained in the Mayoral Minute be noted.



**GENERAL MANAGER REPORT**

A call for the Mayoral appointments and attendances as well as other Councillors' activities reports to be tabled/read out.

**ITEM 5 - COMMITTEE OF THE WHOLE**

**REPORT IN BRIEF**

<b>Reason For Report</b>	Enabling reports to be considered in Committee of the Whole to be called.
<b>Policy Implications</b>	Nil
<b>Budget Implications</b>	Nil
<b>IPR Linkage</b>	4.5.1.g. Code of Meeting Practice adhered to
<b>Annexures</b>	Nil
<b>File Number</b>	\\OFFICIAL RECORDS LIBRARY\GOVERNANCE\COUNCIL MEETINGS\GROUPING OF REPORT ADOPTION and BUSINESS PAPER ITEMS FOR NOTING REPORTS - 1021321

**RECOMMENDATION**

THAT Councillors call any items that they wish to be debated in Committee of the Whole.

**GENERAL MANAGER REPORT**

Council's Code of Meeting Practice allows for the Council to resolve itself into "committee of the whole" to avoid the necessity of limiting the number and duration of speeches as required by Clause 250 of the Local Government (General) Regulation 2005.

This item enables councillors to call any item they wish to be debated in "committee of the whole" at the conclusion of normal business.

The debate process during a 'normal' Council meeting limits the number and duration of speeches as required by Clause 250 of the Local Government (General) Regulation 2005.

Items should only be called at this time if it is expected that discussion beyond the normal debate process is likely to be needed.

**ITEM 6 - GROUPING OF REPORT ADOPTION**

**REPORT IN BRIEF**

<b>Reason For Report</b>	Enabling procedural reports to be adopted.
<b>Policy Implications</b>	Nil

<b>Budget Implications</b>	Nil
<b>IPR Linkage</b>	4.5.1.a - Provide quality administrative support and governance to councillors and residents.
<b>Annexures</b>	Nil
<b>File Number</b>	\\OFFICIAL RECORDS LIBRARY\GOVERNANCE\COUNCIL MEETINGS\GROUPING OF REPORT ADOPTION and BUSINESS PAPER ITEMS FOR NOTING REPORTS - 1021322

### **RECOMMENDATION**

THAT:

1. Councillors call any items they wish to further consider
2. Items 7 to 11 be moved and seconded.

### **GENERAL MANAGER REPORT**

Items 7 to 11 are considered to be of a procedural nature and it is proposed that they be moved and seconded as a group. Should any Councillor wish to amend or debate any of these items they should do so at this stage with the remainder of the items being moved and seconded.

### **ITEM 7 - CONFIRMATION OF THE MINUTES**

#### **REPORT IN BRIEF**

<b>Reason For Report</b>	Adoption of the Minutes
<b>Policy Implications</b>	Nil
<b>Budget Implications</b>	Nil
<b>IPR Linkage</b>	4.5.1.g - Code of Meeting Practice adopted and implemented.
<b>Annexures</b>	1. September 24 2019 Ordinary Council Meeting Minutes <a href="#">↓</a>
<b>File Number</b>	\\OFFICIAL RECORDS LIBRARY\GOVERNANCE\COUNCIL MEETINGS\COUNCIL - MINUTES - 2019 - 1021323

### **RECOMMENDATION**

THAT the minutes of the Ordinary meeting held 24 September 2019 be adopted.

### **GENERAL MANAGER REPORT**

The following minutes are attached for endorsement:

1. Minutes of the Ordinary Council meeting held on 24 September 2019.

## **ITEM 8 - AUSTRALIA DAY AWARDS COMMITTEE MEETING**

### **REPORT IN BRIEF**

<b>Reason For Report</b>	Adoption of Australia Day Awards Committee Recommendations.
<b>Policy Implications</b>	Nil
<b>Budget Implications</b>	Nil
<b>IPR Linkage</b>	4.5.1.f - Code of Meeting Practice adopted and implemented.
<b>Annexures</b>	1. September 24 2019 Australia Day Committee Meeting Minutes <a href="#">↓</a>
<b>File Number</b>	\\OFFICIAL RECORDS LIBRARY\RECREATION AND CULTURAL SERVICES\EVENTS MANAGEMENT\AUSTRALIA DAY 2019 - 1046890

### **RECOMMENDATION**

THAT the report and recommendations of the Australia Day Awards Committee Meeting of Cabonne Council held on 24 September, 2019 be adopted.

### **ADMINISTRATION MANAGER'S REPORT**

Attached is the report of the Australia Day Awards Committee Meeting of Cabonne Council held on 24 September, 2019.

## **ITEM 9 - RESTART FUNDING DEED - DAVYS PLAINS ROAD SHOULDER REHABILITATION AND SAFETY PROJECT**

### **REPORT IN BRIEF**

<b>Reason For Report</b>	Council to approve and accept funding deed.
<b>Policy Implications</b>	Nil
<b>Budget Implications</b>	Nil
<b>IPR Linkage</b>	1.4.1.b - Construction of regional roads
<b>Annexures</b>	Nil
<b>File Number</b>	\\OFFICIAL RECORDS LIBRARY\ROADS and BRIDGES\PROGRAMS\FIXING COUNTRY ROADS 2018 - 2019 - 1045376

### **RECOMMENDATION**

THAT Council:

1. Accept funds of \$1,038,000 from Restart NSW for the Davys Plains Shoulder Rehabilitation and Safety Project, and
2. Authorise the affixing of the Common Seal to the funding agreements for the Fixing Country Roads program.

**ACTING DIRECTOR OF ENGINEERING AND TECHNICAL SERVICES REPORT**

Council has received confirmation from Restart NSW that it was successful in receiving funding for the Davys Plains Road Shoulder Rehabilitation and Safety Project under the Fixing Country Roads program.

Council applied for this funding to improve the standard, efficiency and safety of a 4.5 kilometres stretch of Davys Plains Road for the benefit of all users. The road is part of the network connecting large employers such as Cadia Mine, the Primeline Quarry and Cumulus Wines, with improvements aiming to benefit all users and area residents.

Project scope of works includes road widening of 4.5 kilometres to provide a total road width of 8 metres, with 7 metres seal width. Culvert extensions, safety barriers, linemarking and signage are also included in the scope of works. Project budget for delivery of the works is estimated to be \$1,385,445, with the approved funding from Restart NSW being \$1,038,000.

It is recommended to accept funds from Restart NSW and authorise the affixing of the Common Seal to the funding agreement.

**Budget Implications:**

Council has budgeted for the Davy's Plain Road improvement project within its 2019/20 budget, dependent on the success of this grant application. The total budget nominated is \$1,385,000, which is made up of the following contributions:

<b>Funding Source</b>	<b>Value</b>	<b>Pro rata %</b>
Restart NSW Fund	\$1,038,000	75%
Cabonne Council	\$347,445	25%
<b>Total</b>	<b>\$1,385,445</b>	<b>100%</b>

**ITEM 10 - OFFER OF LICENCE FOR USE OF OR OCCUPATION OF CROWN LANDS FOR THE CONSTRUCTION OF PUZZLE FLAT CREEK FLOOD LEVEE**

**REPORT IN BRIEF**

<b>Reason For Report</b>	Seek Council's authorisation to enter into licence arrangement for Crown Land, which is part of the Puzzle Flat Creek Flood Levee corridor.
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<b>Policy Implications</b>	Nil
<b>Budget Implications</b>	Nil
<b>IPR Linkage</b>	5.2.2.b - Construction of Puzzle Flat Creek Levee
<b>Annexures</b>	1. Planning Industry and Environment NSW - Offer of Licence - Lot 71 DP 750182 and Lot 7001 DP 1125814 Eugowra
<b>File Number</b>	\\OFFICIAL RECORDS LIBRARY\SEWERAGE AND DRAINAGE\FLOOD MITIGATION\EUGOWRA PUZZLE FLAT CREEK AND LEVEE - 1044978

### **RECOMMENDATION**

THAT Council:

1. Authorise the signing and affixing of the Council Seal to the licence offer document issued under the provisions of Section 2.18 of the Crown Land Management Act 2016 by NSW Department of Planning, Industry & Environment – Crown Lands for the use or occupation of Crown lands as required for the construction of Eugowra Puzzle Flat Creek Flood Levee, Eugowra.
2. Authorise the payment of \$994.10 (GST exclusive) for application fee and initial rent to the Department of Planning, Industry & Environment – Crown Lands as per the licence offer document.

### **TECHNICAL SERVICES MANAGER'S REPORT**

Council is in the process of implementing the Puzzle Flat Creek Flood Levee project at Eugowra. In this regard, Council had submitted an application to NSW Department of Planning, Industry & Environment – Crown Lands for the licence to use or occupy the Crown lands for the construction of Puzzle Flat Creek Flood Levee.

In response to the Council's application, the Department of Planning, Industry & Environment – Crown Lands has offered a licence to authorise the use or occupation of Crown lands being part of Lot 71 DP 750182 (Reserve 590017 for Public Recreation, Racecourse & Showground, notified 4 December, 1936) and part of Lot 7001 DP 1125814 (Reserve 94126 for Future Public requirements, notified 24 December 1980) as shown in red on the Schedule 3 diagram of the Licence Offer document. The Licence Offer document is included in Annexure 1.

In accordance with the offer of licence issued by the Department of Planning, Industry & Environment – Crown Lands, Council is required to sign and affix the Common Seal of the Council on the licence offer document for the creation of a licence to use or occupy the said Crown Lands for the construction of Puzzle Flat Creek Flood Levee.

#### **Risk/Policy/Legislation Considerations:**

Access to the crown land is essential to enable the construction of the flood levee, and therefore the provision of the licence is required to deliver the project.

**Budget Implications:**

Council has budgeted \$2,424,106 for construction of the flood levee, of which \$1,471 has been spent to date on the project. Cost of the license will be borne from the project budget.

A further report is to be presented to Council with regard to the response to tender for construction of the flood levee.

**ITEM 11 - DECEMBER 2019 AND JANUARY 2020 COUNCIL MEETINGS**

**REPORT IN BRIEF**

<b>Reason For Report</b>	To discuss options relating to the December 2019 and January 2020 council meetings.
<b>Policy Implications</b>	Nil
<b>Budget Implications</b>	Nil
<b>IPR Linkage</b>	4.5.1.f - Adhere to Council's Code of Conduct and Code of Meeting Practice
<b>Annexures</b>	Nil
<b>File Number</b>	\\OFFICIAL RECORDS LIBRARY\GOVERNANCE\COUNCIL MEETINGS\PROCEDURES - 1036022

**RECOMMENDATION**

THAT Council:

1. hold its ordinary meeting and community forum for December 2019 on either Tuesday 10 December or Tuesday 17 December;
2. not conduct an ordinary meeting in January 2020 due to the restricted timeframe available; and
3. hold an extraordinary meeting in either January or February if necessary.

**GENERAL MANAGER'S REPORT**

Council's December meeting falls on 24 December 2019. In order to process any outcomes of the meeting prior to the Christmas break, it is proposed that the December meeting be brought forward to either the scheduled workshop day of Tuesday 10 December or the following week to Tuesday 17 December to enable business transacted at the meeting to be implemented.

In addition, Council has traditionally considered the conduct of a meeting during January not necessary, due to the limited business to be transacted and the availability of councillors and staff in this period. Should any urgent matter arise during January which requires consideration at a Council meeting, this can be done by arranging for an extraordinary meeting to be called.

The council community forum would be scheduled for Tuesday 10 December, Council may need to give consideration as to when the forum would be held.

## **ITEM 12 - PECUNIARY INTEREST RETURNS 2019**

### **REPORT IN BRIEF**

<b>Reason For Report</b>	Model Code of Conduct cl 4.25 requires the General Manager to table returns of interest for councillors and designated persons
<b>Policy Implications</b>	Nil
<b>Budget Implications</b>	Nil
<b>IPR Linkage</b>	4.5.1.f - Adhere to Council's Code of Conduct and Code of Meeting Practice
<b>Annexures</b>	Nil
<b>File Number</b>	\\OFFICIAL RECORDS LIBRARY\PERSONNEL\DISCLOSURE\STAFF PECUNIARY INTEREST RETURNS 2019 - 1044109

### **RECOMMENDATION**

THAT Council note the tabling of Pecuniary Interest Returns for the period to 30 June 2019 for councillors and designated persons.

### **ADMINISTRATION OFFICER'S REPORT**

Pecuniary Interest Returns (Returns) for the period to 30 June 2019 must be tabled at the Council meeting immediately following 30 September each year.

All councillors and designated staff have submitted their Returns.

## **ITEM 13 - NSW PUBLIC LIBRARIES CONFERENCE 2019**

### **REPORT IN BRIEF**

<b>Reason For Report</b>	For Council to consider sending delegate/s to the NSW Public Libraries Conference 2019
<b>Policy Implications</b>	Attendance at conferences to be approved at a Council meeting where possible in keeping with Council policy
<b>Budget Implications</b>	Councillor's expenses provision
<b>IPR Linkage</b>	3.3.2.a - Operate libraries according to the service agreement with Orange City Council
<b>Annexures</b>	1. Switch - 2019 Conference Program <a href="#">↓</a>

<b>File Number</b>	\\OFFICIAL RECORDS LIBRARY\COMMUNITY SERVICES\LIBRARY AND PUBLIC INFORMATION ACCESS\PUBLIC LIBRARIES NSW - 1044423
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### **RECOMMENDATION**

THAT Council consider whether it wishes to authorise delegates to attend the NSW Public Libraries Annual Conference and AGM in Penrith from Tuesday 19 November to Friday 22 November 2019.

### **ADMINISTRATION OFFICER'S REPORT**

The NSW Public Libraries Annual Conference 2019 will be held at Penrith from Tuesday 19 November to Friday 22 November. This will include the Public Libraries NSW Annual General Meeting on Friday 22 November. All member councils are encouraged to send delegates.

Full standard registration for the conference is \$750 (plus GST) per delegate.

A copy of the Conference Program is attached. Further details are available at [NSWPLA - SWITCH Conference 2019](#)

### **ITEM 14 - EVENTS ASSISTANCE PROGRAM 2019/20**

#### **REPORT IN BRIEF**

<b>Reason For Report</b>	For council to consider applications for funding under the 2019/20 Events Assistance Program.
<b>Policy Implications</b>	Nil
<b>Budget Implications</b>	To be funded from the 2019/20 Events Assistance Program
<b>IPR Linkage</b>	4.4.1.b - Implement funding opportunities through the Events Assistance Program
<b>Annexures</b>	1. Manildra and District Improvement Association <a href="#">↓</a>
<b>File Number</b>	\\OFFICIAL RECORDS LIBRARY\GRANTS AND SUBSIDIES\PROGRAMS\EVENTS ASSISTANCE PROGRAM 2019 - 2020 - 1045659

### **RECOMMENDATION**

THAT Council approve funding under the 2019/2020 Events Assistance Program (EAP) to the following events:

1. Manildra and District Improvement Association for \$1,000 for Manildra Christmas Party and Fireworks.



2. Molong Bolwing Club for \$1,500 for the 2019 David Wicks Memorial Tournament.

## **COMMUNITY ENGAGEMENT AND DEVELOPMENT MANAGER'S REPORT**

Council has received two applications under the 2019/2020 Events Assistance Program (EAP) for events that promote Cabonne and that attracts visitors to the area.

Council's Tourism and Community Development Coordinator has provided the following assessments.

### **Application 1**

<b>Organisation:</b>	Manildra and District Improvement Association (MADIA)
<b>Event:</b>	Manildra Christmas Party and Fireworks
<b>Date:</b>	18 December 2019
<b>Requested amount:</b>	\$1,000
<b>Reason for funding:</b>	A contribution towards offsetting the marketing, promotion and event management commitments

### **Event Description:**

The Manildra District Improvement Association (MADIA) have organised the Manildra Christmas Party for a number of years now with the aim to foster community spirit. Seven years ago, the organisers included the monster fireworks display that has added excitement and created strong community interest. The event attracts families and people of all ages from across Cabonne and has grown considerably each year by promoting fun and the festive season.

The Manildra Christmas Party venue is the Jack Huxley Oval and the program includes, novelty children's events, face painting, barbecue, singer, Christmas carols by the local choir, an appearance by Santa Claus and a monster fireworks display.

In 2018, the event attracted a record crowd of more than 600 people, many from the villages of Cabonne and visitors to the area from Parkes and Orange etc.

The overall benefit of this event is that it demonstrates community strength that unites local businesses and organisations to work together and showcase their community to all ages sharing the magic and fun of Christmas.

Last year Council supported this event under the Events Assistance Program for \$1,000. It has been reported that the event is growing and attracting new visitors and creating strong community interest.

### **Assessment**

The submitted application meets the grant criteria of the Events Assistance Program as a core event that attracts visitors to the Cabonne village and makes a significant contribution to local businesses and community groups and the welfare of the whole community.

The level of funding for a core event is up to \$2,000

### **Application 2**

<b>Organisation:</b>	Molong Bowling Club Ltd
<b>Event:</b>	David Wicks Memorial Tournament
<b>Date:</b>	16-17 November 2019
<b>Requested amount:</b>	\$3,000
<b>Reason for funding:</b>	A contribution towards offsetting the marketing, promotion, event management commitments and trophies.

### **Event Description**

Molong Bowling Club Inc. is holding a bowls pairs tournament on 16-17 November 2019 at the Molong Bowling Club. The tournament will be widely promoted throughout New South Wales and within the Central West. The organisers estimate the event will attract more than 50 bowlers and with their accompanying families, this will potentially bring an additional 150-200 people to Molong.

The David Wicks Memorial Tournament has been supported under Council's Events Assistance Program since 2017 and last year received \$1,500 in funding. The event attracts bowlers from various clubs throughout NSW, QLD, VIC, and SA. The weekend provides a great opportunity for visitors to enjoy the Molong charm and help to increase the local visitor economy.

The Molong Bowls Tournament will showcase Molong and the surrounding area and help to attract interest and potential repeat visitors due to their memorable experience. The event will also raise the profile and awareness of Molong, its

many attractions and this ultimately will lead to an increase in visitors, improved accommodation demand and economic benefits to the shire.

Cabonne Council's logo will be included on all marketing and promotional material distributed prior to the event. Cabonne Council's community support will also be promoted throughout the tournament and during the presentation ceremony. As there will be many visitors from outside the region, this event presents an opportunity to place Cabonne Council banners and tourism material to highlight the Shire's attractions and assets.

### **Assessment**

This application meets the event assistance funding program objectives of a core event. Its aim is to attract visitation to the area and support a number of Cabonne enterprises.

### **Events Assistance Program Expenditure**

<b>2019 - 2020 Funding Allocation</b>		<b>\$53,803</b>
23 July	Canowindra Baroquefest	\$2,000.00
23 July	Melbourne Cup Visits Yeoval	\$2,000.00
23 July	Canobolas Endurance Riders	\$1,000.00
23 July	The Canowindra Phoenix Christmas in July	\$500.00
27 August	2019 Orange Wine Festival	\$5,000.00
27 August	PINK UP Molong	\$2,000.00
27 August	NSW Disc Golf Championships	\$500
24 September	Australian National Field Days	\$2,500
24 September	Eugowra Murals Weekend	\$2,000
24 September	Fanny Lumsden Country Halls Tour	\$ 500
24 September	Molong's Banjo Paterson's Dinner	\$1,000
<b>Total Expenditure</b>		<b>\$19,000.00</b>
<b>Funds Remaining</b>		<b>\$34,803.00</b>

### **ITEM 15 - DEVELOPMENT APPLICATION 2014/0114/04 - MODIFICATION TO EXTRACTIVE INDUSTRY, LOT 775 DP 813587, 1654 THE ESCORT WAY, BORENORE**

#### **REPORT IN BRIEF**

<b>Reason For Report</b>	To obtain council consent to modify development consent applying to DA 2014/0114
<b>Policy Implications</b>	Nil

<b>Budget Implications</b>	Nil
<b>IPR Linkage</b>	4.5.3.a - Assess and determine planning and development applications to foster community growth within the shire
<b>Annexures</b>	1. DRAFT CONDITIONS OF APPROVAL DA 2014 114 4↓
<b>File Number</b>	\\Development Applications\DEVELOPMENT APPLICATION\2014\03-2014-0114 - 1045392

### **RECOMMENDATION**

THAT Modification Application DA 2010/0114/04 for increased extraction at Bald Hill Quarry located upon Lot 775 DP 813587, 1654 The Escort Way, Borenore, be granted consent subject to the conditions attached to the planning assessment report.

### **DIRECTOR OF ENVIRONMENTAL SERVICES' REPORT**

#### **ADVISORY NOTES**

##### **Record of voting**

In accordance with s375A of the Local Government Act 1993, a division is required to be called when a motion for a planning decision is put at a meeting of Council or a Council Committee. A division under s375A of the Act is required when determining this planning application.

##### **Political Disclosures**

In accordance with s147(4) of the Environmental Planning and Assessment Act 1979, a person making a planning application to Council is required to disclose political donations and gifts made within 2 years prior to the submission of the application and concluding when the application is determined.

In accordance with s147(5) of the Environmental Planning and Assessment Act 1979, a person making a public submission to Council in relation to a planning application made to Council is required to disclose political donations and gifts made within 2 years prior to the submission being made and concluding when the application is determined.

Political donations and gifts (if any) to be disclosed include:

- All reportable political donations made to any local councillor or Council,
- All gifts made to any local councillor or employee of the Council.

Nil planning application disclosures have been received. Nil public submission disclosures have been received.

### **SUMMARY**

The following report provides an assessment of the modification application 2014/114/4 for an extractive industry on Lot 775 DP 813587, 1654 The Escort Way, Borenore, being land known as Bald Hill Quarry.

The application has been referred to the Council for determination as submissions have been received.

It is recommended that the modification application be approved subject to the attached modified conditions of consent.

Applicant: Hamcon Civil

Owner: Formerly MA & SL Hammond and currently WJ Maas

Proposal: Modification of consent for extractive industry

Increase in annual extraction rate from 60,000 tonnes per annum to 150,000 tonnes per annum

Location: Lot 775 DP 813587, 1654 The Escort Way, Borenore

Zone: RU1 Primary Production

## **BACKGROUND**

Quarry activity has been established upon the subject land for over 70 years. State government legislation introduced in the 1990s required mines and quarries to obtain development consent under the Environmental Planning & Assessment Act. A State Environmental Planning Policy was introduced in 2007 to guide planning assessment of mining, petroleum production and extractive industries.

A Development Application was approved by Cabonne Council on 7 March 1994 vide DA 93/183 for establishment of a commercial gravel quarry upon the subject land. Extraction of up to 15,000 cubic metres of gravel per annum was permitted under the approval. Approval permitted the extraction of gravel from the quarry pit, processing on-site of material, storage of material on site, and transport of processed aggregate off site. The approval also incorporated requirements for site sediment/erosion control, site rehabilitation and environmental management.

The quarry occupies an area of approximately 5ha of the overall 96ha rural holding. A dwelling is located on the southern side of the property. Access to the farm, the residence and the quarry is gained from a shared access off The Escort Way.

Council's delegated approval was granted to DA 2014/114 on 17 March 2014, to increase the quarry production from 15,000 cubic metres per annum to 30,000 cubic metres (approx. 60,000 tonnes) per annum. The increase in production did not require expansion of the quarry footprint, its processing operation, its ancillary infrastructure or its environmental management.

The development consent has subsequently been modified, with council approval granted on 28 July 2015 to realign a section of internal haul road, construct a new intersection to service the adjusted haul road and its junction with The Escort Way, provide for maximum vehicle movements to / from the site rather than a daily average figure of truck movements, and as a result of a neighbourhood complaint – to review the hours of operation of the quarry to reflect cumulative use of the property by light vehicles, trucks, services vehicles, farm and domestic vehicles.

Further modification approvals issued in 2018 granted permission for a minor increase in the footprint of the quarry to achieve a quarry wall batter finished gradient of 5:1 as required by the terms of the development consent, and approval for blasting to be undertaken at the quarry a maximum of four (4) times per year.

Under part 4 of the Environmental Planning & Assessment Act extractive industries may require development consent. Schedule 3 of the regulations applies and establishes criteria for determination of development deemed likely to have environmental impact. Such development is described as designated development. Clauses 35 & 36 of Schedule 3 of the regulations permit development assessment of certain activities without requiring an Environmental Impact Study (a requirement of designated development), when the proposed development does not significantly increase the environmental impacts of the total development (that is the existing development together with the additions or alterations).

As the proposed modification is to remain generally within the footprint of the approved existing quarry, and no significant physical changes are required to facilitate the increased extraction, the council was satisfied that the development could be assessed by merit based consideration of a Statement of Environmental Effects.

An Environmental Protection Licence (EPL) was issued in October 2014 by the NSW Environment Protection Authority (EPA) to regulate the various component activities of the approved extractive industry. The proponent (Hamcon Civil) commenced operation under the 2014 approvals and had been working with council, EPA and RMS to address the required conditions of development consent and the EPL conditions.

During 2019 Maas Group Pty Ltd purchased shares in Hamcon Civil Pty Ltd, and Regional Hardrock (Orange) Pty Ltd purchased the subject property previously held by MA & SL Hammond of Hamcon Civil. The Director / Secretary of Hamcon Civil Pty Ltd and Regional Hardrock (Orange) Pty Ltd is identified as Wesley J Maas.

## **THE PROPOSAL**

The applicant seeks to modify the 2014 development consent for an extractive industry (gravel quarry) on Lot 775 DP 813587 to increase the annual extraction

rate of material from the quarry from the approved 60,000 tonnes per annum to 150,000 tonnes per annum, being an increase in production of 90,000 tonnes per annum.

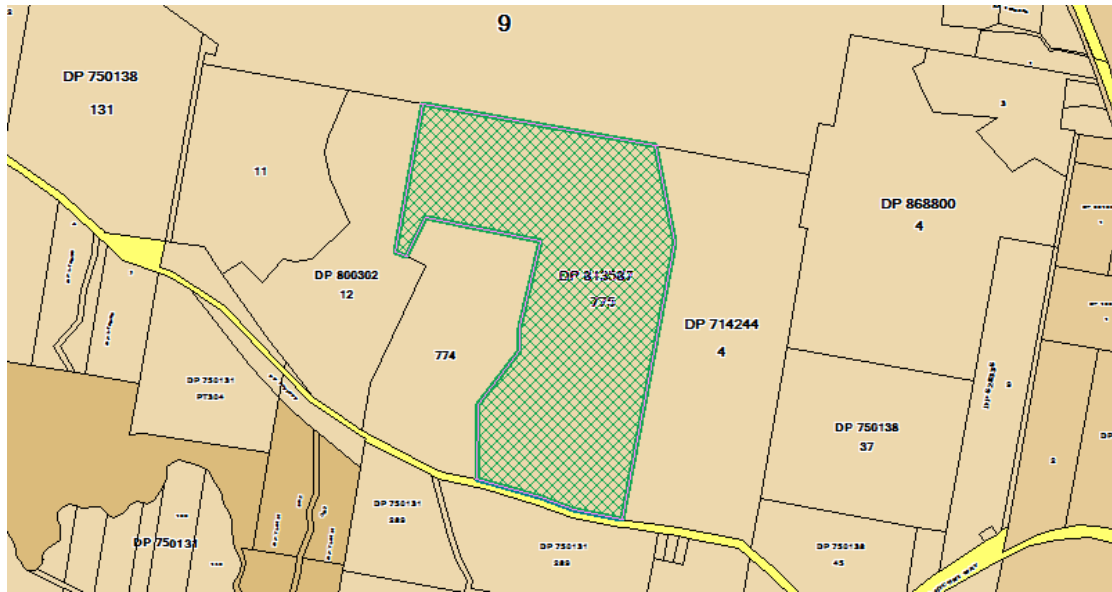
The proposal would comprise of the following:

- Extraction from an area of approximately 5ha to a depth floor level of 750m AHD of volcanic siltstone and limited volumes of overburden
- Production of up to 150,000 tonnes per annum of siltstone products for a period of 36 years
- On site crushing, screening and stockpiling of extracted material to produce a range of aggregate and crushed stone products
- Continued use of the existing internal haul road and intersection with The Escort Way
- Transportation of material / product off site using 19m maximum truck and dog combination vehicles
- Minor establishment and augmentation of ancillary infrastructure, including bund walls, water management structures and fencing
- Construction and rehabilitation of a final landform that would be geotechnically stable and would be suitable for a final land use of intermittent grazing consistent with the current surrounding rural land use.
- An increase in vehicle movements to and from the site as a result of the increased extraction volumes proposed was initially identified and later revised such that there would be a nil increase in traffic generation
- Increased volumes of water would be required to suppress dust during reconstruction of the bund walls, and for site dust suppression including stockpiles.

The proposal includes the following site works:

- Extension of the southern and eastern boundaries of the quarry by approximately 2,400m<sup>2</sup>
- Removal of existing bund walls and vegetation within the proposed expansion area ( including removal of established White Box trees
- Reconstruction of the bund walls and re-planting of vegetation
- Extraction from base floor level 759.5 (as at 31 August 2018) to a depth of base floor level 750 AHD

No other changes to the site and surrounds are proposed by the modification application.



Site map



Aerial view of subject land





Aerial view of quarry

The extractive industry (quarry) is located at the northern end of the subject property. The remainder of the holding is utilized as a grazing enterprise.

The quarry operation involves the extraction of a shale rock from the hillside quarry site. Gravel is fractured and removed by a front end loader, while deeper, less fractured areas may require ripping by excavator or dozer. Blasting may occur up to four (4) times per year to win the resource material.

The material is further processed onsite via a crushing and screening plant to create different sized gravel depending on its proposed use. On-site processing has in the past also included crushing and blending of small quantities of demolition material (ie bricks and concrete) to decrease product plasticity. This process requires material to be transported to the site for storage and processing. The blended material accounted for 3 to 5% of the finished product.

Processed aggregate is stock piled onsite, for sale or use off-site. It is transported off-site using a standard 19m truck and dog, carrying approximately 16 cubic metres.

The quarry foot print and associated sediment ponds, bund walls and perimeter landscaping vegetative utilizes approximately 5ha of the 96ha holding. Ancillary infrastructure to the quarry includes an internal haul road.

## **LEGISLATIVE REQUIREMENTS**

Environmental Planning & Assessment Regulation 2000 - Designated and integrated development

### **Designated development**

Development described in Part 1 of Schedule 3 of the Environmental Planning and Assessment Regulation 2000 is declared to be designated development for the purpose of the Environmental Planning and Assessment Act, 1979, unless it is declared not to be designated development by provision of Part 2 or 3 of that schedule.

Clause 19 of Schedule 3 designated development defines extractive industries as follows:

*19 (1) Extractive industries (being industries that obtain extractive materials by methods including excavating, dredging, tunnelling or quarrying or that store, stockpile or process extractive materials by methods including washing, crushing, sawing or separating):*

*(a) that obtain or process for sale, or reuse, more than 30,000 cubic metres of extractive material per year, or*

*(b) that disturb or will disturb a total surface area of more than 2 hectares of land by:*

*(i) clearing or excavating, or*

*(ii) constructing dams, ponds, drains, roads or conveyors, or*

*(iii) storing or depositing overburden, extractive material or tailings, or*

*(c) that are located:*

*(i) in or within 40 metres of a natural waterbody, wetland or an environmentally sensitive area, or*

*(ii) within 200 metres of a coastline, or*

*(iii) in an area of contaminated soil or acid sulphate soil, or*

*(iv) on land that slopes at more than 18 degrees to the horizontal, or*

*(v) if involving blasting, within 1,000 metres of a residential zone or within 500 metres of a dwelling not associated with the development, or*

*(vi) within 500 metres of the site of another extractive industry that has operated during the last 5 years.*

*(2) This clause does not apply to:*

*(a) extractive industries on land to which the following environmental planning instruments apply:*

*(i) Sydney Regional Environmental Plan No 11--Penrith Lakes Scheme ,*

*(ii) Western Division Regional Environmental Plan No 1--Extractive Industries , or*

*(b) maintenance dredging involving the removal of less than 1,000 cubic metres of alluvial material from oyster leases, sediment ponds or dams, artificial wetland or deltas formed at stormwater outlets, drains or the junction of creeks with rivers, provided that:*

- (i) the extracted material does not include contaminated soil or acid sulphate soil, and*
- (ii) any dredging operations do not remove any seagrass or native vegetation, and*
- (iii) there has been no other dredging within 500 metres during the past 5 years, or*
- (c) extractive industries undertaken in accordance with a plan of management (such as river, estuary, land or water management plans), provided that:*
  - (i) the plan is prepared in accordance with guidelines approved by the Secretary and includes consideration of cumulative impacts, bank and channel stability, flooding, ecology and hydrology of the area to which the plan applies, approved by a public authority and adopted by the consent authority and reviewed every 5 years, and*
  - (ii) less than 1,000 cubic metres of extractive material is removed from any potential extraction site that is specifically described in the plan, or*
- (d) the excavation of contaminated soil for treatment at another site, or*
- (e) artificial waterbodies, contaminated soil treatment works, turf farms, or waste management facilities or works, specifically referred to elsewhere in this Schedule, or*
- (f) development for which State Environmental Planning Policy No 52--Farm Dams and Other Works in Land and Water Management Plan Areas requires consent, or*
- (g) maintenance dredging of alluvial material from oyster leases and adjacent areas in Wallis Lake, but only if the dredging is undertaken in accordance with the document entitled Protocol for Wallis Lake Oyster Lease Maintenance Dredging approved by the Secretary and published in the Gazette, as amended by the Secretary from time to time by publication of an amended Protocol in the Gazette.*

The development is defined as an extractive industry. The operational quarry has an area of 5ha.

Part 2 of the schedule addresses alterations and addition and whether such are designated development.

Clauses 35 and 36 of the schedule apply to this development.

*Clause 35 - Is there a significant increase in the environmental impacts of the total development?*

*Development involving alterations or additions to development (whether existing or approved) is not designated development if, in the opinion of the consent authority, the alterations or additions do not significantly increase the environmental impacts of the total development (that is the development*

together with the additions or alterations) compared with the existing or approved development.

**Note:** Development referred to in this clause is not designated development for the purposes of section 77A of the Act. This means that section 98 of the Act (Appeal by an objector) will not extend to any such development even if it is State significant development.

### **36 Factors to be taken into consideration**

In forming its opinion as to whether or not development is designated development, a consent authority is to consider:

- (a) the impact of the existing development having regard to factors including:
  - (i) previous environmental management performance, including compliance with the conditions of any consents, licences, leases or authorisations by a public authority and compliance with any relevant codes of practice, and
  - (ii) rehabilitation or restoration of any disturbed land, and
  - (iii) the number and nature of all past changes and their cumulative effects, and
  
- (b) the likely impact of the proposed alterations or additions having regard to factors including:
  - (i) the scale, character or nature of the proposal in relation to the development, and
  - (ii) the existing vegetation, air, noise and water quality, scenic character and special features of the land on which the development is or is to be carried out and the surrounding locality, and
  - (iii) the degree to which the potential environmental impacts can be predicted with adequate certainty, and
  - (iv) the capacity of the receiving environment to accommodate changes in environmental impacts, and
  
- (c) any proposals:
  - (i) to mitigate the environmental impacts and manage any residual risk, and
  - (ii) to facilitate compliance with relevant standards, codes of practice or guidelines published by the Department or other public authorities.

The site has operated as small scale quarry for over 30 years providing resource material to the local district.

The current proposal would result in a minor expansion of the quarry by comparison to the current active footprint. The annual resource extraction rate is to be increased from 60,000 tonnes per year to 150,000 tonnes per year over a quarry life of 36 years.

Environmental impacts are to be managed as detailed in the SoEE and in accordance with the submitted documents provided as part of the application.

The quarry has been in operation for many years, with little to no community concern raised with council from 1997 to 2012. Council in responding to concerns raised in 2013 by a neighbouring landowner regarding the continued operation of the quarry, sought to work with the former land owner/ quarry operator to review the quarry operation and approvals to ensure adequate environmental awareness and management of the site (DA 2014/114).

In assessing the current Development Application against clauses 35 and 36 of Schedule 3 of the regulations council has taken into consideration the relevant matters, and is satisfied that the proposal can be considered as alterations that do not significantly increase the environmental impacts of the total development (that is the development together with the additions or alterations) compared with the existing or approved development.

#### **INTEGRATED DEVELOPMENT:**

<i>Fisheries Management Act 1994</i>	<b>No</b>	<i>Heritage Act 1977</i>	<b>No</b>
<i>Mine Subsidence Compensation Act 1961</i>	<b>No</b>	<i>National Parks &amp; Wildlife Act 1974</i>	<b>No</b>
<i>Protection of the Environment Operations Act 1997</i>	<b>Yes</b>	<i>Roads Act 1993</i>	<b>No</b>
<i>Rural Fires Act 1997</i>	<b>No</b>	<i>Water Management Act 2000</i>	<b>No</b>

An amended Environment Protection Licence under s47 of the Protection of the Environment Operations Act 1997 would be required upon consent of the proposed modified development.

#### **MATTERS FOR CONSIDERATION**

Section 4.55 of the *Environmental Planning and Assessment Act 1979* applies to modification applications where some environmental impact may occur. Council may consider an application under s4.55 of the Act if it is satisfied that the development to which the consent as modified relates is substantially the same development as the development for which the consent was originally granted.

A comparison of the approved development plans and the proposed modified plans indicate a 2,400m<sup>2</sup> change to the foot print of the quarry pit, production, storage and sediment pond areas. The proposal will increase the extraction rate from the quarry however there will be no changes to processing plant or quarry work hours. The modification application addresses operational matters relating to the quarry operation, such as traffic generation, environmental management of the site, and site rehabilitation.

The quarry operation, by comparison between the existing approval and the proposed modification, supports that the quarry development is substantially the same and that council may consider the modification application under

s4.55(2) of the Act. In accordance with s4.55(2)(b) and (c) of the Act the application was referred to the relevant state agencies for comment, and neighbourhood notified. Pursuant to s4.15(1)(b) of the Act, the likely impact of the modified development has been considered in the report following.

## **PROVISIONS OF ANY ENVIRONMENTAL PLANNING INSTRUMENT s4.15(1)(a)(i)**

### **Clause 1.2 Aims of the Plan**

**The broad aims of the LEP are as follows:**

(a) to encourage development that complements and enhances the unique character and amenity of Cabonne, including its settlements, localities, and rural areas,

(b) to provide for a range of development opportunities that contribute to the social, economic and environmental resources of Cabonne in a manner that allows present and future generations to meet their needs by implementing the principles of ecologically sustainable development,

(c) to facilitate and encourage sustainable growth and development that achieves the following:

(i) contributes to continued economic productivity, including agriculture, business, tourism, industry and other employment opportunities,

(ii) allows for the orderly growth of land uses while minimising conflict between land uses within the relevant zone and land uses within adjoining zones,

(iii) encourages a range of housing choices and densities in planned urban and rural locations that is compatible with the residential and rural environment and meets the diverse needs of the community,

(iv) promotes the integration of land uses and transport to improve access and reduce dependence on private vehicles and travel demand,

(v) protects, enhances and conserves agricultural land and the contributions that agriculture makes to the regional economy,

(vi) avoids or minimises adverse impacts on drinking water catchments to protect and enhance water availability and safety for human consumption,

(vii) protects and enhances places and buildings of environmental, archaeological, cultural or heritage significance, including Aboriginal relics and places,

(viii) protects and enhances environmentally sensitive areas, ecological systems, and areas that have the potential to contribute to improved environmental, scenic or landscape outcomes.

### **Clause 1.9A Suspension of covenants, agreements and instruments**

This clause provided that covenants, agreements or other similar instruments that restrict the carrying out of development upon the subject land do not apply unless such are:

- Covenants imposed or required by council

- Prescribed instruments under s183A of Crown Lands Act 1989
- Any conservation agreement under National Parks and Wildlife Act 1974
- Any trust agreement under the Nature Conservation Trust Act 2003
- Any property vegetation plan under the Native Vegetation Act 2003
- Any biobanking agreement under Part 7A of the Threatened Species Conservation Act 1995
- Any planning agreement made under Division 6 of Part 4 of the Environmental Planning & Assessment Act 1979

### **Mapping**

The subject site is identified on the LEP maps in the following manner:

Land zoning map	Land zoned RU1 Primary Production
Lot size map	Minimum lot size 100 HA
Heritage map	Not a heritage item or conservation area
Terrestrial Biodiversity Map	Has biodiversity sensitivity on the subject land - Vegetation on over cleared landscapes (Red Stringybark, Yellow box woodland & Blakeley's Red Gum)
Flood planning map	Not within a flood zone
Natural resource – karst map	Not within a karst area
Drinking water catchment map	Not within a drinking water catchment area
Riparian land and watercourse map, groundwater vulnerability map	Not affected by riparian, watercourse or groundwater vulnerability
Land reservation acquisition map	

These matters are addressed in the report following.

### **Cabonne Local Environmental Plan 2012**

The subject land is zoned RU1 Primary Production by the Cabonne Local Environmental Plan 2012. An extractive industry (gravel quarry) is permissible within this zone, subject to Council's development consent.

### **Objectives of the RU1 Primary Production zone**

The modified proposal is not contrary to the aims of the LEP or the objectives of the RU1 zone. The development relates to and is consistent with the zone objectives which seek to

- To encourage sustainable primary industry production by maintaining and enhancing the natural resource base.
- To encourage diversity in primary industry enterprises and systems appropriate for the area.
- To minimise the fragmentation and alienation of resource lands.
- To minimise conflict between land uses within this zone and land uses within adjoining zones.

- To enable function centres, restaurants or cafes and appropriate forms of tourist and visitor accommodation to be developed in conjunction with agricultural uses.

The remainder of the 96ha holding continues to operate for agricultural production. The modification of the development consent will have no adverse impact upon the continued agricultural use of the property or adjacent land.

## **Part 6 – Additional local provisions**

### **Clause 6.3 Terrestrial biodiversity**

The objective of this clause is to maintain terrestrial biodiversity by:

- a. Protecting native fauna and flora, and
- b. Protecting the ecological processes necessary for their continued existence, and
- c. Encouraging the conservation and recovery of native fauna and flora and their habitats.

Lot 775 is identified as having terrestrial biodiversity, vegetation on over cleared landscapes (Red Stringybark, Blakely's Red Gum, Yellowbox Woodland).

This terrestrial biodiversity is a small section of remnant vegetation on the southern end of the site, near to the road reserve. The quarry is approximately 1km from any vegetation.

The proposal will require removal of vegetation within the proposed quarry area (identified as tree stands 1, 2 and 3 on the site location map). Areas 1 and 2 are established tree lots relating to existing development consent requirements. Area 3 relates to a remnant stand of timber that is to be removed to facilitate the minor expansion of the quarry footprint.

The bund walls and landscaping are to be removed with new bund walls constructed around the modified quarry pit footprint, and perimeter landscaping established.

The modified proposal may have minor impact upon terrestrial biodiversity at the site by the removal of trees however this would be compensated by the planting of new landscape buffer areas.

## **REGIONAL ENVIRONMENTAL PLANS**

There are no Regional Environmental Plans that apply to the subject land.

## **STATE ENVIRONMENTAL PLANNING POLICIES**

### **State Environmental Planning Policy (Rural Lands) 2008**



The relevant aim of this policy relates to 'measures designed to reduce land use conflicts'. The proposal is not contrary to the rural planning principles as noted in part 2 of the SEPP.

**SEPP (Mining, Petroleum Production and Extractive Industries) 2007** applies to the State and specifies matters requiring consideration in an assessment of any mining, petroleum or extractive industry. The proposed quarry meets the relevant aims of the Policy with regard to orderly economic use of land, while addressing the ecological and environmental issues.

Under the SEPP the proposed development is defined as an *extractive industry*. The definition of an *extractive industry* is:

*'the winning or removal of extractive materials (otherwise than from a mine) by methods such as excavating, dredging, or quarrying, including the storing, stockpiling or processing of extractive materials by methods such as recycling, washing, crushing, sawing or separating, but does not include:*

- (a) turf farming, or*
- (b) tunnelling for the purpose of an approved infrastructure development, or*
- (c) cut and fill operations, or the digging of foundations, ancillary to approved development, or*
- (d) the creation of a farm dam if the material extracted in the creation of the dam is used on site and not removed from the site.*

*"extractive material" means sand, gravel, clay, soil, rock, stone or similar substances but does not include turf.*

In accordance with clause 7 of the SEPP extractive industry development is permissible with consent where agriculture may be carried out. The subject land is zoned RU1 Primary Production by the provision of the Cabonne Local Environmental Plan 2012, and agriculture is a permissible use. Accordingly the SEPP enables consent to be granted to the development subject to consideration of the matters contained in the SEPP.

### **Part 3 – Development Applications – matters for consideration**

Compatibility of proposed extractive industry with other land uses.

*Before determining an application for consent for development for the purposes of mining, petroleum production or extractive industry, the consent authority must:*

- (a) consider:*
  - (i) the existing uses and approved uses of land in the vicinity of the development, and*
  - (ii) whether or not the development is likely to have a significant impact on the uses that, in the opinion of the consent authority*

*having regard to land use trends, are likely to be the preferred uses of land in the vicinity of the development, and*  
*(iii) any ways in which the development may be incompatible with any of those existing, approved or likely preferred uses, and*  
*(b) evaluate and compare the respective public benefits of the development and the land uses referred to in paragraph (a) (i) and (ii), and*  
*(c) evaluate any measures proposed by the applicant to avoid or minimise any incompatibility, as referred to in paragraph (a) (iii).*

The adjoining and surrounding land uses are predominantly agriculture (grazing). Several lifestyle allotments are located within the area. The Borenore Karst Recreation Area is situated south west of the subject land.

The subject land adjoins farm land on each of its boundaries. Given the continuous use of the quarry, the impact of the quarry modification would be minimal upon the agricultural land use in the vicinity of the site.

Subject to compliance with existing environmental management requirements, the modified development is not considered incompatible with the existing, approved or likely preferred uses of the area.

The quarry provides a resource supply of gravel to the local district. It is considered that the proposed continuation and increase in extraction of the quarry resource can be operating in a sustainable manner, without adverse impact upon adjoining land uses.

### ***13 Compatibility of proposed development with mining, petroleum production or extractive industry***

*This clause applies to an application for consent for development on land that is, immediately before the application is determined:*

*(a) in the vicinity of an existing mine, petroleum production facility or extractive industry, or*

*(b) identified on a map (being a map that is approved and signed by the Minister and copies of which are deposited in the head office of the Department and publicly available on the Department's website) as being the location of State or regionally significant resources of minerals, petroleum or extractive materials, or*

*Note: At the commencement of this Policy, no land was identified as referred to in paragraph (b).*

*(c) identified by an environmental planning instrument as being the location of significant resources of minerals, petroleum or extractive materials.*

*Note: Sydney Regional Environmental Plan No 9--Extractive Industry (No 2--1995) is an example of an environmental planning instrument that identifies land as containing significant deposits of extractive materials.*

*(2) Before determining an application to which this clause applies, the consent authority must:*

*(a) consider:*

*(i) the existing uses and approved uses of land in the vicinity of the development, and*

*(ii) whether or not the development is likely to have a significant impact on current or future extraction or recovery of minerals, petroleum or extractive materials (including by limiting access to, or impeding assessment of, those resources), and*

*(iii) any ways in which the development may be incompatible with any of those existing or approved uses or that current or future extraction or recovery, and*

*(b) evaluate and compare the respective public benefits of the development and the uses, extraction and recovery referred to in paragraph (a) (i) and (ii), and*

*(c) evaluate any measures proposed by the applicant to avoid or minimise any incompatibility, as referred to in paragraph (a) (iii).*

The proposed development is unlikely to have significant adverse impact on the current or future extraction of resources. The proposed use is not considered to be incompatible with any existing or an approved use within the vicinity, given it is currently operating with minimal disturbance to surrounding land uses.

#### **14 Natural resource management and environmental management**

*(1) Before granting consent for development for the purposes of mining, petroleum production or extractive industry, the consent authority must consider whether or not the consent should be issued subject to conditions aimed at ensuring that the development is undertaken in an environmentally responsible manner, including conditions to ensure the following:*

*(a) that impacts on significant water resources, including surface and groundwater resources, are avoided, or are minimised to the greatest extent practicable,*

*(b) that impacts on threatened species and biodiversity, are avoided, or are minimised to the greatest extent practicable,*

*(c) that greenhouse gas emissions are minimised to the greatest extent practicable.*

*(2) Without limiting subclause (1), in determining a development application for development for the purposes of mining, petroleum production or extractive industry, the consent authority must consider an assessment of the greenhouse gas emissions (including downstream emissions) of the development, and must do so having regard to any applicable State or national policies, programs or guidelines concerning greenhouse gas emissions.*

*(3) Without limiting subclause (1), in determining a development application for development for the purposes of mining, the consent authority must consider any certification by the Chief Executive of the Office of Environment and Heritage or the Director-General of the Department of Primary Industries that measures to mitigate or offset the biodiversity impact of the proposed development will be adequate.*

The proposed and existing quarry area is more than 40m from a surface stream. The proposal is unlikely to impact upon ground water, surface or drinking water catchments.

No threatened species, populations or communities have previously been recorded at the subject site. Due to the agricultural history of the site and the disturbed nature of the existing quarry impact on fauna species is likely to be minimal.

It is anticipated that emissions from plant, machinery and transport vehicles will result in the emission of some greenhouse gas, however it is not considered necessary to impose conditions in relation to greenhouse gas emissions.

### **15 Resource recovery**

- (1) Before granting consent for development for the purposes of mining, petroleum production or extractive industry, the consent authority must consider the efficiency or otherwise of the development in terms of resource recovery.*
- (2) Before granting consent for the development, the consent authority must consider whether or not the consent should be issued subject to conditions aimed at optimising the efficiency of resource recovery and the reuse or recycling of material.*
- (3) The consent authority may refuse to grant consent to development if it is not satisfied that the development will be carried out in such a way as to optimise the efficiency of recovery of minerals, petroleum or extractive materials and to minimise the creation of waste in association with the extraction, recovery or processing of minerals, petroleum or extractive materials.*

The proposed continued quarry activity will result in minimal quantities of waste being generated. The majority of the material will be transported or used for rehabilitation purposes. Any waste rock will be used on site for site management of rehabilitation purposes. No specific conditions are considered necessary to address waste generation. The volume of waste / spoil will be minimal and refusal on this basis is not considered to be warranted.

### **16 Transport**

- (1) Before granting consent for development for the purposes of mining or extractive industry that involves the transport of materials, the consent authority*

*must consider whether or not the consent should be issued subject to conditions that do any one or more of the following:*

- (a) require that some or all of the transport of materials in connection with the development is not to be by public road,*
- (b) limit or preclude truck movements, in connection with the development, that occur on roads in residential areas or on roads near to schools,*
- (c) require the preparation and implementation, in relation to the development, of a code of conduct relating to the transport of materials on public roads.*

*(2) If the consent authority considers that the development involves the transport of materials on a public road, the consent authority must, within 7 days after receiving the development application, provide a copy of the application to:*

- (a) each roads authority for the road, and*
- (b) the Roads and Traffic Authority (if it is not a roads authority for the road).*

**Note :** *Section 7 of the Roads Act 1993 specifies who the roads authority is for different types of roads. Some roads have more than one roads authority.*

*(3) The consent authority:*

- (a) must not determine the application until it has taken into consideration any submissions that it receives in response from any roads authority or the Roads and Traffic Authority within 21 days after they were provided with a copy of the application, and*
- (b) must provide them with a copy of the determination.*

*(4) In circumstances where the consent authority is a roads authority for a public road to which subclause (2) applies, the references in subclauses (2) and (3) to a roads authority for that road do not include the consent authority.*

Access to the site is off The Escort Way, and via an internal, sealed haul road. Traffic generation is predicted to remain within the limits of the current approval, being a maximum of 12 trucks (24 movements) per day, based on operating 6 days per week. Average traffic movements would be 8-10 movements per day, limited to short-term periods (campaign based extraction). There may also be periods where no activity occurs on site.

The application was referred to RMS for review and comment. RMS required additional information and has since provided comment to council including recommended draft conditions of consent to address likely traffic generation from the site.

Any increase in traffic generation beyond the maximum 24 heavy vehicle movements per day from the quarry would trigger RMS requirements for the further upgrade of the intersection with The Escort Way.

### **17 Rehabilitation**

*(1) Before granting consent for development for the purposes of mining, petroleum production or extractive industry, the consent authority must consider whether or not the consent should be issued subject to conditions aimed at ensuring the rehabilitation of land that will be affected by the development.*

*(2) In particular, the consent authority must consider whether conditions of the consent should:*

*(a) require the preparation of a plan that identifies the proposed end use and landform of the land once rehabilitated, or*

*(b) require waste generated by the development or the rehabilitation to be dealt with appropriately, or*

*(c) require any soil contaminated as a result of the development to be remediated in accordance with relevant guidelines (including guidelines under section 145C of the Act and the Contaminated Land Management Act 1997 ), or*

*(d) require steps to be taken to ensure that the state of the land, while being rehabilitated and at the completion of the rehabilitation, does not jeopardize public safety.*

Rehabilitation procedures are outlined in the Statement of Environmental Effects and are to occur during the life of the quarry by progressively battering and forming the landform for unused areas, as well as final remediation of the entire site when quarry activity ceases.

Fuel or oil spill is the principle potential contamination source. Diesel would be stored in small quantities on site with no other flammable materials used or stored at the quarry.

The applicant will be responsible for decommissioning and rehabilitating the site in accordance with conditions of development consent, and any other approvals that may be required.

### **SEPP 33 – Hazardous and Offensive Developments**

The proposed development is not classified as being a hazardous or offensive industry or a potential hazardous or offensive industry.

**SEPP 44 – Koala habitat** applies to the Cabonne Council area. There are no known sightings of koalas in the locality of the subject land, or sources of koala habitat.

**SEPP 55 Contaminated Land** – applies to the State. The subject land has historically been utilized for agriculture (grazing) and later as a quarry. The subject site is seeking consent for continued use and expansion of an extractive industry. It is not considered necessary for remediation or further investigation of the site. Rehabilitation processes should be undertaken in accordance with the provisions of SEPP 55.

**State Environmental Planning Policy (State and Regional Development) 2011.** The proposal does not meet the capital investment value threshold for assessment as either State or regional development.

**State Environmental Planning Policy (Infrastructure) 2007.** The development does not meet the 200 or more vehicle movements per day criteria for consideration under the SEPP.

**Rural Lands SEPP** applies to the subject land. The modified proposal is not inconsistent with the provisions of the SEPP.

**SEPP (Mining, Petroleum Production and Extractive Industries) 2007** applies to the development. The modification proposal is not inconsistent with the SEPP.

**SEPP 44** – koala habitat applies to the Cabonne Council area. The subject land is generally cleared farm land. There are no known sightings of koalas upon the subject land.

#### **PROVISIONS OF ANY DRAFT ENVIRONMENTAL PLANNING INSTRUMENT THAT HAS BEEN PLACED ON EXHIBITION s4.15(1)(a)(ii)**

There are no draft environmental plans that relate to the subject land or proposed development.

#### **PROVISIONS OF ANY DEVELOPMENT CONTROL PLAN s4.15(1)(a)(iii)**

Development Control Plan No 5 – General Rural Zones applies to this development.

DCP 5 relates generally to subdivision of rural land and the impact of dwelling permissibility, and as such does not contain development provisions relating to the proposed development. The development does not involve subdivision or construction of a dwelling. The development is consistent with the objectives of the DCP to manage development of rural land.

#### **PROVISIONS PRESCRIBED BY THE REGULATIONS s4.15(1)(a)(iv)**

Pursuant to Clause 35 & 36 of Schedule 3 of the Environmental Planning and Assessment Regulation 2000, it is considered the proposal is not designated development. Council is satisfied 'the alterations or additions do not significantly increase the environmental impacts of the total development (that is the development together with the additions or alterations) compared with the existing or approved development'.

The activities are a continuation of the existing quarry operation. An increase to the scale of the quarry annual extraction rate is proposed by the modification. An assessment has been made within the report of the relevant Environmental Planning and Assessment Regulations 2000, and clauses 12-17 of the SEPP (Mining, Petroleum Production and Extractive Industries) 2007. Based upon a review of the relevant matters of consideration it is determined that the proposal does not contravene the relevant provisions of the *Environmental Planning and Assessment Regulation 2000*. Council is the relevant assessing authority for the development proposal.

Pursuant to Clause 35 & 36 of Schedule 3 of the Environmental Planning and Assessment Regulation, 2000, it is considered the modified proposal is not designated development and Council is satisfied '*the alterations or additions do not significantly increase the environmental impacts of the total development (that is the development together with the additions or alterations) compared with the existing or approved development*'.

The proposal does not contravene the relevant provisions of the *Environmental Planning and Assessment Regulation 2000*.

### **Environmental Protection Licence**

Under Schedule 1 of the *Protection of the Environmental Operations Act 1997*, the quarry is a scheduled activity and operates under an Environmental Protection Licence from the EPA .

### **THE LIKELY IMPACTS OF THE DEVELOPMENT s4.15(1)(b)**

#### **Context & Setting**

The existing quarry has operated as a commercial quarry for over 30 years. The proposed modification application does not alter the approved use of the land for a quarry.

Surrounding land is primarily used for agriculture, ie Prince of Orange vineyard and grazing property. There are four dwellings within 1km radius of the quarry, one of which is located upon the subject land.

Environmental management measures can be implemented to minimise any impact as a result of the modified consent. The quarry land use is considered to be appropriate in terms of context and setting within a rural landscape.

#### **Visual amenity**

Landscaping and site remediation are currently subject of existing conditions of consent, and revised conditions of consent have been drafted to address the proposed site modifications.

#### **Access & Traffic**



The access to the site for all vehicles is via The Escort Way. The existing access and internal driveway has been sealed as per the conditions of consent of DA 2014/114.

The modified proposal was referred to the RMS for terms of concurrence. The attached modified notice of approval incorporates RMS recommendations.

### **Traffic generation**

The quarry has approval to extract and process 30,000 cubic metres (60,000 tonne) of material per annum. Trucks carrying on average 16 cubic metre loads service the site as required. The current (amended) development consent supports a maximum daily haulage traffic generation volume of 24 haul truck movements per day (Maximum of 12 trucks per day entering and leaving the site). The modification application initially indicated an increase in traffic generation from the site, however revised documentation supporting the Statement of Environmental Effects stated that an average of 8 to 10 trucks will access the site daily, with a maximum of 12 haul trucks daily (Mon – Saturday).

### **Hours of operation**

The proponent does not seek to modify the hours of operation of the quarry. Currently approvals permit light vehicles may be on-site between 6.30am and 6.00pm Monday to Friday with quarry haul trucks to operate between 7am and 6pm. Operating hours on Saturday are 8am to 4pm.

Traffic, including stock trucks or machinery, associated with operation of the farm land, or traffic associated with the dwelling, are not bound by the terms affecting the quarry operation.

### **Air quality**

The continued operation of the quarry and its minor expansion is unlikely to cause air quality impacts. A driver code of conduct is required to ensure compliance with road regulations for covering of loads leaving the site, and that the speed of trucks on the internal haul road is managed.

### **Noise**

Operational noise is generally contained within the quarry extraction area. Traffic generated by the quarry operation is limited to nominated hours of operation.

### **Flora and fauna**

The site has been disturbed by historic land use as agricultural land and later for quarry activity. There are no known threatened species of flora or fauna recorded on the site.

The proposed expansion of the quarry footprint requires removal of three stands of eucalypt trees. The SoEE addresses the procedure to be engaged when clearing the trees, with provision to enable any fauna species to relocate.

Remediation of the site aims at providing a final landform that will accommodate native species of flora.

### **Water management**

Surface water collected on the site will be used for dust suppression. Site management, including management of surface water, soil and sedimentation control and procedures have been provided.

### **Biodiversity**

The subject land has historically been utilized for agriculture and the land is largely cleared of native trees. The biodiversity assessment provided with the Statement of Environmental Effects concludes that there the proposed modification to the quarry operation, involving the removal of three stands of trees, is unlikely to have significant effect on any threatened flora or fauna, or endangered ecological community. Planting of White box Eucalyptus albens and associated species within the proposed tree lot / vegetation screen will compensate for the removal of existing vegetation. The assessment indicates that no biodiversity offsets are required by the Biodiversity Conservation Act 2016.

### **Cumulative impact**

Impacts of the increased extraction rate from the quarry have been identified and subject to compliance with the conditions of consent to ensure there is no adverse environmental impact.

## **THE SUITABILITY OF THE SITE s4.15(1)(c)**

### **Physical Attributes and Hazards**

There are no known technological or natural hazards that would affect the proposed development.

## **DEVELOPMENT CONTRIBUTIONS**

No contributions apply to the development.

## **ANY SUBMISSIONS MADE IN ACCORDANCE WITH THE ACT s4.15(1)(d)**

The proposed modified development was neighbourhood notified. Three submissions were received by the close of the exhibition phase. An additional submission was received on 30 August, and although outside the public notification phase has been included in the assessment report.

Issues raised in the submissions are summarized as follows:

<b>Submission</b>	<b>Summary</b>	<b>Comment</b>
1	Objection to proposal. Since Regional Quarries have taken over operation the quarry there has been an increase in activity, noise	Noted Operation hours are to remain as currently approved.

	<p>and dust in comparison to the previous 18 months when the site was operated by Hamcon Civil. The new operators are permitting operations to commence at 6am, outside the approved operating hours.</p> <p>Haul trucks (sometimes 3 in a row) travelling in convoy from the quarry then along The Escort Way towards Orange. Noted that return trucks exceeding speed limit then abruptly turning into the quarry site. The relocation of the access driveway has not improved the hazard of the tuning trucks.</p> <p>Potential for increased dust, noise and general pollution from the site as well as increased water usage. Increased extraction rate will alter the landscape.</p> <p>Increased traffic resulting in increased maintenance required for The Escort Way.</p> <p>Increase in traffic entering and leaving the site, with haul trucks under load conditions moving slowly east along The Escort Way when leaving the quarry causing risk to other road users.</p>	<p>Driver Code of Conduct is required to be implemented and complied with.</p> <p>Mitigation of environmental impact proposed. Noted</p> <p>Traffic generation is to be maintained at current approved level Driver Code of Conduct required. Traffic limited to maximum of 24 trucks movements per day.</p>
Submission 2	<p>Increase in noise coming from quarry pit and from haul traffic. Safety risk to road users travelling along The Escort Way as haul traffic heading east travels slowly up the incline from the quarry intersection with the main road.</p> <p>Possible decrease in land value due to presence of the quarry</p>	<p>Traffic generation to remain at the same limits as existing approval.</p> <p>Property valuation is not a planning consideration</p>
Submission 3	<p>Noticeable increase in traffic from the quarry with increased dust being generated and impacting neighbouring residences. Noise generated by jack hammers also impacting amenity of the immediate area. Regional Quarries haul trucks travelling along The Escort Way at an unsafe distance from other</p>	<p>Traffic generation to remain at the same limits as existing approval. License conditions to be adhered to. Driver Code of Conduct to be adhered to.</p>

	vehicles, and travelling at excessive speed.	
Late submission dated 30 August 2019	<p>The proponent has not identified which part of section 4.55 the application is sought. The writer is of the opinion the matter should be considered under s4.55(2). The application does not satisfactorily demonstrate that the proposed development is substantially the same as that currently approved. No access of the adequacy of the current intersection with The Escort Way has been provided. The application appears to seek to rely on clauses 35 and 36 of Schedule 3 of the EP &amp;A Regs to justify that the development is not designated development. There is no justification provided to support use of clause 36. The writer is aware that the proponent is in breach of the terms of its licence and development consent having extracted in excess of the approved limit from the site over the past 12 months. The operation is not being conducted in a manner reflecting low impacts to the environment. The writer considers that the deficiencies in the application along with the poor performance of the site activity require council to refuse the application in its current form</p>	<p>The proponent in a response to the submission considers the proposal to have minor environmental impact and is substantially the same development to which development consent was granted. Additional comment was supplied in support of the application not being considered as designated development including that the footprint remains consistent with the approved footprint for extraction, there will be no changes to character of the area, hours of operation, site decommissioning / rehabilitation etc. Traffic and access were reviewed by RMS as part of this application. A condition of consent has been drafted requiring annual reporting of quarry activity to council.</p>

The various issues identified through the submissions have been addressed and as such the modification application is recommended for approval, subject to revised conditions of development consent.

### **NOTIFICATION TO PUBLIC AUTHORITIES**

The modified application, as integrated development, and as required by the Mining SEPP, was referred to the RMS and EPA for comment and terms of approval / concurrence. Both agencies requested additional information of the

proponent to enable adequate assessment of the proposal. Upon review of the additional information terms of approval / concurrence have been provided by both agencies.

The EPA reviewed the modified application and supported the proposal, providing conditions to be incorporated in a modified development consent. Recently EPA have advised council that it has issued to the proponent 'notice to suspend licence' following investigation of records that indicated that activities at the subject site exceed the scale of activities permitted by the licence and the terms of the current development consent.

The RMS sought additional information from the proponent relating to current and projected traffic generation. The current intersection was designed to accommodate a maximum traffic generation of 24 truck movements per day, and any additional increase in traffic haulage generated from the site may require additional upgrade of the intersection. The revised information indicated that currently approved levels of traffic generation were to be retained and no increased.

In supplying additional information as requested by the state agencies, the new operators of the quarry, being Regional Quarries, indicated that there had been an increase in traffic movements and haulage rates from the quarry to service a contract. It is understood that EPA has recently undertaken a compliance investigation relating to possible license exceedances.

RMS have advised that the quarry operator has indicated that 'Regional Hardrock would accept a GTA condition limiting traffic movements so as not to require the upgrade of the existing (RMS approved) intersection with The Escort Way and reconfirming the haulage vehicles for quarry is via a 19m truck and dog combination'. RMS recommends as follows:

*'In order for the quarry to remain under the threshold of requiring an upgrade to the current intersection from the quarry site onto The Escort Way and the applicant's preference to be conditioned on haulage movements in this regard, Roads and Maritime's previous recommended condition based on 24 trucks per day remains.*

*Consideration of options to ensure the quarry remains within these haulage conditions may need further investigation given the proposed increase in extraction up to 150,000 tonnes per annum'.*

#### **PUBLIC INTEREST s4.15(1)(e)**

The proposed modified development is considered to be of minor interest to the wider public due to the relatively localised nature of potential impacts.

#### **CONCLUSION**

The proposed modification application is permissible with the consent of Council. The development complies with the relevant aims, objectives and

provisions of the LEP. A section 4.15 assessment of the modified development indicates that the modified development is acceptable in this instance. Attached is a draft modified Notice of Approval outlining a range of conditions considered appropriate to ensure that the development proceeds in an acceptable manner.

## **ITEM 16 - QUESTIONS FOR NEXT MEETING**

### **REPORT IN BRIEF**

<b>Reason For Report</b>	To provide Councillors with an opportunity to ask questions/raise matters which can be provided/addressed at the next Council meeting.
<b>Policy Implications</b>	Nil
<b>Budget Implications</b>	Nil
<b>IPR Linkage</b>	4.5.1.g. Code of Meeting Practice adhered to
<b>Annexures</b>	Nil
<b>File Number</b>	\\OFFICIAL RECORDS LIBRARY\GOVERNANCE\COUNCIL MEETINGS\nOTICES - MEETINGS - 1021325

### **RECOMMENDATION**

THAT Council receive a report at the next Council meeting in relation to questions asked/matters raised where necessary.

## **GENERAL MANAGER REPORT**

A call for questions for which an answer is to be provided if possible or a report submitted to the next Council meeting.

## **ITEM 17 - BUSINESS PAPER ITEMS FOR NOTING**

### **REPORT IN BRIEF**

<b>Reason For Report</b>	Provides an opportunity for Councillors to call items for noting for discussion and recommends remainder to be noted.
<b>Policy Implications</b>	Nil
<b>Budget Implications</b>	Nil
<b>IPR Linkage</b>	4.5.1.g - Code of Meeting Practice adopted and implemented.
<b>Annexures</b>	Nil
<b>File Number</b>	\\OFFICIAL RECORDS LIBRARY\GOVERNANCE\COUNCIL MEETINGS\PROCEDURES - 1021326

**RECOMMENDATION**

THAT:

1. Councillors call any items they wish to further consider.
2. The balance of the items be noted.

**GENERAL MANAGER REPORT**

In the second part of Council's Business Paper are items included for Council's information.

In accordance with Council's format for its Business Paper, Councillors wishing to discuss any item are requested to call that item.

**ITEM 18 - MATTERS OF URGENCY**

**REPORT IN BRIEF**

<b>Reason For Report</b>	Enabling matters of urgency to be called.
<b>Policy Implications</b>	Nil
<b>Budget Implications</b>	Nil
<b>IPR Linkage</b>	4.5.1.a. Provide quality administrative support and governance to councillors and residents
<b>Annexures</b>	Nil
<b>File Number</b>	\\OFFICIAL RECORDS LIBRARY\GOVERNANCE\COUNCIL MEETINGS\nOTICES - MEETINGS - 1021328

**RECOMMENDATION**

THAT Councillors call any matters of urgency.

**GENERAL MANAGER REPORT**

Council's Code of Meeting Practice allows for the Council to consider matters of urgency which are defined as *"any matter which requires a decision prior to the next meeting or a matter which has arisen which needs to be brought to Council's attention without delay such as natural disasters, states of emergency, or urgent deadlines that must be met"*.

This item enables councillors to raise any item that meets this definition.

**ITEM 19 - COMMITTEE OF THE WHOLE SECTION OF THE MEETING**

**REPORT IN BRIEF**

<b>Reason For Report</b>	Enabling reports to be considered in Committee of the Whole.
<b>Policy Implications</b>	Nil
<b>Budget Implications</b>	Nil
<b>IPR Linkage</b>	4.5.1.g. Code of Meeting Practice adhered to
<b>Annexures</b>	Nil
<b>File Number</b>	\\OFFICIAL RECORDS LIBRARY\GOVERNANCE\COUNCIL MEETINGS\PROCEDURES - 1021330

**RECOMMENDATION**

THAT Council hereby resolve itself into Committee of the Whole to discuss matters called earlier in the meeting.

**GENERAL MANAGER REPORT**

Council's Code of Meeting Practice allows for the Council to resolve itself into "committee of the whole" to avoid the necessity of limiting the number and duration of speeches as required by Clause 250 of the Local Government (General) Regulation 2005.

This item enables councillors to go into "committee of the whole" to discuss items called earlier in the meeting.



**MINUTES OF THE ORDINARY COUNCIL MEETING HELD AT THE COUNCIL CHAMBERS  
MOLONG ON TUESDAY 24 SEPTEMBER, 2019 COMMENCING AT 2:00PM**

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**PRESENT** Cllrs K Beatty (in the Chair), J Jones, M Nash, P Mullins, G Treavors, C Newsom, A Durkin, L Oldham, P Batten, K Walker, J Weaver and I Davison.

Also present were the General Manager, Director of Environmental Services, Director of Finance & Corporate Services, Acting Director of Engineering & Technical Services, Administration Manager and Administration Officer.

**ITEMS FOR DETERMINATION**

**ITEM - 1 ACKNOWLEDGEMENT OF COUNTRY**

Proceedings in Brief

The Mayor recited an Acknowledgement of Country in accord with Council's Code of Meeting Practice.

**MOTION** (Weaver/Treavors)

THAT an Acknowledgement of Country be recited in accordance with Council's Code of Meeting Practice policy.

19/09/05 Carried

**ITEM - 2 APPLICATIONS FOR LEAVE OF ABSENCE**

Proceedings in Brief

There were nil applications for leave of absence.

**MOTION** (Oldham/Durkin)

THAT it be noted there were nil applications for leave of absence.

19/09/06 Carried

**ITEM - 3 DECLARATIONS OF INTEREST**

Proceedings in Brief

Clr Batten declared an interest (identified as an actual conflict of interest, significant non-pecuniary) in Items 24 and 26 as he is the Chair of the Molong Advancement Group.

Clr Treavors declared an interest (identified as an actual conflict of interest, significant non-pecuniary) in Item 27 as his son has worked for the applicant and the company his wife works for has continuous dealings with a company the applicant is part owner of.

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Clr Newsom declared an interest (identified as an actual conflict of interest, pecuniary) in Confidential Item 3 as she is an employee of Century 21 Forbes.

Clr Jones declared an interest (identified as a perceived conflict of interest, significant non-pecuniary) in Confidential Item 5 as the proposed applicant is a relation.

**MOTION** (Davison/Nash)

THAT the declarations of interest be noted.

19/09/07 Carried

**ITEM - 4 DECLARATIONS FOR POLITICAL DONATIONS**

Proceedings in Brief

There were nil declarations of political donations.

**MOTION** (Jones/Newsom)

THAT it be noted there were nil declarations of political donations.

19/09/08 Carried

**ITEM - 5 MAYORAL ELECTIONS PROCEDURE 2019**

Proceedings in Brief

It was noted the time being 2.11pm the Mayor declared the position of Mayor vacant and handed over to the General Manager as Returning Officer.

The General Manager advised that for the purpose of the Mayor and Deputy Mayor elections the Director of Finance and Corporate Services has been appointed as the Returning Officer.

Clr Batten thanked the current Mayor for his leadership over the past two (2) years and noted that everyone would agree that he has done an outstanding job.

**MOTION** (Oldham/Nash)

THAT:

1. Council re-affirm its previous practice of conducting voting for the positions of Mayor and Deputy Mayor by preferential ballot where three or more nominations are received, otherwise by ordinary ballot; and
2. Details of the voting for the positions of Mayor and Deputy Mayor not be made public.

19/09/09 Carried

**ITEM - 6 ELECTION OF MAYOR FOR 2019/2020**

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Proceedings in Brief

The Director of Finance and Corporate Services advised there was one nomination for the position of Mayor, that being Clr Beatty.

Clr Beatty confirmed his acceptance of the nomination for position of Mayor.

The Director of Finance and Corporate Services, as Returning Officer, declared Clr Beatty duly elected Mayor of Cabonne Council for the ensuing year.

**MOTION** (Davison/Jones)

THAT the General Manager proceed with the requirements for the election of the Mayor for Cabonne Council as detailed in the item relating to the determination of requirements for the election process.

19/09/10

Carried

**ITEM - 7 ELECTION OF DEPUTY MAYOR 2019/2020**

Proceedings in Brief

Clr Batten thanked Clr Durkin for his efforts as Deputy Mayor.

The Director of Finance and Corporate Services advised there were two (2) nominations received for the position of Deputy Mayor, those being Clrs Durkin and Jones.

Clr Durkin confirmed his acceptance of the nomination for position of Deputy Mayor.

Clr Jones confirmed his acceptance of the nomination for position of Deputy Mayor.

The Director of Finance and Corporate Services advised that both nominations were valid and that the vote would be conducted by Ordinary Ballot. He advised that a draw for order on the ballot paper would take place by placing both Clr Durkin and Clr Jones' names on separate pieces of paper and placing them into a barrel noting the first name drawn out would be the first name on the ballot paper.

The Director of Finance and Corporate Services shook the barrel and the Administration Manager drew the first name from the barrel, that being Clr Durkin. The Administration Manager wrote the names on the ballot papers, the Director of Finance and Corporate Services initialled all ballot papers and the ballot papers were distributed.

After the collection of ballot papers the Director of Finance and Corporate Services confirmed that all votes were formal and proceeded to count the votes.

The Director of Finance and Corporate Services, as Returning Officer, announced Clr Jones had the absolute majority, declaring Clr Jones duly elected as the Deputy Mayor of Cabonne Council for the ensuing year.

**MOTION** (Davison/Jones)

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THAT the General Manager proceed with the requirements for the election of the Deputy Mayor for Cabonne Council as detailed in the item relating to the determination of requirements for the election process.

19/09/11 Carried

**ITEM - 8 DESTRUCTION OF BALLOT PAPERS**

**MOTION** (Weaver/Treavors)

THAT the ballot papers for the positions of Mayor and Deputy Mayor be destroyed upon the completion of formalities associated with the respective ballots.

19/09/12 Carried

It was noted the time being 2.27pm Cllr Beatty resumed the Chair as the elected Mayor.

**ITEM - 9 DELEGATION TO MAYOR AND DEPUTY MAYOR (IN  
MAYOR'S ABSENCE)**

Proceedings in Brief

Cllr Davison noted that at Centroc's last meeting there was no representative from Council. He suggested that when the Mayor and Deputy Mayor are unable to attend the meetings than another councillor be invited to attend.

**MOTION** (Davison/Newsom)

THAT subject to not receiving direction from the Council as to the consideration of any particular matter by the Council itself and subject to the requirements of the Local Government Act 1993 and Regulations thereunder and any express policy of the Council or regulations of any public authority other than the Council and pursuant to the powers conferred on Council by s377 of the *Local Government Act 1993*, the Mayor Kevin John Beatty and, where allowed, in his absence the Deputy Mayor Jamie Thomas Jones be authorised to exercise or perform on behalf of the Council the powers, authorities, duties and functions as follows:

1. To incur expenditure up to the sum of \$3,000 for incidental expenses, within approved votes of Council.
2. To receive a public interest disclosure in circumstances assigned to the position of Mayor in Council's Public Interest Disclosure (Internal Reporting) Policy.

19/09/13 Carried

**ITEM - 10 MAYORAL MINUTE - APPOINTMENTS**

Proceedings in Brief

**THIS IS PAGE NO 4 OF THE MINUTES OF THE ORDINARY MEETING OF CABONNE COUNCIL HELD ON 24 SEPTEMBER, 2019**

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The Mayor thanked Clr Batten for his kind words and thanked all councillors for their support. He also thanked Clr Durkin for his efforts as Deputy Mayor and congratulated Clr Jones on being elected Council's Deputy Mayor.

Clr Beatty

27/08/19 – Attended the office for the business paper review with the Deputy Mayor, General Manager and Directors. Attended the Ordinary Council meeting.

28/08/19 – Attended an interview with the Neil Gill radio program. Attended the office for a meeting with Scott McLachlan in relation to Canowindra Medical Centre. Attended a meeting and site visit with consultant in relations to the Molong Community Centre.

30/08/19 – 09/09/19 Annual Leave.

10/09/19 – Attended the office for a Workshop and Extraordinary meeting.

11/09/19 – Attended the office for a meeting with the General Manager. Attended a meeting with David Hill and the Fairbridge committee.

14/09/19 – Attended the Eugowra Show with Clrs Jones and Newsom and the General Manager.

16/09/19 – Attended the office for a meeting with Peter Morley, Peter Basha and Roger Heath in relation to Molong Golf Course Heights Estate.

18/09/19 – Attended Canowindra with General Manager and met with ten (10) residents.

22/09/19 – Attended the Molong Show with Clrs Jones, Mullins and the General Manager.

Clr Weaver

03/09/19 – Attended the CTAC meeting held at Molong. This proved to be a very positive meeting, with all members taking responsibility to gather tourism information in their specific areas.

09/09/19 – Attended the Age of Fishes Museum Board meeting. The Manager Ann Clarke prepared a very comprehensive report for the meeting. All seems to be very positive for the future.

Clr Newsom

28/08/19 – Attended the Canowindra Chamber and Progress Association meeting.

14/09/19 – Attended the Eugowra Show.

Clr Jones

05/09/19 – Attended the launch of the Inaugural Cabonne Acquisitive Art Prize.

07/09/19 – Attended the 114<sup>th</sup> Manildra Show with Clr Nash.

10/09/19 – Attended the Councillor Workshop and Extraordinary meeting.

12/09/19 – Attended the Molong Advancement Group meeting.

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14/09/19 – Attended the 106<sup>th</sup> Annual Eugowra Show with the Mayor and General Manager.

15/09/19 – Attended the Cudal Show with the General Manager.

22/09/19 – Attended the 155<sup>th</sup> Molong Show with the General Manager, Mayor and Cirs Batten and Mullins.

Clr Davison

Attended the Country and Outback Tourism meetings on the Fossil Trail and Night Skies Promotion. Tabling a report at the November meeting and suggested inviting Lucy White from the Age of Fishes Museum to do a presentation at the November Workshop.

Clr Batten

Attended the Bush Fire Liaison Committee meeting.

**MOTION** (Beatty/-)

THAT the information contained in the Mayoral Minute be noted.

19/09/14 Carried

**ITEM - 11 COMMITTEE OF THE WHOLE**

Proceedings in Brief

It was noted that Clr Mullins called Item 17 and Clr Durkin called Item 27 to be debated in Committee of the Whole.

**MOTION** (Weaver/Jones)

THAT Items 17 and 27 be debated in Committee of the Whole.

19/09/15 Carried

**ITEM - 12 GROUPING OF REPORT ADOPTION**

**MOTION** (Durkin/Batten)

THAT:

1. It be noted that Item 17 was called to be debated in Committee of the Whole; and
2. Items 13 to 16, 18 and 19 be moved and seconded.

19/09/16 Carried

**ITEM - 13 CONFIRMATION OF THE MINUTES**

**MOTION** (Durkin/Batten)

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THAT the minutes of the Ordinary meeting held 27 August 2019 and Extraordinary meeting held 10 September 2019 be adopted.

19/09/17 Carried

**ITEM - 14 ADOPTION OF PROCUREMENT POLICY**

**MOTION** (Durkin/Batten)

THAT Council adopt the updated Procurement Policy.

19/09/18 Carried

**ITEM - 15 ENGAGEMENT OF THE NEW SOUTH WALES ELECTORAL  
COMMISSIONER TO CONDUCT COUNCIL ELECTIONS**

**MOTION** (Durkin/Batten)

THAT Council:

1. Pursuant to s. 296(2), (3) and (5A) of the Local Government Act 1993 (NSW) ("the Act") that an election arrangement be entered into by contract for the Electoral Commissioner to administer all elections of the Council.
2. Pursuant to s. 296(2), (3) and (5A) of the Act, as applied and modified by s. 18, that a council poll arrangement be entered into by contract for the Electoral Commissioner to administer all council polls of the Council.
3. Pursuant to s. 296(2), (3) and (5A) of the Act, as applied and modified by s. 18, a constitutional referendum arrangement be entered into by contract for the Electoral Commissioner to administer all constitutional referenda of the Council.

19/09/19 Carried

**ITEM - 16 70A GASKILL STREET, CANOWINDRA - LEASE  
AGREEMENT**

**MOTION** (Durkin/Batten)

THAT Council extend the current lease agreement with Canowindra Arts Incorporated under the terms of the previous twelve months.

19/09/20 Carried

It was noted that Item 17 was called to be debated in Committee of the Whole.

**ITEM - 18 RESTART NSW FUNDING DEED - VITTORIA ROAD**

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**SHOULDER REHABILITATION AND SAFETY IMPROVEMENT  
PROJECT**

**MOTION** (Durkin/Batten)

THAT Council:

1. Accept funds of \$1,238,000 from Restart NSW for the Vittoria Road Shoulder Rehabilitation and Safety Improvement Project; and
2. Authorise the affixing of the Common Seal to the funding agreements for the Fixing Country Roads projects.

19/09/21 Carried

**ITEM - 19 DEED OF LICENCE FOR CABONNE COUNCIL'S  
OCCUPANCY AT ESSENTIAL ENERGY'S KARUGA RADIO SITE,  
YEOVAL**

**MOTION** (Durkin/Batten)

THAT Council's Seal be affixed to the Deed of Licence for Cabonne Council's occupancy at the Essential Energy Karuga Radio site, Yeoval.

19/09/22 Carried

**ITEM - 20 2019 NATIONAL LOCAL ROADS AND TRANSPORT  
CONGRESS**

**MOTION** (Nash/Newsom)

THAT the Mayor and General Manager be authorised to attend the 2019 National Roads & Transport Congress.

19/09/23 Carried

**ITEM - 21 REQUESTS FOR DONATION**

**MOTION** (Weaver/Newsom)

THAT Council donate:

1. \$100 to St Joseph's Primary School at Eugowra for their colour run.
2. \$500 to the Twisted Trivia event at Canowindra.

19/09/24 Carried

**ITEM - 22 AUSTRALIA DAY 2020**

**MOTION** (Jones/Newsom)

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THAT Council note the schedule for Australia Day 2020.

19/09/25 Carried

**ITEM - 23 STRONGER COUNTRY COMMUNITIES FUND - ROUND  
THREE**

**MOTION** (Batten/Durkin)

THAT Council:

1. Submit an additional project for funding of \$401,740 under round three of the Stronger Country Communities Fund (SCCF) for an upgrade of the Yeoval Recreation Ground as requested by Yeoval Progress Association.
2. Makes a co-contribution of \$100,000 towards the upgrade of the Yeoval Recreation Ground should the funding application be successful.
3. Funds the co-contribution of \$100,000 from Reserves to be identified at the 30 September 2019 Quarterly Budget Review.

19/09/26 Carried

It was noted the time being 2.51pm Clr Batten declared an interest (identified as an actual conflict of interest, significant non-pecuniary) in Point 3 of Item 24 and left the Chamber.

**MOTION** (Jones/Davison)

THAT Council hereby resolve itself into Committee of the Whole.

19/09/27 Carried

**ITEM - 24 2019-20 COMMUNITY ASSISTANCE PROGRAM**

Proceedings in Brief

Canowindra Public School P & C Association

Clr Newsom recommended that Council support the application to the Department of Education as it's the only public primary school in Canowindra.

The Mayor advised Council could write a letter of support for the application.

Clr Davison queried if the P & C submitted the application could Council fund it. The Mayor noted the precedence Council would be setting if it were to fund the application when there are many other schools in the shire that could then request funding.

Clr Nash queried if Council could use the Canowindra Town Improvement Fund. The General Manager noted that from previous research the funds need to be used for community infrastructure inside the town limits.

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Clr Weaver noted she has no problem with money coming out of the Canowindra Town Improvement Fund, but doesn't think Council should be supplying the money at all.

The Mayor suggested the application be refused and further investigate the use of the Canowindra Town Improvement Fund. He suggested the Canowindra councillors meet to discuss and report back to Council.

**Molong Historical Society**

The Mayor noted he visited the Historical Society twelve months ago and the verandah was in desperate need of repair.

**Molong Advancement Group**

Clr Nash asked for clarification. The Mayor advised the application is for masterplans at each of the locations.

Clr Newsom queried if Council are funding masterplans and will the same funding model apply to other communities. The Mayor confirmed it would.

The General Manager clarified that it is a 50/50 contribution.

**RECOMMENDATION** (Oldham/Treavors)

THAT Council:

1. Approve Community Assistance Program (CAP) funding for Applications 1,2,4,5 and 6 of the report;
2. Council allocate \$1,981 from the Community Facilitation Fund to Molong Advancement Group to enable it to meet the 50:50 contribution condition for Application 4; and
3. Conduct a further round of Community Assistance Program funding in the second half of the 2019-2020 financial year.

1. Carried

It was noted the time being 2.55pm Clr Batten returned to the Chamber.

It was noted the time being 2.56pm the Mayor resumed the Ordinary meeting.

**MOTION** (Durkin/Davison)

THAT Council hereby resolve itself into Committee of the Whole.

- 19/09/28 Carried

**ITEM - 25 BUILDING BETTER REGIONS FUND**

**Proceedings in Brief**

Clr Jones advised that Andrew Gee had been out and about in Cabonne and noted that he is keen to see dollars come Cabonne's way, noting projects like the Cudal showground power upgrade, Eugowra showground pavilion and the Molong showground amenities block.

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Clr Davison noted that he recently attended the Country and Outback Tourism meetings on the Fossil Trail and Night Skies Promotion and suggested a project for consideration could be a Railway Precinct Plan for Canowindra, including dig site, museum and the railway precinct.

The General Manager noted it's clear the program is going to generate a lot of interest in the community and suggested Council could go through a process of assessing projects from the communities and reporting back to Council prior to the closing date.

**RECOMMENDATION** (Batten/Treavors)

THAT Council support and assess potential projects and report to Council prior to the closing date for funding under the Building Better Regions Fund.

2. Carried

It was noted that the time being 3.05pm the Mayor resumed the Ordinary meeting.

It was noted the time being 3.06pm Clr Batten declared an interest (identified as an actual conflict of interest, significant non-pecuniary) in Point 4 of the following item and left the Chamber.

**ITEM - 26 EVENTS ASSISTANCE PROGRAM 2019/20**

**MOTION** (Durkin/Treavors)

THAT Council approve funding under the 2019/2020 Events Assistance Program (EAP) to the following events:

- |                                       |         |
|---------------------------------------|---------|
| 1. Australian National Field Days     | \$2,500 |
| 2. The Eugowra Village Murals Weekend | \$2,000 |
| 3. Fanny Lumsden's Country Halls Tour | \$500   |
| 4. The Molong Banjo Paterson Dinner   | \$1,000 |

19/09/29 Carried

It was noted the time being 3.07pm Clr Batten returned to the Chamber.

It was noted that Item 27 was called to be debated in Committee of the Whole.

**ITEM - 28 DEVELOPMENT APPLICATION 2019/0163 - SUBDIVISION /  
BOUNDARY ADJUSTMENT OF LOTS 49 AND 189 DP 750387  
BEING 86 & 186 DAVIS ROAD, SPRING HILL**

Proceedings in Brief

The Mayor advised that the applicant had requested this matter be deferred.

**MOTION** (Jones/Durkin)

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THAT Development Application 2019/0163 for a boundary adjustment between Lots 49 and 189 in DP 750387, being land described as 86 and 186 Davis Road, Spring Hill, be deferred until the November Council meeting.

19/09/30 Carried

The Chair called for a Division of Council as required under Section 375A (3) of the Local Government Act which resulted in a vote for the motion as follows:

For: Clrs K Beatty, J Jones, M Nash, P Mullins, G Treavors, C Newsom, A Durkin, L Oldham, P Batten, K Walker, J Weaver and I Davison.

Against: Nil

**ITEM - 29 AMENDMENT TO BUILDING ENVELOPE LOT 1 DP 1168367  
1864 EUCHAREENA ROAD BOOMEY**

**MOTION** (Nash/Jones)

THAT Council approve the amendment to the building envelope of Lot 1 DP 1168367, 1864 Euchareena Road, Boomey.

19/09/31 Carried

The Chair called for a Division of Council as required under Section 375A (3) of the Local Government Act which resulted in a vote for the motion as follows:

For: Clrs K Beatty, J Jones, M Nash, P Mullins, G Treavors, C Newsom, A Durkin, L Oldham, P Batten, K Walker, J Weaver and I Davison.

Against: Nil

**ITEM - 30 CABONNE COUNCIL DRAFT COMMUNITY PARTICIPATION  
PLAN**

Proceedings in Brief

Clr Batten suggested that in the section *Community Participation Objectives – Community Participation is Easy*, that the statement, *Prepare information for the community that is relevant, concise, written in plain English and easy to understand....* be extended to be inclusive of the blind and visually impaired, and persons to whom English was a second language.

**MOTION** (Durkin/Weaver)

THAT Council note the attached Community Participation Plan and publicly notify the plan for 28 days.

19/09/32 Carried

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**ITEM - 31 QUESTIONS FOR NEXT MEETING**

Proceedings in Brief

Clr Davison requested a report on Council Reserves. The General Manager advised that the Quarterly Budget Review will be reported to the November Council meeting and will include Reserves.

**MOTION** (Davison/Treavors)

THAT Council receive a report at the next Council meeting in relation to Council Reserves.

19/09/33 Carried

**ITEM - 32 BUSINESS PAPER ITEMS FOR NOTING**

Proceedings in Brief

There were nil items called for further consideration.

**MOTION** (Nash/Durkin)

THAT the notation items be noted.

19/09/34 Carried

**ITEM - 33 MATTERS OF URGENCY**

Proceedings in Brief

There were nil matters of urgency.

**MOTION** (Weaver/Durkin)

THAT it be noted there were nil matters of urgency.

19/09/35 Carried

**ITEM - 34 COMMITTEE OF THE WHOLE SECTION OF THE MEETING**

**MOTION** (Durkin/Jones)

THAT Council hereby resolve itself into Committee of the Whole to discuss matters called earlier in the meeting.

19/09/36 Carried

**ITEM - 17 AUGUST 2019 LOCAL TRAFFIC COMMITTEE MEETING**

Proceedings in Brief

Clr Mullins stated that the Zoo 2 Zoo Bike Ride is a major high profile event run by the Black Dog Institute and that the Traffic Committee rejecting the

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application has meant Molong will lose the economic benefit of having the riders stay overnight as they have done for the previous 8-10 years.

Clr Mullins queried if the proponents were advised their application was lacking and given an opportunity to remedy it, and if they are able to remedy the application if the Traffic Committee and Council can then accept the application.

Clr Batten noted the Cumnock Progress Association were keen to host the breakfast which they have for a number of years in the past and also queried why Council would refuse to hold this event.

The Acting Director of Engineering & Technical Services advised there were two documents, the traffic management plan and the insurance document that was not included in the application and the proponent had been advised of the Traffic Committee's decision, noting that the Committee had not heard back from the proponent after advising of its decision.

The General Manager advised he will follow up on this matter and determine if the issues can be rectified.

Clr Weaver noted the Canowindra Open Day and Community Street Party has been withdrawn.

**RECOMMENDATION** (Newsom/Weaver)

THAT Council ratify the recommendations of the August 2019 Local Traffic Committee.

3. Carried

It was noted the time being 3.24pm Clr Treavors declared an interest (identified as an actual conflict of interest, significant non-pecuniary) in the following item and left the Chamber.

**ITEM - 27 DEVELOPMENT APPLICATION 2019/135 - DWELLING,  
SWIMMING POOL, WATER TANKS AND STORAGE SHED - LOT  
10 DP 1135607, 31 RODDA DRIVE, CUDAL.**

Proceedings in Brief

Clr Davison queried the need for a 10m building restriction and suggested the restriction be 5m. The Director of Environmental Services advised that the 10m setback is registered on the Title and requires that all buildings be within the building envelope. She further advised that the building envelope is included on the subdivision plan and that Council can alter the restriction by resolution.

The Mayor advised that the 10m restriction was originally put in place to allow for emergency vehicle access (including fire brigade and SES vehicles) and stressed that Council needs to consider that there are already buildings that have adhered to the conditions and could be disadvantaged.

Clr Jones asked the Director of Environmental Services if the other buildings were approved. The Director of Environmental Services advised an audit

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would have to be undertaken to determine if they were approved, noting that some might be exempt development.

Clr Batten stated that he does not support an amendment as it would be undermining emergency services and the purpose of the subdivision was to have a semi-rural environment and potentially the development will end up with buildings that are too close together with the possibility of stormwater issues from the buildings.

**MOTION** (Nash/Durkin)

THAT:

1. Development Application 2019/0135 for construction of a dwelling, swimming pool, storage shed and water tanks upon Lot 10 DP 1135607 known as 31 Rodda Drive, Cudal, be granted consent subject to the conditions provided in the assessment report; and
2. Council refuse the request to vary the s88B land use restriction relating to siting of buildings.

**AMENDMENT** (Davison/Nash)

THAT:

1. Development Application 2019/0135 for construction of a dwelling, swimming pool, storage shed and water tanks upon Lot 10 DP 1135607 known as 31 Rodda Drive, Cudal, be granted consent subject to the conditions provided in the assessment report; and
2. Council support the request to vary the s88B land use restriction relating to siting of buildings, to enable structures to be located a minimum of 5m from the southern boundary of the subject land.

The amendment was put and carried becoming the motion, the motion was put and carried.

**RECOMMENDATION** (Davison/Nash)

THAT:

1. Development Application 2019/0135 for construction of a dwelling, swimming pool, storage shed and water tanks upon Lot 10 DP 1135607 known as 31 Rodda Drive, Cudal, be granted consent subject to the conditions provided in the assessment report; and
2. Council support the request to vary the s88B land use restriction relating to siting of buildings, to enable structures to be located a minimum of 5m from the southern boundary of the subject land.

4. Carried

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The Chair called for a Division of Council as required under Section 375A (3) of the Local Government Act which resulted in a vote (noting the absence of Clr Treavors who declared an interest in the matter) for the motion as follows:

For: Clrs J Jones, M Nash, P Mullins, C Newsom, A Durkin, K Walker, and I Davison.

Against: Clrs K Beatty, L Oldham, P Batten, J Weaver.

It was noted the time being 3.39pm Clr Treavors returned to the Chamber. Clr Treavors excused himself from the meeting to attend an appointment.

It was noted the time being 3.40pm the Chair announced that the Council would now be resolving into a Closed Committee of the Whole.

**CONFIDENTIAL ITEMS**

**ITEM - 1 CARRYING OF COMMITTEE RESOLUTION INTO CLOSED  
COMMITTEE OF THE WHOLE MEETING**

**RECOMMENDATION** (Davison/Weaver)

THAT the committee now hereby resolve into Closed Committee of the Whole for the purpose of discussing matters of a confidential nature relating to personnel or industrial matters, personal finances and matters which the publicity of which the Committee considers would be prejudicial to the Council or the individual concerned and that the press and the public be excluded from the meeting in accordance with the conditions of Council's Confidentiality Policy AND FURTHER that as reports to the Closed Committee of the Whole are likely to be confidential and their release prejudicial to the public interest and the provisions of Council's confidentiality policy, that copies of these reports not be made available to the press and public.

5. Carried

**ITEM - 2 ENDORSEMENT OF PROCEEDINGS OF CONFIDENTIAL  
MATTERS CONSIDERED AT COMMITTEE OF THE WHOLE  
MEETING**

**RECOMMENDATION** (Davison/Durkin)

THAT the Committee endorse the accuracy of the Report of the Proceedings of Confidential Matters at the Ordinary Council meeting held on 27 August 2019 and Extraordinary Meeting held on 10 September 2019 and notes the recommendations recorded in the Official Ordinary Minutes of that meeting are sufficient to state the general effect of the proceeding in Closed Committee.

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6. Carried

It was noted the time being 3.42pm Clr Newsom declared an interest (identified as an actual conflict of interest, pecuniary) in the following item and left the chamber.

\* **ITEM - 3 POSSIBLE SALE OF 184 GASKILL ST, CANOWINDRA, BEING  
LOT 1 DP 503767.**

**RECOMMENDATION** (Batten/Durkin)

THAT:

1. Council lists 184 Gaskill Street, Canowindra being Lot 1 DP503767 for sale by public auction;
2. The reserve price is as per the details in the Proceedings in Brief;
3. Canowindra Real Estate conduct the auction;
4. Council authorise the General Manager to determine a date and time for the auction in conjunction with the selected real estate agent; and
5. Council authorise the affixing of Council's Seal to the land sale contract and transfer documents.

7. Carried

It was noted the time being 3.43pm Clr Newsom returned to the Chamber.

**ITEM - 4 POSSIBLE SALE OF LOT 2 DP 1113621 LONGS CORNER  
ROAD, CANOWINDRA**

**RECOMMENDATION** (Durkin/Davison)

THAT Council authorises affixing of Council's Seal to the land sale contract and transfer documents.

8. Carried

It was noted the time being 3.44pm Clr Jones declared an interest (identified as a perceived conflict of interest, significant non-pecuniary) in the following item and left the Chamber.

\* **ITEM - 5 MOLONG CARAVAN PARK**

**RECOMMENDATION** (Durkin/Oldham)

THAT Council:

1. Reject the initial tender submission from Lorraine and Paul O'Brien for the Management of the Molong Caravan Park for a three (3) year term;

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2. Accept the negotiated Contract from Lorraine and Paul O'Brien for the Management of the Molong Caravan Park for a three (3) year term, at the price of \$90,090 p.a. (incl. GST); and
3. Authorise the affixing of the Common Seal to the Contract documents.

9. Carried

It was noted the time being 3.59pm Cllr Jones returned to the Chambers.

It was noted the time being 3.59pm the Mayor resumed the Ordinary meeting.

**REPORT & RESOLUTIONS OF COMMITTEE OF THE WHOLE**

**MOTION** (Nash/Oldham)

THAT the Report and Recommendations of the Committee of the Whole Meeting held on Tuesday 24 September, 2019 be adopted.

19/09/37 Carried

There being no further business, the meeting closed at 3.59pm.

CHAIRMAN.

Chairman of the Ordinary Meeting of Cabonne Council held on the 22 October, 2019 at which meeting the listed minutes were confirmed and the signature hereon was subscribed.

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**THIS IS PAGE NO 18 OF THE MINUTES OF THE ORDINARY MEETING OF CABONNE  
COUNCIL HELD ON 24 SEPTEMBER, 2019**

REPORT OF THE AUSTRALIA DAY AWARDS COMMITTEE MEETING HELD AT THE  
COUNCIL CHAMBERS MOLONG ON TUESDAY 24 SEPTEMBER, 2019 COMMENCING AT  
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THIS IS PAGE NO 1 OF THE REPORT OF THE AUSTRALIA DAY AWARDS COMMITTEE  
MEETING OF CABONNE COUNCIL HELD ON 24 SEPTEMBER, 2019

**REPORT OF THE AUSTRALIA DAY AWARDS COMMITTEE MEETING HELD AT THE COUNCIL CHAMBERS MOLONG ON TUESDAY 24 SEPTEMBER, 2019 COMMENCING AT**  
Page 1

**PRESENT** Clrs K Beatty (in the Chair), J Jones, M Nash, P Mullins, C Newsom, A Durkin, L Oldham, P Batten, K Walker, J Weaver, I Davison and the General Manager.

Also present were the Director of Finance & Corporate Services, Director of Environmental Services, Acting Director of Engineering & Technical Services, Administration Manager and Administration Officer.

**ITEM - 1 APPLICATIONS FOR LEAVE OF ABSENCE**

Proceedings in Brief

It was noted there was an apology tendered on behalf of Clr Treavors for his absence from the meeting.

**RECOMMENDATION** (Durkin/Newsom)

THAT any apology tendered on behalf of Clr Treavors be accepted and the necessary leave of absence be granted.

1. Carried

**ITEM - 2 DECLARATIONS OF INTEREST**

Proceedings in Brief

There were nil declarations of interest.

**RECOMMENDATION** (Jones/Durkin)

THAT it be noted there were nil declarations of interest.

2. Carried

**ITEM - 3 DECLARATIONS FOR POLITICAL DONATIONS**

Proceedings in Brief

There were nil declarations for political donations.

**RECOMMENDATION** (Nash/Weaver)

THAT it be noted there were nil declarations for political donations.

3. Carried

**ITEM - 4 CABONNE SPORTSPERSON OF THE YEAR AWARD**

**RECOMMENDATION** (Weaver/Jones)

**THIS IS PAGE NO 1 OF THE REPORT OF THE AUSTRALIA DAY AWARDS COMMITTEE MEETING OF CABONNE COUNCIL HELD ON 24 SEPTEMBER, 2019**

REPORT OF THE AUSTRALIA DAY AWARDS COMMITTEE MEETING HELD AT THE COUNCIL CHAMBERS MOLONG ON TUESDAY 24 SEPTEMBER, 2019 COMMENCING AT  
Page 2

THAT the criteria for the Cabonne Sportsman of the Year Award be *“An athlete of any age who has consistently achieved at a high level either at local, state or national level in the last year, has displayed excellent sportsmanship, as well as putting back into the sport. Eligibility of any individual who lives in, attends school or is a member of a sporting club within Cabonne.”*

4. Carried

There being no further business, the meeting closed at 4.06pm.

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THIS IS PAGE NO 2 OF THE REPORT OF THE AUSTRALIA DAY AWARDS COMMITTEE MEETING OF CABONNE COUNCIL HELD ON 24 SEPTEMBER, 2019



Planning,  
Industry &  
Environment

File Reference: 19/08106  
Account No: RN 612099

PO Box 2215, DANGAR NSW 2309  
Phone: 1300 886 235  
Fax: (02) 4925 3517  
[cl.licences@crowland.nsw.gov.au](mailto:cl.licences@crowland.nsw.gov.au)  
[www.dpie.nsw.gov.au/lands](http://www.dpie.nsw.gov.au/lands)

19 September 2019

Cabonne Council  
PO Box 17  
MOLONG NSW 2866

Cabonne Council  
RECEIVED  
26 SEP 2019

Dear Sir/Madam

Referred to .....

**Re: OFFER OF LICENCE PROPOSED LICENSEE: Cabonne Council**

I refer to previous correspondence concerning the grant of a licence. An offer of a licence is now made to authorise the use or occupation of land. The purpose and conditions are set out in the licence offer document herewith and the offer will remain open for a period of 40 days from the date of this letter.

To accept the offer of the licence, the licence document must be signed and witnessed by each party to the application in the spaces provided on the front page (or where the proposed Holder is a corporation, execution under its common seal) and returned (in full) to this office within the period of 40 days, together with payment as set out below. If you fail to respond within that period the offer will lapse.

In considering the terms and conditions set out in the licence offer it is suggested that you should have particular regard to clauses making provision for the purpose, rent, term and revocation. Also, your specific attention is invited to clauses (if any) included in the licence relating to insurance, and any special conditions that may be included at the end of the licence.

Please note that acceptance of the licence offer does not constitute the creation of a licence. The licence is not granted until after receipt of the signed licence offer documents indicating agreement to be bound by the terms, conditions and provisions of the licence and formal execution on behalf of the Minister. The licensee's copy of the licence offer document will be returned for record purposes and compliance with the terms and conditions.

Please be advised that undertaking any activities not authorised by this licence, may result in regulatory action.

**PAYMENTS REQUIRED**

Initial Market Rent	\$501.00
GST on Rent (\$501.00)	\$50.10
Application Fee	\$493.00

**Amount Payable \$1,044.10**

**Payment Options;**

- \* Cheque made payable to Department of Planning, Industry & Environment
- \* BPay Biller Code 53108 Reference 131290405
- \* Credit Card payment by Visa or Mastercard only. Payment can be made at <https://www.industry.nsw.gov.au/lands/your-account> or 1300 886 235 (option 1, option 1) with reference 131290405 (Please note credit card payments will be subject to a 0.4% surcharge with a maximum limit of \$10,000)

TNOFFB01



If you have any queries in relation to your application please use the above contact details.

Yours faithfully



Cara Grey  
Department of Planning, Industry & Environment - Crown Lands Business Centre

---

TNOFFB01

# L I C E N C E

## Crown Land Management Act 2016 - Section 2.18

File Reference

19/08106

Licence Number

RN 612099

**MINISTER**

The Minister administering the Crown Land Management Act 2016,  
(hereinafter referred to as the Minister)

grants to

**LICENSEE  
name & address**

**CABONNE COUNCIL**  
101 Bank St  
**MOLONG NSW 2866**  
(hereinafter referred to as the Holder)

a Licence pursuant to the provisions of Section 2.18 of the Crown Land Management Act 2016 in respect of the land described hereunder in Parts 1 and 2 and subject to the terms and conditions contained in the following pages and Schedule 1, and in any additional Schedules or documents referred to in Schedule 1.

**EXECUTION**

Dated this \_\_\_\_\_ day of \_\_\_\_\_ 20

**THE MINISTER**

\_\_\_\_\_ name and position  
as delegate of the Minister  
administering the Crown Land  
Management Act 2016

**THE HOLDER**

In consideration of the grant of this Licence I / We agree to be bound by the terms, conditions and provisions of the Licence.

Certified on behalf of the corporation named below by the authorised person(s) whose signature(s) appear(s) below pursuant to the authority specified.

Corporation: CABONNE COUNCIL ABN 41 992 919 200

Authority: Section 127 of the Corporation Act 2001

Signature of authorised person: \_\_\_\_\_

Name of authorised person: \_\_\_\_\_

Office held: \_\_\_\_\_

Signature of authorised person: \_\_\_\_\_

Name of authorised person: \_\_\_\_\_

Office held: \_\_\_\_\_

Licence: RN 612099

**DESCRIPTION OF LANDS****PART 1**

Local Govt. Area	CABONNE		
County	ASHBURNHAM		
Parish	TRAJERE		
Locality	EUGOWRA		
Status:	<b>Lot</b>	<b>Section</b>	<b>DP</b>
Crown land being part	7001		DP: 1125814
Crown land being part	71		DP: 750182

**PART 2**

Plan/diagram: Schedule 3	Area: 1.468ha
--------------------------	---------------

**TEXT DESCRIPTION:** Crown land being part of Lot 71 DP 750182 (Reserve 590017 for Public Recreation, Racecourse & Showground, notified 4 December, 1936) and part of Lot 7001 DP 1125814 (Reserve 94126 for Future Public requirements, notified 24 December 1980) as shown in red on the Schedule 3 diagram.

\*\*\*\*\* End of Description of Land \*\*\*\*\*

Licence: RN 612099

## 1. Definitions

In this Licence unless the contrary intention appears:

"Act" means the Crown Land Management Act 2016

"Commencement Date" means the date on which this Licence is stated to commence.

"Holder" means the person described as the Holder on the front page of this Licence.

"Improvements" means all buildings structures facilities works and pontoons situated on or in the land or which under the terms of this Licence are to be situated on or in the land.

"Land" means the land specified in Parts 1 and 2 of this Licence under the heading "DESCRIPTION OF LAND" (including any submerged land and waterway) or where the context so admits any part thereof.

"Licence" means this Licence including the Schedules and Annexures hereto.

"Minister" means the Minister referred to on the front page of this Licence as the Minister and where not repugnant to the context includes the Successors of Minister and the servants and agents of the Minister.

"Pontoon" means a floating landing stage.

"Premises" means the Land the Improvements and the Holder's Plant and where the context so permits any part of the foregoing.

"RA" means the Roads Act 1993.

"Rent" means the rent provided for in this Licence.

"Term" means the period commencing on the "Commencement Date" and terminating on the "Termination Date".

"Termination Date" means the date on which the Licence is revoked or ceases to have effect in accordance with the provision of this Licence. (6.002)

## 2. Plurals and Genders

- (a) Words importing the singular number shall include the plural and vice versa.
- (b) Words importing the masculine gender shall include the feminine or neuter and vice versa.
- (c) Any reference to a person shall be deemed to include a reference to a corporation and vice versa. (6.004)

## 3. Contra Proferentum

No rules of construction shall apply to the disadvantage of a party on the basis that that party was responsible for the preparation of this Licence or any part of it. (6.005)

## 4. Headings Plans and Code Numbers

- (a) Headings (and subheadings within clauses) marginal notes the matter appearing in Column 1 of Schedule 1 and the Table of Contents have been inserted for guidance only and shall be deemed not to form any part of the Licence.

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Licence: RN 612099

- (b) Any plan or diagram attached or annexed to this licence, which purports to depict the land shall be deemed not to form any part of the licence unless that plan or diagram is referred to in PART 2 in the DESCRIPTION OF LAND.
- (c) The code number appearing at the end of each clause of the Licence shall be deemed not to form part of the Licence. (6.006)

#### **5. Clauses and Schedules**

References to Clauses Parts and Schedules are references to clauses parts and schedules of this Licence. (6.007)

#### **6. Statutes**

- (a) A reference to a statute statutory instrument or ordinance includes amendments to that statute statutory instrument or ordinance whether by subsequent statutes statutory instruments or ordinances or otherwise and any statute statutory instrument or ordinance passed in substitution for the statute statutory instrument or ordinance referred to or incorporating any of its provisions.
- (b) A reference to a statute includes a reference to any regulation made thereunder. (6.008)

#### **7. Joint and Several Covenants**

Any covenant or agreement on the part of two or more persons shall be deemed to bind them jointly and severally. (6.009)

#### **8. Severability**

Any provision of this Licence which is prohibited or unenforceable in any jurisdiction shall as to such jurisdiction be ineffective to the extent of such prohibition or inability to enforce without invalidating the remaining provisions of such provision in any other jurisdiction. (6.010)

#### **9. Applicable Law**

This Licence shall be construed and interpreted in accordance with the law of New South Wales. (6.011)

#### **10. Licence a "Holding" for purposes of the Act**

The Holder acknowledges that this Licence is a Holding within the meaning of the Act and the Holder is a Holder within the meaning of the Act and the provisions of the Act relating to holdings and holders apply to this Licence and the Holder. (6.012)

#### **11. Performance of Functions etc**

Any power authority duty or function conferred or imposed upon the Minister under this Licence may be exercised or performed by any person authorised by the Minister. (6.013)

#### **12. Authorised Officer**

Where under this Licence the Minister is empowered to authorise any person to perform or exercise any power authority duty or function under this Licence such person shall be validly authorised if he is authorised to exercise any power authority duty or function conferred by any Licence granted by the Minister or any Licence of a specified type or any Licence within a specified locality. (6.014)

#### **13. Minister as Public Authority**

The Minister and Holder acknowledge that nothing in this Licence can in any way restrict or otherwise affect the Minister's unfettered discretion as to the use of the Minister's statutory powers as a public authority. (6.015)

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**14. Approval by the Minister**

- (a) In any case where pursuant to this Licence the doing or executing of any act matter or thing by the Holder is dependent upon the approval or consent of the Minister such approval or consent shall not be effective unless given in writing and may be given or withheld by the Minister in the Minister's absolute discretion and may be given subject to such conditions as the Minister may determine unless otherwise herein provided.
- (b) The Holder expressly agrees that any failure to comply with a condition imposed by the Minister will constitute a failure by the Holder to comply with a condition of this Licence. (6.016)

**15. Opinion of the Minister**

Any opinion to be formed by the Minister for the purposes of this Licence may be formed by the Minister on such grounds and material as the Minister determines to be sufficient after consultation if the Minister deems it necessary with any New South Wales Government Department or other public authority Standards Australia or any other body whose objects and functions are relevant. In forming any such opinion the Minister shall be deemed to be exercising merely administrative functions. (6.017)

**16. Holder to pay Cost of Work**

Whenever the Holder is required in this Licence to do or effect any act matter or thing then the doing of such act matter or thing shall unless this Licence otherwise provides be at the sole risk cost and expense of the Holder. (6.018)

**17. Notices**

- (a) All notices or communications required to be or which may be given or served by the Minister to or upon the Holder under this Licence or which may be convenient to be given or served in connection with this Licence shall be in writing and shall be sufficiently given or served if left at or sent by ordinary post addressed to the Holder at his address specified in Column 2 of Item 1 of Schedule 1 or at the Premises or at such other place as notified in writing by the Holder to the Minister.
- (b) All notices or communications required to be or which may be given or served by the Holder to or upon the Minister under this Licence or which may be convenient to be given or served in connection with this Licence shall be in writing and shall be sufficiently given or served if signed by the Holder or if the Holder is a corporation by the Secretary of the Holder or the person acting as such for the time being and if left at or sent by ordinary post addressed to the person specified in Column 2 of Item 2 of Schedule 1.
- (c) Any notice or communication given or served by post shall be deemed to have been duly given or served at the time when it would in the ordinary course be delivered. (6.019)

**18. Manner of Payment of Rent and Other Moneys**

The rent and other moneys payable in accordance with this Licence shall be paid to the Minister at the address specified in Column 2 of Item 3 of Schedule 1 or to such other person or at such other address as the Minister may from time to time direct by notice in writing served on the Holder. (6.020)

**19. Time to be of the Essence**

The Minister and the Holder expressly agree that where in any provision of this Licence the Holder is given or allowed a specified time within which to undertake or do any act or thing or any power is conferred or any event occurs after the lapsing of a specified time time shall be the essence of the contract in that regard. (6.021)

**20. Whole agreement**

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Licence: RN 612099

The conditions covenants and provisions contained in the Licence expressly or by statutory implication and any provision of the Act which apply to this Licence cover and comprise the whole of the agreement between the parties hereto and it is expressly agreed and declared that no further or other covenants or provisions whether in respect of the Premises or otherwise shall be deemed to be implied herein or to arise between the parties hereto by reason of the invitation by the Minister to the Holder to submit a proposal for the redevelopment of the Premises or any document issued by the Minister prior thereto or by reason of the subsequent negotiations between the parties hereto or by reason or any promise representation warranty or undertaking given or made by any party hereto to another on or prior to the execution hereof or during the Term and the existence of any such implication or collateral or other agreement is hereby negated. (6.022)

**21. Permitted Use**

- (a) This Licence confers on the Holder a right to occupy the Premises for the purpose specified or referred to in Column 2 of Item 4 in Schedule 1.
- (b) The Holder will not use the Premises or allow them to be used for any purpose other than the purpose specified in Column 2 of Item 4 in Schedule 1. (6.023)

**22. No Exclusive Possession**

The Holder acknowledges that this licence does not confer exclusive Possession of the Premises upon the Holder. (6.023A)

**23. Holder not to Commit Nuisance etc**

The Holder will not at any time during the Term of this Licence:

- (a) carry on or permit to be carried on at the premises any noxious nuisance or offensive trade business.
- (b) do or permit to be carried on at the premises any act matter or thing which results in nuisance damage or disturbance to the Minister or owners or occupiers of adjoining or neighbouring lands or buildings.
- (c) use the premises for any illegal activity. (6.024)

**24. Premises not to be Used for Business Purposes**

The Holder will not use the Premises or any part thereof for any business purpose calling or trade or permit any form of business calling or trade to be conducted therein. (6.026)

**25. Commencement and Revocation of Licence**

- (a) This Licence shall commence on the date specified or referred to in Column 2 of Item 5 of Schedule 1 and shall continue in force until it is revoked in accordance with the provisions of this clause.
- (b) The Minister may in his absolute discretion revoke this Licence at any time by serving on the Holder a notice in writing revoking this Licence.
- (c) A revocation made under this clause shall take effect on the date specified in the notice or where no date is specified in the notice on the date on which the notice is served on the Holder.
- (d) Except as may be expressly provided for in this Licence the Holder acknowledges and agrees that the Holder will not be entitled to any compensation costs or damages in respect of the revocation of this Licence. (6.027)

**26. Licence Granted subject to Aboriginal Land Claim**

- (a) The Holder is granted this licence subject to a possible Aboriginal Land Claim over this land provided in s36 of the Aboriginal Land Rights Act 1983.

Page 6 of 17

Licence: RN 612099

- (b) Notwithstanding any other provision of this Licence, this Licence shall terminate or require alteration in the event that the Minister determines that the land is claimable Crown land or a Court determines that the land is claimable Crown land.
- (c) Except as may be expressly provided for in this Licence the Holder acknowledges and agrees that the Holder will not be entitled to any compensation costs or damages in respect of the termination or alteration of this Licence by operation of this clause. (6.029C)

## 27. Termination upon grant of Aboriginal Land Agreement

- (a) Despite anything else in this Licence, the Holder agrees to and approves of the transfer of this Licence as it applies to any or all of this Site (which for the purposes of this clause, includes any access routes associated with use of the Site) without any further notice if an Aboriginal Land Agreement (ALA) within the meaning of section 36AA(1) of the Aboriginal Land Rights Act 1983, affecting the Site or part thereof, provides for the transfer of this Licence as it applies to any or all of this Site.
- (b) Except as may be expressly provided for in this Licence, the Holder acknowledges and agrees that the Holder will not be entitled to any compensation, costs or damages in respect of the transfer of this Licence as it applies to any or all of this Site by operation of this clause.
- (c) The Holder agrees that the date of transfer under this clause is the date provided for in the ALA, or if it is not so provided, the date the ALA is entered into.
- (d) The Minister may give notice to the Holder of the transfer of this Licence as it applies to any or all of this Site under this clause but is not required to do so to effect the transfer. (6.029F)

## 28. Payment of Rent (CPI)

- (a) For the purposes of this clause:

"Initial Rent" means the rent specified in Column 2 of Item 11 of Schedule 1.

"Consumer Price Index number" has the same meaning given to that term in the Act.

"CPI Review Date" means each anniversary date of the Commencement Date.

"CPI Review Period" means the period between each CPI Review Date.

"Due Date" means each anniversary date of the Commencement Date.

"Market Rent Review Date" means the date of the expiration of each period of years as specified in Column 2 of Item 12 of Schedule 1 calculated from the Commencement Date.

"Market Rent Review Period" means the period between each Market Rent Review Date.

- (b) The Holder covenants with the Minister that the Holder will during the whole of the Term pay to the Minister in accordance with the provisions of this clause without demand free of exchange and without deduction whatsoever the rent hereinafter provided.
- (c) The Holder will pay to the Minister on the commencement Date the Initial Rent and thereafter shall pay on each Due Date rent in advance adjusted as hereinafter provided.
- (d) (i) On the CPI Review Date the rent shall be adjusted in accordance with the following formula:

$$R = B \times \frac{C}{D}$$

where:



Licence: RN 612099

- R represents the adjusted rent;
- B represents the annual rent payable during the year preceding the CPI Review Date;
- C represents the Consumer Price Index number for the last quarter for which such a number was published before the CPI Review Date; and
- D represents the Consumer Price Index number for the last quarter for which such a number was published before the immediately preceding CPI Review Date (or if there is no immediately preceding CPI Review Date then the Commencement Date).
- (ii) Any rent adjusted under this subclause shall be adjusted to the nearest whole dollar.
- (e) In addition to the indexation review provided for in subclause (d) on the first Market Rent Review Date after commencement and thereafter on each Market Rent Review Date the rent may be redetermined by the Minister pursuant to the provisions of Sections 6.5 and 6.7 of the Act.
- (f) A redetermination of rent for the purposes of subclause (e) shall be deemed to have been made on the Market Rent Review Date if it is made at any time within the period of six months before the market Rent Review Date.
- (g) Where the Minister does not redetermine the rent as provided for in subclause (e) he may redetermine the rent pursuant to the provisions of Sections 6.5 and 6.7 of the Act at any time prior to the next Market Rent Review Date and no succeeding Market Rent Review Date shall be postponed by reason of the operation of this subclause.
- (h) Where the Minister does not redetermine the rent on the First Market Rent Review Date or a Market Rent Review Date as provided for in subclause (e) the Holder may by notice in writing served on the Minister require that the Minister redetermine the rent pursuant to the provisions of Sections 6.5 and 6.7 of the Act. Where the Holder requires the Minister to redetermine the rent under this subclause he shall pay on demand the costs of the Minister (or so much of the cost as the Minister may require) in making that determination.
- (i) The Holder may object to a redetermination of rent under Section 6.8 of the Act. A redetermination of rent as provided for in subclauses (e) (g) and (h) shall take effect and be due and payable from the date of issue of the notice of redetermination under Section 6.7 of the Act, even if an objection under that Section 6.8 has been lodged. On the completion of the objection process any necessary adjustments shall be made.
- (j) A redetermination of rent made before its relevant Market Rent Review Date as provided for in subclause (f) shall take effect from the relevant Market Rent Review Date even if an objection under Section 6.8 of the Act has been lodged. On the completion of the objection process any necessary adjustments shall be made.
- (k) The Holder acknowledges that the Minister may make a direction under Section 12.16 of the Act in respect of any rent payable under this Licence. (6.031)

### **29. Continuing Obligation**

The obligation of the Holder to pay the Rent shall be a continuing one during the term of this Licence and shall not abate in whole or in part or be affected by any cause whatsoever. (6.037)

### **30. Holder to Pay Rates etc**

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Licence: RN 612099

The Holder will when the same become due for payment pay all (or in the first and last year of the term of this Licence the appropriate proportionate part) rates taxes (including Land Tax) assessments duties charges and fees whether municipal local government parliamentary or otherwise which are at any time during the currency of this Licence lawfully charged upon imposed or levied in respect of the Premises or on the Minister or the Holder on account thereof and will if required by the Minister produce to the Minister the receipts for such payments within ten business days after the respective due dates for payment AND in case such rates taxes duties and fees so covenanted to be paid by the Holder are not paid when the same shall become due the Minister may if the Minister thinks fit pay the same and any such sum or sums so paid may be recovered by the Minister as if such sums were rent in arrears. (6.039)

### **31. Holder to Pay Other Charges**

The Holder will pay all other fees charges and impositions which are at any time during the Term payable in respect of the Premises or on account of the use and occupation of the Premises by the Holder. (6.040)

### **32. Goods and Services Tax**

#### (a) Definitions

In this clause the expressions "GST", "supply", and "taxable supply" have the meanings given to those expressions in the A New Tax System (Goods and Services Tax) Act 1999.

#### (b) Amounts GST Exclusive

With the exception of any amount payable under this clause, unless otherwise expressly stated all amounts stated to be payable under this Licence are exclusive of GST.

#### (c) Responsibility for GST

- (i) Despite any other provision in this Licence, if GST is imposed on any supply made under this Licence, the recipient must pay to the supplier an amount equal to the GST payable on the taxable supply.
- (ii) The recipient must pay the amount referred to in subclause (c)(i) in addition to and at the time payment for the taxable supply is required to be made under this Licence.

#### (d) Valuer/Umpire to return GST Exclusive Value

Any valuer or umpire returning a valuation must return a GST exclusive market value for it in any case where the valuation is for the purpose of determining a supply value to which GST is to be added under this Licence. (6.040A)

### **33. Holder not to Impose Liability on Minister**

Subject to any other provision of this Licence the Holder will not without the written consent of the Minister by any act matter or deed or by failure or omission cause or permit to be imposed on the Minister any liability of the Holder under or by virtue of this Licence. (6.042)

### **34. Holder not to undertake development without consent notwithstanding any other provision of this Licence**

The Holder will not undertake any development within the meaning of the Environmental Planning and Assessment Act 1979 contrary to the provisions of that Act or in breach of any restriction condition or prohibition imposed by an Environmental Planning Instrument or condition of a development consent. (6.043)

### **35. Development Consent**

The Holder will not undertake any activity on or within the Premises for which consent is required under the Environmental Planning and Assessment Act 1979 or any Instrument made thereunder without first obtaining such consent and in accordance with any condition or requirement of that consent. (6.044)

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Licence: RN 612099

**36. Compliance with Statutes**

- (a) The Holder will comply with the requirements of all statutes regulations or by-laws and requirements of all relevant public and local authorities in so far as they apply in relation to the use and occupation of the premises.
- (b) The Holder will forthwith on being served with a notice by the Minister comply with any notice or direction served on the Minister by a competent authority relating to the destruction of noxious animals or plants or pests or the carrying out of repairs alterations or works on or to the Premises. (6.045)

**37. Work Health and Safety**

The Holder must comply with the *Work Health and Safety Act 2011* (NSW), the *Work Health and Safety Regulation 2017* (NSW) and all other requirements of any other legislation or statutory authority in this regard whilst on the Crown Land. (6.046)

**38. Holder not to deal with Licence or part with possession of Premises**

Subject to any other provision of this Licence the Holder will not during the Term of this Licence transfer or create any interest in the Licence or authorise or permit any person to occupy the Premises. (6.047)

**39. Revocation on the Request of the Holder**

The Holder may at any time by notice served on the Minister request that this Licence be revoked and the Minister if he is satisfied that the Holder has complied with the conditions and provisions of this Licence or the Act will as soon as practicable comply with such a request. (6.051)

**40. Interest on Overdue Money**

The Holder shall pay interest on any money due and payable under this Licence to the Minister at the rate prescribed from time to time under the provisions of Section 12.12 of the Act and any such interest shall for the purposes of this Licence be deemed to be Rent in arrears. (6.052)

**41. Failure to pay money or Undertake Works**

- (a) Where under this Licence the Holder is required to pay any money to a third party and neglects to do so for a period of 14 days after the money became due and payable it shall be lawful for but not obligatory upon the Minister (and without prejudice to any rights and powers arising from such default) to pay such money as if it were the Holder and the Holder will reimburse the Minister in respect of any such payments on demand.
- (b) Where under this Licence the Holder is required to do or cause to be done any work or thing and the Holder neglects to do the work or thing for a period of 14 days after that work or thing was due or required to be done it shall be lawful for but not obligatory upon the Minister (and without prejudice to any rights and powers arising from such default) to do or effect such work or thing as if the Minister were the Holder and for that purpose the Minister the Minister's officers agents contractors and workmen may enter upon the whole or any part of the Premises and there remain for the purposes of doing or effecting any such work or thing and the Holder will reimburse the Minister for the cost of the doing or effecting the work or thing on demand. For the purposes of this clause the word cost shall include any sums paid for any insurance indemnities under the laws relating to workers compensation.
- (c) The Holder expressly agrees that any money or cost payable to the Minister under this clause shall constitute a debt owed by the Holder to the Minister and may be recovered by the Minister accordingly.
- (d) Where the Premises has a common boundary with other land owned leased or held by the Holder (hereinafter called the "other land"). The Holder irrevocably grants to the Minister the Minister's officers agents contractors and workmen a licence to enter upon the said other land for the purpose of gaining access to the Premises or for the purpose of undertaking any work or thing authorised permitted or contemplated by this Clause.

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In exercising any power conferred by this subclause the Minister the Minister's servants employees and agents will not be liable for any reasonable damage suffered or occasioned to the other land or anything constructed thereon.

- (e) The Holder expressly agrees that the provisions of this clause shall continue after the expiration or sooner determination of this Licence and the Minister may make any payment or effect any work or thing authorised by this clause after the expiration or sooner determination of this Licence as if such expiration or sooner determination had not taken place. (6.053)

#### **42. Indemnity**

- (a) For the purposes of this clause the term Minister shall include Her Majesty the Queen Her heirs and Successors the State of New South Wales the Minister and the agents servants employees and contractors of Her Majesty Her Majesty's Heirs and Successors the State of New South Wales and the Minister.
- (b) The Holder agrees that the Holder will indemnify and keep indemnified the Minister from and against all actions suits claims and demands of whatsoever nature and all costs charges and expenses in respect of any accident or injury to any person or property which may arise out of the use of the Premises or the construction or maintenance of works as may be authorised under the Licence notwithstanding that the conditions of this Licence shall in all respects have been observed by the Holder or that any such accident or injury shall arise from any act or thing which he may be authorised or compelled to do hereunder except to the extent that any such claims and demands arise from any negligence or wilful act or omission on the part of the Minister.
- (c) The Holder expressly agrees that the obligations of the Holder under this clause shall continue after the expiration or other determination of this Licence in respect of any act deed matter or thing happening before such expiration or determination except to the extent that any such claims and demands arise from any negligence or wilful act or omission on the part of the Minister. (6.054)

#### **43. Insurance - Public Risk**

The Holder will (without in any way limiting the liability of the Holder under any other provision of this Licence) forthwith take out and thereafter during the Term keep current a public risk insurance policy for the amount specified in Column 2 of Item 19 of Schedule 1 for any one claim (or such other reasonable amount as the Minister may from time to time specify in writing to the Holder) whereby the Minister shall during the continuance of this Licence be indemnified against claims and demands of every kind arising from death or bodily injury or damage to property arising out of the Holder's use of the Premises. (6.057)

#### **44. Insurance - Workers Compensation**

The Holder will (without in any way limiting the liability of the Holder under any other provision of this Licence) forthwith take out and thereafter during the Term keep current insurance against any liability which may arise at common law or by virtue of any relevant workers compensation legislation in connection with the performance of work or provision of services on or about the Premises and the operation thereof so that the Minister will be indemnified against all claims for death or bodily injury by any person at all times. (6.058)

#### **45. Construction Of Improvements Permitted With Consent**

- (a) For the purposes of this clause "Improvement" means any building structure facility work or pontoon.
- (b) The Holder will not construct effect erect or undertake any Improvements on the Premises other than with the prior consent in writing of the Minister. (6.067)

#### **46. Improvements - No demolition without Consent**

- (a) For the purposes of this clause "Improvement" means any building structure facility work or pontoon.

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Licence: RN 612099

- (b) The Holder will not demolish destroy remove take away or pull down any Improvements on the Premises without the written consent of the Minister. (6.070)

#### **47. Ownership of Improvements the Act**

The Holder acknowledges that the provisions of section 7.16 of the Act apply. (6.074)

#### **48. Ownership of Improvements**

- (a) For the purposes of this clause "Improvement" means any building structure facility work or pontoon.
- (b) The Holder expressly acknowledges that any Improvement constructed erected effected or undertaken on the Premises during the Term shall forthwith become the property of the Minister and the Holder will not be entitled to any compensation in respect thereof. (6.075)

#### **49. General Requirement to repair**

Without prejudice to the specific obligations contained in this Licence the Holder will to the satisfaction of the Minister at all times during the Term keep all Improvements now erected or hereafter to be erected on the Land in good repair and properly maintained in all respects. (6.083)

#### **50. Premises to be kept in clean and tidy condition**

The Holder will at all times during the Term keep the Premises in a clean and tidy condition and will (subject to any other provision of this Licence) on the Termination Date leave the Premises in a clean and tidy condition. (6.088)

#### **51. Holder May Repair Improvements**

- (a) For the purpose of this clause "Repair" means to replace part of an Improvement with material of a similar type and size but not so as to enlarge or significantly alter the appearance or structure of the Improvement.
- (b) The Holder may from time to time at the Holder's own expense Repair the Improvement.
- (c) The Holder shall not undertake any work upon an Improvement which does not involve the painting of the Improvement or is not a Repair as defined in this clause. (6.088A)

#### **52. Minister's Right to Enter Inspect and Repair**

The Minister and the Minister's agents may at all reasonable times upon giving to the Holder reasonable notice (except in the case of emergency when no notice shall be required) enter upon the Premises and view the state of repair thereof and may serve upon the Holder a notice in writing of any defect (the repair of which is the Holder's obligation hereunder) requiring the Holder within fourteen days to repair the same. (6.090)

#### **53. Holder to erect Barricades etc**

Where the Premises or any part of the Premises become unsafe hazardous or dangerous the Holder will forthwith erect such warning signs and barricades as may be necessary until the Premises are rendered safe. (6.093)

#### **54. Carrying out of Alterations**

- (a) The Holder will not make or undertake any alterations to the Premises unless full and proper plans and specifications shall have been previously submitted to and approved by the Minister in writing and all work in connection thereto shall be carried out by and at the expense of the Holder and to the satisfaction of the Minister using contractors or workmen previously approved by the Minister whose approval shall not be unreasonably withheld and subject thereto the Holder will observe and comply with:

Licence: RN 612099

- (i) all requirements of the Minister the Local Council and any other statutory authority having jurisdiction over the Premises; and
  - (ii) the plans and specifications approved by the Minister the Council and any other statutory authority.
- (b) The Minister may appoint such consultants as it may reasonably deem proper to inspect any work undertaken by the Holder pursuant to this clause and the Holder will comply with the reasonable directions of such consultants and shall pay the whole of their fees charges and expenses in relation thereto. (6.101)

#### **55. Certain Trees and Vegetation not to be Interfered with**

The Holder will not damage harm kill or destroy the trees and vegetation specified in Column 2 of Item 42 of Schedule 1. (6.105)

#### **56. Relics**

- (a) Unless authorised to do so by a permit under Section 87 or a consent under Section 90 of the National Parks and Wildlife Act 1974 and subject to observance and compliance with any conditions imposed on the grant of such permit or consent the Holder will not knowingly disturb destroy deface or damage any aboriginal relic or place or other item of archaeological significance within the Land and shall take every precaution in drilling excavating or carrying out other operations or works in the Land against any such disturbance destruction defacement or damage.
- (b) If the Holder becomes aware of any aboriginal relic or place or other item of archaeological significance within the Land the Holder will within 24 hours notify the Director General National Parks and Wildlife Service of the existence of such relic place or item.
- (c) The Holder will not continue any operations or works on the Land likely to interfere with or disturb any relic place or item referred to in subclause (b) without the approval of the Director General National Parks and Wildlife Service and the Holder will observe and comply with all reasonable requirements of the Director General in relation to the carrying out of the operations or works. (6.107)

#### **57. Artefacts**

All fossils artefacts coins articles of value articles of antiquity structure and other remains or things of geological historical or archaeological interest discovered on or under the surface of the Premises shall as between the Minister and the Holder be deemed to be the absolute property of the Minister and the Holder will as authorised by the Minister watch or examine any excavations and the Holder will take every precaution to prevent such articles or things being removed or damaged and shall immediately upon discovery thereof notify the Minister of such discovery and carry out at the reasonable expense of the Holder the Minister's orders as to the delivery up or disposal of such articles or things. (6.108)

#### **58. Exterior Signs**

The Holder will not without the consent of the Minister erect paint display affix or exhibit upon the exterior of the Premises or upon the interior of the Premises so as to be visible from the outside of the Premises any signs advertisements lights embellishments names notices or hoarding. (6.189)

#### **59. Holder not to remove Materials**

- (a) The Holder will not mine remove extract dig up or excavate any sand stone gravel clay loam shell or similar substance or permit any other person to undertake any such action without the prior consent in writing of the Minister and subject to such conditions as the Minister may determine.
- (b) Subclause (a) shall not apply to any removal digging up or excavation as may be necessary to construct or undertake any improvement authorised by or under this Licence provided that any such removal digging up or excavation is undertaken in accordance with the requirements of that authority.

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Licence: RN 612099

- (c) The Minister and the Holder expressly agree that a failure by the Holder to comply with any condition imposed pursuant to subclause (a) shall constitute a failure by the Holder to comply with a provision or covenant of this Licence. (6.194)

**60. Minister May Grant Licences to Extract Material**

- (a) The Minister may during the Term grant a Licence to any person over the land specified in Column 2 of Item 66 of Schedule 1 to mine remove extract dig up or excavate any sand stone gravel clay loam shell or similar substances.
- (b) Upon the grant of a Licence under this clause the Holder will be entitled to the compensation specified in Column 2 of Item 67 of Schedule 1.
- (c) The Holder agrees that he will not hinder interfere or prevent any person authorised under this clause from entering upon the Premises together with such servants employees agents or contractors and equipment as may be necessary in exercising the rights conferred on him by any Licence authorised to be granted under this clause.
- (d) The Minister may authorise any person (hereinafter called "the Licensee") who is granted a licence in accordance with the provisions of subclause (a) to construct such gates roads bridges and other works as may be necessary and the Holder will not hinder the Licensee in undertaking such work. (6.195)

**61. Holder to Yield Up**

The Holder will forthwith upon the revocation of this Licence peaceably surrender and yield up to the Minister the Premises in good condition reasonable wear and tear excepted together with all conveniences amenities and appurtenances relating thereto clear and free from rubbish and in good and substantial repair order and condition in every case having regard to the age of what is being surrendered or yielded up. (6.199)

**62. No Right to Purchase etc**

The Holder expressly acknowledges that the grant of this Licence does not confer a right to purchase the land or to the grant of a lease or to the grant of a further licence. (6.200)

**63. Special Conditions**

The special conditions specified or referred to in Column 2 of Item 71 of Schedule 1 shall be deemed to be conditions and provisions of this Licence. (6.201)

\*\*\*\*\* End of Licence Clauses \*\*\*\*\*

Licence: RN 612099

## Schedule 1

Item	Column 1 (description of variable particulars)	Column 2 (particulars)
1	Holder's Address for service of notices	PO Box 17 MOLONG NSW 2866
2	Minister's Address for service of notices	Department of Planning, Industry & Environment - Crown Lands PO Box 2185 DANGAR NSW 2309
3	Address for payment of rent	Department of Planning, Industry & Environment - Crown Lands PO Box 2155 Dangar NSW 2309
4	Purpose for which Premises may be used	Levee Bank (1)
5	Commencement Date	The date specified on page 1 of the Licence being the date of the execution of the Licence.
11	Initial Rent	\$501.00
12	Market Rent Review Period	3 years
19	Insurance - Public Risk	\$20 Million
42	Trees and vegetation to be preserved	All trees & vegetation on the land except noxious plants
66	Land over which Licence to extract Materials may be granted	Whole
67	Compensation in the event that Licence to extract Material is granted	Nil
71	Special conditions or provisions	Annexed as Schedule 2

\*\*\*\*\* End of Schedule 1 \*\*\*\*\*



Licence: RN 612099

## Schedule 2

### ADDITIONAL TERMS AND CONDITIONS

#### 1. Native Title\*

Native title under the *Native Title Act 1993 (Cth)* ("**NTA**") may exist with respect to the Land.

To the extent that the Holder is permitted to do something under this Licence, then the Holder's right to do the activity prevails over any native title rights and interests and the existence of those native title rights do not prevent the Holder from doing the activity.

In such a case, if the act is wholly inconsistent with the continued existence, enjoyment or exercise of the native title rights and interests, that native title continues to exist in its entirety but the rights and interests have no effect in relation to the act.

For some activities under the Licence, you must first obtain the Minister's Consent. In those cases, the Minister may only be able to consent to those acts if that consent can be given in accordance with the *NTA*.

\*These notes do not form part of this Licence's terms and conditions.

#### 2. Clearing of Native Vegetation and Soil Disturbance

The Holder agrees to keep the disturbance of soil and native vegetation to the minimum extent necessary throughout the proposed levee upgrade works.

#### 3. Construction Environmental Management Plan

All works and activities are to be carried out in accordance with an approved Construction Environmental Management Plan (CEMP).

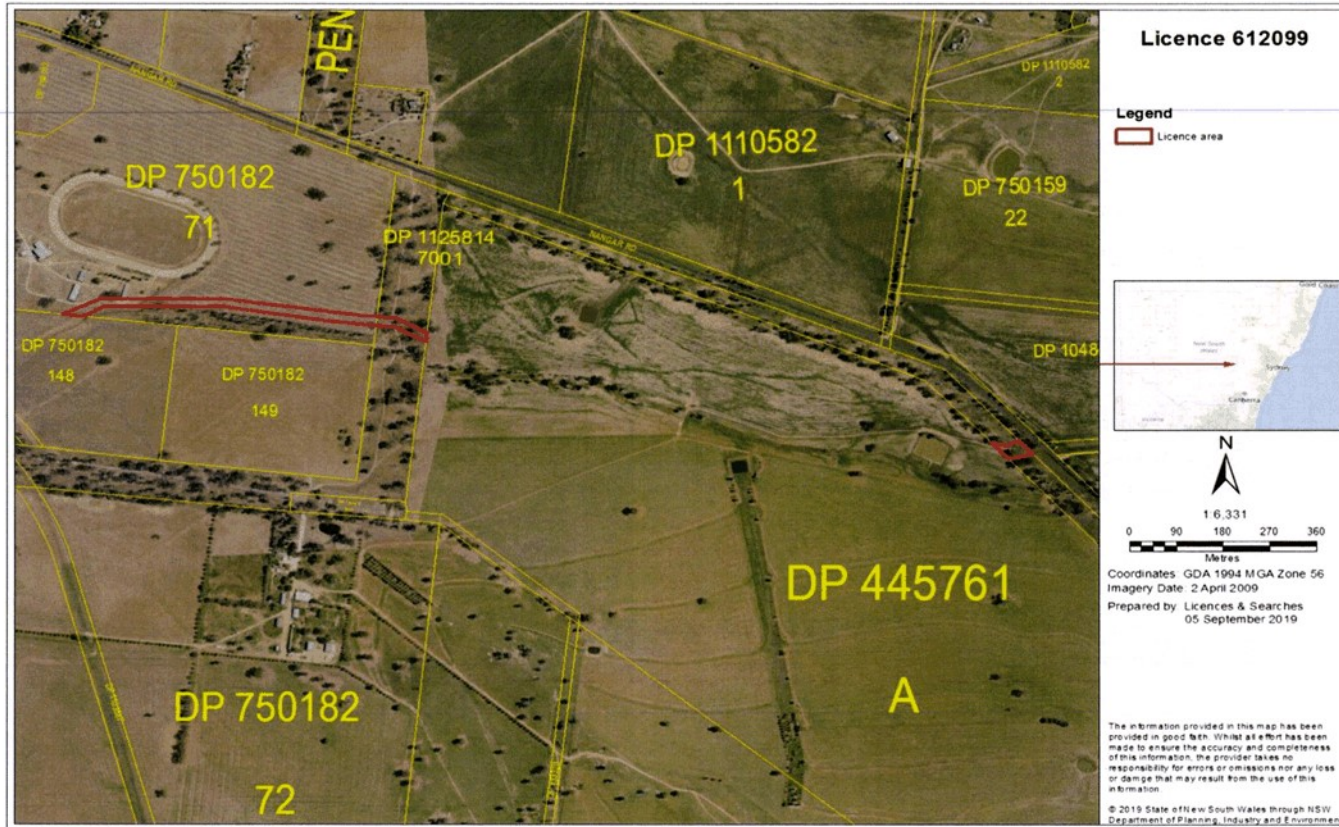
#### 4. Land Subject to Aboriginal Land Claim (ALC)

The land is subject to a claim pursuant to the Aboriginal Land Rights Act 1983 (ALR Act 1983), being Claim number 13418 lodged with the Aboriginal Land Rights Registrar on 26 May 2006. Should investigations reveal that the land was claimable Crown land within the meaning of the ALR Act 1983 when the claim was made the land will be granted to the relevant Aboriginal Land Council and the licence will be terminated or altered from the date of the grant.

Except as may be expressly provided for in this licence the Holder acknowledges and agree that the Holder will not be entitled to any compensation, costs or damages, in respect of the termination/variation of this licence by operation of this clause.

Licence: RN 612099

### Schedule 3



\*\*\*\*\* End of Schedule 3 \*\*\*\*\*

## SWITCH 2019 Conference DRAFT Program

<b>REGISTRATION (Tue Nov 19)</b>	
5.00pm – 7.00pm	<b>Registration</b>
5.30pm – 7.30pm	<b>Welcome Reception &amp; Opening of Trade Exhibition</b> <b>A great way to begin SWITCH 2019</b> <i>Sponsored by JAMES BENNETT</i>
6.00pm	<b>Awards Presentations:</b> Multicultural Excellence Awards, <i>Sponsored by CAVAL LANGUAGE RESOURCES</i> ; Innovation in Outreach Service Awards and the Kath Knowles Emerging Leader Award
<b>DAY 1 (Wed Nov 20)</b>	
8.30am – 9.00am	<b>Coffee and Registration</b>
<b>CONFERENCE OPENING</b>	
9.00am – 9.05am	<b>Welcome to Country</b> <b>Mr Graham Davis-King</b> , Deerubbin Local Aboriginal Land Council
9.05am – 9.10am	<b>Welcome to Penrith</b> <b>Cr Ross Fowler OAM</b> , Mayor of Penrith
9.10am – 9.25am	<b>Welcome to SWITCH 2019</b> <b>Cr Dallas Tout President</b> , NSWPLA
9.25am – 9.45am	<b>State Library of NSW Address</b> <b>Dr John Vallance State Librarian</b> , State Library of NSW
9.45am – 10.15am	<b>Political address</b> <b>The Honourable Gladys Berejiklian</b> , Premier of NSW (TBC)
MORNING TEA & NETWORKING	<i>Sponsored by ALS</i>
<b>THEME – ENGAGED</b>	
10.45am – 12.00pm	KEYNOTE SPEAKER: <b>Title (TBC)</b> <b>Aat Vos</b> , Architect • <i>Sponsored by TBC</i>
12.00pm – 12.30pm	<b>And Now a Word from Our Platinum Sponsor – BOLINDA</b>
LUNCH 12.30pm – 1.30pm	<i>Sponsored by TBC</i>
<b>THEME – ENGAGED</b>	
1:30pm – 1:50pm	<b>Renew our Libraries</b> <b>Peter Lewis</b> , Essential Media
1.50pm – 2.10pm	COLIN MILLS SCHOLARSHIP RECIPIENT 2017: <b>Libraries of the 21st Century: Providing Innovative and Cost Effective Library Programs and Services for Communities in Need</b> <b>Susan Kane</b> , Greater Hume Shire Council
2.10pm – 3.00pm	<b>Challenging Library Neutrality</b> <b>Damien Webb</b> , Manager of Indigenous Engagement Branch, SLNSW <b>Nathan Sentance</b> , ATSI Project Officer, Australian Museum
AFTERNOON TEA & NETWORKING	<i>Sponsored by RBDigital</i>
<b>THEME – ENGAGED</b>	
3.30pm – 4.00pm	<b>Integrated Planning &amp; Reporting</b> <b>Martin Payne</b> , Cultural Experience Coordinator, Lake Macquarie Council
4.00pm – 4.50pm	PANEL DISCUSSION: <b>Engagement Strategies for Libraries</b> <b>Margaret Harvie</b> , Director PlannComm Consulting <b>Lynn Garlick</b> , Director of Community Services, Woollahra Municipal Council <b>Debbie Horgan</b> , Community Engagement Librarian, Mid Coast Library <b>Martin Payne</b> , Cultural Experience Coordinator, Lake Macquarie Council

4.50pm – 5.00pm	<b>Summation of the Day's Proceedings &amp; Announcements</b> <b>Amy Heap</b> , Outreach & Promotions Coordinator, Riverina Regional Library
7.00pm – until late	<b>Exhibitors &amp; Sponsors Dinner - Sponsored by Insight Informatics</b>
<b>DAY 2 (Thu Nov 21)</b>	
8.30am – 9.00am	<b>Coffee and Registration</b>
<b>THEME – SMART</b>	
9.00am – 9.05am	<b>Welcome Back</b>
9.05am – 9.30am	<b>Political Address</b> <b>NSW State Opposition Party Address</b> , TBC
9.30am – 10.30am	KEYNOTE SPEAKER: <b>Title (TBC)</b> <b>Kip Harkness</b> , Deputy City Manager, City of San Jose
<b>MORNING TEA &amp; NETWORKING</b> <i>Sponsored by TBC</i>	
11.00am – 11.45am	SPEAKER: <b>Title (TBC)</b> <b>Katherine O'Regan</b> , Executive Director, Cities Leadership Institute
11.45am – 12.30pm	PANEL DISCUSSION: <b>Smart City Strategies and Libraries</b> <b>Kip Harkness</b> , Deputy City Manager, City of San Jose <b>Katherine O'Regan</b> , Executive Director, Cities Leadership Institute <b>Jane Howard</b> , ICT Operations Manager, Penrith City Council Other presenters TBC
<b>LUNCH</b> 12.30pm – 1.30pm <i>Sponsored by TBC</i>	
CONCURRENT SESSION 12.30pm – 2.15pm (Lunch will be provided)	<b>Councillor Session</b> Facilitated by <b>Cr Dallas Tout</b> , President NSWPLA
<b>THEME – RESILIENT</b>	
1.30pm – 2.15pm	PANEL DISCUSSION: <b>Mixed Reality: Libraries Building Resilience Through AR &amp; VR Technology</b> <b>David Ryan</b> , Creative Producer, illuminart® 'Geriactivist' VR project <b>Joy Suliman</b> , Learning Space Coordinator, City of Canada Bay – 'While you are here' AR project <b>Kerrie Shaw</b> , Heritage Collections Digitisation Specialist, City of Newcastle Library – 'Picture Gallery' AR Project Other presenters TBC
2.15pm – 3.15pm	<b>Groundhog Day &amp; Resilience – Who Knew They Were Connected?</b> <b>Janelle Nisbet</b> , Managing Director, Progress Training Systems
<b>THEME – RESILIENT</b>	
3.45pm – 4.45pm	<b>In Conversation with Benjamin Law</b> <b>Benjamin Law</b> , Author and Journalist <b>Melanie Mutch</b> , Community Liaison and Programs Coordinator, Hornsby Shire Council
4.45pm – 4.55pm	<b>Summation of the Day's Proceedings &amp; Announcements</b> <b>Amy Heap</b> , Outreach & Promotions Coordinator, Riverina Regional Library
4.55pm – 5.00pm	<b>Conference Acknowledgements and Farewell</b> <b>Cr Dallas Tout</b> , President, NSWPLA
7.00pm – until late	<b>Conference Dinner – theme is 'The Great Gatsby'</b> <b>Includes</b> announcement of Life Memberships and recognition of Retiring Library Managers
<b>DAY 3 (Fri Nov 22)</b>	
<b>ANNUAL GENERAL MEETING</b>	
9.00am – 9.30am	<b>Registration</b>
9.30am – 11.00am	Meeting



CABONNE COUNCIL  
 PO Box 17 MOLONG NSW 2866  
 TELEPHONE : 02 6392 3200  
 FACSIMILE: 02 6392 3260  
 Email: council@cabonne.nsw.gov.au  
 Website: www.cabonne.nsw.gov.au

Cabonne Council  
**RECEIVED**  
 26 SEP 2019  
 Referred to .....

## Event Assistance Program Application Form

### 1. Details of the Organisation

Name of Organisation

MAANILDRA AND DISTRICT IMPROVEMENT ASSOCIATION

Organisation Address

House Number/Name/ PO Box

Street/Road

C/o 87

OLD BOCOBRA ROAD

City

State

Postcode

MANILDRA

NSW

2865

Telephone

Fax

Email

02636611621

bggibson@skymesh.com.au

Contact Person

Position in Organisation

GLENDIA GIBSON

Secretary

Is the organisation registered for GST  NO

Does the organisation have an ABN?  yes 87240116130

Does the organisation have insurance, including public liability cover?  yes

This event is covered under Lions Club Insurance OICL440469

What is the aim of your organisation?

Our aim is to create a healthy, enjoyable, safe community. We strive to improve facilities within our town and make our community a great place to live, work and visit. MADIA is a small group of community minded people who have the welfare of our district as their number one priority.

Does your organisation have a plan/strategy?  yes

(Please attach if yes)

MADIA have organised a Christmas Event for many years. The fireworks were introduced 6 years ago and each year the event introduces something new and continues to grow

Cabonne Council – Event Assistance Program – 2019/2020 Application

## 2. Event Title

Name of the event

MANILDRA CHRISTMAS PARTY AND MONSTER FIREWORKS.

Funding Category Applying For (Please tick)

**Flagship Event**

## 3. Details of the Proposal

Please provide a general description of the event.

6PM gates open  
children's novelty events with Joan, face painting  
entertainment-singer  
Christmas Carols by local choir  
items by Public School, St Joseph's School, Pre- School.  
Family Day Care.  
Santa arrives, sweet bags for all the children  
MONSTER FIREWORKS DISPLAY.

Where and when is the event to take place?

**JACK HUXLEY OVAL MANILDRA  
18 TH DECEMBER 2019**

How will the event raise the profile of the Cabonne Council?

This event draws families from the wider community of Cabonne , it helps to showcase our community bringing folk of all ages together to share the fun and magic of the Festive Season. It promotes inclusion of all Cabonne villages and draws people from Orange and Parkes.

Cabonne assist by maintaining and mowing of grass at Jack Huxley Oval,extra bins are required

The newly installed steps will greatly appreciated this year along with the new watering system.

What local business opportunities will be created?

Food for the BBQ is all purchased locally , so our businesses benefit.

We are support in other ways by our other businesses.

The Lions Club run the BBQ it's one of their major fund -raisers providing funds to go back into the community, supporting the elderly and disadvantaged.

How many people are expected to attend the event from within and outside the Shire?

We give every person a free ticket on entry by donation this enables us to keep a count of people attending. The ticket is a Christmas draw to be drawn before Santa arrives.

Last year we experienced a storm just prior to the commencement but still drew a crowd of over 600.

What benefits will be returned to the Cabonne Community

This event creates a community atmosphere where families from all villages are made feel welcome. All organisations work as one

Entry is by donation but this year because of the drought we would like to be able to make it entry free.

Please list any other community groups involved with this event?

- Lions Club
- Public School
- St. Joseph's
- Pre-School
- Grow -Fit



<input type="checkbox"/>
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### 4. Assistance requested

Type of assistance	Details	Value of Assistance exclusive of GST <small>(Council to provide estimate for in kind items)</small>
<b>Monetary</b>  Council to mow and provide extra bins.	To assist with expenses	\$1,000
		\$
		\$
		\$
		\$

Cabonne Council – Event Assistance Program – 2019/2020 Application

Total Assistance requested		\$ 1,000.00
Will you require payment of EAP grant prior to lodging the Acquittal Form (please tick)		yes

**5. Supporting Information**

The following supporting information is attached with this application:

APPLICANT Please tick ✓		INFORMATION	COUNCIL	
YES	NO		YES	NO
N/A		A quote outlining project costs (if applicable)		
✓		Two (2) letters of support		

**6. Applicants Signature**

The applicant, or the applicant's agent, must sign the application

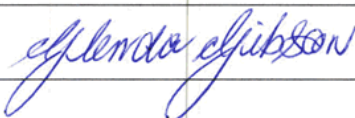
Name

Glenda Gibson

Position in Organisation

Secretary

Signature



Date

20/9/2019

**OFFICE USE ONLY**

Tick ✓		Date	Name	Signature
	Letter of Acknowledgement			
	Referral to ED & T Committee & Council			
	Determination of Application			
	Acceptance Form received			
	Project Completed			
	Grant acquittal completed and returned.			
	Funding provided to applicant			

# Cudal Community Children's Centre



Inquiries: 02 6364 2398

Fax: 02 6364 2437

Email: [cudalpreschool1@bigpond.com](mailto:cudalpreschool1@bigpond.com)

Dear General Manager,

I'm writing to you today in hope the Cabonne Council will show strong support for the Manildra Madia Festival.

As non Manildra citizens, we thoroughly enjoy and support what the Christmas fireworks festival held in Manildra brings to the surrounding community every year. They bring so much to the community every year. They provide entertainment, Christmas carols and food service. The festival brings all of the surrounding small towns together for Christmas.

The Madia Committee work tirelessly to provide us with this wonderful festival and we are incredibly grateful.

My request to you today, is that Council kindly supports the Committee organisers and the Festival with a strong donation.

Please feel free to contact me for any further information.

Regards,

Kelly Townsend

Administration



## St Joseph's Primary School

Loftus Street Manildra NSW 2865

Ph: (02) 6364 5177 Fax: (02) 6364 5383

Email: [stjosephsmanildra@bth.catholic.edu.au](mailto:stjosephsmanildra@bth.catholic.edu.au)

Cabonne Council  
Bank Street  
MOLONG NSW 2866

### To Whom It May Concern

We have been asked to submit a letter of support from the Manildra and District Improvement Association (MADIA) for the annual Manildra Christmas Party and Fireworks held at Jack Huxley Oval in December each year.

This great family evening is an opportunity for the community to join together and celebrate the beginning of the festive season and the end of the school year.

The children from both schools, pre-school and Family Day Care have a chance to sing a song or two and then they join together as one group of children from the Manildra community to sing a Christmas song.

Most of the town and some residents from surrounding villages attend this evening and it seems to be getting bigger every year. The fireworks are definitely a drawcard we hope that this is able to be continued with support from Council and other sponsors.

Yours sincerely

*Therese Press*  
*Administration Officer*

**CONDITIONS OF APPROVAL**

**1. DEVELOPMENT IN ACCORDANCE WITH PLANS**

**Objective**

To ensure the development proceeds in the manner assessed by Council.

**Performance**

Development is to take place in accordance with the attached modified stamped plans (Ref: DA 2014/114, Figure 1 Existing Boundaries & Site Detail and Figure 2 Extent of Operations 27<sup>th</sup> November 2013, ref 2014-032DA as amended by plans dated 19.05.15 Ref ADTP 2014-032DA marked Overall site Plan (2 sheets), Erosion & Sediment Control & Re-vegetation Plan (2 sheets), plans dated 04.07.15 ref ADTP 2014-032 DA marked Proposed erosion & sediment control (2 sheets), and Carpenter Collins & Craig ref 32203 dwg no 32203ENG intersection engineering details Rev B - 6 sheets, and plans dated 7.11.2017 Ref ADTP and marked Fig 2 proposed site plan and fig 3 quarry rehabilitation) (amended by documentation prepared for Hamcon Civil Pty Ltd dated March 2019 including Noise Impact Assessment prepared by Muller Acoustic Consulting for Maas Group Properties and dated May 2019, Traffic Technical Memorandum dated 4 June 2019 prepared by Cardno and desktop ecology assessment report dated 5 March 2019 and prepared for Maas Group Family Properties by AREA) and documentation submitted with the application (including modification applications DA 2014/114/1, DA 2014/114/2, DA 2014/114/3 and DA 2014/114/4) and subject to the conditions below, to ensure the development is consistent with Council's consent. **NOTE: Any alterations to the approved development application plans must be clearly identified WITH THE APPLICATION FOR A CONSTRUCTION CERTIFICATE.**

The Principal Certifying Authority for the project may request an application for modification of this consent or a new application in the event that changes to the approved plans are subsequently made. An application to modify the development consent under s96 of the Environmental Planning and Assessment Act, 1979, as amended and will be subject to a separate fee.

**1(a) ANNUAL EXTRACTION AND PRODUCTION RATE (MOD DA 2014/114/4)**

**Objective**

To ensure the proposal operates in accordance with the proposed, assessed and determined proposal.

**Performance**

The proposed quarry resource extraction rate shall be limited to 150,000 tonnes per year.

**1(b) ANNUAL REPORT (MOD 2014/114/4)**

**Objective**

To respond to the public interest in identifying and mitigating environmental impacts associated with the development proceeding.

**Performance**

The proponent is required to submit to Cabonne Council an Annual Report that includes (but is not limited to) the following:

- (a) Total extraction volume for the year
- (b) Total volume of material transported from the site for the year
- (c) A record of any complaints received, including time / date of complaint, details of the complaint, and any action to rectify the complaint.

Such reporting is to be provided annually and must include reporting for the period 1 January 2019 – 31 December 2019. Reports may be submitted based upon full financial year operations.

**2. RMS CONDITIONS**

**Objective**

To ensure compliance with RMS conditions.

**Performance**

- The access from The Escort Way servicing the quarry shall be constructed and designed in accordance with Austroads Guide to Road Design Part 4A (2010) Figures 7.5 and 8.2 'Type BAR' (Basic Right Turn) and 'Type BAL' (Basic Left Turn) and any relevant Roads and Maritime Supplements. This provides a reasonable level of safety for traffic turning right into the development and allows through traffic on The Escort Way an area to pass the right turning vehicle on the left hand side. The access is to be sealed for a minimum of 20 metres from the edge of the travel lane, match existing road levels and not interfere with existing road drainage.
- Safe Intersection Sight Distance (SISD) requirements outlined in the *Austroads Guide to Road Design Part 4A* and relevant Roads and Maritime Supplements shall be provided in both directions at the vehicular access point servicing the

quarry from The Escort Way. For a 100 km/h speed zone the minimum SISD is 250 metres.

- A copy of construction plans for the proposed roadworks associated with the access is to be submitted to Roads and Maritime for approval. As roadwork is required on a state road, the developer will be required to enter into a Works Authorisation Deed (WAD) with Roads and Maritime Services Roads and Maritime will exercise its powers under Section 87 of the Roads Act 1993 (the Act) and/or the functions of the roads authority, to undertake roadwork in accordance with Sections 64 and 71 and/or Sections 72 and/or 73 of the Act, as applicable, for all works under the WAD.
- Advance truck warning signs (W5-22) and distance plates (W8-5) signage is to be provided at appropriate locations to give approaching motorists suitable warning of the slowing, stopping and turning manoeuvres associated with vehicles entering and leaving the development.
- Road Occupancy Licence is required prior to any works commencing within 3 metres of the travel lanes. Submission of a Traffic Management Plan incorporating a Traffic Control Plan may be required as part of this licence.
- The proponent is to prepare a code of conduct relating to transport of materials on public roads.

## **2. (a) REMOVAL OF VEGETATION**

### **Objective**

To ensure that safe egress is achieved by maintaining adequate sight distance.

### **Performance**

The applicant is required to remove, at his/her full cost, vegetation to the west and east of the new access to achieve a safe sight distance of 250 metres stipulated in the RMS Guidelines for Safe Intersection Sight Distances.

Before Works can commence the applicant must, **in consultation with Council**, identify those trees, which will need to be removed to achieve the designated sight distance.

## **2.(b) TRAFFIC GENERATION (modification 2014/114/4)**

### **Objective**



To ensure compliance with RMS standards and to ensure quarry related traffic remains within the assessed threshold for the safe operation of the existing road intersection operation.

### **Performance**

Truck movements on and off the quarry site is limited to a maximum of 24 movements daily (equating to a maximum of 12 trucks entering and leaving the site daily). Periodic inspections may be carried out by the consent authorities to monitor compliance.

## **3. EPA CONDITIONS**

### **Objective**

To ensure compliance with the EPA conditions.

### **Performance**

Except as expressly provided by these General Terms of Approval, works and activities must be carried out in accordance with the proposal contained in:

- The Development Application 2014/114 submitted to Cabonne Shire Council on 15 January 2014; and
- The accompanying Statement of Environmental Effects prepared by Anthony Daintith Town Planning and dated 13 January 2014.

The proponent must apply for and hold an in-force environment protection licence issued by the NSW Environment Protection Authority prior to the proponent carrying out any Scheduled Activity as defined by Schedule 1 of the Protection of the Environment Operations Act 1997.

The proponent must comply with any additional requirements imposed by an in-force environment protection licence issued by the NSW Environment Protection Authority.

### **Noise and vibration**

#### **Operating hours**

Operational activities at the premises must only be conducted during the following operating hours:

- a) 7 am to 6 pm Monday to Friday;
- b) 8 am to 4 pm Saturdays; and
- c) at no time on Sundays or public holidays.

\*light vehicles are permitted to access the quarry site between the hours of 6.00am and 6.00pm Monday to Friday

### **Air quality and odour**

Activities occurring at the premises must be carried out in a manner that will minimise the emission of dust from the premises.

The premises must be maintained in a condition which minimises or prevents the emission of dust from the premises.

Trucks entering and leaving the premises that are carrying loads must be covered at all times, except during loading and unloading.

### **Water management**

Except as may be expressly provided by any in-force environment protection licence, the proponent must comply with Section 120 of the Protection of the Environment Operations Act 1997.

The proponent must develop and implement an Erosion and Sediment Control Plan for the premises within 3 months of the granting of development consent consistent with the EPA endorsed publication "Managing Urban Stormwater - Soils and Construction, 4th Edition" (Landcom, 2004) (or any revision) and the EPA produced addendum publication "Volume 2E: Mines and Quarries" (DECC, 2008) (or any revision).

### **Waste**

The proponent must not cause, permit or allow any waste to be received at the premises, except the wastes expressly referred to in the column titled "Waste" and meeting the definition, if any, in the column titled "Description" in the table below.

Any waste received at the premises must only be used for the activities referred to in relation to that waste in the column titled "Activity" in the table below.

Code	Waste	Description	Activity	Other Limits
NA	General or specifically exempted waste	Waste that meets all the requirements of a resource recovery exemption under Clause 51A of the Protection of the Environment Operations (Waste) Regulation 2005	A specified in each resource recovery exemption	NA

### **Activities must be carried out in a competent manner**

Activities must be carried out in a competent manner.  
This includes:

- a) the processing, handling, movement and storage of materials and substances used to carry out the activity; and
- b) the treatment, storage, processing, reprocessing, transport and disposal of waste generated by the activity.

### **Maintenance of plant and equipment**

All plant and equipment installed at the premises or used in connection with the activity:

- a) must be maintained in a proper and efficient condition; and
- b) must be operated in a proper and efficient manner.

### **3.(a) EPA REQUIREMENTS (modification 2014/114/4)**

#### **Objective**

To satisfy the requirements of the EPA.

#### **Performance**

- (i) Except as expressly provided by these General Terms of Approval or by any condition of approval issued by Cabonne Council or the conditions of an in-force environmental protection licence issued by the Environmental Protection Authority, works and activities must be carried out in accordance with:
  - Previously approved development applications for DA 2014/114; and
  - Any statement of environmental effects, or similar, relating to the development application DA 2014/114/4.
- (ii) Should any conflict exist between the abovementioned documents, the most recent document or version supersedes the conflict, except where superseded by a condition of approval issued by council or the conditions of an in-force environmental protection licence issued by the Environmental Protection Authority.
- (iii) The proponent must apply for and hold an in-force environmental protection licence issued by the EPA prior to the proponent undertaking the increased scale of land based extractive and crushing, grinding or separating activities not exceeding 150,000 tonne per annum.

### **4. SCALE (GENERAL)**

#### **Objective**

To ensure the scale of the activity does not increase beyond the scope of this approval without the further assessment of possible impact.

**Performance**

This approval enables the applicant to operate at a scale as submitted in the proposal. Any increase in the scale of the activity as submitted, will require the further approval of Council.

**5. LANDSCAPE MANAGEMENT PLAN**

**Objective**

To reduce landuse conflict and to lessen the visual impact of the development.

**Performance**

The proponent shall prepare and implement a detailed Landscape Management Plan to the satisfaction of Council.

Landscaping is to be undertaken in a manner designed to reduce landuse conflict and lessen the visual impact of the development from neighboring properties and The Escort Way. Landscaped areas shall be heavily landscaped with native trees and shrubs.

This plan is to be submitted to Council for the approval of the Director of Environmental Services within 6 months of the date of this consent; and must include the following:-

- a. Rehabilitation Plan, and
- b. Quarry Closure Plan.

**5. (a) BUFFER /LANDSCAPE PLAN**

**Objective**

To reduce landuse conflict and to lessen the visual impact of the development.

**Performance**

Landscaping is to be undertaken below the proposed southern and eastern bund walls (Modification of DA 2014/114/2) in a manner designed to lessen the visual impact of the development from neighboring properties and The Escort Way. Landscaped areas shall be heavily landscaped with native trees and shrubs.

**5. (b) BUFFER /LANDSCAPE PLAN (modification DA 2014/114/4)**

**Objective**

To reduce land use conflict and to lessen the visual impact of the development.

**Performance**

A revised Landscaping Plan is to be submitted for approval of council's Director Environmental Services within three months of the date of the development consent. In particular the revised plan is to address the landscaping proposed area for visual screening of the new bunds along the southern and eastern sides of the quarry activity area. Such landscaping must lessen the visual impact of the development when viewed from neighboring properties and The Escort Way. Landscaped areas shall be heavily landscaped with native trees and shrubs, and the planted areas maintained.

**6. REHABILITATION PLAN**

**Objective**

The Proponent shall prepare and implement a Rehabilitation Plan for the project.

**Performance**

This plan shall include:

1. The plan objectives including a description of the short, medium, and long term measures that would be implemented to rehabilitate the site.
2. Performance and completion criteria for the rehabilitation of the site.
3. A detailed description of the measures that would be implemented over the next 3 years including the procedures for:-
  - a) progressively rehabilitating disturbed areas;
  - b) protecting areas outside the disturbance areas;
  - c) managing impacts on fauna;
  - d) landscaping the site to minimise visual impacts;
  - e) conserving and reusing topsoil;
  - f) collecting and propagating seed for rehabilitation works;
  - g) salvaging and reusing material from the site for habitat enhancement;
  - h) controlling weeds and feral pests;
  - i) controlling access; and
  - j) bushfire management;
4. A program to monitor the effectiveness of these measures, and progress against the performance and completion criteria
5. A description of the potential risks to successful rehabilitation and/or revegetation, and a description of the contingency measures that would be implemented to mitigate these risks; and

- a) details of who would be responsible for monitoring, reviewing, and implementing the plan.

## **7. EROSION AND SEDIMENTATION CONTROL PLANS**

### **Objective**

To prevent soil erosion and watercourse contamination during construction of the access point onto The Escort Way and during Quarry operation.

### **Performance**

An overall erosion and sedimentation control plan is to be prepared for the site to a standard acceptable to the Principal Certifying.

The plan is to note any proposed vegetation retention and planting and is to be submitted and approved by Council prior to any construction works commencing. Specific construction zone erosion and sedimentation control plans are to be prepared to a standard acceptable to the Principal Certifying Authority and are required to be approved prior to the issue of Construction Certificates for each and any stage of the development.

## **8. PUBLIC LIABILITY INSURANCE**

### **Objective**

To ensure that Council, Roads and Maritime Services and the applicant are all protected against any liability claim.

### **Performance**

Prior to the commencement of any works on Council, Roads and Maritime Services controlled land including a public road, the applicant is to affect Public Liability Insurance in the minimum amount of \$20 million. This insurance is to note both Council and Roads and Maritime Services as interested parties and is to remain current for at least the period from the issue of the Construction Certificate until the issue of a Compliance Certificate for the works. Documentary evidence of the currency of the cover is to be provided to Council prior to the issuing of a Construction Certificate.

## **9. WORKS UNDERTAKEN WITHIN STATE ROAD RESERVES**

### **Objective**

To ensure that all construction work carried out within State road reserves are at no cost to the Roads and Maritime Services.

**Performance**

A formal agreement in the form of a Works Authorization Deed (WAD) is required between the Developer and the RMS as the developer will be required to undertake 'private financing and construction' of works on a road in which the RMS has a statutory interest. This is relevant to the 'BAR' and 'BAL' component of the works.

The applicant should contact Roads and Maritime Services, P O Box 334, Parkes NSW 2870 to obtain the necessary Deed.

**10. WORKS UNDERTAKEN WITHIN STATE ROAD RESERVES**

**Objective**

To ensure that all construction work carried out within State road reserves are at no cost to the Roads and Maritime Services and Authorised.

**Performance**

A formal agreement in the form of a Road Occupancy Licence is required between the Developer and the RMS as the developer will be required to undertake 'private financing and construction' of works on a road in which the RMS has a statutory interest

The applicant should contact Roads and Maritime Services, P O Box 334, Parkes NSW 2870 to obtain the necessary Licence.

Submission of a Traffic Control Plan is required as part of this licence.

Evidence of a Road Occupancy Licence is to be provided to Council prior to the issuing of a Construction Certificate for the works.

**11. APPLICATION OF BITUMEN SEAL TO INTERNAL ACCESS ROAD**

**Objective**

To ensure a suitable all weather, non-dust generating internal access road is provided.

**Performance**

The applicant is required to provide a bitumen seal to the internal access road from access point from The Escort Way to the entrance into the gravel quarry site. With a minimum width of 3.5 metres which shall be maintained at all times.

## **12. ENTRANCE / EXIT POINTS**

### **Objective**

To ensure on-site traffic flows in the manner assessed by Council.

### **Performance**

Entrance / exit points are to be clearly signposted and visible from both the street and the site at all times.

## **13. LOADING / UNLOADING**

### **Objective**

To ensure loading / unloading does not interfere with the amenity of the street.

### **Performance**

All loading and unloading operations are to take place at all times wholly within the confines of the site.

## **14. DUST SUPPRESSION**

### **Objective**

To ensure that dust does not become a nuisance to neighbouring properties or passing motorists.

### **Performance**

The applicant will ensure to water down any nuisance dust that may arise from the development caused by machinery and traffic movements.

## **15. VEHICLE MANAGEMENT PLAN**

### **Objective**



To ensure that arrangements are made for vehicles movements associated with the development.

**Performance**

The vehicle management plan is to detail all vehicle movements within the site including loading areas, truck parking/waiting areas, re-fueling zones and travel routes that are used during operation of the gravel quarry.

The VMP shall be prepared by the applicant and then submitted for approval by Council. All persons involved in the quarry operations shall be issued with a copy of the VMP.

**16. ADEQUATE ONSITE TRUCK PARKING**

**Objective**

To provide an adequate onsite truck parking area.

**Performance**

At all times of operation of the gravel pit there must be adequate trucking parking available within the proposed site. With no trucks associated with the development queuing within the road reserve of The Escort Way.

**17. PROVISION OF PRIVATE ACCESS**

**Objective**

To ensure that safe and practical access is provided to the subject land.

**Performance**

Access must be provided to Lot 775 DP 813587 in accordance with Roads and Maritime Services requirements (Condition 14).

Prior to any Access Construction Certificate being issued, the applicant will be required to furnish Council a copy of all approvals from the RMS including approved access construction plans, Works Authorisation Deed and Road Occupancy Licence.

An Access Construction Certificate **must** be obtained prior to commencement of construction of any access to the property from The Escort Way.

A joint inspection with the Principal Certifying Authority is to be held prior to commencing construction of the access. Please telephone Council's Development Engineer on 6392 3271 to arrange a suitable date and time for the inspection.

A Compliance Certificate for the access must be submitted to Council before any Final Occupation Certificate can be issued.

## **18. COMPLIANCE WITH CONDITIONS OF CONSENT**

### **Objective**

To ensure all conditions of consent are complied with and development proceeds in the manner assessed by Council.

### **Performance**

The use or occupation of the approved development shall not commence until such time as all conditions of this development consent have been complied with. The use or occupation of the development prior to compliance with all conditions of development consent may make the applicant / developer liable to legal proceedings.

## **19. BLAST MANAGEMENT PLAN (Mod DA 2014/114/3)**

### **Objective**

To limit any risk of blasting impact

### **Performance**

A Blast Management Plan be developed and implemented, and a copy provided to council, to establish protocol and procedures for community notification of blasting operations, blast monitoring at the closest receiver, trial blasts to ensure limits can be achieved, contingency for adverse weather conditions identified (ie rescheduling of blasting operations), and liaison with NSW National Parks and Wildlife Services Central West Area Ranger to monitor impact of vibration (if any) upon the formations associated with the Borenore Karst Conservation reserve.

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**ITEM 1 - RESOLUTIONS REGISTER - INFOCOUNCIL - ACTIONS REPORTING**

**REPORT IN BRIEF**

<b>Reason For Report</b>	To provide Council with a report on progress made in actioning its resolutions up to last month's Council meeting and any committee meetings held.
<b>Policy Implications</b>	Nil
<b>Budget Implications</b>	Nil
<b>IPR Linkage</b>	4.5.1.a. Provide quality administrative support and governance to councillors and residents
<b>Annexures</b>	1. Traffic Light Report Summary <a href="#">↓</a> 2. Council <a href="#">↓</a>
<b>File Number</b>	\\OFFICIAL RECORDS LIBRARY\GOVERNANCE\COUNCIL MEETINGS\RESOLUTION REGISTER - 1045815

**GENERAL MANAGER REPORT**

InfoCouncil generated reports are annexed including actions up to the previous month's meetings resolutions.

Progress comments are provided until the final action comment which will also show "COMPLETE": that item will then be removed from the register once resolved by the council.

Attached also is the "traffic light" indicator system that enables the council to identify potential areas of concern at a glance.

Councillors should raise any issues directly with the directors as per the mayor's request.

**ITEM 2 - RATES SUMMARY**

**REPORT IN BRIEF**

<b>Reason For Report</b>	Information provided in relation to Council's Rates collections.
<b>Policy Implications</b>	Nil
<b>Budget Implications</b>	Nil
<b>IPR Linkage</b>	4.5.4.a - Level of rate of collection
<b>Annexures</b>	1. Rates graph September 2019 <a href="#">↓</a>
<b>File Number</b>	\\OFFICIAL RECORDS LIBRARY\FINANCIAL MANAGEMENT\FINANCIAL REPORTING\FINANCIAL REPORTS TO COUNCIL - 1045087

**SENIOR RATES OFFICER'S REPORT**

The Rate Collection Summary to 30 September 2019 is attached for Council's information. The percentage collected is 37% which is similar to previous years.

**ITEM 3 - INVESTMENTS SUMMARY**

**REPORT IN BRIEF**

<b>Reason For Report</b>	Information provided in relation to Council's Investment Schedule.
<b>Policy Implications</b>	Nil
<b>Budget Implications</b>	Nil
<b>IPR Linkage</b>	4.5.4.b. Maximise secure income through investments
<b>Annexures</b>	1. Investments Summary September 2019 <a href="#">↓</a>
<b>File Number</b>	\\OFFICIAL RECORDS LIBRARY\FINANCIAL MANAGEMENT\FINANCIAL REPORTING\FINANCIAL REPORTS TO COUNCIL - 1045429

**SENIOR ACCOUNTING OFFICER'S REPORT**

Council's investments as at 30 September 2019 stand at a total of \$45,328,294.27.

Council's average interest rate for the month of September was 2.01%. The effect of the low cash rate is having a negative impact on term deposit rates offered by financial institutions. The Reserve Bank's official cash rate remained at 1% during the month of September. However, Council's average rate is higher than Council's benchmark rate of the 30 Day Bank Bill Swap Rate of 1.010%.

Council's investments are held with multiple Australian financial Institutions with varying credit ratings according to Council's Investment Policy. The annexure to this report shows a break up of each individual institution that Council invests with and its "Standard and Poor's" Credit Rating.

The Schedule of Investments for September 2019 is attached for Council's information.

**ITEM 4 - COMMUNITY FACILITATION FUND**

**REPORT IN BRIEF**

<b>Reason For Report</b>	To report on approved expenditure under the Community Facilitation Fund (CFF).
<b>Policy Implications</b>	Nil
<b>Budget Implications</b>	Within existing budget allocation
<b>IPR Linkage</b>	3.3.5.a. Review community need for new and upgraded facilities

<b>Annexures</b>	Nil
<b>File Number</b>	\\OFFICIAL RECORDS LIBRARY\GRANTS AND SUBSIDIES\PROGRAMS\COMMUNITY FACILITATION FUND - 1046114

### **GENERAL MANAGER'S REPORT**

Council adopted guidelines for the Community Facilitation Fund (CFF) in March 2015. The CFF was created for smaller community projects not originally included in the council's budget, to be allocated at the discretion of the Mayor and Deputy Mayor.

As a reminder, the guidelines for the CFF are as follows:

1. Projects where no existing vote for the works has been allocated or the vote is insufficient to complete the project.
2. Recipients must be community based not-for-profit groups.
3. Mayor and Deputy Mayor to jointly approve funds (with the General Manager as proxy if one is not available).
4. Allocation of funds to be reported to the next available council meeting.
5. Limit of \$3,000 per allocation unless other approved by council.

There were nil allocation of funds this month.

### **ITEM 5 - ANNUAL REPORT ON COMPLAINTS RECEIVED UNDER COUNCIL'S CODE OF CONDUCT**

#### **REPORT IN BRIEF**

<b>Reason For Report</b>	In accordance with Clause 11.1 of Council's adopted Procedures for the Administration of the Code of Conduct Policy, the General Manager is required to provide an annual report on complaints received under Council's Code of Conduct.
<b>Policy Implications</b>	Nil
<b>Budget Implications</b>	Nil
<b>IPR Linkage</b>	4.5.1.f - Code of Conduct adhered to
<b>Annexures</b>	Nil
<b>File Number</b>	\\OFFICIAL RECORDS LIBRARY\GOVERNANCE\CODE OF CONDUCT\CODE OF CONDUCT REVIEW COMMITTEE - 1041496

### **GENERAL MANAGER'S REPORT**

Clause 11.1 of Council's adopted Procedures for the Administration of the Code of Conduct (adopted 26 February 2019) requires the General Manager to report within 3 months of the end of September of each year:

- a) the total number of code of conduct complaints made about councillors and the general manager under the code of conduct in the year to September (the reporting period)
- b) the number of code of conduct complaints referred to a conduct reviewer during the reporting period
- c) the number of code of conduct complaints finalised by a conduct reviewer at the preliminary assessment stage during the reporting period and the outcome of those complaints
- d) the number of code of conduct complaints investigated by a conduct reviewer during the reporting period
- e) without identifying particular matters, the outcome of investigations completed under these procedures during the reporting period
- f) the number of matters reviewed by the Office during the reporting period and, without identifying particular matters, the outcome of the reviews, and
- g) the total cost of dealing with code of conduct complaints made about councillors and the general manager during the reporting period, including staff costs.

This report covers the September 2018 – September 2019.

In regard to complaints received during the subject period, I advise that there was no complaints received.

## **ITEM 6 - INTEGRATED PLANNING AND REPORTING UPDATES**

### **REPORT IN BRIEF**

<b>Reason For Report</b>	To advise councillors that IP&R reporting will now occur every six months.
<b>Policy Implications</b>	Nil
<b>Budget Implications</b>	Nil
<b>IPR Linkage</b>	4.5.1.f - Adhere to Council's Code of Conduct and Code of Meeting Practice
<b>Annexures</b>	Nil
<b>File Number</b>	\\OFFICIAL RECORDS LIBRARY\CORPORATE MANAGEMENT\PLANNING\INTEGRATED PLANNING AND REPORTING 2019-2020 - 1045430

## **DIRECTOR OF FINANCE AND CORPORATE SERVICES' REPORT**

Pursuant to section 404(5) of the Local Government Act 1993, council is required to provide an update on the progress of the Delivery Program every six months as part of the Integrated Planning and Reporting process.

Council has previously provided a quarterly update on the progress of the Delivery Program. In order to reduce the compliance burden, council will now move to a six-monthly reporting cycle. This complies with the requirements of the Local Government Act and will save staff administrative time.

## **ITEM 7 - COUNCIL RESERVES**

### **REPORT IN BRIEF**

<b>Reason For Report</b>	To report to Council an update on Council reserves at 30th September 2019.
<b>Policy Implications</b>	Nil
<b>Budget Implications</b>	Nil
<b>IPR Linkage</b>	4.5.4.d - Level of reserves and provisions monitored
<b>Annexures</b>	Nil
<b>File Number</b>	\\OFFICIAL RECORDS LIBRARY\FINANCIAL MANAGEMENT\FINANCIAL REPORTING\FINANCIAL REPORTS TO COUNCIL - 1044349

### **FINANCE MANAGER'S REPORT**

Council's budgeted Cash reserves currently stand at \$29,724,795. This is the budgeted forecast which includes movements during the 2019/2020 budget. It also includes any council approvals in the July, August and September 2019 council meetings. The September Quarterly budget review will be presented to Council at the November meeting, with any changes following the date of this report.

Councils Cash reserves are typically made up of Externally restricted cash and Internal restrictions. Please see the list below of each.

#### **Externally Restricted Cash Reserves \$15,653,821**

Restricted cash relates to funds that are subject to external legislative or contractual obligations. eg. Specific Purpose Grant Funding, Water and Sewer cash reserves.

Developer Contributions	Contributions from ratepayers to cover future roadworks and bushfire costs according to the Development application	\$884,887
RMS Contributions	Council's State Road Contract with RMS – carry over of income from year to year	\$1,569,712
Regional Road Block Grant	Carry over funds from year to year	\$20,159
Specific Purpose Grants	Unspent grant funds on various projects	\$384,918
Water Fund	Cash reserves including funds for the Water pipeline	\$4,655,484
Sewer Fund	Cash reserves	\$865,155



Small town Sewer	Cash reserves	\$1,736,696
Domestic Waste	Funds for future waste facility upgrades	\$3,940,863
Canowindra Town Improvement (CTI)	Special rate levied on Canowindra for specific projects	\$1,320,361
Canowindra Sports Trust	\$5k every year from CTI reserve to contribute to sporting facilities	\$35,082
Stormwater Levy	Rates levy each year to fund capital drainage improvements	\$240,504

**Internally Restricted Cash Reserves \$14,070,974**

Restricted cash that is internally held by Council to cover commitments/obligations that are expected to arise in the future. Eg Capital Works, Plant Reserve.

Plant Fund	Fund future plant replacement	\$1,493,702
Infrastructure Replacement	Renew existing assets	\$1,523,151
Capital Works	Funding of new capital works	\$3,853,436
Employee Leave Entitlements	To provide 60% of leave entitlements as cash backed	\$1,826,500
Budget Contingency	Budget savings from prior year to be used in budget losses	\$405,290
Community Services	Cash reserves for HACC, Family day care and Community Transport	\$593,084
Environment/Weeds	Funds to be spent in this area	\$126,200
Environmental Sustainability	Review alternative energy options	\$137,628
Gravel Pit Restoration	Restoration of gravel pits in Cabonne	\$417,304
Housing	To assist community housing projects	\$137,070
Limestone Quarry	Restoration of quarry	\$1,480,197
Office Equipment	Fund office equipment, IT equipment, furniture	\$386,180
Recreation & Culture	Funds to be spent in this area	\$1,607
Roadworks	Fund capital road work construction	\$912,382
Sewerage	Small balance from septic tanks	\$16,791
Village Enhancement	Improvements to town and villages amenities and projects	\$673,452
Insurance Provision	To pay for insurance excesses as they arise	\$87,000

These balances will change with the completion of the September Quarterly budget review.

**ITEM 8 - MOLONG WATER SUPPLY - LEVEL 5 RESTRICTIONS**

**REPORT IN BRIEF**

<b>Reason For Report</b>	To provide information on the introduction of level five water restrictions from 4 November 2019
<b>Policy Implications</b>	Nil
<b>Budget Implications</b>	Nil
<b>IPR Linkage</b>	5.1.1.b - Continue to maintain drinking water management system
<b>Annexures</b>	Nil
<b>File Number</b>	\\OFFICIAL RECORDS LIBRARY\WATER SUPPLY\STORAGE\DAMS - 1046841

**ACTING DIRECTOR OF ENGINEERING AND TECHNICAL SERVICES' REPORT**

**Current State**

Molong Creek dam is currently at 37% capacity. It is estimated approximately 10% of this total capacity is considered as silt and unusable volume, equating to the volume of available water within the source being 27%. Level four water restrictions are currently in place, with a goal of maintaining use to 200L/person/day. However, the volume of water through the Molong Water Treatment Plant is equivalent to 320L/person/day, which is well above the goal set with level four restrictions.

The Centroc Regional Drought Management Plan states that the trigger point for introduction to level five water restrictions is 30% available capacity. Given the trigger point has been exceeded, the introduction of level 5 water restrictions has been scheduled to commence 4 November 2019.

**Effect to Community**

Target water consumption for level five water restrictions is 160L/person/day.

Measures of water use restriction during level five are as follows:

**Residential Water Use**

Watering of Lawns	Not permitted
Watering of Residential Gardens Subject to varying Summer and Winter times	Watering systems, non-fixed sprinklers, hand-held hoses, microsprays, drip systems, soaker hoses, not permitted at any time.  Bucket / watering can watering only.

	Summer Time between 18:00-20:00 hours on Sunday only.  Winter Time between 13:00-15:00 hours on Sunday only.
Topping up, filling garden water features	Not to be topped up or filled.
Irrigation of new turf	Not permitted
Washing down walls or paved surfaces	Not permitted
Topping up private swimming pools/spas	Not permitted
First fill of private swimming pools	Not permitted
Washing cars at home	Not permitted
Baths, showers	Three (3) minute showers
Washing of clothes	Full loads only permitted
Use of evaporative air conditioners	Permitted only between the hours of 07:00-24:00. Exemptions may be granted to aged accommodation or nursing homes.
Inflatable or temporary children pools.	Not permitted

**Non-Residential Use**

Watering of Lawns	Not Permitted
Watering of Gardens Subject to varying Summer and Winter times	Watering systems, non- fixed sprinklers, hand-held hoses, microsprays, drip systems, soaker hoses, not permitted at any time.  Bucket /watering can water only.  Summer Time between 18:00-20:00 hrs on Sundays only.  Winter Time between 13:00-15:00 hrs on Sundays only.
Topping up public swimming pools/spas, including those in motels	Not permitted
First fill of public swimming pools/spas, including those in motels etc.	Not permitted
Turf farm irrigation, market gardens	Not permitted
Irrigation of new turf on non-residential premises	Not permitted
Public car and truck wash facilities	Business must implement and comply with WSAP

Construction industry e.g. Mortar or concrete mix	Permitted
Construction – wash down, paint prep, curing	Business must implement and comply with WSAP

Businesses that access the water network have been sent templates to develop water saving action plans. The response to these has been positive so far.

### **Water Security Enhancement Projects**

A number of projects are underway in order to boost the reliability of Council's reticulation network, as well as ensure alternative sources of water supply are available in the case that water storage reaches zero.

Review of infrastructure is currently underway to ensure the water supply network is reliable and water wastage is limited. This includes arrangement of repair to the high-level reservoir, pipe leak detection, and identification of frequently visited mains break locations with a mind to replacement.

### **Rural Access**

It is expected that rural residents are likely to seek access to potable water from Council's standpipe, and as such, consideration needs to be given to how to apply equity principles to water supply in this circumstance.

Given the target of 160L/person/day, a full tanker should be able to provide potable water to rural residents for a period of 21 days. This amount will provide enough water for household use, however will not be sufficient for watering of stock.

It is proposed that sales of potable water from Council's standpipe follow the provision of no more than 14,000 litres per household, per 21 days. Individual circumstances that require above this amount will be considered on a case-by-case basis.

A meeting of water cart operators has been scheduled for 18 October 2019.

## **ITEM 9 - ENGINEERING AND TECHNICAL SERVICES REPORT - SEPTEMBER 2019**

### **REPORT IN BRIEF**

<b>Reason For Report</b>	To update Council on works in progress in the Engineering and Technical Services Department.
<b>Policy Implications</b>	Nil
<b>Budget Implications</b>	Nil
<b>IPR Linkage</b>	4.5.1.a - Provide quality administrative support and governance to councillors and residents

<b>Annexures</b>	1. September Engineering Report for October Meeting <a href="#">↓</a>
<b>File Number</b>	\\OFFICIAL RECORDS LIBRARY\GOVERNANCE\REPORTING\ENGINEERING AND TECHNICAL SERVICES REPORTING - 1045775

**DIRECTOR OF ENGINEERING & TECHNICAL SERVICES' REPORT**

Please find attached to this report an update of works in progress in the Engineering and Technical Services Department.

**ITEM 10 - DEVELOPMENT APPLICATIONS RECEIVED DURING SEPTEMBER 2019**

**REPORT IN BRIEF**

<b>Reason For Report</b>	Details of development applications received during the preceding month.
<b>Policy Implications</b>	Nil
<b>Budget Implications</b>	Nil
<b>IPR Linkage</b>	4.5.3.a. Provide efficient and effective development assessment
<b>Annexures</b>	Nil
<b>File Number</b>	\\OFFICIAL RECORDS LIBRARY\DEVELOPMENT AND BUILDING CONTROLS\BUILDING AND DEVELOPMENT APPLICATIONS\REPORTING - DEVELOPMENT APPLICATIONS TO COUNCIL - 1044525

**DIRECTOR OF ENVIRONMENTAL SERVICES' REPORT**

Development Applications have been received during the period 01/09/2019 to 30/09/2019 as detailed below.

**SUMMARY OF DEVELOPMENT APPLICATIONS RECEIVED**

<b><u>TYPE</u></b>	<b><u>ESTIMATED VALUE</u></b>
Section 68 Only x 11	\$----
Modification to Existing Dwelling and Construction of New Dwelling	\$----
Modification to 15 Lot Subdivision	\$----
Modification to Dual Occupancy	\$----
Modification to Molong Truck Wash	\$----
2 Lot Subdivision	\$----
Temporary Use (Events)	\$----
Modification to Warehouse Storage and Factory Units	\$----

2 Lot Subdivision	\$----
Modification to Proposed Dwelling with Detached Garage	\$----
Garage with Attached Carport	\$14,300
Dwelling	\$450,000
Alterations and Additions to Existing Dwelling	\$380,000
Demolition of Existing Dwelling and Construction of New Dwelling	\$950,000
Skillion Addition to Existing Men's Shed	\$24,000
Convert Shed to Dwelling	\$60,000
Shed	\$6,000
Installation of 14.49KW Solar System	\$26,986
Garage	\$25,300
Dwelling	\$240,000
Dwelling	\$424,210
Dual Occupancy	\$791,582
Erection of Mural	\$1,000
Dwelling	\$280,000
Dwelling	\$840,000
Patio	\$16,320
Storage Shed	\$18,057
Dwelling	\$343,704
<b>TOTAL: 38</b>	<b>\$4,891,459</b>

**SUMMARY OF COMPLYING DEVELOPMENT APPLICATIONS RECEIVED**

<u>TYPE</u>	<u>ESTIMATED VALUE</u>
Alterations and Additions to Existing Dwelling	\$275,000
Carport & Awning	\$12,000
Single Storey Dwelling	\$365,000
Alterations and Additions to Existing Dwelling	\$172,669
<b>TOTAL: 4</b>	<b>\$824,669</b>

<b>GRAND TOTAL: 42</b>	<b>\$5,716,128</b>
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**ITEM 11 - DEVELOPMENT APPLICATIONS APPROVED DURING SEPTEMBER 2019**

**REPORT IN BRIEF**

<b>Reason For Report</b>	Details of development applications approved during the preceding month.
<b>Policy Implications</b>	Nil

<b>Budget Implications</b>	Nil
<b>IPR Linkage</b>	4.5.3.a. Provide efficient and effective development assessment
<b>Annexures</b>	Nil
<b>File Number</b>	\OFFICIAL RECORDS LIBRARY\DEVELOPMENT AND BUILDING CONTROLS\BUILDING AND DEVELOPMENT APPLICATIONS\REPORTING - DEVELOPMENT APPLICATIONS TO COUNCIL - 1044579

**DIRECTOR OF ENVIRONMENTAL SERVICES' REPORT**

Development Applications have been approved during the period 01/09/2019 to 30/09/2019 as detailed below.

**SUMMARY OF DEVELOPMENT APPLICATIONS RECEIVED**

<b><u>TYPE</u></b>	<b><u>ESTIMATED VALUE</u></b>
Section 68 Only x 5	\$----
Modification of Boundary Adjustment	\$----
Modification of Molong Truck Wash	\$----
Modification of Existing Dwelling and Construct Replacement Dwelling	\$----
Boundary Adjustment	\$----
Modification to Warehouse Storage and Factory Units	\$----
Home Industry (Mechanics)	\$----
Modification to Dual Occupancy	\$----
Alterations & Additions to Dwelling and Tennis Court	\$276,000
Front Fence	\$7,000
Covered Deck	\$10,000
Dwelling	\$354,000
Proposed Limestone Mine Extracting up to 150,000 Tonnes Per Year	\$975,000
Dwelling	\$380,000
Garage with Attached Carport	\$14,300
Double Garage with Workshop	\$19,200
Dwelling	\$450,000
Storage Shed	\$16,478
Alterations & Additions to Existing Dwelling	\$380,000
Dwelling & Storage Shed	\$350,000
Skillion Addition to Existing Men's Shed	\$24,000
<b>TOTAL: 25</b>	<b>\$3,255,978</b>

**SUMMARY OF COMPLYING DEVELOPMENT APPLICATIONS RECEIVED**

<b><u>TYPE</u></b>	<b><u>ESTIMATED VALUE</u></b>
Carport and Awning	\$12,000
Alterations & Additions to Existing Dwelling	\$172,669
Single Storey Dwelling	\$365,000
<b>TOTAL: 3</b>	<b>\$549,669</b>

<b>GRAND TOTAL: 28</b>	<b>\$3,805,647</b>
<b>Previous Month:34</b>	<b>\$3,490,648</b>

**ITEM 12 - MEDIAN PROCESSING TIMES 2019**

**REPORT IN BRIEF**

<b>Reason For Report</b>	To provide information on median processing times.
<b>Policy Implications</b>	Nil
<b>Budget Implications</b>	Nil
<b>IPR Linkage</b>	4.5.3.a. Assess and determine development applications, construction certificate applications and Onsite Sewerage Management Systems (OSMS) to meet agreed service levels
<b>Annexures</b>	Nil
<b>File Number</b>	\\OFFICIAL RECORDS LIBRARY\DEVELOPMENT AND BUILDING CONTROLS\BUILDING AND DEVELOPMENT APPLICATIONS\REPORTING - DEVELOPMENT APPLICATIONS TO COUNCIL - 1044477

**DIRECTOR OF ENVIRONMENTAL SERVICES' REPORT**

**Summary of median Application Processing Times over the last five years for the month of September:**

<b><u>YEAR</u></b>	<b><u>MEDIAN ACTUAL DAYS</u></b>
2014	21
2015	16
2016	44
2017	34
2018	13.5

**Summary of median Application Processing Times for 2019:**

<b><u>MONTH</u></b>	<b><u>MEDIAN ACTUAL DAYS</u></b>
January	10
February	21
March	10.5



April	27
May	14
June	24
July	24
August	16
September	24
October	
November	
December	

**ITEM 13 - BURIAL STATISTICS**

**REPORT IN BRIEF**

<b>Reason For Report</b>	To provide information on burial statistics.
<b>Policy Implications</b>	Nil
<b>Budget Implications</b>	Nil
<b>IPR Linkage</b>	3.3.1.a - Maintain cemeteries in accordance with community requirements
<b>Annexures</b>	Nil
<b>File Number</b>	\\OFFICIAL RECORDS LIBRARY\PUBLIC HEALTH\CEMETERIES\REPORTING - BURIAL STATISTICS - 1044476

**DIRECTOR OF ENVIRONMENTAL SERVICES' REPORT**

<b><u>YEAR</u></b>	<b><u>NO OF BURIALS</u></b>
<b>2006/07</b>	59
<b>2007/08</b>	62
<b>2008/09</b>	57
<b>2009/10</b>	65
<b>2010/11</b>	40
<b>2011/12</b>	54
<b>2012/13</b>	54
<b>2013/14</b>	80
<b>2014/15</b>	66
<b>2015/16</b>	64
<b>2016/17</b>	41
<b>2017/18</b>	67
<b>2018/19</b>	77
<b>2019/20</b>	
July	5
August	6
September	8
October	
November	

**GENERAL MANAGER'S REPORT ON MATTERS FOR NOTATION SUBMITTED TO THE  
ORDINARY COUNCIL MEETING TO BE HELD ON TUESDAY 22 OCTOBER, 2019**

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December	
January	
February	
March	
April	
May	
June	
<b>Total</b>	<b>19</b>

## Incomplete Resolutions - Summary

Risk	Totals	Month 1	Month 2	Month 3	Month 3+
Low	49	38	2	0	9
Medium	0		0	0	0
High	0				0

As at: 14 October 2019

Key:

Low Risk

Includes resolutions marked "Complete" pending the next Council meeting to be finalised; resolutions up to 2 months old with an initial comment; and resolutions not "Complete" (regardless of age), with initial and progress comments which are incomplete due to a legitimate reason.

Medium Risk

Includes resolutions not "Complete", up to 2 months old **without** a comment; and resolutions 3 months old with an initial comment but without a satisfactory or timely update.

High Risk

Includes resolutions not "Complete", with no initial comment 3+ months old; 3+ months old with initial comment but no update; and 3+ months old with initial comment and with updates but reason or legitimacy is "no or not known (to be shown as "No").

Outstanding Actions	<b>Division:</b> <b>Committee:</b> Ordinary Meeting <b>Officer:</b>	<b>Date From:</b> <b>Date To:</b>
<a href="#">Action Sheets Report</a>		<b>Printed: Monday, 14 October 2019 2:19:43 PM</b>

Meeting	Officer/Director	Section	Subject
Ordinary Meeting 25 July 2017	Robert Cohen Robert Cohen	For Determination	PROPOSAL FOR ESTABLISHMENT OF A TRUCK WASH AT MOLONG
<b>MOTION</b> (Nash/Wilcox)			
<p>THAT Council accept funding of \$505,060 from Transport for NSW for the construction of a Truck Wash facility at Molong.</p> <p><i>10 Oct 2019 - 9:55 AM - Deborah Jordan</i> Project underway - awaiting balance of funds to be claimed at completion of project</p> <p><i>12 Sep 2019 - 11:18 AM - Emma Tadros</i> Project underway - awaiting balance of funds to be claimed at completion of project</p> <p><i>05 Sep 2019 - 1:29 PM - Deborah Jordan</i> WAD has been approved by RMS  <ul style="list-style-type: none"> <li>Detailed architectural design, civil design and structural design have been completed</li> <li>Waste water design and electrical design – Pending</li> <li>Site clearing is in progress</li> </ul> </p> <p><i>14 Aug 2019 - 9:01 AM - Deborah Jordan</i> Still awaiting for the WAD approval from RMS.  <ul style="list-style-type: none"> <li>Expecting the preliminary designs from Consultants 16.8.19.</li> </ul> </p> <p><i>09 Jul 2019 - 11:38 AM - Deborah Jordan</i> Work Authorisation Deed (W.A.D.) approval sought from RMS. Final design expected 12 July 2019. Work program to commence first week in August.</p> <p><i>11 Jun 2019 - 12:26 PM - Deborah Jordan</i> Extended closing date of tender.</p> <p><i>15 May 2019 - 9:55 AM - Deborah Jordan</i> Tender has been called.</p> <p><i>17 Apr 2019 - 3:55 PM - Deborah Jordan</i> Awaiting RMS approval. Project scoped.</p> <p><i>11 Mar 2019 - 3:48 PM - Deborah Jordan</i> Awaiting response from RMS regarding traffic management,</p> <p><i>13 Feb 2019 - 12:56 PM - Deborah Jordan</i> Progress report to be submitted to Council meeting 26.2.19</p> <p><i>05 Dec 2018 - 11:02 AM - Deborah Jordan</i> Meeting held with RMS, intersection treatment complete. Still in detailed design process.</p> <p><i>16 Nov 2018 - 11:00 AM - Deborah Jordan</i> Expected 7th December.</p> <p><i>19 Oct 2018 - 10:24 AM - Deborah Jordan</i></p>			

Outstanding Actions	<b>Division:</b> <b>Committee:</b> Ordinary Meeting <b>Officer:</b>	<b>Date From:</b> <b>Date To:</b>
<b>Action Sheets Report</b>		<b>Printed: Monday, 14 October 2019 2:19:43 PM</b>

Review of concept design approved, detailed design expected early December.  
*12 Sep 2018 - 1:58 PM - Deborah Jordan*  
 DA has been approved, design consultant engaged.  
*13 Aug 2018 - 2:47 PM - Steve Harding*  
 Truck wash to be programmed for construction when development approval is received.  
*12 Jul 2018 - 11:58 AM - Deborah Jordan*  
 Proposals still at assessment stage  
*18 Jun 2018 - 2:34 PM - Deborah Jordan*  
 have received proposals, going through assessments  
*11 May 2018 - 1:47 PM - Emma Tadros*  
 To report to June Council meeting. Still on public display  
*12 Apr 2018 - 2:38 PM - Sharlea Taite*  
 Land use approved by Planning and Environment NSW  
*15 Feb 2018 - 3:57 PM - Sharlea Taite*  
 Deed finalised  
 Consultant to be engaged to prepare design documentation

*14 Sep 2017 - 10:16 AM - Sharlea Taite*  
 Have received deed from Restart NSW for \$252,530 which is half the funds, awaiting on notification regarding Federal funds.

Meeting	Officer/Director	Section	Subject
Ordinary Meeting 24 April 2018	Dale Jones Bradley Byrnes	For Determination	AGE OF FISHES MUSEUM, CANOWINDRA

**RECOMMENDATION** (Batten/Newsom)

THAT Council conduct a workshop to review current management and financial arrangements for the Age of Fishes Museum and consider future options for the tourist facility.

*04 Oct 2019 - 5:23 PM - Dale Jones*  
 Report presented to September council meeting - COMPLETE  
*12 Sep 2019 - 5:43 PM - Dale Jones*  
 Report prepared for September meeting  
*14 Aug 2019 - 3:35 PM - Dale Jones*  
 Councillors inspected new storage and research centre during relocation of fossils. Official opening to be arranged. Report to be prepared for September meeting  
*11 Jul 2019 - 9:58 AM - Dale Jones*  
 Update on Museum's activities to be provided to August meeting following relocation of fossils to new storage facility  
*18 Jun 2019 - 10:02 AM - Dale Jones*  
 Report to be prepared for July meeting  
*16 May 2019 - 3:09 PM - Dale Jones*  
 Report to be prepared for Council's June meeting on Museum current situation

Outstanding Actions	Division: Committee: Officer:	Ordinary Meeting	Date From: Date To:
Action Sheets Report			Printed: Monday, 14 October 2019 2:19:43 PM

10 Apr 2019 - 2:36 PM - Dale Jones  
Awaiting further instructions from Council

18 Mar 2019 - 12:56 PM - Emma Tadros  
In Community Engagement and Development Manager absence, comment made by Tourism and Community Development Coordinator:  
Awaiting further instruction from Council

15 Feb 2019 - 4:56 PM - Dale Jones  
Awaiting further advice from council

04 Dec 2018 - 10:23 AM - Dale Jones  
Awaiting further advice from Council

15 Nov 2018 - 12:21 PM - Dale Jones  
Awaiting further decision from council

18 Oct 2018 - 1:32 PM - Dale Jones  
Council to further discuss issue

14 Sep 2018 - 11:15 AM - Dale Jones  
Awaiting further decision by Council

17 Aug 2018 - 9:30 AM - Dale Jones  
Workshop held on 12 June 2018, awaiting further advice from council

12 Jul 2018 - 3:13 PM - Dale Jones  
Workshop held on 12 June 2018. Councillors still considering options

18 Jun 2018 - 10:33 AM - Naomi Schroder  
Workshop was held on 12 June with matter to be addressed at next ordinary meeting on 26 June

11 May 2018 - 11:29 AM - Dale Jones  
Workshop scheduled for 8 May 2018 deferred until 12 June 2018. Pre-workshop discussion held on May 8

Meeting	Officer/Director	Section	Subject
Ordinary Meeting 30 October 2018	Heidi Thornberry Luke Taberner	For Determination	PURCHASE OF LAND FROM TRANSPORT NSW IN WATSON STREET, MOLONG
<b>MOTION</b> (Oldham/Batten)			
THAT:			
<ol style="list-style-type: none"> <li>1. Pursuant to Sections 186 and 187 of the <i>Local Government Act 1993 (NSW)</i> Council compulsorily acquire the land forming part of the Great Western Railway proclaimed in Government Gazette No. 289 of 17.7.1885 Folio 4562 and Government Gazette No. 232 of 9.6.1885 Folio 3629, being the area marked as "Lot 1" on the plan attached to the report (the Land) for the purpose of flood infrastructure in accordance with the requirements of the <i>Land Acquisition (Just Terms Compensation) Act 1991</i>.</li> <li>2. Council make an application to the Minister for Local Government and the Governor for the compulsory acquisition of the Land.</li> </ol>			

<p>Outstanding Actions</p> <p><b>Action Sheets Report</b></p>	<p><b>Division:</b> <b>Committee:</b> Ordinary Meeting <b>Officer:</b></p>	<p><b>Date From:</b> <b>Date To:</b></p> <p><b>Printed: Monday, 14 October 2019 2:19:43 PM</b></p>
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3. Authority be granted to affix the Common Seal of Council to any acquisition documentation associated with the Land.
4. The land to be acquired is to be classified as Community Land.

09 Oct 2019 - 4:45 PM - Heidi Thornberry  
Awaiting document to affix seal

09 Sep 2019 - 11:32 AM - Heidi Thornberry  
Awaiting document to affix seal

14 Aug 2019 - 3:07 PM - Heidi Thornberry  
Awaiting document to affix seal

09 Jul 2019 - 9:31 AM - Heidi Thornberry  
Awaiting document to affix seal

13 Jun 2019 - 3:51 PM - Heidi Thornberry  
Awaiting document to affix seal

14 May 2019 - 12:12 PM - Heidi Thornberry  
Awaiting document to affix seal

16 Apr 2019 - 12:04 PM - Heidi Thornberry  
Awaiting document to affix seal

12 Mar 2019 - 10:02 AM - Heidi Thornberry  
Awaiting document to affix seal

13 Feb 2019 - 12:54 PM - Heidi Thornberry  
Awaiting document to affix seal

06 Dec 2018 - 3:46 PM - Heidi Thornberry  
Awaiting document to affix seal

15 Nov 2018 - 10:35 AM - Heidi Thornberry  
Awaiting document to affix seal

Meeting	Officer/Director	Section	Subject
Ordinary Meeting 30 October 2018	Heidi Thornberry Luke Taberner	For Determination	COUNCIL TO AQUIRE EASEMENTS OVER LAND IN EUGOWRA FOR THE PUZZLE FLAT CREEK FLOOD LEVEE

**MOTION** (Durkin/Newsom)

THAT:

1. Pursuant to Sections 186 and 187 of the *Local Government Act 1993 (NSW)* Council compulsorily acquire easements over the land described as:
  - a) Lot 1 in DP 432838 Eugowra;

Outstanding Actions	Division: Committee: Officer:	Ordinary Meeting	Date From: Date To:
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- b) Lot 3943 in DP 1200868 Eugowra;
- c) Lot 148 in DP 750182 Eugowra;
- d) Lot 7001 in DP 1125814 Eugowra;
- e) Lot 88 in DP 750159 Eugowra; and
- f) Lot 71 in DP 750182 Eugowra

as shown in the plans attached to the report for the purpose of flood levee infrastructure in accordance with the requirements of the *Land Acquisition (Just Terms Compensation) Act 1991*.

2. Council make an application to the Minister for Local Government and the Governor for the compulsory acquisition of the Land.
3. Authority be granted to affix the Common Seal of Council to any acquisition documentation associated with the Land.
4. The land to be acquired is to be classified as Community Land.
5. Should council be able to reach agreement for purchase by private treaty that the purchase proceed by that method.
6. Should Council not be granted permission to acquire the following:
  - a) Lot 1 in DP 432838 Eugowra;
  - b) Lot 3943 in DP 1200868 Eugowra;
  - c) Lot 7001 in DP 1125814 Eugowra; and
  - d) Lot 71 in DP 750182 Eugowra.

under the Land Acquisition (Just Terms Compensation) Act 1991 that a licence agreement be entered into for the area covered by the proposed easement.

09 Oct 2019 - 4:45 PM - Heidi Thornberry

Awaiting document to affix seal

09 Sep 2019 - 11:32 AM - Heidi Thornberry

Awaiting documents to affix seal

14 Aug 2019 - 3:07 PM - Heidi Thornberry

Awaiting document to affix seal

09 Jul 2019 - 9:31 AM - Heidi Thornberry



<p>Outstanding Actions</p> <p><b>Action Sheets Report</b></p>	<p><b>Division:</b> <b>Committee:</b> <b>Officer:</b></p> <p>Ordinary Meeting</p>	<p><b>Date From:</b> <b>Date To:</b></p> <p><b>Printed: Monday, 14 October 2019 2:19:43 PM</b></p>
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Awaiting document to affix seal  
 13 Jun 2019 - 3:51 PM - Heidi Thornberry  
 Awaiting documents to affix seal  
 14 May 2019 - 12:12 PM - Heidi Thornberry  
 Awaiting documents to affix seal  
 02 Apr 2019 - 10:08 AM - Heidi Thornberry  
 Awaiting documents to affix seal  
 12 Mar 2019 - 10:02 AM - Heidi Thornberry  
 Awaiting documents to affix seal  
 13 Feb 2019 - 12:54 PM - Heidi Thornberry  
 Awaiting document to affix seal  
 06 Dec 2018 - 3:46 PM - Heidi Thornberry  
 Awaiting documents to affix seal  
 15 Nov 2018 - 10:35 AM - Heidi Thornberry  
 Awaiting documents to affix seal

Meeting	Officer/Director	Section	Subject
Ordinary Meeting 27 November 2018	Heidi Thornberry Luke Taberner	Confidential Items	ACQUISITION OF LAND - KURRAJONG ROAD, MANILDRA

**RECOMMENDATION** (Nash/Weaver)

THAT Council:

1. Authorise purchase of 1.47 ha of land from Lot 243 DP 750150 for the purchase price of \$5,297.88.
2. Agree to pay all reasonable legal fees, survey fees and plan lodgement fees associated with the purchase.
3. Authorise the affixation of the Common Seal and appropriate signatures on any associated land transfer documents.

09 Oct 2019 - 4:45 PM - Heidi Thornberry  
 Awaiting document to affix seal  
 09 Sep 2019 - 11:32 AM - Heidi Thornberry  
 Awaiting document to affix seal  
 14 Aug 2019 - 3:07 PM - Heidi Thornberry  
 Awaiting document to affix seal  
 09 Jul 2019 - 9:31 AM - Heidi Thornberry  
 Awaiting document to affix seal  
 13 Jun 2019 - 3:51 PM - Heidi Thornberry  
 Awaiting document to affix seal  
 14 May 2019 - 12:12 PM - Heidi Thornberry

Outstanding Actions	<b>Division:</b> <b>Committee:</b> Ordinary Meeting <b>Officer:</b>	<b>Date From:</b> <b>Date To:</b>
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Awaiting document to affix seal  
 02 Apr 2019 - 10:07 AM - Heidi Thornberry  
 Awaiting document to affix seal  
 11 Mar 2019 - 1:02 PM - Heidi Thornberry  
 Awaiting document to affix seal  
 13 Feb 2019 - 12:54 PM - Heidi Thornberry  
 Awaiting document to affix seal  
 06 Dec 2018 - 3:49 PM - Heidi Thornberry  
 Awaiting document to affix seal

Meeting	Officer/Director	Section	Subject
Ordinary Meeting 26 February 2019	Jolene Pearson Luke Taberner	For Determination	ENGAGEMENT OF THE NEW SOUTH WALES ELECTORAL COMMISSIONER TO CONDUCT COUNCIL ELECTIONS

**MOTION** (Durkin/Jones)

THAT Council:

1. Pursuant to s. 296(2) and (3) of the Local Government Act 1993 (NSW) ("the Act") an election arrangement be entered into by contract for the Electoral Commissioner to administer all elections of the Council.
2. Pursuant to s. 296(2) and (3) of the Act, as applied and modified by s. 18, a council poll arrangement be entered into by contract for the Electoral Commissioner to administer all council polls of the Council.
3. Pursuant to s. 296(2) and (3) of the Act, as applied and modified by s. 18, a constitutional referendum arrangement be entered into by contract for the Electoral Commissioner to administer all constitutional referenda of the Council.

04 Oct 2019 - 3:21 PM - Jolene Pearson  
 Superseded by updated report to September Council meeting - COMPLETE  
 12 Sep 2019 - 3:15 PM - Jolene Pearson  
 Awaiting Contract documentation from AEC.  
 15 Aug 2019 - 2:58 PM - Emma Tadros  
 Awaiting Contract documentation from AEC.  
 05 Jul 2019 - 4:55 PM - Jolene Pearson  
 Awaiting Contract documentation from AEC.  
 13 Jun 2019 - 2:34 PM - Jolene Pearson  
 Awaiting Contract documentation from AEC.  
 13 May 2019 - 1:33 PM - Jolene Pearson  
 Awaiting Contract documentation from AEC.

Outstanding Actions	<b>Division:</b> <b>Committee:</b> Ordinary Meeting <b>Officer:</b>	<b>Date From:</b> <b>Date To:</b>
<b>Action Sheets Report</b>		<b>Printed: Monday, 14 October 2019 2:19:43 PM</b>

15 Apr 2019 - 12:02 PM - Jolene Pearson  
Awaiting Contract documentation from AEC.  
11 Mar 2019 - 2:30 PM - Jolene Pearson  
Awaiting Contract documentation from AEC.

Meeting	Officer/Director	Section	Subject
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Ordinary Meeting 26 March 2019	Naomi Schroder Bradley Byrnes	For Determination	QUESTIONS FOR NEXT MEETING
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**MOTION** (Oldham/Jones)

THAT Council receive a report at the next Council meeting in relation to the following matters:-

1. Flood mitigation measures and an update on the SMEC project;
2. Developing key strategies and identifying priorities for Council and the community to take advantage of funding programs, particularly those with a 50/50 contribution arrangement for possible inclusion in the 2019/20 budget; and
3. Solar panels at the sewerage treatment plant and possible development of a 'Renewable Energy Action Plan', detailing a cost benefit analysis for implementation in the 2020/21 financial year.

08 Oct 2019 - 11:40 AM - Naomi Schroder  
COMPLETE

08 Oct 2019 - 11:38 AM - Naomi Schroder  
Process has now been implemented where available programs are reported on to Council at the earliest opportunity. In consultation with Council & GM (also through workshop process) nominations are made for projects to submit.

09 Sep 2019 - 12:23 PM - Naomi Schroder  
Ongoing

12 Aug 2019 - 9:59 AM - Naomi Schroder  
in progress - have discussed with GM and looking to implement grants flowchart or something similar to assist with identification and prioritising of projects on an ongoing basis.

05 Jul 2019 - 3:55 PM - Naomi Schroder  
no further progress at this atge

14 Jun 2019 - 11:59 AM - Naomi Schroder  
no further progress at this stage

16 May 2019 - 4:04 PM - Naomi Schroder  
Research into process conducted at a neighbouring Council. Implementation of strategy and consultation methods to be discussed and confirmed with GM and a plan made going forward. Consultation will still be occurring in conjunction with the CSP process.

Outstanding Actions	<b>Division:</b> <b>Committee:</b> Ordinary Meeting <b>Officer:</b>	<b>Date From:</b> <b>Date To:</b>
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18 Apr 2019 - 3:45 PM - Naomi Schroder

As per DFCS comments on item 2, consultation will be undertaken in conjunction with CSP review. Grants Officer will also complete some research further strategy around this and advise.

18 Apr 2019 - 2:41 PM - Emma Tadros

Action reassigned to Naomi Schroder by: Emma Tadros

Meeting	Officer/Director	Section	Subject
Ordinary Meeting 28 May 2019	Christopher Eldred Heather Nicholls	For Determination	DRAFT DEVELOPMENT CONTROL PLAN NO. 17: RURAL TOURISM

### **MOTION** (Jones/Oldham)

THAT Council notify the Draft Development Control Plan No. 17: Rural Tourism for public comment for a period of 28 days.

02 Oct 2019 - 11:22 AM - Christopher Eldred

No Changes from last month

09 Sep 2019 - 2:43 PM - Christopher Eldred

No Change from last month.

15 Aug 2019 - 2:06 PM - Emma Tadros

No changed from last month

11 Jul 2019 - 12:13 PM - Emma Tadros

Council staff are now considering the comments received during the exhibition period

03 Jun 2019 - 4:34 PM - Christopher Eldred

The DCP has been placed on exhibition for 28 Days in accordance with requirements. A subsequent report will be prepared for Council following the exhibition phase.

Meeting	Officer/Director	Section	Subject
Ordinary Meeting 28 May 2019	Luke Taberner Luke Taberner	Confidential Items	PROPOSED SALE OF LAND FOR OVERDUE RATES

### **RECOMMENDATION** (Oldham/Treavors)

THAT:

1. The report by the Senior Rates Officer on the Sale of Land, under Section 713 of the Local Government Act 1993, for unpaid rate be received.
2. Council proceeds with the sale of land for unpaid rates for the attached list of properties.
3. The General Manager be authorised to sign the General Manager's Certificates to enable the sale process to commence.
4. Outstanding Collections (Aust) Pty Ltd be appointed to administer the sale on Council's behalf.
5. The sale of land for unpaid rates and charges be held by public auction and land not sold at auction be sold by private treaty.
6. In order for property(s) to be withdrawn from sale for unpaid rates, all rates and charges accrued including arrears, current amounts and fees associated with the sale of land, be paid in full.

Outstanding Actions	<b>Division:</b> <b>Committee:</b> Ordinary Meeting <b>Officer:</b>	<b>Date From:</b> <b>Date To:</b>
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7. Council reserves the right to withdraw the property from sale for technical or legal reasons.

08 Oct 2019 - 12:56 PM - Luke Taberner

Auction due to occur 25th October

10 Sep 2019 - 1:09 PM - Luke Taberner

In progress.

31 Jul 2019 - 1:53 PM - Luke Taberner

4. Auction date set for 25th October

09 Jul 2019 - 10:28 AM - Luke Taberner

1. COMPLETE

2. COMPLETE

3. COMPLETE

4. In progress

06 Jun 2019 - 4:02 PM - Luke Taberner

1. COMPLETE

2. In progress

3. In progress

4. In progress

Meeting	Officer/Director	Section	Subject
Ordinary Meeting 23 July 2019	Roy Ansted Robert Cohen	For Determination	PROPOSED ROAD NAMING - "UNNAMED LANE", BOWAN PARK
<b>MOTION</b> (Davison/Oldham)			
THAT:			
1. Council proceed with public consultation proposing to name the unnamed lane as described in the report as "Bordens Road"; and			
2. Assuming no objections are received, Council proceeds with the naming of the road as "Bordens Road" in accordance with Section 162 of the Roads Act, 1993.			
08 Oct 2019 - 10:07 AM - Roy Ansted			
Objections have been received regarding proposed naming of this road, and a report will therefore need to be submitted to Council to consider these objections and their proposed alternative names.			
10 Sep 2019 - 10:02 AM - Roy Ansted			
Proposed Road name has been approved by the GNB and has been advertised.			
13 Aug 2019 - 9:35 AM - Roy Ansted			
Submission to be made to the GNB for approval to name the unnamed road "Bordens Road".			
Meeting	Officer/Director	Section	Subject
Ordinary Meeting 23 July 2019	Roy Ansted Robert Cohen	For Determination	PROPOSED ROAD NAMING - "UNNAMED NEW ROAD", ORANGE

Outstanding Actions	<b>Division:</b> <b>Committee:</b> Ordinary Meeting <b>Officer:</b>	<b>Date From:</b> <b>Date To:</b>
<b>Action Sheets Report</b>		<b>Printed: Monday, 14 October 2019 2:19:43 PM</b>

**MOTION** (Davison/Nash)

THAT:

1. Council proceed with public consultation proposing to name the road identified in the report as "Adair Drive"; and
2. Assuming no objections are received, Council proceeds with the naming of the road as "Adair Drive" in accordance with Section 162 of the Roads Act, 1993.

*08 Oct 2019 - 10:10 AM - Roy Ansted*

No objections were received regarding the proposed name "Adair Drive". The road name will now be gazetted.

*10 Sep 2019 - 10:04 AM - Roy Ansted*

Proposed road name has been approved by the GNB and has been advertised.

*13 Aug 2019 - 9:44 AM - Roy Ansted*

Submission to be sent to the GNB for approval to name the unnamed road "Adair Drive".

Meeting	Officer/Director	Section	Subject
Ordinary Meeting 27 August 2019	Naomi Schroder Bradley Byrnes	For Determination	STRONGER COUNTRY COMMUNITIES FUND - ROUND THREE

**MOTION** (Nash/Oldham)

THAT Council:

Submit the following applications for funding under round three of the Stronger Country Communities Fund

- a. Lighting upgrade at Dr Andrew Ross Memorial Recreation Ground 'The Rec', Molong
- b. Lighting upgrade at Tom Clyburn Oval, Canowindra

*08 Oct 2019 - 11:37 AM - Naomi Schroder*

Applications complete and submitted by the required deadline.

COMPLETE

*09 Sep 2019 - 12:22 PM - Naomi Schroder*

Application preparation is underway

Meeting	Officer/Director	Section	Subject
Ordinary Meeting 27 August 2019	Heidi Thornberry Luke Taberner	Confidential Items	EVALUATION OF TILT/TIP TRUCKS

**RECOMMENDATION** (Durkin/Nash)

<p>Outstanding Actions</p> <p><b>Action Sheets Report</b></p>	<p><b>Division:</b> <b>Committee:</b> Ordinary Meeting <b>Officer:</b></p>	<p><b>Date From:</b> <b>Date To:</b></p> <p><b>Printed: Monday, 14 October 2019 2:19:43 PM</b></p>
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THAT Council purchase from West Orange Motors, a Hino GH 1832 Long truck, fitted with a Tilt/Tip tray from Almighty Industries for a total purchase price of \$188,381 excl GST.

09 Oct 2019 - 4:44 PM - Heidi Thornberry

Form received - COMPLETE

09 Sep 2019 - 11:33 AM - Heidi Thornberry

Contracts form sent to Engineering Dept to provide information for the contracts register

Meeting	Officer/Director	Section	Subject
Extraordinary Meeting 10 September 2019	Bradley Byrnes Bradley Byrnes	Confidential Items	RECONSIDERATION OF TENDER MOLONG POOL CONTRACT
<p><b><u>RECOMMENDATION</u></b> (Durkin/Oldham)</p> <p>THAT Council receive and note the report.</p>			

Meeting	Officer/Director	Section	Subject
Extraordinary Meeting 10 September 2019	Bradley Byrnes Bradley Byrnes	Confidential Items	APPLICATION FOR FINANCIAL ASSISTANCE CANOWINDRA CHALLENGE
<p><b><u>RECOMMENDATION</u></b> (Davison/Oldham)</p> <p>THAT Council agree to finalise outstanding payment for electrical works at the Canowindra Showground in the amount of \$26,148.63 to enable finalisation of the NSW Government Stronger Country Communities grant.</p>			

Meeting	Officer/Director	Section	Subject
Extraordinary Meeting 10 September 2019	Bradley Byrnes Bradley Byrnes	Matters of Urgency	RECISSION MOTION - MOLONG SWIMMING POOL MANAGEMENT CONTRACT
<p>* <b><u>RECISSION MOTION - MOLONG SWIMMING POOL MANAGEMENT CONTRACT</u></b></p> <p><b><u>RECOMMENDATION</u></b> (Jones/Newsom)</p> <p>THE Closed Item 4 from the July Council meeting held 23 July 2019 being:</p>			

Outstanding Actions	<b>Division:</b> <b>Committee:</b> Ordinary Meeting <b>Officer:</b>	<b>Date From:</b> <b>Date To:</b>
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1. Accept the tender from Lifeguarding Services Australia for management and operation of the Molong Swimming Pool situated at Hill Street Molong from 30 September 2019 to 29 March 2022 at the tendered price of \$89,621 including GST.
  2. Transfer \$32,820 from account number 11400340 – Project Pre Planning to account number 2806000 – Pool Caretakers Fees, to provide a sufficient annual budget for management and operation of the Molong Swimming Pool.
- Be rescinded.
4. Carried  
**RECOMMENDATION** (Nash/Treavors)
- THAT Council:
1. Formally notify all tenders that none of the tenders for the proposed Contract 1017527 were accepted; and
  2. Authorise the General Manager to enter into direct negotiations with any persons with a view to entering into a contract in relation to the subject matter of the tender.
5. Carried

Meeting	Officer/Director	Section	Subject
Ordinary Meeting 24 September 2019	Luke Taberner Luke Taberner	For Determination	ADOPTION OF PROCUREMENT POLICY
<b>MOTION</b> (Durkin/Batten)			
THAT Council adopt the updated Procurement Policy.			
<i>08 Oct 2019 - 12:57 PM - Luke Taberner</i>			
Policy adopted with new thresholds for purchasing. COMPLETE			
Meeting	Officer/Director	Section	Subject
Ordinary Meeting 24 September 2019	Jolene Pearson Luke Taberner	For Determination	ENGAGEMENT OF THE NEW SOUTH WALES ELECTORAL COMMISSIONER TO CONDUCT COUNCIL ELECTIONS



Outstanding Actions	<b>Division:</b> <b>Committee:</b> Ordinary Meeting <b>Officer:</b>	<b>Date From:</b> <b>Date To:</b>
<a href="#">Action Sheets Report</a>		<b>Printed: Monday, 14 October 2019 2:19:43 PM</b>

**MOTION** (Durkin/Batten)

THAT Council:

1. Pursuant to s. 296(2), (3) and (5A) of the Local Government Act 1993 (NSW) ("the Act") that an election arrangement be entered into by contract for the Electoral Commissioner to administer all elections of the Council.
2. Pursuant to s. 296(2), (3) and (5A) of the Act, as applied and modified by s. 18, that a council poll arrangement be entered into by contract for the Electoral Commissioner to administer all council polls of the Council.
3. Pursuant to s. 296(2), (3) and (5A) of the Act, as applied and modified by s. 18, a constitutional referendum arrangement be entered into by contract for the Electoral Commissioner to administer all constitutional referenda of the Council.

04 Oct 2019 - 3:22 PM - Jolene Pearson

NSW Electoral Commission advised of resolution, will await contract documentation.

Meeting	Officer/Director	Section	Subject
Ordinary Meeting 24 September 2019	Jolene Pearson Luke Taberner	For Determination	70A GASKILL STREET, CANOWINDRA - LEASE AGREEMENT

**MOTION** (Durkin/Batten)

THAT Council extend the current lease agreement with Canowindra Arts Incorporated under the terms of the previous twelve months.

04 Oct 2019 - 3:23 PM - Jolene Pearson

Lease to reviewed and signatures arranged.

Meeting	Officer/Director	Section	Subject
Ordinary Meeting 24 September 2019	Deborah Jordan Robert Cohen	For Determination	RESTART NSW FUNDING DEED - VITTORIA ROAD SHOULDER REHABILITATION AND SAFETY IMPROVEMENT PROJECT

**MOTION** (Durkin/Batten)

THAT Council:

1. Accept funds of \$1,238,000 from Restart NSW for the Vittoria Road Shoulder Rehabilitation and Safety Improvement Project; and
2. Authorise the affixing of the Common Seal to the funding agreements for the Fixing Country Roads projects.

03 Oct 2019 - 1:03 PM - Deborah Jordan

Outstanding Actions		<b>Division:</b>	Ordinary Meeting	<b>Date From:</b>	
<b>Action Sheets Report</b>		<b>Committee:</b>		<b>Date To:</b>	
		<b>Officer:</b>		<b>Printed: Monday, 14 October 2019 2:19:43 PM</b>	
Motion carried COMPLETE					
<b>Meeting</b>	<b>Officer/Director</b>	<b>Section</b>	<b>Subject</b>		
Ordinary Meeting 24 September 2019	Deborah Jordan Robert Cohen	For Determination	DEED OF LICENCE FOR CABONNE COUNCIL'S OCCUPANCY AT ESSENTIAL ENERGY'S KARUGA RADIO SITE, YEOVAL		
<b>MOTION</b> (Durkin/Batten)					
THAT Council's Seal be affixed to the Deed of Licence for Cabonne Council's occupancy at the Essential Energy Karuga Radio site, Yeoval.					
<i>03 Oct 2019 - 1:01 PM - Deborah Jordan</i>					
Motion carried COMPLETE					
<b>Meeting</b>	<b>Officer/Director</b>	<b>Section</b>	<b>Subject</b>		
Ordinary Meeting 24 September 2019	Bradley Byrnes Bradley Byrnes	For Determination	2019 NATIONAL LOCAL ROADS AND TRANSPORT CONGRESS		
<b>MOTION</b> (Nash/Newsom)					
THAT the Mayor and General Manager be authorised to attend the 2019 National Roads & Transport Congress.					
<b>Meeting</b>	<b>Officer/Director</b>	<b>Section</b>	<b>Subject</b>		
Ordinary Meeting 24 September 2019	Sarah Bellach Luke Taberner	For Determination	REQUESTS FOR DONATION		
<b>MOTION</b> (Weaver/Newsom)					
THAT Council donate:					
<ol style="list-style-type: none"> <li>1. \$100 to St Joseph's Primary School at Eugowra for their colour run.</li> <li>2. \$500 to the Twisted Trivia event at Canowindra.</li> </ol>					
<i>10 Oct 2019 - 9:18 AM - Sarah Bellach</i>					
Both donations are being processed					
<b>Meeting</b>	<b>Officer/Director</b>	<b>Section</b>	<b>Subject</b>		
Ordinary Meeting 24 September 2019	Heidi Thornberry Luke Taberner	For Determination	AUSTRALIA DAY 2020		
<b>MOTION</b> (Jones/Newsom)					

<p>Outstanding Actions</p> <p><a href="#">Action Sheets Report</a></p>	<p><b>Division:</b> <b>Committee:</b> <b>Officer:</b></p> <p>Ordinary Meeting</p>	<p><b>Date From:</b> <b>Date To:</b></p> <p><b>Printed: Monday, 14 October 2019 2:19:43 PM</b></p>
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THAT Council note the schedule for Australia Day 2020.

09 Oct 2019 - 4:44 PM - Heidi Thornberry

COMPLETE

Meeting	Officer/Director	Section	Subject
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Ordinary Meeting 24 September 2019	Naomi Schroder Bradley Byrnes	For Determination	STRONGER COUNTRY COMMUNITIES FUND - ROUND THREE
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**MOTION** (Batten/Durkin)

THAT Council:

1. Submit an additional project for funding of \$401,740 under round three of the Stronger Country Communities Fund (SCCF) for an upgrade of the Yeoval Recreation Ground as requested by Yeoval Progress Association.
2. Makes a co-contribution of \$100,000 towards the upgrade of the Yeoval Recreation Ground should the funding application be successful.
3. Funds the co-contribution of \$100,000 from Reserves to be identified at the 30 September 2019 Quarterly Budget Review.

08 Oct 2019 - 11:37 AM - Naomi Schroder

Application made by deadline as outlined in report.

COMPLETE

Meeting	Officer/Director	Section	Subject
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Ordinary Meeting 24 September 2019	Naomi Schroder Bradley Byrnes	For Determination	2019-20 COMMUNITY ASSISTANCE PROGRAM
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**RECOMMENDATION** (Oldham/Treavors)

THAT Council:

1. Approve Community Assistance Program (CAP) funding for Applications 1,2,4,5 and 6 of the report;
2. Council allocate \$1,981 from the Community Facilitation Fund to Molong Advancement Group to enable it to meet the 50:50 contribution condition for Application 4; and
3. Conduct a further round of Community Assistance Program funding in the second half of the 2019-2020 financial year.

08 Oct 2019 - 11:43 AM - Naomi Schroder

Notification letters sent to all applicants 04/10/19. Successful recipients have received an acceptance letter to sign and return and an invoice needs to be provided before funds can be released.

Further update to follow upon receipt of all documents.

Meeting	Officer/Director	Section	Subject
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Ordinary Meeting 24 September 2019	Naomi Schroder Bradley Byrnes	For Determination	BUILDING BETTER REGIONS FUND
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Outstanding Actions	<b>Division:</b> <b>Committee:</b> Ordinary Meeting <b>Officer:</b>	<b>Date From:</b> <b>Date To:</b>
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**RECOMMENDATION** (Batten/Treavors)

THAT Council support and assess potential projects and report to Council prior to the closing date for funding under the Building Better Regions Fund.

08 Oct 2019 - 11:42 AM - Naomi Schroder

To discuss with CEDM and GM at next catch up as to process required.

Meeting	Officer/Director	Section	Subject
Ordinary Meeting 24 September 2019	Lynnette Hawkes Bradley Byrnes	For Determination	EVENTS ASSISTANCE PROGRAM 2019/20

**MOTION** (Durkin/Treavors)

THAT Council approve funding under the 2019/2020 Events Assistance Program (EAP) to the following events:

1. Australian National Field Days \$2,500
2. The Eugowra Village Murals Weekend \$2,000
3. Fanny Lumsden's Country Halls Tour \$500
4. The Molong Banjo Paterson Dinner \$1,000

10 Oct 2019 - 9:59 AM - Emma Tadros

Action reassigned to Lynnette Hawkes by: Emma Tadros

09 Oct 2019 - 3:08 PM - Peta Fuller

Lynette Hawkes to complete and send successful letters to applicants. COMPLETE

Meeting	Officer/Director	Section	Subject
Ordinary Meeting 24 September 2019	Heather Nicholls Heather Nicholls	For Determination	DEVELOPMENT APPLICATION 2019/0163 - SUBDIVISION / BOUNDARY ADJUSTMENT OF LOTS 49 AND 189 DP 750387 BEING 86 & 186 DAVIS ROAD, SPRING HILL

**MOTION** (Jones/Durkin)

THAT Development Application 2019/0163 for a boundary adjustment between Lots 49 and 189 in DP 750387, being land described as 86 and 186 Davis Road, Spring Hill, be deferred until the November Council meeting.

04 Oct 2019 - 9:36 AM - Heather Nicholls

Noted

Meeting	Officer/Director	Section	Subject
Ordinary Meeting 24 September 2019	Christopher Eldred Heather Nicholls	For Determination	AMENDMENT TO BUILDING ENVELOPE LOT 1 DP 1168367 1864 EUCHAREENA ROAD BOOMEY

**MOTION** (Nash/Jones)

<p>Outstanding Actions</p> <p><b>Action Sheets Report</b></p>	<p><b>Division:</b> <b>Committee:</b> <b>Officer:</b></p> <p>Ordinary Meeting</p>	<p><b>Date From:</b> <b>Date To:</b></p> <p><b>Printed: Monday, 14 October 2019 2:19:43 PM</b></p>
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THAT Council approve the amendment to the building envelope of Lot 1 DP 1168367, 1864 Euchareena Road, Boomey.

02 Oct 2019 - 11:20 AM - Christopher Eldred

Completed: Building envelope amendment approved.

Meeting	Officer/Director	Section	Subject
Ordinary Meeting 24 September 2019	Christopher Eldred Heather Nicholls	For Determination	CABONNE COUNCIL DRAFT COMMUNITY PARTICIPATION PLAN

**MOTION** (Durkin/Weaver)

THAT Council note the attached Community Participation Plan and publicly notify the plan for 28 days.

02 Oct 2019 - 11:21 AM - Christopher Eldred

Completed: CPP will go on exhibition with a future report to be prepared for Council following the exhibition and consideration of any submissions.

Meeting	Officer/Director	Section	Subject
Ordinary Meeting 24 September 2019	Bradley Byrnes Bradley Byrnes	For Determination	QUESTIONS FOR NEXT MEETING

**MOTION** (Davison/Treavors)

THAT Council receive a report at the next Council meeting in relation to Council Reserves.

Meeting	Officer/Director	Section	Subject
Ordinary Meeting 24 September 2019	Deborah Jordan Robert Cohen	For Determination	AUGUST 2019 LOCAL TRAFFIC COMMITTEE MEETING

**RECOMMENDATION** (Newsom/Weaver)

THAT Council ratify the recommendations of the August 2019 Local Traffic Committee.

03 Oct 2019 - 1:00 PM - Deborah Jordan

Motion carried

COMPLETE

Meeting	Officer/Director	Section	Subject
Ordinary Meeting 24 September 2019	Heather Nicholls Heather Nicholls	For Determination	DEVELOPMENT APPLICATION 2019/135 - DWELLING, SWIMMING POOL, WATER TANKS AND STORAGE SHED - LOT 10 DP 1135607, 31 RODDA DRIVE, CUDAL.

**RECOMMENDATION** (Davison/Nash)

Outstanding Actions	<b>Division:</b> <b>Committee:</b> Ordinary Meeting <b>Officer:</b>	<b>Date From:</b> <b>Date To:</b>
<b>Action Sheets Report</b>		<b>Printed: Monday, 14 October 2019 2:19:43 PM</b>

THAT:

1. Development Application 2019/0135 for construction of a dwelling, swimming pool, storage shed and water tanks upon Lot 10 DP 1135607 known as 31 Rodda Drive, Cudal, be granted consent subject to the conditions provided in the assessment report; and
2. Council support the request to vary the s88B land use restriction relating to siting of buildings, to enable structures to be located a minimum of 5m from the southern boundary of the subject land.

04 Oct 2019 - 9:36 AM - Heather Nicholls  
COMPLETE

Meeting	Officer/Director	Section	Subject
Ordinary Meeting 24 September 2019	Dale Jones Bradley Byrnes	Confidential Items	POSSIBLE SALE OF 184 GASKILL ST, CANOWINDRA, BEING LOT 1 DP 503767.

**RECOMMENDATION** (Batten/Durkin)

THAT:

1. Council lists 184 Gaskill Street, Canowindra being Lot 1 DP503767 for sale by public auction;
2. The reserve price is as per the details in the Proceedings in Brief;
3. Canowindra Real Estate conduct the auction;
4. Council authorise the General Manager to determine a date and time for the auction in conjunction with the selected real estate agent; and
5. Council authorise the affixing of Council's Seal to the land sale contract and transfer documents.

04 Oct 2019 - 5:24 PM - Dale Jones  
Listing initiated with Canowindra Real Estate, awaiting relevant documentation to be signed

Meeting	Officer/Director	Section	Subject
Ordinary Meeting 24 September 2019	Dale Jones Bradley Byrnes	Confidential Items	POSSIBLE SALE OF LOT 2 DP 1113621 LONGS CORNER ROAD, CANOWINDRA

**RECOMMENDATION** (Durkin/Davison)

THAT Council authorises affixing of Council's Seal to the land sale contract and transfer documents.

04 Oct 2019 - 5:24 PM - Dale Jones  
Sale proceeding

Outstanding Actions	<b>Division:</b> <b>Committee:</b> Ordinary Meeting <b>Officer:</b>	<b>Date From:</b> <b>Date To:</b>
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Meeting	Officer/Director	Section	Subject
Ordinary Meeting 24 September 2019	Neil Johnston Robert Cohen	Confidential Items	MOLONG CARAVAN PARK
<b>RECOMMENDATION</b> (Durkin/Oldham)			
THAT Council:			
<ol style="list-style-type: none"> <li>1. Reject the initial tender submission from Lorraine and Paul O'Brien for the Management of the Molong Caravan Park for a three (3) year term;</li> <li>2. Accept the negotiated Contract from Lorraine and Paul O'Brien for the Management of the Molong Caravan Park for a three (3) year term, at the price of \$90,090 p.a. (incl. GST); and</li> <li>3. Authorise the affixing of the Common Seal to the Contract documents.</li> </ol>			
03 Oct 2019 - 1:07 PM - Deborah Jordan			
Motion Carried			
COMPLETE			
Meeting	Officer/Director	Section	Subject
Ordinary Meeting 24 September 2019	Emma Tadros Luke Taberner	For Determination	ADOPTION OF PROCUREMENT POLICY
<b>MOTION</b> (Durkin/Batten)			
THAT Council adopt the updated Procurement Policy.			
Meeting	Officer/Director	Section	Subject
Ordinary Meeting 24 September 2019	Heidi Thornberry Luke Taberner	For Determination	RESTART NSW FUNDING DEED - VITTORIA ROAD SHOULDER REHABILITATION AND SAFETY IMPROVEMENT PROJECT
<b>MOTION</b> (Durkin/Batten)			
THAT Council:			
<ol style="list-style-type: none"> <li>1. Accept funds of \$1,238,000 from Restart NSW for the Vittoria Road Shoulder Rehabilitation and Safety Improvement Project; and</li> <li>2. Authorise the affixing of the Common Seal to the funding agreements for the Fixing Country Roads projects.</li> </ol>			
09 Oct 2019 - 4:44 PM - Heidi Thornberry			
Awaiting document to affix seal			

Outstanding Actions		<b>Division:</b>	Ordinary Meeting	<b>Date From:</b>	
<b>Action Sheets Report</b>		<b>Committee:</b>		<b>Date To:</b>	
		<b>Officer:</b>		<b>Printed: Monday, 14 October 2019 2:19:43 PM</b>	
Meeting	Officer/Director	Section	Subject		
Ordinary Meeting 24 September 2019	Veronica Windus Luke Taberner	For Determination	RESTART NSW FUNDING DEED - VITTORIA ROAD SHOULDER REHABILITATION AND SAFETY IMPROVEMENT PROJECT		
<b>MOTION</b> (Durkin/Batten)					
THAT Council:					
<ol style="list-style-type: none"> <li>1. Accept funds of \$1,238,000 from Restart NSW for the Vittoria Road Shoulder Rehabilitation and Safety Improvement Project; and</li> <li>2. Authorise the affixing of the Common Seal to the funding agreements for the Fixing Country Roads projects.</li> </ol>					
02 Oct 2019 - 9:32 AM - Veronica Windus COMPLETED					
02 Oct 2019 - 9:31 AM - Veronica Windus Noted for inclusion in the budget.					
Meeting	Officer/Director	Section	Subject		
Ordinary Meeting 24 September 2019	Heidi Thornberry Luke Taberner	For Determination	DEED OF LICENCE FOR CABONNE COUNCIL'S OCCUPANCY AT ESSENTIAL ENERGY'S KARUGA RADIO SITE, YEOVAL		
<b>MOTION</b> (Durkin/Batten)					
THAT Council's Seal be affixed to the Deed of Licence for Cabonne Council's occupancy at the Essential Energy Karuga Radio site, Yeoval.					
09 Oct 2019 - 4:44 PM - Heidi Thornberry Awaiting document to affix seal					
Meeting	Officer/Director	Section	Subject		
Ordinary Meeting 24 September 2019	Veronica Windus Luke Taberner	For Determination	STRONGER COUNTRY COMMUNITIES FUND - ROUND THREE		
<b>MOTION</b> (Batten/Durkin)					
THAT Council:					
<ol style="list-style-type: none"> <li>1. Submit an additional project for funding of \$401,740 under round three of the Stronger Country Communities Fund (SCCF) for an upgrade of the Yeoval Recreation Ground as requested by Yeoval Progress Association.</li> <li>2. Makes a co-contribution of \$100,000 towards the upgrade of the Yeoval Recreation Ground should the funding application be successful.</li> <li>3. Funds the co-contribution of \$100,000 from Reserves to be identified at the 30 September 2019 Quarterly Budget Review.</li> </ol>					



Outstanding Actions		<b>Division:</b>	Ordinary Meeting	<b>Date From:</b>	
<b>Action Sheets Report</b>		<b>Committee:</b>		<b>Date To:</b>	
		<b>Officer:</b>		<b>Printed: Monday, 14 October 2019 2:19:43 PM</b>	
02 Oct 2019 - 9:33 AM - Veronica Windus COMPLETED					
02 Oct 2019 - 9:33 AM - Veronica Windus Will action in the Sept QBR report					
<b>Meeting</b>	<b>Officer/Director</b>	<b>Section</b>	<b>Subject</b>		
Ordinary Meeting 24 September 2019	Veronica Windus Luke Taberner	For Determination	2019-20 COMMUNITY ASSISTANCE PROGRAM		
<b>RECOMMENDATION</b> (Oldham/Treavors)					
THAT Council:					
<ol style="list-style-type: none"> <li>1. Approve Community Assistance Program (CAP) funding for Applications 1,2,4,5 and 6 of the report;</li> <li>2. Council allocate \$1,981 from the Community Facilitation Fund to Molong Advancement Group to enable it to meet the 50:50 contribution condition for Application 4; and</li> <li>3. Conduct a further round of Community Assistance Program funding in the second half of the 2019-2020 financial year.</li> </ol>					
02 Oct 2019 - 9:34 AM - Veronica Windus COMPLETED					
02 Oct 2019 - 9:34 AM - Veronica Windus No action required by Finance					
<b>Meeting</b>	<b>Officer/Director</b>	<b>Section</b>	<b>Subject</b>		
Ordinary Meeting 24 September 2019	Veronica Windus Luke Taberner	For Determination	QUESTIONS FOR NEXT MEETING		
<b>MOTION</b> (Davison/Treavors)					
THAT Council receive a report at the next Council meeting in relation to Council Reserves.					
02 Oct 2019 - 9:36 AM - Veronica Windus COMPLETED					
02 Oct 2019 - 9:36 AM - Veronica Windus FM will write a report on Reserves for October meeting					
<b>Meeting</b>	<b>Officer/Director</b>	<b>Section</b>	<b>Subject</b>		
Ordinary Meeting 24 September 2019	Heidi Thornberry Luke Taberner	Confidential Items	POSSIBLE SALE OF 184 GASKILL ST, CANOWINDRA, BEING LOT 1 DP 503767.		
<b>RECOMMENDATION</b> (Batten/Durkin)					
THAT:					

<p>Outstanding Actions</p> <p><b>Action Sheets Report</b></p>	<p><b>Division:</b> <b>Committee:</b> Ordinary Meeting <b>Officer:</b></p>	<p><b>Date From:</b> <b>Date To:</b></p> <p><b>Printed: Monday, 14 October 2019 2:19:43 PM</b></p>
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1. Council lists 184 Gaskill Street, Canowindra being Lot 1 DP503767 for sale by public auction;
2. The reserve price is as per the details in the Proceedings in Brief;
3. Canowindra Real Estate conduct the auction;
4. Council authorise the General Manager to determine a date and time for the auction in conjunction with the selected real estate agent; and
5. Council authorise the affixing of Council's Seal to the land sale contract and transfer documents.

09 Oct 2019 - 4:44 PM - Heidi Thornberry  
Awaiting document to affix seal

Meeting	Officer/Director	Section	Subject
Ordinary Meeting 24 September 2019	Veronica Windus Luke Taberner	Confidential Items	POSSIBLE SALE OF 184 GASKILL ST, CANOWINDRA, BEING LOT 1 DP 503767.

**RECOMMENDATION** (Batten/Durkin)

THAT:

1. Council lists 184 Gaskill Street, Canowindra being Lot 1 DP503767 for sale by public auction;
2. The reserve price is as per the details in the Proceedings in Brief;
3. Canowindra Real Estate conduct the auction;
4. Council authorise the General Manager to determine a date and time for the auction in conjunction with the selected real estate agent; and
5. Council authorise the affixing of Council's Seal to the land sale contract and transfer documents.

02 Oct 2019 - 9:37 AM - Veronica Windus  
COMPLETED  
02 Oct 2019 - 9:37 AM - Veronica Windus  
No action by Finance. Will await sale of land.

Meeting	Officer/Director	Section	Subject
Ordinary Meeting 24 September 2019	Heidi Thornberry Luke Taberner	Confidential Items	POSSIBLE SALE OF LOT 2 DP 1113621 LONGS CORNER ROAD, CANOWINDRA

**RECOMMENDATION** (Durkin/Davison)

<p>Outstanding Actions</p> <p><a href="#">Action Sheets Report</a></p>	<p><b>Division:</b> <b>Committee:</b> <b>Officer:</b></p> <p>Ordinary Meeting</p>	<p><b>Date From:</b> <b>Date To:</b></p> <p><b>Printed: Monday, 14 October 2019 2:19:43 PM</b></p>
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THAT Council authorises affixing of Council's Seal to the land sale contract and transfer documents.

09 Oct 2019 - 4:43 PM - Heidi Thornberry  
Awaiting document to affix seal

Meeting	Officer/Director	Section	Subject
Ordinary Meeting 24 September 2019	Heidi Thornberry Luke Taberner	Confidential Items	MOLONG CARAVAN PARK

**RECOMMENDATION** (Durkin/Oldham)

THAT Council:

1. Reject the initial tender submission from Lorraine and Paul O'Brien for the Management of the Molong Caravan Park for a three (3) year term;
2. Accept the negotiated Contract from Lorraine and Paul O'Brien for the Management of the Molong Caravan Park for a three (3) year term, at the price of \$90,090 p.a. (incl. GST); and
3. Authorise the affixing of the Common Seal to the Contract documents.

09 Oct 2019 - 4:43 PM - Heidi Thornberry  
Awaiting document of affix seal

Meeting	Officer/Director	Section	Subject
Ordinary Meeting 24 September 2019	Veronica Windus Luke Taberner	Confidential Items	MOLONG CARAVAN PARK

**RECOMMENDATION** (Durkin/Oldham)

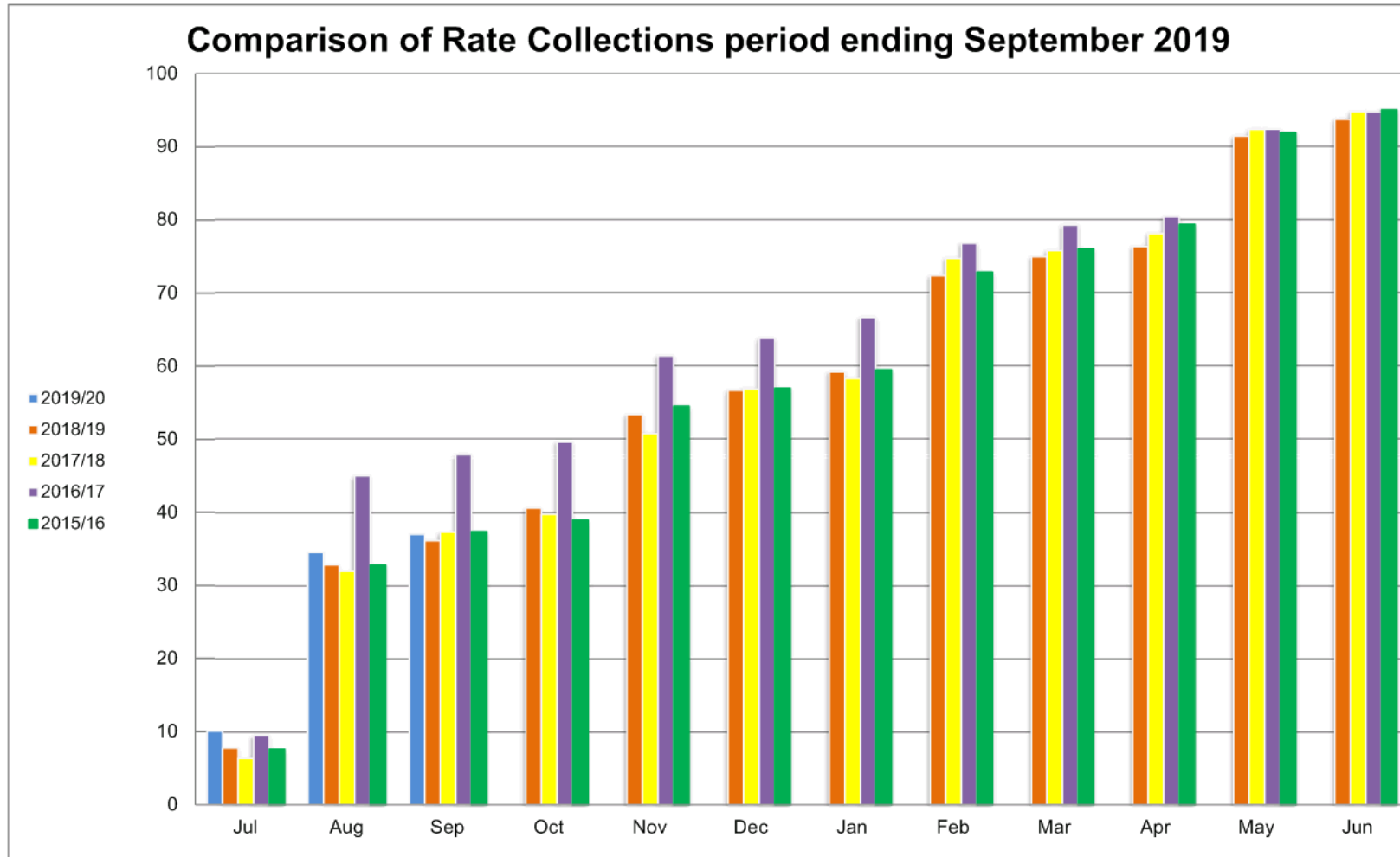
THAT Council:

1. Reject the initial tender submission from Lorraine and Paul O'Brien for the Management of the Molong Caravan Park for a three (3) year term;
2. Accept the negotiated Contract from Lorraine and Paul O'Brien for the Management of the Molong Caravan Park for a three (3) year term, at the price of \$90,090 p.a. (incl. GST); and
3. Authorise the affixing of the Common Seal to the Contract documents.

02 Oct 2019 - 9:39 AM - Veronica Windus  
COMPLETED  
02 Oct 2019 - 9:39 AM - Veronica Windus  
Noted contract value for Finance

Outstanding Actions	<b>Division:</b> <b>Committee:</b> <b>Officer:</b>	Ordinary Meeting	<b>Date From:</b> <b>Date To:</b>
<a href="#">Action Sheets Report</a>			<b>Printed: Monday, 14 October 2019 2:19:43 PM</b>

Meeting	Officer/Director	Section	Subject
Ordinary Meeting 24 September 2019	Helen McKenzie Luke Taberner	Confidential Items	MOLONG CARAVAN PARK
<b><u>RECOMMENDATION</u></b> (Durkin/Oldham)			
<p>THAT Council:</p> <ol style="list-style-type: none"> <li>1. Reject the initial tender submission from Lorraine and Paul O'Brien for the Management of the Molong Caravan Park for a three (3) year term;</li> <li>2. Accept the negotiated Contract from Lorraine and Paul O'Brien for the Management of the Molong Caravan Park for a three (3) year term, at the price of \$90,090 p.a. (incl. GST); and</li> <li>3. Authorise the affixing of the Common Seal to the Contract documents.</li> </ol> <p><i>04 Oct 2019 - 3:21 PM - Helen McKenzie</i> Printed copy to check when payments are being processed</p>			



**Cabonne Council**  
**Schedule of Investments as at 31/08/2019**

## Annexure - Item 2

**GENERAL FUND**

Investing Institution	Credit Rating	Amount Invested	Interest Rate	Terms (Days)	Maturity Date
ANZ Bank	A1+	1,000,000	1.60%	182	9/03/2020
ANZ Bank	A1+	1,000,000	1.79%	92	12/10/2019
ANZ Bank	A1+	3,000,000	1.64%	90	27/11/2019
ANZ Bank	A1+	2,000,000	1.80%	184	18/01/2020
Bank of Qld	A2	2,000,000	1.60%	276	22/06/2020
Bank of Qld	A2	500,000	2.50%	182	14/10/2019
Commonwealth Bank	A1+	2,000,000	1.98%	120	15/10/2019
Commonwealth Bank	A1+	2,000,000	1.88%	150	12/12/2019
Commonwealth Bank	A1+	3,000,000	1.62%	210	12/03/2020
Commonwealth Bank	A1+	3,170,294	0.95%	24 Hour at call account	
Illawarra Mutual Build Society	A2	250,000	2.35%	184	7/11/2019
Illawarra Mutual Build Society	A2	500,000	2.35%	184	7/11/2019
Me Bank	A2	1,500,000	1.95%	120	13/11/2019
National Australia Bank	A1+	1,000,000	1.70%	180	2/03/2020
National Australia Bank	A1+	1,500,000	1.70%	180	2/03/2020
National Australia Bank	A1+	3,000,000	2.48%	182	3/10/2019
National Australia Bank	A1+	2,000,000	2.48%	182	3/10/2019
National Australia Bank	A1+	1,000,000	2.44%	181	14/10/2019
National Australia Bank	A1+	2,000,000	1.75%	210	10/03/2020
Reliance Credit Union	Unrated	500,000	1.80%	366	21/09/2020
Reliance Credit Union	Unrated	250,000	2.70%	365	30/10/2019
Suncorp-Metway	A1	1,000,000	2.60%	214	4/10/2019
Suncorp-Metway	A1	1,000,000	2.55%	212	25/10/2019
Suncorp-Metway	A1	2,000,000	1.86%	184	23/01/2020
Westpac Bank	A1+	1,000,000	2.55%	183	2/10/2019
Westpac Bank	A1+	3,000,000	2.55%	183	10/10/2019
Westpac Bank	A1+	1,000,000	2.48%	214	25/10/2019
Westpac Bank	A1+	3,000,000	2.50%	184	16/11/2019

**GENERAL FUND INVESTMENTS** \$ 45,170,294

**TRUST FUND**

Investing Institution	Credit Rating	Amount Invested	Interest Rate	Terms (Days)
Commonwealth Bank	A1+	158,000	0.20%	24 Hour at call account

**TRUST FUND INVESTMENTS** \$ 158,000

**TOTAL INVESTMENTS** \$ 45,328,294

## INVESTMENT POLICY

Council's Investment policy states the aggregate of investments should not exceed the following percentages:

Standard & Poors Credit Short Term Rating	Maximum Percentage Total Investments
A1+	100%
A1 & A1-	50%
A2	10%
Unrated	2%

### Council's Current Exposure of Total Investments

A1+	79%	\$	35,828,294
A1 & A1-	9%	\$	4,000,000
A2	10%	\$	4,750,000
Unrated	2%	\$	750,000
<b>Total Investments</b>		<b>\$</b>	<b>45,328,294</b>

Council's Investment policy states the amount invested with any one financial institution should not exceed the following percentages:

Standard & Poors Credit Short Term Rating	Percentage per Institution
A1+	30%
A1 & A1-	20%
A2	10%
Unrated	2%

### Council's Current Exposure per Institution

Commonwealth Bank	23%	\$	10,328,294	A1+
National Australia Bank	23%	\$	10,500,000	A1+
Westpac Bank	18%	\$	8,000,000	A1+
ANZ	15%	\$	7,000,000	A1+
Suncorp-Metway	9%	\$	4,000,000	A1
Bank of Qld	6%	\$	2,500,000	A2
Illawarra Mutual Building Society	2%	\$	750,000	A2
Me Bank	3%	\$	1,500,000	A2
Reliance Credit Union	2%	\$	750,000	Unrated
<b>Total Investments</b>		<b>\$</b>	<b>45,328,294</b>	

## INVESTMENT MOVEMENTS

Council's Overall Total Investments have increased due to variations in the Cashflow during the month of September.

	This Month	Last Month	July 2019
Total Investments	\$ 45,328,294	\$ 44,293,294	\$ 43,343,294
% Change	2.28%		4.38%

## INTEREST RATE PERFORMANCE

Council's Average Interest rate for the month was 2.01%. The average rate movement is minimal due to the low cash rate and the flow on effect to term deposit rates offered in the market. The Reserve Bank's official cash rate remained at 1% in September. However, Council's average is still higher than Council's Performance Benchmark, the 30 Day Bank Bill Swap Rate of 1.0100%.

Performance Benchmark 30 Day Bank Bill Swap Rate	Av Interest Rate This Month	Av Interest Rate Last Month	Av Interest Rate July 2019
1.010%	2.01%	2.13%	2.21%

### L Taberner

#### Responsible Accounting Officer

I hereby certify that the investments listed in this report have been made in accordance with Section 625 of the Local Government Act 1993, clause 212 of the Local Government (General) Regulation 2005 and Council's Investment policy number POL 08/52.

**ENGINEERING EXPENDITURE and PROJECTS FOR 2019/2020**

**SEPTEMBER 2019 REPORT**

**LOCAL ROADS – Construction/New seal**

Bocobra Loop Road – 2 km's new seal (Henry Parkes way end)  
Davis Road – 1km new seal, extension of existing seal  
Strachan Road – 880 metres new seal (from Davis's Rd to Carcoar St)  
Yuranigh Road – Extend existing seal 2 km's  
Gas works Lane – seal area and install Kerb & Guttering for parking

**Local Road Maintenance**

**Road Maintenance – (Grading)** Work has been completed on Fanning Rd, Mulyan Rd, Doulton Rd, Radnedges Rd, Heifer station Lane, Offner Rd, Underwood Rd, Caldwell lane, Akhurst Lane, Mt Lofty Rd, Lowenthal Rd, Lombah Rd, Bournewood Rd, The Gap Rd, Avondale Rd, Peak Hill rd.

**Road maintenance (Bitumen Patching)** has been undertaken on Spring Glen Estate, Ophir Rd, Long point Rd, Spring Terrace Rd, Forest reefs Rd, Mt Lofty Rd, Cadia Rd, Eurimbla Rd, Belgravia Rd

**Molong Truck Wash** – Earthworks have commenced

**REGIONAL ROADS**

**Regional Roads** - Banjo Paterson Way stage 4, 1km has been sealed 30 Sept 2019 (Hanover bridge end)



## **RMS ROADS**

**RMS Roads – Bitumen patching** (MR359, MR310, MR377, MR61 & SH7)

### **RMS Ordered Works**

MR377 Escort Way – Toogong Widening Project commenced 33 July 2019. Project length – 4 kms from Bowens Lane intersection to the Yellowbox Road intersection. 2 km's was sealed 24 September 2019 (Cudal end pass the Bowens Lane intersection).

**Road Maintenance - Regional** Work has been completed on Cargo Rd, Burrendong Rd.

**Local Road Heavy Patching** – All locations have been identified and programmed for Nov/December 2019

**Local Road Resealing** – all rural and urban reseals have been identified, and programmed for Feb/March 2020

## **SAVING LIVES ON COUNTRY ROADS**

RMS have funded projects under Saving Lives on Country Roads.

Ophir Road – tree & vegetation removal has been completed. Roads works to commence 2020/21

Obley Road – tree & vegetation removal has been completed. Road works scheduled for January 2020

Lake Canobolas / Cargo road Intersection – works planned Jan/February 2020 The final project is Four Mile Creek Road, the preliminary works will be undertaken in 2018/2019 for shoulder widening, installation safety fencing, delineation and curve advisory signage. The construction works will commence in 2019/2020.

**Resources for Regions funding** – Davys Plains Road. This work will commence late October, early November 2019

**Roads to Recovery** – Projects to be nominated for 2019/20

**Restart NSW Funding** – Vittoria Road. This work will commence Jan/February 20

#### **Fixing Country Roads Project - Banjo Paterson Way**

The Fixing Country Roads funded project on Banjo Paterson Way is in four stages, between Molong and Yeoval. Council has completed Stage 2 Burgoon Lane towards Cumnock – (5.5km section). Stage 1 has been completed 1.450 km section near Nyora Lane, including a hotmix entrance to the new industrial estate by Council's contractor. Stage 4 (Hanover bridge towards Cumnock) has commenced 10/9/2019. 1km was sealed 30 September 2019 (Hanover bridge end).

#### **DRAINAGE WORKS – Culvert works**

Eugowra - two locations have been identified, and will commence January 2020

South Bowen Park Road – Council to tender this project

Palings Yard Loop Road - Council to tender this project

**CENTRAL TABLELANDS WATER SECURITY FOR THE REGIONS – ORANGE TO MOLONG PIPELINE PROJECT STAGE 1**

- The design of Molong to Cumnock and Yeoval pipeline is complete.
- The construction of Orange (Ammerdown) to Molong Creek Dam Pipeline is complete.
- The construction of Molong to Cumnock and Yeoval Pipeline is practically complete.
- Construction of Water Reticulation System is in progress in Cumnock and Yeoval village

**PROJECTS UPDATE**

The status of the main projects are as follows:

- Thistle Street Sewer Pump Station, Molong - Completed
- Molong Truck Wash, Molong – Tendering stage
- Refurbishment of Bank Street Public Toilets, Molong – Completed. Molong Recreational Ground Power Upgrade – Works are in progress.
- Refurbishment of Cumnock Pre-School, Cumnock – Works completed.
- Refurbishment of Tennis Clubhouse, Manildra –Completed.
- Cargo Community Hall Upgrade, Cargo – Completed
- Installation of Electronic Scoreboard at the MMPSF, Molong – Completed.
- Fencing at Age of Fishes Museum, Canowindra – Completed.

#### **WATER AND SEWER**

- Fluoride dosing system waiting for final wiring of flow metre.
- Kite St water main extension is still to be completed.
- Cert III in Water/Training is being organized by Central NSW Joint Organisation and will be delivered on-site by Matt Thompson from Hunter TAFE new year.
- Sewer main breaks repaired, and chokes cleared as required.
- Water main breaks attended and repaired as required.
- E-one units repaired and replaced as required.
- Molong water supply still at level 4 restrictions.
- Cumnock water supply still at level 2 restrictions.
- Yeoval water supply still at level 3 restrictions.

#### **URBAN SERVICES**

- 10 additional staff supplied through Drought Communities funding have completed work
- Second round of drought funding ~\$130K. Smaller core team to be utilized will commence Oct 8th
- Tables/chairs/shelter quote being sought for Ophir Reserve – Ophir Trust
- Sprinkler system for John Huxley Park Manildra – to commence mid Nov
- Picnic tables for John Williams Park residual funding dependent.
- Work on Cumnock Rec ground (Sprinkler system) upgrades underway – progressing well
- System is operational awaiting final work prior to levelling and top dressing
- Ground has been levelled, drag matted, top dressed & nitrous ready for seeding
- Perimeter fencing completed

- Canowindra – Morris Park – Irrigation system complete
  
- Cudal recreation ground sprinkler system installed and operational
- Work commenced on Molong Multipurpose facility drainage and BBQ areas
- Replacement water bore line in Manildra complete and supplying water to Montana Park.
- Drinking water bubbler Montana Park, Manildra. Canowindra caravan park beautification complete.
- Yeoval – playground equipment installed
- Eugowra – playground equipment ordered Memorial Park
- VEP Tree planting program recommenced – Yeoval, Canowindra and Cumnock
- Pool WHS improvements being gradually rolled out
  - Eugowra pool painting complete
  - Canowindra – pool solar heating system ordered
  - Canowindra – splash pool rectification ordered
  - Canowindra – reinstatement of wheel chair safety rail – welding contractor to undertake
  - - Cumnock /Yeoval pools – plant room re-lining completed
  - - Molong pool air monitoring plant room report in, removal of loose paint required – quote in
  - - Molong/Cumnock/Yeoval pools – Servicing of chlorine gas systems to occur when pools are full mid Oct
  - Eugowra/ Cudal / Manildra chlorine dosing systems serviced

- Pool 355 Committees - ongoing consultation regarding changes
- Pool Audit completed National Audit Group – management systems & compliance – internal draft issued
- Temporary Pool Administrators 355 – under contract through Council – contract draft
- Pool Compliance Officer – interviews to be undertaken
- Approval - Central Tablelands Water to refill–Canowindra, Manildra, Eugowra & Cudal pools set time periods
- Utilization of pool water – roads water trucks
- Tree pruning works completed as required.
- Leaf removal works completed as required.
- Hall maintenance works completed as required.