



LEETON
SHIRE COUNCIL

**MINUTES OF THE ORDINARY
COUNCIL MEETING
WEDNESDAY 27 MARCH 2019
COMMENCING AT 7.05PM
AT THE COUNCIL CHAMBERS**

Present:

Councillors:

Cr. Paul Maytom (Mayor), Cr. George Weston (Deputy Mayor), Cr. Paul Smith,
Cr. Peter Davidson, Cr. Tony Ciccia, Cr. Tony Reneker, Cr. Sandra Nardi,
Cr. Tracey Morris and Cr. Michael Kidd

Staff:

Jackie Kruger (General Manager), Craig Bennett (Director Corporate and
Community), Peter Keane (Director Environment and Engineering), Garry Stoll
(Manager Planning, Building and Health) and Alison Balind (Governance and
Corporate Planning Coordinator)

Press: Talia Carn – The Irrigator

LEETON SHIRE COUNCIL

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1. **CIVIC PRAYER** Cr Tracey Morris

2. **ACKNOWLEDGEMENT OF COUNTRY** Cr Paul Maytom

3. **APOLOGIES**

Nil

4. **CONFIRMATION OF THE MINUTES**

19/045

Resolved

THAT the Minutes of the Ordinary Council Meeting held on Wednesday 27 February 2019, as circulated, be taken as read and CONFIRMED.

(Moved Cr Ciccia, seconded Cr Weston)

ADDITIONAL/LATE ITEMS

19/046

Resolved

THAT the following items, namely:

10.1. OFFERS TO PURCHASE LAND AT VANCE INDUSTRIAL ESTATE

are accepted as late items onto this Agenda for discussion.

(Moved Cr Davidson, seconded Cr Kidd)

5. **DECLARATIONS OF INTEREST**

NON-SIGNIFICANT NON-PECUNIARY

Item No 8.14: Councillor Nardi declared a Non-Significant, Non-Pecuniary interest for Item 8.14: Development Application 121/208 Frost Control Fan – Lot 258 DP 751694, Lot 3 DP 729580, Lot 10 DP 825008, 470 Merungle Hill Road, Merungle Hill, Leeton.

The reason for this declaration is that the Ianelli family have become business customers of Councillor Nardi. Councillor Nardi does not feel that she has a closeness of association with this family.

Councillor Nardi intends to remain in the meeting, participate in the debate and vote on this matter as she does not believe that the interest is significant enough to affect her ability to make a decision on this matter.

Item No 8.16: Councillor Nardi declared a Non-Significant, Non-Pecuniary interest for Item 8.16 Development Application 123/2018 Frost Control Fan - Lot 129, 130 DP 751745, 281c Yate Road Leeton.

The reason for the declaration is there is no closeness in association.

Councillor Nardi intends to remain in the meeting, participate in the debate and vote on this matter as she does not believe that the interest is significant enough to affect her ability to make a decision on this matter.

Closed Council Item 10.1: Councillor Smith declared a Non-Significant, Non-Pecuniary Interest for Item 10.1: Offers to Purchase Land at Vance Industrial Estate.

The reason for the declaration is that the applicant in regard to this matter is in direct competition of Councillor Smith's employer with their prospective business venture.

Councillor Smith intends to remain in the meeting, participate in the debate and vote on this matter as he does not believe that the interest is significant enough to affect his ability to make a decision on this matter.

SIGNIFICANT NON-PECUNIARY

Item 8.15: Councillor Nardi declared a Significant, Non-Pecuniary Interest for Item 8.15 Development Application 122/2018 Frost Control Fan – Lot 93, 137, 156 DP 751703, 1986 Davies Road, Leeton. The reason for this declaration is that Councillor Nardi's parents' block is in the vicinity of this DA and she does not want to be seen as being biased. Councillor Nardi intends to vacate the meeting, not participate in the debate and not vote on this matter.

Item 8.17: Councillor Nardi declared a Significant, Non-Pecuniary Interest for Item 8.17 Development Application 128/2018 Frost Control Fan - Lot 155 Dp 751735, Farm 383 Saunderson Road, Leeton. The reason for this declaration is that Councillor Nardi has a closeness of association. Councillor Nardi intends to vacate the meeting, not participate in the debate and not vote on this matter.

Item 8.18: Councillor Nardi declared a Significant Non-Pecuniary Interest for Item 8.18 Development Application 140/2018 Frost Control Fan - Lot 1 DP 816991, 40 Crowes Road, Leeton. The reason for the declaration is that Councillor Nardi has a closeness of association. Councillor Nardi intends to vacate the meeting, not participate in the debate and not vote on this matter.

6. MAYORAL MINUTES

Nil

19/047

Resolved

THAT Items 8.14, 8.15, 8.16, 8.17 and 8.18 be brought forward in the agenda to allow for speakers for and against to be heard.

(Moved Cr Weston, seconded Cr Reneker)

Having so resolved, presentations to the Council commenced at 7.10pm.

ITEM 8.14: DEVELOPMENT APPLICATION 121/2018 FROST CONTROL FAN – LOT 258 DP 751694, LOT 3 DP 729580, LOT 10 DP 825008, 470 MERUNGLE HILL ROAD, MERUNGLE HILL, LEETON

Councillor Nardi declared a Non-Significant, Non-Pecuniary interest for this Item.

The reason for this declaration is that the Ianelli family have become business customers of Councillor Nardi. Councillor Nardi does not feel that she has a closeness of association with this family.

Councillor Nardi remained in the meeting, participated in the debate and voted on this matter as she did not believe that the interest was significant enough to affect her ability to make a decision on this matter.

Presentations for DA 121/2018

Assessing Officer, Garry Stoll (Manager Building, Health and Planning), provided the Council with an overview of DA 121 at 7.11pm.

Speakers for the Applicant – Mr Ben Daking from Australian Frost Fans addressed the Council at 7.15pm. The Applicant, Mr Giuseppe Iannelli addressed the Council at 7.20pm.

Expert Witness – Mr Jason Turner from Sonus addressed the Council at 7.25pm.
Objector – Mr Garry Wallett addressed the Council at 7.32pm.

Suspension of Standing Orders

19/048

Resolved

THAT Standing Orders be suspended to allow for questions from Councillors in relation to DA 121/2018.

(Moved Cr Weston, seconded Cr Morris)

Having so resolved, Standing Orders were suspended at 7.36pm.

Resumption of Standing Orders

19/049

Resolved

THAT Standing Orders be resumed.

(Moved Cr Weston, seconded Cr Davidson)

Having so resolved Standing Orders were resumed at 7.56pm.

Suspension of Standing Orders

19/050

Resolved

THAT Standing Orders be suspended to allow for additional questions from Councillors in relation to DA 121/2018.

(Moved Cr Davidson, seconded Cr Smith)

Having so resolved, Standing Orders were suspended at 8.02pm.

Resumption of Standing Orders

19/051

Resolved

THAT Standing Orders be resumed.

(Moved Cr Weston, seconded Cr Nardi)

Having so resolved, Standing Orders resumed at 8.16pm.

Item 8.14 DEVELOPMENT APPLICATION 121/2018 FROST CONTROL FAN - LOT 258 DP 751694, LOT 3 729580, LOT 10 DP 825008, 470 MERUNGLE HILL ROAD, MERUNGLE HILL, LEETON

19/052

Resolved

THAT Council grants consent to Development Application 121/2018 to install three new Frostboss "C49" Frost Control Fans on Lot 3 in DP 729580 Merungle Hill Road, Lot 10 in DP 825008, Merungle Hill Road and Lot 258 in DP 75169, Merungle Hill Road, Leeton, subject to the following conditions:

Approval is granted generally in accordance with the stamped approved plans, Statement of Environmental Effects and other approved documentation detailed as follows and the conditions detailed below:

Title/Plan no:	Ref no:	Sheet no:	Drawn by:	Dated:
Statement of Environmental Effects	GTVC & GAB Iannelli	1-6	Frost Protection Australia	-
Accompanying information	-	-	Frost Protection Australia	-
Site Plan	-	-	Frost Protection Australia	-
Structural Drawings Index	-	-	Design Phase Limited Consulting Engineers	-
Frostboss C49 Tower Elevations	1037-C49	S.01 of 02	Design Phase Limited Consulting Engineers	19/07/2010

Frostboss C49 Foundation & Baseplate Details and Hold down bolts	1037-C49	S.02 of 02	Design Phase Limited Consulting Engineers	19/07/2010
Structural Design Calculations	Frostboss A24 & C49	-	Kelvin Landon	20 July 2010
Frost Boss C49 Frost Fan Field Testing Noise Report	-	1-9	Nevil Hegley	September 2010
Environmental Noise Assessment	S4390C90a	1-7	Jason Turner	November 2018

{Reason: To ensure that the development is undertaken in accordance with that assessed}

1. In accordance with the Leeton Shire Council Section 94A levy Plan, the applicant shall pay the following section 94A monetary contribution:

- a) Amount of Contribution
\$973.50 (0.5% of development cost)

- b) Timing and Method of Payment
The contribution shall be paid in the form of cash, credit or bank cheque made out to Leeton Shire Council. Evidence of payment to Leeton Shire Council shall be submitted to the Principal Certifying Authority prior to the use of development/the release of the construction certificate/occupation certificate/ subdivision certificate.

- c) Indexing
The contributions will be adjusted in accordance with the requirements of the Leeton Section 94A Levy Plan.

{Reason: To meet the demands for public services and facilities as a result of the development within the Leeton Shire}

2. All building works shall be carried out in accordance with the National Construction Code.

{Reason: Compliance with prescribed conditions made under Environmental Planning & Assessment Regulation 2000.}

3. No activity is to be carried out on site until the Construction Certificate has been issued, other than:

- a. Site investigation for the preparation of the construction, and/or
- b. Implementation of environmental protection measures, such as erosion control etc that are required by this consent.

{Reason: To ensure the construction certificate is issued prior to the commencement of works.}

4. A copy of the stamped approved plans shall be kept on site for the duration of site works and be made available upon request to either the Principal Certifying Authority or an officer of the Council.

{Reason: To ensure the Principal Contractor has access to the approved plans.}

5. The following Critical Stage Inspections are required to be carried out by the Principal Certifying Authority to enable the issue of an Completion Certificate:
 - a. After excavation for, and prior to the placement of, any footings.
 - b. Prior to pouring any in-situ reinforced concrete building element.
 - c. After the building work has been completed and prior to any use.

48 hours prior notice for all of the above inspections (where applicable) shall be given.

{Reason: Section 109E(3)(d) of the Environmental Planning & Assessment Act 1979, requires that critical stage inspections are carried out prior to the issue of an Occupation Certificate (OC).}

6. Public access to the construction site is to be prevented, when building is not in progress or the site is unoccupied.

These prevention measures shall be in accordance with the publication titled, 'Site Security and Public Access onto Housing Construction Sites' and installed prior to the commencement of any demolition, excavation or building works and be maintained throughout construction. The use of barbed wire and/or electric fencing is not to form part of the protective fencing to construction sites.

{Reason: To comply with the requirements set by WorkCover}

7. A sign is required to be erected in a prominent position on any work site on which building or demolition work is being carried out. The sign shall indicate:
 - a. The name, address and telephone number of the Principal Certifying Authority for the work; and
 - b. The name of the Principal Contractor and a telephone number at which that person may be contacted outside of working hours; and
 - c. That unauthorised entry to the work site is prohibited.

Any such sign is to be maintained while the building work, subdivision work or demolition work is being carried out, but shall be removed when the work has been completed.

{Reason: Compliance with prescribed conditions made under Environmental Planning & Assessment Regulation 2000.}

8. Temporary closet accommodation being provided throughout the course of building operations by means of a chemical closet complying with the requirements of the Department of Environment and Climate Change or temporary connections to Council's sewer where available, such connections to be carried out by a licensed plumber and drainer.

{Reason: To ensure all workers on site have access to toilet facilities.}

9. Erosion and sediment control measures shall be undertaken and maintained in respect to any part of the land where the natural surface is disturbed or earthworks are carried out.

{Reason: to ensure no detrimental effects are caused to Council infrastructure}

10. Clearing of land, excavation, and/or earthworks, building works, and the delivery of building materials shall be carried out between the following hours:

Mondays to Fridays - 7:00am to 6:00pm

Saturdays - 8:00am to 4:00pm except as noted in Clause 'b'

- a. No work is permitted on Sundays and Public Holidays
- b. No work is permitted on:
Saturdays when a public holiday is adjacent to that weekend.
Construction industry awarded rostered days off.
Construction industry shutdown long weekends.

{Reason: Compliance with the Protection of the Environmental Operations: Noise Control Regulation 2017 and council policy.}

11. Application for any Completion Certificate shall be submitted to and approved by the Principal Certifying Authority prior to the use of the frost fans.

{Reason: Compliance with section 6.9 of the Environmental Planning & Assessment Act 1979.}

12. That the operation of the proposed new frost control fans is to at all times comply with the Environmental Noise Assessment Report No. S4390C90A dated November 2018 from Jason Taylor Senior Associate SONUS, and in particular that;

- i) The fans are to operate at a maximum fan speed of 418 rpm and maximum motor speed of 1800 rpm, and
- ii) The fans are not to operate when the temperature reaches 0.5C, and
- iii) All fans are to operate in accordance with Clause 7 of the Leeton Shire Council Frost Control Fans Policy.

13. The development shall comply with the Leeton Shire Council Frost Control Fan Policy. In particular the fans must operate under the following conditions:

- (a) The frost control fan must have a thermostatic control that is set at all times to a temperature appropriate to the crop being protected. The anticipated temperature that the fans would come on to protect crops from frost is no higher than 0.5°C.
- (b) The driving engine for the frost control fan must be fitted with a muffler system, with the exhaust pipes being set into pits in the ground.

Council conduct a Division and record the votes both for and against the resolution.

For the Motion

Cr P Davidson
Cr G Weston
Cr M Kidd
Cr P Maytom
Cr TA Morris
Cr TC Ciccia
Cr SN Nardi
Cr TR Reneker
Cr PS Smith

Carried Unanimously (9 votes – 0)

Against the Motion

Nil

(Moved Cr Weston, seconded Cr Morris)

ITEM 8.15: DEVELOPMENT APPLICATION 122/2018 FROST CONTROL FAN – LOT 93, 137, 156 DP 751703, 1986 DAVIES ROAD, LEETON

Councillor Nardi declared a Significant, Non-Pecuniary Interest for this Item.

The reason for the declaration is that Councillor Nardi's parents' block is in the vicinity of this DA and she does not want to be seen as being biased.

Councillor Nardi vacated the meeting at 8.24pm did not participate in the debate and did not vote on this matter.

Director of Corporate and Community left the Chamber at 8.25pm.

Presentations for DA 122/2018

Assessing Officer, Garry Stoll (Manager Building, Health and Planning), provided the Council with an overview of DA 122/18 at 8.25pm.

Director of Corporate and Community returned to the Chamber at 8.26pm.

Speakers for the Applicant – Mr Ben Daking – Australian Frost Fans addressed the Council at 8.30pm. Mr Frank Mercuri – Applicant addressed the Council at 8.32pm.

Cr Tony Ciccia left the meeting, the time being 08:32pm.

Expert Witness – Mr Jason Turner – Sonus addressed the Council at 8.34pm.

Objector – Mr George Nolan addressed the Council at 8.36pm.

Cr Tony Ciccia returned to the meeting, the time being 08:40pm.

Suspension of Standing Orders

19/053

Resolved

THAT Standing Orders be suspended to allow Council to ask questions of the speakers.

(Moved Cr Weston, seconded Cr Morris)

Having so resolved, Standing Orders were suspended at 8.41pm.

Resumption of Standing Orders

19/054

Resolved

THAT Standing Orders be resumed.

(Moved Cr Reneker, seconded Cr Davidson)

Having so resolved, Standing Orders were resumed at 9.00pm.

Item 8.15 DEVELOPMENT APPLICATION 122/2018 FROST CONTROL FAN - LOT 93, 137, 156 DP 751703, 1986 DAVIES ROAD, LEETON

19/055

Resolved

THAT Council hereby grants in accordance with section 4.16 of the Environmental Planning & Assessment Act 1979 Deferred Commencement Consent to Development Application 122/2018 for the installation eleven (11) frost fans at Lots 93, 137 and 156 in DP 751703, 1986 Davies Road, Leeton, subject to the following conditions:

Conditions of Consent

1. The installation and operation of eleven (11) frost control fans are to be undertaken generally in accordance with the stamped approved plans, Statement of Environmental Effects and other approved documentation.

Title/Plan no:	Ref no:	Sheet no:	Drawn by:	Dated:
Statement of Environmental Effects	D & T Nardi & Partners	1-6	Frost Protection Australia	-
Accompanying information	-	-	Frost Protection Australia	-
Site Plan	-	-	Frost Protection Australia	-
Structural Drawings Index	-	-	Design Phase Limited Consulting Engineers	-
Frostboss C49 Tower Elevations	1037-C49	S.01 of 02	Design Phase Limited Consulting Engineers	19/07/2010
Frostboss C49 Foundation & Baseplate Details and Hold down bolts	1037-C49	S.02 of 02	Design Phase Limited Consulting Engineers	19/07/2010
Structural Design Calculations	Frostboss A24 & C49	-	Kelvin Landon	20 July 2010
Frost Boss C49 Frost Fan Field Testing Noise Report	-	1-9	Nevil Hegley	September 2010
Environmental Noise Assessment	S4390C113	1-7	Jason Turner	November 2018

{Reason: To ensure that the development is undertaken in accordance with that assessed}

2. In accordance with Division 6 of Part 4 of the Act, the applicant shall pay the following section 94A monetary contribution:

i) Amount of Contribution
 \$7,139 (1% of development cost)

ii) Timing and Method of Payment
 The contribution shall be paid in the form of cash, credit or bank cheque made out to Leeton Shire Council. Evidence of payment to Leeton Shire Council shall be submitted to the Principal Certifying Authority prior to the use of development/the release of the construction certificate/occupation certificate/ subdivision certificate.

iii) Indexing
 The contributions will be adjusted in accordance with the requirements of the Leeton Section 94A Levy Plan

{Reason: To meet the demands for public services and facilities as a result of the development within the Leeton Shire}

3. All building works shall be carried out in accordance with the National Construction Code.

{Reason: Compliance with prescribed conditions made under Environmental

Planning & Assessment Regulation 2000.}

- i) No activity is to be carried out on site until the Construction Certificate has been issued, other than:
- ii) Site investigation for the preparation of the construction, and/or
- iii) Implementation of environmental protection measures, such as erosion control etc that are required by this consent.

{Reason: To ensure the construction certificate is issued prior to the commencement of works.}

4. A copy of the stamped approved plans shall be kept on site for the duration of site works and be made available upon request to either the Principal Certifying Authority or an officer of the Council.

{Reason: To ensure the Principal Contractor has access to the approved plans.}

5. The following Critical Stage Inspections are required to be carried out by the Principal Certifying Authority to enable the issue of an Occupation Certificate:

- i) After excavation for, and prior to the placement of, any footings.
- ii) Prior to pouring any in-situ reinforced concrete building element.
- iii) After the building work has been completed and prior to any use.

48 hours prior notice for all of the above inspections (where applicable) shall be given.

{Reason: Section 109E(3)(d) of the Environmental Planning & Assessment Act 1979, requires that critical stage inspections are carried out prior to the issue of an Occupation Certificate (OC).}

6. Public access to the construction site is to be prevented, when building is not in progress or the site is unoccupied.

These prevention measures shall be in accordance with the publication titled, 'Site Security and Public Access onto Housing Construction Sites' and installed prior to the commencement of any demolition, excavation or building works and be maintained throughout construction. The use of barbed wire and/or electric fencing is not to form part of the protective fencing to construction sites.

{Reason: To comply with the requirements set by WorkCover}

7. A sign is required to be erected in a prominent position on any work site on which building or demolition work is being carried out. The sign shall indicate:

- i) The name, address and telephone number of the Principal Certifying Authority for the work; and
- ii) The name of the Principal Contractor and a telephone number at which that person may be contacted outside of working hours; and

iii) That unauthorised entry to the work site is prohibited.

Any such sign is to be maintained while the building work, subdivision work or demolition work is being carried out, but shall be removed when the work has been completed.

{Reason: Compliance with prescribed conditions made under Environmental Planning & Assessment Regulation 2000.}

8. Temporary closet accommodation being provided throughout the course of building operations by means of a chemical closet complying with the requirements of the Department of Environment and Climate Change or temporary connections to Council's sewer where available, such connections to be carried out by a licensed plumber and drainer.

{Reason: To ensure all workers on site have access to toilet facilities.}

9. Erosion and sediment control measures shall be undertaken and maintained in respect to any part of the land where the natural surface is disturbed or earthworks are carried out.

{Reason: to ensure no detrimental effects are caused to Council infrastructure}

10. Clearing of land, excavation, and/or earthworks, building works, and the delivery of building materials shall be carried out between the following hours:

Mondays to Fridays - 7:00am to 6:00pm

Saturdays - 8:00am to 4:00pm except as noted in Clause 'b'

No work is permitted on Sundays and Public Holidays

No work is permitted on:

Saturdays when a public holiday is adjacent to that weekend.

Construction industry awarded rostered days off.

Construction industry shutdown long weekends.

{Reason: Compliance with the Protection of the Environmental Operations: Noise Control Regulation 2017 and council policy.}

11. Application for any Completion Certificate shall be submitted to and approved by the Principal Certifying Authority prior to occupation of the building.

{Reason: Compliance with section 6.9 of the Environmental Planning & Assessment Act 1979.}

12. The frost fan is not to be operated until the Completion Certificate has been issued.

{Reason: Compliance with section 6.9 of the Environmental Planning & Assessment Act 1979.}

13. That the operation of the proposed new frost control fans is to at all times comply with the Environmental Noise Assessment Report No. S4390C113 dated November 2018 from Jason Taylor Senior Associate SONUS, and in particular that;
- i) The fans are to operate at a maximum fan speed of 418 rpm and maximum motor speed of 1800 rpm, and
 - ii) The fans are not to operate at greater or equal to 0.5C, and
 - iii) All fans are to operate in accordance with Clause 7 of the Leeton Shire Council Frost Control Fans Policy.
14. The development shall comply with the Leeton Shire Council Frost Control Fan Policy. In particular the fans must operate under the following conditions:
- i) The frost control fan must have a thermostatic control that is set at all times to a temperature appropriate to the crop being protected. The anticipated temperature that the fans would come on to protect crops from frost is no higher than 0.5°C.
 - ii) The driving engine for the frost control fan must be fitted with a muffler system, with the exhaust pipes being set into pits in the ground.

Council conduct a Division and record the votes both for and against the resolution.

For the Motion

Against the Motion

Cr P Davidson
Cr G Weston
Cr M Kidd
Cr P Maytom
Cr TA Morris
Cr TC Ciccica
Cr TR Reneker
Cr PS Smith

Nil

Carried Unanimously (8 votes – 0) – Cr Nardi was absent from the Chamber.

(Moved Cr Weston, seconded Cr Ciccica)

Cr Nardi returned to the Chamber at 9.09pm.

ITEM 8.16 DEVELOPMENT APPLICATION 123/2018 FROST CONTROL FAN - LOT 129, 130 DP 751745, 281C YATE ROAD LEETON

Councillor Nardi declared a Non-Significant, Non-Pecuniary interest for this Item.

The reason for this declaration is that there is no closeness of association.

Councillor Nardi remained in the meeting, participated in the debate and voted on this matter as she did not believe that the interest was significant enough to affect her ability to make a decision on this matter.

Presentations for DA 123/2018

Assessing Officer, Garry Stoll (Manager Building, Health and Planning), provided the Council with an overview of DA 123/18 at 9.10pm.

Speakers for the Applicant – Mr Ben Daking – Australian Frost Fans addressed the Council at 9.13pm. Mr Frank Mercuri, Pacific Fresh – Applicant addressed the Council at 9.15pm.

Expert Witness – Mr Jason Turner – Sonus addressed the Council at 9.17pm.

Objectors – Ann-Marie Hillam addressed the Council at 9.21pm reading a statement from objector, Terry Morphett and then spoke on behalf of herself and her husband, Glenn Hillam.

June Dilorenzo addressed the Council at 9.29pm.

Elisha McCann addressed the Council at 9.36pm on behalf of some of the residents on Toorak Road, Lauren Campbell and Kim Salerno.

Suspension of Standing Orders

19/056

Resolved

THAT Standing Orders be suspended to allow Council to ask questions of the speakers.

(Moved Cr Weston, seconded Cr Davidson)

Having so resolved, Standing Orders were suspended at 9.46pm.

Resumption of Standing Orders

19/057

Resolved

THAT Standing Orders be resumed.

(Moved Cr Weston, seconded Cr Morris)

Having so resolved, Standing Orders were resumed at 10.21pm.

**Item 8.16 DEVELOPMENT APPLICATION 123/2018 FROST CONTROL FAN - LOT 129,
 130 DP 751745, 281C YATE ROAD LEETON**

19/058

Resolved

THAT Council hereby grants in accordance with section 4.16 of the Environmental Planning & Assessment Act 1979 Deferred Commencement Consent to Development Application 123/2018 for the installation four (4) frost fans at Lots 129 & 130 DP 751745, 281c Yate Road, Leeton, subject to the following conditions:

Conditions of Consent

1. The installation and operation of four (4) frost control fans are to be undertaken generally in accordance with the stamped approved plans, Statement of Environmental Effects and other approved documentation.

Title/Plan no:	Ref no:	Sheet no:	Drawn by:	Dated:
Statement of Environmental Effects		1-6	Frost Protection Australia	-
Accompanying information	-	-	Frost Protection Australia	-
Site Plan	-	-	Frost Protection Australia	-
Structural Drawings Index	-	-	Design Phase Limited Consulting Engineers	-
Frostboss C49 Tower Elevations	1037-C49	S.01 of 02	Design Phase Limited Consulting Engineers	19/07/2010
Frostboss C49 Foundation & Baseplate Details and Hold down bolts	1037-C49	S.02 of 02	Design Phase Limited Consulting Engineers	19/07/2010
Structural Design Calculations	Frostboss A24 & C49	-	Kelvin Landon	20 July 2010
Frost Boss C59 Frost Fan Field Testing Noise Report	Report 15136	1-9	Nevil Hegley	May 2015
Environmental Noise Assessment	S4390C109	1-7	Jason Turner	November 2018

{Reason: To ensure that the development is undertaken in accordance with that assessed}

2. In accordance with the Leeton Shire Council section 94A Levy Plan, the applicant shall pay the following section 94A monetary contribution:
 - i) amount of Contribution
 \$2,860 (1% of development cost)
 - ii) Timing and Method of Payment
 The contribution shall be paid in the form of cash, credit or bank cheque made out to Leeton Shire Council. Evidence of payment to Leeton Shire Council shall be submitted to the Principal Certifying Authority prior to the use of development/the release of the construction certificate/

occupation certificate/subdivision certificate.

iii) Indexing

The contributions will be adjusted in accordance with the requirements of the Leeton Section 94A Levy Plan.

{Reason: To meet the demands for public services and facilities as a result of the development within the Leeton Shire}

3. All building works shall be carried out in accordance with the National Construction Code.

{Reason: Compliance with prescribed conditions made under Environmental Planning & Assessment Regulation 2000.}

4. No activity is to be carried out on site until the Construction Certificate has been issued, other than:

- a. Site investigation for the preparation of the construction, and/or
- b. Implementation of environmental protection measures, such as erosion control etc that are required by this consent.

{Reason: To ensure the construction certificate is issued prior to the commencement of works.}

5. A copy of the stamped approved plans shall be kept on site for the duration of site works and be made available upon request to either the Principal Certifying Authority or an officer of the Council.

{Reason: To ensure the Principal Contractor has access to the approved plans.}

6. The following Critical Stage Inspections are required to be carried out by the Principal Certifying Authority to enable the issue of an Occupation Certificate:

- (a) After excavation for, and prior to the placement of, any footings.
- (b) Prior to pouring any in-situ reinforced concrete building element.
- (c) After the building work has been completed and prior to any use.

48 hours prior notice for all of the above inspections (where applicable) shall be given.

{Reason: Section 109E(3)(d) of the Environmental Planning & Assessment Act 1979, requires that critical stage inspections are carried out prior to the issue of an Occupation Certificate (OC).}

7. Public access to the construction site is to be prevented, when building is not in progress or the site is unoccupied.

These prevention measures shall be in accordance with the publication titled, 'Site Security and Public Access onto Housing Construction Sites' and installed prior to the commencement of any demolition, excavation or building works and be maintained throughout construction. The use of barbed wire and/or electric fencing is not to form part of the protective fencing to construction sites.

{Reason: To comply with the requirements set by WorkCover}

8. A sign is required to be erected in a prominent position on any work site on which building or demolition work is being carried out. The sign shall indicate:
- (a) The name, address and telephone number of the Principal Certifying Authority for the work; and
 - (b) The name of the Principal Contractor and a telephone number at which that person may be contacted outside of working hours; and
 - (c) That unauthorised entry to the work site is prohibited.

Any such sign is to be maintained while the building work, subdivision work or demolition work is being carried out, but shall be removed when the work has been completed.

{Reason: Compliance with prescribed conditions made under Environmental Planning & Assessment Regulation 2000.}

9. Temporary closet accommodation being provided throughout the course of building operations by means of a chemical closet complying with the requirements of the Department of Environment and Climate Change or temporary connections to Council's sewer where available, such connections to be carried out by a licensed plumber and drainer.

{Reason: To ensure all workers on site have access to toilet facilities.}

10. Erosion and sediment control measures shall be undertaken and maintained in respect to any part of the land where the natural surface is disturbed or earthworks are carried out.

{Reason: to ensure no detrimental effects are caused to Council infrastructure}

11. Clearing of land, excavation, and/or earthworks, building works, and the delivery of building materials shall be carried out between the following hours:

Mondays to Fridays - 7:00am to 6:00pm

Saturdays - 8:00am to 4:00pm except as noted in Clause 'b'

No work is permitted on Sundays and Public Holidays

No work is permitted on:

Saturdays when a public holiday is adjacent to that weekend.

Construction industry awarded rostered days off.

Construction industry shutdown long weekends.

{Reason: Compliance with the Protection of the Environmental Operations: Noise Control Regulation 2017 and council policy.}

12. Application for any Completion Certificate shall be submitted to and approved by the Principal Certifying Authority prior to occupation of the building.

{Reason: Compliance with section 6.9 of the Environmental Planning & Assessment Act 1979.}

13. The frost fan is not to be operated until the Completion Certificate has been issued.

{Reason: Compliance with section 6.9 of the Environmental Planning & Assessment Act 1979.}

14. That the operation of the proposed new frost control fans is to at all times comply with the Environmental Noise Assessment Report No. S4390C113 dated November 2018 from Jason Taylor Senior Associate SONUS, and in particular that;

- i) The fans are to operate at a maximum fan speed of 418 rpm and maximum motor speed of 1800 rpm, and
- ii) The fans are not to operate when the temperature reaches 0.5C, and
- iii) All fans are to operate in accordance with Clause 7 of the Leeton Shire Council Frost Control Fans Policy.

15. The development shall comply with the Leeton Shire Council Frost Control Fan Policy. In particular the fans must operate under the following conditions:

- i) The frost control fan must have a thermostatic control that is set at all times to a temperature appropriate to the crop being protected. The anticipated temperature that the fans would come on to protect crops from frost is no higher than 0.5°C.
- ii) The driving engine for the frost control fan must be fitted with a muffler system, with the exhaust pipes being set into pits in the ground.

Council conduct a Division and record the votes both for and against the resolution.

For the Motion

Cr P Davidson
Cr G Weston
Cr P Maytom
Cr TA Morris
Cr TC Ciccica
Cr SN Nardi

Against the Motion

Cr M Kidd
Cr TR Reneker

Cr PS Smith
Carried (7 votes to 2)

(Moved Cr Weston, seconded Cr Davidson)

Council Resolution

19/059

Resolved

THAT the meeting be adjourned for five minutes.

(Moved Cr Smith, seconded Cr Ciccia)

The Council meeting adjourned at 10.30pm and resumed at 10.37pm.

Item 8.17 DEVELOPMENT APPLICATION 128/2018 FROST CONTROL FAN - LOT 155 DP 751735, FARM 383 SAUNDERSON ROAD, LEETON

Councillor Nardi declared a Significant, Non-Pecuniary Interest for this Item. The reason for the declaration is that Councillor Nardi has a closeness of association.

Councillor Nardi vacated the meeting at 10.39pm did not participate in the debate and did not vote on this matter.

Presentations for DA 128/2018

Assessing Officer, Garry Stoll (Manager Building, Health and Planning), provided the Council with an overview of DA 128/18 at 10.38pm.

Speakers for the Application – Mr Frank Nardi – Applicant addressed the Council at 10.40pm.

Item 8.17 DEVELOPMENT APPLICATION 128/2018 FROST CONTROL FAN - LOT 155 DP 751735, FARM 383 SAUNDERSON ROAD, LEETON

19/060

Resolved

THAT Council:

1. Advise the applicant that it has determined this application by refusing consent to Development Application 128/2019 due to the noise levels produced by the proposed "C59" Frost Boss Frost Fan at Lot 155 in DP 751735, 21 Saunderson Road Leeton is predicted to be 49dB(A) which is greater than the permitted maximum noise level set by the Leeton Shire Council Frost Control Fan Policy when measured within a Noise Sensitive Zone, in this case being the Wamoon Village Zone RU5, which is 45dB(A).
2. Council conduct a Division and record the votes both for and against the resolution.

For the Motion

Cr P Davidson
Cr G Weston
Cr M Kidd
Cr P Maytom
Cr TA Morris
Cr TC Ciccia
Cr TR Reneker
Cr PS Smith

Against the Motion

Nil

Carried Unanimously (8 votes -0) – Cr Nardi was absent from the Chambers.

(Moved Cr Weston, seconded Cr Morris)

Item 8.18 DEVELOPMENT APPLICATION 140/2018 FROST CONTROL FAN - LOT 1 DP 816991, 40 CROWES ROAD, LEETON

Councillor Nardi declared a Significant, Non-Pecuniary Interest for this Item.

The reason for the declaration is that Councillor Nardi has a closeness of association.

Councillor Nardi was already absent from the meeting, did not participate in the debate and did not vote on this matter.

Presentations for DA 128/2018

Assessing Officer, Garry Stoll (Manager Building, Health and Planning), provided the Council with an overview of DA 140/18 at 10.51pm.

Speakers for the Application – Mr George Nardi – Applicant addressed the Council at 10.53pm.

Item 8.18 DEVELOPMENT APPLICATION 140/2018 FROST CONTROL FAN - LOT 1 DP 816991, 40 CROWES ROAD, LEETON

19/061

Resolved

THAT Council:

1. Advise the applicant that it has determined this application by refusing consent to Development Application 140/2018 as the accumulated outdoor noise levels produced by the proposed "C49" and "C59" Frost Boss frost fans at Lot 1 in DP 816991, 741 Crowes Road Leeton is predicted to be 58dB(A) which is greater than the permitted maximum noise level set by the Leeton Shire Council Frost Control Fan Policy when measured at a Noise Sensitive Zone, in this case being the Wamoon Village Zone RU5, which is 45dB(A).
2. Council conduct a Division and record the votes both for and against the resolution.

For the Motion

Cr P Davidson
Cr G Weston
Cr M Kidd
Cr P Maytom
Cr TA Morris
Cr TC Ciccio
Cr TR Reneker
Cr PS Smith

Against the Motion

Nil

Carried Unanimously (8 votes – 0) – Cr Nardi was absent from the Chamber.

(Moved Cr Weston, seconded Cr Morris)

Cr Nardi returned to the Chamber at 11.10pm.

7. NOTICES OF MOTION

Item 7.1 NOTICE OF MOTION - ROXY REDEVELOPMENT COMMITTEE

19/062

Resolved

THAT Council:

1. Authorises for Councillor Nardi to be added to the membership of the Roxy Redevelopment Committee.
2. Authorises for the Terms of Reference of the Roxy Redevelopment Committee to be amended so that there will now be two elected Council representatives on the committee being Councillors Kidd and Nardi.

(Moved Cr Kidd, seconded Cr Ciccio)

8. OFFICER'S REPORT

GENERAL MANAGER'S MATTERS

Item 8.1 ROXY REDEVELOPMENT COMMITTEE MEETING MINUTES - 7 FEBRUARY AND 28 FEBRUARY 2019

19/063

Resolved

THAT Council notes the Roxy Redevelopment Committee Minutes from the inaugural committee meeting held on Thursday 7 February 2019 and the meeting held on Thursday 28 February 2019.

(Moved Cr Weston, seconded Cr Smith)

Item 8.2 ROXY THEATRE ADVISORY COMMITTEE MEETING - 12 FEBRUARY 2019

19/064

Resolved

THAT Council notes the Roxy Theatre Advisory Committee Minutes from the meeting held on Tuesday 12 February 2019.

(Moved Cr Kidd, seconded Cr Reneker)

Item 8.3 REQUEST FOR FINANCIAL ASSISTANCE- FAY RYAN ON BEHALF OF THE CHARLIE TEO FOUNDATION

19/065

Resolved

THAT Council endorses the waiving of the \$415 hire fee for exclusive use of the Leeton Visitors Information Centre facilities on Saturday 28 September 2019 for a Charlie Teo Foundation Brain Cancer Research fundraising event.

(Moved Cr Smith, seconded Cr Reneker)

Item 8.4 REQUEST FOR ASSISTANCE- LEETON GOLF COURSE SUB COMMITTEE "A NIGHT UNDER THE STARS"

19/066

Resolved

THAT Council pays the hire fee of \$415 for the full use of the Leeton Visitor Information Centre for the "A Night Under the Stars" event taking place on Easter Saturday 20 April 2019 in the event of inclement weather, paid from the adopted Golf Course 2018/19 budget.

(Moved Cr Smith, seconded Cr Weston)

CORPORATE AND COMMUNITY MATTERS

Item 8.5 INVESTMENTS REPORT FOR FEBRUARY 2019

19/067

Resolved

THAT the information contained in the Investments Report for February 2019 be noted.

(Moved Cr Kidd, seconded Cr Reneker)

Item 8.6 FUNDING FOR STAGE 1: (PHASE A) OF THE WATER CONSERVATION & IRRIGATION COMMISSION BUILDING (WCIC)

19/068

Resolved

THAT Council authorises funding of \$209,000 for Stage 1: (Phase A) of the Council owned Water Conservation & Irrigation Commission Building to come from the Infrastructure Restriction (Reserve).

(Moved Cr Davidson, seconded Cr Ciccia)

Item 8.7 LOCAL GOVERNMENT NATIONAL GENERAL ASSEMBLY 2019

19/069

Resolved

THAT:

1. The Mayor, Councillor Reneker and General Manager (or the General Manager's delegate) be appointed to represent Council at the 2019 National General Assembly of Local Government to be held in Canberra from 16 to 19 June 2019.
2. The Mayor be appointed as Council's voting delegate.
3. The following three motions be submitted for consideration by the Australian Local Government Association and inclusion into the National General Assembly Business Papers:

(1) Rural Doctors Shortage

That this Assembly calls on the Federal Government to address the shortage of medical professionals in rural and regional areas of Australia by adopting the Australian Medical Association's five key priority areas being:

- (i) Encourage students from rural areas to enrol in medical school and provide medical students with opportunities for positive and continuing exposure to regional/rural medical training;
- (ii) Provide a dedicated and quality training pathway with the right skill mix to ensure doctors are adequately trained to work in rural areas;
- (iii) Provide a rewarding and sustainable work environment with adequate facilities, professional support and education, personal comfort and flexible work arrangements including locum relief;
- (iv) Provide family support that includes spousal opportunities/employment, educational opportunities for children's education, subsidy for housing/relocation and/or tax relief; and

- (v) Provide financial incentives including rural loadings to ensure competitive remuneration.

(2) Rural Mental Health Access

That this Assembly calls on the Federal Government to increase funding for the provision of and access to mental health services in rural and remote areas of Australia.

(3) Commitment to Convention on Race Discrimination Elimination

THAT this assembly requests the Australian Government to honour its intention contained within its reservation (1) to the *International Convention on the Elimination of All Forms of Racial Discrimination* and enact legislation to specifically implement the terms of article 4 (a) being:

- (a) Shall declare an offence punishable by law all dissemination of ideas based on racial superiority or hatred, incitement to racial discrimination, as well as all acts of violence or incitement to such acts against any race or group of persons of another colour or ethnic origin, and also the provision of any assistance to racist activities, including the financing thereof;

Further, that in keeping with the terms of Article 4 (c) the Australian Government prohibit a member of parliament from utilising parliamentary resources for the purposes of promoting or inciting racial discrimination.

(Moved Cr Weston, seconded Cr Morris)

Item 8.8 ADOPTION OF THE LEETON SHIRE COUNCIL CODE OF CONDUCT

19/070

Resolved

THAT Council adopts the new Leeton Shire Council Code of Conduct and associated Procedures for the Administration of the Leeton Shire Council Code of Conduct as at 27 March 2019.

(Moved Cr Smith, seconded Cr Kidd)

Item 8.9 ENDORSEMENT OF THE DRAFT LEETON SHIRE COUNCIL CODE OF MEETING PRACTICE

19/071

Resolved

THAT Council:

1. Endorses the Model Code of Meeting Practice for consultation purposes as the Draft Leeton Shire Council Code of Meeting Practice.

2. Places the Draft Code of Meeting Practice on public exhibition in accordance with Section 361 of the Local Government Act 1993 until 26 April 2019 being a period of 28 days with submissions being received until 10 May 2019.
3. Adopts the Draft Code of Meeting Practice if no significant submissions are received after the submission date has closed. If there are any significant submissions to consider then a further report will be presented to the 22 May 2019 Ordinary Council Meeting and Council will then formally adopt the Leeton Shire Council's Code of Meeting Practice.

(Moved Cr Nardi, seconded Cr Kidd)

Item 8.10 MINUTES OF THE YANCO HALL MANAGEMENT COMMITTEE (DECEMBER 2018 TO FEBRUARY 2019)

19/072

Resolved

THAT Council receives for information the Minutes of the Yanco Community Hall Management Committee held on Tuesday 11 December 2018, Monday 14 January 2019 and Thursday 14 February 2019 and notes the information contained within the Minutes.

(Moved Cr Nardi, seconded Cr Kidd)

Item 8.11 MINUTES OF THE AUDIT, RISK AND IMPROVEMENT COMMITTEE MEETING HELD ON THURSDAY 14 FEBRUARY 2019

19/073

Resolved

THAT Council endorses:

1. The Minutes of the Audit, Risk and Improvement Committee held on 14 February 2019 and notes the information contained within.
2. The Audit, Risk and Improvement Committee's recommendation to undertake an Internal Audit of Council's Records Management processes.

(Moved Cr Morris, seconded Cr Smith)

Item 8.12 INVITATION TO PARTICIPATE IN BUSH BURSARY PROGRAM 2019

19/074

Resolved

THAT Council participates in the 2019 Bush Bursary/Country Women's Association (NSW) Scholarship Program as a host Council for one or two students, for a total cost of \$3,000.

(Moved Cr Kidd, seconded Cr Weston)

**Item 8.13 COMMUNITY STRENGTHENING GRANT - YOUTH DEVELOPMENT GRANT -
RAITH HENMAN**

19/075

Resolved

THAT Council awards Raith Henman a \$250 Youth Development Grant to assist with the costs associated with representing Leeton on the Riverina Swim Team at the 2019 NSW Combined High Schools Swimming Championships in Homebush from Monday 8 April to Wednesday 10 April 2019.

(Moved Cr Nardi, seconded Cr Smith)

9. STATEMENTS BY COUNCILLORS

CR GEORGE WESTON

Learn to Swim: Cr Weston made enquiries about school children who were not included in school learn to swim classes and whether they were left at the schools. The General Manager advised that enquiries from Councillors were placed on a list and the issue would be addressed. Once dealt with, Councillors are to be advised their matter has been resolved.

Committee collaboration: Cr Weston spoke of attending a number of community committee meetings in recent weeks and that it appeared many seemed to do have similar requests and needs. We have a number of committees that appear to be working in isolation and wondered if there should be an umbrella group to help communications between committees.

Yanco Powerhouse Tour: Cr Weston asked whether Councillors had received information about the Councillors tour of the Yanco Powerhouse to be held on Wednesday 15 May.

Airport Meeting: Cr Weston sought confirmation as to the Narrandera-Leeton Airport Committee for the month of April, were others allowed to attend. The Councillor was advised the meeting was to be held on 9 April and that any Councillor can attend.

Policy for Frost Fans: Cr Weston asked what would be the process should Council look at changing its Frost Fan Policy? The General Manager said that policies can be amended should Council resolve that way however they could not be contrary to legislation. If any Councillor wanted a policy reviewed they simply needed to bring it up with her.

CR SANDRA NARDI

Staff Departure: Would like to say thank you to Kai Attree for his long service here at Council and for his involvement with the community.

CR PETER DAVIDSON

State Election Result: Cr Davidson asked whether letters had been sent to former Member for Murray Austin Evans thanking him for his service as well as incoming Member for Murray, Helen Dalton congratulating her on her election and asking if she will be setting up an office in Leeton? The General Manager advised letters have been drafted to the two candidates and would be sent shortly.

Leave of Absence: Cr Davidson advised that he would be an apology for the Council meeting to be held on 1 May 2019 and requested that he be granted a leave of absence.

CR TONY CICCIA

Health Meeting: Cr Ciccia spoke on the recent meeting at Yanco Soldiers Club which he said was positive. The Councillor said that he was impressed with Dan Peterson and Bob Burns who dispelled a lot of myths about the hospital. We need to look at the future and perhaps we could look at setting up a scholarship to put a student through medical school on the proviso that they come back to work in Leeton upon graduation.

CR TONY RENEKER

Sporting Hall of Fame: Cr Reneker advised Councillors that a Committee had been formed to look at establishing a Sporting Hall of Fame for Leeton.

CR MICHAEL KIDD

WCIC Building: Could we look at ensuring the grass outside the building is being watered.

Jake Speer: Cr Kidd advised Councillors that he had made enquiries of Jake Speer as to how his film Inside Water was being received. Mr Speer said the film had been submitted to a number of film festivals and he again expressed his gratitude to Council for its support. Cr Kidd said that the film had provided a boost to Mr Speer's career.

CR PAUL SMITH

Bidgee Classic: The committee wanted to express their thanks to Council and the staff involved for their support with this year's event. There were 535 entrants which was 72 up from last year and 742 catches.

CR PAUL MAYTOM

New local member: Council hoped to form a good working relationship with the new member. We will do whatever we can to get the best outcomes for our Shire.

Project funding: Cr Maytom asked the General Manager to provide some detail on the projects to be funded from the \$1 million drought funding. The General Manager advised the funds will go to projects that would stimulate jobs which would in turn boost the local economy.

10. CLOSED COUNCIL – CONFIDENTIAL ITEMS

In accordance with the *Local Government Act 1993* and the *Local Government (General) Regulation 2005*, in the opinion of the General Manager, the following business is of a kind as referred to in Section 10A(2) of the Act, and should be dealt with in a part of the meeting closed to the media and public.

Note: Pursuant to Section 10A(4), the public were invited to make representations to the Council meeting before any part of the meeting is closed, as to whether that part of the meeting should be closed.

19/076

Resolved

1. That Council moves into Closed Council to consider business identified, together with any late reports tabled at the meeting.
2. That in accordance with Section 10A(2) of the *Local Government Act, 1993*, the Public and Press be excluded from the meeting to enable Council to determine items listed in Confidential Matters for the reasons indicated.
3. That the report relevant to the subject business be withheld from access to the media and public as required by Section 11(2) of the *Local Government Act 1993*.

(Moved Cr Weston, seconded Cr Nardi)

Item 10.1 OFFERS TO PURCHASE LAND AT VANCE INDUSTRIAL ESTATE

This report is considered confidential in accordance with the *Local Government Act 1993*, as the report contains information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business (Section 10A(2)c).

The Mayor asked the gallery if there were any objections to Council going into Closed Session to consider the matters listed.

No objections were received from the Gallery.

Council closed its meeting at 11.57pm and the public and press left the Chambers.

CLOSED COUNCIL - CONFIDENTIAL ITEMS

Cr Paul Smith declared a Non-Significant Non-Pecuniary interest in relation to Item 10.1.

The reason for the declaration is that the applicant in regard to this matter is in direct competition of Cr Smith's employer with their prospective business venture.

Cr Smith remained in the meeting, participated in the debate and voted on this matter as he did not believe that the interest was significant enough to affect his ability to make a decision on this matter.

Item 10.1 OFFERS TO PURCHASE LAND AT VANCE INDUSTRIAL ESTATE

19/077

Resolved

THAT:

1. Council rejects the offer from Mr Selwyn Hester from Tyre Doctor totaling \$230,000 (excluding GST) made for the purchase of Lot 28, Lot 29 and Lot 34 as this offer is a total of \$50,000 (excluding GST) below 2017 valuation and \$57,000 (excluding GST) below the current 2018 valuation. Instead, Council makes a counter offer to Mr Selwyn Hester at \$280,000 (excluding GST) being at 2017 total valuation for Lots 28, 29 and 34. Further, Council agrees to payment terms of a 10% deposit and the remainder paid in 20 equal monthly instalments. This counter offer will expire within three working days of the offer being made.
2. Council rejects the separate offer from Mr Selwyn Hester from Tyre Doctor of \$60,000 (excluding GST) made for the purchase of Lot 27 as this offer is \$19,000 (excluding GST) below 2017 valuation and \$22,500 (excluding GST) below the current 2018 valuation. Instead, Council makes a counter offer for Lot 27 of \$79,000 (excluding GST) being at 2017 valuation and under the same payment terms as Lots 28, 29 and 34, being a 10% deposit and the remainder to be paid in 20 equal monthly instalments. This counter offer will expire within three working days of the offer being made.
3. In the event that agreement is not reached with Mr Selwyn Hester, Council accepts the offer from Mr Stephen and Mrs Kerry Laughton of \$79,000 (excluding GST) at 2017 valuation to purchase Lot 27 or Lot 29 (their choice) provided that the purchaser confirms their purchase within three working days of the offer being made.
4. In the event that either Lot 27 or Lot 29 are still available after negotiations with Mr Hester and Mr and Mrs Laughton, Council accepts the offer from Mr Albert Li from Mogas Regional Pty Ltd of \$79,000 (excluding GST) at 2017 valuation made to purchase Lot 27 or 29 (whichever lot is available).

5. Council authorises the Mayor and General Manager to sign all documentation in relation to the sale of Lots 27, 28, 29 and 34, (DP 1053574), at Vance Industrial Estate in Leeton, noting that if any sales are executed below market value, public notification will be required.

(Moved Cr Weston, seconded Cr Davidson)

REVERSION TO OPEN COUNCIL

19/078

Resolved

That this meeting of the Closed Council revert to an open meeting of the Council, the time being 12.26am.

(Moved Cr Smith, seconded Cr Kidd)

The Mayor advised that during the Closed Council one resolution was passed. The General Manager read out the resolutions made in Closed Council for Item 10.1 Offers to purchase land at Vance Industrial Estate.

There being no further business the meeting closed at 12.27am.

..... signed by
the Chairman of the meeting held on
1/05/2019 at which meeting the
signature hereon was subscribed.