

MINUTES OF THE ORDINARY MEETING OF COUNCIL HELD AT THE COUNCIL CHAMBERS, 86 MARKET STREET, MUDGEE ON WEDNESDAY 15 JUNE 2011, COMMENCING AT 5.51 PM AND CONCLUDING AT 6.12 PM.

Present: Cr D Kennedy (Mayor), Cr R Holden, Cr E Lang, Cr EE Martens (AM), Cr PA Shelley, Cr JP Thompson, Cr MB Walker, Cr JK Weatherley, Cr JR Webb.

In Attendance: General Manager (W L Bennett), Group Manager Mid-Western Operations (B Cam), Group Manager Regulatory and Community Services (C Van Laeren), Group Manager Finance and Administration (C Phelan), Manager Governance (I Roberts).

Media Representatives: Mudgee Guardian / The Weekly (R Murray), Radio 2MG (M Rock).

ITEM 1: APOLOGIES

There were no apologies.

ITEM 2: CONFIRMATION OF MINUTES

114/11 **MOTION: Shelley/Walker**

**That the Minutes of the Ordinary Meeting held on 18 May 2011 (Minute Nos. 90/11 to 113/11) be taken as read and confirmed.**

*The motion was put and carried.*

ITEM 3: DISCLOSURES OF INTEREST

Councillor Webb declared a pecuniary interest in Item 6.2.1 as the applicant is a close personal friend, is a neighbour and is a person with whom he has had business dealings.

ITEM 4: MAYORAL MINUTE

There was no Mayoral Minute.

ITEM 5: REPORTS FROM COMMITTEES

PLANNING AND DEVELOPMENT COMMITTEE

115/11 **MOTION: Shelley/Holden**

**That the matters resolved at the Planning and Development Committee meeting held on 1 June 2011 be received and confirmed.**

*The motion was put and carried.*

ASSETS COMMITTEE

116/11

**MOTION:** Shelley/Martens

**That:**

1. the matters resolved at the Assets Committee meeting held on 1 June 2011 be received and confirmed.
2. the recommendations from the Assets Committee meeting held on 1 June 2011 in respect of the following items be adopted.
  - Tender 2011/13 Cleaning Services

*The motion was put and carried.*

CULTURAL AND COMMUNITY SERVICES COMMITTEE

117/11

**MOTION:** Shelley/Lang

**That:**

1. the matters resolved at the Cultural and Community Services Committee meeting held on 1 June 2011 be received and confirmed.
2. the recommendations from the Cultural and Community Services Committee meeting held on 1 June 2011 in respect of the following items be adopted.
  - Cemetery Policy

*The motion was put and carried.*

FINANCE AND CORPORATE COMMITTEE

118/11

**MOTION:** Shelley/Lang

**That:**

1. the matters resolved at the Finance and Corporate Committee meeting held on 1 June 2011 be received and confirmed.
2. the recommendations from the Finance and Corporate Committee meeting held on 1 June 2011 in respect of the following items be adopted.
  - 2012-2016 Management Plan
  - Financial Assistance
  - Classification of Lot 5 DP 153349 Lewis Street
  - Monthly Management Plan Reporting – April 2011

- Tender T1112hun Supply and Delivery of Industrial Hardware and Associated Products
- Tender T2112hun Supply and Delivery of Stationery and Ancillary Items
- Tender Assessment T41011hun , Supply and delivery of traffic and safety signage.

*The motion was put and carried.*

URGENT BUSINESS WITHOUT NOTICE

119/11

**MOTION:** Walker/Webb

**That:**

1. the matters resolved in Urgent Business Without Notice held on 1 June 2011 be received and confirmed.
2. the recommendations from Urgent Business Without Notice held on 1 June 2011 in respect of the following items be adopted.
  - Use of Mudgee Railway Station as Tourist Office
  - Use of Glen Willow for Significant Sporting Events

*The motion was put and carried.*

ITEM 6: GENERAL BUSINESS

6.1 NOTICES OF MOTION

6.1.1 COMMUNITY NEWS

A0100035, A0100052, A0110015, A0320019

MOTION: Thompson/Martens

That a Councillor column be introduced into the Community News for the community to be made aware of outcomes of meetings held by external committees.

*The motion was put and lost.*

6.2 REPORTS TO COUNCIL

6.2.1 DA0278/2011 – STAGED DEVELOPMENT – DWELLING – LOTS 98 AND 77 DP 755451 – MUDHUT CREEK ROAD AND DA0351/2011 – STAGED DEVELOPMENT DWELLING – LOTS 99 DP 755451 AND PART 275 DP 755429 – MUDHUT CREEK ROAD - ST. FILLANS

A0100052, P1270866, P1270867

Councillor Webb declared a pecuniary interest as the applicant is a close personal friend, is a neighbour and is a person with whom he has had business dealings, left the meeting at 5.56 pm and did not participate in discussions of vote in relation to this matter.

120/11

**MOTION:** Walker/Thompson

**That Development Applications 0278/2011 and 0351/2011 be approved subject to the following conditions:**

**CONDITIONS APPLICABLE TO DEVELOPMENT APPLICATION 0278/2011**

**APPROVED PLAN**

1. Development is to be carried out in accordance with application received by Council 6 April 2011 except as varied by the conditions listed herein. Any minor modification to the approved plans will require the lodgement and consideration by Council of amended plans. Major modifications will require the lodgement of a new development application.

**GENERAL**

2. A separate Development Application and Construction Certificate with associated plans of the dwelling shall be submitted to Council for approval.
3. Erosion and sediment control measures are to be installed and maintained until such time as all disturbed areas of the site have been fully stabilised, in accordance with Department of Infrastructure, Planning and Natural Resources standards.

**CONSOLIDATION**

4. The consolidation of Lot 77 DP755451 and Lot 98 DP755451, in the Parish of WYALDRA, as one lot with an area of at least 91 hectares and the registration of the appropriate survey plan by the Land Titles Office. A plan of consolidation is to be submitted to Council prior to the approval of the development application and construction certificate for any future dwelling.

**ACCESS**

5. The construction of an all-weather vehicle access to the development, in accordance with the following minimum guidelines: Please contact Council to approval the location of the access.
  - (i) a gate or stock grid (if applicable) set back a minimum distance of fifteen (15) metres from edge of the traffic lane of the public road;

- (ii) a minimum 4.0 metre wide compacted gravel driveway, extending from the edge of pavement on the public road to the entrance gate or stock grid;
  - (iii) a minimum 150mm thick, 4.0 metre wide concrete dish drain or 375mm diameter reinforced concrete pipe culvert with headwalls, located outside the clear zone, having the table drain directed through it.
  - (iv) the access shall be located such that adequate sight distances are achieved, as specified in the Austroads publication '*Intersections at Grade*'.
6. All works are to be constructed at the full cost of the developer, in a manner consistent with Aus-Spec #1 and Council's standard drawings.
7. When the access is complete, Council must be contacted to inspect the access and assign a rural road number.

**CONDITIONS APPLICABLE TO DEVELOPMENT APPLICATION  
0351/2011**

**APPROVED PLAN**

1. Development is to be carried out in accordance with application received by Council 3 June 2011 except as varied by the conditions listed herein. Any minor modification to the approved plans will require the lodgement and consideration by Council of amended plans. Major modifications will require the lodgement of a new development application.

**GENERAL**

2. A separate Development Application and Construction Certificate with associated plans of the dwelling shall be submitted to Council for approval.
3. Erosion and sediment control measures are to be installed and maintained until such time as all disturbed areas of the site have been fully stabilised, in accordance with Department of Infrastructure, Planning and Natural Resources standards.

**CONSOLIDATION**

4. The consolidation of Lot 99 DP755451 and part Lot 275 DP755429, in the Parish of WYALDRA and EURUNDURY, as one lot with an area of at least 93 hectares and the registration of the appropriate survey plan by the Land Titles Office. A plan of consolidation is to be submitted to Council prior to the approval of the development application and construction certificate for any future dwelling.

**ACCESS**

5. The construction of an all-weather vehicle access to the development, in accordance with the following minimum guidelines: Please contact Council to approval the location of the access.
  - (i) a gate or stock grid (if applicable) set back a minimum distance of fifteen (15) metres from edge of the traffic lane of the public road;
  - (ii) a minimum 4.0 metre wide compacted gravel driveway, extending from the edge of pavement on the public road to the entrance gate or stock grid;
  - (iii) a minimum 150mm thick, 4.0 metre wide concrete dish drain or 375mm diameter reinforced concrete pipe culvert with headwalls, located outside the clear zone, having the table drain directed through it.
  - (iv) the access shall be located such that adequate sight distances are achieved, as specified in the Austroads publication '*Intersections at Grade*'.
6. All works are to be constructed at the full cost of the developer, in a manner consistent with Aus-Spec #1 and Council's standard drawings.
7. When the access is complete, Council must be contacted to inspect the access and assign a rural road number.

The motion was put and carried with Councillors voting as follows:

| <b>Councillors</b>   | <b>Ayes</b> | <b>Nayes</b> |
|----------------------|-------------|--------------|
| <i>Cr Holden</i>     | ✓           |              |
| <i>Cr Kennedy</i>    | ✓           |              |
| <i>Cr Lang</i>       | ✓           |              |
| <i>Cr Martens</i>    | ✓           |              |
| <i>Cr Shelley</i>    | ✓           |              |
| <i>Cr Thompson</i>   | ✓           |              |
| <i>Cr Walker</i>     | ✓           |              |
| <i>Cr Weatherley</i> | ✓           |              |

Councillor Webb returned to the meeting at 5.58 pm.

**6.2.2 2012 – 2016 MANAGEMENT PLAN**

A0100052, A0149935

121/11

**MOTION: Walker/Shelley**

**That:**

1. the report by the Group Manager Finance & Administration on the 2012 – 2016 Management Plan be received;

2. that the supplementary report by the Group Manager Development and Community Services on the development fees to be adopted as part of the 2012 -2016 Management Plan be received;
3. Council adopts the Management Plan for 2011/12 to 2015/16, including the Fees & Charges Schedule as amended;
4. Mid-Western Regional Council hereby makes the following rates and charges to be for the 2011/12 financial year:

- **Residential Rate (Rural and Urban)**  
A Residential Rate (Rural and Urban) of 0.662323 cents in the dollar on the land value as at 1 July 2011 of all land so categorised as Residential, with land further subcategorised as Residential Urban, with a minimum rate of \$555.97;
- **Farmland Rate**  
A Farmland Rate of 0.614306 cents in the dollar on the land value as at 1 July 2011 of all land so categorised as Farmland, with a minimum rate of \$555.97;
- **Business Rate**  
A Business Rate of 0.893475 cents in the dollar on the land value as at 1 July 2011 of all land so categorised as Business, with a minimum rate of \$555.97;
- **Mining Rate**  
A Mining Rate of 1.380676 cents in the dollar on the land value as at 1 July 2011 of all land so categorised as Mining, with a minimum rate of \$555.97;
- **Mining Coal Rate**  
A Mining Coal Rate of 7.469746 cents in the dollar on the land value as at 1 July 2011 of all land so categorised as Mining, with a minimum rate of \$555.97;
- **Hunter Valley Catchment Special Rate**  
Council contributes to the provision of watercourse management in the area controlled by the Hunter-Central Rivers Catchment Management Authority. A Hunter Valley Catchment Special Rate, which is determined by the Authority, and when notified, the rate is to be applied for the purposes of the *Catchment Management Act 2003* Schedule 4 and *Hunter-Central Rivers Catchment Management Authority Regulation 2005*, Regulation 4.

A contribution is to be levied according to the land value within the meaning of the *Valuation of Land Act 1916*, of all land within the catchment contribution area that has a land value in excess of \$300 and is rateable for the time being under the *Local Government Act 1993*;

- **Extra Charges**  
The extra charges to be charged on overdue rates and charges shall be calculated at a rate of 9% per annum (to be confirmed by Division of Local Government), on a daily simple interest basis;
- **Domestic Waste Management Charge**  
A Domestic Waste Management Charge of \$153 for all rateable and non-rateable properties within the service areas. Where there is more than one service the annual charge will be multiplied by the number of services;
- **General Waste Disposal Charge**  
A General Waste Disposal Charge of \$160 for all rateable and non-rateable properties with the exception of certain Farmland properties that can identify in the manner required by Council that they have a landholding comprised of multiple adjoining assessments with a lesser number of residences than assessments; they will be charged for the number of residences. Where there is more than one service the annual charge will be multiplied by the number of services;
- **Business Waste Management Charge**  
A Business Waste Management Charge of \$171 for all rateable and non-rateable Business category properties where a service is rendered. Where there is more than one service the annual charge will be multiplied by the number of services;
- **Water Charges**  
Water charges for rateable and non-rateable properties within the water supply area of:

| Charge Type          |   | Amount  |
|----------------------|---|---------|
| Service Availability | 20mm meter  | \$125   |
|                      | 25mm meter  | \$195   |
|                      | 32mm meter  | \$320   |
|                      | 40mm meter  | \$500   |
|                      | 50mm meter  | \$781   |
|                      | 80mm meter  | \$2,000 |
|                      | 100mm meter   | \$3,125 |
|                      | 150mm meter   | \$7,031 |
| Usage - Residential  | 450 kL per annum (150 kL per 4 monthly billing cycle)<br>(Average daily consumption 1.23kL) | \$2.40  |
|                      | After 450 kL per annum<br>(Average daily consumption 1.23kL)                                | \$3.60  |
| Usage – Business     | Per kL  | \$2.40  |
| Usage – Raw Water    | Per kL  | \$0.53  |

In relation to strata units, each unit will be levied with a 20mm service availability charge. In relation to Torrens Title residential units, each unit will be levied with a 20mm service availability charge. In relation to



vacant land where a water meter is not connected, each property will be levied with a 20mm service availability charge;

- **Sewer Charges**

Sewer charges for rateable and non-rateable properties within the sewer service area of:

| Charge Type   | Amount        |
|---|---------------|
| Service availability – residential  | \$528         |
| Service availability – non-residential  | \$335         |
| Usage – Non-residential based on kLs of water used that would reasonably be deemed to enter sewer schemes | \$1.27 per kL |

*The motion was put and carried.*

#### 6.2.3 DEA FUNDING AGREEMENT

A0100052, A0170008

122/11

**MOTION:** Walker/Shelley

**That:**

1. the report by Business Manager Services on the Disability Employment Assistance Agreement for Mid-Western Regional Council be received; and
2. the Mayor and the General Manager sign under seal the variation to extend the funding agreement between the Department of Families, Housing, Community Services and Indigenous Affairs and Mid-Western Regional Council until 31 October 2012.

*The motion was put and carried.*

#### 6.2.4 MONTHLY STATEMENT OF MID-WESTERN REGIONAL COUNCIL BANK BALANCES AND INVESTMENTS AS AT 31 MAY 2011

A0100052, A0140304

123/11

**MOTION:** Walker/Lang

That the Investment Report as at 31 May 2011 by the Management Accountant be received and the certification by the Responsible Accounting Officer noted.

*The motion was put and carried.*

#### 6.2.5 FIXING OF ANNUAL FEES FOR COUNCILLORS AND MAYOR

A0100052, A0110001

124/11

**MOTION:** Walker/Martens

That:

1. the report by the Manager Governance on the fixing of fees for Councillors and the Mayor for the period July 2011 to June 2012 be received;
2. Council fix the fees for Councillors and the Mayor for the period July 2011 to June 2012 at \$9,970 for Councillors and \$21,770 for the Mayor;
3. (a) Council pay the Deputy Mayor a fee, to be deducted from the fee payable to the Mayor, for those periods of 7 days or more, where the Mayor is unable to carry out the duties of Mayor, such fee to be for the period that the Deputy Mayor acts in the role of the Mayor;
- (b) the calculation of this fee to be determined at a pro rata of the Mayor's annual fee.

*The motion was put and carried.*

#### 6.2.6 FINANCIAL ASSISTANCE

A0100052, A0140201

125/11

**MOTION:** Walker/Holden

That:

1. the report by the Finance Officer on financial assistance applications be received;
2. Council note that insufficient funds remain available for distribution in Council's financial assistance programme to meet the current request; and
3. the following amounts be distributed from Councillor discretionary votes:

|                              |               |          |
|------------------------------|---------------|----------|
| Rylstone Kandos Pre-School   | Cr Lang       | \$200.00 |
|                              | Cr Webb       | \$300.00 |
| Baptist Church               | Cr Lang       | \$250.00 |
|                              | Cr Webb       | \$300.00 |
| Pioneer House                | Cr Lang       | \$500.00 |
|                              | Cr Kennedy    | \$250.00 |
|                              | Cr Weatherley | \$500.00 |
| Henry Lawson Festival (2012) | Cr Webb       | \$300.00 |
| Gulgong Skatepark            | Cr Webb       | \$400.00 |
|                              | Cr Thompson   | \$219.00 |
| Gulgong Primary School       | Cr Thompson   | \$100.00 |
| Goolma School                | Cr Thompson   | \$100.00 |
| Mudgee Red Cross             | Cr Thompson   | \$100.00 |
| Gulgong Red Cross            | Cr Thompson   | \$100.00 |

|  |                         |                      |
|--|-------------------------|----------------------|
| Gulgong CWA  | Cr Thompson             | \$100.00             |
| Mudgee Netball   | Cr Thompson             | \$100.00             |
| Gulgong Junior Rugby League                            | Cr Thompson             | \$100.00             |
| Gulgong Mens Shed                                      | Cr Thompson             | \$180.00             |
| Lady in Denison Street to assist in paying power bills | Cr Kennedy              | \$200.00             |
| Mudgee Hospital Auxiliary                              | Cr Kennedy<br>Cr Holden | \$250.00<br>\$500.00 |
| Challenge Disability Services                          | Cr Weatherley           | \$500.00             |
| Cudgong Valley Public School P&C                       | Cr Holden               | \$235.37             |

The motion was put and carried.

#### 6.2.7 FLOOD DAMAGE – RECREATIONAL ASSETS

A0100052, A0149935

126/11

**MOTION:** Holden/Martens

**That:**

1. the report by General Manager on the Flood damage claim for recreational assets be received;
2. Council proceeds immediately with the urgent flood damage repairs only in our Parks and Reserves and that the Mayor and General Manager pursue with vigour with State Government the determination and payment to Council for this legitimate flood damage claim of \$945,000; and
3. Council includes in the 2011/12 Management Plan estimates of \$945,000 grant income and \$945,000 expenditure for remediation of flood damage on recreational assets.

The motion was put and carried.

#### 6.2.8 GULGONG PARKS IRRIGATION SCHEME

A0100052, F0780133

127/11

**MOTION:** Martens/Webb

**That:**

1. the report by the Manager Water & Waste Strategies on the proposed Gulgong Parks Irrigation Scheme be received;
2. Council resolves to accept an offer of financial assistance under the Federal Government's Strengthening Basin Communities Program of \$900,000 (GST exclusive) for the construction of a Parks Irrigation Scheme at Gulgong; and

3. Council approves the advertising of tenders for the Supply, Construction, Pressure Testing of Pipelines & Associated Works for the Gulgong Parks Irrigation Scheme.

*The motion was put and carried.*

6.2.9 GULGONG TRAFFIC STUDY

A0100052, R0790214

128/11

**MOTION:** Holden/Martens

**That:**

1. the report by the Manager Technical Support on the Gulgong Traffic Study be received;
2. Council notes the report prepared by Gennaoui Consulting titled Traffic Management Study - Gulgong Centre;
3. Council rejects the recommendations found in section 4 of the Traffic Management Study - Gulgong Centre; and
4. Council not place the Traffic Management Study - Gulgong Centre on Public Exhibition, rather investigate traffic calming measures in conjunction with pedestrian facilities in Herbert St and Mayne St Gulgong including community consultation.

*The motion was put and carried.*

6.2.10 CONSULTANCY BRIEF – IMPACTS OF MINING

A0100052, A0170041, A0420171

129/11

**MOTION:** Shelley/Martens

**That:**

1. the report by Group Manager Development and Community Services on the draft Consultancy Brief for the purpose of undertaking a study on the impacts of mining proposals on local and regional infrastructure and services in the Mudgee Region be received;
2. Council seeks the draft Brief prepared by the Department of Planning and Infrastructure be amended as outlined in this report to adequately address the issues of:
  - Study Area
  - Data Accessibility and Availability
  - Non-Resident Population
  - Impact on Community Services and Facilities
  - Impact on Health Services and Facilities
  - Impact on Educational Facilities
  - Workforce Characteristics
  - Impacts on other industries

- Liveability of the region
- 3. Council requests that the Farmers Association and the MRTI be included as organisations that needed to be consulted and that the submission include a need to examine ground water needs and availability.
- 4. Staff review the submission from the Mid Western Community Action Network and ensure the all relevant issue included in their submission be included in the Council submission to the Department
- 5. the amended draft Brief be forwarded to the Department of Planning and Infrastructure for approval.

*The motion was put and carried.*

6.2.11 MUDGEE SEWERAGE AUGMENTATION

A0100052, F0740001

130/11

**MOTION:** Walker/Lang

**That:**

1. the report by the Manager Water & Waste Strategies on the Mudgee Sewerage Augmentation is received;
2. subject to a satisfactory financial assessment and concurrence of the NSW Office of Water, Council accepts the tender of Precision Civil Infrastructure P/L for the construction of a Sewage Treatment Plant at Mudgee for the sum of \$13,699,295; and
3. the General Manager is authorised to approve variations of up to 2% of the contract price (\$273,986).

*The motion was put and carried.*

6.2.12 FUNDING AGREEMENT NSW GOVERNMENT HUMAN SERVICES

A0100052, A0060060, A0182011

131/11

**MOTION:** Walker/Martens

**That Council:**

1. note the report from the Manager, Library and Community Services;
2. accept the offer from NSW Government Human Services of funding of \$99,018 towards the Community Project Officer Program and amend the Management Plan as required; and
3. execute the necessary documentation under the Common Seal.

*The motion was put and carried.*

6.2.13 MUDGEE SHOWGROUND MANAGEMENT COMMITTEE – MARCH 2011

A0100052, P0210911, A0100012

132/11

**MOTION:**                      **Weatherley/Webb**

**That:**

1.     **the report by Group Manager Operations on the Mudgee Showground Management Committee Meeting be received; and**
2.     **the minutes for the Mudgee Showground Management Committee ordinary monthly meeting held on 1 March 2011 be noted.**

*The motion was put and carried.*

6.2.14 MOBILE VENDING AND STREET TRADING POLICY

A0100052, A0130047

133/11

**MOTION:**                      **Weatherley/Holden**

**That:**

1.     **the report by Group Manager Development and Community Services on the Mobile Vending and Street Trading Policy be received; and**
2.     **the attached Mobile Vending and Street Trading Policy be adopted.**

*The motion was put and carried.*

6.2.15 TREE REMOVAL AT LAWSON PARK, MUDGEE

A0100052, F0650039

134/11

**MOTION:**                      **Lang/Thompson**

**That:**

1.     **the report by Group Manager Operations on the tree removal at Lawson Park, Mudgee be received; and**
2.     **the removal of the three trees from Lawson Park, Mudgee be approved.**

*The motion was put and carried.*

6.2.16 TREE REMOVAL AT ROBERTSON PARK, MUDGEES

A0100052, F0650046

135/11

**MOTION:** Walker/Holden

**That:**

1. the report by Group Manager Operations on the tree removal at Robertson Park, Mudgee be received; and
2. the removal of the 9 Claret Ash trees at Robertson Park, Mudgee be approved.

*The motion was put and carried.*

6.2.17 REDBANK CREEK DAM

A0100052, F0170004, F0170006

136/11

**MOTION:** Holden/Weatherley

**That the report by the General Manager on Redbank Creek Dam be received.**

*The motion was put and carried.*

ITEM 7: URGENT BUSINESS WITHOUT NOTICE

7.1 Options for Access to Glen Willow

A0100052

137/11

**MOTION:** Thompson/Martens

**That this matter be dealt with as urgent business without notice.**

*The Mayor having ruled the matter to be of great urgency, the motion was put and carried.*

**MOTION:** Webb/Martens

That as well as investigating combined treatments on the Ulan Road/Pitts Lane/Lue Road intersection, Council look at other options such as the low level bridge at Cox Street and left turn only from Pitt Lane to Ulan Road.

*The motion was withdrawn.*

ITEM 8: CONFIDENTIAL SESSION

There were no items in Confidential Session.

CLOSURE

There being no further business the meeting concluded at 6.12 pm.