

**Meeting commenced at 2.00pm.**

**BUSINESS:**

- 1) Apologies
- 2)
  - a. Confirmation of Minutes of the Meeting held 20<sup>th</sup> September, 2018.
  - b. Matters arising out of Minutes. (Not elsewhere reported)
- 3) Correspondence
  - a. Agenda A (Information Only)
  - b. Agenda B
- 4) General Manager's Report
  - 4.1 General Manager's Report
  - 4.2 Executive Manager, Corporate & Community Services' Report
  - 4.3 Executive Manager, Engineering & Technical Services' Report
  - 4.4 Executive Manager, Development & Environmental Services' Report
- 5) Reports: Delegates/Mayor/Councillors

**PRESENT:** Ctrs John Seymour, Jeremy Crocker, Alan White, Colin McKinnon, Kathy Maslin, Kerrilee Logan, David McCann and Steven Jones.

**STAFF:** Tony Donoghue, General Manager;  
Courtney Armstrong, Executive Manager, Corporate & Community Services;  
Tony Kelly, Executive Manager, Engineering & Technical Services;  
Colby Farmer, Executive Manager, Development & Environmental Services;  
Samantha Jennings, Finance Manager.

**APOLOGY:** Clr Bruce Hutcheon.

**1) APOLOGY**

**RESOLVED on the motion of Clr Crocker and seconded by Clr Maslin that the apology of Clr Hutcheon be received and accepted.** 205/10/2018

.....*J. Seymour*..... MAYOR      .....*T. Donoghue*..... GENERAL MANAGER.

**2a) CONFIRMATION OF MINUTES OF THE MEETING HELD 20<sup>TH</sup> SEPTEMBER, 2018.**

**RESOLVED** on the motion of Clr McCann and seconded by Clr McKinnon that the Minutes of the Meeting held 20<sup>th</sup> September, 2018 as circulated be confirmed and adopted. 206/10/2018

**2b) MATTERS ARISING OUT OF THE MINUTES**

There were no matters arising out of the Minutes.

**3) CORRESPONDENCE**

**AGENDA A (FOR INFORMATION ONLY)**

**1a) INFORMATION PAPERS**

➔ The following papers have been **distributed** with Council's supplementary material as being matters of information/interest to Councillors. If Councillors desire any further information on the matters distributed, then that can be raised with the General Manager. Attachment No. 1

- 1) REROE Newsletter for September 2018
- 2) Minutes of the Advance Ganmain Committee Meeting held 3rd October 2018.

**2a) ACTIVITY REPORTS**

- 1) Operating Statistics of the Coolamon Shire Library for September 2018.
- 2) Community Development Officer's Report for September 2017.

General Manager's Note

➔ The above reports are operating reports only for use by Senior Staff. They are submitted to Council as part of Agenda A for information only. Attachment No. 2

**3a) LOCAL GOVERNMENT NSW ANNUAL REPORT 2017/2018 (L.07-01, SC277)**

Clr Linda Scott President of LGNSW presenting the LGNSW Annual Report 2017/2018 ahead of the Annual Conference on 21st-23rd October 2018.

Attachment No.3

General Manager's Note

For information only.

**AGENDA B**

**1b) CHRIS & JOANNE BERRY (R.09-19, SC350)**

Forwarding a letter of appreciated to Council for the support received for the 2018 Coolamon Historical Fire Engine Muster.

General Manager's Note

A copy of the letter is attached to the information papers. Attachment No.11

**2b) STEPH COOK MP (L.03-01, SC268)**

Forwarding correspondence from Don Harwin MLC regarding Council's concerns about funding for Public Libraries.

General Manager's Note

A copy of the letter is attached to the information papers. Attachment No.12

**RESOLVED on the motion of Clr White and seconded by Clr Maslin that the Correspondence listed in Agenda A and Agenda B (1b to 2b) be received and noted.** 207/10/2018

**3b) MICHAEL McCORMACK MP, DEPUTY PRIME MINISTER, FEDERAL MEMBER FOR RIVERINA (P.06-01, SC310)**

Forwarding a Media Release congratulating Daniel Fox for winning the Excellence in Innovation Award at the 2018 Australian Farmer of the Year Awards Ceremony.

General Manager's Note

A copy of the Media Release is attached to the information papers. Attachment No.14

**RESOLVED on the motion of Clr White and seconded by Clr Maslin that a letter of congratulations be sent to Daniel Fox for winning the Excellence in Innovation Award at the 2018 Australian Farmer of the Year Awards Ceremony.** 208/10/2018

.....*J. J. Seymour*..... MAYOR

.....*M. J. Douglas*.....GENERAL MANAGER.

## 4) GENERAL MANAGER REPORTS

### 4.1) GENERAL MANAGER REPORTS

#### GM1) EASTERN RIVERINA REGIONAL ECONOMIC DEVELOPMENT STRATEGY (I.03-01, SC487)

- The NSW Government has assisted Local Government develop 37 Regional Economic Development Strategies across regional NSW. Coolamon Shire is located in the Eastern Riverina Functional Economic Region. A copy of this report is attached for your information, whilst the supporting analysis will be tabled on meeting day. Attachment No. 4

Coolamon Shire along with Junee Shire, Wagga Wagga City and Lockhart Shire were all grouped into this strategy based loosely on the principle that these four Local Government areas are associated with the development and growth around the regional centre of Wagga Wagga.

Ownership of this strategy and ongoing use rests with Council and it is hoped that it can contribute to the future economic development in the region.

Council participated in the process and provided significant work around providing the priority projects for the strategy.

#### Recommendation

That Council endorse the strategic priority projects that relate to the Coolamon Shire.

**RESOLVED on the motion of Clr Maslin and seconded by Clr White that Council endorse the strategic priority projects that relate to the Coolamon Shire.**

209/10/2018

#### GM2) REQUEST FOR LEGAL ASSISTANCE (L.07-01, SC277)

- Coolamon Shire Council has received a request for legal assistance in regard to a matter defended by City of Sydney Council, North Sydney Council and Bayside City Council that has been heard by the NSW Court of Appeal. Attached is the correspondence relating to this matter. Attachment No. 5

It should be noted that the Land and Environment Report found against the Councils concerning the interpretation of section 516(1)(a) of the *Local*

*Government Act 1993*, relating to the categorization of ratable lane as “residential”.

Council are not obligated to provide any assistance, however, as a Member of Local Government NSW the burden of cost is generally shared when legal matters are taken by one Council that relate to all. There has been a long standing informal agreement through Local Government NSW that these costs can be dispersed among Councils with Coolamon’s contribution being \$1,483.73.

As a Member of Local Government NSW, Council has generally in the past paid towards these contributions. It is hoped that in the future that should such a need be undertaken by Coolamon Shire Council that they will receive support from others.

Recommendation

That Council provide the financial assistance for the legal costs.

**RESOLVED on the motion of Clr McCann and seconded by Clr Crocker that the report be noted.** 210/10/2018

**GM3) AUSTRALIAN LOCAL GOVERNMENT ASSOCIATION – FEDERAL ELECTION (E.01-03, SC159)**

- ➔ Information has been received from the Australian Local Government Association (ALGA) providing a policy position on the upcoming Federal Election. This information titled ‘All Politics Is Local’ identifies the issues that the National Association believes are important to consider and discuss during the impending election early next year. A copy of this information is provided. Attachment No. 10

Recommendation

For Council information

**RESOLVED on the motion of Clr Logan and seconded by Clr McKinnon that the report be noted.** 211/10/2018

.....*J. J. Seymour*..... MAYOR

.....*M. J. ...*..... GENERAL MANAGER.

## 4.2 EXECUTIVE MANAGER, CORPORATE & COMMUNITY SERVICES' REPORTS

### CS1) FINANCE REPORT AS AT 30<sup>TH</sup> SEPTEMBER, 2018

**RESOLVED on the motion of Clr McCann and seconded by Clr Maslin that the report be noted.** 212/10/2018

DATE INVESTED	INSTITUTION	RATING	INVESTMENT TYPE	AMOUNT INVESTED	TERMS (days)	RATE	MATURITY DATE
24/10/2017	NAB	A1+/AA-	Term Deposit	\$ 1,000,000	365	2.50%	24/10/2018
2/05/2018	Beyond Bank	A2/BBB	Term Deposit	\$ 1,000,000	184	2.60%	2/11/2018
10/11/2017	Beyond Bank	A2/BBB	Term Deposit	\$ 2,000,000	365	2.70%	10/11/2018
21/12/2017	Beyond Bank	A2/BBB	Term Deposit	\$ 1,700,000	365	2.75%	21/12/2018
19/06/2018	AMP	A1/A	Term Deposit	\$ 1,000,000	216	2.85%	21/01/2019
26/06/2018	AMP	A1/A	Term Deposit	\$ 500,000	210	2.85%	22/01/2019
8/05/2018	AMP	A1/A	Term Deposit	\$ 1,000,000	272	2.75%	4/02/2019
9/05/2018	Bankwest	A2/BBB	Term Deposit	\$ 1,000,000	271	2.70%	4/02/2019
15/06/2018	AMP	A1/A	Term Deposit	\$ 2,000,000	245	2.80%	15/02/2019
15/06/2018	Bankwest	A2/BBB	Term Deposit	\$ 1,000,000	270	2.80%	7/05/2019
24/09/2018	Bankwest	A2/BBB	Term Deposit	\$ 1,000,000	270	2.70%	21/06/2019
30/08/2018	NAB	A1+/AA-	Term Deposit	\$ 1,000,000	365	2.70%	30/08/2019
9/09/2018	Beyond Bank	A2/BBB	Term Deposit	\$ 1,000,000	365	2.70%	9/09/2019
14/09/2018	Beyond Bank	A2/BBB	Term Deposit	\$ 1,000,000	365	2.70%	14/09/2019
23/09/2018	Beyond Bank	A2/BBB	Term Deposit	\$ 1,000,000	365	2.70%	23/09/2019
<b>TOTAL INVESTED</b>				<b>\$ 17,200,000</b>			

I hereby certify that the above investments 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 Policies.

  
(Samantha Jennings, Finance Manager)

### PROPOSED RESTRICTED CASH, CASH EQUIVALENTS & INVESTMENTS

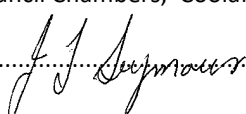

#### EXTERNAL RESTRICTIONS AS AT 30TH JUNE, 2018

Allawah Lodge - Accommodation Bonds/Payments	\$ 4,049,012.71
Allawah Village - Loan-Licence	\$ 3,688,781.28
Developer Contributions	\$ 3,398.37
Specific Purpose Unexpended Grants & Contributions & Other Funding	\$ 559,206.24
Sewerage Fund	\$ 2,044,259.35
Waste Management	\$ 1,106,984.12
	<u>\$ 11,451,642.07</u>

#### INTERNAL RESTRICTIONS AT 30TH JUNE, 2018

Asset/Plant Replacement	\$ 1,000,000.00
Employees Leave Entitlements	\$ 1,160,000.00
Deferred Works	\$ 195,800.00
Ardlethan Preschool	\$ 47,101.19
Asset Management (inc. unrestricted cash)	\$ 2,083,751.22
Allawah Lodge Asset Mgt Reserve	\$ 536,927.45
Allawah Village Asset Mgt Reserve	\$ 325,655.84
CECC Asset Mgt Reserve	\$ 263,052.78
Financial Assistance Grant	\$ 1,766,160.00
Swimming Pools	\$ -
Rehabilitation of Gravel Pits	\$ 162,000.00
	<u>\$ 7,540,448.48</u>
	<u>\$ 18,992,090.55</u>

This is Page No. 7 of the Minutes of the Ordinary Meeting of the Council of the Shire of Coolamon held in the Council Chambers, Coolamon on the 18<sup>th</sup> October, 2018.

.......... MAYOR      .......... GENERAL MANAGER.

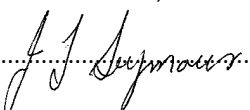
MINUTES OF THE ORDINARY MEETING OF THE COUNCIL OF THE SHIRE OF COOLAMON  
HELD IN THE COUNCIL CHAMBERS, COOLAMON ON THE 18<sup>TH</sup> OCTOBER, 2018.

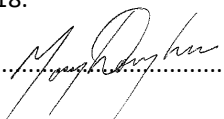
COOLAMON SHIRE COUNCIL  
INCOME STATEMENT

for the period 1st July 2018 to 30th June 2019

	SEPTEMBER 2018	AUGUST 2018	JULY 2018	2018/2019 BUDGET	2017/2018 ACTUAL UNAUDITED
<b>Income from continuing operations</b>					
<b>Revenue:</b>					
Rates & annual charges	3,524,279.31	3,523,108.16	3,525,152.95	3,483,000.00	3,418,398.58
User charges & fees	925,843.81	619,632.05	324,212.30	3,473,000.00	3,571,344.54
Interest and investment revenue	(81,401.11)	(145,285.90)	(159,264.50)	463,000.00	447,205.86
Other revenues	142,722.12	108,102.19	49,005.55	780,000.00	834,547.58
Grants & contributions provided for operating purposes	936,330.70	817,205.93	37,945.86	6,054,000.00	6,592,101.64
Grants & contributions provided for capital purposes	287,472.18	65,802.00	2,100.00	6,047,000.00	2,408,411.30
Internals	0.00	0.00	0.00		
<b>Other income:</b>					
Net gain from the disposal of assets	344,423.03	344,423.03	94,423.03	145,000.00	258,633.44
<b>Total revenues from continuing operations</b>	<b>6,079,670.04</b>	<b>5,332,987.46</b>	<b>3,873,575.19</b>	<b>20,445,000.00</b>	<b>17,530,642.94</b>
<b>Expenses from continuing operations</b>					
Employee benefits and on-costs	1,552,965.94	970,057.05	530,242.89	5,977,000.00	5,571,764.55
Borrowing costs	6,009.98	2,001.50	29.13	21,000.00	5,848.71
Materials & contracts	905,209.07	592,819.49	274,091.53	3,071,000.00	3,410,283.95
Depreciation, amortisation & impairment	0.00	0.00	0.00	3,617,000.00	2,965,294.87
Other expenses	633,893.34	498,710.96	431,666.65	1,497,000.00	1,499,968.07
Net loss from the disposal of assets					
<b>Total expenses from continuing operations</b>	<b>3,098,078.33</b>	<b>2,063,589.00</b>	<b>1,236,030.20</b>	<b>14,183,000.00</b>	<b>13,453,160.15</b>
<b>Operating result from continuing operations</b>	<b>2,981,591.71</b>	<b>3,269,398.46</b>	<b>2,637,544.99</b>	<b>6,262,000.00</b>	<b>4,077,482.79</b>
<b>Net operating result for the year before grants and contributions provided for capital purposes</b>	<b>2,694,119.53</b>	<b>3,203,596.46</b>	<b>2,635,444.99</b>	<b>215,000.00</b>	<b>1,669,071.49</b>

This is Page No. 8 of the Minutes of the Ordinary Meeting of the Council of the Shire of Coolamon held in the Council Chambers, Coolamon on the 18<sup>th</sup> October, 2018.

.....  ..... MAYOR

.....  ..... GENERAL MANAGER.

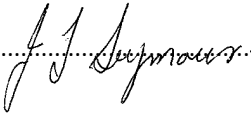


MINUTES OF THE ORDINARY MEETING OF THE COUNCIL OF THE SHIRE OF COOLAMON  
HELD IN THE COUNCIL CHAMBERS, COOLAMON ON THE 18<sup>TH</sup> OCTOBER, 2018.

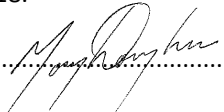
COOLAMON SHIRE COUNCIL  
INCOME STATEMENT BY FUND

September 2018			
	CONSOLIDATED		TOTAL
	GENERAL FUND	SEWERAGE FUND	
<b>Income from continuing operations</b>			
<b>Revenue:</b>			
Rates & annual charges	2,975,177.09	549,102.22	3,524,279.31
User charges & fees	917,311.81	8,532.00	925,843.81
Interest and investment revenue	(81,990.24)	589.13	-81,401.11
Other revenues	142,371.42	350.70	142,722.12
Grants & contributions provided for operating purposes	834,332.70	101,998.00	936,330.70
Grants & contributions provided for capital purposes	281,172.18	6,300.00	287,472.18
Internals	0.00		0.00
<b>Other income:</b>			
Net gain from the disposal of assets	344,423.03	0.00	344,423.03
<b>Total revenues from continuing operations</b>	<b>5,412,797.99</b>	<b>666,872.05</b>	<b>6,079,670.04</b>
<b>Expenses from continuing operations</b>			
Employee benefits and on-costs	1,511,333.92	41,632.02	1,552,965.94
Borrowing costs	6,009.98		6,009.98
Materials & contracts	761,353.52	143,855.55	905,209.07
Depreciation & amortisation	0.00	0.00	0.00
Other expenses	618,042.39	15,850.95	633,893.34
<b>Total expenses from continuing operations</b>	<b>2,896,739.81</b>	<b>201,338.52</b>	<b>3,098,078.33</b>
<b>Operating result from continuing operations</b>	<b>2,516,058.18</b>	<b>465,533.53</b>	<b>2,981,591.71</b>
<b>Net operating result for the year before grants and contributions provided for capital purposes</b>	<b>2,234,886.00</b>	<b>459,233.53</b>	<b>2,694,119.53</b>

This is Page No. 9 of the Minutes of the Ordinary Meeting of the Council of the Shire of Coolamon held in the Council Chambers, Coolamon on the 18<sup>th</sup> October, 2018.

.....  .....

MAYOR

.....  .....

GENERAL MANAGER.


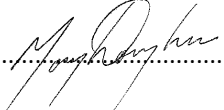
MINUTES OF THE ORDINARY MEETING OF THE COUNCIL OF THE SHIRE OF COOLAMON  
HELD IN THE COUNCIL CHAMBERS, COOLAMON ON THE 18<sup>TH</sup> OCTOBER, 2018.

COOLAMON SHIRE COUNCIL  
BALANCE SHEET

for the period 1st July 2018 to 30th June 2019

	SEPTEMBER 2018	AUGUST 2018	JULY 2018	2018/2019 BUDGET (ADJ FOR OPENING BALS)	2017/2018 ACTUAL UNAUDITED
<b>ASSETS</b>					
<b>Current assets</b>					
Cash and cash equivalents	1,863,613.87	2,579,994.98	2,187,664.41	2,985,638.30	2,792,090.55
Investments	17,200,000.00	17,200,000.00	16,200,000.00	15,200,000.00	16,200,000.00
Receivables	2,497,782.47	2,616,445.77	3,687,373.67	895,702.48	896,111.55
Inventories	593,627.23	585,467.24	595,349.93	1,520,583.28	605,810.67
Other					
<b>Total current assets</b>	<b>22,155,023.57</b>	<b>22,981,907.99</b>	<b>22,670,388.01</b>	<b>20,601,924.06</b>	<b>20,494,012.77</b>
<b>Non-current assets</b>					
Investments					
Receivables	0.00	0.00	0.00	294,231.87	0.00
Inventories	102,397.55	102,397.55	102,397.55	102,000.00	102,397.55
Infrastructure, property, plant & equipment	225,401,683.39	225,071,161.79	224,834,326.11	234,211,291.56	224,642,652.60
Accumulated Dep'n - Infrastructure, PP&E	(48,814,098.80)	(48,814,098.80)	(48,814,098.80)	(52,429,415.10)	(48,814,098.80)
Accumulated Imp't - Infrastructure, PP&E	(486,730.78)	(486,730.78)	(486,730.78)	(486,730.78)	(486,730.78)
Other					
<b>Total non-current assets</b>	<b>176,203,251.36</b>	<b>175,872,729.76</b>	<b>175,635,894.08</b>	<b>181,691,377.55</b>	<b>175,444,220.57</b>
<b>Total assets</b>	<b>198,358,274.93</b>	<b>198,854,637.75</b>	<b>198,306,282.09</b>	<b>202,293,301.61</b>	<b>195,938,233.34</b>
<b>LIABILITIES</b>					
<b>Current liabilities</b>					
Payables	7,513,620.50	7,721,314.76	7,806,945.92	8,069,457.89	8,072,600.76
Overdraft					0.00
Interest bearing liabilities	0.00	0.00	0.00	(1,157.00)	0.00
Provisions	1,579,614.75	1,578,160.93	1,578,343.21	1,658,910.58	1,582,184.61
<b>Total current liabilities</b>	<b>9,093,235.25</b>	<b>9,299,475.69</b>	<b>9,385,289.13</b>	<b>9,727,211.47</b>	<b>9,654,785.37</b>
<b>Non-current liabilities</b>					
Payables	1,603.25	1,603.25	1,603.25	1,612.34	1,603.25
Interest bearing liabilities	0.00	0.00	0.00	(291.86)	0.00
Provisions	1,127,803.39	1,127,803.39	1,127,803.39	1,149,849.63	1,127,803.39
<b>Total non-current liabilities</b>	<b>1,129,406.64</b>	<b>1,129,406.64</b>	<b>1,129,406.64</b>	<b>1,151,170.11</b>	<b>1,129,406.64</b>
<b>TOTAL LIABILITIES</b>	<b>10,222,641.89</b>	<b>10,428,882.33</b>	<b>10,514,695.77</b>	<b>10,878,381.58</b>	<b>10,784,192.01</b>
<b>Net assets</b>	<b>188,135,633.04</b>	<b>188,425,755.42</b>	<b>187,791,586.32</b>	<b>191,414,920.03</b>	<b>185,154,041.33</b>
<b>EQUITY</b>					
Retained earnings	91,761,549.29	92,049,356.04	91,417,502.57	95,041,296.02	88,779,957.58
Reserves	96,374,083.75	96,374,083.75	96,374,083.75	96,373,624.01	96,374,083.75
Internal Assets/Liabilities	0.00	0.00	0.00		0.00
Trust Transfer		2,315.63			
<b>Total equity</b>	<b>188,135,633.04</b>	<b>188,425,755.42</b>	<b>187,791,586.32</b>	<b>191,414,920.03</b>	<b>185,154,041.33</b>

This is Page No. 10 of the Minutes of the Ordinary Meeting of the Council of the Shire of Coolamon held in the Council Chambers, Coolamon on the 18<sup>th</sup> October, 2018.


.....  ..... MAYOR .....  ..... GENERAL MANAGER.

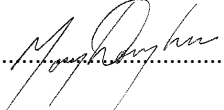
MINUTES OF THE ORDINARY MEETING OF THE COUNCIL OF THE SHIRE OF COOLAMON  
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COOLAMON SHIRE COUNCIL  
BALANCE SHEET BY FUND

	September 2018		COOLAMON SHIRE TOTAL
	CONSOLIDATED GENERAL FUND	SEWERAGE FUND	
<b>ASSETS</b>			
<b>Current assets</b>			
Cash and cash equivalents	(288,162.51)	2,151,776.38	1,863,613.87
Investments	17,200,000.00		17,200,000.00
Receivables	2,143,401.96	354,380.51	2,497,782.47
Inventories	593,627.23		593,627.23
Other			0.00
<b>Total current assets</b>	<b>19,648,866.68</b>	<b>2,506,156.89</b>	<b>22,155,023.57</b>
<b>Non-current assets</b>			
Investments			0.00
Receivables	0.00		0.00
Inventories	102,397.55		102,397.55
Infrastructure, property, plant & equipment	208,979,649.52	16,422,033.87	225,401,683.39
Accumulated Depreciation	(42,190,169.12)	(6,623,929.68)	(48,814,098.80)
Accumulated Impairment	(486,730.78)		(486,730.78)
Other			0.00
<b>Total non-current assets</b>	<b>166,405,147.17</b>	<b>9,798,104.19</b>	<b>176,203,251.36</b>
<b>Total assets</b>	<b>186,054,013.85</b>	<b>12,304,261.08</b>	<b>198,358,274.93</b>
<b>LIABILITIES</b>			
<b>Current liabilities</b>			
Payables	7,513,620.50	0.00	7,513,620.50
Interfunding			0.00
Interest bearing liabilities	0.00		0.00
Provisions	1,579,614.75		1,579,614.75
<b>Total current liabilities</b>	<b>9,093,235.25</b>	<b>0.00</b>	<b>9,093,235.25</b>
<b>Non-current liabilities</b>			
Payables	1,603.25		1,603.25
Interest bearing liabilities	0.00		0.00
Provisions	1,127,803.39		1,127,803.39
<b>Total non-current liabilities</b>	<b>1,129,406.64</b>	<b>0.00</b>	<b>1,129,406.64</b>
<b>TOTAL LIABILITIES</b>	<b>10,222,641.89</b>	<b>0.00</b>	<b>10,222,641.89</b>
<b>Net assets</b>	<b>175,831,371.96</b>	<b>12,304,261.08</b>	<b>188,135,633.04</b>
<b>EQUITY</b>			
Retained earnings	85,101,622.48	6,659,926.81	91,761,549.29
Reserves	90,729,749.48	5,644,334.27	96,374,083.75
Internal Assets & Liabilities	0.00		0.00
Trust Transfer			
<b>Total equity</b>	<b>175,831,371.96</b>	<b>12,304,261.08</b>	<b>188,135,633.04</b>

This is Page No. 11 of the Minutes of the Ordinary Meeting of the Council of the Shire of Coolamon held in the Council Chambers, Coolamon on the 18<sup>th</sup> October, 2018.

.....  ..... MAYOR

.....  ..... GENERAL MANAGER.


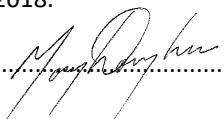
MINUTES OF THE ORDINARY MEETING OF THE COUNCIL OF THE SHIRE OF COOLAMON  
HELD IN THE COUNCIL CHAMBERS, COOLAMON ON THE 18<sup>TH</sup> OCTOBER, 2018.

COOLAMON SHIRE COUNCIL  
INTERNAL & EXTERNAL RESTRICTIONS

for the period 1st July 2018 to 30th June 2019

	SEPTEMBER 2018	AUGUST 2018	JULY 2018	2018/2019 BUDGET (ADJ FOR OPENING BALS)	2017/2018 ACTUAL UNAUDITED
<b>GENERAL FUND</b>					
<i>EXTERNALLY RESTRICTED</i>					
Grants & Susidies & Other	600,879.51	607,101.86	597,109.42	304,948.24	559,206.24
Developer Contributions	3,398.37	3,398.37	3,398.37		3,398.37
Waste Management	1,086,581.55	1,247,143.19	1,179,666.97	974,652.08	1,106,984.12
Allawah Lodge Accommodation Payments	3,923,035.85	4,099,326.20	4,048,681.71	4,045,371.71	4,049,012.71
Allawah Village Loan-Licence	3,556,407.28	3,688,781.28	3,688,781.28	3,688,781.28	3,688,781.28
	9,170,302.56	9,645,750.90	9,517,637.75	9,013,753.31	9,407,382.72
<i>INTERNALLY RESTRICTED</i>					
Plant Replacement Reserve	1,000,000.00	1,000,000.00	1,000,000.00	1,000,000.00	1,000,000.00
Employees Leave Entitlements Reserve	1,160,000.00	1,160,000.00	1,160,000.00	1,206,000.00	1,160,000.00
Stormwater Management Reserve				7,600.00	
Swimming Pools Reserve				0.00	
Deferred Works Reserve	172,950.00	172,950.00	195,800.00	85,800.00	195,800.00
Ardlethan Preschool	49,357.79	63,312.68	75,088.19		47,101.19
Financial Assistance Grant	0.00	0.00	0.00	0.00	1,766,160.00
Community Housing Programme Reserve				0.00	
Allawah Lodge Asset Mgt Reserve	528,377.33	411,571.95	532,023.28	730,505.37	536,927.45
Allawah Village Asset Mgt Reserve	286,531.59	288,113.46	286,821.50	321,449.13	325,655.84
CECC Asset Mgt Reserve	261,944.13	270,893.72	261,824.55	262,502.78	263,052.78
Gravel Pits Rehabilitation Reserve	162,000.00	162,000.00	162,000.00	192,000.00	162,000.00
	3,621,160.84	3,528,841.81	3,673,557.52	3,805,857.28	5,456,697.26
Asset Management/Available for Working Funds	4,120,374.09	4,465,311.12	3,096,611.53	2,016,061.75	2,083,751.22
<b>Total Cash Balance - General Fund</b>	<b>16,911,837.49</b>	<b>17,639,903.83</b>	<b>16,287,806.80</b>	<b>14,835,672.35</b>	<b>16,947,831.20</b>
<b>SEWERAGE FUND</b>					
Sewerage Fund	2,151,776.38	2,140,091.15	2,099,857.61	1,528,588.95	2,044,259.35
	2,151,776.38	2,140,091.15	2,099,857.61	1,528,588.95	2,044,259.35
<b>Total Cash Balance - Sewerage Fund</b>	<b>2,151,776.38</b>	<b>2,140,091.15</b>	<b>2,099,857.61</b>	<b>1,528,588.95</b>	<b>2,044,259.35</b>
<b>TOTAL CONSOLIDATED CASH</b>	<b>19,063,613.87</b>	<b>19,779,994.98</b>	<b>18,387,664.41</b>	<b>16,364,261.30</b>	<b>18,992,090.55</b>

This is Page No. 12 of the Minutes of the Ordinary Meeting of the Council of the Shire of Coolamon held in the Council Chambers, Coolamon on the 18<sup>th</sup> October, 2018.


.....  ..... MAYOR .....  ..... GENERAL MANAGER.

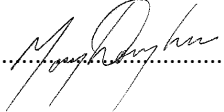
MINUTES OF THE ORDINARY MEETING OF THE COUNCIL OF THE SHIRE OF COOLAMON  
HELD IN THE COUNCIL CHAMBERS, COOLAMON ON THE 18<sup>TH</sup> OCTOBER, 2018.

RATE COLLECTIONS

	ARREARS B/FWD	LEVIES INC. INTEREST	TOTAL	COLLECTIONS TO DATE	% TO TOTAL	ADJUSTMENTS INC. PENS CONCESSIONS	ADJ. TOTAL	% TO TOTAL	COLLECTABLE BALANCE
30/09/2003	280,098.47	2,032,447.59	2,312,546.06	786,475.07	34.01%	101,616.96	2,210,929.10	35.57%	1,424,454.03
30/09/2004	181,374.69	2,088,310.77	2,269,685.46	792,620.41	34.92%	106,486.81	2,163,198.65	36.64%	1,370,578.24
30/09/2005	163,566.58	2,161,602.60	2,325,169.18	819,254.52	35.23%	106,739.28	2,218,429.90	36.93%	1,399,175.38
30/09/2006	185,519.90	2,238,327.83	2,423,847.73	813,812.57	33.58%	106,455.19	2,317,392.54	35.12%	1,503,579.97
30/09/2007	236,912.33	2,411,740.88	2,648,653.21	927,417.05	35.01%	117,989.76	2,530,663.45	36.65%	1,603,246.40
30/09/2008	277,343.62	2,494,944.30	2,772,287.92	918,838.29	33.14%	119,260.57	2,653,027.35	34.63%	1,734,189.06
30/09/2009	239,371.45	2,586,732.54	2,826,103.99	945,123.22	33.44%	121,683.64	2,704,420.35	34.95%	1,759,297.13
30/09/2010	292,105.99	2,707,202.01	2,999,308.00	1,004,718.49	33.50%	124,667.90	2,874,640.10	34.95%	1,869,921.61
30/09/2011	239,162.46	2,855,777.06	3,094,939.52	1,078,136.90	34.84%	124,382.82	2,970,556.70	36.29%	1,892,419.80
30/09/2012	207,935.41	2,990,079.08	3,198,014.49	1,141,925.07	35.71%	126,749.85	3,071,264.64	37.18%	1,929,339.57
30/09/2013	230,923.44	3,133,024.16	3,363,947.60	1,137,346.26	33.81%	124,350.25	3,239,597.35	35.11%	2,102,251.09
30/09/2014	263,562.88	3,288,463.25	3,552,026.13	1,206,137.92	33.96%	121,049.23	3,430,976.90	35.15%	2,224,838.98
30/09/2015	335,520.44	3,396,545.39	3,732,065.83	1,334,922.00	35.77%	122,736.97	3,609,328.86	36.99%	2,274,406.86
30/09/2016	300,944.76	3,489,119.81	3,790,064.57	1,340,646.97	35.37%	124,736.75	3,665,327.82	36.58%	2,324,680.85
30/09/2017	303,728.87	3,557,918.45	3,861,647.32	1,379,589.62	35.73%	116,266.64	3,745,380.68	36.83%	2,365,791.06
<b>2018-2019</b>									
31/07/2018	319,410.16	3,661,117.73	3,980,527.89	321,821.40	8.08%	113,914.23	3,866,613.66	8.32%	3,544,792.26
31/08/2018	319,410.16	3,661,932.07	3,981,342.23	1,222,999.11	30.72%	114,757.98	3,866,584.25	31.63%	2,643,585.14
30/09/2018	319,410.16	3,664,590.37	3,984,000.53	1,417,736.71	35.59%	114,981.86	3,869,018.67	36.64%	2,451,281.96

This is Page No. 13 of the Minutes of the Ordinary Meeting of the Council of the Shire of Coolamon held in the Council Chambers, Coolamon on the 18<sup>th</sup> October, 2018.

.....  ..... MAYOR

.....  ..... GENERAL MANAGER.

**CS2) FINANCIAL STATEMENTS (S.11-04, SC390; A.12-01, SC34)**

Following the referral of the Draft 2017/2018 Financial Statements to the NSW Audit Office at the August 2018 meeting of Council, the audit has been undertaken.

In accordance with guidelines issued by the Office of Local Government, as a result of changes made through the audit process to the Draft 2017/2018 Financial Statements, it is appropriate that a further review is undertaken by Council prior to submission to the Office of Local Government.

Unfortunately, the final versions of the Client Service Report and Draft 2017/2018 Financial Statements were not available at the time of writing this report. Prior to the meeting, Council will be provided with these document for review. At the meeting the Statement by Councillors and Management will require signing.

Recommendation

That the Statement by Councillors and Management for the 2017/2018 Financial Statements be signed and that Council delegate authority to the General Manager to authorise the Accounts for issue in accordance with Section 413(2)(c) of the Local Government Act 1993 (as amended).

**RESOLVED on the motion of Clr McCann and seconded by Clr Maslin that the Statement by Councillors and Management for the 2017/2018 Financial Statements be signed and that Council delegate authority to the General Manager to authorise the Accounts for issue in accordance with Section 413(2)(c) of the Local Government Act 1993 (as amended).** 213/10/2018

#### **4.3) EXECUTIVE MANAGER, ENGINEERING & TECHNICAL SERVICES' REPORTS**

##### **ES1) SHIRE ROADS RESHEETING, STABILISATION AND MAINTENANCE**

The following roads have received maintenance attention:

##### MAINTENANCE

- Willows Road (SH 17 to Narrandera)
- Litchfield Lane (SH 17 to Narrandera Boundary)
- Irish Jims Lane (McCormack Lane to SH 17)
- Paytons Lane (SH 17 to Narrandera Boundary)
- Tooyal Road (Coolamon Road to (Parmenters Lane)
- Rocks Road (Roping Pole Road to Corner)
- Old Roping Pole Road (Rocks Road to Elliots Lane)
- Brills Lane (Bishop Street to Last House)
- McDougalls Lane (Uley Lane to Irish Jims Lane)
- Pykes Lane (Coolamon Road to End)
- Cains Lane (Dyces Lane to Jerricks Lane)
- Muttons Lane (Canola Way to Dyces Lane)
- Coopers lane (Coolamon road to Millwood Road)
- Wildmans Lane (Dunrobin Street to Thompsons Lane)
- Redgrave Lane (Hodges Lane to Johnson Hill Road)
- Johnson Hill road (Redgrave to Turners Lane)

The limited rainfall and water reserves has continued to restrict Council's ability to provide unsealed road maintenance and resheeting. As a consequence, grader crews are addressing issues where water is available, continuing with sealed road table drain and sucker clearing in addition to providing maintenance to urban unsealed streets and lanes.

##### **ES2) STRONGER COUNTRY COMMUNITIES PROGRAMME – BASKETBALL COURTS (G.03-51)**

The third and final concrete slab has been poured at Ardlethan. Back filling is to occur in the coming week in addition to installation of all back boards. Line marking has been deferred for a week due to forecast wet weather and now scheduled for the week commencing 15 October 2018.

**ES3) ACTIVE TRANSPORT PROGRAMME – WALKING COMMUNITIES (R.07-08)**

Contractors have commenced construction of the pedestrian blister at the intersection of Waterview Street & Gresham Street Ganmain. The blister will provide a refuge for pedestrians crossing to the pool and is anticipated to be completed in two weeks. Unfortunately, Council was unsuccessful in obtaining funding under the Cycleways Programme for the Gresham Street path and will apply again under the 2019/2020 Programme.

**ES4) ANNUAL TOWN CLEAN UP**

Council staff have commenced the pickup of items registered under Councils Annual Town Clean up. The township of Coolamon has a considerable list of items with the other villages listing a scattering of items. The cleanup is expected to be accomplished in four days.

**ES5) NATIONAL HEAVY VEHICLE REGISTER – CLASS 3 DROUGHT RELIEF DIMENSION EXEMPTION (R.09-05, SC339)**

- The attached National Heavy Vehicle Register Operators Guide provides detailed information on the eligible vehicles and conditions of operations under the proposed National Class 3 Drought Relief Dimension Exemption. Attachment No. 6

The notice has been developed to assist farmers with the transport of specific commodities to drought effected areas, is a size exemption only (not weight) and as Council already has a blanket approval for vehicles at 4.6m in height the proposal poses no issues to Council.

Council responded to the National Heavy Vehicle Register on 28 September 2018 providing consent to the operation of the national Class 3 Drought Relief Division Exemption across its road network.

Recommendation

That the Executive Manager Engineering & Technical Services Report (ES1 to ES5) be received and noted.

**RESOLVED on the motion of Clr Crocker and seconded by Clr Logan that the Executive Manager Engineering & Technical Services Report (ES1 to ES5) be received and noted.** 214/10/2018



**ES6) NOXIOUS WEEDS OFFICER'S REPORT (N.02-01, SC284)**

- Attended a Beneficial bugs presentation held by Australian National University and Landcare, I had some information available on Bio-control of weeds, topics included new and existing agents and who to get them off.
- Attended an ARTC information session to discuss biosecurity measures undertaken by rail contractors.
- African boxthorn and Coolatai regrowth in Coolamon and Marrar controlled.
- Inspected all Highways, Coolamon to Wagga and Coolamon to Ardlethan Roads
- Contractor has completed cemetery maintenance weed control.
- Henty Field Day stand supported by RENWA staff
- Manager replied to a general press enquiry regarding Council use of Roundup and glyphosate-based products. Since then the Four Corners program has further fuelled the debate regarding the safety of these products, following an American civil court case win against Monsanto. I accept the current APVMA opinion regarding the safety of glyphosate-based products when used strictly according to the Australian label conditions.

Recommendation

For Council information.

**RESOLVED on the motion of Clr McCann and seconded by Clr White to enquire about payment of amount by State to LLS.** 215/10/2018

**ES7) LYNHAM LANE CLOSURE AND PURCHASE (R.09-10, SC344)**

Council is in receipt of correspondence dated 12 September 2018 from M & K Buchegger and R Jennings regarding the closure and purchase of part of Lynham Lane. This correspondence followed a meeting of the two parties and Council staff on the 11 September 2018 where the closure and purchase arrangements were discussed. Following this meeting the arrangements were clarified in correspondence dated 24 September 2018 and were followed by letters from both the Buchegggers & Jennings accepting these arrangements.

Council has received confirmation from Crown Lands of the subject road status as Council Public Road and is identified under Councils recently adopted Road Hierarchy designation as 6 – Unclassified Road.

- ➔ The road is not maintained by Council, is not required to satisfy Councils Property Access policy and is only utilised by the applying land holders. Attachment No. 7

Recommendation

That Council close part of Lynham Lane (Bradshaws Lane to Fairweathers Lane) under the arrangement identified in correspondence dated 24 September 2018.

**RESOLVED on the motion of Clr White and seconded by Clr Maslin that Council close part of Lynham Lane (Bradshaws Lane to Fairweathers Lane) under the arrangement identified in correspondence dated 24th September 2018.**  
216/10/2018

.....*J. J. Seymour*..... MAYOR

.....*M. J. ...*..... GENERAL MANAGER.

#### 4.4 EXECUTIVE MANAGER, DEVELOPMENT & ENVIRONMENTAL SERVICES' REPORTS

##### HS1) DEVELOPMENT ACTIVITY REPORT FOR THE PERIOD ENDING 30<sup>TH</sup> SEPTEMBER, 2018 (B.05-03, SC58)

###### Summary

The report advises of the Development Application activity for the period ending 30<sup>th</sup> September, 2018.

###### Development Activity Table

Application Number	Type	Address	Determination	Value
DA 2018/75	New Transportable Dwelling	Coolamon Road, Coolamon	Approved	\$213,115.00
DA 2017/18.2	Subdivision of 9 Existing Lots into 8 new Lots	Jerricks Lane, Coolamon	Approved	N/A
DA 2018/60.2	Construction of Grain Bunker Storage & Grain Silo Storage with Associated Civil Works (Road & Drainage)	Cnr Lyne Street & Easticks Lane, Marrar	Approved	\$2,000,000.00
DA 2018/50.2	Gravel Quarry	Johnsons Hill Road, Coolamon	Approved	\$30,000.00
<b>TOTAL: 4</b>			<b>4</b>	<b>\$2,243,115.00</b>

###### Financial Implications

There are nil financial implications to Council as a result of this report.

###### Consultation

Applications have been notified and exhibited in accordance with Council's Development Control Plan as required.

###### Recommendation

That Council receive and note this report on development activity for the period up to 30<sup>th</sup> September, 2018.

**RESOLVED on the motion of Clr McCann and seconded by Clr McKinnon that Council receive and note this report on development activity for the period up to 30<sup>th</sup> September, 2018.** 217/10/2018

**HS2) ARDLETHAN TIN MINE REHABILITATION AND TAILINGS REPROCESSING  
PROJECT: VOLUNTARY PLANNING AGREEMENT PUBLIC EXHIBITION (P.03-  
13, SC602)**

**Summary**

This report provides information to Council regarding the public exhibition of the proposed Voluntary Planning Agreement (VPA) between EOE (No.75) Pty Ltd and Council relating to the Ardlethan Tin Mine Rehabilitation and Tailings Reprocessing Project and recommendations for Councils consideration.

**Background**

As Council may recall a report was tabled to the July 2018, Ordinary Council Business Meeting, where it was RESOLVED that Council:

- 1) *Note the Report on Ardlethan Tin Mine Rehabilitation and Tailings Reprocessing Proposed Voluntary Planning Agreement;*
- 2) *Support the entering into the Planning Agreement subject to the terms outlined in the attached letter of offer;*
- 3) *Delegate to the General Manager and the Mayor to formally enter into and execute the agreement subject to there being no changes to the agreement after public exhibition; and*
- 4) *Place the draft Voluntary Planning Agreement on Public Exhibition in accordance with the relevant provisions of the Environmental Planning and Assessment Act 1979 and Regulation 2000.*

The draft Voluntary Planning Agreement was subsequently placed on public exhibition for a period of 28 days.

**The Development**

EOE (No.75) Pty Limited lodged a development application on the 23 December 2016 for a Tin Mine Rehabilitation and Tailings Reprocessing Project located at a former Tin Mine at Ardlethan.

The site is located at Lots 1 & 2 DP 135135, Lot 1 DP 245927, Lot 1 DP 499862, Lot 1 DP 516832, Lot 4 DP 557974, Lots 1 & 2 DP 557976, Lot 52 DP 750860, Lots 74 & 77 DP 750860, Lot 1 DP 1092967, Lots 1, 17, & 18 Section 2, DP 759143, Lots 2 & 3 Section 4 DP 759143, Lot 1 Section 5 DP 759143, Lots 1, 2, 3, 4, & 5 Section 6 DP 759143, Lots 6, 7, 8, 9, 10, 11, 12, & 13 Section 6 DP 759143, Lots 1, 16, & 17 Section 7 DP 759143, Tin Mines Road Ardlethan.

The project encompasses the following scope of works:

- Extraction of approximately 10 million tonnes (Mt) of tailings from the Main and Spring Valley Tailings Storage Facilities over the life of the development.
- Transportation of approximately 9.5Mt of pre-flotation tailings to a run-of-mine (ROM) Pad. Transportation of approximately 0.5Mt of post-flotation tailings to the White Crystal Open Cut which has previously been used for placement of post-flotation tailings.
- Reprocessing of the extracted tailings using a gravity separation reprocessing plant to produce a tin concentrate suitable for sale to international customers.
- Transportation of the tin concentrate from the Mine Site to port via road.
- Placement of the reprocessed tailings into the Ardwest/Wild Cherry Open Cut.
- Installation / carrying out of associated infrastructure and civil works in the form of portable amenities and office buildings, new workshop shed, earthworks, civil works for internal access roads, drainage and installation of modular gravity separation plant (any building works will be subject of a separate approvals).
- Rehabilitation of sections of the Mine Site, also form part of this proposal and include:
  - the footprints of the Main and Spring Valley Tailings Storage Facilities;
  - the former processing plant, workshop and office area; and
  - other areas disturbed as a result of this proposal.

The proposed reprocessing operations would occur via modular units, each with a capacity of 30 tonnes per hour (tph) or 250,000 tonnes per annum (tpa). Ultimately the development will see the production rate increased to enable reprocessing of up to 180tph (1.5Mtpa). It is anticipated that the proposal will be completed within a 13 – 15 year timeframe.

### **Voluntary Planning Agreements**

A Voluntary Planning Agreement (VPA) is an agreement entered into by a planning authority (such as Council or the Minister for Planning) and a developer.

.....*J. J. Seymour*..... MAYOR

.....*M. J. ...*.....GENERAL MANAGER.

VPAs are provided for under Subdivision 2 of Division 4 of Part 6 of the Environmental Planning and Assessment Act 1979 (EP&A Act) which provides the statutory framework for planning agreements.

The Environmental Planning and Assessment Regulation 2000 (the EP&A Regulation) provides a framework for planning agreements under Division 1A, Planning Agreements. The EP&A Regulation outlines the procedural requirements for the use of planning agreements as well as the making, amending and revocation of planning agreements and the public notice of planning agreements.

The Act declares them to be 'a voluntary agreement or other arrangement' between 'developers' and 'planning authorities' under which developers are required to make a monetary contribution, dedicate land free of cost, or provide any other material public benefits, or any combination, towards public purposes.

'Public purposes' are defined to include (without limitation):

- the provision of, or recoument of the cost of providing, public amenities or public services, affordable housing, or transport or other infrastructure,
- the funding of recurrent expenditure in relation to such things,
- the monitoring of the planning impacts of development, and
- the conservation or enhancement of the natural environment.

The contents of VPAs must specify a number mandatory matters, which are:

- the land, the environmental planning instrument change (ie. planning proposal), and the development to which they apply,
- the benefits to be provided by the developer, and when and how this will be done,
- whether section 94 and other compulsory development contributions provisions apply, or are excluded from applying, to the subject development,
- a dispute resolution mechanism, and
- a suitable means of enforcement in the event of a breach by the developer.

Proposed VPAs must be the subject of public notice and public inspection for 28 days. Where practicable, this must occur in connection with public notice and public inspection of proposed instrument changes or development applications.

#### **Terms of Offer: The Voluntary Planning Agreement**

A formal letter of offer from EOE (No.75) Pty Limited was received by Council and dated 5 July 2018.

The offer proposed the following:

- **Community Contributions:**
  - Year 1 - \$20,000 pa
  - Year 2 - \$30,000 pa
  - Years 3 to 8 - \$45,000
  - Years 9 to 15 – \$40,000 pa
  - Total 15 years - \$600,000
  
- **Project Administration and Compliance Management:**
  - Year 1 - \$10,000 pa
  - Year 2 - \$10,000 pa
  - Years 3 – \$10,000 pa
  - **Total** 15 years - \$150,000
  
- **Roads Maintenance Contributions:**
  - Year 1 - 15 \$5,000.00
  - **Total** 15 years - \$75, 000

The above figures would all be subject to annual CPI increases.

- **Tin Mines Road Upgrade:**

The applicant would be responsible for the works and costs for required Tin Mine Road upgrade works. The works would encompass and be timed as follows:

- **Stage 1:** Shoulder Reinstatement (Reseal to 5.6 metres wide, Table Drain Maintenance and Vegetation Clearing) and shall be completed prior to commencement of **any** activities / operations at the site.
  
- **Stage 2:** Widening of Existing Seal and Shoulder (to 7.2 metre wide seal) to be completed within twelve months of the operation of the development consent. The timing and treatment for the implementation of stage 2 works may also be subject to effective operation, safety and functioning of the road and may be required to be undertaken prior to the expiration of the 12 months.

These works shall also include the upgrading of the access point from Tin Mines Road to the site boundary.

.....*J. J. Seymour*..... MAYOR

.....*M. J. ...*..... GENERAL MANAGER.

The abovementioned Tin Mines Road upgrade plan and assessment would also be at applicants cost and shall be provided for Councils assessment prior to required works commencing.

The commencement date of the consent would be defined as commencement of non-pilot plant production.

It should be noted that the original offer from the proponent was:

<b>Component</b>	<b>Contribution – payable annually</b>
Community Fund	(a) \$3,000 when mine production commences (“Anniversary Date”), plus (b) \$3,000/year each anniversary thereafter (or \$3.00/t of concentrate exported from site, whichever is the greater).
<b>Council Infrastructure Contributions</b>	
Transportation route from site entrance to substation on Tin Mines Road	100% of actual costs
Transportation route from substation on Tin Mines Road to Burley Griffin Way	(a) \$5,000 when mine production commences (“Anniversary Date”), plus (b) \$5,000/year each anniversary thereafter (or \$5.00/t of concentrate exported from site, whichever is the greater).

### **Consultation**

External consultation has been undertaken with the applicant and a planning consultant appointed by Council.

Internal consultation has been undertaken with relevant Council Staff.

The Voluntary Planning Agreement (VPA) was placed on Public Notification for 28 days, from 22 August 2018 to 21 September 2018.

The VPA was advertised in the Temora Independent and Daily Advertiser on multiple dates with hard copies of the documents being located at the Ardlethan Post Office and Councils Cowabbie Street Office.

No submissions were received during the exhibition period.

### **Financial Implications**

The financial implications associated with this report are considered positive and are outlined above under the proposed terms of the planning agreement as



provided for in the letter of offer from the applicant and equate to a total contribution of \$825,000 over the life of the project.

- Other financial implications include engaging a planning consultant which equate to an estimated cost of \$20,000.00 in fees with the applicant agreeing to contribute to half of these costs. Attachment No. 8

Recommendation

That Council:

- 1) Note the Report on Ardlethan Tin Mine Rehabilitation and Tailings Reprocessing Voluntary Planning Agreement Exhibition;
- 2) Endorse the Planning Agreement and delegate to the General Manager and the Mayor the delegation to formally enter into and execute the agreement.

**RESOLVED on the motion of Clr McCann and seconded by Clr Maslin that Council:** 218/10/2018

- 1) **Note the Report on Ardlethan Tin Mine Rehabilitation and Tailings Reprocessing Voluntary Planning Agreement Exhibition;**
- 2) **Endorse the Planning Agreement and delegate to the General Manager and the Mayor the delegation to formally enter into and execute the agreement.**

*The Chairperson called for a division.  
Those voting in favour: All present  
Those voting against: Nil*

**HS3) DEVELOPMENT APPLICATION 2018/73:  
SECONDARY DWELLING (INSTALLATION OF MANUFACTURED HOME)  
67 LEARY'S LANE COOLAMON (DA73/2018)**

<b>Applicant</b>	Peter and Margaret Bell
<b>Owner</b>	Sean Christopher Carey & Alicia Jane Bell
<b>Development Cost</b>	\$129,425.00
<b>Development Description</b>	The proposal involves the installation of a single storey transportable dwelling with a floor area of 68.6 m <sup>2</sup> (excluding verandas) which will create a secondary dwelling on the subject site.

**Key Considerations**

- The use is permitted in the RU4 (Rural Small Holdings) Zone with Council consent.
- The Development Proposal complies with all Statutory (Local Environmental Plan) and Non Statutory (Development Control Plan) Development Controls.
- The application has received one (1) submission against the proposal.

**Assessment**

**Criteria for the Development Application Report - Determination Body Reason**

The application has been referred to Council for determination as it has received one submission against the development and in such circumstances the application must be considered by Council as required by the Coolamon Development Control Plan 2015.

**Consultation**

The application was notified to adjoining land owners in accordance with Section 14.3 of the CDCP 2015.

The notification was undertaken from 13 September to 27 September 2018.

One submission against the proposal was received by way of objection.

The submission was an objection to the development on the grounds that the application is for a secondary/transportable dwelling on the subject allotment and is not compliant with some of the provisions of a private covenant over the land. The private covenant provides, amongst a number of terms, that no more than one dwelling shall be erected on a lot created as part of the original subdivision of the land and that buildings are required to be comprised of stone, brick veneer or non-reflective metal etc.

It should be noted that Council cannot consider the terms of private covenants when assessing development applications. Clause 1.9 A of the Coolamon Local Environmental Plan 2011 provides:

1.9A Suspension of covenants, agreements and instruments

- (1) *For the purpose of enabling development on land in any zone to be carried out in accordance with this Plan or with a consent granted under the Act, any agreement, covenant or other similar instrument that restricts the carrying out of that development does not apply to the extent necessary to serve that purpose.*

Internal Consultation has occurred with Council Staff.

**Reasons for Approval (Summary)**

The Staff assessment has identified that:

- The application is for a use which is permitted in the RU4, Rural Small Holdings Zone.
- The Development Proposal complies with all Statutory (Local Environmental Plan) and Non Statutory (Development Control Plan) Development Controls.
- The development complies with the requirements of the Environmental Planning and Assessment Act 1979 and will not compromise the outcomes sought for the Coolamon Local Environmental Plan 2011 and Coolamon Development Control Plan 2015.
- Private Developer Covenants are not a relevant consideration in the development assessment process.

**Site Location**

The subject site is located at 67 Leary's Lane (Lot 10 DP 1063611), Coolamon, NSW.

The site is located on RU4 Rural Small Holdings zoned land. The site is 2 Ha in area and houses an existing dwelling and associated outbuildings on the land. Surrounding properties consist of a combination of RU1 Primary Production land and Rural Small Holdings zoned Land.

Power and water are available and currently service the land.

The site is generally flat and devoid of vegetation and is identified as being subject to overland flooding at the south eastern most corner of the land.

**Diagram: Site and Locality Plan**



**Policy**

Coolamon Local Environmental Plan 2011  
Coolamon Development Control Plan 2015

**Quadruple Bottom Line Analysis**

For a complete analysis of the social, environmental, economic and governance considerations please refer to s4.15 Report, attached

**Risk Management Issues from the Council**

Refusal of the application on unjustified grounds or approval of the application without adequate statutory planning or impact considerations may result in an appeal process in the Land and Environment Court which will have to be defended by Council. [Attachment 9](#)

**Internal / External Consultation**

➔ See the Section 4.15 Assessment report for full details of all consultation.

1. Site Plan
2. Statement of Environmental Effects
3. Plans
4. Section 4.15 Assessment Report

Recommendation

That Council approve Development Application 2018/73 for a Secondary Dwelling (Installation of Manufactured Home), at 67 Leary's Lane (Lot 10 DP 1063611), Coolamon, subject to the conditions listed in the attached 79 C Assessment Report.

**RESOLVED on the motion of Clr McCann and seconded by Clr Logan that Council approve Development Application 2018/73 for a Secondary Dwelling (Installation of Manufactured Home), at 67 Leary's Lane (Lot 10 DP 1063611), Coolamon, subject to the conditions listed in the attached 79 C Assessment Report.** 219/10/2018

*The Chairperson called for a division.*

*Those voting in favour: All present*

*Those voting against: Nil*

**HS4) RODNEY DENNIS AND COOLAMON SHIRE COUNCIL LAND AND ENVIRONMENT COURT UPDATE (LD196/18/330, DA62/2017)**

**Summary**

This report provides Council with an update on the Class 1, Appeal Application initiated by Mr. Rodney Dennis in the NSW Land and Environment Court against Council for the issuing of an order requiring compliance with conditions of development consent for a Storage Silo Development located at a site on the Rannock Road at Rannock.

**Background**

As Council may recall, a report was presented to the May 2018 Ordinary Council Business Meeting and titled 'RODNEY DENNIS VS. COOLAMON SHIRE COUNCIL LAND AND ENVIRONMENT COURT MATTER'. The report communicated to Council that Council had received notice that Class 1 Application Proceedings had been initiated by Mr. Rodney Dennis. The application to the Land and Environment Court by Mr Dennis, appealed against an order that Council had issued for the

applicant to comply with conditions of development consent that were issued in relation to a storage silo development at the Rannock Road development site.

Council engaged the services of Bradley Allen Love Lawyers who represented Council in this matter.

### **The Proceedings to Date**

The Dennis Trading vs Coolamon Shire Council matter was listed for a directions hearing at the NSW Land and Environment Court on 18 June 2018.

Bradley Allen Love Lawyers appeared for the Council.

The Court made the following orders:

1. The matter be listed for a s.34(4)(b) conference on 4 October 2018 commencing on site at 11am.
2. The Parties are to file a timetable in accordance with the standard directions with the Court by 6 July 2018.

In between the directions hearing and the scheduled 34 conference, the applicant through consultants, attempted to submit information and undertake actions to satisfy the outstanding conditions which were the subject of the Council order.

A number of the outstanding conditions were satisfied prior to the need to proceed to the scheduled conference.

As a result, both parties agreed to amend the terms of the order and submit to the Court for endorsement. The amended order removed those conditions that had been complied with and listed those conditions that had not. The outstanding conditions that remain on the amended order are as follows:

#### **1. Condition No. 14**

In carrying out the development permitted by the Consent you must comply with condition number 14 of the Consent by only conducting the approved use between the following hours:

- 6.30 a.m. to 10.00 p.m. Monday to Saturday during harvest season;
- 6.30 a.m. to 6.00 p.m in the non-harvest season (1<sup>st</sup> January to 31<sup>st</sup> October); and
- 8.00 a.m. to 1.00 p.m on any Sunday.

**2. Condition No 17**

In carrying out the development permitted by the Consent you must comply with condition number 17 of the Consent by not interfering with the amenity of the neighbourhood by reason of the omission of noise, vibrations, smell, fumes, smoke, vapour, steam, soot, ash, dust or waste water, waste products or grit, oil or any other form of pollution that may affect the neighbouring amenity.

**A. Before occupying any building under the Consent you must comply with the following conditions of the Consent:**

**3. Condition No. 30**

Comply with condition number 30 of the Consent by obtaining an Occupation Certificate pursuant to sections 6.3 and 6.4 (previously section 109C) of the *Environmental Planning and Assessment Act 1979*, from either Council or an accredited certifying authority.

In order to obtain the Occupation Certificate, the "Final Occupation Certificate" form must be completed and submitted to Council with all required attachments – failure to submit the completed Occupation Certificate Application form will result in an inability for Council to book and subsequently undertake Occupation Certificate inspection. You will also need to satisfy the conditions precedent to the issue of an occupation certificate, including condition 24.

In the absence of compliance with condition 21, in applying for an occupation certificate you will need to address the criteria in clause 162C of the EPA Regulation to support the issue of that certificate.

The amended order was forwarded to the Court on the 28 September 2018 for consideration at a brief telephone hearing which was conducted before Commissioner Morris of the Land and Environment Court on 3 October 2018.

At the telephone hearing each party made brief submissions explaining the history of the matter and the process which had led to the making of the s.34 agreement. The Commissioner indicated that she was satisfied that the Court should make orders in accordance with the s.34 agreement

The amended order will now exist in perpetuity or until such time as the order is revoked. Given that the amended order was agreed by both parties the applicant and the Council and endorsed by the Court, the amended order will provide a

weighted mechanism for Council to utilise if noncompliance is not achieved with the conditions of consent contained in the amended order.

### **Occupation Certificate Inspection**

Council staff undertook an occupation certificate inspection of the site on 2 October 2018 with the applicants consultants.

The inspection identified that the following matters are required to be addressed prior to Council being able to consider the issuing of the final occupation certificate:

- Amended landscaping plan that identifies proposed landscaping across the Rannock Road Frontage;
- The proposed landscaping that is identified in the required amended landscaping plan needs to be undertaken/completed;
- A 10 km road sign needs to be installed at the Rannock Road Site Entry / or a 15 km sign can be installed along with an amended signage plan

Council staff are confident that the abovementioned works will be completed as a matter of priority and that the applicant will arrange for required occupation certificate inspection which is one of the conditions still outstanding on the amended Order.

Once the final occupation certificate has been issued, as previously mentioned, the terms of the amended order will remain. This is important as it provides Council with the ability to ensure that conditions of development consent regarding operational hours and amenity are complied with. Failure to comply with the terms of the amended order may result in Council considering initiating Class 4 Proceedings at the NSW Land and Environment Court to ensure compliance and unlike Class 1 Proceedings Council, Council would have the ability to request that the Court issue cost orders against the applicant for the costs associated with initiating such proceedings.

### **Consultation**

Consultation has occurred with relevant internal council staff and with Councils appointed solicitors in relation to this matter.

### **Recommendation**

That Council note the Rodney Dennis and Coolamon Shire Council Land and Environment Court Update Report.



**RESOLVED on the motion of Clr Maslin and seconded by Clr Crocker that Council note the Rodney Dennis and Coolamon Shire Council Land and Environment Court Update Report.** 220/10/2018

**5) REPORTS: DELEGATES/MAYOR/COUNCILLORS**

DROUGHT CONDITIONS – GOLDENFIELDS WATER (W.01-02, SC433)


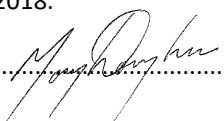
Concerns were made over the implications that the drought conditions are impacting on the provision of water by standpipe from Goldenfields Water. Reasons were explained by Clr Dave McCann as part of his role as a Board member of Goldenfields Water. It appeared that concerns still existed about the time taken to fill water tanks. A motion was put to write to Goldenfields Water expressing our concerns about the current inability to get water quickly and efficiently from standpipes, especially during the current and pending drought.

**RESOLVED on the motion of Clr Maslin and seconded by Clr Jones that Council write to Goldenfields Water expressing their concerns over the difficulty in obtaining domestic water quickly and efficiently.** 221/10/2018

***Meeting Closed at 3.48 pm***

Confirmed and signed during the Meeting held this 15<sup>th</sup> day of November, 2018.

.....  
**MAYOR**

.....  ..... MAYOR      .....  ..... GENERAL MANAGER.