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

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 Personal Assistant to the Director of Engineering & Technical Services.

ITEMS FOR DETERMINATION

ITEM - 1 APPLICATIONS FOR LEAVE OF ABSENCE

Proceedings in Brief

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

MOTION (Davison/MacSmith)

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

16/11/01 Carried

ITEM - 2 DECLARATIONS OF INTEREST

Proceedings in Brief

Clr Nash declared an interest (identified as a pecuniary interest) in item 7 of Closed due to her son being an employee.

MOTION (Davison/Walker)

THAT the Declarations of Interest be noted.

16/11/02 Carried

ITEM - 3 DECLARATIONS FOR POLITICAL DONATIONS

Proceedings in Brief

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

MOTION (Nash/Durkin)

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

16/11/03 Carried

It was noted the time being 2:03pm a presentation was made to Leigh Brown as Youth of the Month for November.

It was noted the time being 2:07pm the Chief Weeds Officer, Norm Townsend addressed Council in relation to inspections, weed control activities and proposed legislative changes to commence in 2017.

It was noted the time being 2:13pm council's auditor John O'Malley from Intentus made a presentation to Council in relation to the 2015-2016 financial statements.

ITEM - 4 MAYORAL MINUTE - APPOINTMENTS

Proceedings in Brief

Appointments

- 24/10/16 Attended Molong Office for meetings
- 25/10/16 Attended office for meeting
Attended Cabonne Council's monthly meeting
Attended Boomey RFS annual meeting
- 27/10/16 Attended Canobolas Local Area community safety precinct police meeting at Cabonne chambers
Attended the Safe Work Awards Black Tie dinner and ceremony in Sydney with the AGM where our own Kerry Dent won the Best Contribution to Workplace health and safety.
- 28/10/16 Attended Yeoval Bowling Club for the presentation of Long Service Awards for the Rural Fire Service brigades of Baldry, Washpen and Yeoval by the Assistant Commissioner and Commander David Hoadley.
- 29/10/16 Attended meeting with Cudal Preschool representative.
- 31/10/16 Attended meeting with the Shadow Local Government Minister Peter Primrose at his invite.
Attended NSW State Opposition Leader Luke Foley's community meeting in Molong.
- 2/11/16 Attended Molong office to sign Daroo Award Certificates.
Attended meeting in Orange regarding the Canowindra Aged Care Units.
Attended meeting in Manildra with residents regarding Residential Land.
Attended Molong Advancement Group meet the candidates forum in Molong.
- 4/11/16 Attended meetings at the Molong Office
Attended RFS Gum tree meeting at Cumnock for Cumnock, Yeoval, Gumble, Garra and Boomey brigades and Canobolas Zone.

Attended Cabonne's Annual Daroo Business Awards ceremony and presentation at the Cumnock Showground.

- 8/11/16 Attended Cabonne's Extraordinary council meeting and workshop.
10/11/16 Attended the Alan Jones and Ray Hadley forum at Orange.
11/11/16 Attended meeting with Acting General Manager at Molong office
12/11/16 Attended Cudal Debutante Ball with profits to Cancer Council NSW
16/11/16 Attended meeting with Acting General Manager at Molong office
18/11/16 Attended Molong office for meetings
19/11/16 Attended the opening of the new Orange Regional Museum

MOTION (Gosper/-)

THAT the information contained in the Mayoral Minute be noted.

16/11/04 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 (Dean/Durkin)

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

16/11/05 Carried

ITEM - 6 GROUPING OF REPORT ADOPTION

Proceedings in Brief

It was noted that nil items were called for further consideration.

MOTION (Davison/Durkin)

THAT Items 7 to 9 be moved and seconded.

16/11/06 Carried

ITEM - 7 CONFIRMATION OF THE MINUTES

MOTION (Davison/Durkin)

THAT the minutes of the Ordinary meeting held 25 October 2016 and Extraordinary Council meeting held 8 November 2016 be adopted.

16/11/07 Carried

ITEM - 8 DISABILITY INCLUSION ACTION PLAN

MOTION (Davison/Durkin)

THAT Council continue to participate with Orange and Blayney councils in developing a regional Disability Inclusion Action Plan.

16/11/08 Carried

ITEM - 9 PROPOSED ROAD NAMING - BRYMEDURA LANE, MANILDRA

MOTION (Davison/Durkin)

THAT:

1. Council proceed with public consultation proposing to name the road as "Brymedura Lane"; and
2. Assuming no objections are received, Council proceeds with the naming of "Brymedura Lane" in accordance with Section 162 of the Roads Act, 1993.

16/11/09 Carried

ITEM - 10 DECEMBER AND JANUARY COUNCIL MEETINGS

MOTION (Nash/Davison)

THAT:

1. Council hold its ordinary meeting for December 2016 on Tuesday 20 December;
2. Council not conduct an ordinary meeting in January 2017 due to the restricted timeframe available; and
3. An extraordinary meeting be conducted in January or February if necessary.

16/11/10 Carried

ITEM - 11 INDUSTRY LED TOURISM BOARD

Proceedings in Brief

Council's representative was nominated as Clr Davison.

MOTION (MacSmith/Durkin)

THAT Council's representative on the Industry Led Tourism Board be Clr Davison.

16/11/11 Carried

ITEM - 12 CUDAL COMMUNITY CHILDREN'S CENTRE

MOTION (Walker/Dean)

THAT Council:

1. Enter into a peppercorn lease agreement for a nominal fee of \$1 per year with the Cudal Community Children's Centre for Lot 1 DP 1103344, 15 Main Street Cudal, and
2. Affix the seal to the lease agreement between Council and the Cudal Community Children's Centre.

16/11/12 Carried

ITEM - 13 ORANA HOUSE & FORMER COURT HOUSE CANOWINDRA

Proceedings in Brief

Tuesday 6th December was suggested for a meeting date.

MOTION (Walker/Durkin)

THAT Council hold a workshop on Tuesday 6th of December to discuss the future use of Orana House and the Former Court House Canowindra.

16/11/13 Carried

ITEM - 14 LAND DEVELOPMENT

Proceedings in Brief

Clr Davison noting the \$1.3M moved from the Land Development Reserve to the new Village Enhancement Reserve suggested the new reserve be increased to \$2M to provide a larger availability of funds for each village, by taking \$700k from another other budget item.

The Mayor suggested specific details be discussed at the upcoming workshop.

MOTION (Davison/Durkin)

THAT Council cease to be involved in any future land developments and move the balance of the Land Development Reserve to a new reserve Village Enhancement to be available for projects throughout the shire.

16/11/14 Carried

**ITEM - 15 BORENORE COMMUNITY PROGRESS ASSOCIATION -
REQUEST FOR FUNDS**

Proceedings in Brief

Clr Davison spoke on behalf of the Progress Association's request and reiterated the issues being faced such as increased insurance costs.

The Mayor commented that the Progress Association provided value to the community and supported their move to the Fire Shed premises. He suggested as a one off Council should write off all moneys owed as per the recommendation.

MOTION (Davison/Walker)

THAT Council assist the Borenore Community Progress Association by:

1. Writing off the interest free loan from 2014 for payment of insurance for the amount of \$3,155.16;
2. Allocating funds to cover the rates levied on the property for the last three years to the amount of \$1,492.03; and that
3. Council request the Borenore Community Progress Association to contact John Holland Rail to confirm that the lease has been relinquished prior to any write off or rates being paid; and
4. Resolve that the expenditure is required and warranted to enable the accounts to be finalised due to the lease being relinquished and no organisation available to pay the outstanding amounts.

16/11/15 Carried

**ITEM - 16 LONGS CORNER ESTATE - 4 BLUEBELL STREET
CANOWINDRA - COVENANT VARIATION REQUEST**

MOTION (Durkin/Nash)

THAT Council refuse to vary the covenant to allow the use of a colour other than cream for boundary fencing on any lot in Longs Corner Estate, Canowindra.

16/11/16 Carried

ITEM - 17 REQUESTS FOR DONATIONS

MOTION (Walker/MacSmith)

THAT Council donate:

1. \$300 to the Cudal Swimming Club to upgrade equipment for learn to swim classes and competitive swimming training; and

2. \$200 to the Cargo Public School P&C for their Christmas disco and BBQ.

16/11/17 Carried

ITEM - 18 SCHOOL PRESENTATION DAYS

Proceedings in Brief

The mayor noted 19 schools would be the beneficiaries.

MOTION (Nash/Dean)

THAT Council:

1. Sponsor a \$50 prize for each primary and secondary school in Cabonne; and
2. Authorise councillors to attend school presentations if invited.

16/11/18 Carried

ITEM - 19 PROPOSAL FOR AFTER SCHOOL CARE MANILDRA

MOTION (Dean/Nash)

THAT Council agree to be the applicant on the funding application for an after school care service at Manildra.

16/11/19 Carried

ITEM - 20 EUGOWRA VOLUNTARY PURCHASE

MOTION (Walker/Davison)

THAT:

1. Council authorise the Acting General Manager to sign the Funding Agreement from OEH;
2. Council authorise Council's seal to be affixed to the contract of sale for the property; and
3. The property be classified as Operational Land.

16/11/20 Carried

ITEM - 21 DONATION OF FEES FOR CUDAL COMMUNITY HALL

MOTION (Durkin/Nash)

THAT Council donate fees of \$131 for use of the Cudal Community hall for the Starry Night Ball charity event.

16/11/21 Carried

It was noted the time being 2:49pm Andrew Commins addressed Council in relation to the following item as one of the proponents.

**ITEM - 22 DEVELOPMENT APPLICATION 2016/0128 FOR PROPOSED
OPEN CUT MINE (LIMESTONE MINE) AND ANCILLARY
PROCESSING - PROPOSED LOTS 100 & 101 IN SUBDIVISION OF
LOT 2 DP 590034, LOT 136 DP 664861 AND LOT 137 DP 652082,
BEING LAND KNOWN AS 115 CANOMODINE LANE,
CANOWINDRA.**

Proceedings in Brief

It was noted the proponent had submitted a report addressing 4 of the proposed conditions and as Council and staff had not had time to review the document it was suggested the item be deferred and that a site inspection be undertaken by councillors.

MOTION (Durkin/MacSmith)

THAT this matter be deferred until the December Council meeting and a site inspection be held on the 6th December.

16/11/22 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 Cirs Culverson, Hayes, Treavors and Wilcox – apologies) as follows:

For: Cirs Gosper, Dean, Nash, MacSmith, Durkin, Walker and Davison.

Against: Nil

It was noted the time being 2:54pm Peter Basha addressed Council on behalf of the proponent until 3:01pm.

**ITEM - 23 MODIFICATION OF DEVELOPMENT APPLICATION 2007/0138
- RURAL SUBDIVISION (7 LOTS) - LOT 245 DP 756890 & LOT 1 DP
591097, KANGAROOBIE ROAD, MARCH**

Proceedings in Brief

Mr Basha proposed that Council had some responsibility to meet some of the costs of forming Smith Road based on the road being a council road, that others were also using the road and council's own development contribution s94 Plan that states that where more than one person will benefit than the cost should be shared.

Clr MacSmith suggested Council contribute 50% of the Smith Road upgrade costs. He argued the expenditure is required and warranted due to safety issues on the road.

The Director of Environmental Services advised that should Council determine to share in the costs of forming Smith road condition 28 needs to be amended to reflect the contribution of 50% by Council.

The Mayor spoke against the suggestion concerned at a precedent. In response to a question by the Mayor as to whether similar requests may arise the Director of Environmental Services advised that the usual standard is for the developer to upgrade roads (unformed Council local roads) at their costs and cited several instances where the same situation may arise.

MOTION (MacSmith/Walker)

THAT Council:

1. Delete condition 7 of development consent DA 2007/138 being a seven (7) lot rural subdivision located upon Lot 245 in DP 756890 and Lot 1 DP 591097, Kangarooie Road, March.
2. Undertake a 50:50 sharing of costs on the Smith Road upgrade between developer and Council.
3. Amend condition 28 to reflect Council's contribution to Smith Road.
4. Resolve that the expenditure is required and warranted because Smith Road is being used by the public and the condition raises health and safety issues.

16/11/23 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 Culverson, Hayes, Treavors and Wilcox – apologies) as follows:

For: Clrs Nash, MacSmith, Walker and Davison.

Against: Clrs Gosper, Dean and Durkin.

ITEM - 24 QUESTIONS FOR NEXT MEETING

Proceedings in Brief

Clr Nash raised the following issues:

- The Water bubblers in the parks at Manildra are not working – The Acting Director of Engineering and Technical Services will follow this up.
- The Manildra Pool committee have noticed the “no diving sign” placed at the pool. The Acting General Manager advised it was an audit requirement; due to the depth of the pool diving is not allowed and signage is required to be displayed. In response to a statement by Clr

Nash that she believes diving is allowed if the pool is supervised the Acting General Manager advised that that was being clarified but he also believes that diving during swimming (supervised) is ok.

- The Manildra tip was on fire again and there is community concern with the fire season coming up. The Director of Environmental Services believes that the fire is a spontaneous combustion fire – due to heat at deep levels and not being started by individuals. A contractor has been called in to create fire breaks but a permanent solution is required. The Mayor asked that a report come to the next Council workshop on this.

Clr Dean:

- Suggested councillors visit Orana House prior to the 6th December 2016 workshop.

MOTION (Nash/Dean)

THAT Council receive a report at the next Council workshop to be held at Canowindra in relation to Manildra Tip fires.

16/11/24 Carried

ITEM - 25 BUSINESS PAPER ITEMS FOR NOTING

MOTION (Walker/Durkin)

THAT the Notation items be noted.

16/11/25 Carried

ITEM - 26 MATTERS OF URGENCY

Proceedings in Brief

Clr Davison raised concerns about the LGNSW media release relating to council elections timeframes.

The Acting General Manager advised that the Office of Local Government had issued a circular clarifying the matter and that a report would be made to the December Council meeting.

MOTION (Nash/MacSmith)

THAT a letter be sent to new State Member for Orange regarding Council's concerns about the NSWLG media release relating to councillor election dates.

16/11/26 Carried

ITEM - 27 COMMITTEE OF THE WHOLE SECTION OF THE MEETING

MOTION (Nash/Walker)

THAT Council hereby resolve itself into Committee of the Whole.

16/11/27 Carried

It was noted the time being 3:29pm the Chair announced that the Council would now be resolving into Closed Committee of the Whole.

CONFIDENTIAL ITEMS

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

RECOMMENDATION (Davison/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.

1. Carried

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

RECOMMENDATION (Walker/Dean)

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 25 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/Dean)

THAT the information be noted.

3. Carried

ITEM - 4 70A GASKILL STREET, CANOWINDRA - PROPERTY DAMAGE

RECOMMENDATION (Nash/Davison)

THAT:

1. Council waive the amount of three months' rent, being equivalent to \$1,320 due to flooding issues;
2. The tenant enter into a payment arrangement agreement with Council for the balance of the arrears that is suitable to both parties;
3. Should the tenant break this arrangement, Council take debt recovery action to recover the full amount outstanding and take the necessary action to evict the tenant from the premises; and
4. A further report be provided to Council.

4. Carried

**ITEM - 5 TENDER - CONSULTANCY SERVICES FOR LONG POINT
ROAD UPGRADE CROSSING OF THE MACQUARIE RIVER
FEASIBILITY STUDY**

RECOMMENDATION (Dean/MacSmith)

THAT Council engage GHD Pty Ltd to conduct the feasibility study for Long Point Road upgrade crossing of the Macquarie River to the value of \$72,820 including GST.

5. Carried

**ITEM - 6 CONTRACT 774368 - DESIGN DEVELOPMENT AND
CONSTRUCTION OF AMMERDOWN (ORANGE) TO MOLONG
CREEK DAM PIPELINE.**

RECOMMENDATION (Walker/MacSmith)

THAT Council:

1. Accept the tender of Leed Engineering and Construction Pty Ltd. for the design, development and construction of Ammerdown (Orange) to Molong Creek Dam Pipeline at the tendered price of \$1,844,000 excluding GST;
2. Authorise the approval of any variations for the project provided they are contained within the overall approved budget; and
3. Authorise the signing and attachment of the Council Seal to the contract deed of agreement between Cabonne Council and Leed Engineering and Construction Pty Ltd.

6. Carried

It was noted, the time being 3:37pm Clr Nash declared an interest in the following item (identified as a pecuniary interest) due to her son being an employee at the Quarry and left the Chambers.

ITEM - 7 LIMESTONE QUARRY

RECOMMENDATION (Dean/Walker)

THAT Council resolve to make application to the Minister under Section 354E of the Local Government Act to authorise the arrangements that have been negotiated with the employee as outlined in the report.

7. Carried

It was noted, the time being 3:40pm Clr Nash rejoined the meeting.

It was noted the time being 3:40pm 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 22 November, 2016 be adopted.

16/11/28 Carried

There being no further business, the meeting closed at 3.40pm.

CHAIRMAN.

Chairman of the Ordinary Meeting of Cabonne Council held on the 20 December, 2016 at which meeting the listed minutes were confirmed and the signature hereon was subscribed.