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PRESENT Clr R Dowling (in the Chair), Clrs G Dean, N Bleakley, I Gosper, 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 MacSmith and Farr for their unavoidable absence from the meeting.

MOTION (Wilcox/Hyde)

THAT the apologies tendered by Clrs MacSmith and Farr be accepted and the necessary leave of absence be granted.

12/03/01

Carried

ITEM - 2 DECLARATIONS OF INTEREST

Proceedings in Brief

Clr Durkin declared an interest (identified as a Significant Non-pecuniary interest) in Item 2 of Closed due to a neighbour of his being listed in the attachment. Clr Duffy declared an interest (identified as a pecuniary interest) in Item 2 of Closed due to his son being listed in the attachment.

ITEM - 3 DECLARATIONS FOR POLITICAL DONATIONS

Proceedings in Brief

There were Nil declarations of political donations.

ITEM - 4 MAYORAL MINUTE - APPOINTMENTS

Proceedings in Brief

Mayor – Dowling

- Meeting with General Manager & Molong Express
- Opening of hall – Yeoval Central School
- Macquarie Pipeline consultative meeting
- Rural landholders – task Force meeting

- B.E.C meeting
- Centroc
- Zone 6 final – Royal Easter Showgirl judging
- Opening of HACC refurbished premises
- Meeting with Manildra residents – proposed caravan site
- Merle Parish book launch
- Committee meetings
- Macquarie pipeline meeting at Orange City Council
- W.B.C meeting
- Meeting with Eugowra Progress
- Citizenship Ceremony
- Opening of Eulimore Rural Fire Services shed Eugowra
- Cabonne countrywide celebrations
- Cumnock show
- Council meeting

Clr Dean

- Traffic Committee meeting
- Merle Parish book launch
- Committee meeting
- Council meeting

Clr Gosper

- Council and Extra Ordinary meeting
- Committee meeting
- W.B.C board meeting
- Attended the launch of the new panels and the opening of the Fairbridge Farm room at the refurbished Molong
- Molong Advancement group meeting
- Directors meeting

Clr Hyde

- Flood Management Association conference
- RTC Board meeting
- Council Committee
- EEPA
- Official opening of the Rural Fire Service at “Smith Field” Gransden

property

- Council meeting

Clr Walker

- John Cobb – Canowindra Business visit
- Flood concern - various
- Caravan Park Committee meeting
- Sports trust

Clr Culverson

- Ordinary council meeting including CENTROC presentation and Extra ordinary meeting – Four Town Sewerage
- Daroo Committee meeting and Small Towns Development meeting
- Attend meeting with Andrew Gee re Macquarie Pipe Line Concerned Citizens Committee
- Attend Traffic Committee
- Committee meetings and Molong Library visit
- Mullion Creek Public School P&C
- WBC meeting Wellington

MOTION (Dowling/Hyde)

THAT:

1. Council accept the notice of retirement of the General Manager, Graeme Fleming with regret.
2. Council record its appreciation for the General Manager's 25 years of outstanding service.
3. Council authorise a sub-committee of the Mayor, Deputy Mayor and Clr Farr to engage a suitable consultant to commence the recruitment process and short listing of applicants.
4. The full Council conduct the interviews and make the appointment of the new General Manager.

12/03/02 Carried

MOTION (Dowling/-)

THAT the information contained in the Mayoral Minute be noted.

12/03/03 Carried

ITEM - 5 GROUPING OF REPORT ADOPTION

MOTION (Wilcox/Durkin)

THAT:

1. Council consider further item 10 called by Cllr Bleakley.
2. That items 6 to 9 and 11 to 13 be moved and seconded.

12/03/04 Carried

ITEM - 6 CONFIRMATION OF THE MINUTES

MOTION (Wilcox/Durkin)

THAT the minutes of the Ordinary Meeting held on Monday 20th February 2012 and the Extraordinary Meeting held on Monday 20th February 2012 be adopted.

12/03/05 Carried

ITEM - 7 ECONOMIC DEVELOPMENT & TOURISM COMMITTEE MEETING

MOTION (Wilcox/Durkin)

THAT the report and recommendations of the Economic Development and Tourism Committee Meeting of Cabonne Council held on 5th March 2012 be adopted.

12/03/06 Carried

ITEM - 8 COMMUNITY SERVICES COMMITTEE MEETING

MOTION (Wilcox/Durkin)

THAT the report and recommendations of the Community Services Committee Meeting of Cabonne Council held on 5th March 2012 be adopted.

12/03/07 Carried

ITEM - 9 ENVIRONMENTAL SERVICES AND SUSTAINABILITY COMMITTEE MEETING

MOTION (Wilcox/Durkin)

THAT the report and recommendations of the Environment Services and Sustainability Committee Meeting of Cabonne Council held on 5th March 2012 be adopted and carried Motions be noted.

12/03/08 Carried

ITEM - 11 RATE REVIEW COMMITTEE MEETING

MOTION (Wilcox/Durkin)

THAT the report and recommendation of the Rate Review Committee meeting of Cabonne Council held on 5th March 2012 be adopted.

12/03/09 Carried

ITEM - 12 ROAD SAFETY OFFICER PROGRAM - EXTENSION OF FUNDING AGREEMENT WITH ROAD AND MARITIME SERVICES TO 30 JUNE 2013.

MOTION (Wilcox/Durkin)

THAT Council agree to the extension of the shared funding agreement for the Road Safety Officer Program with Road & Maritime Services (RMS) and Orange City Council up to the 30/06/2013.

12/03/10 Carried

ITEM - 13 ARTCRAFT AND ROAD MANAGEMENT SOLUTION FOR COUNCIL'S ROAD SIGNS.

MOTION (Wilcox/Durkin)

THAT Council authorise the affixing of the Common Seal to the contract documents for road signage with Artcraft and Road Management Solutions.

12/03/11 Carried

ITEM - 10 WORKS COMMITTEE MEETING

MOTION (Bleakley/Walker)

THAT Item 7 of the Works Committee Meeting of Cabonne Council held 5th March, 2012 of Cabonne Council be referred to the Traffic Committee for consideration.

Lost

MOTION (Gosper/Hyde)

THAT the report and recommendations of the Works Committee Meeting of Cabonne Council held 5th March, 2012 of Cabonne Council be adopted.

12/03/12 Carried

ITEM - 14 RESOLUTIONS REGISTER

MOTION (Wilcox/Hyde)

THAT Council note the good progress made in relation to the updating of the Resolutions Register.

12/03/13 Carried

ITEM - 15 INFRASTRUCTURE RENEWAL LOANS

MOTION (Wilcox/Bleakley)

THAT that Council lodge an application for a local Infrastructure Renewal Loan for the Four Town Sewerage Scheme.

12/03/14 Carried

ITEM - 16 COMMITTEE MEETING TIMES

MOTION (Dean/Wilcox)

THAT Council refer the consideration of Committee Meeting times to the incoming Council following the September 2012 elections.

12/03/15 Carried

ITEM - 17 STREAMLINING COUNCIL MEETING PROCEDURES

MOTION (Durkin/Wilcox)

THAT:

1. Council continue with the matters included in this report for the purposes of Streamlining Council meeting procedures.
2. Any answers to questions and enquiries from Councillors relating to Notation items be emailed to all Councillors.

12/03/16 Carried

ITEM - 18 COMPLAINT UNDER COUNCIL'S CODE OF CONDUCT

Proceedings in Brief

In response to a statement by Cllr Bleakley that he wished to move an amendment to rescind the censure motion the Director of Finance & Corporate Services advised that he would be required to give a notice of motion for the rescission.

MOTION (Durkin/Wilcox)

THAT it be noted that:

1. Council did not breach the code of conduct as alleged by Cllr Duffy.
2. The General Manager did not breach the code of conduct.

12/03/17 Carried

It was noted the time being 10:20am the Mayor made presentations to: Mr Darren Stevenson, Volunteer of the Month for March; a Certificate III in Business to Jessica Smith; Diplomas of Management to Katherine Coughlan

and Sharlea Kenney; and Draftsperson Certificate III to Jeremy Tovey.

It was noted Council adjourned at 10:37am and resumed at 11:00am.

Proceedings in Brief

Clr Bleakley gave notice of his intention to move a motion to rescind the censure motion passed at the 15 August 2011 Council meeting and that the allegation of Conflict of Interest that gave rise to the censure motion be investigated in accordance with the Code of Conduct.

ITEM - 19 CUMNOCK AND YEOVAL SEWERAGE SCHEME

MOTION (Dowling/Wilcox)

THAT:

1. Due to delays with the commencement date of construction that Council support a freeze on the preconstruction rate for Cumnock and Yeoval Sewerage Schemes and seek legal advice regarding options for rating as outlined in the report.
2. Council investigate options, including a Government Subsidy, to assist with cost for decommissioning the septic tanks.
3. Council hold public meetings: on 28 March at Yeoval and 29 March at Cumnock.
4. Council seek legal advice as to available options should the majority of current town residents object to proceeding.

12/03/18

Carried

It was noted Clr Duffy requested his vote against the motion be recorded.

**ITEM - 20 HOUSING LOAN FINALISED AND DISCHARGE OF
MORTGAGE FOR 4 STUART STREET, MOLONG**

MOTION (Bleakley/Dean)

THAT:

1. Council acknowledge the finalisation of the housing loan for 4 Stuart Street, Molong.
2. Authorise for the Common Seal to be affixed to the Discharge of Mortgage.

12/03/19

Carried

ITEM - 21 INTEGRATED PLANNING AND REPORTING

MOTION (Wilcox/Durkin)

THAT

1. Council adopts the Draft Cabonne 2025 Community Strategic Plan.
2. Council submits a copy of the Plan to the NSW Department of Local Government by 30 March 2012.

12/03/20 Carried

**ITEM - 22 DRAFT POLICY FOR CARAVANS AND FIXED (RIGID)
AWNINGS**

MOTION (Bleakley/Wilcox)

THAT Council adopt the Policy for Caravans and Fixed (Rigid) Awnings.

12/03/21 Carried

**ITEM - 23 MODIFICATION OF DA 2006/182, MOLONG INDUSTRIAL
SUBDIVISION - JAMNEV HOLDINGS PTY LTD**

MOTION (Bleakley/Culverson)

THAT:

1. Development Application 2010/182 for Molong Industrial Estate, Lot 1 DP 725175, be modified by Condition 6 being altered to allow the applicant Jamnev Holdings Pty Ltd to hold a \$10,000 surety and still be responsible to maintain the Moss Hollow Creek riparian zone.
2. Councillors and staff hold an onsite inspection to see work done with the Molong Industrial Estate.

12/03/22 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 Farr and MacSmith – apologies) as follows:

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

Against: Nil

ITEM - 24 CABONNE CEMETERIES POLICY

MOTION (Bleakley/Wilcox)

THAT Council adopt the draft Cabonne Cemeteries Policy

12/03/23 Carried

**ITEM - 25 DRAFT LOCAL ENVIRONMENTAL PLAN & DRAFT CABONNE
SETTLEMENT STRATEGY**

MOTION (Wilcox/Durkin)

THAT:

1. Council to approve the Draft Cabonne Settlement Strategy (version dated March 2012) for the purposes of public exhibition.
2. Council agree to amend the Draft Cabonne Local Environmental Plan relating to a minimum lot size for subdivision in the Borenore / Nashdale area in accordance with or Option Three (3) as set out in the Department of Planning & Infrastructure letter dated 7 March 2012.
3. Council approve the other amendments to the Draft Cabonne Local Environmental Plan set out in this report that were recommended by the Department of Planning & Infrastructure.
4. Council resubmit the Draft Cabonne Local Environmental Plan (as amended) to the Department of Planning & Infrastructure to seek a Section 65 Certificate for public exhibition of the plan.

12/03/24 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 Farr and MacSmith – apologies) as follows:

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

Against: Nil

ITEM - 26 BUSINESS PAPER ITEMS FOR NOTING

MOTION (Wilcox/Hyde)

THAT:

1. Council further consider Item 2 called by Clr Bleakley and Item 3 called by Clr Duffy.
2. The balance of the items be noted.

12/03/25 Carried

ITEMS FOR NOTATION

ITEM - 2 CUMNOCK YEOVAL SEWER SYSTEM

Proceedings in Brief

The Director of Finance & Corporate Services clarified a question by Clr Bleakley in relation to the amount noted in the report as being the deduction in annual rates than would have been the case if the pre-payment rate had not been levied.

ITEM - 3 2012 E DIVISION CONFERENCE

Proceedings in Brief

In response to a question from Clr Duffy the General Manager confirmed that the motion relating to Sewer Schemes included future ones.

ITEM - 27 QUESTIONS FOR NEXT MEETING

Proceedings in Brief

Clr Culverson indicated she wished to raise a Questions for Next Meeting issue in Closed.

MOTION (Bleakley/Dowling)

THAT Council hold a workshop to review Council's policy in relation to connections to water and sewer mains and headworks charges.

12/03/26 Carried

MOTION (Duffy/-)

THAT all councillors be provided copies of all relevant relating to the Cumnock and Yeoval Sewer schemes.

The motion lapsed for want of a seconder.

ITEM - 28 SPEED ZONE REVIEW - RMS REPORTS

MOTION (Duffy/Gosper)

THAT Council:

1. Note the RMS report and recommendation that the speed zones for Cargo Road and the Mitchell Highway remain.
2. Request RMS to continue to provide funds for the up-grade of Cargo road to bring it to comparable standard for Regional Roads in the region with the aim to achieve the default speed (100 km/h) for Cargo road.
3. Note the request for RMS to provide comment on the "crash cluster" south of Molong and the sub standard alignment at Guanna Hill on the Mitchell Highway.
4. Invite the RMS Regional Manager to address Council in relation to this matter.

12/03/27 Carried

It was noted time being 11:52am Clr Duffy left the Chambers and was not present during voting on Items 29, 30 and Closed Items 1 and 2.

ITEM - 29 RAIN AND RIVER GAUGES FOR MOLONG CREEK

MOTION (Gosper/Hyde)

THAT Council apply for Grant of \$20,000 for the upgrade of the Water Gauges in Molong and that the \$7,000 council contribution be included in the 2012/13 estimates for Molong flood mitigation works.

12/03/28 Carried

ITEM - 30 YEOVAL PUBLIC HOLIDAY

MOTION (Wilcox/Bleakley)

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

12/03/29 Carried

MATTERS OF URGENCY

There were nil matters of urgency.

CONFIDENTIAL ITEMS

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

MOTION (Hyde/Culverson)

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.

12/03/30 Carried

It was noted the time being 11:56am Clr Durkin declared an interest in the following Item (identified as a Significant Non-pecuniary interest) due to a neighbour of his being listed in the attachment and left the Chambers.

ITEM - 2 DEBT RECOVERY REPORT OF OUTSTANDING RATES DEBTS

RECOMMENDATION (Bleakley/Gosper)

THAT the ratepayers in the annexure attached be advised in writing that if payment of their account is not made, or a satisfactory arrangement for

payment is not made within seven days of this correspondence that Council intends to issue a Statement of Claim for the recovery of all monies owed to Council.

1. Carried

It was noted the time being 11:57am Clrs Duffy and Durkin rejoined the meeting.

ITEM - 3 UNRECOVERABLE SUNDRY DEBTOR ACCOUNT

RECOMMENDATION (Gosper/Bleakley)

THAT Council write off the balance of debtor account 1.06937.6 of \$753.28 as unrecoverable.

2. Carried

ITEM - 4 UNRECOVERABLE SUNDRY DEBTOR ACCOUNT - 1.06927.7

RECOMMENDATION (Culverson/Gosper)

THAT Council write-off the balance of debtor account 1.06927.7 of \$972.88 as unrecoverable.

3. Carried

ITEM - 5 VOLUNTARY PLANNING AGREEMENT

RECOMMENDATION (Hyde/Wilcox)

THAT Council receive a further report on this matter when updated advice is available from the Department of Planning & Infrastructure.

4. Carried

ITEM - 6 QUARRY REVIEW COMMITTEE MEETING MINUTES

RECOMMENDATION (Gosper/Wilcox)

THAT the report and recommendations of the Quarry Review Committee held on Monday 5th March 2012 be adopted.

5. Carried

ITEM - 7 YEOVAL STP - ACQUISITION OF LAND

RECOMMENDATION (Gosper/Wilcox)

THAT:

1. Council approve the payment equal to the Local Government interest rate on the contract amount from 1st December 2010.

2. Approve the 99 year Grazing and agricultural licence of that portion of land acquired for the STP not occupied by Council.
3. Affix Council's Seal to the grazing and agricultural licence and effluent reuse agreement.
4. Note the matters relating to fencing, power lines and finalisation of the contract and licence.

6. Carried

Clr Duffy requested his vote against the motion be recorded.

**ITEM - 8 AQUISITION OF LAND FOR GAVIN'S LANE INTERSECTION
REALIGNMENT**

RECOMMENDATION (Wilcox/Gosper)

THAT:

1. Council compensate the owners of Lot 224 DP 1087196 the sum of \$1,740.16.
2. Council pay all legal costs associated with the purchase of the land.
3. Council pay all survey, production fees and plan lodgement fees associated with the purchase of the land.
4. Council affix the Common Seal to transfer documents associated with the purchase of the land.

7. Carried

**ITEM - 9 ACCESS TO LAND ON FREEMANTLE ROAD, GOWAN -
WOOLNUT STATION**

RECOMMENDATION (Bleakley/Duffy)

THAT Council:

1. Have a surveyor prepare a plan of acquisition to identify the specific land to be acquired as a separate lot.
2. Register the plan of acquisition with the NSW Land & Property Information Office.

AMENDMENT (Culverson/Durkin)

THAT Council:

1. Put the matter on hold until councillors and senior staff have an onsite meeting on April Committees meeting day.
2. Receive a further report to the April Council meeting.

The mover and seconder withdrew the motion. The Amendment became the motion.

RECOMMENDATION (Culverson/Durkin)

THAT Council:

1. Put the matter on hold until councillors and senior staff have an onsite meeting on April Committees meeting day.
2. Receive a further report to the April Council meeting.

8. Carried

**ITEM - 10 MULLION CREEK AND BYNG WASTE AND RECYCLING
TRIAL REPORT**

RECOMMENDATION (Wilcox/Duffy)

THAT Council investigate the feasibility of introducing a waste services voucher system (Option 5) with a view to trial it for 12 months during 2012/13.

9. Carried

ITEM - 11 STAFF PERFORMANCE APPRAISAL

RECOMMENDATION (Hyde/Wilcox)

THAT the General Manager's Performance Appraisal workshop be deferred until a new General Manager is appointed.

10. Carried

It was noted the time being 12:36pm the Chair resumed the ordinary meeting.

REPORT & RESOLUTIONS OF CLOSED COMMITTEE OF THE WHOLE

MOTION (Wilcox/Gosper)

THAT the Report and Recommendations of the Closed Committee of the Whole Meeting held on Monday 19 March, 2012 be adopted.

12/03/31 Carried

There being no further business, the meeting closed at 12:37pm.

CHAIRMAN.

Chairman of the Ordinary Meeting of Cabonne Council held on the 16 April, 2012 at which meeting the listed minutes were confirmed and the signature hereon was subscribed.