

MINUTES OF THE ORDINARY MEETING OF COUNCIL HELD AT THE COUNCIL CHAMBERS, 86 MARKET STREET, MUDGEE ON WEDNESDAY 21 SEPTEMBER 2011, COMMENCING AT 5.33 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 (M Rock).

ITEM 1: APOLOGIES

There were no apologies.

PRESENTATION BY AUDITOR

Mr John O'Malley (Morse Group) made a presentation in relation to Council's Financial Reports for the 2010/11 financial year and responded to questions from Councillors.

7.2.12 2011 FINANCIAL REPORTS – PRESENTATION BY COUNCIL'S AUDITOR

211/11 MOTION: Webb / Martens A0100052, A0149932

That the report by the Group Manager Finance & Administration on the presentation of the 2011 Financial Reports by Council's Auditor be received.

The motion was put and carried.

ITEM 2: ANNUAL ELECTIONS

2.1 DELEGATIONS TO THE MAYOR

212/11 MOTION: Shelley / Holden A0100052, A0110016

That Council:

1. **pursuant to the provisions of Section 377 of the Local Government Act, 1993, delegate to the Mayor authority:**
 - a) **To monitor the General Manager in the exercise of the General Manager's powers, duties and functions;**

- b) To authorise work, not approved in the Budget/Management Plan, which in the Mayor's opinion, is urgent at a cost not exceeding \$20,000 except in the case of Bush Fire Emergency where the limit is \$50,000;
- c) To approve the attendance of any Councillor at meetings or functions between Council meetings, that the Mayor would normally attend on behalf of Council;
- d) To affix and witness the Common Seal of Council, in response to a resolution of Council, to any necessary documents in conjunction with the General Manager or another councillor;

2. adopt the attached delegations for the Mayor.

The motion was put and carried.

2.2 ELECTION OF MAYOR

A0100052, A0110008

213/11

MOTION: Walker / Thompson

That:

- 1. Council determine that the Ballot for the election of the Mayor be by Ordinary Ballet;
- 2. the election be conducted by the General Manager, Warwick Bennett and the Manager Governance, Ian Roberts.

The motion was put and carried.

Councillor Kennedy then vacated the Chair.

The General Manager announced that only one nomination had been received, that being from Cr Des Kennedy.

The General Manger then declared Councillor Des Kennedy elected as Mayor of the Mid-Western Regional Council for the next twelve months.

Councillor Kennedy the assumed the Chair.

2.3 ELECTION OF DEPUTY MAYOR

A0100052, A0110008

214/11

MOTION: Holden / Martens

That:

- 1. Council determine that the Ballot for the election of the Deputy Mayor be by Preferential Ballot;

2. **the election be conducted by the General Manager and Manager Governance.**

The motion was put and carried.

The General Manager announced that three (3) nominations had been received, those being from Cr Russell Holden, Cr Max Walker and Cr John Webb.

The ballot was then conducted. After the counting of votes, the General Manager declared Councillor Walker elected as Deputy Mayor for the ensuing twelve months.

2.4 CREATION OF STANDING COMMITTEES

A0100052, a0110015

215/11

MOTION: Weatherley / Lang

That:

1. **no standing committees be established;**
2. **Council holds two Council meetings per month with the exception of January where there are no Council meetings and July where there is only one Council meeting. Those meetings be held on the first and third Wed of each month and the July meeting be held on the third Wednesday of the month; and**
3. **Clause 16 of Council's Code of Meeting Practice be altered accordingly.**

AMENDMENT: Webb / Martens

That Council retain the existing Committee Structure being:

- Planning and Development Committee
- Assets Committee
- Cultural & Community Services Committee
- Finance & Corporate Services Committee

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

2.5 ELECTION OF COMMITTEE CHAIRPERSONS

A0100052, A0110015

This matter was withdrawn.

2.6 COUNCIL ADVISORY COMMITTEES

A0100052, A0110015

1. Mudjee Showground Management Committee

216/11

MOTION: Weatherley / Walker

That Councillors Webb and Holden be appointed as Council representatives on the Mudgee Showground Management Committee.

The motion was put and carried.

2. Kandos Bicentennial Industrial Museum Committee

217/11 **MOTION:** Kennedy / Lang

That Councillor Martens be appointed as the Council representative on the Kandos Bicentennial Museum Committee.

The motion was put and carried.

3. Gulgong Memorial Hall Committee

218/11 **MOTION:** Lang / Webb

That Councillor Thompson be appointed as the Council representative on the Gulgong Memorial Hall Committee.

The motion was put and carried.

4. Red Hill Reserve Working Party

219/11 **MOTION:** Holden / Lang

That Councillor Thompson be appointed as the Council representative on the Red Hill Reserve Working Party.

The motion was put and carried.

5. Mid-Western Regional Council Peak Sports Council

220/11 **MOTION:** Holden / Martens

That Councillor Lang be appointed as the Council representative on the Mid-Western Regional Council Peak Sports Council.

The motion was put and carried.

6. Mudgee Sports Council Sub Committee

221/11 **MOTION:** Holden / Thompson

That Councillor Lang be appointed as the Council representative on the Mudgee Sports Council Sub-Committee, with Councillor Weatherley as the alternate.

The motion was put and carried.

7. Gulgong Sports Council Sub Committee

222/11

MOTION: Holden / Lang

That Councillor Thompson be appointed as the Council representative on the Gulgong Sports Council Sub-Committee.

The motion was put and carried.

8. Rylstone Sports Council Sub Committee

223/11

MOTION: Holden / Lang

That Councillor Shelley be appointed as the Council representative on the Rylstone Sports Council Sub-Committee.

The motion was put and carried.

9. Mid-Western Regional Council Heritage Committee

224/11

MOTION: Lang / Weatherley

That Councillor Holden be appointed as the Council representative on the Mid-Western Regional Council Heritage Committee.

The motion was put and carried.

10. Mudgee & Gulgong Access Committee

225/11

MOTION: Martens / Lang

That Councillor Thompson be appointed as the Council representative on the Mudgee & Gulgong Access Committee.

The motion was put and carried.

11. Rylstone & Kandos Access Committee

226/11

MOTION: Shelley / Holden

That Councillor Martens be appointed as the Council representative on the Rylstone & Kandos Access Committee.

The motion was put and carried.

12. Mid-Western Regional Cultural Development Committee

227/11 **MOTION:** Lang / Weatherley

That Councillor Holden be appointed as the Council representative on the Mid-Western Regional Council Cultural Development Committee.

The motion was put and carried.

13. Australia Day Selection Committee

228/11 **MOTION:** Thompson / Walker

That the Australia Day Selection Committee comprise the Mayor, Deputy Mayor and Councillor Weatherley.

The motion was put and carried.

14. Mudgee Regional Saleyards Committee

MOTION: Webb / Thompson

That representation be reduced to two Councillors and Councillors Webb and Martens be appointed as Council representatives on the Mudgee Regional Saleyards Committee.

229/11 **AMENDMENT:** Shelley / Holden

That representation be reduced to two Councillors and Councillors Webb and Weatherley be appointed as Council representatives on the Mudgee Regional Saleyards Committee.

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

15. Mid-Western Regional Youth Council

230/11 **MOTION:** Holden / Webb

That Councillors Kennedy and Weatherley be appointed as Council representatives on the Mid-Western Regional Youth Council.

The motion was put and carried.

16. Internal Audit Committee

231/11 **MOTION:** Lang / Walker

That Councillor Holden be appointed as the Council representative on the Internal Audit Committee.

AMENDMENT: Thompson / Martens

That Councillor Martens be appointed as the Council representative on the Internal Audit Committee.

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

17. Community Safety Committee

232/11 **MOTION:** Holden / Shelley

That Councillors Kennedy and Lang be appointed as the Councillor representative on the Community Safety Committee

The motion was put and carried.

18. Noxious Weeds Control Advisory Committee

233/11 **MOTION:** Shelley / Holden

That representation be reduced to one Councillor and Councillor Webb be appointed as the Council representative on the Noxious Weeds Control Advisory Committee.

AMENDMENT: Thompson / Martens

That Councillors Webb and Martens be appointed as Council representatives on the Noxious Weeds Control Advisory Committee.

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

19. Cudgegong Southbank Working Party

234/11 **MOTION:** Holden / Lang

That the Cudgegong Southbank Working Party be deleted as it is no longer required.

The motion was put and carried.

20. Showground Working Party

235/11 **MOTION:** Holden / Lang

That the Showground Working Party be deleted as it is no longer required.

The motion was put and carried.

21. Airport Working Party

236/11 **MOTION:** Holden / Lang

That the Airport Working Party be deleted as it is no longer required.

The motion was put and carried.

22. Kandos Centenary Committee

237/11 **MOTION:** Lang / Holden

That Councillor Martens be appointed as the Council representative on the Kandos Centenary Committee.

The motion was put and carried.

2.7 DELEGATES TO EXTERNAL COMMITTEES AND OTHER ORGANISATIONS

A0100052, a0110015

MOTION: Thompson / Martens

That the delegates to external committees or other organisations remain the same as last year noting that Councillor Webb should be the delegate to the Central West Catchment Management Authority.

238/11 **AMENDMENT:** Shelley / Holden

That Council deal with each individually.

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

1. Bushfire Management Committee

239/11 **MOTION:** Holden / Martens

That Councillor Webb be appointed as Council's delegate to the Bushfire Management Committee.

The motion was put and carried.

2. Rural Fire Service District Liaison Committee

240/11 **MOTION:** Shelley / Walker

That Councillor Webb be appointed as Council's delegate to the Rural Fire Service District Liaison Committee.

The motion was put and carried.

3. Association of Mine Related Councils

MOTION: Thompson / Martens

That Councillors Martens and Thompson be appointed as Council's delegates to the Association of Mine Related Councils.

241/11

AMENDMENT: Shelley / Holden

That Councillors Holden and Shelley be appointed as Council's delegates to the Association of Mine Related Councils.

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

4. Central Ranges Natural Gas Working Group

Council did not appoint a delegate to this body but the Mayor would represent Council if needed.

5. Mudgee Region Tourism Inc

242/11

MOTION: Shelley / Holden

That Councillors Kennedy and Walker be appointed as Council's delegates to Mudgee Regional Tourism Inc.

The motion was put and carried.

6. Ulan Coal Mine Community Consultative Committee

243/11

MOTION: Kennedy / Lang

That Councillors Martens and Webb be appointed as Council's delegates to the Ulan Coal Mine Community Consultative Committee.

The motion was put and carried.

7. Wilpinjong Community Consultative Committee

244/11

MOTION: Kennedy / Lang

That Councillors Martens and Webb be appointed as Council's delegates to the Wilpinjong Community Consultative Committee.

The motion was put and carried.

8. Charbon Community Consultative Committee

245/11

MOTION: Kennedy / Lang

That Councillor Martens be appointed as Council's delegate to the Charbon Community Consultative Committee.

The motion was put and carried.

9. Moolarben Community Consultative Committee

246/11 **MOTION:** Kennedy / Lang

That Councillors Martens and Webb be appointed as Council's delegates to the Moolarben Community Consultative Committee.

The motion was put and carried.

10. Inglenook Exploration Community Consultative Committee

247/11 **MOTION:** Kennedy / Lang

That Councillor Webb be appointed as Council's delegate to the Inglenook Exploration Community Consultative Committee with Councillor holden as alternate.

The motion was put and carried.

11. Central West Catchment Management Authority

248/11 **MOTION:** Weatherley / Lang

That Councillor Webb be appointed as Council's delegate to the Central West Catchment Management Authority.

The motion was put and carried.

12. Bells Line Expressway Group

249/11 **MOTION:** Weatherley / Lang

That Councillor Thompson be appointed as Council's delegate to the Bells Line Expressway Group.

The motion was put and carried.

13. Macquarie Valley Weeds Advisory Committee

250/11 **MOTION:** Shelley / Martens

That Councillor Webb be appointed as Council's delegate to the Macquarie Valley Weeds Advisory Committee.

The motion was put and carried.

14. Joint Regional Planning Panel

251/11 **MOTION:** Webb / Holden

That Councillors Martens and Weatherley be appointed as Council's delegates to the joint Regional Planning Panel with Councillor Shelley as alternate.

The motion was put and carried.

15. Lachlan Regional Transport

252/11 **MOTION:** Webb / Shelley

That Councillor Holden be appointed as Council's delegate to Lachlan Regional Transport.

The motion was put and carried.

Botobolar Community Committee

253/11 **MOTION:** Shelley / Martens

That Councillor Webb be appointed as Council's delegate to the Botobolar Community Committee.

The motion was put and carried.

Goolma Amenities Committee

254/11 **MOTION:** Kennedy / Lang

That Councillor Thompson be appointed as Council's delegate to the Goolma Amenities Committee.

The motion was put and carried.

ITEM 3: CONFIRMATION OF MINUTES

255/11 **MOTION:** Shelley / Walker

That the Minutes of the Ordinary Meeting held on 17 August 2011 (Minute Nos. 181/11 to 210/11) be taken as read and confirmed.

The motion was put and carried.

ITEM 4: DISCLOSURES OF INTEREST

Councillor Lang declared a pecuniary interest in Item 5.2 of the Planning and Development Committee Report as the Paragon Hotel advertises in his magazine and stated there would be no need to leave the room unless the matter was discussed.

Councillor Kennedy declared a pecuniary interest in Item 5.2 Planning and Development Committee Report as he owns a hotel in the area and stated there would be no need to leave the room unless the matter was discussed

ITEM 5: MAYORAL MINUTE

There was no Mayoral Minute.

ITEM 6: REPORTS FROM COMMITTEES

PLANNING AND DEVELOPMENT COMMITTEE

256/11

MOTION: Holden / Walker

That the matters resolved at the Planning and Development Committee meeting held on 7 September 2011 be received and confirmed.

The motion was put and carried.

5.4 DEVELOPMENT CONTROL PLAN TEMPORARY WORKERS ACCOMMODATION

257/11

MOTION: Holden / Weatherley

That an Extraordinary Council Meeting be held at 5.00 pm on Tuesday 27 September 2011 to deal with this matter.

The motion was put and carried.

ASSETS COMMITTEE

258/11

MOTION: Holden / Lang

That the matters resolved at the Assets Committee meeting held on 7 September 2011 be received and confirmed.

The motion was put and carried.

CULTURAL AND COMMUNITY SERVICES COMMITTEE

259/11 **MOTION:** Lang / Martens

That the matters resolved at the Cultural and Community Services Committee meeting held on 7 September 2011 be received and confirmed.

The motion was put and carried.

FINANCE AND CORPORATE COMMITTEE

260/11 **MOTION:** Holden / Lang

That:

1. the matters resolved at the Finance and Corporate Committee meeting held on 7 September 2011 be received and confirmed.
2. the recommendations from the Finance and Corporate Committee meeting held on 7 September 2011 in respect of the following items be adopted.
 - Best Practice Water Pricing 2011/12 Charges
 - Christmas Event Sponsorship
 - Financial Assistance – Tier 1 Applications
 - Financial Assistance – Tier 2 Applications
 - Monthly Management Plan Reporting – July 2011

The motion was put and carried.

URGENT BUSINESS WITHOUT NOTICE

261/11 **MOTION:** Shelley / Walker

That the matters resolved in Urgent Business without Notice held on 7 September 2011 be received and confirmed.

The motion was put and carried.

ITEM 7: GENERAL BUSINESS

7.1 NOTICES OF MOTION

There were no notices of motion.

7.2 REPORTS TO COUNCIL

7.2.1 DA0352/2011 ATTACHED DUAL OCCUPANCY (REVISED) LOT 9
DP 1143747, 17 INVERNESS AVENUE MUDGEE

A0100052, P2037361- revision B

262/11

MOTION: Walker / Weatherley

A. That Council note the report of the Senior Statutory Planner regarding the proposed attached dual occupancy at Lot 9 DP 1143747, 17 Inverness Avenue Mudgee, Development Application 0352/2011

B. 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_A01C to A07C dated May 2011 and prepared by Giselle Denley Drafting Services, forming part of 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.

AMENDMENTS

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 the opposing unit.
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 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. 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.
8. The selected plumber/drainer must provide Council with a drainage diagram detailing the location of the drainage system and the relevant connections.
9. All plumbing and drainage inspections must be carried out by Council prior to the covering of any trenches or wall/ceiling linings.
10. 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.
11. 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.
12. 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.
13. 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.

14. 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.
15. 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.
16. 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.
17. The strength of the concrete used for the reinforced concrete floor slab must be 25MPa (N25)
18. 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.
19. All stormwater is to discharge to the street water table by the use of non-flexible kerb adapters
20. 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.
21. 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:
22. Council is to 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.
23. 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.

- 24. 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.
- 25. 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.
- 26. 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

- 27. 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

Water Headworks	\$3715.00
Sewerage	\$1697.00
Headworks	
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.
- 28. The applicant is to provide separate water and sewer reticulation services to each dwelling.
- 29. 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.

30. 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.

31. 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.
32. 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

33. 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.
34. 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.

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.

36. 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

AMENDMENT: Holden / Martens

That development application 0352/2011 for an attached dual occupancy, Lot 9 DP1143747, 17 Inverness Avenue, Mudgee be refused due to non-compliance with Council's Residential Development DCP.

The amendment was put and lost with Councillors voting as follows

Councillors	Ayes	Nayes
Cr Holden	✓	
Cr Kennedy		✓
Cr Lang	✓	
Cr Martens	✓	
Cr Shelley		✓
Cr Thompson		✓
Cr Walker		✓
Cr Weatherley		✓
Cr Webb	✓	

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

Councillors	Ayes	Nayes
Cr Holden		✓
Cr Kennedy	✓	
Cr Lang		✓
Cr Martens		✓
Cr Shelley	✓	
Cr Thompson	✓	
Cr Walker	✓	
Cr Weatherley	✓	
Cr Webb		✓

**7.2.2 MONTHLY STATEMENT OF MID-WESTERN REGIONAL COUNCIL
BANK BALANCES AND INVESTMENTS AS AT 31 AUGUST 2011**

A0100052, A0140304

263/11

MOTION: Holden / Shelley

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

The motion was put and carried.

7.2.3 CHRISTMAS LIGHTS

A0100052, A0030019

264/11

MOTION: Holden / Martens

That:

1. the report by the General Manager on the erection of Christmas lights be received;
2. Council proceed with the purchase and annual installation of Christmas lights to the value of \$15,000 to be funded from Councils Strategic Initiatives Fund and the 2012/16 Management Plan be amended accordingly. The Council notes that this project is an initiative promoted by Council and should not be reflected in the General Managers Performance Review.

The motion was put and carried.

7.2.4 TENDER ASSESSMENT – DESIGN & CONSTRUCTION
MORTIMER ST RETAIL PREMISES 2011-07

A0100052, A0411107

265/11

MOTION: Holden / Weatherley

That:

1. The report of the Group Manager – Operations on the tender assessment for the Construction of the Mortimer Street Retail Premises be received,
2. Council awards the contract for the design and construction of the Council owned retail premises in Mortimer Street Mudgee (known as the Target premises extension) to CCA Projects t/as Club Constructions Australia for the tendered price of \$1,274,285 (GST exclusive), subject to the finalisation of the agreement to lease.
3. Council delegates to the General Manager authority to vary the contract up to the value of 5% of the tendered price.

The motion was put and carried.

7.2.5 TENDER 2011/06 BITUMEN SPRAY SEAL

A0100052, A0411106

266/11

MOTION: Holden / Walker

That:

1. the report by Business Manager Works on the Tender 2011/06 Bitumen Spray Seal be received;

- 2. Council accepts the tender from Downer Australia Pty Ltd for the provision of the bitumen spray seal (as per the schedule provided in the confidential section of this business paper) on Councils roads maintenance and construction program, for the contract period from 1 October 2011 until 30 September 2012 with optional yearly contract extensions to a maximum of three years total.

The motion was put and carried.

7.2.6 FINANCIAL ASSISTANCE – TIER 2 APPLICATION

A0100052, A0140201

267/11

MOTION: Shelley / Walker

That:

- 1. the report by the Finance Officer on the financial assistance be received;
- 2. Council provide financial assistance to the following applicant in accordance with the criteria and guidelines of the Financial Assistance Policy – Tier 2, subject to those requirements being met, with the funding from the general financial assistance vote:

St Matthews Catholic School K-10 Mudgee \$750.00

- 3. The following amounts be distributed from the Councillor discretionary votes:

St Matthews Catholic School K-10 Mudgee	Cr Kennedy	\$200.00
	Cr Lang	\$250.00
Rylstone District Trainers Group - rates	Cr Walker	\$179.49

The motion was put and carried.

7.2.7 GLEN WILLOW REGIONAL SPORTS GROUND – ADDITIONAL FUNDING

A0100052,

268/11

MOTION: Holden / Weatherley

That:

- 1. the report by the General Manager on the Glen Willow Sports Ground – additional funding be received;
- 2. Council authorises the completion of the Glen Willow Regional Sports facility at an additional cost of \$340,000 to be funded

from the Moolarben Voluntary Planning Agreement community infrastructure contribution.

The motion was put and carried.

7.2.8 GULGONG PARKS IRRIGATION SCHEME

A0100052, F0780133

269/11

MOTION: Martens / Lang

That:

1. the report by the Manager Water & Waste Strategies on the Gulgong Parks Irrigation Scheme Tenders be received;
2. Council accepts the tender of E.L.Civil Engineering P/L for the Gulgong Parks Irrigation Scheme – Supply Construction, Pressure Testing of Pipelines and Associated Works for a contract price of \$800,433.67 excluding GST;
3. the General Manager be authorised to approve variations of up to 5% of the Contract Price (i.e. \$40,021.68 excluding GST).

The motion was put and carried.

7.2.9 PUBLIC INTEREST DISCLOSURE INTERNAL REPORTING POLICY

A0100052, A0100021

270/11

MOTION: Weatherley / Holden

That:

1. the report by the Manager Governance on the introduction of a revised policy to deal with protected disclosures be received;
2. the existing policy entitled Internal Reporting (Protected Disclosures) Act 1994 is deleted; and
3. Council adopt the attached revised policy entitled Public Interest Disclosure Internal Reporting.

The motion was put and carried.

7.2.10 2011 LOCAL GOVERNMENT ASSOCIATION CONFERENCE

A0100052, A0310010, A0110033

MOTION: Shelley / Holden

That:

1. the report by the General Manager on the Local Government Association Conference 2011 be received;

2. Council approves the Mayor (or his nominee) and General Manager to attend the Local Government Association Conference 2011.

AMENDMENT: Thompson / Martens

That:

1. the report by the General Manager on the Local Government Association Conference 2011 be received;
2. Council approves the attendance of at least three (3) Councillors to the Local Government Association Conference 2011.

The first amendment was put and lost.

271/11 **AMENDMENT:** Holden / Lang

That:

1. the report by the General Manager on the Local Government Association Conference 2011 be received;
2. Council approves the Mayor, Deputy Mayor and one other Councillor and General Manager to attend the Local Government Association Conference 2011.

The motion was withdrawn. The second amendment, now being the motion, was put and carried.

272/11 **MOTION:** Holden / Martens

That Councillor Thompson be authorised to attend the Local Government Association Conference 2011.

The motion was put and carried.

7.2.11 MUDGEES SEWERAGE AUGMENTATION

A0100052, F0740001

273/11 **MOTION:** Weatherley / Martens

That:

1. the report by the Manager Water & Waste Strategies on the Mudgee Sewerage Augmentation be received;
2. Council accepts an offer of financial additional assistance of \$3,602,915 towards the cost of the Mudgee Sewage Treatment Plant;

3. Council authorise the affixing of the Common Seal to the funding agreement.

The motion was put and carried.

ITEM 8: URGENT BUSINESS WITHOUT NOTICE

There was not Urgent Business Without Notice.

ITEM 9: CONFIDENTIAL SESSION

274/11 **MOTION:** Holden / Shelley

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 matters would be considered in confidential session and the reason why they were being dealt with in this way.

Reports from Closed Committee Meeting held on 7 September 2011

Subject: 1. Water Consumption – Property Number 1979

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.

Subject: 2. Purchase of Land for the Construction of a Roundabout at Pitts Lane

The reason for dealing with this report confidentially is that it relates to information that would, if disclosed, confer a commercial advantage on a person with whom the council is conducting business in accordance with Section 10A(2)(c) of the Local Government Act, 1993.

Discussion of this matter in an open meeting would be, on balance, contrary to the public interest as it involves discussion of valuation advice in respect of the subject properties.

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.

5.1 WATER CONSUMPTION – PROPERTY NUMBER 1979

A0100052, P0197911, A0141202

275/11

MOTION: Walker / Lang

That:

1. the report by Group Manager Finance & Administration on the request for financial assistance for water consumption at Property Number 1979 be received;
2. Council write off the difference between the current bill and the previous bill, amounting to \$823.88, to be funded from Council grants and Donations budget
3. A report on a policy for Water Consumption Charges – Internal Leaks be prepared for Council's consideration.

AMENDMENT: Webb / Holden

That:

1. the report by Group Manager Finance & Administration on the request for financial assistance for water consumption at Property Number 1979 be received;
2. Council write off \$500.00, to be funded from Council grants and Donations budget
3. A report on a policy for Water Consumption Charges – Internal Leaks be prepared for Council's consideration.

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

5.2 PURCHASE OF LAND FOR THE CONSTRUCTION OF A ROUNDABOUT AT PITTS LANE

A0100052, P0302311, R9208006, R4222001

275/11

MOTION: Weatherley / Lang

That:

1. the report by the General Manager on the purchase of land adjacent to Pitts Lane, Lue Road and Ulan Road for the construction of a roundabout be received;
2. Council proceed with the purchase of land required for the roundabout at the Pitts Lane, Lue Road and Ulan Road intersections being part Lot 3 DP 1124328 at a price of \$37,500 plus GST if any and part Lot 3 DP 580477 at a price of \$150,000

plus GST if any and the General Manager proceed with the necessary subdivision and processes to obtain ownership in Council's name as a road reserve;

3. If Council is unable to conclude the purchase of part Lot 3 DP 1124328 or part Lot 2 DP 580477 by negotiation, then the acquisition of this land proceeds through the compulsory process under the Land Acquisition (Just Terms Compensation) Act 1991;
4. Council provide appropriate screening to Lot 101 DP 873410; and
5. Council authorises the affixing of the Common Seal to all documents required for the acquisition of the two parcels of land referred to in paragraph 2 of this resolution.

The motion was put and carried.

ITEM 10: OPEN COUNCIL

The Manager Governance announced the matters decided in Confidential Session.

CLOSURE

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