

MINUTES OF THE ORDINARY MEETING OF COUNCIL HELD AT THE COUNCIL CHAMBERS, 86 MARKET STREET, MUDGEE ON 16 NOVEMBER 2011, COMMENCING AT 5:43 PM AND CONCLUDING AT 6.25 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), Acting Group Manager Finance and Administration (L Johnson).

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

ITEM 1: APOLOGIES

There were no apologies.

ITEM 2: DISCLOSURE OF INTEREST

Cr Walker declared an interest in item 6.2.3 as he owned land adjacent to this applicant.

Cr Walker declared an interest in items 6.2.8 and 6.2.9 as he is negotiating a contract with one of the tenderers.

Cr Kennedy declared an interest in item 6.2.28 as the trees are adjacent to property he owns.

Cr Walker declared an interest in item 6.2.33 as he was a sub-contractor for the successful tenderer and contractor.

ITEM 3: CONFIRMATION OF MINUTES

353/11 **MOTION:** Weatherley / Shelley

That the Minutes of the Ordinary Meeting held on 2 November 2011 (Minute No.s 333/11 to 352/11) be taken as read and confirmed.

The motion was put and carried.

ITEM 4: MATTERS IN PROGRESS

354/11 **MOTION:** Thompson / Martens

That Res.140/11 be noted as completed if the Development Application is approved later in the business paper

The motion was put and carried.

355/11 **MOTION:** Holden / Lang

That Res.70/10 be noted as completed.

The motion was put and carried.

356/11 **MOTION:** Shelley / Holden

That Res.19/11 be noted as completed.

The motion was put and carried.

ITEM 5: MAYORAL MINUTE

There was no Mayoral Minute.

ITEM 6: GENERAL BUSINESS

6.1 NOTICES OF MOTION

There were no notices of motion.

6.2 REPORTS TO COUNCIL

6.2.1 DEVELOPMENT APPLICATION NO. 0356/2011 - STAGED
DEVELOPMENT – DWELLING - LOT 100 DP 1038561, 49
GROWEE ROAD, RYLSTONE

A0100052, P1476161

357/11 **MOTION:** Shelley / Martens

A. That the Report of the Senior Statutory Planner relating to the proposed Staged development – dwelling at lot 100 DP 1038561, 49 Growee Road, Rylstone be noted;

B. That Council approves revised Development Application 0356/2011 for Staged Development for lot 100 DP 1038561, 49 Growee Road, Rylstone, subject to the attached conditions;

APPROVED DEVELOPMENT

1. Stage 1 development is to be carried out in accordance with stamped plan G504MU dated 17.03.2010, prepared by Insites, forming part of application 0356/2011 received by Council 08.06.2011 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.

STAGE 1- CONSTRUCTION OF ACCESS

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.

STAGE 2- CONSTRUCTION OF A DWELLING

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:
 - Construction Plans for the dwelling are to be lodged with, and approved by, a Principal Certifying Authority (PCA).
 - A Construction Certificate is to be obtained in accordance with Section 81A(2)(a) of the Act.
 - 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.

- 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.

C. 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	Nayes
Cr Kennedy	✓	
Cr Shelley	✓	
Cr Thompson	✓	
Cr Walker	✓	
Cr Weatherley	✓	
Cr Webb	✓	
Cr Martens	✓	
Cr Lang	✓	
Cr Holden	✓	

6.2.2 DA 0140/2012 KANDOS GRANDSTAND AND AMENITIES - LOT 7005 DP1023895, COOPER DRIVE, KANDOS

A0100052, P1584661

358/11

MOTION: Shelley / Holden

A. The Report of the Senior Statutory Planner relating to the proposed Kandos Grandstand and amenities on lot 7005 DP 1023895, Cooper Drive Kandos be noted; and

B. Development Application No. 0140/2012 for the proposed demolition of an existing grandstand and construction of the Kandos Grandstand and amenities on lot 7005 DP 1023895, Simpkins Park and Kandos Sports ground, Cooper Drive, Kandos be approved subject to the attached conditions.

APPROVED DEVELOPMENT

1. Development is to be carried out in accordance with stamped plans SK/MWRC/KANDOS 09A, 10D, 11D, 12B, 13D & 14D dated 22.08.11 to 29.10.11, prepared by Interface P/L Architects, forming part of application 0140/2012 received by Council 01.11.2011 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.

CONSTRUCTION MATERIALS

2. Prior to the issuing of a construction certificate the applicant is to submit for Council approval details of the colours and level of reflectivity of the corrugated steel proposed to be utilised as cladding, the purpose being to lessen the visual impact and possible reflectivity of the development in accordance with zone objectives and general amenity.

LANDSCAPING

3. Prior to the issuing of a construction certificate the applicant is to submit for Council approval a landscaping plan, consisting of semi mature, drought resistant native species to be established in the vicinity of the facility and car park, the purpose being to enhance the visual amenity of the site and provide shade in compliance with Council's Car Parking Development Control Plan.

HEALTH AND BUILDING

4. All building work must comply with the requirements of the Building Code of Australia 2011, Volume One, together with the relevant Australian Standards and also the Environmental Planning and Assessment Act, 1979, as amended, and Regulations.
5. Prior to the commencement of any construction works, the following provisions are to be complied with:
 - A Construction Certificate is to be obtained in accordance with Section 81A(2)(a) of the Act.
 - 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.
 - 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.
6. 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.
7. 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.

- 8. 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.**
- 9. Prior to the occupation and use of the building, an Occupation Certificate must be obtained from the Principal Certifying Authority appointed for the erection of the building.**
- 10. 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.**
- 11. A sign must be erected in a prominent position on any work site on which the erection of a building is being carried out;
 - a) stating that unauthorised entry to the work site is prohibited, and**
 - b) 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.****
- 12. All building or site works or other written undertaking or obligation indicated in the submitted plans and supporting documentation or otherwise required under the terms of this consent being carried out or implemented prior to the occupation of the premises.**
- 13. The strength of the concrete used for the reinforced pier and foundation construction must be 25MPa (N25)**
- 14. 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.**

ACCESSIBILITY

- 15. Access to and from the building and internal facilities including their fixtures and fittings must be in accordance with the requirements of Australian Standard 1428.1 and the Building Code of Australia, and in particular:-
 - (i) through the principle public entrance and,****

- (ii) from the required accessible car parking space in accordance with clause D3.5 of the Building Code of Australia,
- (iii) from the allotment boundary at the principle points of entry and,
- (iv) from any adjacent and associated accessible building on the allotment.

16. Two accessible car parking spaces are to be provided in accordance with Council DCP Design for Accessibility.

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

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

6.2.3 DEVELOPMENT APPLICATION NO. 0002/2012 – PROPOSED HAY SHED - LOT 3 DP 1124328, LOT 4 AND 5 DP 3858, LUE ROAD, MUDGEE

Cr Walker declared a pecuniary interest in that he was an adjoining land owner, left the meeting at 5.49pm and did not participate in discussions or vote in relation to this matter

A0100052, P2084461

359/11

MOTION: Weatherley / Holden

- A. That the Report of the Senior Statutory Planner relating to the proposed hay shed at upon Lot 3 DP 1124328, Lots 4 and 5 DP 3858, Lue Road, Mudgee be noted;
- B. That Development Application No. 0002/2012 for a hay shed at Lot 3 DP 1124328, Lots 4 and 5 DP 3858, Lue Road, Mudgee be approved subject to the attached conditions;

APPROVED DEVELOPMENT

- 1. Development is to be carried out in accordance with stamped site plan, and floor plan and elevations, prepared by Midwest Commodities P/L and Insite Whelans P/L, forming part of application 0002/2012 received by Council 04.07.2011 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.

CONSTRUCTION MATERIALS

2. Prior to the issuing of a construction certificate the applicant is to submit for Council approval details of the colours and level of reflectivity of the materials to be utilised as shed cladding. Council recommends a non-reflective, pale, natural shade, the purpose being to lessen the visual impact of the development in accordance with zone objectives and heritage considerations.

HEALTH AND BUILDING

5. All building work must comply with the requirements of the Building Code of Australia 2011, Volume One, together with the relevant Australian Standards and also the Environmental Planning and Assessment Act, 1979, as amended, and Regulations.
6. 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.
7. 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.
8. 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.
9. Prior to the occupation and use of the building, an Occupation Certificate must be obtained from the Principal Certifying Authority appointed for the erection of the building.
10. 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.
11. A sign must be erected in a prominent position on any work site on which the erection of a building is being carried out;

- a) stating that unauthorised entry to the work site is prohibited, and
- b) 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.

- 12. All building or site works or other written undertaking or obligation indicated in the submitted plans and supporting documentation or otherwise required under the terms of this consent being carried out or implemented prior to the occupation of the premises.
- 13. The strength of the concrete used for the reinforced pier and foundation construction must be 25MPa (N25)
- 14. 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.

FLOOD CONDITIONS

- 15. The development is to be provided with an earth mound that is equivalent to the 1 in 20 year flood level plus 500mm freeboard, ie 450.5m AHD
- 16. The development is to be constructed in accordance with the Structural report provided by Jeff Moore – Civil Engineer in order to ensure that that the proposed shed will withstand the depth and velocity of floodwaters.

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

Councillors	Ayes	Nayes
<i>Cr Kennedy</i>	✓	
<i>Cr Shelley</i>	✓	
<i>Cr Thompson</i>	✓	
<i>Cr Weatherley</i>	✓	
<i>Cr Webb</i>	✓	
<i>Cr Martens</i>	✓	
<i>Cr Lang</i>	✓	
<i>Cr Holden</i>	✓	

Cr Walker returned to the meeting at 5.50

6.2.4 WILPINJONG COAL MINE – SUBMISSION TO 2011
MODIFICATION TO PROJECT APPROVAL

A0100052, A0420169

360/11

MOTION: Holden / Martens

That:

1. the report by Senior Environment Officer on the submission to the 2011 Modification to project approval for Wilpinjong Coal Mine Modification be received;
2. Council make written submission to the 2011 Modification application based on the detail as outlined in this report with the following amendments

Comments of Infrastructure Improvements needed in the community;

Comments on the better treatment of salt water on site

Remove the words “intensive” when related to agriculture in the region

3. the General Manager on behalf of Council commence discussions with Wilpinjong Coal for Voluntary Planning Agreement (VPA) that is adequate to compensate Council for its infrastructure upgrade and maintenance needs (including Ulan & Cope Roads and Ulan-Wollar Road) and community infrastructure and the Minister for Planning & Infrastructure be requested not to issue a final determination until a VPA has been entered into, agreed and the statutory process completed.
4. the Director General and Minister for Planning be requested to extend the time period for Council comment on all future applications to a minimum of eight (8) weeks.

6.2.5 DA0100/2012 – PROPOSED WASTE TRANSFER STATION – LOT
1 DP 1156749 – 35 BENT STREET ULAN

A0100052, P2049561

361/11

MOTION: Thompson / Martens

That:

- A. the report by Manager Statutory Planning on Development Applications 0100/2012 for a proposed waste transfer station at 35 Bent Street, Ulan be received;

- B. Development Applications 0100/2012 for the proposed waste transfer station at 35 Bent Street, Ulan be approved in accordance with the following conditions;**

APPROVED PLAN

- 1. Development is to be carried out generally in accordance plans Numbered 15012 -C01, Rev 3, 15012 C02 Rev 4, 15012 C04 Rev 2, 15012 C05 Rev 2, 15012 C06 Rev 2, 15012 C07 Rev 2, Dated 27 March 2011, drawn by Barnson P/L and Statement of Environmental Effects by Mid-Western Regional Council, 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.**

CONDITIONS RELATED TO THE PROPOSED BUILDING/CONSTRUCTION WORK

These conditions are provided to ensure that the construction site is maintained in a suitable manner and in the accordance with the relevant requirements.

- 2. 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.**
- 3. If any aboriginal artefacts are uncovered or identified during construction earthworks, such work is to cease immediately and the local aboriginal community and National Parks and Wildlife Service are to be notified.**
- 4. A member of the Mudgee Local Aboriginal Land Council or their representative is to be on site to monitor the excavation of the top soil and initial excavation work.**
- 5. Any building work must comply with the requirements of the Building Code of Australia and relevant Australian Standards and the Environmental Planning and Assessment Act, 1979, as amended, and Regulations.**
- 6. All disturbed areas are to be stabilised through the saving of topsoil during disturbance and its later respreading and establishment of vegetative cover.**

SUSURFACE WATER CONTROLS

- 7. The facility must be designed to prevent surface water from mixing with the waste facility and waste received.**

8. The facility is to contain one or more sediment basins capable of collecting all surface water generated from 1- in -10 year, 24 hour period storm event without overflowing. The design details of catch basins along with calculations shall be submitted to Council for approval prior to the commencement of work.
9. All water that has entered waste storage areas must be handled and treated in the same manner as leachate.

ACCESS

10. The driveway is to have a minimum width of 6 metres sufficient to allow manoeuvring access and is to be constructed with a suitable all weather material and must be maintained in a satisfactory condition at all times.
11. All vehicles to enter and leave the site in a forward direction at all times.
12. All car parking and associated driveway works to be completed prior to occupation of the development.
13. 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 (19) 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*'.

GENERAL CONDITIONS RELATING TO THE ONGOING OPERATION OF THE DEVELOPMENT

14. The surface of the waste transfer facility must be bunded, be constructed from an inert low permeability material, be able to support all structures, machinery and vehicles as applicable and allow access to any utilised part of the processing site, irrespective of the weather conditions.

15. The operator shall ensure that all employees, contractors and sub-contractors are aware of, and comply with, the conditions of this consent.
16. The operator shall be responsible for the environmental impacts resulting from the actions of all persons on the site, including any visitors.
17. All operational activities at the premises which are audible at residential premises not related to the development must be restricted to the following times:
 - a) 7:00 am to 6:00 pm Mondays to Fridays;
 - b) 8:00 am to 1:00 pm on Saturdays; and
 - c) at no time on Sundays and Public Holidays
18. The operator shall ensure no offensive odours at nearby receivers in accordance with section 129 of the *Protection of the Environment Operations Act 1997*, except in an emergency.
19. All practicable measures are to be taken to ensure that waste materials do not unintentionally leave the site or otherwise become wind or water borne.
20. The applicant is hereby advised that they may have responsibilities under the Federal Disability Discrimination Act 1992.
21. Any external lighting associated with the approved development is to be installed so as not to create a nuisance to residential premises or motorists travelling on Cope Road.
22. Any amplification, connection or relocation works required in relation to electricity provision infrastructure is to be carried out in accordance with the requirements of the relevant authority at the cost of the developer.

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

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

6.2.6 COBBORA COAL MINE PROJECT DIRECTOR GENERAL'S REQUIREMENTS

A0100052, A0420213

362/11

MOTION: Martens / Thompson

That:

1. the report by Senior Environment Officer on the revised Director General's Requirements for the Cobbora Coal Mine Project be received; and
2. Council write to Cobbora Holdings Company Pty Ltd advising them of the specific issues that are of a concern to this Council and its community and that Council will not be satisfied unless those specific issues are fully addressed in the Environmental assessment.

The motion was put and carried.

6.2.7 2010/11 REGIONAL STATE OF ENVIRONMENT REPORT

A0100052, A0100051, A0420097

363/11

MOTION: Shelley / Holden

That:

1. the report by Manager Environment on the 2010/11 Regional State of the Environment Report be received; and
2. the 2010/11 Regional State of the Environment Report be endorsed.

The motion was put and carried.

Cr Walker declared_a pecuniary interest in the next two items in that he was a potential sub-contractor for one of the tenderers, and he left the meeting at 5.57pm and did not participate in discussions or vote in relation to either matter

6.2.8 MUDGEETOWN HALL RENOVATION PROJECT UPDATE

A0100052, P0159964

364/11

MOTION: Shelley / Martens

That the report by the Manager, Community Development on the Mudgee Town Hall Renovation Project be received.

The motion was put and carried.

6.2.9 TENDER ASSESSMENT – EXTENSION AND RENOVATION
MUDGEETOWN HALL BUILDING 2011/10

MOTION: Weatherley / Shelley

A0100052, A0411110

That:

1. Council accepts Meridian Construction Services Pty Ltd for tender 2011/10 for the extension and renovation of the Mudgee Town Hall building and that Council enter into a contract with Meridian Construction Services Pty Ltd in accordance with clause 178 of the Local Government (General) Regulation 2005 to the value of \$2,617,203 (GST exc).
2. Council authorises the General Manager to finalise and execute the contract on behalf of Council with Meridian Construction Services Pty Ltd for the 2011/10 extension and renovation of the Mudgee town Hall building and to vary the contract up to 5% of the tendered price; and
3. the unsuccessful tenderer(s) be notified that their tenders were unsuccessful.

365/11

AMENDMENT

Lang / Thompson

That:

1. **Council accepts CCA Projects T/as Club Constructions Australia for tender 2011/10 for the extension and renovation of the Mudgee Town Hall building and that Council enter into a contract with CCA Projects T/as Club Constructions Australia in accordance with clause 178 of the Local Government (General) Regulation 2005 to the value of \$2,535,000 (GST excl).**
2. **Council authorises the General Manager to finalise and execute the contract on behalf of Council with CCA Projects T/as Club Constructions Australia for the 2011/10 extension and renovation of the Mudgee town Hall building and to vary the contract up to 5% of the tendered price; and**
3. **the unsuccessful tenderer(s) be notified that their tenders were unsuccessful.**

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

Cr Walker returned to the meeting at 6.05pm

6.2.10 MID-WESTERN REGIONAL YOUTH COUNCIL

A0100052, A0060048

366/11

MOTION: **Holden / Webb**

That:

1. **the report by the Manager Community Development on the Mid-Western Regional Youth Council Meeting be received;**
2. **Council note the minutes of the Mid-Western Regional Youth Council held on 18 October 2011;**
3. **Council endorse the nominations of Henry Van Laeren, Jessica Foote, Mary Sparkes, Alana Drury, Madalyn Date, Jaimee Lawson and Rachel Tant as Youth Councillors;**
4. **Council congratulate Henry Van Laeren for his the election as Youth Mayor and Jessica Foote for her the election as Deputy Youth Mayor.**

The motion was put and carried.

6.2.11 HOME AND COMMUNITY CARE SERVICES – QUARTERLY REPORT JULY –SEPTEMBER 2011

A0100052, A0060205, A0060202, A0060204,
A0060048, A0060203, A0060069

367/11

MOTION: **Lang / Weatherley**

That:

1. **the report by the Customer Service Manager on the Home and Community Care Services Quarterly report be received; and**
2. **Council note the activity reports from the Home and Community Care funded services.**

The motion was put and carried.

6.2.12 KANDOS BICENTENNIAL MUSEUM COMMITTEE

A0100052, A0060123

368/11

MOTION: **Martens / Lang**

That:

1. **the report by the Manager, Community Development on the Kandos Bicentennial Museum Committee Meeting be received; and**

2. Council note the minutes of the Kandos Bicentennial Museum Committee meeting held on 13 October 2011

The motion was put and carried.

6.2.13 TRANSFER OF CLOSED ROAD

A0100052, R0790175

369/11

MOTION: Walker / Holden

That:

1. the report by the Manager Revenue and Property on the transfer of residual lots created from a plan of road closing and opening be received;
2. Council authorise the transfer of Lot 10 DP 822434, Lot 11 DP 822434, Lot 12 DP 822434, Lot 13 DP 822434, and Lot 14 DP 822434 to the ownership of the adjoining property owner;
3. the land being Lot 10 DP 822434, Lot 11 DP 822434, Lot 12 DP 822434, Lot 13 DP 822434, and Lot 14 DP 822434 be classified as 'Operational'; and
4. the Common Seal of Council be affixed to all necessary documentation to facilitate the transfer.

The motion was put and carried.

6.2.14 MONTHLY STATEMENT OF MID-WESTERN REGIONAL COUNCIL BANK BALANCES AND INVESTMENTS AS AT 31 OCTOBER 2011

A0100052, A0140304

370/11

MOTION: Shelley / Martens

That the Investment Report as at 31 October 2011 by the Acting Group Manager Finance be received and the certification by the Responsible Accounting Officer noted.

The motion was put and carried.

6.2.15 FINANCIAL ASSISTANCE – TIER 2 APPLICATIONS

A0100052, A0140201

371/11

MOTION: Webb / Lang

That:

1. the report by the Financial Accountant on financial assistance applications be received; and

2. Council provide financial assistance to the following applicants 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:

Kandos High School	\$100
Rotary Club of Dubbo Macquarie Inc - Western Plains Science and Engineering Challenge	\$500
Gulgong Amateur Swimming Club	\$700
Gulgong Pistol Club Incorporated	\$715.97

The motion was put and carried.

6.2.16 2012 LOCAL GOVERNMENT ELECTIONS

A0100052, A0121200

372/11

MOTION: Weatherley / Shelley

That:

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

AMENDMENT Thompson / Lang

That this matter be deferred pending further negotiations.

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

6.2.17 EARLY COMMENCEMENT OF 7 DECEMBER 2011 COUNCIL MEETING TO CONSIDER LEP SUBMISSIONS

A0100052, A0420235, A010004

373/11

MOTION: Weatherley / Holden

That:

1. the report by the General Manager on the early commencement of the 7 December Council meeting be received;
2. the 7 December 2011 Council meeting commence at 1.00pm to enable time to publicly consider submissions to the draft Local Environment Plan.

The motion was put and carried.

6.2.18 MUDGEE REGION TOURISM INC QUARTERLY REPORT –
SEPTEMBER 2011

A0100052, F0770077

374/11

MOTION: Lang / Walker

That the report by the General Manager on the Mudgee Region Tourism Inc Quarterly Report for September 2011 be received.

The motion was put and carried.

6.2.19 SALE OF INDUSTRIAL LAND – DEPOT ROAD MUDGEE

A0100052, A0010008

375/11

MOTION: Walker / Lang

That:

1. the report by the General Manager on the sale of Industrial land, Depot Road Mudgee be received;
2. Council authorise the auctioning of Lot 14 in the Council owned Industrial subdivision in Depot Road
3. Council delegates to the Mayor and General Manager to call for registrations of interest and appoint a real estate agent to conduct the sale by auction of Lot 14 in the Council owned Industrial subdivision in Depot Road.
4. Council authorises the General Manager to exercise delegated authority to deal with matters arising out of the sale process so as to ensure continuous and smooth running of the sale process including determining the auction date; and
5. the General Manager presents a report to the first meeting in February 2012 with options and recommendations for setting the reserve price.

The motion was put and carried.

6.2.20 2012 EVENT CALENDAR

A0100052, A0410001

376/11

MOTION: Weatherley / Lang

That:

1. the report by the Events Coordinator on the 2012 Event Calendar be received; and
2. Council notes the 2012 Events Calendar.

The motion was put and carried.

6.2.21 BYLONG VALLEY WAY LOOP EXTENSION

A0100052, A0420223

377/11

MOTION: Holden / Lang

That:

1. the report by the Manager Governance on the Upper Bylong Valley Way Road formalisation and proposed licence agreement be received;
2. Council approves the rationalisation the boundary between the rail corridor and Bylong Valley Way on the condition there is no cost to Council;
3. the Common Seal of Council be affixed to all necessary documentation associated with this rationalisation; and
4. Council agree to enter into a short term licence agreement with Australian Rail Track Corporation for lease of an unused portion of road reserve adjoining Upper Bylong Valley Way at Bylong at an annual fee of \$5,000 plus GST.
5. That this approval is not to be confirmed until such times as the long outstanding issues between Australian Rail Track Corporation and Council that Council has been endeavouring to get a solution are solved
6. That the approval be subject to the removal of trees as determined by the Group Manager of Operations on the Upper Bylong Road adjacent to this work site

The motion was put and carried.

6.2.22 SPONSORSHIP ACKNOWLEDGEMENT POLICY

A0100052, A0100021

378/11

MOTION: Shelley / Weatherley

That:

1. the report by the General Manager on the Sponsorship Policy be received;
2. Council confirms the Sponsorship Acknowledgement Policy.

The motion was put and carried.

6.2.23 EDITORIAL POLICY

A0100052, A0100021

379/11

MOTION: Holden / Lang

That:

1. the report by the General Manager on the Editorial Policy be received;
2. Council confirms its Editorial Policy.

The motion was put and carried.

6.2.24 REVIEW OF CODE OF CONDUCT

A0100052, A0170031, A0040004

380/11

MOTION: Holden / Lang

That the report by the General Manager on the review of the Code of Conduct be received.

The motion was put and carried.

6.2.25 GOVERNANCE POLICIES

A0100052, A0100021

381/11

MOTION: Weatherley / Holden

That:

1. the report by the Manager Governance on the review of the Conflicts of Interests, Election of Mayor and Problematic Complainants be received; and
2. Council adopt the following revised policies:
 - Conflicts of Interests; and
 - Election of Mayor.
3. Council endorses the Problematic Complainants policy with the following amendments

Under the Heading "Standards of Service" the following paragraphs to read

1. Council staff shall respond to correspondence received from customers (written, faxed or emailed) within fourteen (14) days unless there is a valid reason not to do so
2. An acknowledgement letter will be sent where investigations are such that more than 14 days is

required to enact a response including advise as to why the delays are to occur

The motion was put and carried.

6.2.26 PROCUREMENT POLICY

A0100052, A0100021

382/11 **MOTION:** Shelley / Holden

That:

- 1. the report by the Acting Group Manager Finance and Administration on the Procurement Policy be received; and**
- 2. Council adopt the revised Procurement Policy.**

The motion was put and carried.

6.2.27 MUDGEE SEWAGE TREATMENT PLANT CONSTRUCTION

A0100052, F0740001

383/11 **MOTION:** Holden / Lang

That the report by the Manager Water & Waste Strategies on the Mudgee Sewage Treatment Plant Construction Contract be received.

The motion was put and carried.

6.2.28 KURRAJONG TREE REMOVAL – ULAN ROAD

A0100052, R0790176

Cr Kennedy declared a pecuniary interest in this item as the trees were adjacent to land owned by him and left the meeting at 6.20 pm and did not participate in discussions or vote in relation to either matter

Cr Walker as Deputy Mayor assumed the chair

384/11 **MOTION:** Holden / Webb

That:

- 1. the report by Group Manager Operations on the Kurrajong tree removal on Ulan Road be received; and**
- 2. the removal of the identified Kurrajong Trees on Ulan Road be approved.**

The motion was put and carried.

Cr Walker vacated the chair and Cr Kennedy returned to the meeting and assumed the chair at 6.21pm

6.2.29 GENERAL CONTRACTORS – ADDITION TO PREFERRED SUPPLIERS LIST

A0100052, A0412910

385/11

MOTION: Lang / Walker

That:

1. the report by Building Coordinator on the addition of general contractors be received;
2. the Council accepts the additional suppliers/contractors and that they be included as part of the general contracting preferred suppliers list. That Council accept these amendments in accordance with clause 178 of the *Local Government (General) Regulation 2005*. Submissions received;
 - Macquarie Geotech
 - The Tyre Man, Mudgee
 - Central West Hire, Orange
 - Austact Pty Ltd, Bangor
 - David Burke Air Conditioning, Gulgong
 - CommTech, Totnes Valley
 - Graphic Constructions, Hargraves
 - Desraux Industries Pty Ltd, Bylong
 - Ross Mitchell & Associates, Strathfield South

The motion was put and carried.

6.2.30 GULGONG SPORTS COUNCIL MINUTES – SEPTEMBER 2011

A0100052, A0360003

386/11

MOTION: Lang / Shelley

That:

1. the report by Group Manager Operations on the Gulgong Sports Council minutes be received; and
2. the minutes for the Gulgong Sports Council ordinary monthly meeting held on 14 September 2011 be noted.

The motion was put and carried.

6.2.31 NOXIOUS WEEDS SECTION 20 ENFORCEMENT

A0100052, A0130077, P1158211

387/11

MOTION: Holden / Webb

That:

1. the report by the Noxious Weeds Administrator on Section 20 enforcement on property number 11582 is received;
2. the Noxious Weeds Section proceeds with the Section 20 enforcement of property number 11582; and
3. it be noted that the cost of carrying out weed control on this property will cost \$19,634.28.

The motion was put and carried.

6.2.32 MUDGEE SALEYARDS MANAGEMENT COMMITTEE

A0100052, A0100047, F0720036

388/11

MOTION: Webb / Martens

That:

1. the report by Group Manager Operations on the Mudgee Saleyards Management Committee Meeting be received; and
2. the minutes for the Mudgee Saleyards Management Committee ordinary monthly meeting held on 18 August 2011 be noted.

The motion was put and carried.

6.2.33 TARGET COUNTRY PROGRESS REPORT – OCTOBER 2011

A0100052, P0199811

389/11

MOTION: Holden / Webb

That

1. the report by the Group Manager - Operations on the Target Country Progress Report – October be received.
2. Council adopt the revised budget for the target building and carpark as follows:-
 - Stage 1 of the car parking works on the Mortimer St site at a cost of \$700,000 be funded from Section 94 fund and
 - the Target building extensions at a cost of \$1,845,000 be funded by way of loan. The loan be for a ten year period;
3. the 2011/12 Management Plan be amended accordingly.

The motion was put and carried.

Cr Walker returned to the meeting 6.23pm

ITEM 8: CONFIDENTIAL SESSION

390/11

COUNCIL DECISION:

Holden / Walker

I move 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 Mayor announced that the following matter would be considered in confidential session and the reason why it was being dealt with in this way.

The following matter has been listed for discussion in Confidential Session:

Subject: *General Manager's Performance Review – 2011/12 & Group Manager Contracts And Performance Agreements*

The reason for dealing with this report confidentially is that it relates to personnel matters concerning particular individuals (other than councillors) in accordance with Section 10A(2)(a) 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 matters concerning a particular individual.

Following an enquiry from the Mayor, the General Manager 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 General Manager reported that the following recommendation was made from Confidential Session:

The motion was then put and carried

8.1 GENERAL MANAGER'S PERFORMANCE REVIEW – 2011/12

A0100052, A0381421

391/11

MOTION:

Holden / Shelley

That the report by the General Manager on the General Manager's Performance Review 2011/12 be received.

The motion was put and carried.

8.2 GROUP MANAGER CONTRACTS AND PERFORMANCE AGREEMENTS

A0100052,

392/11

MOTION: Shelley / Walker

That the report by the General Manager on Senior Staff contracts and Performance Agreements be received.

The motion was put and carried.

There being no further confidential business, the Confidential Session concluded at 6.25 pm.

ITEM 9: OPEN COUNCIL

393/11

MOTION: Shelley / Martens

That the recommendation of Confidential Session be adopted.

The motion was put and carried.

CLOSURE

There being no further business the meeting concluded at 6.25 pm.