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**PRESENT** Clr I Gosper (in the Chair), Clrs G Dean, M Nash, L MacSmith, M Hayes, S Wilcox, G Treavors, K Walker and J Culverson.

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

### **ITEMS FOR DETERMINATION**

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

##### Proceedings in Brief

Apologies were tendered on behalf of Clrs Davison and Durkin for their absence from the meeting.

##### **MOTION** (Treavors/Wilcox)

THAT the apologies tendered by Clrs Davison and Durkin be accepted and the necessary leave of absence be granted.

16/02/01 Carried

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

##### Proceedings in Brief

Clr Nash declared an interest (identified as a pecuniary interest) in item 8 of Closed due to her son being an employee at the Limestone Quarry.

Clr Wilcox declared an interest (identified as a pecuniary conflict of interest) in item 38 due to her son being a contractor to the applicant Bell River Homes.

##### **MOTION** (Dean/MacSmith)

THAT the Declarations of Interest be noted.

16/02/02 Carried

#### **ITEM - 3 DECLARATIONS FOR POLITICAL DONATIONS**

##### Proceedings in Brief

It was noted that there were nil declarations of political donations.

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

THAT it be noted there were nil declarations of political donations.

16/02/03 Carried

It was noted the time being 2:04pm the award for Youth of the Month for February was presented to Toby Parry.

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

##### Proceedings in Brief

- attended the Directors meeting with the Deputy Mayor and the General Manager
- attended the December Council meeting
- attended the Councillor Christmas party in Eugowra
- attended the Fit for the Future webinar briefing in the General Managers office which was run by the Premier and Local Government Minister
- at the General Manager's invite spoke to the outdoor and indoor staff of Cabonne Council to address Fit for the Future issues and inform staff of the proceedings
- attended meeting in the Mayor's Office with a Yeoval ratepayer
- attended meeting with the Nashdale Hall committee regarding funding issues
- attended meeting with the Canowindra Aged Care Counsellor group
- presented the Christmas decorations awards in Canowindra with the Communications and Media Officer
- attended the Anti-Amalgamation Group rally in front of the Council Chambers and spoke at their request
- attended the council staff Christmas party at the Molong RSL Club and spoke to staff
- attended and spoke at the Anti-Amalgamation Group's Molong meeting at their invite
- attended and spoke at the Anti-Amalgamation Group's Canowindra meeting at their invite
- attended and spoke at the Yeoval Progress Association Anti-Amalgamation meeting at the Yeoval Bowling Club at their invite
- attended Council Chambers and met with Delegate Richard Pearson
- attended Council Chambers for a meeting with the Delegate Richard Pearson and Councillors
- attended the Council January extra-ordinary meeting
- attended Australia Day official ceremonies at Cumnock, Molong and Eugowra with the Official Party and Cabonne's Australia Day Ambassador
- attended a meeting in Sydney organized by Local Member Andrew Gee with the Minister for the Environment, Heritage, and Assistant Minister for Planning, Mark Speakman along with Bruce Noble and the Acting Director of Engineering and Technical Services to seek funding for the Eugowra Puzzle Flat Flood Levy
- attended a meeting with Morrison Low Consultants along with the General Manager and Deputy Mayor
- attended a meeting with the General Manager
- attended Southern Phones presentation to the Canowindra Tennis

Club regarding their successful grant application for court lighting on site

- attended the Canobolas Zone Rural Fire Service liaison meeting at Zone Headquarters in Orange as Cabonne Council's delegate
- attended the Anti-Amalgamation protest meeting at Molong RSL Club
- attended and spoke at the public enquiry into the merger proposal for Orange, Cabonne and Blayney Councils run by the Delegate Richard Pearson in Molong
- attended the February Council workshop
- attended a meeting at the Council Chambers with the Shadow Minister for Local Government Peter Primrose along with fellow Councillors and members of the public
- attended the Molong Advancement Group's monthly meeting as Cabonne Council's delegate
- attended the Governance Risk Management and Business Improvement Committee Meeting at Blayney along with the General Manager and the Director of Finance and Corporate Services
- attended a meeting with consultants Morrison Low regarding Cabonne Council's submission on the merger proposal along with the Deputy Mayor and the Director of Finance and Corporate Services
- attended Council Chambers for a meeting with the General Manager and Canobolas Eggs representatives

Clr Culverson

Read out a letter regarding Ophir Road and alleged safety issue on behalf of 18 residents. A copy of the letter was to be provided to all Councillors. The councillor made a request that the road being sealed be considered in 2016/17 budget. It was noted the Acting Director of Engineering and Technical Services offered to submit a report to next Council meeting.

**MOTION** (Gosper/-)

THAT the information contained in the Mayoral Minute be noted.

16/02/04 Carried

**ITEM - 5 COMMITTEE OF THE WHOLE**

Proceedings in Brief

The Mayor called items 11, 13 and 14. Clr MacSmith called item 22.

**MOTION** (Treavors/Walker)

THAT items called be debated in Committee of the Whole.

16/02/05 Carried

**ITEM - 6 GROUPING OF REPORT ADOPTION**

Proceedings in Brief

Clr Culverson called item 9.

**MOTION** (Dean/Nash)

THAT:

1. Council further consider the item called.
2. Items 7, 8 and 10 be moved and seconded.

16/02/06

Carried

**ITEM - 7 CONFIRMATION OF THE MINUTES**

**MOTION** (Dean/Nash)

THAT the minutes of the Ordinary meeting held 15 December 2015 and the Extraordinary meeting held 19 January 2016 be adopted.

16/02/07

Carried

**ITEM - 8 AUSTRALIA DAY AWARDS COMMITTEE MEETING**

**MOTION** (Dean/Nash)

THAT the report and recommendations of the Australia Day Awards Committee Meeting of Cabonne Council held on 15 December, 2015 be adopted.

16/02/08

Carried

Item 9 was called for further consideration.

**ITEM - 10 TRAFFIC COMMITTEE MINUTES AND AGENDA**

**MOTION** (Dean/Nash)

THAT the recommendations of the Traffic Committee held November 26 2015 as outlined in the report be adopted.

16/02/09

Carried

**ITEM - 9 INTEGRATED PLANNING & REPORTING TIMETABLE**

Proceedings in Brief

In response to a question from Cllr Culverson the General Manager replied that the council is expected to continue with its planning process despite being subject to a merger proposal.

**MOTION** (Wilcox/Dean)

THAT Council hold extraordinary meetings on 12 April, 10 May and 14 June 2016 as required under the Integrated Planning & Reporting process.

16/02/10 Carried

It was noted item 11 was called to be considered in the Committee of the Whole.

**ITEM - 12 2016 AUSTRALIAN LOCAL GOVERNMENT WOMEN'S  
ASSOCIATION (NSW) ANNUAL CONFERENCE**

Proceedings in Brief

It was noted that Clrs Nash and Wilcox were nominated to attend.

**MOTION** (Treavors/Dean)

THAT Clrs Nash and Wilcox be authorised to attend the 2016 ALGWA (NSW) Conference.

16/02/11 Carried

It was noted that items 13 and 14 were called to be considered in the Committee of the Whole.

**ITEM - 15 NSW GOVERNMENT LEGISLATIVE REFORM**

Proceedings in Brief

The feedback was that generally phase 1 was straightforward. It was noted that some councillors did not support a 4 year term for publicly elected Mayors as it was considered too long a period.

**MOTION** (Dean/Wilcox)

THAT the feedback provided be noted.

16/02/12 Carried

**ITEM - 16 INTEGRATED PLANNING & REPORTING - OPERATIONAL  
PLAN 2ND QUARTER REVIEW**

Proceedings in Brief

It was noted that nil alterations were deemed necessary.

**MOTION** (Walker/Wilcox)

THAT the update of the Operational Plan to 31 December 2015, as presented be adopted.

16/02/13 Carried

**ITEM - 17 COMPLAINTS MANAGEMENT - DRAFT COMPLAINTS  
HANDLING POLICY**

**MOTION** (Wilcox/Nash)



THAT the attached Draft Complaints Handling Policy be adopted.

16/02/14 Carried

**ITEM - 18 DECEMBER QUARTERLY BUDGET REVIEW**

**MOTION** (Hayes/Dean)

THAT Council approve the variations detailed in the Quarterly Budget Review and that those changes be updated to Council's current 15/16 Budget.

16/02/15 Carried

**ITEM - 19 SENIORS FESTIVAL**

**MOTION** (Nash/Wilcox)

THAT Council:

1. Donate \$550 to the Eugowra Lions Club Seniors Festival activity;
2. Donate \$550 to the Canowindra Lions Club Seniors Festival activity;  
and
3. Use remaining seniors week budgeted funds to sponsor Council provided Seniors Festival activities.

16/02/16 Carried

**ITEM - 20 EVENTS ASSISTANCE FUNDING PROGRAM 2015/2016**

**MOTION** (Dean/Culverson)

THAT Council approve funding under the 2015/16 Events Assistance Program of:

1. \$5,000 for the Orange Food Week Festival 8 - 17 April 2016;
2. \$1,000 for the Sydney Cellar Door 26 - 28 February 2016; and
3. \$2,000 for the Orange Apple Harvest to be held from 6 - 8 May 2016.

16/02/17 Carried

**ITEM - 21 ATTENDANCE OF CABONNE COUNCIL DELEGATES AT THE  
2016 LOCAL GOVERNMENT TOURISM CONFERENCE**

**MOTION** (Walker/Dean)

THAT Council's delegate on the Tourism Advisory Committee Cllr Ian Davison and Cabonne's Promotions and Tourism Officer Lynne Hawkes be authorised to attend the 2016 Local Government Conference in Byron Bay.

16/02/18 Carried

It was noted item 22 was called to be considered in the Committee of the Whole.

**ITEM - 23 REPLACEMENT OF THE HACC BUILDING ROOF**

Proceedings in Brief

It was noted that as the expenditure is not in the current budget the s23A guidelines require an explanation as to why the expenditure is required and warranted.

**MOTION** (Culverson/Walker)

THAT:

1. Council engage Whiteson and Company to replace the roof of the HACC building and funds of \$110,000 to come from Council's capital works reserve.
2. This expenditure is required and warranted because the roof leaking has led to closure of the library within the building.

16/02/19

Carried

**ITEM - 24 GRAVEL RESHEETING PROGRAM 2015-2016**

Proceedings in Brief

It was noted that as the expenditure is not in the current budget the s23A guidelines require an explanation as to why the expenditure is required and warranted.

**MOTION** (Culverson/Dean)

THAT:

1. The remaining budget allocation from the Gravel Resheeting Program be transferred to Rural Road – Unsealed Operations Program.
2. This expenditure is required and warranted because of safety reasons.

16/02/20

Carried

**ITEM - 25 CANOWINDRA STORMWATER MAINTENANCE**

Proceedings in Brief

It was noted that as the expenditure is not in the current budget the s23A guidelines require an explanation as to why the expenditure is required and warranted.

**MOTION** (Hayes/Walker)

THAT:

1. Council transfer from Capital Works Reserve the sum of \$83,654 to fund drainage works at Canowindra.

2. This expenditure is required and warranted to prevent overland flow risks.

16/02/21 Carried

**ITEM - 26 SEWER MAIN EXTENSION SUBSIDY**

Proceedings in Brief

It was noted that as the expenditure is not in the current budget the s23A guidelines require an explanation as to why the expenditure is required and warranted.

The Acting Director of Engineering and Technical Services stated that in his opinion the applications for a subsidy referred to in the report should be dealt with under the current policy in good faith, however the policy should now be amended to include a cap.

**MOTION** (Wilcox/Nash)

THAT Council determine to:-

1. Change the subsidy clause in the Sewer Policy to cap allowance at \$5,000; and
2. Make payment of Subsidy for Lots 1 to 4 Kite St in the amount of \$11,418.69; and
3. Make payment of Subsidy for three (3) Lot Subdivision on Lot 2 DP 1047411 in the amount of \$6,455; and
4. Make payment of subsidy from Sewer Reserve Fund.
5. This expenditure is required and warranted because funds had not been included to meet the council's policy.

16/02/22 Carried

**ITEM - 27 UNSEALED LANES IN CANOWINDRA**

Proceedings in Brief

In response to a question from Cllr Dean the Acting Director of Engineering and Technical Services responded that council currently maintains lanes on Crown land and that these lanes would need to be added to the Crown Lands register.

**MOTION** (Hayes/Walker)

THAT Council:

1. Develop a three (3) year works program of approximately \$100,000 per year for sealing the lanes;
2. Consider the request in the 2016/17 budgeting process.

16/02/23 Carried

**ITEM - 28 CUDAL MEMORIAL PARK**

**MOTION** (Dean/Treavors)

THAT Council approve:

1. Installation of an interpretive plaque outlining the old fountain and park history; and
2. Renaming of the park to "Landauer Memorial Park".

16/02/24

Carried

**ITEM - 29 DRAFT POLICY - ASBESTOS**

**MOTION** (Wilcox/MacSmith)

THAT:

1. The draft Cabonne Council Asbestos Management Policy and Plan 2016 be placed upon public exhibition for a period of not less than 28 days; and
2. A further report be submitted to council following conclusion of the exhibition period for consideration of submissions and for further consideration/adoption of the final policy documents.

16/02/25

Carried

**ITEM - 30 DA 2016/024 - ANIMAL BOARDING AND TRAINING  
ESTABLISHMENT - LOT 2 DP773981, 1321 PEABODY ROAD,  
MOLONG**

Proceedings in Brief

After discussion on the possible impacts on council by allowing an unapproved development that has been brought to its attention by neighbour complaints and the difficulty in obtaining information from the proponent council supported seeking legal advice and resolved that the Development Application be submitted to the next Council meeting for determination.

**MOTION** (MacSmith/Wilcox)

THAT:

1. The information be noted; and
2. Council seek legal advice regarding regulation of the development located upon Lot 2 DP773981, being 1321 Peabody Road, Molong.
3. A report be submitted to the next Council meeting for determination of the Development Application including legal advice received.

16/02/26

Carried

**ITEM - 31 SECTION 68 2016/2045 LOT 1 DP 1089570 CARTY'S LANE,  
MANILDRA**

Proceedings in Brief

It was noted by the Mayor that Mrs Barnes (the applicant) was present and wished to address Council in relation to this item. He sought the Council's endorsement for the applicant to address Council even though she had not made previous arrangements as required by policy.

**MOTION** (Culverson/Hayes)

THAT the applicant be authorised to address Council.

16/02/27

Carried

It was noted the time being 3:04pm Mrs Barnes addressed the Council until 3:09pm. She raised issues including the complications of connecting to sewer, that an easement would be required across a neighbour's property and that the 75metres was an 'as the crow flies' distance and that connecting to the sewer would be double the cost of installing a septic system.

Councillors discussed a preference that due to the expense incurred in constructing the sewer system available, connection should be encouraged. It was also noted that the inconsistency in being able to connect to the sewer may be an obstacle to development in Manildra and assistance should be provided whenever possible.

Clr Dean suggested a report be prepared advising how many neighbours have connected to the sewer.

Mrs Barnes pointed out a cost to them as the applicants to have to wait and a delay in construction.

In reply to a question from Clr Culverson as to why the council is not arranging the easement when the sewer line is a council asset the Director of Finance and Corporate Services advised that the report to be submitted would provide details to allow proper assessment. The Acting Director of Engineering and Technical Services added that there seemed to be some confusion as it is not the normal procedure to use private property to connect a different property to the sewer line.

**MOTION** (MacSmith/Hayes)

THAT the application be reassessed based on information as presented by the applicant and a report be submitted to the next Council meeting for determination.

16/02/28

Carried

The Chair called for a Division of Council which resulted in a vote for the motion (noting the absence of Clrs Davison and Durkin – apologies) as follows:

For: Clrs Gosper, MacSmith, Hayes, Wilcox and Culverson.

Against: Clrs Dean, Nash, Treavors and Walker.

**ITEM - 32 MODIFICATION TO DA 2015/0149 LOT 361 DP 1193438,  
BURRENDONG WAY, MULLION CREEK - RELOCATION OF  
APPROVED DWELLING SITE AND RECONFIGURATION OF  
APPROVED FLOOR PLAN**

**MOTION** (Hayes/Wilcox)

THAT Modification Development Application 2015/0149/1 for Dwelling on Lot 361 DP 1193438, Burrendong Way, Mullion Creek, be granted consent subject to the conditions attached.

16/02/29

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 Davison and Durkin – apologies) as follows:

For: Clrs Gosper, Dean, Nash, MacSmith, Hayes, Wilcox, Treavors, Walker, and Culverson.

Against: Nil

**ITEM - 33 MODIFICATION TO DA 2015/0012 CELLAR DOOR PREMISE  
AND AMENITIES BLOCK ON LOTS 100 & 102 DP1031436, 1034  
THE ESCORT WAY, BORENORE**

Proceedings in Brief

It was noted the time being 3:24pm Mrs Michelle Stivens (the applicant) addressed Council in relation to this item.

She raised the cost of complying with conditions relating to dust, noise and other conditions which she felt were not imposed on other cellar door premises.

It was noted the time being 3:32pm Clr Treavors declared an interest (identified as a potential significant non pecuniary interest) in this item due to discussion turning to the possible extension of the cellar door hours which he considered to be a conflict with his employment as a police officer and left the Chambers.

In response to a question from Clr MacSmith the Director of Environmental Services advised that no other activities other than for the cellar door were approved. She added that some other uses are permissible by application outside the cellar door hours.

Discussion followed clarifying the difference between some one off events e.g. Food Week which are covered under Council's Events Management Program for which a Development Application is not requested.

In response to a question from Clr Hayes the Development Engineer advised that the Right of Way was for residential use. The conditions related to dust from cellar door activities.

**MOTION** (MacSmith/Culverson)

THAT Modified Development application 2015/0012 for a Cellar Door Premise and Amenities block on Lot 100 and Lot 102 DP 1031436, 1034 The Escort Way, retain the wording for Condition 8 and Condition 23, and support the minor structural building amendments.

16/02/30 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 Davison and Durkin – apologies; Clr Treavors – declared interest) as follows:

For: Clrs Gosper, Dean, Nash, MacSmith, Hayes, Wilcox and Culverson.

Against: Clr Walker.

**ITEM - 34 EXEMPTION TO THE ALCOHOL PROHIBITED AREA AND  
ALCOHOL FREE ZONE FOR THE VILLAGE GREEN, MOLONG  
FOR AN APPROVED EVENT - 100 MILE DINNER**

**MOTION** (Wilcox/Nash)

THAT:

1. Council agree to Molong Advancement Group and Orange FOOD Week Committee's 100 Mile Dinner request to suspend the Alcohol Prohibited Order and Alcohol Free Zone for the Village Green and the road reserve/pavement bounding Bank Street and Gidley Street, Molong for Monday 11 April, 2016; and
2. Council advertise the changes in the Central Western Daily and the Molong Express prior to the event.

16/02/31 Carried

It was noted the time being 3:39pm Clr Treavors rejoined the meeting.

At this time the Mayor advised that Council has received a request for items 35, 36 and 37 to be deferred, late Friday 19 February 2016. Clr Hayes advised that in fact he had a copy of a letter dated 29 January 2016 requesting that items listed as 36 and 37 be held in abeyance and an email dated 25 November 2015 in relation to the item listed as 35 being held in abeyance which he tabled.

The Mayor added that the Council had the discretion to consider or defer the items.

The Director of Environmental Services commented that if the deferral was simply to provide the proponents an opportunity to provide further information she saw no point as there was not anything of a technical nature that could be added which might make any of the three applications meet the requirements.

The director added that she would like the matters resolved to meet timeframes.

The director added that there was no record of commencement, by way of installation of the gate or pegging or land clearing in relation to the Lidster Development Application. There was a record that advice had been provided that the Development Application had lapsed including warning of a lapse being given, an extension given and a 2<sup>nd</sup> warning of lapse. Cllr Culverson suggested giving 1 month to provide a record of commencement.

**ADDITIONAL ITEM - CONSIDERATION OF DEFERRAL OF ITEMS 35, 36  
AND 37**

**MOTION** (Wilcox/Nash)

THAT items 35, 36 and 37 be dealt with today.

16/02/32 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 Cllrs Davison and Durkin – apologies) as follows:

For: Cllrs Gosper, Nash, MacSmith, Wilcox and Treavors.

Against: Cllrs Dean, Hayes, Walker and Culverson.

**ITEM - 35 DA 2014/0169 DWELLING ON LOT 1 DP 859712, LONG ROAD,  
LIDSTER**

Proceedings in Brief

The Director of Finance and Corporate Services advised that in having resolved to deal with these items it was not allowable to move a motion to defer an item.

**MOTION** (Wilcox/Nash)

THAT Development Application 2014/0169 for a Dwelling on land described as Lot 1 DP 859712, Long Road, Lidster, be refused as the development does not comply with Clause 4.2A of the Cabonne Local Environmental Plan 2012.

16/02/33 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 Cllrs Davison and Durkin – apologies) as follows:

For: Cllrs Gosper, Nash, MacSmith, Wilcox and Treavors.

Against: Cllrs Dean, Hayes, Walker and Culverson.



**ITEM - 36 DA 2016/0082 PROPOSED DWELLING ON LAND DESCRIBED  
AS LOT D DP 361332, PARISH OF BENEREE, SPRING TERRACE**

**MOTION** (Wilcox/Nash)

THAT Development Application 2016/0082 for a Dwelling on land described as Lot D DP 361332, Parish of Beneree, Spring Terrace be refused as the application is inconsistent with the provisions of Clause 4.2A of the Cabonne Local Environmental Plan 2012.

16/02/34 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 Davison and Durkin – apologies) as follows:

For: Clrs Gosper, Nash, MacSmith, Wilcox and Treavors.

Against: Clrs Dean, Hayes, Walker and Culverson.

**ITEM - 37 DA 2016/0081 DWELLING ON LAND DESCRIBED AS LOT E  
DP 361331, PARISH OF BENEREE, SPRING TERRACE**

**MOTION** (Wilcox/Nash)

THAT Development Application 2016/0081 for a Dwelling on land described as Lot E DP 361331, Parish of Beneree, Spring Terrace be refused as the application is inconsistent with the provisions of Clause 4.2A of the Cabonne Local Environmental Plan 2012.

16/02/35 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 Davison and Durkin – apologies) as follows:

For: Clrs Gosper, Nash, MacSmith, Wilcox and Treavors.

Against: Clrs Dean, Hayes, Walker and Culverson.

It was noted the time being 4:01pm Clr Wilcox declared an interest (identified as a pecuniary interest) in the following item due to her son being a contractor to the applicant and left the Chambers.

**ITEM - 38 DA 2016/91 FOR A DWELLING UPON LOT 103 DP 506141  
AND LOT 106 DP 590978 CLUBHOUSE LANE, MOLONG**

**MOTION** (Culverson/Nash)

THAT:

1. Development Application 2016/91 for a dwelling upon Lot 103 DP 506141 and Lot 106 DP 590978 be granted consent subject to the conditions attached; and
2. Council support a variation to its Building Alignment Policy and a building setback from Clubhouse Lane of 4.5m for development of a dwelling upon Lot 106 DP 590978.

16/02/36 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 Davison and Durkin – apologies; Clr Wilcox – declared interest) as follows:

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

Against: Nil

It was noted the time being 4:03pm Clr Wilcox rejoined the meeting.

### **ITEM - 39 QUESTIONS FOR NEXT MEETING**

#### Proceedings in Brief

Councillors requested a report with a view to clarifying trading hours for events held under council's Events Management Program and any impact to operating under a Development Application.

#### **MOTION** (Nash/Treavors)

THAT Council receive a report at the next Council meeting with a view to clarifying trading hours for events held under council's Events Management Program and any impact to operating under a Development Application

16/02/37 Carried

### **ITEM - 40 BUSINESS PAPER ITEMS FOR NOTING**

#### Proceedings in Brief

The Mayor called items 3 and 9, Clr Dean called item 8, Clr Nash called item 10 and Clr Wilcox called items 21 and 22.

#### **MOTION** (Walker/Dean)

THAT:

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

16/02/38 Carried

**ITEMS FOR NOTATION**

**ITEM - 3 MERGER PROPOSAL - COMMUNITY SUBMISSIONS  
SEEKING BOUNDARY ADJUSTMENT**

Proceedings in Brief

The Mayor advised that as well as the known submissions by the Eugowra Progress & Promotion Association and the Canowindra Business Chamber he believed another group near Euchareena is to submit a proposal to become part of Cabonne Council if the Dubbo/Wellington councils merger proceeds.

**MOTION** (Gosper/Wilcox)

THAT the information be noted.

16/02/39 Carried

It was noted the time being 4:14pm Clr Hayes left the Chambers and was absent during voting on the following item.

**ITEM - 8 RESOLUTIONS REGISTER - INFOCOUNCIL - ACTIONS  
REPORTING**

Proceedings in Brief

Clr Dean proposed to rescind a motion on the Resolutions Register relating to the Quarry which he felt under the circumstances would be wasting staff time.

The Director of Finance and Corporate Services advised that a rescission motion report should be put to the next Council meeting.

**MOTION** (Dean/Gosper)

THAT a rescission motion be put forward to the next Council meeting.

16/02/40 Carried

It was noted the time being 4:15pm Clr Hayes rejoined the meeting.

**ITEM - 9 BLAYNEY SHIRE COUNCIL RESPONSE ON AFTER SCHOOL  
CARE**

Proceedings in Brief

The Mayor read out the response from Blayney Shire Council noting that the raised fees had not caused any reductions in enrolments.

**MOTION** (Gosper/Walker)

THAT the information be noted.

16/02/41 Carried

**ITEM - 10 LOCAL GOVERNMENT REMUNERATION TRIBUNAL 2016  
REVIEW**

Proceedings in Brief

It was noted this item was called in error.

**MOTION** (Nash/Dean)

THAT the information be noted.

16/02/42 Carried

**ITEM - 21 PLANNING PROPOSAL - SPRING HILL LARGE LOT  
RESIDENTIAL LAND**

**MOTION** (Wilcox/Dean)

THAT the information be noted.

16/02/43 Carried

**ITEM - 22 DEVELOPMENT APPLICATION 2007/0163 - 11 LOT  
SUBDIVISION OF COUNCIL OWNED LAND BEING LOT 87  
DP1100661 CASUARINA DRIVE EUGOWRA**

**MOTION** (Wilcox/Nash)

THAT the information be noted.

16/02/44 Carried

**ITEM - 41 MATTERS OF URGENCY**

Proceedings in Brief

There were nil matters of urgency raised.

**MOTION** (Wilcox/Hayes)

THAT it be noted nil matters of urgency were raised.

16/02/45 Carried

**ITEM - 42 COMMITTEE OF THE WHOLE SECTION OF THE MEETING**

**MOTION** (Walker/Wilcox)

THAT Council hereby resolve itself into Committee of the Whole to discuss matters called earlier in the meeting.

16/02/46 Carried

## **ITEM - 11 MERGER PROPOSAL - COUNCIL SUBMISSION**

### Proceedings in Brief

The General Manager tabled the Merger Proposal submission that had been emailed to Councillors.

Clr Culverson advised that at 5 of the 6 Australia Day events she attended she was asked three questions several times: why is Council not on the front foot negotiating with nominated merger Councils to secure the best deal possible for rate payers?; why did the Council not consult with each community as had been previously done?; and why was the Council seeming to be representing the vocal groups only?

Clr Nash commented that she has not heard similarly, only comments that ratepayers hoped not to end up merged with Orange City Council.

### **RECOMMENDATION** (Wilcox/Nash)

THAT Council:

1. Endorse the submission prepared by Morrison Low in relation to the State Government's proposal to merge Cabonne, Orange and Blayney councils.
2. Authorise the General Manager, Mayor and Deputy Mayor to finalise the submission generally consistent with the tabled document.

1. Carried

## **ITEM - 13 EXPENDITURE REVIEW**

### Proceedings in Brief

The Mayor advised that he had queried removing funding for a fuel truck and the Acting Director of Engineering and Technical Services agreed that the need to retain the fuel truck would not be affected by a merger.

Clr Dean commented that funding for all major plant needed should not be removed.

Following discussion an amendment was moved to not remove any plant replacement funding.

### **MOTION** (Gosper/Culverson)

THAT the items listed in Schedule A of the report be removed except for the fuel truck from the 2015/2016 budget and reallocated, for consideration, to the 2016/2017 budget deliberations.

### **AMENDMENT** (Dean/Wilcox)

THAT the items listed in Schedule A of the report be removed except for all plant replacement which is to be proceeded with from the 2015/2016 budget and reallocated, for consideration, to the 2016/2017 budget deliberations.

The amendment was put and carried becoming the motion.

The motion was put and carried.

**RECOMMENDATION** (Dean/Wilcox)

THAT the items listed in Schedule A of the report be removed except for all plant replacement which is to be proceeded with from the 2015/2016 budget and reallocated, for consideration, to the 2016/2017 budget deliberations.

2. Carried

It was noted the time being 4:39pm Clr Culverson left the Chambers and rejoined the meeting at 4:43pm during discussion on the following item.

**ITEM - 14 RESCISSION MOTION - ITEM 5 JANUARY 19  
EXTRAORDINARY COUNCIL MEETING 2016**

**Proceedings in Brief**

The Mayor commented that he felt the General Manager and directors should speak on the matter so that the Council could be better informed before moving forward. The General Manager began by explaining that perhaps previous reasoning had not been made clear; that he noted there was a wish for the matter to be sped along; but felt action could be taken in a way which would be legal.

**RECOMMENDATION** (Walker/Hayes)

THAT the following motion resolved at the Council meeting held 19 January 2016 be rescinded:-

**"ITEM - 5 PROPOSED CANOWINDRA RETIREMENT  
ACCOMMODATION PROJECT**

**RECOMMENDATION** (MacSmith/Davison)

1. *Council resolves to consider allocating funds in the 2016/2017 budget (or prior to) for financial assistance, whether by way of grant, loan, works or a combination of these, to enable the establishment and operation of a 'retirement village' within Canowindra.*
2. *Council engage the services of a specialist consultant(s) up to a \$10,000 limit to assess and advise upon appropriate sites, if any, within Canowindra for such a 'retirement village' and report back to council by no later than March 2016.*
3. *A committee comprising of Director of Finance & Corporate Services and Clrs Hayes, Walker, and MacSmith oversee the work of the consultant."*

It was noted the time being 4:45pm the Mayor advised that a meeting of the Molong Library and Railway Working Party had been scheduled to commence at 3:30pm and participants who had travelled from Sydney and Orange were waiting outside. It was noted a considerable part of the

agenda was yet to be considered. It was decided that this item would require considerable time for consideration and could be held over to an Extraordinary meeting to be held on 8 March 2016.

Clrs Walker and Hayes withdrew their original motion

**RECOMMENDATION** (Walker/Dean)

THAT this item be held over until an Extraordinary Council meeting to be held on workshop day (8 March 2016).

3. Carried

**ITEM - 22 LITTLE RIVER LANDCARE GROUP - REQUEST FOR FUNDS  
FROM 2015/16 BUDGET**

Proceedings in Brief

Due to the following meeting being overdue this item was also deferred as consideration may take some time.

**RECOMMENDATION** (MacSmith/Nash)

THAT this item be held over until an Extraordinary Council meeting to be held on workshop day (8 March 2016).

4. Carried

**CONFIDENTIAL ITEMS**

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

**RECOMMENDATION** (Wilcox/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.

5. Carried

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

**RECOMMENDATION** (Treavors/Wilcox)

THAT the Committee endorse the accuracy of the Report of the Proceedings of Confidential Matters at the Ordinary Closed Committee of the Whole and the Closed Australia Day Committee meeting held on 15 December 2015 and the Ordinary Closed Committee of the Whole meeting held on 24 November 2015 and notes the recommendations recorded in the Official Minutes of that meeting are sufficient to state the general effect of the proceeding in Closed Committee.

6. Carried

**ITEM - 3 DEBT RECOVERY REPORT OF OUTSTANDING RATES  
DEBTS**

**RECOMMENDATION** (Walker/Treavors)

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.

7. Carried

**ITEM - 4 OUTSTANDING PUBLIC LIABILITY CLAIMS**

**RECOMMENDATION** (Walker/Dean)

THAT the information be noted.

8. Carried

**ITEM - 5 ACACIA LODGE AGED UNITS**

**RECOMMENDATION** (Gosper/Dean)

THAT Council invite formal tenders from the four companies that submitted expressions of interest in part one of the selective tendering for the construction of new aged housing at Molong.

9. Carried

**ITEM - 6 WATER SEWER ACCOUNT 4644000004 WRITE OFF  
UNRECOVERABLE COSTS**

**RECOMMENDATION** (Walker/Nash)

THAT an amount of \$3,730.40 plus any further accrued interest on arrears be written off water sewer account 4644000004.

10. Carried



\* **ITEM - 7 WATER ACCOUNT 4470100001 REQUEST FOR  
CONSIDERATION OF COSTS**

**RECOMMENDATION** (Gosper/Dean)

THAT Council reduce the level of charges to the first level for both periods ending 31 October 2015 and 31 January 2016 and the balance remaining on water account 4470100001 be written off.

11. Carried

It was noted Clr Culverson requested her vote against the recommendation be recorded.

It was noted the time being 4:51pm Clr Nash declared an interest (identified as a pecuniary interest) in the following item due to her son being an employee of the Quarry and left the Chambers.

It was noted the time being 4:58pm Clr MacSmith left the Chambers during discussion on the following item and was absent during the vote.

**ITEM - 8 LEASE OF MOLONG LIMESTONE QUARRY**

**RECOMMENDATION** (Hayes/MacSmith)

THAT:

1. Council resolve not to invite fresh tenders as the process of inviting expressions of interest and inviting selected tenders was exhaustive and calling fresh tenders is unlikely to attract additional tenderers in such a specialised field;
2. Council delegate the Mayor and General Manager to enter into negotiation with Lockinda and Earth Plant Hire with a view to entering into a contract for the lease of the Molong Limestone Quarry on the basis of the outcome outlined in the report;
3. Council note the purpose of resolving to enter into negotiations with the two selected tenderers is to demonstrate to the community Council's aim of achieving the best possible commercial outcome for the Molong limestone quarry operation;
4. If the negotiations are unsuccessful, that council advertise for the appointment of a quarry manager.

12. Carried

Clrs Treavors and Wilcox requested their vote against the recommendation be recorded. It was noted Clr MacSmith was absent from the Chambers during the vote.

It was noted the time being 5:00pm Clr MacSmith rejoined the meeting.

It was noted the time being 5:01pm Clr Nash rejoined the meeting.

**ITEM - 9 HEAVY PATCHING CONTRACT**

**RECOMMENDATION** (Dean/Walker)

THAT Council:

1. Accept the tender from Kerway Asphalt Pty Ltd for the Heavy Patching Contract No 719596 in the amount of \$595,055.50 excluding GST; and
2. Authorise the signing and attachment of the Council Seal to the contract instrument of agreement between Cabonne Council and Kerway Asphalt Pty Ltd.

13. Carried

**ITEM - 10 PROVISION FOR TRAFFIC CONTROL SERVICES CONTRACT**

**RECOMMENDATION** (Dean/Wilcox)

THAT Council:

1. Accept the tender from Midwest Traffic Management for Contract 726946 Provision of Traffic Control Services; and
2. Authorise the signing and Common Seal to the contract instrument of agreement between Cabonne Council and Midwest Traffic Management.

14. Carried

**ITEM - 11 PUZZLE FLAT CREEK LEVEE - LAND ACQUISITION**

Proceedings in Brief

The Director of Finance and Corporate Services advised that the point relating to the authorising of payment of fees needed to be considered in an open session of Council and was deferred to a further report to Council.

**RECOMMENDATION** (Walker/Nash)

THAT:

1. Council authorise the creation of an easement via compulsory acquisition burdening Lot 148, DP 750182 in accordance with the Land Acquisition (Just Terms Compensation Act) 1991 as shown on the attached plan.
2. Pursuant to Section 186 of the Local Government Act 1993, Council make an application to the Minister of Local Government and the Governor for the compulsory acquisition of an easement.
3. Council authorise the creation of an easement burdening Lot 71, DP 750182 to be created in accordance with the Land Acquisition (Just Terms Compensation Act) 1991 as shown on the attached plan.
4. Council authorise the creation of an easement burdening Lot A, DP 445761 to be created in accordance with the Land Acquisition (Just Terms Compensation Act) 1991 as shown on the attached plan.

5. Authority be granted to affix the Common Seal of Council to the compulsory acquisition documentation.

15. Carried

**ITEM - 12 SECTION 18A WEEDS NOTICES**

**RECOMMENDATION** (Walker/Dean)

THAT the information be noted.

16. Carried

**ITEM - 13 SECTION 18 WEEDS NOTICES**

**RECOMMENDATION** (Wilcox/Hayes)

THAT the information be noted.

17. Carried

It was noted the time being 5:03pm the Chair resumed the ordinary meeting.

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

**MOTION** (Dean/Nash)

THAT the Report and Recommendations of the Committee of the Whole Meeting held on Tuesday 23 February, 2016 be adopted.

16/02/47 Carried

There being no further business, the meeting closed at 5.04pm.

CHAIRMAN.

Chairman of the Ordinary Meeting of Cabonne Council held on the 22 March, 2016 at which meeting the listed minutes were confirmed and the signature hereon was subscribed.