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PRESENT Ctrs K Beatty (in the Chair), J Jones, M Nash, P Mullins, G Treavors, C Newsom, A Durkin, L Oldham, P Batten, K Walker, J Weaver and I Davison.

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

ITEMS FOR DETERMINATION

ITEM - 1 APPLICATIONS FOR LEAVE OF ABSENCE

Proceedings in Brief

There were nil applications for leave of absence.

MOTION (Oldham/Newsom)

THAT it be noted there were nil applications for leave of absence.

19/10/01

Carried

ITEM - 2 DECLARATIONS OF INTEREST

Proceedings in Brief

Clr Beatty declared an interest (identified as a perceived conflict of interest, pecuniary) in Item 14, Point 2 as he is a member of the Molong Bowling Club and potential prize winner of the event.

Clr Beatty declared an interest (identified as a potential conflict of interest, non-significant non-pecuniary) in Item 15 as he has a casual working relationship with family members of an objector to the Development Application.

Clr Durkin declared an interest (identified as a potential conflict of interest, significant non-pecuniary) in Item 15 as the objector is a direct family member (brother) of a work colleague.

MOTION (Durkin/Oldham)

THAT the declarations of interest be noted.

19/10/02

Carried

ITEM - 3 DECLARATIONS FOR POLITICAL DONATIONS

Proceedings in Brief

There were nil declarations of political donations.

MOTION (Davison/Durkin)

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

19/10/03 Carried

ITEM - 4 MAYORAL MINUTE - APPOINTMENTS

Proceedings in Brief

Clr Beatty

24/09/19 – Attended the Molong Office for the business paper review with the General Manager, Directors and Deputy Mayor. Attended the Ordinary Council meeting.

01/10/19 – Attended the Molong Office to attend to correspondence.

03/10/19 – Attended Orange local radio station for an interview. Attended Molong Office to attend to correspondence.

05/10/19 – Attended opening of NSW State Disc Golf Championships at Molong Golf Club. Also attended by Deputy Mayor Jones and Clr Batten.

07/10/19 – Attended Molong Markets.

10/10/19 – Attended Orange local radio station for an interview. Attended Molong Office to attend to correspondence and attend a meeting with Jonathan Rolfe regarding the Molong water supply.

14-16/10/19 – Attended the Local Government NSW Conference.

16/10/19 – Met with Uniting Care in Sydney with General Manager to discuss the Canowindra Retirement project.

Clr Jones

24/9/19 – Attended Ordinary Council meeting.

5/10/19 – Attended the NSW Open Disc Golf Championship opening.

7/10/19 – Attended the “Pink Up” Molong Markets.

8/10/19 – Attended the Eugowra Progress Association meeting.

10/10/19 – Attended the Molong Advancement Group meeting.

12/10/19 – Attended Central West Group of the Country Women’s Association Annual Conference.

14/10/19 – Attended a meeting with the Mayor, General Manager and James McTavish regarding water issues.

14-16/10/19 – Attended the NSW Local Government Conference.

Clr Weaver

25/9/19 – Attended the Canowindra Business and Progress Association Meeting and noted they are now attempting to form a Community Master Plan, with a meeting to be held on the 13th November.

28/9/19 – Attended the Canowindra Show, and noted that even though the community is facing drought it was the most successful show in a number of years in Canowindra, congratulations to the Show Society.

2/10/19 – Attended the CTAC Meeting in Eugowra and noted it was a very positive meeting with great input from representative across the Shire, one of the items they would like to see developed is “Christmas in Cabonne” encouraging residents to decorate their homes and/or business in the celebration of Christmas with the possibility of Cabonne Council supplying a prize voucher for each village to be spent in Cabonne.

14/10/19 – Attended Yeoval with Councillor Nash to welcome the Lexis Melbourne Cup into Cabonne Country on behalf of the Mayor. A great day was experienced by all. Suggest that Council extend a congratulations to Mr Alf Cantrell for the amount of work he contributed to make the day a success.

14/10/19 – Attended the Age of Fishes Board meeting. It was great to see Cameron Slater from the Australian Museum in attendance, Cameron brought with him the 3D images of the fossil rocks completed and it was wonderful to view the fossils from all different angles.

Clr Oldham

4/10/19 – Canowindra set up Canowindra Arts Expo

5/10/19 – Opening Canowindra Arts Exhibition

7/10/19 – Attended Molong Markets and drew prize winners

8/10/19 – Arts OutWest Board meeting in Bathurst

8/10/19 – Attended Grow Molong Meeting

9/10/19 – Caravan Park Committee in Cudal

9/10/19 – Attended Nashdale Advance Group Meeting

10/10/19 – Attended Molong Advancement Group meeting

11/10/19 – Attended Orange Wine Show Lunch and Awards

14-16/10/19 – Attended Local Government NSW Conference.

19/10/19 – Attended Women in Council meeting – hosted by Orange City Council and ALGWA in Orange.

Clr Walker

14-16/10/19 – Attended the Local Government NSW Conference and noted that Shellharbour City Council (after recently surviving being amalgamated) received the 2019 AR Bluett Award. Also noted that Central Tablelands Water is included in the “*Declaration of critical town or locality water supply*” in the *Water Supply (Critical Needs) Bill 2019*.

Clr Nash

Attended Central West Libraries Zone meeting at Grenfell.

Attended the Molong Health Council Board meeting.

Attended Yeoval Lexis Melbourne Cup Day.

Met with representative from MADIA.

Attended the Canola Cup at Eugowra with Clr Weaver.

Attended luncheon at Twisted River.

MOTION (Beatty/-)

THAT the information contained in the Mayoral Minute be noted.

19/10/04 Carried

ITEM - 5 COMMITTEE OF THE WHOLE

Proceedings in Brief

It was noted that Clr Mullins called Item 15 and Clr Davison called Notation Items 7 and 12 to be debated in Committee of the Whole.

MOTION (Durkin/Oldham)

THAT Item 15 from Determination and Items 7 and 12 from Notation be debated in Committee of the Whole.

19/10/05 Carried

ITEM - 6 GROUPING OF REPORT ADOPTION

Proceedings in Brief

Clr Weaver called Item 7 to be further considered.

MOTION (Davison/Nash)

THAT:

1. Item 7 be further consider; and
2. Items 8 to 10 be moved and seconded.

19/10/06 Carried

ITEM - 7 CONFIRMATION OF THE MINUTES

Proceedings in Brief

Clr Weaver noted that in regards to the Mayoral Minute to the September Council meeting and Clr Davison's report regarding the Country and Outback Tourism meeting, and the suggestion that Lucy White be invited to attend a future Councillor workshop, that she wished to request that an invitation be extended to the Board of the Age of Fishes Museum to attend the same Workshop.

MOTION (Jones/Weaver)

THAT the minutes of the Ordinary meeting held 24 September 2019 be adopted.

19/10/07 Carried

ITEM - 8 AUSTRALIA DAY AWARDS COMMITTEE MEETING

MOTION (Davison/Nash)

THAT the report and recommendations of the Australia Day Awards Committee Meeting of Cabonne Council held on 24 September, 2019 be adopted.

19/10/08 Carried

**ITEM - 9 RESTART FUNDING DEED - DAVYS PLAINS ROAD
SHOULDER REHABILITATION AND SAFETY PROJECT**

MOTION (Davison/Nash)

THAT Council:

1. Accept funds of \$1,038,000 from Restart NSW for the Davys Plains Shoulder Rehabilitation and Safety Project, and
2. Authorise the affixing of the Common Seal to the funding agreements for the Fixing Country Roads program.

19/10/09 Carried

**ITEM - 10 OFFER OF LICENCE FOR USE OF OR OCCUPATION OF
CROWN LANDS FOR THE CONSTRUCTION OF PUZZLE FLAT
CREEK FLOOD LEVEE**

MOTION (Davison/Nash)

THAT Council:

1. Authorise the signing and affixing of the Council Seal to the licence offer document issued under the provisions of Section 2.18 of the Crown Land Management Act 2016 by NSW Department of Planning, Industry & Environment – Crown Lands for the use or occupation of Crown lands as required for the construction of Eugowra Puzzle Flat Creek Flood Levee, Eugowra.
2. Authorise the payment of \$994.10 (GST exclusive) for application fee and initial rent to the Department of Planning, Industry & Environment – Crown Lands as per the licence offer document.

19/10/10 Carried

ITEM - 11 DECEMBER 2019 AND JANUARY 2020 COUNCIL MEETINGS

MOTION (Jones/Oldham)

THAT Council:

1. Hold its ordinary meeting and community forum for December 2019 on Tuesday 17 December;
2. Not conduct an ordinary meeting in January 2020 due to the restricted timeframe available; and
3. Hold an extraordinary meeting in either January or February if necessary.

19/10/11 Carried

ITEM - 12 PECUNIARY INTEREST RETURNS 2019

Proceedings in Brief

It was noted that the General Manager tabled councillors and designated persons Pecuniary Interest Returns.

MOTION (Oldham/Weaver)

THAT Council note the tabling of Pecuniary Interest Returns for the period to 30 June 2019 for councillors and designated persons.

19/10/12 Carried

ITEM - 13 NSW PUBLIC LIBRARIES CONFERENCE 2019

Proceedings in Brief

Clr Jones nominated Clr Nash to attend the NSW Public Libraries Conference as she is the libraries delegate. Clr Nash requested that a council staff representative be authorised to also attend.

MOTION (Oldham/Jones)

THAT Council authorise Clr Nash and a staff representative to attend the NSW Public Libraries Annual Conference and AGM in Penrith from Tuesday 19 November to Friday 22 November 2019.

19/10/13 Carried

It was noted the time being 3.10pm, following discussion on point 1 of the following item, the Mayor declared in interest in point 2 and left the Chamber, Clr Jones assumed the Chair.

ITEM - 14 EVENTS ASSISTANCE PROGRAM 2019/20

Proceedings in Brief

Point 1

Clr Newsom queried if funding would considered for other villages. The Mayor advised that other villages are able to submit an application in the same way the Manildra and District Improvement Association have done.

MOTION (Durkin/Weaver)

THAT Council approve funding under the 2019/2020 Events Assistance Program (EAP) to the following events:

1. Manildra and District Improvement Association for \$1,000 for Manildra Christmas Party and Fireworks.

19/10/14 Carried

MOTION (Mullins/Davison)

THAT Council approve funding under the 2019/2020 Events Assistance Program (EAP) to the following events:

2. Molong Bowling Club for \$1,500 for the 2019 David Wicks Memorial Tournament.

19/10/15 Carried

It was noted the time being 3.11pm the Mayor returned to the Chamber and resumed the Chair.

ITEM - 16 QUESTIONS FOR NEXT MEETING

Proceedings in Brief

Clr Weaver suggested that Council, on behalf of the Age of Fishes Museum, seek legal advice on how to apply for Intellectual Property Rights, Copy Right and/or Trade Mark ownership of all animated 3D reproduction images, and also legal advice on where Council stand when other “marketer/promoters” desire to use the products, noting this should be inclusive of a “memorandum of understanding”. The General Manager advised that Council are currently seeking legal advice in relation to the S355 committee function of the Museum and suggested that the legal advice may incorporate this matter.

Clr Davison suggested that Council investigate supporting/feasibility of a pipeline from Burrendong Dam to Yeoval to ensure a more sustainable regional water supply in the future. The General Manager noted that a meeting was taking place this week with state representatives and that a report would be prepared for Council with the recommendations/outcomes of that meeting.

MOTION (Oldham/Nash)

THAT Council receive a report in relation to the matters raised as follows:

1. Council, on behalf of the Age of Fishes Museum, seek legal advice on how to apply for Intellectual Property Rights, Copy Right and/or Trade Mark ownership of all animated 3D reproduction images, and where Council stand when other “marketer/promoters” desire to use the products, noting this should be inclusive of a “memorandum of understanding”.
2. Council investigate supporting/feasibility of a pipeline from Burrendong Dam to Yeoval to ensure a more sustainable regional water supply in the future.

19/10/16 Carried

ITEM - 17 BUSINESS PAPER ITEMS FOR NOTING

Proceedings in Brief

It was noted that Notation Items 7 and 12 were called to be debated in Committee of the Whole.

MOTION (Durkin/Davison)

THAT:

1. It be noted that Items 7 and 12 were called to be considered in Committee of the Whole.
2. The balance of the items be noted.

19/10/17 Carried

ITEM - 18 MATTERS OF URGENCY

Proceedings in Brief

There were nil matters of urgency.

MOTION (Davison/Oldham)

THAT it be noted there were nil matters of urgency.

19/10/18 Carried

ITEM - 19 COMMITTEE OF THE WHOLE SECTION OF THE MEETING

MOTION (Oldham/Nash)

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

19/10/19 Carried

NOTATION ITEM - 7 COUNCIL RESERVES

Proceedings in Brief

Clr Davison queried if the Externally Restricted Cash Reserve, RMS Contributions amount of \$1.5M can be used for other projects or other roads. The Director of Finance and Corporate Services advised that the funds are specific grants for RMS roads.

Clr Davison queried if the Special Purpose Grants can be transferred to an alternative project or will the funds have to be returned. The Director of Finance and Corporate Services advised that the Grants received are for specific purposes and must be spent on that project.

Clr Davison queried if there were future plans for the \$4M in the Domestic Waste fund. The Director of Environmental Services advised that there are detailed plans/strategies in place for each of Council tips, i.e. maintenance and rehabilitation.

Clr Davison queried if the amount of \$1.5M in the Internally Restricted Cash Reserve, Limestone Quarry, Restoration of Quarry is actually required for the future restoration of the quarry. The General Manager advised that this amount is profits from the previously run Council quarry and that the funds should be kept aside until it is known what is required for future restoration.

Clr Davison queried if there are any unrestricted cash reserves that can be expended in other ways. The Director of Finance and Corporate Services advised he will report the information to the next meeting.

RECOMMENDATION (Davison/Oldham)

THAT Council receive a report to the November Council meeting detailing the Unrestricted Cash Reserves.

1. Carried

NOTATION ITEM - 12 MEDIAN PROCESSING TIMES 2019

Proceedings in Brief

Clr Davison queried why the processing times have increased to 24 days, and if there are enough resources/staff available, noting his comment is not a criticism. The Director of Environmental Services advised that there has been a vacant Town Planner position. The General Manager noted that the 24 day timeframe is still significantly lower than the state average.

Clr Batten queried if there was a target processing time. The Director of Environmental Services stated that there is no set target, but 40 days is a guide, policies are adhered to, processing time are reported annually and overall the performance is quite good.

RECOMMENDATION (Davison/Newsom)

THAT the information be noted.

2. Carried

It was noted the time being 3.31pm the Mayor and Clr Durkin declared an interest in the following item and left the Chamber, Clr Jones assumed the Chair.

**ITEM - 15 DEVELOPMENT APPLICATION 2014/0114/04 -
MODIFICATION TO EXTRACTIVE INDUSTRY, LOT 775 DP
813587, 1654 THE ESCORT WAY, BORENORE**

Proceedings in Brief

Clr Mullins stated that he was speaking against the motion and queried the 24 vehicle movements per day versus the 150K tonnes. He expressed concern that Council would be approving a limit that is unattainable and suggested the tonnage allowance be reduced to an amount that is achievable.

Clr Newsom agreed with Clr Mullins' concerns and suggested more information be provided before Council make a decision.

Clr Batten requested an addition to the amendment, that the matter be deferred no later than the 17 December Ordinary Council meeting.

Clr Mullins suggested Council agree on a lower tonnage limit and approve the application rather than defer the matter.

Clr Davison suggested Council seek further input from the EPA and RMS, and agreed the matter should be deferred. The Director of Environmental Services advised consultation had already taken place and is unsure any further information could be provided.

Clr Newsom queried if the matter could be discussed at the November Workshop and deferred to the November Ordinary Council meeting.

MOTION Batten/Davison

THAT Modification Application DA 2010/0114/04 for increased extraction at Bald Hill Quarry located upon Lot 775 DP 813587, 1654 The Escort Way, Borenore, be granted consent subject to the conditions attached to the planning assessment report.

AMENDMENT (Nash/Davison)

THAT Modification Application DA 2010/0114/04 for increased extraction at Bald Hill Quarry located upon Lot 775 DP 813587, 1654 The Escort Way, Borenore, be deferred for discussion at the November Councillor Workshop and considered by Council no later than the 17 December 2019 Ordinary Council meeting.

RECOMMENDATION (Walker/-)

THAT the motion be put.

3. Carried

The amendment was put and carried becoming the motion, the motion was put and carried.

RECOMMENDATION (Nash/Davison)

THAT Modification Application DA 2010/0114/04 for increased extraction at Bald Hill Quarry located upon Lot 775 DP 813587, 1654 The Escort Way, Borenore, be deferred for discussion at the November Councillor Workshop and considered by Council no later than the December 2019 Ordinary Council meeting.

4. 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 absences of Clrs Beatty and Durkin – interest declared) as follows:

For: Clrs J Jones, M Nash, G Treavors, C Newsom, K Walker, J Weaver and I Davison.

Against: Clrs P Mullins, L Oldham and P Batten.

It was noted the time being 3.47pm the Mayor and Clr Durkin returned to the Chamber, the Mayor resumed the Chair.

It was noted the time being 3.49pm the Chair announced that the Council would now be resolving into a Closed Committee of the Whole.

CONFIDENTIAL ITEMS

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

RECOMMENDATION (Oldham/Newsom)

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 (Durkin/Davison)

THAT the Committee endorse the accuracy of the Report of the Proceedings of Confidential Matters at the Ordinary Council meeting held on 24 September 2019 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.

6. Carried

* **ITEM - 3 SALE OF LAND FOR OVERDUE RATES**

RECOMMENDATION (Oldham/Nash)

THAT Council:

1. Authorise the General Manager, or his delegate, to sign the contracts of sale on behalf of the Vendor and Cabonne Council for the sale of land for overdue rates on the day of the auction.
2. Authorise the General Manager, or his delegate, to sell by private treaty afterwards any land that does not sell at the auction for sale of land for overdue rates.
3. Set a reserve price for properties listed as detailed in the report.

7. Carried

* **ITEM - 4 REQUEST FOR CONSIDERATION OF WATER CHARGES FOR
99410200001**

RECOMMENDATION (Jones/Nash)

THAT Council write off 50% of water consumption costs being \$1,345.22 for account 99410200001 for two billing periods due to a water leak.

8. Carried

* **ITEM - 5 REQUEST FOR CONSIDERATION OF WATER CHARGES FOR
834000002**

RECOMMENDATION (Weaver/Newsom)

THAT Council not give any reduction to water consumption costs for account 834000002.

9. Lost

The Chair called for a Division of Council which resulted in a vote against motion as follows:

For: Clr M Nash

Against: Clrs K Beatty, J Jones, P Mullins, G Treavors, C Newsom, A Durkin, L Oldham, P Batten, K Walker, J Weaver and I Davison.

RECOMMENDATION (Weaver/Newsom)

THAT Council authorise the General Manager to negotiate a payment arrangement with the applicant.

10. Carried

* **ITEM - 6 REQUEST FOR CONSIDERATION OF INTEREST RELIEF FOR
A94176 AND A94184**

RECOMMENDATION (Durkin/Jones)

THAT Council make assessments A94176 and A94184 exempt from interest charges for a twelve month period.

11. Carried

ITEM - 7 DEBT RECOVERY REPORT OF OUTSTANDING DEBTS

RECOMMENDATION (Durkin/Oldham)

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, Council intends to issue a Statement of Claim for the recovery of all monies owed to Council.

12. Carried

ITEM - 8 CONSULTING PROJECT MANAGEMENT SERVICES

RECOMMENDATION (Davison/Oldham)

THAT Council:

1. Resolve to accept the tender of New South Wales Public Works Advisory for Project Management Services under schedule of rates contract, in accordance with Section 55 of the NSW Local Government Act 1993;

2. Authorise the General Manager to enter into a contract with New South Wales Public Works Advisory for the provision of project management services; and
3. Advise unsuccessful tenderers in writing.

13. Carried

**ITEM - 9 CONTRACT NO 1026830 - CONSTRUCTION TO FILL GAP IN
EXISTING PUZZLE FLAT CREEK LEVEE, EUGOWRA NSW 2806**

RECOMMENDATION (Durkin/Jones)

THAT Council:

1. Resolve to accept the tender from Hynash Construction Pty Ltd for Construction to fill in existing Puzzle Flat Creek levee, Eugowra for the tendered price of \$1,084,479.52 including GST, in accordance with Section 55 of the NSW Local Government Act 1993;
2. Authorise the General Manager to enter into a contract with Hynash Construction Pty Ltd for the construction of the Puzzle Flat Creek levee;
3. Advise the unsuccessful tenderers in writing; and
4. Authorise any variation to the contract for the project provided the variations are contained within the overall approved budget.

14. Carried

**ITEM - 10 SUPPLY, DELIVERY AND PLACEMENT OF SPRAYED
BITUMINOUS SURFACING - CONTRACT 2019-2022**

RECOMMENDATION (Batten/Weaver)

THAT Council:

1. Accept the tender from Downer EDI Limited for the Sprayed Bituminous Sealing Contract for the period 2019 – 2022; and
2. Authorise the signing and attachment of the Council Seal to the contract deed of agreement between Cabonne Council and Downer EDI Limited.

15. Carried

It was noted the time being 4.09pm the Mayor resumed the Ordinary meeting.

REPORT & RESOLUTIONS OF COMMITTEE OF THE WHOLE

MOTION (Oldham/Newsom)

THAT the Report and Recommendations of the Committee of the Whole Meeting held on Tuesday 22 October, 2019 be adopted.

19/10/20 Carried

There being no further business, the meeting closed at 4.10pm.

CHAIRMAN.

Chairman of the Ordinary Meeting of Cabonne Council held on the 26 November, 2019 at which meeting the listed minutes were confirmed and the signature hereon was subscribed.