

MINUTES OF THE ORDINARY MEETING OF COUNCIL HELD AT THE COUNCIL CHAMBERS, 86 MARKET STREET, MUDGEE ON WEDNESDAY 20 JULY 2011, COMMENCING AT 5.50 PM AND CONCLUDING AT 7.41 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 Development 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 (C Bassett).

ITEM 1: APOLOGIES

There were no apologies.

ITEM 2: CONFIRMATION OF MINUTES

138/11 **MOTION:** Webb / Shelley

That the Minutes of the Ordinary Meeting held on 15 June 2011 (Minute Nos. 114/11 to 137/11) be taken as read and confirmed.

The motion was put and carried.

ITEM 3: DISCLOSURES OF INTEREST

There were no disclosures of interest.

ITEM 4: MAYORAL MINUTE

There was no Mayoral Minute.

ITEM 5: GENERAL BUSINESS

5.1 NOTICES OF MOTION

5.1.1 RESCISSION MOTION - ULAN WASTE TRANSFER STATION

A0100035, A0100052, P1003511

139/11 **MOTION:** Holden / Lang

That the resolution on the Council Meeting on 20 April 2011 under Minute No. 88/11 in relation to the Ulan Waste Transfer Station be and is hereby rescinded.

The motion was put and carried.

140/11 **MOTION:** Webb / Shelley

That:

1. **Council proceed with the construction of a waste transfer station at Ulan; and**
2. **the General Manager negotiate with the EPA and the coal mines about the possibility of a waste facility being located on one of the mine properties.**

The motion was put and carried.

5.1.2 KANDOS ROTARY LOOKOUT

A0100035, A0100052, P1681411

MOTION: Thompson / Martens

That Council look to transfer the Kandos Rotary Lookout into Council's ownership, which is currently maintained by Council, but not owned.

141/11 **AMENDMENT:** Webb / Holden

That a report be brought back to Council on an appropriate location for a future lookout at Kandos.

The amendment was put and carried and on being put as the motion was again carried.

5.1.3 KANDOS CEMENT WORKS

A0100035, A0100052, P1977611

142/11 **MOTION:** Shelley / Holden

That Council seeks immediate support from Cement Australia, State and Federal Governments for a feasibility study in retaining and revitalizing the Cement works site in Kandos for options in tourism and or other industry.

The motion was put and carried.

5.2 REPORTS TO COUNCIL

5.2.1 DA0352/2011 ATTACHED DUAL OCCUPANCY - LOT 9 DP 1143747, 17 INVERNESS AVENUE MUDGEES

A0100052, P2037361

MOTION: Webb / Holden

That Development Application 0352/2011 for an attached dual occupancy, Lot 9 DP 1143747, 17 Inverness Avenue, Mudgee be refused due to non-compliance with Council's Residential Development DCP and the applicant be advised to redesign the proposed attached dual occupancy to accommodate single, set-back garages.

AMENDMENT: Thompson / Lang

That consideration of this matter be deferred.

This amendment was put and lost with Councillors voting as follows:

Councillors	Ayes	Nayes
<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>		✓
<i>Cr Webb</i>		✓

AMENDMENT: Shelley / Walker

A. That Council approve Development Application 0352/2011 for an attached dual occupancy at Lot 9 DP 1143747, 17 Inverness Avenue Mudgee, with the following conditions;

APPROVED PLANS

1. Development is to be carried out in accordance with stamped plans 3234_A01B to A07B dated May 2011 and prepared by Giselle Denley Drafting Services as lodged with the application received by Council on 03.06.2011, 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.
2. Windows in the ensuite, WC and laundry of unit one, and in the bathroom and laundry of unit two are to consist of frosted, translucent glass; the purpose being to improve amenity and to prevent overlooking from the windows of opposing units.
3. Skylights are to be installed in the laundry and ensuite of unit one, and in the bathroom, laundry and kitchen of unit two, being a total of five (5) skylights in all; the purpose being to improve amenity and to compensate for the limited exposure to natural light from the windows of these rooms.
4. A "Lap and Cap" wooden fence, 1800mm high, is to be installed for the full length of the division between the two units and private open spaces; the purpose being to improve amenity, prevent overlooking, and limit the potential for noise transmission from opposing units.
5. Privacy screens, totalling two (2) in number, and consisting of minimum 1800mm high lattice enclosures, or the like, are to be placed,

one on the eastern elevation of the unit 1 alfresco dining area and one on the western elevation of the unit 2 alfresco dining area; the purpose being to improve amenity and to limit overlooking from the alfresco dining areas of opposing units.

6. A/C condensers are to be provided with noise attenuation screens; the purpose being to limit the potential for noise transmission to neighbouring properties.

HEALTH AND BUILDING

7. The development is to be carried out in accordance with the approved stamped plans, except as otherwise provided by the conditions of this determination (Note:- modifications to the approved plans will require the lodgement and consideration by Council of a modification pursuant to Section 96 of the Environmental Planning and Assessment Act).
8. All plumbing and drainage work must be carried out by a licensed plumber and drainer and must comply with the requirements of AS 3500 (National Plumbing & Drainage Code) and the NSW Code of Practice - Plumbing & Drainage.
9. The selected plumber/drainer must provide Council with a drainage diagram detailing the location of the drainage system and the relevant connections.
10. All plumbing and drainage inspections must be carried out by Council prior to the covering of any trenches or wall/ceiling linings.
11. All building work must comply with the requirements of the National Construction Code 2011, Volume Two, together with the relevant Australian Standards and also the Environmental Planning and Assessment Act, 1979, as amended, and Regulations.
12. All mandatory inspections required by the Environmental Planning and Assessment Act and any other inspections deemed necessary by the Principal Certifying Authority being carried out during the relevant stages of construction.
13. Construction work noise that is audible at other premises is to be restricted to the following times.
 - Monday to Friday -- 7.00am to 6.00pm
 - Saturday -- 8.00am to 1.00pm
 - No construction work is permitted on Sundays and Public Holidays.
14. The site must be provided with a waste enclosure (minimum 1800mm x 1800mm x 1200mm high) that has a lid or secure covering for the duration of the construction works to ensure that all wastes are contained on site. The enclosure is to be emptied periodically to

reduce the potential for rubbish to be blown from the site. Council encourages the separation and recycling of suitable materials.

15. Prior to the occupation of a new building, an Occupation Certificate is to be obtained from the Principal Certifying Authority appointed for the erection of the building.
16. During construction temporary toilet facilities are to be provided at or in the vicinity of the nominated work site and for this purpose provide either a standard flushing toilet or an approved sewage management facility.
17. A sign must be erected in a prominent position on any work site on which the erection of a building is being carried out;
 - stating that unauthorised entry to the work site is prohibited, and
 - showing the name of the person in charge of the work site and a telephone number at which that person may be contacted outside working hours.
18. The strength of the concrete used for the reinforced concrete floor slab must be 25MPa (N25)
19. With the exception of work where there is in force an exemption under clause 187 or 188 of the Environmental Planning & Assessment Act 1979 all building work that involves residential building work for which the Home Building Act 1989 requires there to be a contract of insurance in force in accordance with Part 6 of that Act, such a contract of insurance is to be in force. No work is to commence until a copy of a Home Owners Warranty or Owner/Builders Permit have been submitted to Council.
20. All stormwater is to discharge to the street water table by the use of non-flexible kerb adapters
21. Erosion and sediment control measures being implemented prior to the commencement of works and must be maintained during the period of construction to prevent sediment and other debris escaping from the site. Controls are not to be removed until the site is stable with all bare areas supporting an established vegetative cover.
22. Prior to the commencement of any construction works, the following provisions of the Environmental Planning and Assessment Act 1979 (the Act) are to be complied with:
23. Council is to be given at least 2 days notice of the date intended for commencement of building works, in accordance with Section 81A(2)(c) of the Act.
24. Adequate yard drainage together with appropriately sized sumps must be provided for the collection and disposal of ground surface

waters to prevent a nuisance from these waters being caused to the property and/or adjoining properties. The disposal of ground surface waters must discharge to the street gutter or interallotment drainage easement. The ground water drainage system must be separate to the roofwater drainage system. Full details must be submitted with the Construction Certificate application.

- 25. A Registered Surveyors Certificate showing the boundaries of the site and the proposed buildings plotted there on being submitted to the Principal Certifying Authority prior to the commencement of construction.
- 26. The requirements of the submitted BASIX Certificate, number 379503S and 378809S issued on 15 June 2011 must be installed and/or completed in accordance with the commitments contained in that Certificate. Any alteration to those commitments will require the submission of an amended BASIX Certificate to the Council prior to the commencement of the alteration/s.
- 27. Prior to the occupation of the building a written statement must be submitted to the Council confirming the installation/completion of those commitments.

ENGINEERING

PRIOR TO ISSUE OF THE CONSTRUCTION CERTIFICATE

- 28. The developer shall obtain a *Certificate of Compliance* under the Water Management Act. This will require:
 - (a) Payment of a contribution for water and sewerage headworks at the following rate:

Water Headworks	\$3715.00
Sewerage Headworks	\$1697.00
Total	\$5412.00
 - (b) The adjustment of existing services or installation of new services and meters, as required, in compliance with Australian Standard 3500: National Plumbing and Drainage Code. All costs associated with this work shall be borne by the developer.
- 29. The applicant is to provide separate water and sewer reticulation services to each dwelling.
- 30. The developer is to extend and meet the full cost of water and sewerage reticulations to service the new lot plus the cost of connecting to existing services. All water and sewerage work is required to be carried out in accordance with the requirements of Mid-Western Regional Council (as the Water Supply Authority

under the Local Government Act, 1993) and in accordance with the National Specification – Water & Sewerage Codes of Australia.

31. The developer is to provide a water service and meter for each dwelling. This can be achieved by making a payment to Council of \$1,081.60 per lot to cover the cost of installing both the service and a 20mm meter on the water main.

TOTAL PAYABLE 1 x \$1,100 =\$1,100

Note: Council does not permit other bodies to insert new junctions into 'live' water mains.

32. Three metre wide easements, including associated Section 88B instruments, are to be created in favour of Council over any existing or newly constructed inter-allotment drainage, water, or sewerage reticulation components located within the subject property, or extended through adjoining private properties as a result of this subdivision.
33. Following completion of the subdivision works, one full set of work-as-executed plans, in pdf and dwg format, which is "Autocad compatible" is to be submitted on disk to Council. All work-as-executed plans shall bear the Consulting Engineer's or Consulting Surveyor's certification stating that all information shown on the plans is accurate.

ENGINEERING CONSTRUCTION

34. 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.
35. Vehicular entrances and concrete footway crossings are to be provided at a suitable location to the development. These should be constructed in accordance with Aus- Spec #1 and the appropriate Council standard drawings including M524-Urban Access, M525-Rural Access, M526-Industrial Access, M594-Kerb & Gutter Layback.
36. Inspections - Concrete must not be poured until the excavation, formwork and reinforcing has been inspected by Council. The contractor/owner must arrange an inspection by contacting Council's Development Engineer between 8.00am and 4.00pm Monday to Friday, giving at least twenty four (24) hours notice. Failure to have the work inspected may result in the access being removed and reconstructed at the contractors/owners expense.
37. Council is to be supplied with:
- A certificate from an energy provider indicating that satisfactory arrangements have been made for provision of electricity supply

- A certificate from a communication provider indicating that satisfactory arrangements have been made for provision of telephone services.

This amendment was put and lost with Councillors voting as follows:

Councillors	Ayes	Nayes
<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>		✓
<i>Cr Webb</i>		✓

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

Councillors	Ayes	Nayes
<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>	✓	
<i>Cr Webb</i>	✓	

5.2.2 DA0356/2011 PROPOSED PARTIAL DEVELOPMENT (DWELLING ENTITLEMENT) LOT 100 DP 1038561, 49 GROWEE ROAD, RYLSTONE.

A0100052, P1476061

143/11

MOTION: Shelley / Weatherley

A. That Council approves Development Application 0356/2011 for partial development (dwelling entitlement) for Lot 100 DP 1038561, 49 Growee Road, Rylstone, subject to the attached conditions:

APPROVED DEVELOPMENT

1. Development is to be carried out in accordance with the application received by Council on 8th June 2011, except as varied by the conditions listed herein. Any minor modification to the approved development will require the lodgement and consideration by Council of an amended application. Major

modifications will require the lodgement of a new development application.

Note: This consent relates to the legal entitlement to erect a dwelling on the land; the physical erection of the dwelling house is not approved by this consent and must form the subject of a separate Development Application. Nothing in this consent is to be construed as preventing Council from issuing further consent for the erection of a dwelling house in accordance with this consent.

GENERAL

2. The construction of an all-weather vehicle access to the development, in accordance with the following minimum guidelines:

- 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;
- 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;
- 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.
- the access shall be located such that adequate sight distances are achieved, as specified in the Austroads publication '*Intersections at Grade*'.

Note: Council approval is required prior to the commencement of work within a public road reserve.

3. The developer is to construct adequate all-weather vehicular access within the road reserve to the development site from the nearest Council maintained road, in accordance with Council Policy Road Classifications and Standards, to local access standard:

- Formed width – 4.5m;
- Shape – 6% one way crossfall may be used;
- Natural materials.

(Note: This road will not be maintained by Council. It will be the responsibility of the road users to perform any future road maintenance).

4. Following completion of all engineering works, a bond of 5% of the value of such works (not carried out by Council) or a minimum of \$1000.00, whichever is the greater, shall be lodged

with Council. The bond may be provided by way of a monetary deposit with the Council or a bank guarantee to the satisfaction of the Council. If the applicant chooses to provide a bank guarantee, the guarantee must not specify any time limit on the operation of the guarantee.

5. The developer is to ensure that all defects in the works that become apparent within twelve (12) months of Council accepting the works on maintenance are remedied to Council's satisfaction. If these defects are not satisfactorily remedied, Council may use bond monies to carry out rectification.
6. Any unexpanded bond money will be returned to the developer at the end of the twelve (12) month period, less the estimated cost of any outstanding works.
7. 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.
8. The road works are to be inspected by the Council (or an Accredited Certifier on behalf of Council) to monitor compliance with the consent and the relevant standards of construction, encompassing the following stages of construction:
 - Installation of sediment and erosion control measures
 - Road pavement construction
 - Practical completion
9. No construction is to commence before a Construction Certificate is issued for the road works. The works are to be constructed in accordance with the plans and specifications referred to in the Construction Certificate.

Note: Council must issue the Construction Certificate as the Road Authority under the Roads Act. Council's fee for this service is set out in Council's fees and charges.

10. A Traffic Control Plan (TCP) completed by a "Certified Person" for implementation during works is to be submitted to Mid-Western Regional Council prior to any work commencing.
11. A copy of the Contractor's insurance cover for a minimum of \$10,000,000.00 is to be provided to Mid-Western Regional Council as the Roads Authority.

PRIOR TO THE COMMENCEMENT OF CONSTRUCTION WORK - DWELLING

12. Prior to the commencement of any construction works, the following provisions are to be complied with:

13. A separate Development Consent is to be obtained from Council relating to the erection of a dwelling house in association with this consent.

14. A Construction Certificate is to be obtained in accordance with Section 81A(2)(a) of the Act.

a) A Principal Certifying Authority is to be appointed and Council is to be notified of the appointment in accordance with Section 81A(2)(b) of the Act.

b) Council is to be given at least 2 days notice of the date intended for commencement of building works, in accordance with Section 81A(2)(c) of the Act.

B. That upon determining the application, Council seeks the NSW Department of Planning and Infrastructure Director-General's concurrence in accordance with clause 7 of SEPP 1, - Variations to Development Standards.

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

Councillors	Ayes	Nays
<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>	✓	
<i>Cr Webb</i>	✓	

5.2.3 DA0279/2011 – DEMOLITION AND CONSTRUCTION OF COMMERCIAL UNITS – LOT 4 DP 759017 – CNR. MAIN STREET AND SHORT STREET - ULAN

A0100052, P1393061

144/11

MOTION: Shelley / Webb

That:

A. the report by Manager Statutory Planning on Development Applications 0279/2011 for the demolition and construction of commercial units at 34-36 Main Street, Ulan be received;

B. Development Applications 0279/2011 for the demolition and construction of commercial units at 34-36 Main Street, Ulan be refused for the following reasons;

1. The proposal is not compatible with objective of the village zone under the Merriwa LEP 1992 as it is considered an

inappropriate development for a village zone and would be better accommodated in the Mudgee or Gulgong industrial zones, or the heavy industrial zone at Ulan;

2. The proposal does not provide adequate consideration of water supply for the development and therefore the suitability of the site is questioned;
3. The development has the potential to create unacceptable traffic and noise impacts for adjoining development and the village;
4. It is not considered to be in the public interest to approve a commercial development of the scale proposed in a village that does not have the services and infrastructure available to readily service the development; and
5. The proposed development is considered to be of a scale that is excessive for a village zone.

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

Councillors	Ayes	Nays
<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>	✓	
<i>Cr Webb</i>	✓	

5.2.4 GENERAL CONTRACTORS – ADDITION TO PREFERRED SUPPLIERS LIST

A0100052, A0411009

145/11

MOTION: Weatherley / Shelley

That:

1. the report by Administration and Building Coordinator on additional General Contractors be added to the Preferred Suppliers list be received; and
2. Council accepts the additional preferred contractors for tender 2010/09 for the provision of metal fabrication, electrical, stock work, guardrail installation, building work and landscaping as part of the general contracting services and that Council accept this preferred contractor list in accordance with clause 178 of

the Local Government (General) Regulation 2005.

The motion was put and carried.

5.2.5 REDBANK CREEK DAM – NOTICE PURSUANT TO SECTION 18(1) DAMS SAFETY ACT

A0100052, F0710004, F0710006

146/11

MOTION: Holden / Shelley

That:

1. the report by the General Manager on Redbank Creek Dam be received;
2. Council re-affirms its determination that it does not consider itself the owner of Redbank Creek Dam; and
3. Council seeks urgent negotiations with the relevant State Government Minister to have the Council excluded as the owner of Redbank Creek Dam. Failing the correct action by the relevant Minister, Council delegates to the General Manager to take such legal action needed to achieve a determination that Council is not the owner.

The motion was put and carried.

5.2.6 RYLSTONE-KANDOS FLOOD STUDY AND FLOODPLAIN MANAGEMENT PLAN

A0100052, F0710003, A0060009, A0411101

147/11

MOTION: Shelley / Lang

That the report by Manager Environment on the Rylstone Kandos Flood Study and Floodplain Management Plan be received and noted.

The motion was put and carried.

5.2.7 MUDGEE AND GULGONG ACCESS COMMITTEE – JUNE 2011

A0100052, A0060008

148/11

MOTION: Holden / Lang

That:

1. the report by Customer Service Manager on the Mudgee and Gulgong Access Committees be received; and
2. Council note the minutes of the Mudgee and Gulgong Access Committee Meeting held on 7 June 2011.

The motion was put and carried.

5.2.8 COMMUNITY SAFETY COMMITTEE

A0100052, A0310010

149/11

MOTION: Shelley / Webb

That:

1. the report by General Manager on the membership of the Community Safety Committee be received; and
2. Council approves Mrs Dianne Munday, Mr David Anderson and Mr Peter Doran as the community representatives on the Mid-Western Community Safety Committee.

The motion was put and carried.

5.2.9 MID-WESTERN REGIONAL FAMILY DAY CARE – FUNDING AGREEMENT

A0100052, A0060077

150/11

MOTION: Weatherley / Martens

That:

1. the report by Manager Library and Community Services on the Mid-Western Regional Family Day Care Funding Agreement be received;
2. Accept the funding agreement from the Department of Education, Employment and Workplace Relations for the Mid-Western Regional Day Care Scheme for the period 1 July 2011 to 30 June 2012; and
3. the necessary documentation is executed under Common Seal.

The motion was put and carried.

5.2.10 FAMILY DAY CARE POLICY

A0100052, A0060070

151/11

MOTION: Walker / Lang

That:

1. the report by Manager Library and Community Services be received; and
2. Council adopt the Family Day Care Policy.

The motion was put and carried.

5.2.11 GULGONG MEMORIAL HALL COMMITTEE MEETING – APRIL,
MAY AND JUNE 2011

A0100052, P0453311

152/11 **MOTION:** Walker / Shelley

That the minutes of the Gulgong Memorial Hall Committee held on the 5 April 2010, 10 May 2011 and 14 June 2011 be received.

The motion was put and carried.

5.2.12 MUDGEETOWN HALL – ACCESSIBILITY FUNDING AGREEMENT

A0100052, P0159964

153/11 **MOTION:** Weatherley / Holden

That:

1. the report by the Manager, Library and Community Services be received;
2. Council accept the offer from the Department of Families, Housing, Community Services and Indigenous Affairs of \$100,000 (ex. GST) towards the renovation of the Mudgee Town Hall building to include an elevator;
3. the 2011/12 Management Plan be amended to include this additional income and expenditure of \$100,000 (ex. GST) for the Mudgee Town Hall renovation project; and
4. the necessary documentation be executed under the Common Seal.

The motion was put and carried.

5.2.13 TEMPORARY RELOCATION OF THE MUDGEETOWN LIBRARY

A0100052, P0159964, F0620022

154/11 **MOTION:** Walker / Lang

That:

1. the report by the Manager, Library & Community Services on the temporary relocation of the Mudgee Library be received;
2. Council determine to relocate the Mudgee Library to the Stables Meeting Room and Gallery for the duration of the renovation works at the Mudgee Town Hall building; and
3. Council continue to support the arts community through this period of time by providing financial assistance for the showing of art exhibitions at other venues as required through the Art

Exhibition Maintenance and Management budget, up to a total value of \$10,000.

The motion was put and carried.

5.2.14 VANDALISM AND LITTERING

A0100052, F0650131, R0790170, A0100021

155/11

MOTION: Holden / Walker

That:

- 1. the report by the General Manager on the subject of vandalism and littering be received;**
- 2. Council adopt the attached policy on Vandalism;**
- 3. an adjustment be made in the next Quarterly Review to provide funding for the rewards scheme for people who report incidents of vandalism; and**
- 4. Council support staff on a more assertive action programme for the issuing of fines for littering.**

The motion was put and carried.

5.2.15 NOXIOUS WEEDS CONTROL ADVISORY COMMITTEE – 4 JULY 2011

A0100052, A0130077

156/11

MOTION: Webb / Lang

That the minutes of the Noxious Weeds Control Advisory Committee held on 4 July 2011 are noted.

The motion was put and carried.

5.2.16 MONTHLY STATEMENT OF MID-WESTERN REGIONAL COUNCIL BANK BALANCES AND INVESTMENTS AS AT 30 JUNE 2011

A0100052, A0140304

157/11

MOTION: Holden / Shelley

That the Investment Report as at 30 June 2011 by the Management Accountant be received and the certification by the Responsible Accounting Officer noted.

The motion was put and carried.

5.2.17 ACCESS THROUGH CROWN RESERVE 22676

A0100052, P0936311

158/11

MOTION: Walker / Webb

That:

1. the report by the Manager Governance on the opening of a public road over the existing track within Quarry Reserve 22676 on Blue Springs Road, be received;
2. Council request the Land and Property Management Authority to consent to the acquisition of the existing track within Quarry Reserve 22676 on Blue Springs Road;
3. Council create a public road over the track within Quarry Reserve 22676;
4. the road created be an unmaintained public road; and
5. any necessary documentation be executed under Common Seal.

The motion was put and carried.

5.2.18 REVIEW OF MODEL CODE OF CONDUCT

A0100052, A0110003

159/11

MOTION: Shelley / Lang

That:

1. the report by the Manager Governance on the review of the Model Code of Conduct be received; and
2. Council adopt the responses to the questions raised in the Discussion Paper prepared by the Division of Local Government set out in the report of the Manager of Governance dated 28th June 2011 and forward this to the Division.

AMENDMENT: Martens / Thomspen

That:

1. the report by the Manager Governance on the review of the Model Code of Conduct be received; and
2. Council seek the community's views before making a submission to the Division of Local Government.

The amendment was put and lost. The motion was put and carried.

5.2.19 STATUTORY REQUIREMENTS LEADING UP TO THE 2012
COUNCIL ELECTION

A0100052, A0110038

160/11

MOTION: Lang / Webb

That:

1. the report by the Manager Governance on the statutory issues that need to be addressed prior to the next general council elections be received; and
2. there be nine (9) Councillors for the next Council term commencing in September 2012.

AMENDMENT: Shelley / Holden

That:

1. the report by the Manager Governance on the statutory issues that need to be addressed prior to the next general council elections be received; and
2. a report be presented on the division of the Mid-Western Regional local government area into Wards.

This amendment was put and lost.

AMENDMENT: Thompson / Martens

That:

1. the report by the Manager Governance on the statutory issues that need to be addressed prior to the next general council elections be received; and
2. there be nine (9) Councillors for the next Council term commencing in September 2012.
3. Council seek to have a popularly elected Mayor.

This amendment was put and lost. The motion was put and carried.

5.2.20 ANNUAL REPORTING OF CONTRACTS FOR SENIOR STAFF

A0100052, A0385024

The General Manager table copies of the Contracts of Employment for all senior staff

161/11 **MOTION:** **Shelley / Walker**

That the report by the Manager Governance on the contractual conditions of senior staff be received.

AMENDMENT: Holden / Martens

Consideration of this matter be deferred.

The amendment was put and lost. The motion was put and carried.

5.2.21 2012 LOCAL GOVERNMENT ELECTIONS

A0100052, A0120001, A0121200

MOTION: Shelley / Lang

That:

1. the report by the Manager Governance on the conduct of the 2012 Mid-Western Regional Council general elections be received; and
2. Council request the Electoral Commission to conduct the 2012 General Election on behalf of Mid-Western Regional Council

162/11 **AMENDMENT:** **Thompson / Webb**

That:

1. **the report by the Manager Governance on the conduct of the 2012 Mid-Western Regional Council general elections be received; and**
2. **a report be presented to Council on the cost involved if Council conducted the election itself or used another service provider.**

The motion was put and carried.

5.2.22 PAYMENT OF EXPENSES AND PROVISION OF FACILITIES TO COUNCILLORS

A0100052, A0110001

163/11

MOTION: Walker / Webb

That:

1. The report by the Manager Governance in relation to proposed amendments to the Council's policy on the Payment of Expenses and Provision of Facilities to Councillors be received;
2. Council is of the opinion that the proposed amendments to the policy are not substantial and therefore public notice is not required;
3. Council formally adopt the proposed policy on the Payment of Expenses and Provision of Facilities to Councillors; and
4. the Department of Local Government be advised that Council has formally adopted this policy and be provided with:
 - A copy of the adopted policy; and
 - A copy of this report

The motion was put and carried.

5.2.23 TOWARDS 2030 INTERIM COMMUNITY ENGAGEMENT REPORT

A0100052, A0420220

164/11

MOTION: Walker / Holden

That the report by Team Leader Strategic Planning on the Interim Community Engagement under taken for the Community Plan be received.

The motion was put and carried.

5.2.24 MAXIMUM INTEREST RATE ON OVERDUE RATES & CHARGES

A0100052, A0149934

165/11

MOTION: Webb / Martens

That:

1. the report by the Group Manager Finance & Administration on the 2011/12 maximum interest rate on overdue rates and charges be received; and
2. Council adopt the maximum interest rate of 11% for overdue rates and annual charges in the 2011/12 financial year.

The motion was put and carried.

5.2.25 LAND SALES UPDATE – KANDOS AND RYLSTONE

A0100052, A0010006

166/11

MOTION: Walker / Shelley

That the report by the Manager Governance on the Kandos and Rylstone Land Sales be received.

The motion was put and carried.

5.2.26 LOCAL GOVERNMENT ASSOCIATION CONFERENCE MOTIONS

A0100052, A0310010, A0110033, A0040005

167/11

MOTION: Thompson / Webb

That:

1. **The report by the General Manager on the Local Government Association Conference Motions be received; and**
2. **Council submit the following motions for consideration at the Conference:**
 - **That the Local Government Association support the NSW Farmers in its push for a \$10 bounty on foxes and a \$50 bounty on wild dogs.**
 - **That the Local Government Association support the construction of a freeway over the Blue Mountains.**
 - **That the Local Government Association support the payment of mining royalties to councils.**
 - **That the Local Government Association support the review of the Mining Act to include loss of water as a compensatory payment.**

The motion was put and carried.

5.2.27 MOOLARBEN VOLUNTARY PLANNING AGREEMENT (VPA)

A0100052, A0420176

168/11

MOTION: Walker / Webb

That:

1. **the report by the General Manager on the Moolarben Voluntary Planning Agreement be received;**
2. **Council agrees to amend the Voluntary Planning Agreement with Moolarben Coal Pty Ltd that allows for a one lump sum payment of \$1,365,000 to be paid to Council within 30 days of the stage 2 approvals for their operations. The funds to be used at Councils discretion but will generally be used for community infrastructure capital projects; and**

3. Council authorises the General Manager to have the draft Voluntary Planning Agreement for stage two scrutinised by Council legal advisers and then placed on public exhibition.

The motion was put and carried.

5.2.28 MURRAY DARLING ASSOCIATION MEMBERSHIP

A0100052, F0710037

169/11

MOTION: Shelley / Lang

That:

1. the report by the General Manger on membership to the Murray Darling Association be received; and
2. Council join the Murray Darling Association at a cost of \$5,500.00 to be funded from the Councils Grants and Subscriptions budget.

The motion was put and carried.

5.2.29 RELOCATION OF MUDGEES VISITORS CENTRE - MUDGEES REGIONAL TOURISM INC

A0100052, F0770077

MOTION: Shelley / Holden

That:

1. the report by the General Manager on the relocation of the Mudgee Visitors Centre be received;
2. Council not proceed with any further action for the relocation of the Mudgee Visitor Centre.

170/11

AMENDMENT: Thompson / Lang

That:

1. the report by the General Manager on the relocation of the Mudgee Visitors Centre be received;
2. the relocation of the Mudgee Visitors Centre be further investigated at the appropriate time.

The motion was put and carried.

5.2.30 ROAD NAMING – MUDGEES

A0100052, R0790141

MOTION: Walker / Weatherley

That:

1. the report by the Manager Governance about the naming of the un-named cul-de-sac off Bellevue Road Mudgee be received; and
2. Council endorse the road name “Dud Mills Place” for the cul-de-sac that runs south off Bellevue Road, Mudgee.

171/11

AMENDMENT: Webb / Lang

That:

1. the report by the Manager Governance about the naming of the un-named cul-de-sac off Bellevue Road Mudgee be received; and
2. Council endorse the road name “Hennessy Place” for the cul-de-sac that runs south off Bellevue Road, Mudgee and further approach the Geographical Names Board with a view to getting them to agree to this request.

The amendment was put and carried and on being put as the motion was again carried.

5.2.31 RURAL ROAD NAMING

A0100052, R0790041

172/11

MOTION: Thompson / Lang

That:

1. the report by the Manager Governance on road naming in the locality of Two Mile Flat be received; and
2. consideration of the naming of the unnamed road accessed off Goolma Road at Two Mile Flat and running from the Goolma Road in a northerly direction to the Cudgegong River, be deferred to permit further discussions and negotiation with the Geographical Names Board.

The motion was put and carried.

5.2.32 REINSTATEMENT OF FEES FOR RYLSTONE SHOWGROUND

A0100052, F0650139, A0140341

173/11

MOTION: Shelley / Walker**That:**

1. the report by Administration and Building Coordinator on Fees & Charges for Rylstone Showground be received; and
2. the fees for the Rylstone Showground be added the Council's fees and charges for 2011/2012 as follows:

		2010/11	2011/12
Regular Hirers:			
Sporting Groups use Rylstone Kandos			
Sports Groups Fees			
Rylstone Show Society		286.00	295.00
Bond		1,144.00	1,500.00
Pony Club	per day	48.40	50.00
	Special events	96.80	100.00
Clearing Sales/Auction Sales			
Commercial Markets			
Swap Meet		96.80	100.00
Sheepdog Trials	Per event	343.20	355.00
School – Ground Hire			
Horse Events:			
Ring Hire – Main Arena	Per day	113.30	115.00
Bond		100.10	105.00
Grassed Areas	Per day	57.20	60.00
Bond		248.60	255.00
Circus (per performing night)	+ power	171.60	175.00
Security deposit	Per day	572.00	600.00
Bar Hire		52.80	55.00
Shelter Shed		52.80	55.00
Cattle Shed	Per day of function	57.20	60.00
Sheep Shed	Per day of function	91.30	95.00
Other community /Non-Profit Groups			
25% of Base Amount plus GST			
Major Event	Per day	1,144.00	1,500.00
Bond		1,144.00	1,500.00
Plus power at cost plus cleaning and restoration at cost			

The motion was put and carried.

5.2.33 WILPINJONG VOLUNTARY PLANNING AGREEMENT –
AMMENDMENT

A0100052, A0420169, A0420028

174/11

MOTION: **Holden/Martens**

That:

1. the report by General Manager on the amendment to the Wilpinjong Voluntary Planning Agreement be received; and
2. Council agrees to an amendment to the Wilpinjong Voluntary Planning Agreement that will allow for the \$600,000 payment to Council to be expended on the Pitt Lane roundabout on Ulan Road and that the 2012/16 Management Plan be amended accordingly.

The motion was put and carried.

ITEM 6: URGENT BUSINESS WITHOUT NOTICE

6.1 ARTC PROPOSED PASSING LOOP, ULAN RAIL LINE, BYLONG
LOOP EXTENSION

A0100052, A044003, A0420223

175/11

MOTION: **Holden / Thompson**

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.

176/11

MOTION: **Holden / Weatherley**

That:

1. the report by Senior Environment Officer on the ARTC proposed Ulan Rail Line, Bylong Loop Extension be received;
2. the consultants Ulan+ Alliance appointed by ARTC to prepare the Review of Environmental Factors be advised of Council concerns, which are traffic movements, soil erosion and potential spreading of weeds, possible impacts on threatened species and cumulative impacts of noise and dust generated by the use of the rail-line.
3. Council delegates authority to the Group Manager Development and Community Services to forward a submission after feedback from Councillors.

The motion was put and carried.

6.2 FINANCIAL ASSISTANCE TO SALVATION ARMY

A0100052, A0140201

177/11

MOTION: Holden / Thompson

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.

178/11

MOTION: Lang / Webb

That financial assistance in the amount of \$1,300.00 be provided to the Salvation Army in support of the “Week of Scarves” organised by Council staff, from the following Councillors discretionary votes:

Councillor Walker	\$200.00
Councillor Kennedy	\$200.00
Councillor Thompson	\$200.00
Councillor Webb	\$200.00
Councillor Lang	\$500.00

The motion was put and carried.

ITEM 7: CONFIDENTIAL SESSION

179/11

MOTION: Holden / Martens

That pursuant to the provisions of Section 10 of the Local Government Act, 1993, the meeting be closed to the public.

Following the motion to close the meeting being moved and seconded, the Manager Governance announced that the following matter would be considered in confidential session and the reason why it was being dealt with in this way.

Subject: Water Consumption – Property Number 12268

The reason for dealing with this report confidentially is that it relates to the personal hardship of any resident or ratepayer in accordance with Section 10A(2)(b) of the Local Government Act, 1993.

Following an enquiry from the Mayor, the Manager Governance advised that there were no written representations in respect of this matter and that no person in the gallery wished to make verbal representations.

The motion was put and carried.

7.1 WATER CONSUMPTION – PROPERTY NUMBER 12268

A0100052, P1226811, A0141202

180/11

MOTION: Walker / Lang

That:

1. the report by Group Manager Finance & Administration on the request for financial assistance for water consumption at Property Number 12268 be received;
2. payment of the balance of the water consumption bill of \$7,208.02 for property 12268 be funded from the financial assistance vote – grants and subscriptions.

The motion was put and carried.

ITEM 8: OPEN COUNCIL

The General Manager announced the decision taken in Confidential Session.

CLOSURE

There being no further business the meeting concluded at 7.41 pm.