

MINUTES OF THE ORDINARY MEETING OF COUNCIL HELD AT THE COUNCIL CHAMBERS, 86 MARKET STREET, MUDGEE ON 15 FEBRUARY 2012, COMMENCING AT 6.33 PM AND CONCLUDING AT 7.57 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), Manager Governance (I Roberts)

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

ITEM 1: APOLOGIES

There were no apologies.

ITEM 2: DISCLOSURE OF INTEREST

Councillor Walker declared a pecuniary interest in Item 6.2.12 as he is one of the contractors on the project.

ITEM 3: CONFIRMATION OF MINUTES

41/12 **MOTION: Weatherley/Shelley**

That the Minutes of the Ordinary Meeting held on 1 February 2012 (Minute Nos. 1/12 to 40/12) be taken as read and confirmed.

The motion was put and carried.

ITEM 4: MATTERS IN PROGRESS

42/12 **MOTION: Shelley/Lang**

That Min. No. S.41/10 be endorsed as completed.

The motion was put and carried.

43/12 **MOTION: Shelley/Weatherley**

That Min. No. 377/11 be endorsed as completed.

The motion was put and carried.

44/12 **MOTION: Shelley/Weatherley**

That Min. No. 511/11 be endorsed as completed.

The motion was put and carried.

45/12 **MOTION:** **Lang/Webb**

That Min. No. 532/11 be endorsed 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 DA0135/2012 – TEMPORARY WORKERS ACCOMMODATION –
 LOT 32 DP 750773 – 94 MAIN STREET – ULAN

A0100055, P1411461

46/12 **MOTION:** **Webb/Walker**

That:

- A. the report by Manager Statutory Planning on Development Applications 0135/2012 for a 140 bed Temporary Workers Accommodation development at 94 Main Street, Ulan be received;
- B. Development Applications 0135/2012 for a 140 bed Temporary Workers Accommodation development at 94 Main Street, Ulan be approved with the following conditions;

APPROVED PLANS

- 1. Development is to be carried out generally in accordance with stamped plans (Drawing No. 17239_L01, 17239_A01, Revision C, 17239_A02, Revision C, 17239_A03, Revision C and 17239_A04 Revision C, dated 18 October 2011, drawn by Barnson) and statement of Environmental Effects prepared by Barnson, received by Council on 21 October 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. **Seven (7) accessible units are to be provided within the development site in accordance with AS 1428.1 2009, the Building Code of Australia and the Access to Premises Code.**
3. **All communal facilities are to be provided with accessible features in accordance with the AS 1428.1 2009, the Building Code of Australia and the Access to Premises Code**

PRIOR TO ISSUE OF THE CONSTRUCTION CERTIFICATE

The following conditions must be complied with prior to the Principal Certifying Authority (PCA) issuing a Construction Certificate. The conditions are required to satisfy the PCA that the proposal is consistent with the applicable development consent, the Building Code of Australia and any Australian Standards that are relevant.

4. **The applicant is to demonstrate that there is the ability to provide a water supply to the development from roof storm water. This assessment is to be undertaken by a professional engineer report and is to indicate the harvest potential available, the likely water supply demand for the development and alternate supplies should the demand exceed the harvest potential.**
5. **Separate written application must be made under Section 68 of the Local Government Act 1993, as amended, to Council for all water supply, sewerage and drainage work associated with the development. Full details of the method of disposal of the sewerage/grey water must be submitted to the Council for approval prior to the issue of the Construction Certificate.**
6. **The proposed sewerage treatment system and irrigation areas are to comply with the Environmental Guidelines – Use of Effluent for Irrigation by the Department of Environment and Conservation. A report shall be prepared and submitted to Council for approval with the application under Section 68 of the Local Government Act for an onsite sewage management system. Note: The floor level of the Sewerage Treatment Plan shall be 418.5 AHD.**
7. **A registered Surveyors Certificate showing the boundaries of the site and the proposed building plotted thereon being submitted to the Principal Certifying Authority before construction is commenced.**

8. **Details of the engineered designed reinforced concrete slab/s and the wall and roof framing structural components of the building must be submitted with the required Construction Certificate.**
9. **In accordance with the provisions of section 94A of the Environmental Planning and Assessment Act 1979 and the Mid-Western Regional Council Section 94A Development Contributions Plan, a levy of 1% of the cost of carrying out the development shall be paid to Council in accordance with this condition for the purpose of:**

The levy is: \$28,000.00 based on the estimated cost of development of \$ 2,800,000.00.
10. **Prior to the issue of the Construction Certificate, the Principal Certifying Authority (PCA) is to be supplied with certificates from telecommunications and energy service providers stating that suitable arrangements have been made for provision of underground telephone and electricity supplies for the proposed development.**
11. **The Principal Certifying Authority (PCA) is to be provided with details regarding the provision of essential fire safety services in accordance with the BCA and relevant Australian Standards.**
12. **If the *Construction Certificate* is not issued, for any reason whatsoever, within twelve (12) months of the date of determination, then the charges and contributions contained in this consent, may be increased to the current rate at the time of payment.**

A site supervisor is to be nominated by the applicant prior to issue of the *Construction Certificate*.
13. **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. Contractor’s insurance cover for a minimum of \$10,000,000 (Ten million dollars) is to be sighted and to be shown to Mid Western Regional Council as an interested party.**

14. **Complete landscaping plans are to be submitted to Council for approval prior to issue of a Construction Certificate. All landscaping is to be established prior to occupation of the development and consist of advanced trees and shrubs. Tree and shrub species should be endemic to the Mid-Western Regional Local government Area, require minimal watering and be salt resistant.**
15. **The applicant is to submit a Drainage Report prepared in accordance with the Institution of Engineers publication Australian Rainfall and Run-off to the Principal Certifying Authority for approval prior to the release of the Construction Certificate. The report must demonstrate that stormwater runoff from the site is not increased beyond the existing undeveloped state up to and including a 100-year ARI. All storm water detention details including analysis shall be included with the drainage report.**

PRIOR TO THE COMMENCEMENT OF WORKS

These conditions are required to ensure that the site is ready for construction works to commence and satisfy the provisions of the Environmental Planning and Assessment Act 1979 and the Building Code of Australia.

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;**
 - 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.**
17. **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:**
 - a) **A Construction Certificate is to be obtained in accordance with Section 81A(2)(a) of the Act.**
 - b) **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.**
 - c) **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.**

18. **Run-off and erosion controls must be installed prior to clearing the site and incorporate:**
 - a) **diversion of uncontaminated upsite run-off around cleared and/or disturbed areas and areas to be cleared or disturbed.**
 - b) **sediment fences at the downslope perimeter of the cleared or disturbed areas to prevent sediment and other debris escaping from the land to pollute water ways and collection areas.**
 - c) **maintenance of all erosion control measures at maximum operational capacity until the land is effectively rehabilitated and stabilised.**

19. **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.**

20. **If the work involved in the erection/demolition of the building is likely to cause pedestrian or vehicular traffic in a public place to be obstructed or rendered inconvenient, or building involves the enclosure of a public place, a hoarding or fence must be erected between the work site and the public place. If necessary, an awning is to be erected, sufficient to prevent any substance from, or in connection with, the work falling into the public place. Any such hoarding, fence or awning is to be removed when the work has been completed.**

21. **The proposed method(s) of compliance with the Building Code of Australia are to be clarified by documentation to be submitted with the Construction Certificate Application. In this regard, it appears that the Development Application plans do not comply with the following deemed-to-satisfy provisions of the BCA;**
 - a) **Section F2.4 -Facilities for people with disabilities.**
 - b) **Part D3 - Access for people with disabilities.**
 - c) **Section E - in particular, E1 Fire fighting equipment, specifically the provision of fire hydrants and fire hose reels compatible to on-site water storage for fire fighting.**
 - d) **E4 Emergency lighting and exit signs.**
 - e) **Section J - Energy efficiency (offices)**
 - f) **Section C - Fire resistance, in particular Type C Fire Resisting Construction of walls within 3 metres of the boundary (including front & rear return walls)**

22. The developer is to make arrangements with an archaeologist or indigenous group representing the locality to have people available onsite during any works that require disturbance to the surface or sub surface of the site. This is required to ensure that no indigenous objects are disturbed or destroyed during construction activities.
23. A construction management plan is to be prepared for the development that has considered the impact of the construction phase of the project on adjoining properties.

BUILDING CONSTRUCTION

These conditions are provided to ensure that adequate standards are being observed during the construction phase of the development.

24. 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 noise is permitted on Sundays or Public Holidays.

25. 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.
26. All mandatory inspections required by the Environmental Planning and Assessment Act and any other inspections deemed necessary by the Principal Certifying Authority must be carried out during the relevant stages of construction.
27. 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. The selected plumber/drainer must provide Council with a drainage diagram detailing the location of the drainage system and the relevant connections. All plumbing and drainage inspections must be carried out by Council prior to the covering of any trenches or wall/ceiling linings.

- 28. The development must be provided with car parking spaces and with adequate means of access for persons with disabilities in order to comply with Australian Standard 2809.6 – 2009 (Parking facilities – Off street parking for people with disabilities) the Building Code of Australia and the Access to Premises Code. Full details must be provided with the Construction Certificate.**
- 29. The development must be provided with sanitary facilities for people with disabilities in order to comply with Australian Standard 1428 2009 (Design for access and mobility), the Building Code of Australia and the Access to Premises Code. Full details must be provided with the required Construction Certificate**
- 30. All areas not provided with natural ventilation in accordance with the provisions of the Building Code of Australia being provided with an approved mechanical ventilation and/or air conditioning system complying with Australian Standard 1668, Parts 1 and 2.**
- 31. The rainwater tanks used as a potable water supply for human consumption, in particular, the supply to the amenities within the building, must be protected from contamination from industrial and urban traffic emissions, dead animals, mosquitoes, dust, pesticides, bushfires and any other form of contamination.**
- 32. Details of the method of protection of the water supply from contamination and the method of the subsequent implementation of a testing regime of the water supply must be designed by an approved hydraulic engineer and submitted to Council's Health & Building section prior to the issue of an Occupation Certificate.**
- 33. A copy of the Final Fire Safety Certificate is to be provided to the Commissioner of NSW Fire Brigades and a further copy of the Certificate is to be prominently displayed in the building.**
- 34. For every 12 month period after the issue of the Final Fire Safety Certificate the owner/agent of the building must provide the Council with a copy of an Annual Fire Safety Statement certifying that specified fire safety measure is capable of performing to its specification.**
- 35. Smoke detector units are to be installed in accordance with the requirements of the Building Code of Australia. The smoke detectors are to be interconnected and connected to a permanent 240 volt power supply and provided with battery backup to activate the alarm units in the event of power failure. A detail of the system is to be submitted to Council for approval prior to installation.**

36. All building work must be carried out in accordance with the requirements of the Building Code of Australia. This includes but is not limited to the following:
- Part C1 Fire Resistance and Stability
 - Part D3 Access for People with Disabilities –
 - Part F2 Sanitary and Other Facilities
 - Part F2.4 Facilities for people with disabilities
 - Part F5 Sound Transmission and Insulation
 - Section J Energy efficiency

ENGINEERING CONSTRUCTION

37. All earthworks, filling, building, driveways or other works, are to be designed and constructed (including stormwater drainage if necessary) so that at no time will any ponding of storm water occur on adjoining land as a result of this development.
38. Vehicular entrances comprising concrete driveways and footway crossings are to be provided to the development. These should be constructed in accordance with Aus-Spec #1 and Council standard drawing M525-Rural Access, as outlined in Council's "Access to Properties Policy".

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 4.30pm 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.

39. A total of 150 car parking spaces are to be provided within the site of the development and comply with the following requirements:
- a) Each parking space is to have minimum dimensions of 5.5m x 2.6m;
 - b) Each disabled car parking space is to be in accordance with the provisions of Councils Development Control Plan – Design for Accessibility.
 - c) All car parking spaces are to be line-marked and provided with a two coat bitumen seal and must be maintained in a satisfactory condition at all times;
 - d) Off street parking is to be encouraged by the placement of prominent signs indicating the available of parking.

- 40. The aisle widths, internal circulation, ramp widths and grades of the car park are to generally conform to the Roads and Traffic Authority (RTA) guidelines and Australian Standard AS 2890.1 – 1993. Details of compliance are to be shown on the relevant plans and specifications.
- 41. The developer is to upgrade the school zone signage of the Ulan Public school such that it is provided with flashing lights during designated school zone times. All installation and approval requirements through the Local Traffic Committee shall be carried out by the developer sat full cost to the developer.
- 42. The developer is to upgrade Main Street for the full frontage of the proposed development, such that it has the following characteristics:

Item	Requirement
Half Road Pavement Width	6.5 metres
Concrete Footpaths	N/A
Seal	Two-coat flush seal -14/7 mm (Double/ Double) as required
Table Drains	Austroads
Subsoil Drainage	N/A
Underground Drainage	N/A

- 43. The Developer shall provide a 1.2 metre wide concrete footpath from the development site to the centre of the Ulan village. Full details are to be provided with the application for Construction Certificate.
- 44. Internal Roads shall be sealed with a minimum of 6 metres for two way traffic and 3.5 for one way. Turning heads shall be a minimum radius of 8.5 m. Provision of Kerb and Gutter is optional for internal access roads, but if provided shall comply with Council’s Residential Standards.
- 45. Internal roads shall be designed to a 40km/h minimum speed. Actual speed limits within the development should be limited to 10km/hr for shared zones and signposted accordingly. Traffic regulatory, warning and guide signs throughout the development should be in accordance with AS1742.

PRIOR TO ISSUE OF THE OCCUPATION CERTIFICATE

The following conditions are to be completed prior to occupation of the building and are provided to ensure that the development is consistent with the provisions of the Building Code of Australia and the relevant development consent.

43. Prior to the occupation of a new building, or occupation or use of an altered portion of, or an extension to an existing building, an Occupation Certificate is to be obtained from the Principal Certifying Authority appointed for the erection of the building. An application for an Occupation Certificate must be set out in the form of the relevant part of Form 12 of the Environmental Planning and Assessment Regulations and must be accompanied by the relevant information required by Form 12.
44. On completion of the building work, the owner/agent of the building must cause the Council to be provided with a Final Fire Safety Certificate from a competent person with respect to each essential service nominated in the Fire Safety Schedule issued with the Construction Certificate.
45. 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.
46. The developer and landowner (Crown) shall enter into a Mine Impact Agreement with Ulan Coal Mine Limited prior to the occupation of the development due to the location of the site potentially exceeding noise criterion.

GENERAL

The following conditions have been applied to ensure that the use of the land and/or building is carried out in a manner that is consistent with the aims and objectives of the environmental planning instrument affecting the land.

47. This approval is limited to twenty (20) years from the issue of the Occupation Certificate and the facility shall be decommissioned in accordance with the approved Decommissioning Plan within six (6) months of the closure of the facility.

48. **The proposed development is not to rely on any other water supply other than treated water from the onsite sewerage treatment facility and capturing roof water. Should the development run out of water, then it will close down until water supplies have been supplemented by further rain fall. The proposed development has provided that the water supply will be gained by capturing roof water for a potable water supply and can also be supplemented by treated water for toilets and laundry water supplies.**
49. **A Decommissioning Plan in accordance with Council's Temporary Workers Accommodation DCP is to be prepared and approved by Council prior to the issue of the Occupation Certificate for the development.**
50. **A Management Plan, including the identification of social impacts, in accordance with Council's Temporary Workers Accommodation DCP is to be prepared and approved by Council prior to the issue of the Occupation Certificate for the development.**
51. **All vehicles are required to enter and leave the site in a forward direction at all times. Signage to this effect is to be appropriately located within the site.**
52. **All loading and unloading in connection with the premises shall be carried out wholly within the site.**
53. **All exterior lighting associated with the development shall be designed and installed so that no obtrusive light will be cast onto any adjoining property or roadways, in accordance with Australian Standard 4282 "Control of the Obtrusive Effects of Outdoor Lighting".**
54. **All waste generated by the proposed development shall be disposed of to an approved location in accordance with the Waste Minimization & Management Act 1995.**
55. **Security fencing is to be provided to the site and is to be a maximum of 2.1 metres in height and of pre coloured steel fencing. Full details of proposed fencing are to be included on the landscaping plan.**
56. **Adequate facilities being provided in a screened location within the premises for the storage of garbage, discarded or returnable packaging or other forms of trade wastes and arrangements being made for the regular removal and disposal of same.**

57. There being no interference with the amenity of the neighbourhood by reason of the emission of any "offensive noise", vibration, smell, fumes, smoke, vapour, steam, soot, ash or dust, or otherwise as a result of the proposed development.
58. A public address system or sound amplifying equipment shall not, without the consent of Council, be installed in or upon the premises so as to cause or permit the emission of sound onto any public place or nearby residential area.
59. The proposed sewerage treatment plant is to be located at least 100 metres from the Goulburn River to ensure compliance with the Environmental Planning and Assessment Regulations 2000.
60. 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. (Note: A suitably qualified person would be required to be present during earthworks to identify whether any artefacts were uncovered).
61. The existing community facilities (tennis court, grandstand and community building) are to be made available to the local community for community events at no cost for the life of the development.

The motion was put and carried 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>	✓	

6.2.2 TENDER ASSESSMENT – COUNCIL PLANT AND EQUIPMENT

A0100055, A0411112, A0411115

47/12

MOTION: Walker/Thompson

That:

1. Council accepts Komatsu Australia Pty Ltd for tender 2011/12 for the provision of one Komatsu PC200LC_8 Class 20 excavator for the tendered price of \$212,400 (Excl GST) and that Council enter into a contract with Komatsu Australia Pty Ltd in accordance with clause 178 of the *Local Government (General) Regulation 2005*.
2. Council authorises the General Manager to finalise and execute the contract on behalf of Council with Komatsu Australia Ltd for tender 2011/12 for the provision of one CCF Class 20 excavator.
3. Council accepts IVECO Trucks Australia Limited for tender 2011/12 for the provision of one Iveco 2350 cab chassis with a 29 cubic metre MacDonald Johnson garbage compactor for the tendered price of \$348,231 (Excl GST) and that Council enter into a contract with IVECO Trucks Australia Limited in accordance with clause 178 of the *Local Government (General) Regulation 2005*.
4. Council authorises the General Manager to finalise and execute the contract on behalf of Council with IVECO Trucks Australia Limited for the provision of one 29 cubic metre garbage compactor.
5. Council accepts Komatsu Australia Pty Ltd for tender 2011/12 for the provision of one Komatsu WA320PZ-6 CCF Class 4 loader for the tendered price of \$226,666 (Excl GST) and that Council enter into a contract with Komatsu Australia Pty Ltd in accordance with clause 178 of the *Local Government (General) Regulation 2005*.
6. Council authorises the General Manager to finalise and execute the contract on behalf of Council with Komatsu Australia Pty Ltd for the provision of one CCF Class 4 loader.
7. Council accepts Conplant Pty Ltd for tender 2011/12 for the provision of two Ammann ASC150D CCF class 15 rollers for the tendered price of \$303,700 (Excl GST) and that Council enter into a contract with Conplant Pty Ltd in accordance with clause 178 of the *Local Government (General) Regulation 2005*.
8. Council authorises the General Manager to finalise and execute the contract on behalf of Council with Conplant Pty Ltd for the provision of two CCF class 15 rollers.
9. Consideration of tender 2011/15 for the provision of Dozer be deferred pending further information.
10. Council accepts Komatsu Australia Pty Ltd for tender 2011/15 for the provision of one Komatsu PC55MR_3 CCF class 5 excavator for the tendered price of \$87,677 (Excl GST) and that Council enter into a contract with Komatsu Australia Pty Ltd in accordance with clause 178 of the *Local Government (General) Regulation 2005*.

11. **Council authorises the General Manager to finalise and execute the contract on behalf of Council with Komatsu Australia Pty Ltd for the provision of one CCF class 5 excavator.**
12. **Council approves the General Manager to authorise variations up to 5% of any of the contract value.**
13. **The unsuccessful tenderer(s) be notified that their tenders were unsuccessful.**

AMENDMENT: Shelley/Webb

That:

1. Council accepts JCB Construction Equipment Australia for tender 2011/12 for the provision of one JCB JS220LC Class 20 excavator for the tendered price of \$208,397 (Excl GST) and that Council enter into a contract with JCB Construction Equipment Australia in accordance with clause 178 of the *Local Government (General) Regulation 2005*.
2. Council authorises the General Manager to finalise and execute the contract on behalf of Council with JCB Construction Equipment Australia for tender 2011/12 for the provision of one CCF class 20 excavator.
3. Council accepts IVECO Trucks Australia Limited for tender 2011/12 for the provision of one Iveco 2350 cab chassis with a 29 cubic metre MacDonald Johnson garbage compactor for the tendered price of \$348,231 (Excl GST) and that Council enter into a contract with IVECO Trucks Australia Limited in accordance with clause 178 of the *Local Government (General) Regulation 2005*.
4. Council authorises the General Manager to finalise and execute the contract on behalf of Council with IVECO Trucks Australia Limited for the provision of one 29 cubic metre garbage compactor.
5. Council accepts Komatsu Australia Pty Ltd for tender 2011/12 for the provision of one Komatsu WA320PZ-6 CCF Class 4 loader for the tendered price of \$226,666 (Excl GST) and that Council enter into a contract with Komatsu Australia Pty Ltd in accordance with clause 178 of the *Local Government (General) Regulation 2005*.
6. Council authorises the General Manager to finalise and execute the contract on behalf of Council with Komatsu Australia Pty Ltd for the provision of one CCF Class 4 loader.
7. Council accepts Conplant Pty Ltd for tender 2011/12 for the provision of two Ammann ASC150D CCF class 15 rollers for the tendered price of \$303,700 (Excl GST) and that Council enter into a contract with Conplant Pty Ltd in accordance with clause 178 of the *Local Government (General) Regulation 2005*.
8. Council authorises the General Manager to finalise and execute the contract on behalf of Council with Conplant Pty Ltd for the provision of two CCF class 15 rollers.
9. Consideration of tender 2011/15 for the provision of one Dozer be deferred pending further discussions.

10. Council accepts Komatsu Australia Pty Ltd for tender 2011/15 for the provision of one Komatsu PC55MR_3 CCF class 5 excavator for the tendered price of \$87,677 (Excl GST) and that Council enter into a contract with Komatsu Australia Pty Ltd in accordance with clause 178 of the *Local Government (General) Regulation 2005*.
11. Council authorises the General Manager to finalise and execute the contract on behalf of Council with Komatsu Australia Pty Ltd for the provision of one CCF class 5 excavator.
12. Council approves the General Manager to authorise variations up to 5% of any of the the contract value.
13. The unsuccessful tenderer(s) be notified that their tenders were unsuccessful.

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

6.2.3 MONTHLY STATEMENT OF MID-WESTERN REGIONAL COUNCIL
BANK BALANCES AND INVESTMENTS AS AT 31 JANUARY 2012

A010055, A0140304

48/12

MOTION: Shelley/Martens

That the Investment Report as at 31 January 2012 by the Acting Group Manager Finance be received and the certification by the Responsible Accounting Officer noted.

The motion was put and carried.

6.2.4 BOUNDARY CHANGE – BURRENDONG DAM

A0100055, A0020004

49/12

MOTION: Weatherley/Lang

That:

1. **the report by the Manager Governance on the possible boundary change with Wellington Council so that the land to the east of Burrendong Dam be in the Mid-Western Regional local government area be received;**
2. **Council write to Wellington Council seeking its consent to this boundary change.**

The motion was put and carried.

6.2.5 GENERAL CONTRACTORS – ADDITION TO PREFERRED SUPPLIERS LIST

A0100055, A0411009

50/12

MOTION: Walker/Webb

That:

1. the report by Business Manager Works on additional General Contractors be added to the Preferred Suppliers list be received;
2. Council accepts Central West Linemarking for tender 2010/09 for the provision of road linemarking services as part of the general contracting services and that Council accepts this preferred contractor list in accordance with clause 178 of the *Local Government (General) Regulation 2005*.

The motion was put and carried.

6.2.6 COXS CROWN ROAD FORMALISATION

A0100055, P1458711

51/12

MOTION: Walker/Weatherley

That:

1. the report by the Manager Revenue and Property on formalisation of Coxs Crown Road be received;
2. Council compulsorily acquire land being Lot 1 DP1142906, Lot 2 DP1142906 and Lot 3 DP1142906 under the Roads Act 1993 for the purpose of a public road;
3. Council make an application to the Minister and the Governor for approval to acquire Lot 1 DP1142906, Lot 2 DP1142906 and Lot 3 DP1142906 by compulsory process under the Land Acquisition (Just Terms Compensation) Act 1991
4. Council authorise the General Manager to pay the required compensation to each land owner subject to a valuation conducted through the Land & Property Information Division - Valuation Services
5. The Common Seal of Council be affixed to all necessary documentation

The motion was put and carried.

6.2.7 FEES AND CHARGES SPORTING FACILITIES JAN 2012

A0100055, A0140341

MOTION: Thompson/Martens

That consideration of this matter be deferred to permit consultation with sporting clubs, the Sports Councils, Schools and other users.

52/12

AMENDMENT: Lang/Walker

That this matter be deferred for further consideration at the next Council Meeting.

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

6.2.8 FINANCIAL ASSISTANCE – TIER 2 APPLICATIONS

A0100055, A0140201

53/12

MOTION: Walker/Lang

That:

1. the report by the Financial Accountant on financial assistance applications be received;
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:
Returned & Services League -
Gulgong RSL Sub-branch \$1,000.00
Rylstone Kandos Preschool \$1,000.00

The motion was put and carried.

6.2.9 KANDOS BICENTENNIAL MUSEUM COMMITTEE

A0100055, A0060123

54/12

MOTION: Webb/Weatherley

That:

1. the report by the Manager Community Development on the Kandos Bicentennial Museum be received;
2. Council accept the minutes of the Kandos Bicentennial Museum Committee ordinary meeting and annual general meeting of 8 December 2011;

3. Council accept the nominations of Noel Costello, Bob Tomlinson, Marie Ford, Ivy Tomlinson, Sue Gould, Pam O'Connor, Peg Butler, Leslie Pennell and Leanne Wicks to be members of the Kandos Bicentennial Museum Committee.

The motion was put and carried.

6.2.10 MUDGEE REGION TOURISM INC DECEMBER 2011 QUARTERLY REPORT AND ANNUAL REPORT 2011

A0100055, F0770077

55/12

MOTION: Shelley/Weatherley

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

The motion was put and carried.

6.2.11 MUDGEE SEWAGE TREATMENT PLANT CONSTRUCTION

A0100055, F0740001

56/12

MOTION: Shelley/Lang

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

The motion was put and carried.

6.2.12 MUDGEE TOWN HALL RENOVATION PROJECT UPDATE

A0100055, P0159964

Councillor Walker declared a pecuniary interest in that he is a contractor on this project, left the meeting at 7.16 pm and did not participate in discussions or vote in relation to this matter.

57/12

MOTION: Lang/Martens

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

The motion was put and carried.

Councillor Walker returned to the meeting at 7.18 pm.

6.2.13 REGIONAL TOURISM SIGNAGE

A0100055, R0790215

MOTION: Holden/Kennedy

That Council continue to pursue tourism signage outside the region in a strategic fashion including consultation with Mudgee Region Tourism Inc and other key stakeholder groups

58/12

AMENDMENT: Shelley/Lang

That:

1. **the report by the Customer Service Manager on the Regional Tourism Signage be received;**
2. **the Council not proceed with the direct installation of tourism promotional signage outside of this region.**
3. **Council provide Mudgee Region Tourism Incorporated (MRTI) with the two signage proposals from Ooh Media for consultation and advice.**

AMENDMENT: Thompson/Martens

That:

1. the report by the Customer Service Manager on the Regional Tourism Signage be received;
2. Council considers the possible funding promotional signage outside of this region in the next budget:
3. Council provide Mudgee Region Tourism Incorporated (MRTI) with the two signage proposals from Ooh Media for their consideration if they so wish to proceed;
4. Council make a recommendation to Mudgee Region Tourism Incorporated that the artwork be rejuvenated on its rental advertising space east of Lithgow.

The first amendment was put and carried and became the motion. The second amendment was put and lost. The motion was put and carried.

6.2.14 NSW EMERGENCY SERVICE 2012-2013 BUDGET ESTIMATES
A0100055, A0150024

MOTION: Webb/Thompson

That:

1. the report by the General Manager on the NSW Emergency Services 2012-2013 Budget Estimates be received;
2. that Council approves the 2012/2013 Rural Fire Fighting Fund estimates to reflect the Council contribution \$329,161;

AMENDMENT: Walker/Weatherley

That:

1. the report by the General Manager on the NSW Emergency Services 2012-2013 Budget Estimates be received;
2. that Council approves the 2012/2013 Rural Fire Fighting Fund estimates to reflect the Council contribution at an increase of 3.5% being to a maximum of \$272,677;
3. The Rural Fire Fighting Fund budget be reduced to reflect Council maximum available payment.

59/12

AMENDMENT: Holden/Martens

That consideration of this matter be deferred.

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

6.2.15 RYLSTONE AND KANDOS ACCESS COMMITTEE

A0100055, A0060129

60/12

MOTION: Walker/Lang

That:

1. **the report by the Manager Community Development on the Rylstone and Kandos Access Committee be received;**
2. **Council note the minutes of the Rylstone and Kandos Access Committee of 20 December 2011.**

The motion was put and carried.

6.2.16 PLANNING SYSTEM REVIEW

A0100055, A0400006

61/12

MOTION: Webb/Walker

That:

1. **the report by the Group Manger Development and Community Services on the Planning System Review be received;**
2. **Council make a submission on the Discussion Paper for the Planning System Review, with the following addition;**
3. **That the issue of the requirements for Section 149 Certificates being amended to include all outstanding Weed Control Notices/Reports be**

The motion was put and carried.

6.2.17 PROPOSED SALE – 7A HENRY BAYLY DRIVE MUDGEE

A0100055, R0790175

62/12

MOTION: Holden/Lang

That council investigate the possibility of dedicating 7A Henry Bayly Drive, Mudgee (Lot 1 DP1159379) a passive park.

AMENDMENT: Walker/Thompson

That:

1. the report by Manager Governance on the road closure and sale of 7A Henry Bayly Drive Mudgee (Lot 1 DP1159379) be received;
2. Council formally classify 7A Henry Bayly Drive Mudgee (Lot 1 DP1159379) as “operational” land;
3. the General Manager market the property with authority to negotiate within 10% of the recommended sale price;
4. all necessary documentation associated with the transfer and sale of this land be executed under Common Seal.

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

6.2.18 HOME AND COMMUNITY CARE SERVICES – QUARTERLY REPORT

A0100055, A0060205, A0060202, A0060204,
A0060048, A0060203, A0060069

63/12

MOTION: Walker/Martens

That:

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

The motion was put and carried.

6.2.19 QUARRY ROAD - KANDOS

A0100055, R4237002

64/12

MOTION: Shelley/Lang

That consideration of this matter be deferred until discussions with Cement Australia have been completed.

The motion was put and carried.

ITEM 7: URGENT BUSINESS WITHOUT NOTICE

There was no Urgent Business Without Notice.

ITEM 8: CONFIDENTIAL SESSION

65/12

MOTION: Shelley/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: Sale of Council Land – Depot Road

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 (or proposes to conduct) 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 the reserve price for the subject parcel of land, the early release of which would prejudice the Council's position at the proposed auction and in any negotiations on the sale of this land.

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.

8.1.1 SALE OF COUNCIL LAND – DEPOT ROAD

A0100055, A0010006

66/12

MOTION: Weatherley/Holden

That:

- 1. the report by General Manager on the Sale of Council land – Depot Road be received;**
- 2. Council sets the reserve price for Lot 14 of the Council owned Industrial lot in Depot Road Mudgee at \$175,000 inclusive of GST**
- 3. the General Manager or the Manager of Revenue and Property be granted delegated authority to accept a sale price with 10% of the reserve price at either the auction or in negotiations after the auction.**

The motion was put and carried.

ITEM 9: OPEN COUNCIL

The Manager Governance announced the decision taken in Confidential Session.

CLOSURE

There being no further business the meeting concluded at 7.57 pm.