



7 February 2018

NOTICE OF EXTRAORDINARY COUNCIL MEETING

Your attendance is respectfully requested at the Extraordinary Meeting of Cabonne Council convened for **Tuesday 13 February, 2018** commencing at **2.30pm**, at the Cabonne Council Chambers, Bank Street, Molong to consider the undermentioned business.

Yours faithfully

A handwritten signature in black ink, appearing to be "SJ Harding", written over a light blue horizontal line.

SJ Harding

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



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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ITEM 1 - APPLICATIONS FOR LEAVE OF ABSENCE

REPORT IN BRIEF

Reason For Report	To allow tendering of apologies for councillors not present.
Policy Implications	Nil
Budget Implications	Nil
IPR Linkage	4.5.1.g - Code of Meeting Practice adopted and implemented.
Annexures	Nil
File Number	\\OFFICIAL RECORDS LIBRARY\GOVERNANCE\COUNCIL MEETINGS\COUNCIL - COUNCILLORS LEAVE OF ABSENCE - 890970

RECOMMENDATION

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

GENERAL MANAGER'S REPORT

A call for apologies is to be made.

ITEM 2 - DECLARATIONS OF INTEREST

REPORT IN BRIEF

Reason For Report	To allow an opportunity for councillors to declare an interest in any items to be determined at this meeting.
Policy Implications	Nil
Budget Implications	Nil
IPR Linkage	4.5.1.g - Code of Meeting Practice adopted and implemented.
Annexures	Nil
File Number	\\OFFICIAL RECORDS LIBRARY\GOVERNANCE\COUNCIL MEETINGS\COUNCIL - COUNCILLORS AND STAFF DECLARATION OF INTEREST - 2018 - 890971

RECOMMENDATION

THAT the Declarations of Interest be noted.

GENERAL MANAGER'S REPORT

A call for Declarations of Interest.

ITEM 3 - DECLARATIONS FOR POLITICAL DONATIONS

REPORT IN BRIEF

Reason For Report	To allow an opportunity for Councillors to declare any Political Donations received.
Policy Implications	Nil
Budget Implications	Nil
IPR Linkage	4.5.1.g - Code of Meeting Practice adopted and implemented.
Annexures	Nil
File Number	\\OFFICIAL RECORDS LIBRARY\GOVERNANCE\COUNCIL MEETINGS\COUNCIL - COUNCILLORS DECLARATION OF POLITICAL DONATIONS - 890972

RECOMMENDATION

THAT any Political Donations be noted.

GENERAL MANAGER'S REPORT

A call for declarations of any Political Donations.

ITEM 4 - RESCISSION MOTION - MODIFICATION APPLICATION - DEVELOPMENT APPLICATION 2016/128 - LIMESTONE MINE, CANOMODINE LANE, CANOWINDRA

REPORT IN BRIEF

Reason For Report	For Council to consider a rescission motion lodged by councillors Durkin, Oldham and Batten.
Policy Implications	Nil
Budget Implications	Nil
IPR Linkage	4.5.1.a - Provide quality administrative support and governance to councillors and residents
Annexures	1. DA2016-128 December 2017 report ↓
File Number	\\Development Applications\DEVELOPMENT APPLICATION\2016\03-2016-0128 - 892563

RECOMMENDATION

THAT the rescission motion be dealt with.

GENERAL MANAGER'S REPORT

A rescission motion has been received from councillors Durkin, Oldham and Batten as follows:-

“We the undersigned Councillors hereby give notice of our intention to rescind the following motion resolved at the Council meeting held 12 December 2017:-

MOTION (Durkin/Newsom)

That council accept the modification application 2016/128/2 seeking to amend conditions 28 and 29 of Development Consent 2016/128 for a limestone mine upon Lot 201 DP 1232203, Canomodine Lane, Canowindra.

Foreshadowed Motion

THAT Council refuse the modification application 2016/128/2 seeking to amend conditions 28 and 29 of Development Consent 2016/128 for a limestone mine upon Lot 201 DP 1232203, Canomodine Lane, Canowindra and retain the conditions as written in the consent.

Clr A Durkin

Clr E Oldham

Clr P Batten”

In order for it to be dealt with by the Council it will need to be moved and seconded on the meeting day.

To assist councillors in their deliberations a copy of the original report is attached.

Ordinary Meeting

12 December 2017

**ITEM 18 - MODIFICATION APPLICATION - DEVELOPMENT APPLICATION
2016/128 - LIMESTONE MINE, CANOMODINE LANE, CANOWINDRA****REPORT IN BRIEF**

Reason For Report	For council's determination of a development application upon land to which it owns
Policy Implications	Nil
Budget Implications	Nil
IPR Linkage	4.5.3.a Assess and determine development applications, construction certificate applications and Onsite Sewerage Management Systems (OSMS) to meet agreed service levels
Annexures	Nil
File Number	\\Development Applications\DEVELOPMENT APPLICATION\2016\03-2016-0128 - 879547

RECOMMENDATION

That council refuse the modification application 2016/128/2 seeking to amend conditions 28 and 29 of Development Consent 2016/128 for a limestone mine upon Lot 201 DP 1232203, Canomodine Lane, Canowindra and retain the conditions as written in the consent.

DIRECTOR OF ENGINEERING & TECHNICAL SERVICES' REPORT

An application has been received by council to modify development consent for DA 2016/128 for a limestone mine upon land described as Lot 201 DP 1232203, Canomodine Lane, Canowindra.

Applicant: Westlime Quarries Pty Ltd c/- Andrew Commins
 Owner: Mr P Wythes
 Proposal: Modification to conditions 28 and 29 of the issued development consent
 Location: Lot 201 DP 1232203, Canomodine Lane, Canowindra
 Zone: RU1 Primary Production

Background

Council at its meeting of 20 December 2016 approved DA 2016/128 for establishment of an open cut limestone mine upon part of a rural holding located approximately half way between Cargo and Canowindra, accessed off Canomodine Lane. Westlime Quarries Pty Ltd propose to extract and process on-site up to 250,000 tonnes per annum of limestone over a period of 27 years, for sale and distribution locally and regionally.

In August 2017, the development consent was modified to enable relocation of the mine site office and associated infrastructure. Council staff and State government agencies have been liaising with the developer to progress the various elements of the overall development consent.

The Proposal

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The applicant seeks variation to Conditions 28 and 29 of the development consent. The two conditions of consent read as follows:

28. ROAD UPGRADES**Objective**

It is in the public interest that environmental impacts be identified and effects mitigated.

Performance

The proponent is to deliver all road upgrades as deemed necessary by RMS and Cabonne Council, and to the satisfaction of those authorities, prior to transporting any products from the mine site, with the exception of those required for road upgrading purposes identified in this approval.

29. ROAD REPAIR AND MAINTENANCE CONTRIBUTION**Objective**

To ensure that the impact of the development on infrastructure is considered and appropriately mitigated.

Performance

Within six (6) months of the issue of this consent the proponent is required to enter into an agreement with Cabonne Council for payment of an annual road repair and maintenance based upon the heavy vehicle traffic generation for the development.

The contribution to council will apply to the repair and maintenance of Cargo Road (MR 237) from its intersection with Canomodine Lane and the intersection with the Canowindra – Cudal Road (MR 310). The contribution calculation is to be established by Cabonne Council. The proponent's contribution will also include the costs to council of engaging environmental management expertise.

The applicant states that they have held positive discussions with the relevant council staff regarding the above-mentioned conditions of consent, however uncertainty remains in that agreement has yet to be finalised in relation to the requirements of the two conditions of consent.

The applicant requests council amend the conditions of development consent as follows:

28. ROAD UPGRADES**Objective**

It is in the public interest that environmental impacts be identified and effects mitigated.

Performance**Intersection of Cargo Road and Canomodine Lane**

The proponent is to complete the design, bulk excavation, supply and delivery of all RMS specification DGB road base material. Council will undertake project management and supervision, provide required traffic control, place and compact delivered road base materials, undertake final trim and seal the intersection.

Anderson Hill radius / alignment

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The proponent is to undertake the bulk earthworks, supply and deliver RMS specification DGB road base materials and remove the site excavated materials as required. Council will provide the required design, undertake project management and supervision, provide traffic control, place and compact delivered road base materials, undertake final trim and seal works as required. The proponent is to make the required road base available within two (2) months on being advised by council of the commencement of works.

29. ROAD REPAIR AND MAINTENANCE CONTRIBUTION**Objective**

To ensure that the impact of the development on infrastructure is considered and appropriately mitigated and that Cargo Road between the intersections with Canomodine Lane and the Canowindra-Cudal Road can be appropriately used by B-double trucks.

Performance

The proponent is to provide the following for the maintenance and upgrading of the Cargo Road between the intersections with Canomodine Lane and the Canowindra- Cudal Road:

- *\$6,000pa for minor road repairs. The contribution is to be indexed to CPI from 1 July 2017 and is to be payable by 31 Decemebr each year*
- *15,000 tonne of DGB road base delivered for use by council for the repair and upgrade of the identified section of Cargo Road. The material is to be made available within two (2) months of being advised by council of the commencement of works.*
- *A video recording documenting the condition of the identified section of Cargo Road. The video recording is to be provided prior to commencement of transportation of products from the mine.*

The conditions of development consent as issued were imposed in response to the assessed environmental impact of the development proceeding. The requirements of conditions 28 and 29 relate to the impact on local roads and traffic generated by the development proceeding (in other words, addressing road deterioration over and above that generated by current road usage).

The implementation of the road maintenance conditions of consent relating to the mine approval should not be the responsibility of council or the wider community to facilitate. The conditions of consent as written require a contribution or levy to be paid annually by the developer towards the repair and maintenance of Cargo Road between its intersection with Canomodine Lane and MR 310 (Canowindra to Cudal road).

The existing condition of consent also enables council to engage technical advice to assist it in negotiation an agreement with the developer, and that the costs incurred by council be reimbursed by the developer. The intent was for the preparation of a Voluntary Planning Agreement of similar to ensure a legally binding agreement was obtained for the benefit of the local community.

The developer has provided a written proposal that may be addressed through a Memorandum of Understanding. The matter has been referred to council's legal advisor for review and comment.

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The requested version removes council's ability to engage technical expert advice to ensure the community's wider interests are addressed, and to recover those costs from the developer.

Intent was a VPA or suitable legal agreement that basically provided council a levy that would financially address the impact to council and the community from road deterioration resulting from the development proceeding.

Given that negotiations to achieve conditions 28 and 29 are in progress it is suggested that the status quo be maintained and the conditions of consent remain unaltered.