



4 April 2019

NOTICE OF EXTRAORDINARY COUNCIL MEETING

Your attendance is respectfully requested at the Extraordinary Meeting of Cabonne Council convened for **Tuesday 9 April, 2019** commencing at **2:00pm**, at the Cabonne Council Chambers, Bank Street, Molong to consider the undermentioned business.

Yours faithfully



HJ Nicholls
ACTING GENERAL MANAGER

ORDER OF BUSINESS

- 1) Open Ordinary Meeting
- 2) Consideration of Mayoral Minute
- 3) Consideration of Acting General Manager's Report
- 4) Resolve into Committee of the Whole
 - a) Consideration of Called Items
 - b) Consideration of Closed Items
- 5) Adoption of Committee of the Whole Report



COUNCIL'S MISSION

“To be a progressive and innovative Council which maintains relevance through local governance to its community and diverse rural area by facilitating the provision of services to satisfy identified current and future needs.”

COUNCIL'S VISION

Cabonne Council is committed to providing sustainable local government to our rural communities through consultation and sound financial management which will ensure equitable resource allocation.

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ANNEXURE ITEMS

ITEM 1 - APPLICATIONS FOR LEAVE OF ABSENCE

REPORT IN BRIEF

Reason For Report	To allow tendering of apologies for councillors not present.
Policy Implications	Nil
Budget Implications	Nil
IPR Linkage	4.5.1.g - Code of Meeting Practice adopted and implemented.
Annexures	Nil
File Number	\\OFFICIAL RECORDS LIBRARY\GOVERNANCE\COUNCIL MEETINGS\COUNCIL - COUNCILLORS LEAVE OF ABSENCE - 1005851

RECOMMENDATION

THAT any apologies tendered be accepted and the necessary leave of absence be granted.

ACTING GENERAL MANAGER'S REPORT

A call for apologies is to be made.

ITEM 2 - DECLARATIONS OF INTEREST

REPORT IN BRIEF

Reason For Report	To allow an opportunity for councillors to declare an interest in any items to be determined at this meeting.
Policy Implications	Nil
Budget Implications	Nil
IPR Linkage	4.5.1.g - Code of Meeting Practice adopted and implemented.
Annexures	Nil
File Number	\\OFFICIAL RECORDS LIBRARY\GOVERNANCE\COUNCIL MEETINGS\COUNCIL - COUNCILLORS AND STAFF DECLARATION OF INTEREST - 2018 - 1005852

RECOMMENDATION

THAT the Declarations of Interest be noted.

ACTING GENERAL MANAGER'S REPORT

A call for Declarations of Interest.

ITEM 3 - DECLARATIONS FOR POLITICAL DONATIONS

REPORT IN BRIEF

Reason For Report	To allow an opportunity for Councillors to declare any Political Donations received.
Policy Implications	Nil
Budget Implications	Nil
IPR Linkage	4.5.1.g - Code of Meeting Practice adopted and implemented.
Annexures	Nil
File Number	\OFFICIAL RECORDS LIBRARY\GOVERNANCE\COUNCIL MEETINGS\COUNCIL - COUNCILLORS DECLARATION OF POLITICAL DONATIONS - 1005853

RECOMMENDATION

THAT any Political Donations be noted.

ACTING GENERAL MANAGER'S REPORT

A call for declarations of any Political Donations.

ITEM 4 - GENERAL MANAGER'S APPOINTMENT

REPORT IN BRIEF

Reason For Report	Delegate authority under Section 377 of the Local Government Act 1993.
Policy Implications	Nil
Budget Implications	Nil
IPR Linkage	4.5.1.a - Provide quality administrative support and governance to councillors and residents
Annexures	Nil
File Number	\OFFICIAL RECORDS LIBRARY\CORPORATE MANAGEMENT\CONTRACTING\GENERAL MANAGERS - CONTRACT - 1005934

RECOMMENDATION

THAT Council:

1. In accordance with the provisions of s336(1) of the Local Government Act 1993, appoint Bradley John Byrnes as General Manager, Cabonne Council, effective 15 April 2019.
2. Subject to not receiving direction from the Council as to the consideration of any particular matter by the Council itself and subject to the requirements of the Local Government Act 1993 and Regulations thereunder and any express policy of the Council or regulations or any public authority other than the Council and pursuant to the powers conferred on Council by s377 of the Local Government Act 1993, the General Manager, Bradley John Byrnes, be authorised to exercise or perform on behalf of the Council the powers, authorities, duties and functions as follows:
 - i. The powers, functions and duties of Council other than those specified in s377(1) of the Local Government Act 1993, as being not permissible to delegate.

MAYORAL MINUTE

Council resolved at the March meeting to enter into negotiations with the preferred candidate and commence necessary background checks. This has been completed and Mr Bradley Byrnes has formally accepted the position of General Manager. As such, it will be necessary for Council formally appoint Mr Byrnes and delegate authority under Section 377 of the Local Government Act 1993, effective from 15 April, 2019.

Section 355 of the Local Government Act 1993 provides that a function of council may (subject to restriction) be exercised by:

- The Council by means of the Councillors or employees;
- By its agents or contractors;
- By financial provision;
- By provision of goods, equipment, services, amenities or facilities, or by any other means; or
- A committee of the Council or – partly or jointly by the Council and another person or persons; or
- Two or more Councils jointly; or
- By a delegate of the Council.

Section 377 of the Local Government Act 1993 states that:

1. A Council may, by resolution, delegate to the General Manager any of the functions of the Council other than the following:
 - a) the appointment of a general manager,
 - b) the making of a rate,
 - c) a determination under section 549 as to the levying of a rate,

- d) the making of a charge,
- e) the fixing of a fee,
- f) the borrowing of money,
- g) the voting of money for expenditure on its works, services or operations,
- h) the compulsory acquisition, purchase, sale, exchange or surrender of any land or other property (but not including the sale of items of plant or equipment),
- i) the acceptance of tenders which are required under this Act to be invited by the council,
- j) the adoption of an operational plan under section 405,
- k) the adoption of a financial statement included in an annual financial report,
- l) a decision to classify or reclassify public land under Division 1 of Part 2 of Chapter 6,
- m) the fixing of an amount or rate for the carrying out by the council of work on private land,
- n) the decision to carry out work on private land for an amount that is less than the amount or rate fixed by the council for the carrying out of any such work,
- o) the review of a determination made by the council, and not by a delegate of the council, of an application for approval or an application that may be reviewed under section 82A of the [Environmental Planning and Assessment Act 1979](#) ,
- p) the power of the council to authorise the use of reasonable force for the purpose of gaining entry to premises under section 194,
- q) a decision under section 356 to contribute money or otherwise grant financial assistance to persons,
- r) a decision under section 234 to grant leave of absence to the holder of a civic office,
- s) the making of an application, or the giving of a notice, to the Governor or Minister,
- t) this power of delegation,
- u) any function under this or any other Act that is expressly required to be exercised by resolution of the council.

ITEM 5 - DEMOLITION ORDER - JUNCTION HOTEL VERANDAH, 40 GASKILL STREET, CANOWINDRA

REPORT IN BRIEF

Reason For Report	To obtain council approval to carry out urgent works.
Policy Implications	Nil
Budget Implications	Costs relating to demolition work of approximately \$50,000 to be sourced from council reserves, and cost recovered from property owner.
IPR Linkage	4.5.3.g - Promptly investigate inappropriate and unapproved building works
Annexures	Nil

File Number	\\OFFICIAL RECORDS LIBRARY\DEVELOPMENT AND BUILDING CONTROLS\MONITORING\UNAUTHORISED WORKS - 1005999
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RECOMMENDATION

THAT council carry out works to demolish the double storey verandah of the Junction Hotel, 40 Gaskill Street, being Lot 1 DP 996495, Canowindra, with funds to be allocated from council reserves, and the cost of the demolition works to be recovered from the property owners.

ACTING GENERAL MANAGER'S REPORT

Following contact from the local police, council has responded to a community concern relating to the structural integrity of a double storey verandah at the Junction Hotel, at 40 Gaskill Street, Canowindra. An order seeking repairs to the verandah was issued to the property owners Mr DM & Mrs KR Murphy, however no action was taken by the land owner.

The council's heritage advisor inspected the structure and recommended the demolition of the verandah, and the reconstruction of a new verandah. Council also engaged a structural engineer to inspect the verandah, and based upon that report subsequently issued a second order for the demolition of the structure.

The property owner has not taken action to comply with the order, and has contacted council seeking its assistance. In the interim council has installed road barriers along the southern side of the structure along Gaskill Street to protect pedestrians and motorists in the event of likely failure of the structure.

Council has the right under section 124 of the Local Government 1993, if compliance with an order is not achieved, to do all things necessary to give effect to the terms of the order, including the carrying out of any work required by the order and recover the costs incurred.

It is proposed that because of the risk to public safety, and the increasing danger to the public posed by the structure, that council exercise its right, as per section 124 of the Act, and have the outstanding works undertaken and recover the associated cost from the property owners of the Junction Hotel, Canowindra.