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PRESENT Clr I Gosper (in the Chair), Clrs G Dean, N Bleakley, L MacSmith, S Wilcox, A Durkin, D Hyde, K Walker, 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

Apologies were tendered on behalf of Clrs R Dowling and J Farr for their unavoidable absence from the meeting.

MOTION (Bleakley/Culverson)

THAT the apologies tendered on behalf of Clrs R Dowling and J Farr be accepted and the necessary leave of absence be granted.

11/11/06

Carried

ITEM - 2 DECLARATIONS OF INTEREST

Proceedings in Brief

Clr Culverson declared an interest in Item 12 of Determination (identified as a significant non-pecuniary interest) due to the land owner being a client of her business (as of May 2011) and in Item 23 of Determination (identified as a pecuniary interest) due to her sister and her partner being owners of a property at the proposed pipeline takeout point.

Clr Duffy declared an interest in Item 30 of Determination (identified as a pecuniary interest) due to his son being employed by Cadia Mine.

The Director of Finance and Corporate Services declared an interest in Item 30 of Determination due to being a shareholder in Newcrest.

Clr Durkin declared an interest in Item 7 of Closed (identified as a significant non-pecuniary interest) due to the medical General Practitioner named in the report being his Doctor.

The General Manager declared an interest in Item 11 of Notation (identified as a non significant non-pecuniary interest) due to the applicant being a friend and associate.

MOTION (Duffy/Bleakley)

THAT Item 30 of Determination be treated in parts to allow for the Declarations of Interest.

11/11/07 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

Clr Dowling – (provided after meeting)

- Attended opening of ANFD
- Cumnock Community Consultation meeting
- Macquarie Pipeline task force meeting
- CWA Annual group conference
- Staff Picnic Day
- Opening of Cowra Wastewater Facility
- BEC meeting
- Daroo awards
- Committee meeting
- Open Macquarie Valley weed advisory committee meeting
- Meeting with CEO of Regional Arts NSW
- Macquarie pipeline consultative committee meeting
- Met with staff and a ratepayer – planning issues
- Met with representative from the Macquarie pipeline citizen group
- Cobb & Co celebrations
- Opening “Outback” art studio
- Macquarie pipeline task force meeting and tour of proposed pipeline route
- Volunteers BBQ – Manildra
- Opening of the Amusu Theatre post Museum
- Volunteers BBQ – Yeoval
- Volunteers BBQ – Cumnock

Clr Gosper

- Council meeting and workshop

- Meeting with MAG and RTA re Gasometer relocation
- Staff Picnic Day
- Attended a meeting at the new Canobolas/Nashdale shed and a tour of the fire trails and water points.
- Council committee
- Extra ordinary meeting
- Attended the MAG AGM
- Attended a meeting in Council Chamber re Macquarie pipeline concerned citizen group
- Unveiling of the Lucerne Panels at Canowindra Museum
- Attended the official opening of the Peter Brown's studio and gallery
- Attended Cobb & Co. celebrations
- Attended Canobolas RFS zone meeting
- Attended the 2011 National Local Roads and Transport congress

Clr Dean

- Caravan Park committee meeting
- Daroo awards
- Committee meetings
- Council meeting

Clr Wilcox

- CCTAC – Molong
- Community Consultation at Mullion Creek
- Planning System Review
- Trust meeting
- Committee meeting
- Extraordinary meeting
- AOW – Molong
- Public meeting – Eastern Area Amalg. group
- Mine related Councils
- CCTAC – Molong
- Cumnock Progress Association
- Cumnock Volunteers Thank you event

- Council meeting

Clr Hyde

- National Field days
- Rate payer request to inspect village road for pot holes
- HACC meeting at Manildra
- RTC meeting
- Preparation for Daroo awards
- Daroo award
- Committee meeting
- LRTC meeting
- Meeting at Eugowra self care units
- Council meeting

Clr Walker

- Caravan Park Committee meeting
- Remembrance Day
- Historical Society Display opening
- Caravan Park Effluent site
- AOF AGM
- Swimming pool inspection
- Volunteer day – Canowindra
- Community garden open

Clr Culverson

- Council meeting
- National Field days
- Cumnock Community Consultation meeting
- Macquarie Pipe line
- Mullion Creek and District Progress association AGM
- Chaired meeting for community groups with concerns with Macquarie Pipe line
- Daroo Awards
- Committee meetings

- Extraordinary meeting
- MCPS meeting
- Public meeting – Cabonne Eastern sector
- Meeting with Mayor, Clrs and staff – Macquarie Pipe Line
- Mullion Creek Remembrance ceremony
- March to Mullion Creek History day
- Meeting with community groups with concerns with Macquarie Pipe line

MOTION (Gosper/Wilcox)

THAT the information contained in the Mayoral Minute (being the Deputy Mayor's report of attendances) be noted.

11/11/08 Carried

MOTION (Bleakley/MacSmith)

THAT:

1. Council not conduct an Ordinary meeting in January 2012.
2. An Extraordinary meeting be conducted in January or on February Committee day if necessary.

11/11/09 Carried

MOTION (Dean/Hyde)

THAT Council write to the Australian National Field Day Committee expressing appreciation for the presentation of the site and surrounds.

11/11/10 Carried

ITEM - 5 GROUPING OF REPORT ADOPTION

Proceedings in Brief

In response to Clr Duffy indicating he would be foreshadowing a Motion that the Grouping of Reports Item be abolished the Director of Finance & Corporate Services advised that the grouping was on trail following a previous resolution at Council. Clr Duffy then indicated he would lodge a rescission motion.

Clr Duffy called item 6, 7, 11, 12 and 16.

MOTION (Durkin/Wilcox)

THAT:

1. Council consider the Item called.

2. Items 8, 9, 10, 13, 14 and 15 be moved and seconded.

11/11/11

Carried

**ITEM - 8 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 7 November 2011 be adopted.

11/11/12

Carried

ITEM - 9 COMMUNITY SERVICES COMMITTEE MEETING

MOTION (Durkin/Wilcox)

THAT the report and recommendations of the Community Services Committee Meeting of Cabonne Council held on 7 November 2011 be adopted.

11/11/13

Carried

**ITEM - 10 ENVIRONMENTAL SERVICES AND SUSTAINABILITY
COMMITTEE MEETING**

MOTION (Durkin/Wilcox)

THAT the report and recommendations of the Environmental Services and Sustainability Committee Meeting of Cabonne Council held on 7 November 2011 be adopted and carried Motions be noted.

11/11/14

Carried

ITEM - 13 AQUISITION OF LAND FOR ROAD WIDENING

MOTION (Durkin/Wilcox)

THAT Council:

1. Pay the owners of Lot 80 DP 46487 the sum of \$800 in compensation.
2. Pay all survey and legal costs associated with the land acquisition.
3. Affix the Council Seal to the necessary acquisition documents.

11/11/15

Carried

ITEM - 14 MANILDRA LIBRARY

MOTION (Durkin/Wilcox)

THAT Council authorise the affixing of the Council Seal to a Lease Agreement for 7 Derowie Street Manildra to house the Manildra Library.

11/11/16 Carried

ITEM - 15 YEOVAL SHOW

MOTION (Durkin/Wilcox)

THAT Council lodge a formal application for the proclamation of 8th May 2012 as a local event day for that portion of the township of Yeoval, which is in the Cabonne Council area on the occasion of the 2012 Yeoval Show.

11/11/17 Carried

ITEM - 6 CONFIRMATION OF THE MINUTES

MOTION (Wilcox/Durkin)

THAT the minutes of the Ordinary Meeting held on 17 October, 2011 and the Extraordinary Meeting held on 7 November, 2011 be adopted.

11/11/18 Carried

ITEM - 7 BUSINESS PAPER ITEMS FOR NOTING

Proceedings in Brief

Clr Duffy called Items 4 and 11; Clr Bleakley called Item 5 and Clr MacSmith called Item 10.

MOTION (Wilcox/Durkin)

THAT:

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

11/11/19 Carried

ITEMS FOR NOTATION

**NOTATION ITEM - 5 THE IMPACT OF THE WORK HEALTH AND
SAFETY BILL ON COUNCIL'S S355 COMMITTEES**

MOTION (Bleakley/Dean)

THAT Council receive a report in relation to the development of an appropriate procedure that protects the current s355 committees so that they are not exposed to the OHS requirement of the new Work Health and Safety Bill.

11/11/20

Carried

**NOTATION ITEM 10 - CENTROC WATER UTILITIES ALLIANCE UPDATE
REPORT**

It was noted the time being 10:02am Clr Culverson declared an interest in this Item (identified as a pecuniary interest) due to her sister and her partner being owners of a property at the proposed pipeline takeout point and left the Chambers whilst discussion took place.

It was noted the time being 10:04am Clr Culverson rejoined the meeting.

**NOTATION ITEM 11 - NOTIFICATION OF LAND AND ENVIRONMENT
COURT APPEAL**

It was noted the time being 10:04am the General Manager declared an interest in this Item (identified as a non significant non-pecuniary interest) due to the applicant being a friend and associate and left the Chambers whilst discussion took place.

It was noted the time being 10:05am the General Manager rejoined the meeting.

ITEM - 11 WORKS COMMITTEE MEETING

MOTION (Duffy/Bleakley)

THAT:

1. Council receive an assessment report to the February Open Council Meeting to advise of the Costs of the necessary works on Burrendong Way from the LGA boundary of Orange for 30 kilometres north towards Euchareena.
2. These costs to include: major rehabilitation, drainage, shoulder repair and the road aligned to an 8 Metre width.
3. Council write and seek the same information from Orange City Council for their section of Burrendong Way from the Northern Distributor to the Cabonne Council LGA boundary, with the view of doing a joint venture project and also to source necessary funding from the RTA jointly.
4. Council also write to all affected progress associations seeking their support.

The Motion was put and Lost.

The Chair called for a division as requested by Clr Duffy which resulted in a vote against the motion (noting the absence of Clrs Dowling and Farr – apologies) as follows:

For: Clrs Bleakley, Wilcox, Culverson and Duffy.

Against: Clrs Gosper, Dean, MacSmith, Durkin, Hyde and Walker.

MOTION (Culverson/Hyde)

THAT the report and recommendations of the Works Committee held on 7 November, 2011 of Cabonne Council be adopted.

11/11/21 Carried

It was noted the time being 10:22am presentations were made to Council staff members: A Blair on his successful completion of a Certificate III in Local Government Operational Works; and T Wright bestowed an Outstanding Service Award.

It was noted the time being 10:35am Council adjourned for morning tea resuming at 10:55am at which time Council's Auditors made a presentation to Council. During the presentation when a question was asked of the Auditor in relation to Credit Unions Clr Dean left the Chambers, noting he had an interest due to being a director of the Orange Credit Union.

It was noted the time being 11:19am Clr Culverson declared an interest in the following Item (identified as a significant non-pecuniary interest) due to the land owner being a client of her business (as of May 2011) and left the Chambers.

ITEM - 12 TRANSFER DOCUMENT FOR MARCH RFS SHED

Proceedings in Brief

In response to a question from Clr Duffy the General Manager confirmed that Council would make bridging funds available for the March RFS Brigade Station until the grant was received, if necessary, subject to a written undertaking by the RFS to repay the monies.

MOTION (Bleakley/Wilcox)

THAT Council affix the Seal to the transfer document.

11/11/22 Carried

It was noted the time being 11:22am Clr Culverson rejoined the meeting.

ITEM - 16 INTEGRATED PLANNING AND REPORTING

MOTION (Bleakley/Hyde)

THAT the draft Cabonne 2025 Community Strategic Plan be adopted and placed on public exhibition for comment.

11/11/23 Carried

ITEM - 17 2012 LOCAL GOVERNMENT ELECTIONS

MOTION (Wilcox/Durkin)

THAT:

1. Council engage the services of the NSW Electoral Commission for the conduct of the 2012 Local Government Elections.
2. The Local Government & Shires Association, CENTROC and WBC Alliance partners be advised of Council's decision.
3. Further reports on the conduct of the 2012 elections be presented to Council as information comes to hand.

11/11/24 Carried

ITEM - 18 CODE OF CONDUCT POSITION PAPER

MOTION (Wilcox/MacSmith)

THAT Council make a submission in relation to the Division of Local Government's position paper for the reform of the Model Code of Conduct.

11/11/25 Carried

ITEM - 19 BORENORE BUSH FIRE SHED

Proceedings in Brief

The Director of Finance & Corporate Services advised that Cllr Duffy had requested access to an ARTC letter relating to this matter. The ARTC had been consulted and advised that they were agreeable to the letter being released if done so as a result of a Council resolution and the letter was provided to all councillors as Confidential information.

Cllr Duffy indicated that the site had similar problems to the Lake Canobolas site relating to drainage and location of utilities. In addition, he stated the site had memorial trees planted, including one from his mother. He indicated that the Borenore community preferred the railway station site.

Cllr MacSmith said he had spoken to representatives of the Borenore Rural Fire Service and that their preferred site was on the intersection with Escort Way and they had urged that the matter be progressed. He also indicated that he had spoken to several members of the Duffy family and that they were unaware of a memorial tree.

Cllr Duffy tabled a copy of a letter from the Rail Infrastructure Corporation to The Hon Tony Kelly MLC dated 6 March 2007.

MOTION (Duffy/Bleakley)

THAT Council have an onsite inspection of the 3 nominated sites and invite Borenore Bush Fire Brigade members, Canobolas RFS and have available

all reports and correspondence to Councillors and a further report come back to Council.

This Motion was withdrawn.

MOTION (Bleakley/Duffy)

THAT:

1. This Item be deferred until the December Council meeting to allow the matter to be raised at an upcoming meeting with the RFS.
2. The letter for the ARTC requested by Clr Duffy be provided to all councillors in confidence as requested by the ARTC.

11/11/26 Carried

ITEM - 20 QUARTERLY BUDGET REVIEW

MOTION (Bleakley/Wilcox)

THAT the variances listed in this review be endorsed by Council and that Council's 2011/2012 Budget be amended to reflect the changes.

11/11/27 Carried

ITEM - 21 THE PAYMENT OF EXPENSES AND THE PROVISION OF FACILITIES FOR MAYOR AND COUNCILLORS 2012 POLICY

MOTION (Bleakley/Culverson)

THAT Council adopt the annexed Payment of Expenses & Provision of Facilities for Mayor and Councillors (2012) Policy and forward a copy to the Division of Local Government.

11/11/28 Carried

ITEM - 22 PUBLIC INTEREST DISCLOSURES

Proceedings in Brief

The Director of Finance & Corporate Services advised there was an error in the report and in the policy in that where it reads 2 days for an acknowledgment to be provided it should read 45 days.

MOTION (Wilcox/Hyde)

THAT Council:

1. Adopt the draft Public Interest Disclosures (Internal Reporting) Policy noting the amendment from 2 working days to 45 working days for the initial information to be provided to a person making a public

interest disclosure.

2. Continue to promote awareness of staff to requirements.

11/11/29 Carried

It was noted, the time being 11:46am Clr Culverson declared an interest in the following Item (identified as a pecuniary interest) due to her sister and her partner being owners of a property at the proposed pipeline takeout point and left the Chambers.

**ITEM - 23 MACQUARIE PIPELINE CONCERNED CITIZENS COMMITTEE
MEETING**

Proceedings in Brief

In response to a question from Clr Duffy, the General Manager advised that Council representatives were in regular contact with the Macquarie Pipeline Concerned Citizens Committee and that recommendations from the Committee had been put through Council and acted upon. He highlighted the formation of the Consultative Committee which was one of Council's resolutions, and the more detailed investigation into issues such as weeds, erosion, access, etc which had been put on the agenda for the NSW Office of Water Taskforce. He also highlighted the recent concerns by the Committee which were reported to the November meeting, which Council is taking direct to the Taskforce.

MOTION (Wilcox/Gosper)

THAT Council:

1. Take the concerns of the Macquarie Pipeline Concerned Citizens Committee direct to the NSW Office of Water Task Force
2. Endorse the conditions relating to the construction of the pipeline in the road reserve and road pavement.
3. Continue to liaise with the Macquarie Pipeline Concerned Citizens Committee concerning the project.
4. Receive further reports on the Macquarie Pipeline proposal as information comes to hand.
5. Issue an appropriate media release providing an update on the status of the situation.
6. Write to Orange City Council providing a copy of the report and including concerns raised by the Macquarie Pipeline Concerned Citizens Committee.

11/11/30 Carried

MOTION (Duffy/Hyde)

THAT Council hold a workshop for councillors to determine a stance on the status of regional water reform and security for the Central West.

11/11/31 Carried

It was noted, the time being 12:19pm Clr Culverson rejoined the meeting.

ITEM - 24 NEWELL TASKFORCE MEMBERSHIP

MOTION (Hyde/Wilcox)

THAT:

1. Council note the Newell Taskforce management minutes
2. Consider nominating a representative to the Newell Taskforce.

AMENDMENT (Bleakley/Durkin)

THAT Council:

1. Note the Newell Taskforce management minutes
2. Not nominate a representative to the Newell Taskforce.

The amendment was put and carried becoming the motion. The motion was put and carried.

MOTION (Bleakley/Durkin)

THAT Council:

1. Note the Newell Taskforce management minutes
2. Not nominate a representative to the Newell Taskforce.

11/11/32 Carried

Clrs Dean, Hyde and Duffy requested their votes against the motion be recorded.

**ITEM - 25 IPART REVIEW OF ACCESS PRICING ON THE GRAIN LINE
NETWORK**

Proceedings in Brief

Clr Hyde tabled and read from a document providing Professor Ian Gray's thoughts on the IPART draft report.

MOTION (Hyde/Durkin)

THAT Council:

1. Note the IPART study and formulate a submission expressing concern that the recommendations do not adequately provide for additional funding of roads impacted by increased movement of

grain by road.

2. Consider comments by Professor Gray from the Lachlan Regional Transport Committee in preparing its submission.

11/11/33 Carried

**ITEM - 26 REFORM OF NSW ABORIGINAL CULTURE AND HERITAGE
LEGISLATION**

MOTION (Culverson/Bleakley)

THAT Council participate in the roundtable meeting, nominate Clr Hyde as its delegate and authorise his attendance at the Dubbo workshop.

11/11/34 Carried

ITEM - 27 CENTROC ELECTRICITY TENDER

MOTION (Bleakley/Durkin)

THAT Council take part in the CENTROC electricity contract using the service of LGP and nominate the General Manager or his delegate to be the staff member for inclusion in the process.

11/11/35 Carried

ITEM - 28 FLUORIDATION OF MOLONG WATER SUPPLY

MOTION (Bleakley/MacSmith)

THAT Council refer the matter of fluoridation of the Molong water supply to the Fluoride Advisory Committee.

11/11/36 Carried

**ITEM - 29 DEVELOPMENT APPLICATION 2012/83 - PROPOSED
DWELLING, STORAGE SHED AND WATER TANK, LOT 4
SECTION 9 DP 758643**

Proceedings in Brief

In response to a motion by Clr Duffy that the development applicant by approved the General Manager advised that he would be seeking legal advice and if the advise was that the resolution was not actionable then it would not be actioned.

MOTION (Duffy/Walker)

THAT Development Application 2012/83 for a proposed dwelling, storage shed and rainwater tank upon Lot 4 Section 9 DP 758643, Orange Street, Manildra, be approved with the following conditions of consent:

DRAFT CONDITIONS OF APPROVAL

1. DEVELOPMENT IN ACCORDANCE WITH PLANS

Objective

To ensure the development proceeds in the manner assessed by Council.

Performance

Development is to take place in accordance with the attached stamped plans (Ref _____) and documentation submitted with the application and subject to the conditions below, to ensure the development is consistent with Council's consent.

NOTE: Any alterations to the approved development application plans must be clearly identified **WITH THE APPLICATION FOR A CONSTRUCTION CERTIFICATE**.

The Principal Certifying Authority for the project may request an application for modification of this consent or a new application in the event that changes to the approved plans are subsequently made. An application to modify the development consent under s96 of the Environmental Planning and Assessment Act, 1979, as amended and will be subject to a separate fee.

2. APPOINTMENT OF PRINCIPAL CERTIFYING AUTHORITY

Objective

To ensure compliance with s81A of the Environmental Planning and Assessment Act 1979 as amended.

Performance

The person having the benefit of this consent must appoint a Principal Certifying Authority for the development, pursuant to Section 81A of the Environmental Planning and Assessment Act 1979, as amended and advise Council in writing of that appointment **BEFORE WORKS COMMENCE**.

That Certifying Authority may be the Council, or an Accredited Certifier appointed under the Act. The required written notice to Council may be satisfied by supplying a copy of the Application for a construction Certificate (Form 11) under the *Environmental Planning and Assessment Regulation 1994*, as amended and must include the name, contact address, telephone, and accreditation numbers of the selected Certifying Authority.

The Principal Certifying Authority and any other Certifiers appointed by that

Authority will be responsible for the post-consent certification of the development. Copies of all certifications is to be submitted to Cabonne Council referenced by the Development Application Number.

3. BUILDING CODE OF AUSTRALIA 2011 – AUSTRALIAN STANDARDS

Objective

To satisfy the Building Code of Australia 2011 and relevant Australian Standards.

Performance

The approved Dwelling-house must meet the relevant Australian Standards and the performance requirements of the Building Code of Australia 2011. Compliance with the Performance Requirements can only be achieved by:-

- a) complying with the Deemed to satisfy Provisions; or
- b) formulating an Alternative Solution which;-
 - i) complies with the Performance Requirements: or
 - ii) is shown to be at least equivalent to the Deemed to Satisfy Provisions;

or

- iii) a combination of both a) and b).

4. CONTRIBUTION TO BUSHFIRE SERVICES (Rural Dwellings)

Objective

To make an equitable contribution towards improvement of Bushfire Services and Amenities for the specified Brigade. The contribution has been levied in accordance with Councils Bushfire Service Contributions Plan, February, 1993.

A copy of this Plan is available for inspection at Council's Department of Environmental Services Bank Street, Molong during business hours.

Performance

The applicant will make a contribution of \$341.40 towards the improvement of Bushfire Serviced and Amenities for to Cabonne Council prior to the occupation of the dwelling.

5. DRAINAGE

Objective

To ensure satisfactory disposal of roof stormwater run-off.

Performance

All roofwater shall be collected through guttering and downpiping, connected to a 100mm or 90mm PVC pipeline and shall be disposed of:

1. Streets Kerb and Gutter.
2. To the existing storm water drainage system.

6. DRAINAGE

Objective

To ensure that safe and practical access is provided to the subject land.

Performance

Access must be provided in accordance with Council's Provision of Private Access Specification (attached) that is current at the time of application.

An Access Construction Certificate must be obtained prior to commencement of construction of any access or accesses to the property from the adjoining road.

A joint inspection with the Principal Certifying Authority is to be held prior to commencing construction of the accesses. Please telephone Council's Director of Environmental Services to arrange a suitable date and time for the inspection.

A Compliance Certificate for the accesses must be submitted to Council before a Final Subdivision Certificate can be issued.

7. CONNECTION TO TOWN WATER SUPPLY

Objective

To ensure that the development to be connected to the local water supply Authority's reticulation system.

Performance

The applicant is required to connect each lot to the town water supply before occupation by applying directly to the relevant water supply authority and bearing the full cost of the connection fee. A Compliance Certificate is to be provided to Council from the relevant Water Supply Authority.

8. APPLICATION FOR CERTIFICATION

Objective

To satisfy the post-consent requirement of this Development Consent, and to comply with S.109 of the Environmental Planning and Assessment Act 1979, as amended.

Performance

The person having the benefit of this consent is required to apply for a:

COMPLIANCE CERTIFICATE to satisfy the requirements of all relevant conditions. Occupation CERTIFICATE to satisfy the requirements of all relevant conditions. Construction CERTIFICATE to satisfy the requirements of all relevant conditions.

9. CONNECTION TO THE SEWERAGE SYSTEM

Objective

To ensure that the development is connected to Sewerage Supply Authorities system.

Performance

The applicant is required to connect the development to the sewerage system before occupation by applying directly to Sewer Supply Authority (Cabonne Council). A COMPLIANCE CERTIFICATE FOR THE WORKS IS TO BE ISSUED BY THE SUPPLY AUTHORITY and a copy be provided to Council.

AMENDMENT (Gosper/Wilcox)

THAT Council strongly support a submission under SEPP1 for a variation by the Applicant/Owner in relation to DA 2012/83, based on:

1. The land in question, being part of the draft Cabonne LEP approved at Council's October meeting for residential zoning.
2. Correspondence from the Department of Lands which the owner had previously relied upon.

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 amendment (noting the absence of Clrs Dowling and Farr – apologies) as follows:

For: Clrs Gosper, MacSmith, Wilcox, Durkin and Hyde. The Chair used his casting vote for the amendment.

Against: Clrs Dean, Bleakley, Walker, Culverson and Duffy.

MOTION (Gosper/Wilcox)

THAT Council strongly support a submission under SEPP1 for a variation by the Applicant/Owner in relation to DA 2012/83, based on:

1. The land in question, being part of the draft Cabonne LEP approved at Council's October meeting for residential zoning.
2. Correspondence from the Department of Lands which the owner had previously relied upon.

11/11/37

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 Dowling and Farr – apologies) as follows:

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

Against: Clrs Walker, Culverson (abstained) and Duffy (abstained).

ITEM - 30 AMENDMENTS TO DRAFT CABONNE LOCAL ENVIRONMENTAL PLAN

Proceedings in Brief

As previously resolved this item was dealt with in parts to accommodate the declarations of interest by several councillors.

It was noted the time being 12:51pm, Clr Duffy declared an interest in the following Item (identified as a general disclosure) due to his son being an employee at Cadia and left the Chambers. The Director of Finance & Corporate Services declared an interest in the following Item due to being a Shareholder of Newcrest and left the Chambers.

MOTION (MacSmith/Wilcox)

THAT:

1. Council agrees to amend the approved Draft Plan by replacing Zone E3 Environmental Management with a new Zone E2 Environmental Conservation (and the associated land use table shown above) in the Draft Plan.
2. Council agrees to incorporate the land identified by Cadia for conservation purposes in the Black Rock Range into the new Zone E2 Environmental Conservation.
3. Council approves an amendment to the Draft Plan to convert the approved land in Zone E3 Environmental Management across to the new Zone E2 Environmental Conservation for the purpose of placing the Draft Plan on public exhibition to seek public and agency comment. Council staff will notify the Crown of this proposed change

and seek a formal submission.

11/11/38

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 Dowling and Farr – apologies; Clr Duffy – declared interest) as follows:

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

Against: Nil.

It was noted the time being 12:53pm Clr Duffy and the Director of Finance & Corporate Services rejoined the meeting.

At this time Clrs MacSmith declared an interest in the following Item (identified as a general disclosure) due to his sister being employed by a real estate agent in Molong as left the Chambers. Clr Gosper declared an interest in the following Item (identified as a pecuniary interest) due to being the executor of an estate of land in the west Molong area.

Clr Durkin assumed the Chair (as Deputy Chair of the Environmental Services and Sustainability Committee).

MOTION (Wilcox/Bleakley)

THAT information in relation to the Molong West Large Lot Rural Residential Area be noted.

11/11/39

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 Dowling and Farr – apologies; Clrs Gosper and MacSmith – declared interest) as follows:

For: Clrs Durkin, Dean, Bleakley, Wilcox, Hyde, Walker, Culverson and Duffy.

Against: Nil.

It was noted the time being 12:57pm Clrs Gosper and MacSmith rejoined the meeting and Clr Gosper resumed the Chair.

ITEM - 31 EASTERN AREA RURAL RESIDENTIAL STRATEGY

MOTION (Culverson/Duffy)

THAT Council approves this report and seeks funding from existing reserves to progress this project based on the draft work plan.

AMENDMENT (MacSmith/Gosper)

THAT Council commit to stage one at this time and once findings are known determinate to progress the plan.

The amendment was put and lost. 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 against the amendment (noting the absence of Clrs Dowling and Farr – apologies) as follows:

For: Clrs Gosper, MacSmith, Durkin and Wilcox.

Against: Clrs Dean, Bleakley, Hyde, Walker, Culverson and Duffy.

MOTION (Culverson/Duffy)

THAT Council approves this report and seeks funding from existing reserves to progress this project based on the draft work plan.

11/11/40

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 (noting the absence of Clrs Dowling and Farr – apologies) as follows:

For: Clrs Gosper, Dean, Bleakley, Wilcox, Walker, Culverson and Duffy.

Against: Clrs MacSmith, Durkin, and Hyde.

MOTION (Culverson/MacSmith)

THAT Council authorise the General Manager to seek grants to fund this project.

11/11/41

Carried

The Chair called for a division as requested by Clr Hyde which resulted in a vote for the motion (noting the absence of Clrs Dowling and Farr – apologies) as follows:

For: Clrs Gosper, Dean, Bleakley, MacSmith, Wilcox, Durkin, Walker, Culverson and Duffy.

Against: Clr Hyde.

ITEM - 32 QUESTIONS FOR NEXT MEETING

Proceedings in Brief

In response to a question by Clr Culverson the General Manager advised that he would circulate an email to all councillors following the RFS meeting on 6 December 2011.

MOTION (Bleakley/Wilcox)

THAT Council receive a report at the next Council meeting in relation to questions asked / matters raised as follows:

1. Clr Durkin requested a report in relation to a car park at the rear of the Royal Hotel Canowindra.

11/11/42

Carried

It was noted the time being 1:11pm Council adjourned for lunch resuming at 2:03pm.

CONFIDENTIAL ITEMS

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

MOTION (Wilcox/Bleakley)

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.

11/11/43

Carried

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

RECOMMENDATION (Bleakley/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 17 October, 2011 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

ITEM - 3 OUTSTANDING PUBLIC LIABILITY INSURANCE CLAIMS

RECOMMENDATION (Bleakley/Wilcox)

THAT the information be noted.

2. Carried

**ITEM - 4 REQUEST FOR CONSIDERATION OF WATER
CONSUMPTION COSTS - ACCOUNT 944.01000.8**

RECOMMENDATION (Bleakley/Wilcox)

THAT on payment of fifty percent of consumption costs, being \$523.95, plus water and sewer access charges for assessment 944.01000.8 the remaining fifty percent consumption be written off, including accrued interest and allow the owner three months to finalise the payment.

3. Carried

**ITEM - 5 COUNCIL APPROVAL SOUGHT TO WRITE OFF
UNRECOVERABLE DEBT**

RECOMMENDATION (Bleakley/Wilcox)

THAT Council write this total debt of \$640.00 off as unrecoverable due to the circumstances outlined in the report.

4. Carried

**ITEM - 6 DEBT RECOVERY REPORT OF OUTSTANDING RATES
DEBTS**

RECOMMENDATION (Bleakley/Wilcox)

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 the correspondence that Council intends to issue a Statement of Claim for the recovery of all monies owed to Council.

5. Carried

It was noted the time being 2:05pm Cllr Durkin declared an interest in the following Item (identified as a significant non-pecuniary interest) due to the medical General Practitioner named in the report being his Doctor and left the Chambers.

**ITEM - 7 NATIONAL RURAL AND REMOTE HEALTH
INFRASTRUCTURE PROGRAM**

RECOMMENDATION (Walker/Wilcox)

THAT Council authorise:

1. The lodgement of an application under the National Rural and Remote Health Infrastructure Program if the application is considered financially viable and administratively sound.

2. The General Manager to negotiate an option on the property referred to in the report.

6. Carried

It was noted the time being 2:07pm Clr Durkin rejoined the meeting.

ITEM - 8 CLERGATE LAND PURCHASE

RECOMMENDATION (Culverson/Duffy)

THAT Council:

1. Negotiate seriously with the land owners with a view to finalising the issue within 6 months from today.
2. Receive a further report in relation to the purchase price of the land.

7. Carried

ITEM - 9 MOLONG GELATO FACTORY FLOOR

RECOMMENDATION (Duffy/Bleakley)

THAT the information be noted.

8. Carried

It was noted the time being 2:17pm Clrs Gosper and MacSmith having declared interests at the Land Development Subcommittee meeting left the Chambers. Clr Durkin assumed the Chair.

ITEM - 10 LAND DEVELOPMENT SUB COMMITTEE MEETING

RECOMMENDATION (Duffy/Bleakley)

THAT the report and recommendations of the Land Development Sub Committee Meeting of Cabonne Council held on 7 November 2011 be adopted.

9. Carried

It was noted the time being 2:18pm Clr Gosper and MacSmith rejoined the meeting and Clr Gosper resumed the Chair.

At this time the General Manager declared an interest in the following item due to having personal interest and left the Chambers. Also at this time all staff members with the exception of the Director of Finance & Corporate Services were requested to leave the meeting.

It was noted the time being 2:40pm Clrs Bleakley and MacSmith left the meeting during consideration of the following Item.

ITEM - 11 STAFF PERFORMANCE APPRAISAL – GENERAL MANAGER

RECOMMENDATION (Culverson/Duffy)

THAT a workshop be held to review the performance measures and standards for the next appraisal.

10. Carried

It was noted the time being 2:46pm the Chair resumed the Ordinary meeting. At this time Clr Durkin having declared an interest in Item 7 of the Closed Committee of the Whole left the Chambers.

REPORT & RESOLUTIONS OF CLOSED COMMITTEE OF THE WHOLE

MOTION (Culverson/Duffy)

THAT the Report and Recommendations of the Closed Committee of the Whole Meeting held on Monday 21 November, 2011 be adopted.

11/11/44 Carried

There being no further business, the meeting closed at 2:47pm.

CHAIRMAN.

Chairman of the Ordinary Meeting of Cabonne Council held on the 19 December 2011 at which meeting the listed minutes were confirmed and the signature hereon was subscribed.