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PRESENT Clr R Dowling (in the Chair), Clrs G Dean, N Bleakley, L MacSmith, S Wilcox, I Gosper, A Durkin, D Hyde, K Walker, J Farr, J Culverson and K Duffy

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

ITEMS FOR DETERMINATION

ITEM - 1 APPLICATIONS FOR LEAVE OF ABSENCE

Proceedings in Brief

There were nil applications for leave of absence.

ITEM - 2 DECLARATIONS OF INTEREST

Proceedings in Brief

Clr Bleakley declared an interest in Item 37 due to being a returned Serviceman and member of the Molong RSL Sub Branch. Clr Culverson declared an interest in Item 21 due to her business being a service provider to Council and Item 33 as two of the applicants are clients of her business and a further two are family members. Clr Gosper declared an interest in Item 33 as one of the applicants is a business partner. Clr Durkin declared an interest in Item 7 of Closed due to having dealings with one of the applicants through his employment as a Police Officer and in Item 35 due to one of the appointees for Treasurer being a serving Police Officer. Clr Farr declared an interest in Item 19 due to his Daughter in Law and Brother in Law being employed at the Manildra Flour Mill.

MOTION (Wilcox/Gosper)

THAT the declarations of interest be noted.

10/12/03

Carried

ITEM - 3 DECLARATIONS OF POLITICAL DONATIONS

Proceedings in Brief

There were nil declarations of political donations.

ITEM - 4 MAYORAL MINUTE - APPOINTMENTS

Proceedings in Brief

It was noted at the outset the Mayor commended the Director of Engineering & Technical Services and his staff on their works following the storm and flood damage.

Clr Dowling

- Committee meetings
- Forbes Council Christmas party
- RFS Regional Forum Dubbo
- Engineering and Quarry workshop
- CENTROC meeting Orange
- Attended funeral for Kath Knowles in Wellington
- Attended Orange City Council Ophir Gold BBQ in Orange
- Yeoval Progress meeting
- Inspection of flood damage – Yeoval, Manildra & Eugowra
- Attended opening of Finns Gift Shop in Canowindra
- Attended Council staff Christmas party
- Molong School Presentation night
- Cumnock School Presentation night
- Attended Christmas party for Councillors and Senior staff
- Meeting regarding survey form for the Molong Village Green

Clr Dean

- Judged the Design and postcard Competition
- Engineering and Quarry workshop
- Cabonne Road Traffic Safety meeting
- Attended Cumulus Wines opening of its new bottling line
- Committee Meetings
- Economic Development workshop
- Caravan Committee meeting
- Canowindra SES opening
- Cabonne Christmas party
- Council meeting

Clr MacSmith

- Works workshop
- Meeting re Quadro Report on Cabonne Waste
- Visited Topari 4 Wheel Drive site
- Inspection of Harrison Rd Nashdale
- Attended Cumulus Wines opening of its new bottling line
- Opening of SES Shed at Canowindra
- Committee meeting
- Economic Development workshop
- Central Tablelands Water meeting
- Inspection of Eugowra after flood
- Inspected Mousehole Lane for flood damage

Clr Gosper

- Council meeting

- Engineering and Quarry workshop
- Canobolas Zone RFS Liaison meeting
- Chaired meeting re proposed Macquarie River pipeline
- Attended St Josephs School Molong Presentation night
- Meeting with Cabonne's Director of Finance & Corporate Services
- Attended opening of Canowindra SES Shed
- Committee meetings
- Extraordinary meeting
- Economic Development workshop
- Molong Advancement Group meeting
- Molong Christmas Tree party
- Attended Christmas party for Councillors and Senior staff

Clr Wilcox

- Quadro meeting
- Cumnock Progress Association meeting
- Quarry workshop
- Engineering workshop
- Committee meetings
- Business Incentive workshop
- Extraordinary meeting
- Mullion Creek Public School Presentation night
- CCTAC meeting
- Cabonne Christmas party
- Council meeting

Clr Hyde

- Council meeting
- Works/Quarry workshop
- STDm
- GIPA information session in Orange
- CWA Christmas party
- Meeting re Eugowra sign posting
- Floodplain Advisory meeting
- Meeting with RFS Eulimore
- Committee meetings
- Heritage meeting
- RTC meeting
- Eugowra Public School Presentation
- HACC meeting
- Cabonne Health Council meeting
- Eugowra Promotion meeting
- St Josephs Eugowra Presentation night
- Councillors Christmas party

Clr Walker

- Meeting re footpaths in Canowindra
- Balloon meeting

- Chamber of Commerce meeting
- Meeting re Morris Park concerns
- Engineering workshop
- CWA committee meeting
- SES Shed opening Canowindra
- Canowindra Primary School Presentation night
- Council meeting

Clr Culverson

- Council meeting
- Meeting re Quadro Report on Cabonne Waste
- Judged the Design a Postcard Competition
- Ophir Trust meeting
- Engineering workshop
- Daroo meeting
- GIPA session Orange
- Meeting re proposed Macquarie River pipeline
- Mullion Creek & District Skate.BMX Park committee meeting
- SES Headquarters opening Canowindra
- Committee meetings
- Mullion Creek Public School Christmas concert
- Mullion Creek & District Progress Assoc Christmas party

Clr Duffy

- Council meeting
- Meeting re Quadro Report on Cabonne Waste
- Ophir Trust meeting
- Engineering workshop
- Daroo meeting
- GIPA session Orange
- SES Headquarters opening Canowindra
- Committee meetings
- CTW meeting

MOTION (Dowling/Wilcox)

THAT the information contained in the Mayoral Minute be noted.

10/12/04 Carried

ITEM - 5 CONFIRMATION OF THE MINUTES

MOTION (Durkin/Walker)

THAT the minutes of the Ordinary Meeting held on 15 November 2010 and the Extraordinary Meeting held on 6 December 2010 be adopted.

10/12/05 Carried

ITEM - 6 QUESTIONS FOR NEXT MEETING

Proceedings in Brief

The Mayor reminded councillors and staff that questions asked can be answered directly if possible.

MOTION (Gosper/Farr)

THAT the information be noted.

10/12/06 Carried

ITEM - 7 BUSINESS PAPER ITEMS FOR NOTING

Proceedings in Brief

Clr Duffy called Items 1, 2, and 3; Clr Bleakley called Items 13, 14, 15 and 24; and the General Manager called Item 21.

MOTION (MacSmith/Gosper)

THAT:

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

10/12/07 Carried

ITEM - 8 WBC BOARD MEETING

MOTION (Farr/Wilcox)

THAT Council:

1. Note the minutes of the WBC Board meeting.
2. Receive a report on the acceptance of the IT tender at its February 2011 meeting.

10/12/08 Carried

ITEM - 9 CONDUCT OF JANUARY 2011 COUNCIL MEETING

MOTION (Farr/Bleakley)

THAT:

1. Council not conduct an Ordinary meeting in January 2011 due to the restricted time frame available.
2. An Extraordinary meeting be conducted in January or on February Committee day if necessary.

10/12/09 Carried

ITEM - 10 ONE ASSOCIATION - SPECIAL SHIRES ASSOCIATION ONE

DAY CONFERENCE

MOTION (Bleakley/Wilcox)

THAT:

1. The Mayor and General Manager be authorised to attend the special conference of the Shires Association of NSW in Sydney on Wednesday 23 February 2011.
2. The matter be further considered at the February Council meeting to enable Council to formulate its response and options to the One Association Special Conference.
3. Time be allocated at the February Council meeting for discussion on issues to be raised.

10/12/10 Carried

ITEM - 11 COMMUNITY CONSULTATION MEETINGS

MOTION (Farr/Culverson)

THAT:

1. Council agree to commence the second round of Community Consultation Meetings for the current term;
2. Council's timing for the meetings be 13 weeks sequentially (allowing for shorter days in Winter) and Council commence consultation with local Progress Associations and groups to arrange dates.
3. Council delegate authority to the Mayor and local Councillors to confirm dates and arrange an appropriate schedule.
4. Local Councillors advise the General Manager of local items that can also be included on the meeting Agendas.

The Motion was put and Lost (Chair used casting vote)

MOTION (Hyde/Farr)

THAT:

1. Council agree to commence the second round of Community Consultation Meetings for the current term;
2. Council's timing for the meetings be in two halves in relative time and Council commence consultation with local Progress Associations and groups to arrange dates.
3. Council delegate authority to the Mayor and local Councillors to confirm dates and arrange an appropriate schedule.
4. Local Councillors advise the General Manager of local items that can also be included on the meeting Agendas.

10/12/11 Carried

ITEM - 12 BUSINESS ENTERPRISE CENTRE CABONNE ORANGE

BLAYNEY - TRADING NAME CHANGE

MOTION (Farr/Durkin)

THAT the Business Enterprise Centre Cabonne Orange Blayney be advised that Council has no objection to the trading name of Central NSW Business Enterprise Centre being adopted.

10/12/12 Carried

**ITEM - 13 DLG DRAFT GUIDELINES FOR THE APPOINTMENT AND
OVERSIGHT OF GENERAL MANAGERS**

MOTION (Farr/Wilcox)

THAT Council provide feedback on the Draft Guidelines for the Appointment and Oversight of General Managers.

10/12/13 Carried

**ITEM - 14 COMPLAINT UNDER COUNCIL'S CODE OF CONDUCT - CLR
LACHIE MACSMITH**

Proceedings in Brief

It was noted Clr MacSmith was given leave to read a statement as follows:

"I, Lachlan MacSmith of 3077 The Escort Way Cudal do hereby make the following statement of Cabonne Council at the general meeting Monday 20 December 2010.

This statement is in connection to Item 14 of that meeting namely Complaint Under Council's Code of Conduct.

Sole Code of Conduct Reviewer Jennifer Conn handled this complaint with complete professional wisdom and I will abide by her recommendations.

I wish to advise Council that I made an error in judgement under the Local Government Act.

I wish to apologise to Council, objectors, the developer and any other parties affected by my actions.

I will accept the decision of Council on this matter."

MOTION (Farr/Bleakley)

THAT:

1. Council accept the Report and annexure.
2. Council accept the independent Code of Conduct Sole Reviewer's recommendations being:

- i. That Clr MacSmith undertake further Code of Conduct training within the next 3 months.
 - ii. That Clr MacSmith be counselled immediately by the General Manager regarding the scope of his responsibilities as a Councillor and in particular the issue of transparency and impartial decision making.
3. The General Manager carry out those recommendations.

AMENDMENT (Duffy/Culverson)

THAT Council:

1. Accept the findings of the independent reviewer that “in this case I find the breach is of a serious nature”.
2. Write to the Director General immediately and request the suspension of Clr MacSmith in line with s440H, in particular (1)(a) [of the Local Government Act] for 1 calendar month.
3. Seek procedural comment from the Director General of this case.
4. Write to the independent reviewer and request an explanation as to why another Councillor who was present and participated was found not to have breached Council’s Code of Conduct.

The Amendment was put and lost. The Motion was put and carried. The Chair called for a Division as requested by Clr Duffy which resulted in a vote in favour of the Motion as follows:

For: Clrs Dean, Bleakley, MacSmith, Wilcox, Gosper, Durkin, Hyde, Walker, Farr and Dowling.

Against: Clrs Duffy and Culverson.

MOTION (Farr/Bleakley)

THAT:

1. Council accept the Report and annexure.
2. Council accept the independent Code of Conduct Sole Reviewer’s recommendations being:
 - i. That Clr MacSmith undertake further Code of Conduct training within the next 3 months.
 - ii. That Clr MacSmith be counselled immediately by the General Manager regarding the scope of his responsibilities as a Councillor and in particular the issue of transparency and impartial decision making.
3. The General Manager carry out those recommendations.

10/12/14 Carried

ITEM - 15 POLICY DATABASE - TABLED REPORTS

MOTION (Hyde/Durkin)

THAT Council continue with the policy that the deadline for all tabled documents be 5pm on Friday preceding the monthly meetings, and these late documents be emailed to all Councillors and relevant staff by this time.

10/12/15 Carried

ITEM - 16 DELEGATIONS OF AUTHORITY - DEVELOPMENT APPLICATIONS

MOTION (Wilcox/Durkin)

THAT in addition to existing delegations, the General Manager, Graeme Leslie Patrick Fleming be delegated in consultation with the Mayor Robert Dougall Dowling to approve development applications of a minor nature where there is minimal or no environmental impact or variation to the nature or scale of the approved development or development applications where the initial application had been dealt with by either the Environmental Services and Sustainability Committee or Council as a Whole subject to there not being any submission received which is not able to be overcome by conditions.

10/12/16 Carried

ITEM - 17 RURAL FIRE ZONE SERVICE AGREEMENT

MOTION (Gosper/Bleakley)

THAT Council affix its Common Seal to the Rural Fire Zone Service Agreement for the Canobolas Zone.

10/12/17 Carried

ITEM - 18 MISUSE OF COUNCIL RESOURCES

MOTION (Wilcox/Durkin)

THAT Councillors ensure they make themselves familiar with their obligations with respect to the proper use of Council resources.

10/12/18 Carried

It was noted, the time being 10:26am Clr MacSmith declared a conflict of interest in the following item due to his cousins owning the Mill and left the Chambers.

It was noted, the time being 10:26am Clr Farr declared a pecuniary interest in the following item due to his Brother in Law and Daughter in Law working for Manildra Flour Mill and left the Chambers.

ITEM - 19 RESCISSION MOTION - MANILDRA, OFF ROAD PARKING AND

TURNING FACILITY

Proceedings in Brief

It was noted the foreshadowed motion in the report was not proceeded with.

MOTION (Hyde/Walker)

THAT the Motion Item 5 in Items for Noting at Council's meeting on 15 November 2010 re Manildra off Road Parking and Turning Facility ("M off RP&TF"):

THAT:

- 1. Council write to the Manildra Flour Mill seeking a financial contribution towards the necessary works.*
- 2. Council write to the RTA and other affected Manildra industries also seeking financial support.*

be rescinded.

10/12/19 Carried

MOTION (Hyde/Gosper)

THAT Council receive a report from Council's Environmental Services planning staff as soon as possible including community issues.

10/12/20 Carried

It was noted, the time being 10:28am Clrs MacSmith and Farr rejoined the meeting.

It was noted the time being 10:30am presentations were made to the Sally MacKay Youth of the Month for October and to Callum Eccleston Youth of the Month for November.

It was noted the time being 10:38am Council adjourned for morning tea resuming at 10:58am noting the temporary absence of Clrs Dowling and MacSmith. Clr Gosper assumed the Chair

**ITEM - 20 LOCAL GOVERNMENT REMUNERATION TRIBUNAL - 2011
ANNUAL REVIEW - COUNCILLORS AND MAYORS FEES**

MOTION (Farr/Duffy)

THAT the information be noted.

10/12/21 Carried

It was noted the time being 11:02am Clrs Dowling and MacSmith having rejoined the meeting, Clr Dowling resumed the Chair and Item 28 was addressed next.

At this time Council was addressed by Mr Alf Cantrell who tabled a letter of support from the Chairperson of the Cabonne Country Tourism Advisory Committee.

ITEM - 28 CABONNE COUNTRYWIDE FESTIVAL

Proceedings in Brief

In determining to support the event it was decided to fund same from two financial year's allocations.

MOTION (Culverson/Bleakley)

THAT Council:

1. Support the proposed festival.
2. Subject to the submission of an Event Assistance Program Application and subject to a major sponsor being secured to allow the event to proceed delegate authority to the General Manager and Mayor to determine funding up to a level of \$2,500.

10/12/22 Carried

MOTION (Hyde/Gosper)

THAT the Event Assistance Program be referred to the Economic Development & Tourism Committee for review.

10/12/23 Carried

It was noted Item 21 was addressed next. It was noted the time being 11:27am Clr Culverson declared a pecuniary interest due to being a service provide to Council and left the Chambers.

ITEM - 21 POLICY DATABASE - PROCUREMENT (INCLUDING LOCAL PREFERENCE) POLICY

Proceedings in Brief

In response to a question by the Director of Finance & Corporate Services Clr Bleakley advised he wanted the Item adjourned again as he felt the draft policy did not provide local preference as per the previous discussions. Clr Gosper commented that he thought it did.

MOTION (Bleakley/Duffy)

THAT this Item be deferred to the February Council meeting.

10/12/24 Carried

It was noted the time being 11:29am Clr Culverson rejoined the meeting.

**ITEM - 22 ACCESS TO INFORMATION HELD BY COUNCIL -
COUNCILLORS' ACCESS**

MOTION (Duffy/Hyde)

THAT Council:

1. Adopt the Draft Access to Information Held by Council policy.
2. Review same after six (6) months.

10/12/25 Carried

ITEM - 23 AUSTRALIA DAY AWARDS COMMITTEE

MOTION (Duffy/Bleakley)

THAT:

1. Ctrs Dowling, Dean, Bleakley, MacSmith, Gosper, Wilcox, Durkin, Hyde, Walker, Farr, Culverson and Duffy and the General Manager be appointed to the Australia Day Awards Committee.
2. 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 of any public authority other than the Council and pursuant to the powers conferred on Council by s377 of the *Local Government Act 1993*, the Australia Day Awards Committee be authorised to exercise or perform on behalf of the Council the powers, authorities, duties and functions as follows:
 - a) Assess and determine nominations for Citizen, Young Citizen and Community Group of the Year.
 - b) In the absence of Community nominations for a particular locality or category, individual councillors may nominate suitable candidates for same allowing assessment and determination by the Committee.
 - c) Assess and determine the Cabonne Youth Ambassador of the Year.

10/12/26 Carried

ITEM - 24 REQUEST FOR DONATION - AUSTRALIA DAY

MOTION (Farr/Walker)

THAT:

1. Due to extensive existing support for Australia Day Activities by Council this additional request not be funded.
2. A letter of commendation be sent to the Molong Advancement Group on their efforts to involve the youth in its Australia day activities.

10/12/27 Carried

ITEM - 25 COMMUNITY SERVICES COMMITTEE MEETING

MOTION (Hyde/Walker)

THAT the report and recommendations of the Community Services Committee Meeting of Cabonne Council held on 6 December 2010 be adopted.

10/12/28 Carried

ITEM - 26 ECONOMIC DEVELOPMENT & TOURISM COMMITTEE MEETING

MOTION (Durkin/Wilcox)

THAT the report and recommendations of the Economic Development and Tourism Committee Meeting of Cabonne Council held on 6 December 2010 be adopted.

10/12/29 Carried

ITEM - 27 PROCEDURE MANUAL FOR PLANNING A PUBLIC EVENT IN CABONNE COUNTRY

MOTION (Duffy/Dean)

THAT Council:

1. Endorse the administration and distribution of the Procedure Manual for Planning a Public Event in Cabonne Country.
2. Issue an appropriate media release.
3. Advise all relevant organisations listed on Council's Economic Development and Tourism databases.
4. Place the Procedure Manual on its website.

10/12/30 Carried

It was noted Item 28 having been dealt with earlier that Item 29 was addressed next.

ITEM - 29 2010 NATIONAL LOCAL ROADS AND TRANSPORT CONGRESS

MOTION (Gosper/Wilcox)

THAT Council supports the actions taken by the ALGA and further to raise the report into funding of local roads with the local Federal Member, John Cobb MP.

10/12/31 Carried

ITEM - 30 WORKS COMMITTEE MEETING MINUTES

Proceedings in Brief

After some discussion relating to Item 5 of the Works Committee report and noting comments by the Director of Engineering & Technical Services that he has insufficient resources to achieve the plan in 3 years and to do so may require the engagement of contractors/consultants the motion was amended as follows.

MOTION (Gosper/Walker)

THAT the report and recommendations of the Works Committee held on Monday 6th December 2010 of Cabonne Council be adopted.

AMENDMENT (Culverson/Bleakley)

THAT the report and recommendations of the Works Committee held on Monday 6th December 2010 of Cabonne Council be adopted except the Item 5 recommendation relating to Shades for Council's Playgrounds to be replaced with the resolution as follows:

1. Consider the provision of shade structures over play equipment in the 2011/12 budget submissions and that the provision of these structures should be implemented over a maximum 3 year rolling program.
2. Look at funding opportunities from the NSW Cancer Council and further afield.

The Amendment was put and carried becoming the Motion. The Motion was put and carried.

MOTION (Culverson/Bleakley)

THAT the report and recommendations of the Works Committee held on Monday 6th December 2010 of Cabonne Council be adopted except the Item 5 recommendation relating to Shades for Council's Playground's to be replaced with the resolution as follows:

1. Consider the provision of shade structures over play equipment in the 2011/12 budget submissions and that the provision of these structures should be implemented over a maximum 3 year rolling program.
2. Look at funding opportunities from the NSW Cancer Council and further afield.

10/12/32 Carried

It was noted, the time being 11:45am Clr Farr declared a pecuniary interest in the following Item, specifically Item 5(c) of the November 2010 Traffic Committee minutes due to his Brother in Law and Daughter in Law working at the Manildra Flour Mill and left the Chambers.

ITEM - 31 TRAFFIC COMMITTEE MINUTES

MOTION (Gosper/Bleakley)

THAT:

1. The report of the Traffic Committee meetings held on the 20th October 2010 and the 24th November 2010 be noted.
2. Council grant access to all local and regional roads to 4.6m RAV and provide information to the RTA for gazettal.

10/12/33 Carried

It was noted, the time being 11:47am Clr Farr rejoined the meeting.

**ITEM - 32 ACQUISITION OF PART LOT 1 DP104525 FOR ROAD
REALIGNMENT ON EDINBORO LANE**

MOTION (Durkin/Farr)

THAT Council Authorise the affixing of Council's Common Seal to the transfer documents for Lot 1 DP 104525.

10/12/34 Carried

It was noted, the time being 11:49am Clr Gosper declared a significant non pecuniary interest in the following item due to the fourth road closure listed involving a business partner and left the Chambers.

It was noted the time being 11:49am Clr Culverson also declared a pecuniary interest in the following item due to 2 of the roads involving clients of her business and a further 2 involving family members (one an Uncle of her husband, the other a Cousin) and left the Chambers.

ITEM - 33 ROAD CLOSURES

MOTION (Farr/Hyde)

THAT subject to not providing access to water, public reserves or Travelling Stock Route:

1. The information be noted for items 1-11 as there are no issues
2. As items 12 & 13 will cause legal access issues to two properties, Council oppose their closure.

10/12/35 Carried

It was noted the time being 11:50am Clrs Gosper and Culverson rejoined the meeting.

**ITEM - 34 DEMOLITION OF A VOLUNTARY PURCHASE PROPERTY BY
VOLUNTEERS**

Proceedings in Brief

In response to a question by Clr Duffy as to whether there was a previous Council resolution to demolish this property if the community were unable to buy it the General Manager took the question on notice.

The Director of Engineering & Technical Services advised that his understanding was that the community was seeking to use the building as a Men's Shed and reminded Council that 2/3rds funding would have to be refunded to the State Government if the building is not demolished.

MOTION (Hyde/Gosper)

THAT Council receive a further report on this matter following further investigation with the report to include a business plan for ongoing use; address whether the necessary licences and insurances are held; and optional sites for a Men's Shed.

10/12/36 Carried

It was noted, the time being 11:56am Clr Durkin declared a perceived conflict of interest being a significant non pecuniary interest in the following item due to the proposed Treasurer for the Cumnock Swimming Pool being a serving Police Officer (as is Clr Durkin) and left the Chambers.

ITEM - 35 CUMNOCK AND EUGOWRA SWIMMING POOLS

MOTION (Farr/Wilcox)

THAT Council approve the new Cumnock and Eugowra Swimming Pool office bearers as listed in the body of the report.

10/12/37 Carried

It was noted, the time being 11:57am Clr Durkin rejoined the meeting.

**ITEM - 36 USE OF COUNCIL SEAL – DEED OF COVENANT – LOTS 9, 10
AND 11 DP 260945, 'INGLEWOOD', 151 SPRING HILL ROAD,
SPRING HILL**

MOTION (Durkin/Gosper)

THAT the Common Seal of Cabonne Council be affixed to the Deed of Covenant between Cabonne Council and Bradley Nelson John Morris and Jane Maree Winnell to enable the registration of transfer of property described as Lots 9, 10 and 11 DP 260945, 'Inglewood', 151 Spring Hill Road, Spring Hill such that each of three allotments must be held in one ownership and not sold separately.

10/12/38 Carried

It was noted, the time being 11:57am Clr Bleakley declared an actual conflict of interest in the following item due to being a returned Serviceman and member of the Molong RSL Sub Branch and left the Chambers.

**ITEM - 37 REQUEST FOR DONATION TO REIMBURSE DEVELOPMENT
APPLICATION FEES**

MOTION (Duffy/Gosper)

THAT Council donate an amount of \$529.90 being \$359.90 to the Molong RSL sub branch as an amount equivalent to the fees paid for applications to Council for approval of the proposed Molong War Memorial (DA 2011/07), and \$170.00 to the Lachlan Living History Group Inc being an amount equivalent to the fees paid for DA 2011/75 for the proposed 'Cobb & Co Lives On' community event at the Molong Village Green.

10/12/39 Carried

It was noted, the time being 11:58am Clr Bleakley rejoined the meeting.

It was noted, the time being 11:59am Clr Culverson left the Chambers.

**ITEM - 38 MODIFICATION OF DEVELOPMENT APPLICATION 2010/114 -
ALTERATIONS AND ADDITIONS TO EXISTING DWELLING - LOT
540 DP 1113186 'MIRRIDONG' 19 WRIGHTS LANE, NASHDALE**

MOTION (Duffy/Farr)

THAT Modification of Development Application 2010/114 for alterations and additions to an existing dwelling upon Lot 540 DP 1113186, known as 'Mirridong', 19 Wrights Lane, Nashdale, be granted consent subject to the attached modified conditions of consent.

10/12/40 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 (noting the absence of Clr Culverson— temporarily absent):

For: Clrs Dowling, Dean, Bleakley, MacSmith, Wilcox, Gosper, Durkin, Hyde, Walker, Farr and Duffy.

Against: Nil.

**ITEM - 39 NETWASTE CENTRAL SUBREGION ENVIRONMENTAL
SUSTAINABILITY ACTION PLAN**

MOTION (Duffy/Hyde)

THAT Council agree to the Regional Sustainability Action Plan being placed on public exhibition.

10/12/41 Carried

**ITEM - 40 DEVELOPMENT APPLICATION 2011/13
COMMERCIAL PREMISES (COOL ROOM)
LOT 4 DP 537562, "GABBA LODGE", 120 CULLYA ROAD,
CLERGATE**

MOTION (Duffy/Farr)

THAT Development Application 2011/13 for a Commercial Premises (cool room) at Lot 4 DP 537562, "Gabba Lodge", 120 Cullya Road, Clergate be refused on the basis that:

1. The applicant has not provided sufficient supporting information for Council to assess the proposed development.
2. The applicant has not paid the scheduled fees to enable Council to proceed with processing the Development Application.

10/12/42 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 (noting that Clr Culverson rejoined the meeting during voting, the time being 12 noon, but abstained from voting):

For: Clrs Dowling, Dean, Bleakley, MacSmith, Gosper, Durkin, Hyde, Walker, Farr, Duffy.

Against: Clrs Wilcox and Culverson (abstained).

**ITEM - 41 ENVIRONMENTAL SERVICES AND SUSTAINABILITY
COMMITTEE MEETING**

MOTION (Durkin/Walker)

THAT the report and recommendations of the Environmental Services and Sustainability Committee Meeting of Cabonne Council held on 6 December 2010 be adopted and carried Motions be noted.

10/12/43 Carried

**ITEM - 42 CONTINUATION OF FUNDING FOR ORANGE BLAYNEY AND
CABONNE SUSTAINABLE COLLECTIONS PROJECT**

MOTION (Duffy/Dean)

THAT consideration be given to allocating \$15,000 within the 2011/2012 Management Plan of Council in order to continue the engagement of a qualified museum professional to work within the Council areas of Orange, Blayney and Cabonne and that Council consider further funding this position as a full-time or part-time position, subject to other Government Agency

funding, to support the volunteer museums within Orange, Blayney and Cabonne Shire Councils.

10/12/44 Carried

ITEM - 43 EUGOWRA FLOOD - FLOOD MODELLING

MOTION (Duffy/Hyde)

THAT Council approve the modelling of the December 2010 Eugowra flood to be funded from the Flood mitigation reserve in the amount of \$17,700

10/12/45 Carried

Clr Farr requested his vote against the Motion be recorded.

ITEMS FOR NOTATION

**ITEM - 3 QUARTERLY REPORT ON COMPLAINTS RECEIVED UNDER
COUNCIL'S CODE OF CONDUCT**

Proceedings in Brief

In answer to a question from Clr Duffy the Mayor indicated that he was in the car with Clr MacSmith.

ITEM - 15 PLAYGROUNDS AND SKATE PARKS

MOTION (Culverson/Farr)

THAT Council write to the organisations responsible for the 6 non Council sites with play equipment and encourage that shade structures be placed over the play equipment.

10/12/46 Carried

**ITEM 21 - DEVELOPMENT APPLICATION 2011/72 - RECREATION PARK
FACILITY**

MOTION (Wilcox/Hyde)

THAT the submission period be extended til the end of January 2011.

10/12/47 Carried

MATTERS OF URGENCY

There were nil matters of urgency.

CONFIDENTIAL ITEMS

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

MOTION (Hyde/Gosper)

THAT Council 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 the publicity of which Council considers would be prejudicial to the Council or the individuals concerned and that the press and 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.

10/12/48 Carried

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

RECOMMENDATION (Hyde/Durkin)

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 15 November 2010 and notes that the recommendations recorded in the Official Ordinary Minutes of that meeting are sufficient to state the general effect of the proceeding in Closed Committee.

1. Carried

It was noted, the time being 12:34pm Clr Duffy declared a pecuniary interest in the following item due to his Son being employed at the Mine and left the Chambers.

ITEM - 3 CADIA EAST DEVELOPMENT APPROVAL

RECOMMENDATION (Hyde/Farr)

THAT the information be noted.

2. Carried

It was noted, the time being 12:37pm Clr Duffy rejoined the meeting.

It was noted, the time being 12:37pm Clr Gosper declared a pecuniary interest in the following item as he lives on Euchareena Rd and the upgrade works could impact on his property value and left the Chambers.

**ITEM - 4 ORANGE CITY COUNCIL, EUCHAREENA ROAD RESOURCE
RECOVERY CENTRE – UPGRADE OF EUCHAREENA ROAD**

RECOMMENDATION (Duffy/Bleakley)

THAT:

1. Council support in principle the eight points under Euchareena Road Upgrade to be undertaken by Orange City Council and Cabonne Council for the upgrade of Euchareena Road associated with the Resource Recovery Centre and further that negotiations continue to resolve the items noted in the summary of the report.
2. Relevant layout maps be provided to all Councillors.

3. Carried

It was noted, the time being 12:45pm Clr Gosper rejoined the meeting.

ITEM - 5 QUARRY COMMITTEE MEETING MINUTES

RECOMMENDATION (Farr/Walker)

THAT the report and recommendations of the Quarry Review Committee held on Monday 6th December 2010 be adopted.

4. Carried

* **ITEM - 6 LAND ACQUISITION - CUMNOCK SEWERAGE TREATMENT
PLANT**

RECOMMENDATION (Farr/Gosper)

THAT:

1. Council agree to the purchase of 9.069Ha being part of Lot 85 DP 753224 for the purpose of constructing a Sewerage Treatment Plant at the value referred to in the Proceedings in Brief.
2. Note that the residue of Lot 85 DP 753224 being 20.17Ha will not have building entitlement.
3. The land be classified Operational.
4. The Common Seal of Council be affixed to the contract for sale of the land.

5. Carried

Clrs Bleakley and Durkin requested their vote against the Motion be recorded.

It was noted, the time being 12:52pm Clr Durkin declared a non significant non pecuniary interest in the following item due to having had dealings with one of the applicants in his capacity as a Police Officer and after reading a statement as follows left the Chambers:

“I am not the defendant nor am I named in any court order or AVO and I take it as a personal attack and outright misconceived inept slander towards my character that any person should attend the home of Mrs Haywood and enquire with her as to her opinion of me as a Police Officer or Councillor.”

It was noted, the time being 12:54pm Clr Walker declared a non significant non pecuniary interest due to having being listed as a referee for one of the applicants without his knowledge and left the Chambers.

ITEM - 7 CANOWINDRA CARAVAN PARK MANAGEMENT

RECOMMENDATION (Farr/Bleakley)

THAT Council;

1. Accept quotation number 4 for \$21,000 pa for a contract period of three years subject to the items as outlined in the report
2. Sign the lease documents and affix the Common Seal of Council to said documents.

6. Carried

It was noted, the time being 12:57pm Clrs Durkin and Walker rejoined the meeting.

ITEM - 8 ROAD ACCESS TO PRIVATE PROPERTY OFF FREEMANTLE ROAD

RECOMMENDATION (Duffy/Culverson)

THAT:

1. Council seek advice from its Insurer on this matter.
2. An inspection by all Councillors be held prior to undertaking discussions with affected landholders.
3. Council enter into discussions with affected landholders with a view to resolving the road access to their allotments following 1 and 2 above.

7. Carried

ITEM - 9 TENDER FOR SUPPLY AND INSTALLATION OF WIRE ROPE

SAFETY FENCING

RECOMMENDATION (Farr/Duffy)

THAT Council accept the tender from SafeRoads P/L of Wetherill Park in the amount of \$499,400 including GST of \$45,400 for the supply and installation of wire rope safety fence.

8. Carried

It was noted the time being 1:13pm the Chair resumed the Ordinary Meeting.

REPORT & RESOLUTIONS OF CLOSED COMMITTEE OF THE WHOLE

MOTION (Hyde/Gosper)

THAT the Report and Recommendations of the Closed Committee of the Whole Meeting held on Monday 20 December, 2010 be adopted.

10/12/49 Carried

There being no further business, the meeting closed at 1:14pm.

CHAIRMAN.

Chairman of the Ordinary Meeting of Cabonne Council held on the 21 February, 2011 at which meeting the listed minutes were confirmed and the signature hereon was subscribed.