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

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

ITEMS FOR DETERMINATION

ITEM - 1 APPLICATIONS FOR LEAVE OF ABSENCE

Proceedings in Brief

Apologies were tendered on behalf of Clrs Durkin, Nash and Treavors for their absence from the meeting.

MOTION (Wilcox/Davison)

THAT the apologies tendered on behalf of Clrs Durkin, Nash and Treavors be accepted and the necessary leave of absence be granted.

16/08/01 Carried

ITEM - 2 DECLARATIONS OF INTEREST

Proceedings in Brief

Clr Culverson declared an interest (identified a pecuniary interest) in item 23 due to the land owner being her husband's uncle and also declared an interest (identified as a perceived significant non pecuniary interest) in item 24 due to the proponent being a previous client of her business.

MOTION (Dean/MacSmith)

THAT the Declarations of Interest be noted.

16/08/02 Carried

ITEM - 3 DECLARATIONS FOR POLITICAL DONATIONS

Proceedings in Brief

It was noted that there were nil declarations of political donations.

MOTION (Wilcox/Davison)

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

16/08/03 Carried

It was noted the time being 2:04pm the Mayor made a presentation to Rebecca Geddes as Youth of the Month for August.

ITEM - 4 MAYORAL MINUTE - APPOINTMENTS

Proceedings in Brief

The Mayor gave an update on a meeting attended by the Acting General Manager and himself at Mosman Council called for all councils involved in legal action against mergers. He noted that the Woollahra appeal was held on Monday 22 August 2016 and advised that representatives of Woollahra Council advised the meeting that if they lose they will appeal to a higher court. It was noted that the Court of Appeal decision may take a long as 3 months to be announced.

It was resolved at the meeting to collectively write to the Premier and the Prime Minister to request meeting - a copy of the letter was tabled for viewing by councillors. A media campaign is to be released tomorrow.

The Mayor noted that the mayoral election process in September is to proceed and voting forms have been distributed to councillors. The Acting General Manager confirmed it is a requirement of the Local Government Act to hold elections even though a merger is proposed.

The Mayor also noted Australian Citizenship ceremonies were held with the newly elected Federal Member Mr Andrew Gee in attendance.

Clr Davison advised that he attended a meeting of the Borenore Progress Association who advised that they will not be continuing with the lease of the Borenore Railway Station and instead will be going into the Borenore CWA Hall. He noted that the Borenore Progress Association may approach council to ask for help/advice with repairs to the hall.

Clr Culverson noted that she had been advised by the Mullion Creek Progress Association that they had written a letter to the Mayor and the (then) General Manager requesting information on how much money has been spent on legal and associated costs with regard to the court case on forced amalgamation and requested that the letter be replied.

Appointments

Mayor Gosper

- 30/6/16 - Officially opened the Manildra Men's Shed
- July 16 – Took leave and the Deputy Mayor Clr MacSmith assumed the Chair
- 2/8/16 – Attended the Local Government Week Shire Tour with Councillors and senior staff
- 3/8/16 – Attended the Molong Central School's Education Week assembly and took part in the Questions and Answers Panel along with the Director of Environmental Services
- 11/8/16 – Attended the office for the farewell of the former General Manager Andrew Hopkins

- 17/8/16 – Attended a meeting of all Councils that are awaiting court decisions on pending Local Government Amalgamations at Mosman at the invite of Mosman Council along with the Acting General Manager.
- 19/8/16 – Jointly performed an Australian Citizenship ceremony for two citizens from Cabonne along with the Federal Member for Calare Mr Andrew Gee MP.
- 19/8/16 – Held an informal meeting with the Federal Member for Calare Mr Andrew Gee MP.

MOTION (Gosper/-)

THAT the information contained in the Mayoral Minute be noted.

16/08/04 Carried

ITEM - 5 COMMITTEE OF THE WHOLE

Proceedings in Brief

Clr Dean called items 13, 18 and 21 and Clr Wilcox called item 16 for debate in the Committee of the Whole.

MOTION (Wilcox/Dean)

THAT called items be debated in Committee of the Whole.

16/08/05 Carried

ITEM - 6 GROUPING OF REPORT ADOPTION

Proceedings in Brief

It was noted there were nil items called for further consideration.

MOTION (Dean/Wilcox)

THAT Items 7 to 11 be moved and seconded.

16/08/06 Carried

ITEM - 7 CONFIRMATION OF THE MINUTES

MOTION (Dean/Wilcox)

THAT the minutes of the Ordinary meeting held 26 July 2016 be adopted.

16/08/07 Carried

**ITEM - 8 REQUEST FOR ASSISTANCE WITH LEGAL COSTS - COWRA
SHIRE COUNCIL**

MOTION (Dean/Wilcox)

THAT Council contribute \$387.77 towards assistance with legal costs incurred in relation to Cowra Shire Council.

16/08/08 Carried

**ITEM - 9 PURCHASE OF STATE RAIL OWNED LAND FOR CARGO
ROAD DEVIATION**

MOTION (Dean/Wilcox)

THAT Council affix the common seal to the documents associated with the purchase of the land known as Lot 1182 in an unregistered plan of acquisition DP 1179438, currently registered comprising Part Lot 2 DP 109486.

16/08/09 Carried

ITEM - 10 ELECTRONIC TRAFFIC COMMITTEE - AUGUST 2016

MOTION (Dean/Wilcox)

THAT Council ratify the recommendation of the Local Traffic Committee.

16/08/10 Carried

ITEM - 11 EUGOWRA VOLUNTARY PURCHASE

MOTION (Dean/Wilcox)

THAT:

1. Council apply for funding from the NSW Office of Environment and Heritage (OEH) for the voluntary purchase of 14 Cooper Street, Eugowra.
2. A second report be submitted to Council advising of the outcome of the proposed funding application prior to commencement of acquisition.

16/08/11 Carried

ITEM - 12 COUNCIL PICNIC DAY

MOTION (Dean/Davison)

THAT:

1. Council approve the annual Picnic Day to be held on Friday 14 October 2016.
2. Council authorise the attendance of all councillors at the Picnic Day.
3. Councillors note the cost of \$52.00 for attending the Picnic Day to be paid to the Picnic Committee from the Councillor Expense Account.

16/08/12 Carried

It was noted that item 13 was to be dealt with in the Committee of the Whole.

ITEM - 14 REQUEST FOR DONATION OF RATES

MOTION (Wilcox/Dean)

THAT Council donate the amount of the general rate to A30857 upon application starting from the 2015/2016 rating year.

16/08/13 Carried

**ITEM - 15 AGE OF FISHES MUSEUM MARKETING AND
COMMUNICATION PLAN**

MOTION (Walker/Wilcox)

THAT Council:

1. Ratifies the draft Marketing and Communication Plan for the Age of Fishes Museum, Canowindra.
2. Authorises the Acting Economic Development Manager to implement the Marketing and Communication Plan in consultation with the Age of Fishes Board and Museum Manager.

16/08/14 Carried

It was noted that item 16 was to be dealt with in the Committee of the Whole.

ITEM - 17 REGIONAL WATER PIPELINE PROJECT

Proceedings in Brief

Clr Culverson noted that as the resolution was to select tenderers for short listing and no actual contract was being awarded she would not be declaring an interest even though her business had dealings with one of the companies in the past.

MOTION (Walker/MacSmith)

THAT:

- Comdain Infrastructure Pty Ltd
- Diona Pty Ltd
- Ertech Pty Ltd
- Georgiou Group Pty Ltd
- Ledonne Constructions Pty Ltd
- Leed Engineering and Construction Pty Ltd

- Spiecapag Lucas Joint Venture

be selected as suitable tenderers for submission of proposals for the Orange to Molong portion of the Regional Water Security project.

16/08/15 Carried

It was noted that item 18 was to be dealt with in the Committee of the Whole.

ITEM - 19 2016 NATIONAL LOCAL ROADS AND TRANSPORT CONGRESS

Proceedings in Brief

It was noted that Council's Operation Manager Roads and Bridges will be attending. It was decided that the Mayor or Clr Dean (in his place) would also attend.

MOTION (Dean/Wilcox)

THAT Council's delegate to attend the 2016 National Local Roads & Transport Congress be the Mayor or Clr Dean.

16/08/16 Carried

ITEM - 20 BACKLOG PROGRAM 2016-2017

MOTION (Wilcox/Dean)

THAT Council approve the projects listed for the Backlog Program for 2016-2017.

16/08/17 Carried

It was noted that item 21 was to be dealt with in the Committee of the Whole.

ITEM - 22 CANOWINDRA CARAVAN PARK

MOTION (Dean/Walker)

THAT Council cancel the current contract for Neil and Ros Haywood for the management of the Canowindra caravan park and that new tenders be advertised.

16/08/18 Carried

It was noted the time being 2:37pm Clr Culverson declared an interest (identified as a pecuniary interest) in item 23 due to the land owner being her husband's uncle and an interest (identified as a perceived significant non pecuniary interest) in item 24 due to the proponent being a previous client of her business and left the Chambers.

ITEM - 23 HERITAGE GRANTS PROGRAM 2016-17 APPLICATIONS FOR REPLACEMENT OF AWNING AT 82-86 GASKILL STREET,

**CANOWINDRA AND SITE WORKS FOR THE CONSERVATION OF
A RURAL BUILDING AT 1078 BURRENDONG WAY, CLERGATE**

Proceedings in Brief

In response to a question from the Director of Environmental Services relating to dealing with Heritage Grants the Council decided to continue receiving reports as per the current process.

MOTION (Davison/Walker)

THAT:

1. The application for replacement of awning cladding of the three combined shop façades being premises known as 82 – 86 Gaskill Street, Canowindra be supported and that a funding offer of \$1,500 be made to Mr N.D. Cullane on behalf of ND Cullane, IR & DJ Guihot, and K Kelly, and
2. The application for initial conservation work to ensure longevity of a century old rural outbuilding contain rare collection of items and materials at 1078 Burrendong Way, Clergate be supported and that a grant of \$800 be offered to Bonny Campbell acting for the land owner Mr RG Culverson.

16/08/19 Carried

**ITEM - 24 DA 2016/113 ADDITIONS TO DWELLING UPON LOT 1 DP
395059 LAND ALSO KNOWN AS 1815 LONG POINT RD, MULLION
CREEK**

MOTION (Walker/MacSmith)

THAT:

1. Development Application 2016/113 for alterations and additions to a dwelling upon Lot 1 DP 395059, land also known as 1815 Long Point Rd, Mullion Creek be refused on the grounds that the existing dwelling was not lawfully erected in the first instance.
2. Legal action be taken to address the illegal building works.

16/08/20 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 (noting the absence of Clrs Durkin, Nash and Treavors – apologies; and Clr Culverson – declared an interest) as follows:

For: Clrs Gosper, Dean, MacSmith, Hayes, Wilcox, Walker and Davison.

Against: Nil.

It was noted the time being 2:44pm Clr Culverson rejoined the meeting.

**ITEM - 25 DA 2016/92 CONDITIONS OF CONSENT FOR DA 2016/92 FOR
A DWELLING UPON LOT 1 DP 878304 LAND ALSO KNOWN AS
701 THE ESCORT WAY, BORENORE**

Proceedings in Brief

Council decided to approve the notice of approval. The Mayor expressed concern regarding setting a precedent and noted the staff recommendation to the July meeting to refuse the application. He conceded that as he was not present at the last meeting he had missed the presentation by Mr Basha on behalf of the proponent.

The Mayor drew attention to the fact that the notice contains the conditions of consent.

MOTION (Davison/MacSmith)

THAT Council approve the attached notice of approval for DA 2016/92 for a dwelling upon Lot 1 DP 878304 land also known as 701 The Escort Way, Borenore.

16/08/21 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 (noting the absence of Clrs Durkin, Nash and Treavors – apologies) as follows:

For: Clrs Dean, MacSmith, Hayes, Walker, Davison and Culverson.

Against: Clrs Gosper and Wilcox.

ITEM - 26 QUESTIONS FOR NEXT MEETING

Proceedings in Brief

Clr Davison requested a report with a list of projects / tasks / things not being done due to the pending amalgamation.

MOTION (Davison/Walker)

THAT Council receive a report at the next Council meeting in relation to projects / tasks / things not being done due to pending amalgamation issue.

16/08/22 Carried

ITEM - 27 BUSINESS PAPER ITEMS FOR NOTING

Proceedings in Brief

Clr Culverson called item 6.

It was noted that the annexure to item 12 was not included on the agenda. A commitment was given that it would be emailed to all councillors.

MOTION (Dean/MacSmith)

THAT:

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

16/08/23 Carried

ITEMS FOR NOTATION

ITEM - 6 REVIEW OF ACCOMMODATION FOR AGED PEOPLE IN CABONNE

Proceedings in Brief

In response to a question from Clr Culverson the Acting General Manager advised that without conducting a survey it was not possible to conclusively state whether the needs of the community are being met. He added that from available knowledge whilst there were waiting lists for some council run facilities such as Acacia and Boree Lodges they are not extensive. Clr Culverson expressed her thanks to the author of the report.

MOTION (Culverson/MacSmith)

THAT the information be noted.

16/08/24 Carried

ITEM - 28 MATTERS OF URGENCY

Proceedings in Brief

It was noted that there were nil matters of urgency.

MOTION (Dean/Davison)

THAT it be noted there were nil matters of urgency.

16/08/25 Carried

ITEM - 29 COMMITTEE OF THE WHOLE SECTION OF THE MEETING

MOTION (Wilcox/Walker)

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

16/08/26 Carried

ITEM - 13 REQUESTS FOR DONATIONS

Proceedings in Brief

In response to a question from Cllr Dean the Acting General Manager advised that council does not make donations to schools as they are State Government funded. It was then proposed to make a donation to the Cudal Public School P&C of \$500.

RECOMMENDATION (Dean/Culverson)

THAT Council:

1. Donate \$300 to the Cumnock Progress Association to assist them set up their memorial website;
2. Donate \$500 to Cudal Public School P&C to purchase resources for a robotics program; and
3. Donate \$500 to the Nashdale Public School P&C if their application for funding through FRRR is successful.

1. Carried

ITEM - 16 EVENTS ASSISTANCE PROGRAM 2016/2017

Proceedings in Brief

In response to a proposal by Cllr Wilcox to increase funding to Canowindra @ home Airing of the Quilts to \$5,000 and Cllr Walker's proposal to provide a skip bin for free the Acting General Manager reminded Council that there are Events Assistance Program guidelines in place approved by Council.

The Tourism & Community Development Coordinator advised that under the guidelines the 'quilts' event has existed for several years and under the guidelines only new events attract \$2,000. She added that the application has been discussed with the applicants and they are happy with the recommendation.

The Mayor suggested \$3,000 plus provision of a skip bin as a compromise.

RECOMMENDATION (Wilcox/Walker)

THAT Council approve funding under the 2016/2017 Events Assistance Program (EAP):

1. \$20,000 for the Canowindra Challenge Inc. 18 to 25 April 2017 (1 week)
2. \$5,000 for the Cycling NSW Masters Cycling Road Race in Molong April 2017
3. \$3,000 for the Canowindra @ home Airing of the Quilts event 1 & 2 October 2016 plus a skip bin be provided.

2. Carried

ITEM - 18 ACCESS TO MOLONG TO YEOVAL WATER PIPELINE

Proceedings in Brief

It was proposed that a more extensive report is required to provide a policy that covers other possible future users.

RECOMMENDATION (Dean/Gosper)

THAT a further report be provided to next Council meeting addressing future demand.

3. Carried

ITEM - 21 ORANA HOUSE CANOWINDRA

RECOMMENDATION (Dean/Walker)

THAT Council:

1. Authorise the replacement of the air conditioner unit at Orana House, Canowindra, at a cost of \$2,870 to be funded from Capital Works Reserve; and
2. Resolve that the expenditure is required and warranted to enable the building to be occupied.

4. Carried

It was noted the time being 3:20pm the Chair announced that the Council would now be resolving into a closed Committee of the Whole.

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 (Wilcox/Davison)

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 26 July 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 DEBT RECOVERY REPORT OF OUTSTANDING DEBTS

RECOMMENDATION (Davison/Dean)

THAT the ratepayers in the annexure attached be advised in writing that if payment of their account is not made, or a satisfactory arrangement for payment is not made, within seven days of this correspondence that Council intends to issue a Statement of Claim for the recovery of all monies owed to Council.

7. Carried

ITEM - 4 MANILDRA LIBRARY LEASE

RECOMMENDATION (Walker/Wilcox)

THAT Council advise the lessor that Cabonne Council wishes to exercise the option to renew the lease for a further 5 years for Part Lot 6 / Section 35 / DP758643 being the premises known as the Manildra Library at 7 Derowie Street, Manildra.

8. Carried

ITEM - 5 LEASE OF THE MOLONG LIMESTONE QUARRY

RECOMMENDATION (Hayes/Dean)

THAT the report be noted.

9. Carried

ITEM - 6 HEAVY PATCHING CONTRACT 2016-2017

RECOMMENDATION (Walker/Wilcox)

THAT Council:

1. Accept the tender from Kerway Asphalt Pty Ltd for the Heavy Patching Contract No 764876 in the amount of \$676,500 excluding GST.
2. Accept the tendered rates from Kerway Asphalt Pty Ltd, Earth Plant Hire and Downer Edi Pty Ltd, to undertake Heavy Patching as required.
3. Authorise the signing and attachment of the Council Seal to the contract instrument of agreement between Cabonne Council and Kerway Asphalt Pty Ltd.

10. Carried

ITEM - 7 MOLONG CARAVAN PARK

RECOMMENDATION (Dean/Hayes)

THAT Council accept the tender from Lorraine and Paul O'Brien for the management of the Molong Caravan Park and that the Council seal be affixed to the contract.

11. Carried

It was noted the time being 3:26pm the Chair resumed the ordinary meeting.

REPORT & RESOLUTIONS OF COMMITTEE OF THE WHOLE

MOTION (Wilcox/Hayes)

THAT the Report and Recommendations of the Committee of the Whole Meeting held on Tuesday 23 August, 2016 be adopted.

16/08/27 Carried

There being no further business, the meeting closed at 3:26pm.

CHAIRMAN.

Chairman of the Ordinary Meeting of Cabonne Council held on the 27 September, 2016 at which meeting the listed minutes were confirmed and the signature hereon was subscribed.