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**PRESENT** Clr I Gosper (in the Chair), Clrs G Dean, M Nash, L MacSmith, M Hayes, S Wilcox, A Durkin, G Treavors, K Walker, I Davison and J Culverson.

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

### **ITEMS FOR DETERMINATION**

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

##### Proceedings in Brief

It was noted Clr Durkin sought leave of absence for the April and May 2016 Council meetings.

##### **MOTION** (Wilcox/Hayes)

THAT a leave of absence be granted to Clr Durkin for the April and May Council meetings.

16/03/01

Carried

#### **ITEM - 2 DECLARATIONS OF INTEREST**

##### Proceedings in Brief

There were nil declarations of interest.

##### **MOTION** (Treavors/Wilcox)

THAT it be noted there were nil declarations of interest.

16/03/02

Carried

#### **ITEM - 3 DECLARATIONS FOR POLITICAL DONATIONS**

##### Proceedings in Brief

There were nil declarations of political donations.

##### **MOTION** (Wilcox/Davison)

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

16/03/03

Carried

It was noted the time being 2:04pm Lina Moffit presented a copy of Kitchener's 100 Surgeons World Book, spoke on the book and gave thanks for support.

It was noted the time being 2:08pm Tom Parmeter and Chris Attenborough gave a presentation relating to the Valuer General valuations for rates purposes until 2:31pm.

**ITEM - 4 MAYORAL MINUTE - APPOINTMENTS**

Proceedings in Brief

Clr Gosper

- 23/2/2016
  - Meeting with Molong Historical Museum Committee
  - Attended the February Council meeting
- 24/2/2016
  - Attended meeting in Eugowra at invite from Western NSW Local Health District on the future health services in Eugowra along with Councillor Walker
- 25/2/2016
  - Attended General Managers meeting with Canobolas Zone NSW RFS Zone Manager, David Hoadley, at Blayney
  - Attended CENTROC Board Meeting in Blayney along with General Manager
- 26/2/2016
  - Performed Australian Citizenship Ceremony along with Federal Member for Calare, John Cobb, for our newest citizen, Jay Romentilla
- 4/3/2016
  - Attended meeting with Deputy Mayor and members of Cudal Food, Wine and Cultural Centre in Cudal
  - Attended meeting with General Manager and Canobolas Zone Local Commander, Shane Cribb, of the NSW Police Force
- 8/3/2016
  - Attended the Directors meeting
  - Attended Cabonne Extraordinary Council Meeting
  - Attended Molong Library Working Party Meeting
- 11/3/2016
  - Attended office for meeting with residents
  - Attended meetings regarding Molong Limestone Quarry
- 17/3/2016
  - Attended and gave address to welcome bike riders in the MSM Milling, Mill to Mill bike ride. \$116,000 was raised for charities
- 18/3/2016
  - Attended the meeting at Office with Deputy Mayor, General Manager, Director of Engineering & Technical Services and MAG representative regarding missing of grant funding for the Molong Multi-Purpose Sports Facility and a way forward

**MOTION** (Gosper/-)

THAT the information contained in the Mayoral Minute be noted.

16/03/04

Carried

**ITEM - 5 COMMITTEE OF THE WHOLE**

Proceedings in Brief

Clr Dean called items 17, 18, 20 and 29.

**MOTION** (Dean/Nash)

THAT Councillors debate called items in Committee of the Whole.

16/03/05

Carried

**ITEM - 6 GROUPING OF REPORT ADOPTION**

Proceedings in Brief

Clr Dean called item 10.

**MOTION** (Durkin/Treavors)

THAT:

1. Councillors consider the called item.
2. Items 7 to 9 be moved and seconded.

16/03/06

Carried

**ITEM - 7 CONFIRMATION OF THE MINUTES**

**MOTION** (Durkin/Treavors)

THAT the minutes of the Ordinary meeting held 23 February 2016 and the Extraordinary meeting held 8 March 2016 be adopted.

16/03/07

Carried

**ITEM - 8 MOLONG HEALTH ONE GENERAL PRACTICE LEASE**

**MOTION** (Durkin/Treavors)

THAT Council authorise Council's Common Seal to be affixed to the lease documents for the Molong Health One General Practice.

16/03/08

Carried

**ITEM - 9 FEBRUARY 2016 LOCAL TRAFFIC COMMITTEE**

**MOTION** (Durkin/Treavors)

THAT Council ratify the recommendations of the Local Traffic Committee.

16/03/09 Carried

**ADDITIONAL ITEM - ADDRESS COUNCIL**

Proceedings in Brief

The Mayor advised that Lyndall Hilder was present and wished to address the Council relating to Item 10.

**MOTION** (Culverson/Davison)

THAT Lyndall Hilder be allowed to address Council regarding item 10 on behalf of petition signatories.

16/03/10 Carried

It was noted, the time being 2:41pm Clr Wilcox declared an interest (identified as a perceived conflict of interest) in the following item due to signatories to the petition being long-time friends and associates and left the Chambers.

At this time Lyndall Hilder addressed the Council until 2:44pm.

**ITEM - 10 OPHIR ROAD UPGRADE PETITION**

Proceedings in Brief

In response to a request by Clr Dean that “for consideration” and “draft” be removed to ensure this is funded, the Director of Finance & Corporate Services advised the recommendation was the standard wording, the budget being a draft until after being advertised and the councillors being able to ensure the resolution is included as the funds are available.

Clr Durkin suggested adding “with priority” after “consideration”. The mover and seconder agreed.

**MOTION** (Culverson/Dean)

THAT Council:

1. Note the petition; and
2. Include an amount of \$465,000 for consideration with priority in the 2016/17 draft budget to be funded from the Roads to Recovery program.

16/03/11 Carried

It was noted, the time being 2.47pm Clr Wilcox rejoined the meeting.

**ITEM - 11 LOCAL GOVERNMENT REFORM PROGRAM**

Proceedings in Brief

Clr Davison suggested negotiation points be determined at the workshop.

**MOTION** (Dean/Wilcox)

THAT Council hold a workshop on Tuesday 12 April 2016 to discuss matters relating to local government reform.

16/03/12

Carried

**ITEM - 12 2016 NATIONAL GENERAL ASSEMBLY**

**Proceedings in Brief**

Councillors decided to not have a representation at the National General Assembly. The Mayor noted submissions needed to be made by 22 April 2016.

Clr Davison suggested the 'Right to Farm' and "protection of prime agricultural" land motions be put into a submission. The Mayor said 'Right to Farm' was put up previously and passed and no action resulted. The Mayor noted it could be resubmitted and addressed by a friendly local council in the region.

**MOTION** (Wilcox/Hayes)

THAT Council:

1. Not have representation at the 2016 National General Assembly.
2. Submit any matters for motions which fall within the theme for consideration at the 2016 National General Assembly to the General Manager before 22 April 2016.

16/03/13

Carried

**ITEM - 13 NASHDALE/LIDSTER PUBLIC HALL - REQUEST FOR ASSISTANCE**

**Proceedings in Brief**

Council decided to provide funding assistance for the purchase of a rain water tank - \$2,500 and for the purchase of a new stove for the kitchen - \$2,000.

**MOTION** (Davison/MacSmith)

THAT Council provide assistance to the Nashdale/Lidster Hall Committee to the value of \$4,500 to be funded from Community Facilitation Fund budget.

16/03/14

Carried

**ADDITIONAL ITEM - CONSIDERATION OF ITEM 24**

**Proceedings in Brief**

Clr Durkin noted there were persons in the gallery waiting on item 24 who may wish to address the Council.

**MOTION** (Durkin/Culverson)

THAT item 24 be considered next.

16/03/15 Carried

**ADDITIONAL ITEM - ADDRESS COUNCIL**

Proceedings in Brief

The Mayor requested that the proponent and an objector be authorised to address the Council.

**MOTION** (Hayes/Wilcox)

THAT both parties (the proponent and an objector who was present) be allowed to address Council.

16/03/16 Carried

It was noted the time being 3:01pm the applicant Jessica Windiate addressed the Council during which she invited the Council to inspect the premises.

It was noted the time being 3:02pm an objector who was present Jamie Bone declined an invitation to address the Council. The Mayor noted other objections were received.

**ITEM - 24 DA 2016/0024 ANIMAL BOARDING & TRAINING  
ESTABLISHMENT (GREYHOUNDS) ON LOT 2 DP 773981, 1321  
PEABODY ROAD, MOLONG**

Proceedings in Brief

Clr Dean suggested that as an inspection was offered the Council should accept and suggested 12 April 2016 being the Workshop day.

In response to a question from Clr Hayes about what legal recourse the applicant would have should the application be refused the Director of Environmental Services advised she was aware of similar instances at other councils, and cited Bathurst Council as an example at which the staff had recommended approval and the Council had voted against it. The Land and Environment Court had approved the development as there was an assumption that during the LEP process the community gave approval for such a development if it was permitted use in that zoning. Clr Hayes expressed the view that an inspection was simply delaying a decision.

**MOTION** (Davison/Culverson)

THAT Development Application 2016/0024 for an Animal Boarding & Training Establishment (Greyhounds) on land described as Lot 2 DP773981, 1321 Peabody Road, Molong, be granted consent subject to the conditions attached.

**AMENDMENT** Dean/Wilcox

THAT Council undertake a site inspection on 12 April 2016 and the item be referred to the next Council meeting.

The amendment was put and carried becoming the motion.

The motion was put and carried.

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

For: Clrs Gosper, Dean, Nash, MacSmith, Wilcox, Durkin, Treavors and Davison.

Against: Clrs Hayes, Walker and Culverson.

**MOTION** (Dean/Wilcox)

THAT Council undertake a site inspection on 12 April 2016 and the item be referred to the next Council meeting.

16/03/17

Carried

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

For: Clrs Gosper, Dean, Nash, MacSmith, Wilcox, Durkin, Treavors and Davison.

Against: Clrs Hayes, Walker and Culverson.

It was noted the time being 3:23pm Clr Hayes left the Chambers and was absent during voting on the following items until rejoining the meeting in time to vote on item 25.

**ITEM - 14 CANOWINDRA AGE OF FISHES MUSEUM**

Proceedings in Brief

The General Manager suggested that point 2 relating to future expansion of the museum would be best determined in a workshop environment.

A copy of the unsigned draft agreement was tabled.

**MOTION** (Wilcox/Davison)

THAT Council:

1. Advertise its intention to provide dollar for dollar funding to maximum of \$300,000 for construction of fossil storage facility.
2. Consider its options and aspirations for the future expansion and management of the Age of Fishes museum and related facilities at a workshop on 12 April 2016.

3. Resolve that the expenditure is required and warranted to enable the proposal to gift the fossils to the Australian Museum to proceed.

16/03/18

Carried

It was noted the time being 3:27pm Cllr Walker left the Chambers and was absent during voting on the following item.

### **ITEM - 15 ANZAC DAY 2016**

#### **Proceedings in Brief**

The Mayor confirmed the Deputy Mayor would be attending the service at Orange and all councillors were authorised to attend ANZAC Day celebrations at their discretion with wreaths to be made available on request.

#### **MOTION** (Nash/Treavors)

THAT Council:

1. Authorise the Deputy Mayor to attend the civic commemoration service in Orange on ANZAC Day 2016.
2. Advise Canobolas and Orana Local Area Commands that Council offers no objection to the temporary closure of the streets involved, subject to compliance with local police regulations, in any of the towns and villages which are to conduct ANZAC Day marches in the Cabonne LGA.
3. Authorise councillors to attend the ANZAC Day celebrations throughout the Cabonne LGA and participate in the ANZAC day marches.
4. Authorise for a wreath be provided to attending councillors to lay at all ANZAC Day services for 2016 and future years to be funded from an additional vote of \$500.
5. Resolve that the expenditure is required and warranted because a precedent was set in 2015.
6. Authorise the "ANZAC Day Celebration - Attendance in Orange Policy" to be updated (including an updated policy title) to indicate that a wreath will be provided to attending councillors to lay at all ANZAC Day services in the Cabonne LGA.

16/03/19

Carried

### **ITEM - 16 REQUEST FOR DONATION**

#### **MOTION** (Nash/Wilcox)

THAT Council donate \$500.00 to the Cruisin' Along fundraiser for Cancer Care Western NSW.

16/03/20

Carried

It was noted the time being 3:29pm Clr Walker rejoined the meeting.

It was noted items 17 and 18 were called for consideration in the Committee of the Whole and item 19 was considered next.

**ITEM - 19 AGE OF FISHES MUSEUM BOARD REQUEST FOR ASSISTANCE**

Proceedings in Brief

Council considered it had grounds for its expenditure, being outside of the Council's adopted budget and included the reasons why the expenditure is required and warranted in the resolution voting the funds.

**MOTION** (Wilcox/Durkin)

THAT Council:

1. Vote \$8,645.50 to the Age of Fishes Museum Inc. for the partial cost of a new timber deck.
2. Resolve that expenditure is required and warranted to enable the grant to be supplemented and utilised.

16/03/21

carried

It was noted item 20 was called for consideration in the Committee of the Whole and item 21 was considered next.

**ITEM - 21 LOCAL ROAD CONSTRUCTION - BACKLOG**

**MOTION** (Dean/Wilcox)

THAT:

1. The road-work projects nominated in the report be included within the Local Roads Construction – Backlog;
2. Council advertise its intention to carry out an additional \$800,000 road works on Cadia Road;
3. The expenditure is required and warranted because additional funding has been provided by Cadia Valley Operations to perform these works.

16/03/22

Carried

**ITEM - 22 ASSET MANAGEMENT SYSTEM TRAINING**

**MOTION** (MacSmith/Durkin)

THAT:

1. Council pay Assetfinda's outstanding invoice of \$5,874 for training completed in February 2016; and
2. The expenditure is required and warranted because the training is

necessary to enable the software purchased to be utilised.

16/03/23 Carried

**ITEM - 23 BANK STREET MAIN DUPLICATION (RISK MITIGATION)**

**MOTION** (Dean/Culverson)

THAT:

1. Council approves re-allocation of budget funds from Watson Street of \$42,000 to proposed Bank Street main between Gidley Street and Watson Street; and
2. The expenditure is required and warranted to prevent commercial disruptions.

16/03/24 Carried

It was noted the time being 3:37pm Clr Hayes rejoined the meeting before the vote on the following item.

**ITEM - 25 QUESTIONS FOR NEXT MEETING**

Proceedings in Brief

Clr Nash requested an update in relation to the issue with B-double vehicles blocking street traffic at Manildra.

**MOTION** (Wilcox/Durkin)

THAT Council receive an update report at the next Council meeting in relation to traffic flow for B-doubles through Manildra.

16/03/25 Carried

**ITEM - 26 BUSINESS PAPER ITEMS FOR NOTING**

Proceedings in Brief

Clr Wilcox called item 10.

**MOTION** (Dean/MacSmith)

THAT:

1. Councillors further consider the called item.
2. The balance of the items be noted.

16/03/26 Carried

**ITEMS FOR NOTATION**

**ITEM - 10 GUIDELINES FOR EVENT ORGANISERS**

Proceedings in Brief

Clr Wilcox suggested a policy be developed with a view to clarifying activities conducted under a development application consent and the need

for approval of those relating to a specific event.

**MOTION** (Wilcox/Nash)

THAT a policy be developed clarifying activities conducted under a development application consent and the need for approval of those relating to a specific event.

16/03/27

Carried

**ITEM - 27 MATTERS OF URGENCY**

Proceedings in Brief

It was noted there were nil matters of urgency.

**MOTION** (Wilcox/Treavors)

THAT it be noted there were nil matters of urgency.

16/03/28

Carried

**ITEM - 28 COMMITTEE OF THE WHOLE SECTION OF THE MEETING**

**MOTION** (Wilcox/Davison)

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

16/03/29

Carried

**ITEM - 17 ORANA HOUSE**

Proceedings in Brief

In response to a question from Cllr Dean as to whether s356 donations were the appropriate source of funding for paying costs incurred by Council as owner of the building the Director of Finance & Corporate Services advised that s356 allows donations for rates etc. at various properties.

**RECOMMENDATION** (Nash/Wilcox)

THAT:

1. Council continue paying the rates and water charges for Orana House;
2. Council investigate appointing a management committee under s.355 to provide the care control and management of Orana House;
3. An inspection take place with a view to addressing any outstanding safety and maintenance issues;
4. Council pay the outstanding electricity account for Orana House from the S356 vote; and
5. The Committee be encouraged to establish a fee structure that is sufficient to cover basic costs including electricity.

1. Carried

**ITEM - 18 DONATION UNDER SEC 356 - ASSESSMENT A97284**

Proceedings in Brief

Clr Dean advised he called this item for the same reason as item 17. Council determined to grant the donation.

**RECOMMENDATION** (Davison/Nash)

THAT Council grant a Section 356 donation of \$429.15 for the general rates for Assessment A97284.

2. Carried

**ITEM - 20 CARGO RUGBY LEAGUE CLUB REQUEST FOR FINANCIAL ASSISTANCE**

Proceedings in Brief

Concerns about setting a precedent were discussed however the majority view was that each case could be dealt with on its merits. Other councillors wished to recognise the contribution of community groups and noted the need to support them.

Council also discussed the need for separate change rooms for males and females and disabled facilities.

Council considered it had grounds for its expenditure, being outside of the Council's adopted budget and included the reasons why the expenditure is required and warranted in the resolution voting the funds.

**RECOMMENDATION** (MacSmith/Culverson)

THAT Council:

1. Vote \$13,960 to the Cargo Oval towards the cost of amenities.
2. Resolve that the expenditure is required and warranted to enable the grant to be supplemented and utilised.

3. Carried

**ITEM - 29 MULLION CREEK - PEDESTRIAN CROSSING FACILITY ACROSS LONG POINT ROAD**

Proceedings in Brief

Clr Dean requested that Council approach the RMS via the Traffic Committee to look at speed restrictions through the refuge.

**RECOMMENDATION** (Wilcox/Culverson)

THAT Council:

1. Allocate \$8,107.50 from revenue to fund 50% of the installation of a pedestrian crossing facility in Mullion Creek.
2. Resolve the expenditure is required and warranted for public safety

purposes.

3. Approach RMS through the Traffic Committee to look at speed restrictions through the refuge.

4. Carried

### **CONFIDENTIAL ITEMS**

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

##### **RECOMMENDATION** (Wilcox/Dean)

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

5. Carried

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

##### **RECOMMENDATION** (Davison/Wilcox)

THAT the Committee endorse the accuracy of the Report of the Proceedings of Confidential Matters at the Closed Committee of the Whole meeting held on 23 February 2016 and notes the recommendations recorded in the Official Ordinary Minutes of that meeting are sufficient to state the general effect of the proceeding in Closed Committee.

6. Carried

#### **\* ITEM - 3 ELECTRICITY PROCUREMENT**

##### **RECOMMENDATION** (MacSmith/Nash)

THAT Council:

1. Acknowledge the extenuating circumstances surrounding the procurement of electricity and as such Council should be excused from the tendering requirements under S55 of the LG Act.
2. Engage Energy and Management Services to conduct the procurement process for electricity for the next rounds of small sites, large sites and street lighting contracts.

3. Authorise the affixing of the Common Seal to the contract documents.
4. Delegate authority to the Mayor and General Manager to accept prices received through the process with Energy Management Services.

7. Carried

**ITEM - 4 PLANT REPLACEMENT - CCF CLASS 15 GRADERS**

**RECOMMENDATION** (Hayes/Dean)

THAT Council accept the tender of Westrac Pty Ltd for two (2) Caterpillar 12M Platform 2 Motor Graders for the purchase price of \$355,000 each excl GST.

8. Carried

**ITEM - 5 QUARRY FINANCIAL STATEMENT**

**RECOMMENDATION** (Davison/Treavors)

THAT the information be noted.

9. Carried

It was noted the time being 4:07pm the Chair resumed the ordinary meeting.

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

**MOTION** (Culverson/Dean)

THAT the Report and Recommendations of the Committee of the Whole Meeting held on Tuesday 22 March, 2016 be adopted.

16/03/30 Carried

There being no further business, the meeting closed at 4:08pm.

CHAIRMAN.

Chairman of the Ordinary Meeting of Cabonne Council held on the 26 April, 2016 at which meeting the listed minutes were confirmed and the signature hereon was subscribed.