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REPORT & RESOLUTIONS OF CLOSED COMMITTEE OF THE WHOLE ................................................................. 15
PRESENT  Cllr I Gosper (in the Chair), Cllrs G Dean, M Nash, L MacSmith, M Hayes, G Smith, A Durkin, G Treavors, K Walker, I Davison and J Culverson.

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

ITEMS FOR DETERMINATION

ITEM - 1  APPLICATIONS FOR LEAVE OF ABSENCE

Proceedings in Brief

An apology was tendered on behalf of Cllr S Wilcox for her unavoidable absence from the meeting.

MOTION (Treavors/Culverson)

THAT the apology tendered for Cllr S Wilcox be accepted and the necessary leave of absence be granted.

13/11/6 Carried

ITEM - 2  DECLARATIONS OF INTEREST

Proceedings in Brief

Cllr Culverson declared an interest (identified as a perceived conflict of interest) in Item 15 of Ordinary due to the developer having had discussions with her business regarding work and seeking advice; she also declared an interest (identified as a pecuniary interest) in Item 24 of Ordinary due to the Macquarie pipeline being built over land owned by a client of her business; and further declared an interest (identified as a pecuniary interest) in Item 33 of Ordinary due to the applicants being clients of her business.

Cllr Treavors declared an interest (identified as a perceived conflict of interest) in Item 29 of Ordinary due to being a committee member of the Cudal P&C; and also declared an interest (identified as a perceived conflict of interest) in Item 31 of Ordinary due to being the Registrar of the Cudal Swimming Club and a committee member of the Cudal Pool Committee.

ITEM - 3  DECLARATIONS FOR POLITICAL DONATIONS

Proceedings in Brief

There were nil declarations of political donations.

It was noted the time being 2:02pm a presentation was made to the Youth of the Month for October to Samantha Mills followed by a presentation at 2:07pm by John O’Malley as Council’s Auditor until 2:35pm.
ITEM - 4  MAYORAL MINUTE - APPOINTMENTS

Proceedings in Brief

Clr Gosper

- Council meeting
- Attended a meeting re Molong Rec. ground sculpture
- Attended Cabonne Council’s picnic day at Manildra bowling club
- Gave Official welcome to the Zoo to Zoo bike riders at Molong
- Attended Traffic committee meeting at Cudal
- Attended Australia National Field Days official opening ceremony and luncheon
- Attended the General Manager’s review with other panel members and Christian Morris from the LGNSW
- Attended the Regional Achievers Awards in Newcastle to support the Balloon Challenge and Alf Cantrell, who were both finalists
- Attended meeting with General Manager and Bob and Lynda from Groupworks re – our community meetings
- Attended Community meeting at Cargo, March, Borenore, Cumnock, Molong, Manildra, Eugowra and Canowindra
- Attended the Daroo Awards
- Performed a Citizenship Ceremony
- Attended Cudal Community centre for Merle Parish second book launch and official welcome to guests from all over NSW
- Attended Cudal pools shade structure official opening under our CIP grants program and was honoured to present only the second ever life membership of Cudal pool to Robert Dixon
- Attended the RFS Canobolas Zone liaison meeting at Cowra Council as Cabonne’s rep.
- Attended the WBC Alliance 10 year anniversary forum at Molong
- Attended the Molong Advancement group monthly meeting

Clr Nash

- Attended Women’s Forum at Blayney
- Attended Molong, Manildra and Canowindra workshops
- Meeting with MADIA re walkway – from recreational ground to golf club
- Daroo Awards

Clr Walker
• Meeting with John Cobb re – Update on Canowindra Retirement Village
• Mental Health support group
• Business Chamber meeting re Railway Precinct
• Eugowra Community meeting
• Alice Springs National roads congress
• Council meeting

Clr Davison
• Borenore Community Progress Association meeting
• CTAC Committee meeting
• Committee meeting
• General Manager’s Evaluation
• Community meeting – Borenore, Cargo, Eugowra and Canowindra
• Charles Stuart University Vice Chancellor’s lunch
• Australia National Field Days Borenore – Official opening and Art competition awards
• WBC meeting
• Central West Tourism Board meeting

MOTION (Gosper/)
THAT the information contained in the Mayoral Minute be noted.

13/11/7
Carried

ITEM - 5 GROUPING OF REPORT ADOPTION

MOTION (Walker/Durkin)
THAT Items 6 to 17 be moved and seconded.

13/11/8
Carried

ITEM - 6 CONFIRMATION OF THE MINUTES

MOTION (Walker/Durkin)
THAT the minutes of the Ordinary Meeting held 15 October 2013 and the minutes of the Extraordinary Meeting held 12 November 2013 be adopted

13/11/9
Carried

ITEM - 7 COMMUNITY SERVICES COMMITTEE MEETING

MOTION (Walker/Durkin)
THAT the report and recommendations of the Community Services Committee Meeting of Cabonne Council held on 12 November 2013 be adopted.

13/11/10 Carried

ITEM - 8 ECONOMIC DEVELOPMENT & TOURISM COMMITTEE MEETING

MOTION (Walker/Durkin)

THAT the report and recommendations of the Economic Development and Tourism Committee Meeting of Cabonne Council held on 12 November 2013 be adopted.

13/11/11 Carried

ITEM - 9 WORKS COMMITTEE MEETING

MOTION (Walker/Durkin)

THAT the report and recommendations of the Works Committee Meeting of Cabonne Council held 12 November 2013 be adopted.

13/11/12 Carried

ITEM - 10 2013 LG NSW STATE CONFERENCE

MOTION (Walker/Durkin)

THAT Council support the Motions carried at the 2013 LG NSW Conference and take opportunities that present themselves to support LG NSW policies through State and Federal Governments.

13/11/13 Carried

ITEM - 11 THE PAYMENT OF EXPENSES AND THE PROVISION OF FACILITIES FOR MAYOR AND COUNCILLORS 2014 POLICY

MOTION (Walker/Durkin)

THAT Council:

1. Note there were nil submissions relating to the adoption of the Payment of Expenses & Provision of Facilities for Mayor and Councillors 2014 Policy.

2. Adopt the advertised draft Payment of Expenses & Provision of Facilities for Mayor and Councillors 2014 Policy including limits for expenses listed, with the Internet Access plan upgraded to 4GB (and any changes proposed following submissions received).

3. Within 28 days of adoption provide a copy of the policy to the Division of Local Government.

13/11/14 Carried
ITEM - 12 PAYMENT OF EXPENSES - TRAVEL CLAIMS

MOTION (Walker/Durkin)

THAT:
1. Council note the requirements in relating to claiming travel expenses and attendances at conferences, seminars and the like;
2. The nominated staff member be advised of alternate representation arrangements as required by policy.

13/11/15 Carried

ITEM - 13 WRITE OFF RATES AMOUNT FOR LEASED PROPERTY A65317

MOTION (Walker/Durkin)

THAT rates and interest on assessment A65317 currently $1,056.81 and any further accrued interest be written off.

13/11/16 Carried

ITEM - 14 NAMING COTTONS BRIDGE

MOTION (Walker/Durkin)

THAT Council commence the process of naming the subject bridge “Cottons Bridge” pursuant to Section 5 (1) (a) of the Geographical Names Act 1966.

13/11/17 Carried

ITEM - 15 ROAD NAMING - FOYS DRIVE

MOTION (Walker/Durkin)

THAT Council commence the public consultation process to name the road ‘Foys Drive’ in accordance with Section 162 of the Roads Act 1993 and proceed with the suggested name if no objections are raised.

13/11/18 Carried

ITEM - 16 MARYLEBONE BRIDGE CROWN LAND ACQUISITION

MOTION (Walker/Durkin)

THAT Council:
1. Pay the determined compensation to the Crown for the 3394 m² of land.
2. Pay all associated survey, lodgement and legal costs.
3. Authorise the affixing of the Common Seal to transfer documents associated with the purchase of the land.
ITEM - 17 RESTRICTED ACCESS VEHICLE APPLICATION - CASUARINA DRIVE, TRAJERE ROAD, MEADOWBANK ROAD

**MOTION** (Walker/Durkin)

THAT Council gazette the road sections in Schedule 1 subject to the conditions in Schedule 2.

Schedule 1
1. Casuarina Drive, from Paytens Bridge Road to Trajere Road;

2. Trajere Road from Casuarina Drive to Nangar Road.

Schedule 2
1. A maximum speed limit of 80km/h applies.

ITEM - 18 BORENORE COMMUNITY PROGRESS ASSOCIATION

**MOTION** (Culverston/Nash)

THAT Council provide an interest free loan payable over a 2 year term to the value of the Insurance cost to the Borenore Community Progress Association.

**AMENDMENT** (Davison/MacSmith)

THAT Council provide a $3,000 grant to the Borenore Community Progress Association.

The Amendment was put and lost.

The Motion was put and carried.

**MOTION** (Culverston/Nash)

THAT Council provide an interest free loan payable over a 2 year term to the value of the Insurance cost to the Borenore Community Progress Association.

13/11/21

Carried

Cllr Davison requested his vote against the Motion be recorded.

ITEM - 19 QUARTERLY BUDGET REVIEW

**MOTION** (Durkin/Nash)
THAT the variances listed in the Quarterly Budget Review be approved and updated to the original budget for 2013/2014.

13/11/22 Carried

ITEM - 20 POLICY ON CLEAR ZONE TREATMENT

MOTION (Walker/Durkin)

THAT Council place the following Draft Policy for Clear Zones on public exhibition for a period of 4 weeks and invite comment from stakeholders to be considered at a future Council meeting.

13/11/23 Carried

ITEM - 21 REQUEST FOR WATER MAINS EXTENSION SUBSIDY LOT 9 DP758693 BOOMEY STREET MOLONG

MOTION (Culverson/Dean)

THAT Council approve the 50% subsidy for the water mains extension that will enable connection of the property at Boomey Street, Molong (Lot 9 DP 758693 Section 13) to Council's water network at a cost to Council of $3,980.50.

13/11/24 Carried

ITEM - 22 PART CLOSURE AND SALE OF PARKER STREET, MOLONG

MOTION (Gosper/Culverson)

THAT Council:

1. Seek submissions from affected land owners.
2. Close the highlighted part of Parker Street as shown on the site map within the report at the applicant's cost subject to there being no objections.

13/11/25 Carried

ITEM - 23 ORANGE TRIATHLON FESTIVAL - 1 FEBRUARY 2014 - LAKE CANOBOLAS ROAD

MOTION (Durkin/Davison)

THAT approval be granted for the road closure for this event as set out in the Elite Energy Submission to conduct the Orange Triathlon Festival on Lake Canobolas Road on Saturday 1 February 2014 with the temporary closure of Lake Canobolas Road and Canobolas Road, between the entrance to Lake Canobolas and Mount Canobolas Road from 6:45am to 12:00pm subject to the following conditions:

1. Implementation of the submitted Traffic Management Plan.
2. The Traffic Control Plan be implemented as submitted with the addition of advanced warning “Road Closed on Side Road” (or similar) installed on Cargo Road on each approach to Lake Canobolas Road.

3. NSW Road Rules are to be observed by competitors at all times.

4. Event Organiser is to obtain written approval from the NSW Police Force and all directions and conditions promptly obeyed.

5. Council to be provided with a copy of a $20M Public Liability Insurance Policy indicating Cabonne Council’s interests, with the date and location of the event.

6. The Event Organiser is to obtain written approval from Orange City Council as the owner for the use of the Lake Canobolas Reserve.

7. The Event Organiser is to notify all Emergency Services of the event.

8. The Event Organiser is to notify all business proprietors and residents affected by the event at least seven (7) days prior to the event.

9. The Event Organiser should organise a public notice in the Central Western Daily at least seven (7) days prior to the event, announcing the event including date, time and roads that will be affected, at the Event Organiser’s cost.

10. A clear passage way of four (4) metres wide should be maintained within the closed section of roadway for emergency access.

11. Council to be provided with a brief report after the event addressing any traffic related issues / concerns experienced during the event.

13/11/26 Carried

It was noted the time being 3:02pm Clr Culverson declared an interest (identified as a pecuniary interest) in the following Item due to the Macquarie pipeline being built over land owned by a client of her business and left the Chambers.

**ITEM - 24 DEDICATION OF PUBLIC ROAD THROUGH LOT 7001 DP 93431, LONG POINT ROAD.**

**MOTION** (Walker/Hayes)

THAT Council:

1. Grant concurrence to the dedication of public road.

2. Affix the Common Seal to any associated land transfer or dedication document.

3. Grant consent to Orange City Council for the use of the newly created road reserve for the purpose of a water pipeline and subject to original conditional approval.

4. Affix the Common Seal to any associated land tenure document for the water pipeline.

13/11/27 Carried
Crs Durkin and Treavors requested their votes against the Motion be recorded.

It was noted the time being 3:04pm Clr Culverson rejoined the meeting.

**ITEM - 25 LAND ACQUISITION - BOREE LANE**

**MOTION** (Durkin/Culverson)

THAT Council:

1. Proceed with the subdivision of Lot 1, DP 1075530.
2. Transfer Lot 2 DP 1075530 to the owner of Lot 51 DP 1071718.
3. Transfer Part of Lot 1 DP 1075530 to the owner of Lot 1 DP 1132154 as shown on the attached plan.
4. Transfer Part Lot 1 DP 1075530 to the owner of Lot 2 DP 1132154 as shown on the attached plan.
5. Authorise the affixing of the Common Seal to transfer documents.

13/11/28 Carried

**ITEM - 26 VOLUNTARY PURCHASE OF A EUGOWRA PROPERTY – LOT 6 DP758396 CHESHER STREET EUGOWRA**

**RECOMMENDATION**

THAT Council approve the recommendations numbers 1 to 5 outlined in the report.

**ITEM - 27 CARGO FORMER BABY HEALTH CENTRE BUILDING**

**MOTION** (Walker/MacSmith)

THAT Council:

1. Adopt the draft Plan of Management for the reserve.
2. Prepare a standard licence agreement.
3. Authorise the affixing of the Common Seal to the licence agreement.
4. Submit the signed and sealed licence agreement to NSW Lands for Ministerial consent.

13/11/29 Carried

**ITEM - 28 MOLONG COMMUNITY HALL - REQUEST TO WAIVE FEES**

**MOTION** (Walker/Davison)

THAT the Molong Community Hall fee be waived as outlined in the report.
13/11/30 Carried

It was noted the time being 3:07pm Clr Treavors declared an interest (identified as a perceived conflict of interest) in the following Item due to being a committee member of the Cudal P&C and left the Chambers.

**ITEM - 29 CUDAL COMMUNITY HALL**

**MOTION** (Davison/Nash)

THAT the Cudal Hall fee be waived as outlined in the report.

13/11/31 Carried

It was noted the time being 3:08pm Clr Treavors rejoined the meeting.

**ITEM - 30 RE-IMBURSEMENT OF DEVELOPMENT APPLICATION FEES FOR DA 2014/0013 FOR SHED, AMENITIES BLOCK AND WATER TANK FOR KARMA YIWONG SAMTEN LING (TIBETAN BUDDHIST CENTRE INCORPORATED) ON LOT 134 DP 1091778, SANDY CREEK ROAD, MOLONG**

**MOTION** (Walker/Culverson)

THAT Council donate $305.00 from its s356 budget to Karma Yiwong Samten Ling being the amount equivalent to the development application fee paid in association with DA 2014/0013 for Shed, amenities block and water tank on Lot 134 DP 1091778, Sandy Creek Road, Molong.

13/11/32 Carried

It was noted the time being 3:10pm Clr Treavors declared an interest (identified as a perceived conflict of interest) in the following Item due to being the Registrar of the Cudal Swimming Club and a committee member of the Cudal Pool Committee and left the Chambers.

**ITEM - 31 REIMBURSEMENT OF DA FEES FOR CUDAL MAINTENANCE COMMITTEE FOR DA 2014/0028 FOR SHADE STRUCTURE AT CUDAL POOL ON LOTS 5 & 6 DP 758311, 57 MAIN STREET, CUDAL**

**MOTION** (Culverson/MacSmith)

THAT Council donate $522.00 from its s356 budget to Cudal Baths Maintenance Committee being the amount equivalent to development application fees paid in association with DA 2014/0028 for Shade Shelter on Lots 5 & 6 DP 758311, Main Street, Cudal

13/11/33 Carried

It was noted the time being 3:11pm Clr Treavors rejoined the meeting.
ITEM - 32 REIMBURSEMENT OF DA FEES FOR EUGOWRA PROMOTION & PROGRESS ASSOCIATION FOR DA 2014/0039 FOR ARCHWAY AT EUGOWRA SPORTSGROUND ON LOT 7009 DP 1021063, NANIMA ROAD, EUGOWRA

MOTION (Durkin/Nash)

THAT Council donate $295.30 from its s356 budget to Eugowra Promotion and Progress Association Inc being the amount equivalent to development application fees paid in association with DA 2014/0039 for Archway at Eugowra Sportsground on Lot 7009 DP 1021063, Nanima Road, Eugowra

13/11/34 Carried

MOTION (MacSmith/Davison)

THAT Council receive a report on DA related donations given over the last three (3) years.

13/11/35 Carried

It was noted the time being 3:13pm Clr Culverson declared an interest (identified as a pecuniary interest) in the following Item due to the applicants being clients of her business and left the Chambers.

It was also noted at this time the Mayor, Clr Gosper, declared an interest (identified as a pecuniary interest) in the following Item due to the applicants being clients of his brother’s building business and left the Chambers.

The Deputy Mayor, Clr MacSmith, assumed the Chair.

ITEM - 33 REQUEST TO VARY COVENANT ON LOT 100 DP 1182220, MADELINES LANE, WINDERA

MOTION (Durkin/Culverson)

THAT Council approve the variation of terms of covenant applying to Lot 100 DP 1182220, 9 Madelines Lane, Windera to permit the construction of a colorbond clad garage to be located outside the identified building envelope.

13/11/36 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 Gosper and Culverson – declared interest and Clr Wilcox - apology) as follows:

For: Clrs MacSmith, Dean, Nash, Hayes, Smith, Durkin, Treavors, Walker and Davison.

Against: Nil.

It was noted the time being 3:15pm Clrs Gosper and Culverson rejoined the meeting. The Mayor resumed the Chair.
ITEM - 34 ENVIRONMENTAL SERVICES & SUSTAINABILITY COMMITTEE MEETING

MOTION (Durkin/Culverson)

THAT the report and recommendations of the Environmental Services and Sustainability Committee Meeting of Cabonne Council held on 12 November 2013 be adopted and carried motions be noted.

13/11/37 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 Clr Wilcox - apology) as follows:

For: Clrs Gosper, Dean, Nash, MacSmith, Hayes, Smith, Durkin, Treavors, Walker, Davison and Culverson.

Against: Nil.

ITEM - 35 BUSINESS PAPER ITEMS FOR NOTING

Proceedings in Brief

It was noted Item 5 called by Clr Davison did not result in a Motion.

MOTION (Culverson/Dean)

THAT:

1. Councillors further consider Item 5 called by Clr Davison and Items 7 and 10 both called by Clrs Gosper and Dean.

2. The balance of the items be noted.

13/11/38 Carried

ITEMS FOR NOTATION

ITEM - 7 RDAF GRANTS ROUND FIVE

MOTION (Dean/Gosper)

THAT Council issue a media release relating to Round 5 of the Regional Development Australia Fund (RDAF) Grants being not likely to proceed.

13/11/39 Carried

It was noted the time being 3:23pm Clr Culverson declared an interest (identified as a pecuniary interest) in the following Item due to the contractor in the report being a client of her business and left the Chambers.

ITEM - 10 WORKS AS EXECUTED RESULTS FOR CUMNOCK SEWAGE TREATMENT PLANT EARTHWORKS
MOTION (Gosper/Dean)
THAT Council receive a report relating to the benefits of purchasing GPS machine guidance equipment for its plant.

13/11/40 Carried

It was noted the time being 3:28pm Clr Culverson rejoined the meeting.

ITEM - 36 QUESTIONS FOR NEXT MEETING

MOTION (Davison/MacSmith)
THAT Council write to the Minister in relation to concerns relating to the proposed school restructure and its impact on Cabonne LGA schools.

13/11/41 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 (Durkin/Nash)
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.

13/11/42 Carried

It was noted the time being 3:42pm Clr Treavors left the Chambers and was absent during voting on the following Item.

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

RECOMMENDATION (Durkin/Culverson)
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 October 2013 notes that the recommendations recorded in the Official Ordinary Minutes of that meeting are sufficient to state the general effect of the proceedings in Closed Committee.

1. Carried

It was noted the time being 3:43 Clr Treavors rejoined the meeting.

*ITEM - 3 EXPRESSION OF INTEREST - LOT 148 DP 750170 & LOT 149 DP 750170, 90 & 92 PACKHAM DRIVE, MOLONG

RECOMMENDATION (Durkin/Treavors)

THAT the General Manager be authorised to enter into discussions with interested parties and resolve the matter consistent with the Proceedings in Brief.

2. Carried

The Chair called for a Division of Council which resulted in a vote for the motion (noting the absence of Clr Wilcox - apology) as follows:

For: Clrs Gosper, Dean, Nash, MacSmith, Hayes, Smith, Durkin, Treavors, Walker, Davison and Culverson.

Against: Nil.

*ITEM - 4 BUSINESS DEVELOPMENT ASSISTANCE PROGRAM APPLICATION – ESTABLISHMENT OF BUSINESSES TO CARGO AND EUGOWRA

RECOMMENDATION (MacSmith/Walker)

THAT Council under the Business Development Assistance Program:

1. Refund Development Application fees associated with the relocation/establishment of the business to Cargo.

2. Defer consideration of further funding assistance for the establishment/relocation costs of both applications until the BDAP guidelines are reviewed and a further report is submitted to the next Council meeting.

3. Carried

*ITEM - 5 CONTRACT 499768 - MANAGEMENT OF MOLONG SWIMMING POOL FOR A THREE YEAR PERIOD

RECOMMENDATION (MacSmith/Hayes)

THAT Council:

1. Accept the tendered price recorded in the Proceedings in Brief from
Cathryn Maree Jeffries of Molong, NSW for the management of Molong swimming pool for a three (3) year period.

2. Authorise the affixing of the Common Seal to Contract 499768.

4. Carried

It was noted the time being 4:08pm the Administration Manager declared an interest (identified as a perceived conflict of interest) in the following Item due to being a Committee member of a Not-for-profit organisation which has expressed interest in purchasing the subject land and left the Chambers.

* ITEM - 6 MANILDRA RESIDENTIAL ESTATE MARKETING REPORT

**RECOMMENDATION** (MacSmith/Treavors)

THAT Council defer further action in relation to the Manildra residential estate and the GM be authorised to enter into negotiations as outlined in the Proceedings in Brief.

5. Carried

It was noted the time being 4:13pm the Administration Manager rejoined the meeting.

It was noted the time being 4:14pm the Chair resumed the Ordinary meeting.

**REPORT & RESOLUTIONS OF CLOSED COMMITTEE OF THE WHOLE**

**MOTION** (Dean/Davison)

THAT the Report and Recommendations of the Closed Committee of the Whole Meeting held on Tuesday 19 November, 2013 be adopted.

13/11/43 Carried

There being no further business, the meeting closed at 4:15pm.

CHAIRMAN.

Chairman of the Ordinary Meeting of Cabonne Council held on the 17 December, 2013 at which meeting the listed minutes were confirmed and the signature hereon was subscribed.