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**PRESENT** Cllr L MacSmith (in the Chair), Cllrs G Dean, M Nash, 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 Administration Officer.

## **ITEMS FOR DETERMINATION**

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

#### Proceedings in Brief

Apologies were tendered on behalf of Cllrs Gosper and Hayes for their absence from the meeting.

#### **MOTION** (Wilcox/Dean)

THAT the apologies tendered on behalf of Cllrs Gosper and Hayes be accepted and the necessary leave of absence be granted.

16/07/01 Carried

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

#### Proceedings in Brief

It was noted there were nil declarations of interest.

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

THAT it be noted there were nil declarations of interest.

16/07/02 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.

16/07/03 Carried

It was noted the time being 2:02pm Phoenix Aguila was awarded the Youth of the Month for June 2016 and Brooke Kinsela was awarded the Youth of the Month award for July 2016.

It was noted the time being 2:10pm Michael Butler received a presentation upon completion of Bachelor of Engineering Honours.

#### **ITEM - 4 MAYORAL MINUTE - APPOINTMENTS**

##### Proceedings in Brief

The Chair provided an update on the Woollahra Council case noting that an appeal was lodged, the impact of that on the Cabonne Council case was unknown.

He also introduced a Mayoral Minute relating to a proposal by the State Government in relation to greyhound racing ban.

##### **MOTION** (MacSmith/-)

THAT:

1. Cabonne Council write to the NSW Premier Mike Baird calling on him to reconsider his original decision regarding the NSW greyhound industry ban and to permit the matter to be debated in parliament.
2. The information contained in the Mayoral Minute be noted.

16/07/04 Carried

#### **ITEM - 5 COMMITTEE OF THE WHOLE**

##### Proceedings in Brief

It was noted that nil items were called for debate in the Committee of the Whole.

##### **MOTION** (Wilcox/Durkin)

THAT it be noted there were nil items called for debate in the Committee of the Whole.

16/07/05 Carried

#### **ITEM - 6 GROUPING OF REPORT ADOPTION**

##### Proceedings in Brief

It was noted item 8 was called by the Director of Finance & Corporate Services.

##### **MOTION** (Dean/Wilcox)

THAT:

1. Councillors further consider any items called.
2. Items 7, 9 to 12 be moved and seconded.

16/07/06 Carried

**ITEM - 7 CONFIRMATION OF THE MINUTES**

**MOTION** (Dean/Wilcox)

THAT the minutes of the Ordinary meeting held 28 June 2016 be adopted.

16/07/07 Carried

**ITEM - 9 GOVERNMENT INFORMATION PUBLIC ACCESS ACT 2009  
(GIPA) - AGENCY INFORMATION GUIDE AND PROACTIVE  
RELEASE PROGRAM - ANNUAL REVIEW**

**MOTION** (Dean/Wilcox)

THAT Council:

1. Adopt the annexed draft Agency Information Guide and Proactive Release Program, for the ensuing 12 months and make same available through Council's website.
2. Submit their Agency Information Guide to the Information Commissioner.
3. Review its future Proactive Release Program features based on guidelines from the Information Commissioner once received.

16/07/08 Carried

**ITEM - 10 LOCAL GOVERNMENT REMUNERATION TRIBUNAL**

**MOTION** (Dean/Wilcox)

THAT from 1 July 2016 the annual fees payable to Councillors be set at \$11,290 and the additional annual payable fee to the Mayor be set at \$24,630.

16/07/09 Carried

**ITEM - 11 AMENDMENTS TO THE LOCAL GOVERNMENT ACT -  
COUNCILLOR ELIGIBILITY AND DECLARATIONS OF INTEREST**

**MOTION** (Dean/Wilcox)

THAT:

1. Councillors note the changes to the Local Government Act; and
2. Updated Code of Conduct and Code of Meeting policies be submitted to Council for adoption to reflect these amendments to the Local Government Act.

16/07/10 Carried

**ITEM - 12 MOLONG SHOW COMMITTEE USE OF MOLONG HALL**

**MOTION** (Dean/Wilcox)

THAT Council waive the fees for the use of the Molong Community Hall for two weeks in September 2016 as requested by the Molong Show Society.

16/07/11 Carried

**ITEM - 8 INTEGRATED PLANNING & REPORTING - OPERATIONAL  
PLAN FINAL QUARTER REVIEW**

Proceedings in Brief

It was noted that nil alterations were required.

**MOTION** (Dean/Wilcox)

THAT the update of the Operational Plan to 30 June 2016, as presented be adopted.

16/07/12 Carried

**ITEM - 13 FUNDING OF THE WBC STRATEGIC ALLIANCE**

**MOTION** (Dean/Durkin)

THAT Council:

1. Agree to be responsible for 40% of the ongoing costs (inclusive of all on-costs) of the WBC Alliance effective for the operational year 2016/17 commencing 1st July 2016; and
2. Agree that in the event that Blayney and Cabonne councils cease to exist and are merged into a new council area that any potential future costs regarding redundancy of the WBC Executive Manager be covered 50/50 by Blayney and Cabonne councils.

16/07/13 Carried

**ITEM - 14 2016 LG NSW ANNUAL CONFERENCE**

Proceedings in Brief

Cirs Davison and MacSmith were nominated as observers.

The Chair advised issues could be raised with the General Manager.

**MOTION** (Nash/Culverson)

THAT Council:

1. Be represented at the 2016 Local Government NSW Annual Conference by the Mayor, or his alternate delegate, Cllrs Davison and MacSmith as observers nominated by Council and the General Manager, or his alternate delegate, in an advisory capacity; and
2. Identify issues and/or motions to be submitted to the conference.

16/07/14 Carried

**ITEM - 15 EUGOWRA HISTORICAL MUSEUM AND BUSHRANGER CENTRE**

**MOTION** (Davison/Wilcox)

THAT Council agree to enter into a Memorandum of Understanding with the Eugowra Promotion & Progress Association for Lot 283 DP 1192242 being 15 Pye Street, Eugowra known as the Eugowra Historical Museum & Bushranger Centre.

16/07/15 Carried

**ITEM - 16 INDUSTRIAL WATER CHARGES**

**Proceedings in Brief**

The Director of Finance and Corporate Services advised some minor changes are needed that had been discussed with the General Manager.

**MOTION** (Wilcox/Durkin)

THAT Council adopt the Industrial Water Supply Charge policy with the policy statement amended to read:

*Commercial consumers who use a minimum annual consumption of 4,000 kilolitres of reticulated water during the actual industrial process of producing an edible product for human consumption, but excluding the preparation of food for immediate consumption such as restaurants and take away food business, be placed in the "industrial & commercial" category with respect to reticulated water consumption to be eligible for inclusion within the category a consumer must:*

- *Provide evidence of their businesses economic benefit to the community.*
- *Sign a Heads of Agreement with council for a reduced charge per kilolitre for water consumed.*

16/07/16 Carried

**ITEM - 17 CANOWINDRA RETIREMENT VILLAGE**

Proceedings in Brief

Clr Walker stated that he felt Councillors had not had sufficient time to read all of the document. At first read, he disagrees with some statements within.

Clr Walker moved that a meeting be arranged to move things forward.

**MOTION** (Walker/Durkin)

THAT on the return of Clr Hayes, that he and Clrs MacSmith and Walker meet with the Retirement committee, Uniting Care and senior staff of Council to work out the steps forward.

16/07/17 Carried

**ITEM - 18 RFS INCREASE IN FUNDING - AMENDMENT TO THE RURAL  
FIRE FIGHTING FUND ALLOCATION METHODOLOGY  
CONTRIBUTIONS**

Proceedings in Brief

The Director of Finance & Corporate Services advised the intention of the new formula was to reduce “shocks” on expenditure. Changes include capital contributions not being counted by council area – seems to be across the board.

In response to a question by Clr Walker the Director of Finance & Corporate Services advised that the partners of Cabonne in the Zone are Blayney, Cowra and Orange councils.

In response to a question by Clr Culverson who noted the report states that Local Government NSW agreed to implement the new methodology as to whether Local Government NSW consulted with Cabonne Council, the Director of Finance & Corporate Services replied that they had not.

**MOTION** (Wilcox/Nash)

THAT Council raise the issue of the Rural Fire Service increase in funding due to an amendment to the rural fire fighting fund allocation methodology contributions at the Local Government NSW annual conference.

16/07/18 Carried

**ITEM - 19 REVOTING OF EXPENDITURE FROM THE 2015/16 FINANCIAL  
YEAR**

**MOTION** (Dean/Wilcox)

THAT Council:

1. Revote funds as per the attached list of variations; and

2. Resolve that the funds are required and warranted to enable the completion of the projects listed as revotes from the 2015/16 year to be completed in the 2016/17 budget.

16/07/19 Carried

**ITEM - 20 FUNDING OF AGED UNITS AT MOLONG**

Proceedings in Brief

It was noted by the Director of Finance & Corporate Services that nil submissions were received.

**MOTION** (Dean/Culverson)

THAT:

1. Council provide interest free loan funds of up to \$450,000 to fund the construction of three additional aged units for the Acacia Lodge Committee;
2. Council authorise the attachment of its Common Seal to the contract between Council and Hines Constructions for the construction of three self care aged units at Molong; and
3. The project be recognised as being required and warranted as it follows on from Council's calling of tenders in December 2015 and is included in Council's Operational Plan 3.2.1.b Facilitate retirement and aged care projects and services.

16/07/20 Carried

**ITEM - 21 TASTE ORANGE@MARTIN PLACE**

**MOTION** (Walker/Davison)

THAT Council:

1. Authorise the Acting Economic Development Manager to represent Council at the 2016 Taste Orange@Martin Place tourism promotion in Sydney on 22-23 September 2016; and
2. Contribute \$10,000 plus GST towards the cost of staging the 2016 Taste Orange@Martin Place event as provided in Council's 2016/17 Budget.

16/07/21 Carried

**ITEM - 22 2016 DAROO BUSINESS AWARDS**

**MOTION** (Wilcox/Davison)

THAT Council agree to a request from the Central NSW Business Enterprise Centre to provide \$5,000 sponsorship for the 2016 Daroo Business Awards.

16/07/22

**ITEM - 23 EVENTS ASSISTANCE PROGRAM 2016/2017**

**MOTION** (Walker/Culverson)

THAT Council approve the funding of \$5,000 for the Orange Region Vignerons Association to support the Orange Wine Festival under the 2016/2017 Events Assistance Program.

16/07/23

Carried

**ITEM - 24 REGIONAL WATER SECURITY PROJECT**

**MOTION** (Culverson/Wilcox)

THAT Council:

1. Note the information.
2. Endorse the application to Infrastructure NSW to transfer savings from stage 1 of the pipeline project to stage 2 Molong to Cumnock pipeline.
3. Invite tenders from the Orange Council select tender list for stage 1 design and construct Orange to Molong pipeline Project RNSW757.

16/07/24

Carried

**ITEM - 25 CUDAL RECREATION GROUND**

**MOTION** (Durkin/Nash)

THAT Council:

1. Provide \$5,000 financial assistance for the shade structure project as requested by the Ben Mitchell Tribute Committee; and
2. Resolve that the expenditure is required and warranted to supplement the fundraising efforts of the committee.

16/07/25

Carried

**ITEM - 26 DA 2016/0093 DWELLING ON LAND DESCRIBED AS LOTS  
188, 189, 190, 191, 232, 243, 244 AND 245 IN DP 750145, 1178  
SOUTH BOWAN PARK ROAD, CARGO**

**MOTION** (Walker/Culverson)

THAT Council:

1. Support the variation to the 100 hectare development standard using Council's assumed concurrence from NSW Department of Planning and Infrastructure Director-General; and
2. Approve Development Application DA 2016/0093 for a Dwelling on land described as Lots 188, 189, 190, 191, 232, 243, 244 and 245 in DP 750145, 1178 South Bowan Park Road, Cargo subject to attached conditions of consent.

16/07/26 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 Gosper and Hayes – apologies) as follows:

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

Against: Nil.

Carried

It was noted the time being 2:45pm Clr Durkin declared an interest in the following item (identified as a perceived conflict of interest of a significant non-pecuniary type), due to a friend of his having lodged a letter of support and left the Chambers.

#### **ADDITIONAL ITEM - ADDRESS COUNCIL**

##### Proceedings in Brief

The Chair advised that Mr Peter Basha sought leave to address Council on behalf of the proponent in relation to the following item.

##### **MOTION** (Culverson/Walker)

THAT Mr Peter Basha be given leave to address the Council.

16/07/27 Carried

It was noted the time being 2:46pm Peter Basha addressed Council in relation to the following item on behalf of proponent until 2:52pm.

#### **ITEM - 27 DA 2016/92 DWELLING UPON LOT 1 DP 878304 LAND ALSO KNOWN AS 701 THE ESCORT WAY, BORENORE**

##### Proceedings in Brief

Mr Basha addressed Council and argued that based on figures provided, it could in fact be demonstrated that the development proposal did satisfy the need to be viable and proceeded to quote figures supporting his argument.

He added that it was also expected that the venture would be more profitable in the future supporting viability.

Mr Basha requested option 2 of the report be adopted.

The Chair supported the adoption of option 2, Clr Nash argued that the proposal did not meet the LEP and should be refused and Clr Davison suggested Council should approve the matter immediately.

**MOTION** (MacSmith/Culverson)

THAT the application be deferred to the next Council meeting for approval, subject to provision of a draft Notice of Approval.

16/07/28 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 Gosper and Hayes – apologies, Clr Durkin – declared interest) as follows:

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

Against: Clrs Nash and Wilcox.

Carried

It was noted the time being 2:57pm Clr Durkin re-joined the meeting.

**ITEM - 28 QUESTIONS FOR NEXT MEETING**

Proceedings in Brief

Clr Culverson requested an update on aged accommodation which the Director of Finance & Corporate Services advised would require a report to the next meeting.

**MOTION** (Culverson/Nash)

THAT Council receive a report at the next Council meeting in relation to the needs of various categories of aged resident accommodation being addressed within Cabonne.

16/07/29 Carried

**ITEM - 29 BUSINESS PAPER ITEMS FOR NOTING**

Proceedings in Brief

Clr Davison called items 7, 8 and 12.

**MOTION** (Culverson/Walker)

THAT:

1. Council further consider items 7, 8 and 12.

2. The balance of the items be noted.

16/07/30 Carried

**ITEMS FOR NOTATION**

**ITEM - 7 LEHMAN BROS INVESTMENT**

Proceedings in Brief

In response to a question by Clr Davison the Director of Finance & Corporate Services advised that Council had initially received \$250,000 for the Federation CDO.

**MOTION** (Davison/Walker)

THAT the information be noted.

16/07/31 Carried

**ITEM - 8 ECONOMIC DEVELOPMENT ACTIVITIES REPORT**

Proceedings in Brief

Clr Davison advised that he felt an additional item should have been listed in the Cabonne Country Tourism Advisory Committee part of the report relating to seeking funds from Council for marketing Canowindra attractions with a view to seeking a Regional Development Australia grant.

**MOTION** (Davison/Durkin)

THAT the information be noted.

16/07/32 Carried

**ITEM - 12 CENTRAL WEST COUNCILS ENVIRONMENT AND  
WATERWAYS ALLIANCE**

Proceedings in Brief

In response to a question from Clr Davison as to how much membership of the Central West Councils Environment And Waterways Alliance cost, the Director of Environmental Services advised that she would take the question on notice.

**MOTION** (Davison/Walker)

THAT the information be noted.

16/07/33 Carried

**ITEM - 30 MATTERS OF URGENCY**

Proceedings in Brief

It was noted that there were nil matters of urgency.

**MOTION** (Durkin/Nash)

THAT it be noted there were nil matters of urgency.

16/07/34 Carried

**ITEM - 31 COMMITTEE OF THE WHOLE SECTION OF THE MEETING**

**MOTION** (Wilcox/Davison)

THAT Council hereby resolve itself into Committee of the Whole.

16/07/35 Carried

**ITEM - 32 CARGO RUGBY LEAGUE FOOTBALL CLUB - REQUEST FOR  
ASSISTANCE**

Proceedings in Brief

Council resolved to provide funding to the value of \$8,280 (which includes the 15% council corporate charge allocation) funded from the Community Facilitation Fund.

**RECOMMENDATION** (Durkin/Nash)

THAT Council fund the Cargo Rugby League Football Club to the value of \$8,280 (which includes the 15% council corporate charge allocation) funded from the Community Facilitation Fund.

1. Carried

**CONFIDENTIAL ITEMS**

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

**RECOMMENDATION** (Culverson/Wilcox)

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.

2. Carried

**ITEM - 2 TENDER FOR DEMOLITION, DESIGN AND CONSTRUCTION  
OF LIMESTONE QUARRY SHED - MOLONG**

**RECOMMENDATION** (Walker/Durkin)

THAT Council:

1. Engage CBC Innovation Pty Ltd to construct a shed at Molong Limestone Quarry at the tendered amount of \$305,665 (incl GST);
2. Vote additional funds of \$170,000 from Council's Quarry Reserve;
3. Resolve that the funds are required and warranted to enable Council to comply with Mine Safety Regulations; and
4. Affix the Common Seal to the contract document.

3. Carried

**ITEM - 3 TENDER FOR DESIGN AND CONSTRUCTION OF MULTI-  
PURPOSE SYNTHETIC SURFACE SPORTS FACILITY IN MOLONG**

**RECOMMENDATION** (Wilcox/Nash)

THAT Council:

1. Award the tender to ADTC Civil Earthmoving Pty Ltd for the construction of a multi-purpose synthetic surface sports facility at Molong Hockey Ground, Lots 30 to 35 DP 1089785, for the sum of \$572,536.10 (incl GST); and
2. Affix the common seal to the contract document.

4. Carried

**ITEM - 4 NETWASTE USED MOTOR OIL CONTRACT**

**RECOMMENDATION** (Wilcox/Nash)

THAT Council adopt the recommendation as outlined in the report.

5. Carried

**ITEM - 5 HERITAGE ADVISOR'S REPORT**

**RECOMMENDATION** (Wilcox/Nash)

THAT the information be noted.

6. Carried

\* **ITEM - 6 MAYORAL MINUTE - GENERAL MANAGER'S PERFORMANCE**

**REVIEW**

**RECOMMENDATION** (Durkin/Davison)

THAT Council note the verbal advice of the General Manager's Performance Review from the Deputy Mayor at the meeting.

7. Carried

\* **ADDITIONAL ITEM - ATTENDANCE AT CLOSED MEETING**

**RECOMMENDATION** (Davison/Durkin)

THAT Council's solicitor Mr Chris Messenger attend the meeting in relation to the following item.

8. Carried

It was noted the time being 3:13pm staff, with the exception of the General Manager, were asked to leave the meeting and Mr Chris Messenger entered the Chambers.

\* **ITEM - 7 GENERAL MANAGER'S CONTRACT**

**RECOMMENDATION** (Durkin/Nash)

THAT:

- 1) Council, in the event Cabonne Shire Council remains a 'stand-alone' council and is not amalgamated with any other council, as at 5pm Friday 12<sup>th</sup> August 2016 terminate its Standard Contract of Employment for General Managers of Local Councils in New South Wales (the Contract) in accordance with the email letter to councilors from Andrew Lee Hopkins dated 5.01pm 25<sup>th</sup> July 2016 which includes his intended resignation and in accordance with Sub-clause 10.3.1 of the Contract and make a monetary payment to Andrew Lee Hopkins in accordance with the proceedings in brief, together with all other entitlements owing to Mr Hopkins under the Contract.
- 2) Council authorise the Mayor and/or the Deputy Mayor to enter into an agreement with Andrew Lee Hopkins regarding item 1 of this resolution.
- 3) In accordance with the provisions of s336(1) of the Local Government Act, appoint Stephen John Harding as the Acting General Manager, effective from 5pm on Friday 12<sup>th</sup> August 2016 and a remuneration package of \$220,000, inclusive of superannuation with vehicle leaseback to be under the same terms and conditions as his current employment contract.

- 4) Subject to not receiving direction from the Council as to the consideration of any particular matter by the Council itself and subject to the requirements of the Local Government Act 1993 and Regulations thereunder and any express policy of the Council or regulations or any public authority other than the Council and pursuant to the powers conferred on Council by s377 of the Local Government Act 1993, the Acting General Manager, Stephen John Harding, be authorised to exercise or perform on behalf of the Council the powers, authorities, duties and functions as follows:
- The powers, functions and duties of Council other than those specified in s377(1) of the Local Government Act 1993, as being not permissible to delegate.

9. Carried

Clr Treavors requested that his vote be recorded against the motion.

It was noted the time being 5:32pm 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 26 July, 2016 be adopted.

16/07/36 Carried

There being no further business, the meeting closed at 5:33pm.

CHAIRMAN.

Chairman of the Ordinary Meeting of Cabonne Council held on the 23 August, 2016 at which meeting the listed minutes were confirmed and the signature hereon was subscribed.