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

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

The Mayor noted and welcomed students and staff from St Edward's Primary School Canowindra who were also present.

ITEMS FOR DETERMINATION

ITEM - 1 APPLICATIONS FOR LEAVE OF ABSENCE

Proceedings in Brief

Apologies were tendered on behalf of Clrs Hayes and Treavors for their absence from the meeting.

MOTION (Durkin/Wilcox)

THAT the apologies tendered on behalf of Clrs Hayes and Treavors be accepted and the necessary leave of absence be granted.

16/10/15 Carried

ITEM - 2 DECLARATIONS OF INTEREST

Proceedings in Brief

Clr Culverson declared an interest (identified as an actual pecuniary interest) in item 10 in Closed due to a business involvement.

Clr Dean declared an interest (identified as an actual pecuniary interest) in item 14 due to being the President of the Cudal Cricket Club.

The Mayor declared an interest (identified as a perceived non-significant non-pecuniary interest) in item 17 due to his son in law being a member of the Gumble Hall Committee.

MOTION (Wilcox/Davison)

THAT the Declarations of Interest be noted.

16/10/16 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.

16/10/17 Carried

It was noted the time being 2:07pm the Mayor presented Katie Townsend with the Youth of the Month award for September 2016 and Katie Fulwood with the Youth of the Month award for October 2016.

It was noted the time being 2:13pm Cllr Durkin invited students from St Edward's Primary School Canowindra to thank the Mayor for the opportunity to be present during a council meeting.

The time being 2:15pm Council was then, addressed by some of the candidates for the Orange State Bi-Election: Philip Donato (Shooters, Fishers and Farmers Party), Bernard Fitzsimons (Country Labor), and Scott Munro (Independent) until 2:51pm.

It was noted the time being 2:52pm that the students from St Edward's Primary School Canowindra left the chambers.

ITEM - 4 MAYORAL MINUTE - APPOINTMENTS

Proceedings in Brief

The Mayor noted that he attended the LGNSW conference at Wollongong with the Acting General Manager, Cllr Davison and Cllr Walker.

He considered it to be the most unified, politically free conference he had attended since the merger of the two previous organisations.

Appointments

Mayor Ian Gosper

- 27/9/16 Chaired the September 2016 Ordinary Council meeting
- 29/9/16 Attended the Molong Cemetery for a TV interview with Prime Television
- 30/9/16 Attended a meeting, along with the Acting General Manager, with representatives of the Molong Show Society, Molong Golf Club and the Molong Advancement group regarding the toilets at the Molong Show Ground.
- 30/9/16 Attended the official opening of MBC Accountants new office in Bank Street Molong.
- 1/10/16 Attended the Camp Quality Tractor Trek to present prizes and awards noting that the Three Grannies team from Molong were the top fundraisers for the event.
- 6/10/16 Attended the Molong Council Office for a meeting with the Acting General Manager
- 6/10/16 Along with the Acting General Manager, attended the State Government Flood Funding media launch held by the Deputy Premier of NSW Mr Troy Grant and the Minister for Roads, Maritime and Freight Mr Duncan Gay at the Molong Railway Station

- 7/10/16 Attended the Land and Environment Court judgement delivery in Sydney with the Acting General Manager
- 8/10/16 Attended a meeting with the Deputy Mayor, Acting General Manager and the Director of Environmental Services at the Molong Council Office
- 10/10/16 Officially opened the new MSM Stock Feed Mill at Manildra
- 11/10/16 Attended the Molong Office for a meeting with the Deputy Mayor and the Acting General Manager
- 11/10/16 Held an onsite inspection of a property on Canobolas Road, Canobolas with the Deputy Mayor, Councillors and the Director of Environmental Services in relation to a development application request
- 11/10/16 Attended a councillor workshop in the Council Chambers
- 11/10/16 Chaired the Extraordinary Council meeting
- 13/10/16 Chaired the Extraordinary Council meeting
- 14/10/16 Attended and spoke at the Union Council Picnic day held in Yeoval
- 16/10/16 – 19/10/16 Attended the Local Government NSW Annual Conference in Wollongong along with the Acting General Manager, Clr Davison and Clr Walker
- 20/10/16 Officially opened the annual Australian National Field Days in Borenore, along with the Acting General Manager, and judged the best local and overall exhibits for 2016.

MOTION (Gosper/-)

THAT the information contained in the Mayoral Minute be noted.

16/10/18 Carried

ITEM - 5 COMMITTEE OF THE WHOLE

Proceedings in Brief

It was noted that nil items were called for debate in the Committee of the Whole.

MOTION (Durkin/Dean)

THAT it be noted that nil items were called for debate in the Committee of the Whole.

16/10/19 Carried

ITEM - 6 GROUPING OF REPORT ADOPTION

MOTION (Dean/Davison)

THAT items 7 to 9 be moved and seconded.

16/10/20 Carried

ITEM - 7 CONFIRMATION OF THE MINUTES

MOTION (Dean/Davison)

THAT the minutes of the Ordinary meeting held 27 September 2016, and Extraordinary meetings held on 11 October 2016 and 13 October 2016 be adopted.

16/10/21 Carried

ITEM - 8 AUSTRALIA DAY 2017

MOTION (Dean/Davison)

THAT Council note the schedule for Australia Day 2017.

16/10/22 Carried

ITEM - 9 SALE OF LOTS 1-5 DP1187720 MANILDRA

MOTION (Dean/Davison)

THAT Council authorise affixing of Council's seal to the land sale contract and transfer documents for Lots 1-5 DP1187720 Manildra.

16/10/23 Carried

**ITEM - 10 INTEGRATED PLANNING & REPORTING - OPERATIONAL
PLAN FIRST QUARTER REVIEW**

Proceedings in Brief

It was noted that nil alterations were deemed necessary.

MOTION (Wilcox/Nash)

THAT the update of the Operational Plan to 30 September 2016, as presented be adopted.

16/10/24 Carried

ITEM - 11 E-TRAFFIC COMMITTEE MEETING

MOTION (Walker/Dean)

THAT Council ratify the recommendations of the Local Traffic Committee.

16/10/25 Carried

ITEM - 12 PECUNIARY INTEREST RETURNS 2016

Proceedings in Brief

It was noted the Pecuniary Interest Returns were tabled.

MOTION (Wilcox/Durkin)

THAT Council note the tabling of Pecuniary Interest Returns for the period to 30 June 2016 for councillors and designated persons.

16/10/26 Carried

ITEM - 13 YEOVAL ANNUAL SHOW 2017

Proceedings in Brief

The Mayor noted one of the submissions in the report related to “St Columba’s Catholic School Forbes” which in fact is located in Forbes St Yeoval.

MOTION (Walker/Dean)

THAT Council lodge a formal application for the proclamation of a part-day public holiday from 8:30am to 7:00pm, for that portion of the township of Yeoval, which is in the Cabonne Council area on Tuesday 16 May 2017 for the Yeoval Annual Show.

16/10/27 Carried

It was noted, the time being 3:00pm Clr Dean declared an interest (identified as a pecuniary interest) in the following item due to being President of the Cudal Cricket Club and left the Chambers.

ITEM - 14 REQUESTS FOR DONATIONS

MOTION (Walker/MacSmith)

THAT Council donate:

1. \$350 to the Cudal Children’s Centre to assist with holding their fundraising event; and
2. \$300 to the Cudal Cricket Club to assist with the purchase of equipment.

16/10/28 Carried

It was noted, the time being 3:00pm Clr Dean rejoined the meeting.

ITEM - 15 QUARTERLY BUDGET REVIEW

Proceedings in Brief

It was noted two amended pages for the quarterly budget review were tabled.

In response to questions from Clr Davison who identified various budget items in an attempt to find funding from reserves for an unspecified purpose the Acting General Manager advised that to comment on the availability of the funds he would need to look at the details of the planned use. It was also

noted that Council has not formally resolved to not be involved in land development projects and that the Molong Limestone Quarry funds would be required for remediation after the lease has lapsed.

MOTION (Wilcox/Nash)

THAT Council:

1. Note the variances in this report be updated to Council's 2016/2017 Budget; and
2. Resolve that the changes are required and warranted for the continued management of council's functions.

16/10/29 Carried

**ITEM - 16 DEVELOPMENT APPLICATION 2016/153 GREENHOUSES
AND PACKING SHED UPON LOT 496 DP 1095508 LAND ALSO
KNOWN AS 621 CANOBOLAS RD, CANOBOLAS**

Proceedings in Brief

The Mayor noted that there were persons in the gallery in relation to this item. He reminded Councillors that the matter had been considered at a previous meeting and a site inspection undertaken. Additionally aerial images had been provided and were tabled.

MOTION (MacSmith/Nash)

THAT Development Application 2016/153 for horticulture, erection of two (2) greenhouses and packing shed upon Lot 496 DP 1095508, land also known as 621 Canobolas Rd, Canobolas be approved subject to the attached draft conditions of consent.

16/10/30 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 Hayes and Treavors – apologies) as follows:

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

Against: Clrs Wilcox and Durkin.

It was noted the time being 3:15pm the Mayor declared an interest (identified as a non-significant, non-pecuniary interest) in the following item due to his son in law being a member of the Gumble Hall Committee but did not leave the Chambers.

ITEM - 17 REQUEST TO REZONE LAND - GUMBLE HALL

MOTION (Walker/Nash)

THAT:

1. Council support the request from Planning Potential Urban and Regional Planners on behalf of Gumble Hall Incorporated, and to amend the Cabonne Local Environmental Plan 2012 by including the Gumble Hall, being part of Lot 1 DP 796803, in Schedule 5 of that plan as a local heritage item, and
2. Prepare a Planning Proposal to amend schedule 5 of the Cabonne Local Environmental Plan 2012 by including in schedule 5 of that plan the land containing the Gumble Hall, Gumble Road, Gumble, and
3. The Planning Proposal be forwarded to the Department of Planning and Infrastructure for Gateway Determination in accordance with section 56 of the Environmental Planning and Assessment Act, 1979, and
4. A further report be provided to council following the public exhibition period to provide details of any submissions received.

16/10/31 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 Hayes and Treavors – apologies) as follows:

For: Clrs Gosper, Dean, Nash, MacSmith, Wilcox, Durkin, Walker, Davison and Culverson.

Against: Nil

ITEM - 18 REQUEST FOR ADDITIONAL BUDGET - PLANNING LEGAL EXPENSES

MOTION (Wilcox/Durkin)

THAT Council:

1. Approve additional funding of \$30,000 be allocated towards council's legal costs in defending planning appeals; and
2. Resolve that the expenditure is required and warranted to enable adequate representation in legal matters.

16/10/32 Carried

ITEM - 19 ADDITIONAL FUNDING TO COMPLETE WORKS AT THE COMMUNITY RECYCLE CENTRE AT THE MANILDRA WASTE

MANAGEMENT FACILITY

MOTION (Wilcox/Dean)

THAT Council:

1. Approve the additional expenditure of \$27,512 for the Community Recycling Centre (CRC) at the Manildra Recycling Centre to be funded from the Waste Management Reserve; and
2. Resolve that the expenditure is required and warranted to enable Council to meet the Environmental Trust obligations.

16/10/33 Carried

ITEM - 20 INCREASED MAINTENANCE COSTS AT COUNCIL CEMETERIES

MOTION (Wilcox/Walker)

THAT Council:

1. Approve additional funding of \$50,000 from Capital Works Reserve to complete internal roadworks at Cabonne's cemeteries;
2. Approve additional funding of \$20,000 from Capital Works Reserve to be utilised for external hire at the cemeteries as required; and
3. Resolve that the expenditure is required and warranted to enable Council to maintain public access to the Council cemeteries.

16/10/34 Carried

ITEM - 21 QUESTIONS FOR NEXT MEETING

Proceedings in Brief

In response to Cllr Davison's wish to identify an alternative use for funds allocated for land development it was agreed to hold a Councillor Workshop on the 8th of November 2016.

Cllr Culverson requested assistance in how to respond to a local committee's and ratepayers enquiries as to how the Council are managing the conflict of interest experienced by the Acting General Manager when giving advice regarding the merger when delaying the merger is benefiting him, (receiving financial gain through higher grade pay). Other Councillors commented that they have also been asked the question.

Various suggestions were made with the Mayor suggesting that councillors could respond that the Council is doing the best it can under the circumstances and that ultimately decisions are made by the councillors, not the Acting General Manager.

Cllr Dean requested that a review of the Resolutions Register also be undertaken at the workshop.

MOTION (Wilcox/Nash)

THAT Council hold a workshop on 8 November 2016 regarding whether to continue in land devolvement activities and to review the Resolutions Register.

16/10/35 Carried

ITEM - 22 BUSINESS PAPER ITEMS FOR NOTING

Proceedings in Brief

It was noted the Mayor called item 6.

MOTION (Wilcox/Davison)

THAT:

1. Councillors further consider item 6.
2. The balance of the items be noted.

16/10/36 Carried

ITEMS FOR NOTATION

ITEM - 6 FINANCIAL REVIEW OF CHILDCARE SERVICES

Proceedings in Brief

The Mayor noted that the After School Care services are now travelling well financially since changes to fees were made. He commended the Community Services Manager for his report.

MOTION (Gosper/Dean)

THAT the information be noted.

16/10/37 Carried

ITEM - 23 MATTERS OF URGENCY

Proceedings in Brief

Clr Culverson noted the Switch 2016 New South Wales Public Libraries Association Conference was upcoming on November 22 to 24 at Ulladulla. She requested that in view of the possible merger that a staff member be authorised to attend in lieu of a councillor.

The Mayor ruled the request as a matter of urgency due to the timeframe.

Clr Davison suggested that Clr Culverson as delegate also attend. If the merger were to proceed then the staff member could attend on their own.

Clr Culverson stressed that she felt it important to attend the conference and the extra events as a valuable networking opportunity.

MOTION (Culverson/Walker)

THAT Council authorise Clr Culverson and a staff member to attend the Switch 2016 New South Wales Public Libraries Association Conference and extra events on November 22 to 24 at Ulladulla.

16/10/38 Carried

ITEM - 24 COMMITTEE OF THE WHOLE SECTION OF THE MEETING

MOTION (Wilcox/Nash)

THAT Council hereby resolve itself into Committee of the Whole.

16/10/39 Carried

It was noted the time being 3:37pm the Chair announced that the Council would now be resolving into a Closed Committee of the Whole.

CONFIDENTIAL ITEMS

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

RECOMMENDATION (Dean/Wilcox)

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.

1. Carried

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

RECOMMENDATION (Wilcox/Nash)

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 27 September 2016 and 11 October 2016 and notes the recommendations recorded in the Official Ordinary Minutes of that meeting are sufficient to state the general effect of the proceeding in Closed Committee.

2. Carried

ITEM - 3 SECTION 18A WEEDS NOTICES

RECOMMENDATION (Walker/Wilcox)

THAT the information be noted.

3. Carried

* **ITEM - 4 WATER ACCOUNT 4597002007 REQUEST FOR
CONSIDERATION OF COSTS**

RECOMMENDATION (Gosper/Wilcox)

THAT Council reduce the level of charges to the first level of charges for consumption charges from account 4597002007.

4. Carried

* **ITEM - 5 WATER ACCOUNT 820020006 REQUEST FOR
CONSIDERATION OF COSTS**

RECOMMENDATION (Nash/Wilcox)

THAT Council reduce the level of charges to the first level of charges for consumption charges from account 820020006.

5. Carried

**ITEM - 6 SUCCESSFUL GRANT APPLICATION FOR AGE OF FISHES
FOSSIL RESEARCH AND STORAGE FACILITY**

RECOMMENDATION (Durkin/Wilcox)

THAT the information be noted.

6. Carried

* **ITEM - 7 CANOWINDRA CARAVAN PARK**

RECOMMENDATION (Dean/Nash)

THAT Council not accept any tender and call for fresh tenders for the management of the Canowindra Caravan Park advising all current tenderers that they were eligible to re-tender.

7. Carried

ITEM - 8 GOODS AND SERVICES TENDER 2016-2018

RECOMMENDATION (Durkin/Dean)

THAT Council:

1. Adopt the attached list of contractors to supply goods and services for the period 1 November 2016 to 31 October 2018; and
2. Note that this tender does not prohibit Council from accepting new tenders for specific projects.

8. Carried

ITEM - 9 GRAVEL CRUSHING CONTRACT 2016-2018

RECOMMENDATION (Walker/Dean)

THAT Council:

1. Accept the tendered rates from Calvani Crushing for the Gravel Crushing Contract No 780259 in the amount of \$633,000.00 (excl GST); and
2. Authorise the signing and attachment of the Common Seal to the contract instrument of agreement between Cabonne Council and Calvani Crushing.

9. Carried

It was noted, the time being 3:49pm Cllr Culverson declared an interest (identified as a pecuniary interest) in the following item due to her business involvement and left the Chambers.

ITEM - 10 GRAVEL RESHEETING CONTRACT 2016/2017

RECOMMENDATION (Wilcox/Dean)

THAT Council:

1. Accept the tender from Keegan Civil Pty Ltd for the Gravel Resheeting 2016-2017 Contract No 776847 in the amount of \$578,500 excluding GST;
2. Accept the tendered rates from Hamcon Civil Pty Ltd, B & L Morrison Earthmoving and Spicer Constructions Pty Ltd, to undertake Gravel Resheeting as required; and
3. Authorise the signing and attachment of the Common Seal to the contract instrument of agreement.

10. Carried

It was noted, the time being 3:53pm Cllr Culverson rejoined the meeting and the Acting Director of Finance & Corporate Services left the meeting.

ITEM - 11 INDUSTRIAL WATER CHARGES - HEADS OF AGREEMENT

RECOMMENDATION (Walker/Wilcox)

THAT Council:

1. Note the conditions of the Heads of Agreement as outlined in the report.
2. Authorise the affixing of the Common Seal to the Heads of Agreement document.

11. Carried

It was noted the time being 3:56pm the Chair resumed the ordinary meeting.

REPORT & RESOLUTIONS OF COMMITTEE OF THE WHOLE

MOTION (Wilcox/Nash)

THAT the Report and Recommendations of the Committee of the Whole Meeting held on Tuesday 25 October, 2016 be adopted.

16/10/40 Carried

There being no further business, the meeting closed at 3:56pm.

CHAIRMAN.

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