

Minutes of the Ordinary Meeting of Council

Held at the Council Chambers, 86 Market Street, Mudgee
on Wednesday 6 June 2012, commencing at 5.59 pm and concluding at 8.00 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),
Human Resources Officer (M George), 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 Martens declared a significant non pecuniary conflict of interest in Item 6.2.3 as she is one of Council's representatives on the Joint Regional Planning Panel.

Councillor Weatherley declared a significant non pecuniary conflict of interest in Item 6.2.3 as he is one of Council's representatives on the Joint Regional Planning Panel.

Item 3: Confirmation of Minutes

215/12 **MOTION: Holden/Shelley**

That the Minutes of the Ordinary Meeting held on 16 May 2012 (Minute Nos. 184/12 to 214/12) be taken as read and confirmed.

The motion was put and carried.

Item 4: Matters in Progress

Directional Signage – Min. No. 150/12 C/M 18/4/12

216/12 **MOTION: Holden/Weatherley**

That Min. No. 150/12 C/M 18/4/12 be noted as completed.

The motion was put and carried.

Item 5: Mayoral Minutes

There was no Mayoral Minute.

Item 6: General Business

6.1 NOTICES OF MOTION

6.1.1 LACHLAN REGIONAL TRANSPORT COMMITTEE'S
SUBMISSION TO THE PARLIAMENTARY INQUIRY ON INTER-
REGIONAL TRANSPORT

a0100055, A0100035

217/12 **MOTION: Holden/Weatherley**

That Council note the Lachlan Regional Transport Committee's submission to the Parliamentary inquiry on Inter-regional transport.

The motion was put and carried.

6.2 REPORTS TO COUNCIL

6.2.1 DA 0307/2012 – DUAL OCCUPANCY AND SUBDIVISION – 33
LIONS DRIVE MUDGEES

A0100055, P2107462

218/12 **MOTION: Walker/Weatherley**

That:

- A. The report by the Senior Town Planner on Development Application 0307/2012 for a dual occupancy and subdivision at 33 Lions Drive Mudgee be received;**
- B. That Development Application number 0307/2012 for the erection of a dual occupancy and subdivision on Lot 8 DP 1165150 33 Lions Drive Mudgee be granted development consent subject to the following conditions;**

APPROVED DEVELOPMENT

- 1. This consent relates to the erection of a dual occupancy and subsequent Torrens title subdivision, as illustrated on the plans, specifications and supporting documentation received by Council stamped with reference to this consent, as modified by the following conditions. The development shall be carried out in accordance with this consent.**

2. The development is to be carried out generally in accordance with the stamped approved plans Sheet 2A/3, 3A/3 and 1/1, dated March 2012.

Notes:

- Any alteration to the plans and/or documentation shall be submitted for the approval of Council. Such alterations may require the lodgement of an application to amend the consent under s96 of the Act, or a fresh development application. No works, other than those approved under this consent, shall be carried out without the prior approval of Council.
- Where there is an inconsistency between the documents lodged with this application and the following conditions, the conditions shall prevail to the extent of that inconsistency.

AMENDMENT

- 2A. The car parking stand shall be extended to the west to allow sufficient manoeuvring area for all vehicles to enter and leave in a forward direction.

GENERAL

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.
(Note: A suitably qualified person would be required to be present during earthworks to identify whether any artefacts were uncovered).
4. The applicants shall, at their own expense, engage a registered surveyor to relocate any survey mark that may be disturbed by the development or any associated work. Any information regarding relocation should be supplied to the Land Titles Office and Council.
5. All building work must comply with the requirements of the Building Code of Australia 2010, Volume One, together with the relevant Australian Standards and also the Environmental Planning and Assessment Act, 1979, as amended, and Regulations.
6. Prior to the occupation of a new building, an Occupation Certificate must be obtained from the Principal Certifying Authority appointed for the erection of the building.
7. A 1.8 metre high screen fence is to be provided to all side and rear boundaries prior to occupation of the development. The fence shall be erected at natural ground level. All fencing is to be provided at full cost to the developer.

8. **Outdoor drying facilities and letterboxes are to be provided for each unit prior to occupation.**
9. **Switchboards for gas, electricity, etc., must not be attached to the front or street facing elevations of the buildings.**

PRIOR TO ISSUE OF CONSTRUCTION CERTIFICATE

10. **The developer shall obtain a Certificate of Compliance under the Water Management Act. This will require:**

- (a) **Payment of a contribution for water and sewerage headworks at the following rate:**

Water Headworks	\$3,805
Sewerage Headworks	\$1,738
Total Payable	\$5,543

- (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.**
11. **A detailed engineering design supported by plans, and an "Autocad compatible" Plan, (in dwg format including pen-map), material samples, test reports and specifications is to be prepared in accordance with AUS-SPEC #1 (as modified by Mid Western Regional Council) and the conditions of this development consent. The engineering design is to be submitted to and approved by Council or an Accredited Certifier prior to the issue of a Construction Certificate.**

CONDITIONS RELATING TO THE BUILDING WORK

12. **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.**
13. **The selected plumber/drainer must provide Council with a drainage diagram detailing the location of the drainage system and the relevant connections.**
14. **All plumbing and drainage inspections must be carried out by Council prior to the covering of any trenches or wall/ceiling linings.**
15. **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.

16. **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.**
17. **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.**
18. **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.**

The Council encourages the separation and recycling of suitable materials.

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. **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.**
21. **The strength of the concrete used for the reinforced concrete floor slab must be 25MPa (N25)**
22. **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.

23. All stormwater is to discharge to the street water table by the use of non-flexible kerb adapters. Alternatively, stormwater can connect to the inter allotment drainage system if it is available.
24. 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.
25. 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: 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.
26. 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 roof water drainage system. Full details must be submitted with the Construction Certificate application.
27. 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.
28. The requirements of the submitted BASIX Certificate, number 421388S_02 issued on 22 March 2012 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.

PRIOR TO OCCUPATION

29. 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.
30. Prior to the occupation of the building a written statement must be submitted to the Council confirming the installation/completion of those commitments.

ENGINEERING CONSTRUCTION

31. **No Construction is to commence before a Construction Certificate is issued for the subdivision works. The works are to be constructed in accordance with the plans and specifications referred to in The Construction Certificate.**
Note: The Construction Certificate may be issued by Council or an Accredited Certifier. Council's fee for this service is set out in Council's fees and Charges.
32. **An Erosion and Sediment Control Plan for the development is to be prepared and implemented in accordance with the LANDCOM guidelines and requirements as outlined in the latest edition of "Soils and Construction – Managing Urban Stormwater". Points to be considered include, but are not limited to:**
- **Saving available topsoil for reuse in the revegetation phase of the subdivision;**
 - **Using erosion control measures to prevent on-site damage;**
 - **Rehabilitating disturbed areas quickly;**
 - **Maintenance of erosion and sediment control structures;**
33. **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 stormwater occur on adjoining land as a result of this development.**
34. **The subdivision 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**
 - **Practical Completion**

PRIOR TO THE ISSUE OF THE SUBDIVISION CERTIFICATE

35. **A linen plan and two (2) copies are to be submitted to Council for approval and endorsement by the General Manager.**
36. **Under the Environmental Planning & Assessment Act, 1979, a Subdivision Certificate is required before the linen plan of subdivision can be registered with the Land Titles Office.**

NOTE: Council's fee to issue a Subdivision Certificate is set out in Council's fees and charges and for this development is \$280 at the date of determination.

37. **In accordance with the provisions of section 94 of the Environmental Planning and Assessment Act 1979 and the Mid-Western Regional Council Section 94 Developer Contributions Plan, a contribution shall be paid to Council in accordance with this condition for the purpose of: **SUBJECT TO CPI INCREASE****

Mudgee Catchment 1-2	
<i>Section 94 Contributions</i>	
Transport Management	
Traffic Management	\$1077.28
Open Space	
Local Open Space	\$1691.17
District Open Space	\$2296.21
Community Facilities	
Library Buildings	\$221.35
Library Resources	\$265.64
Administration	
Plan Administration	\$516.49
Total Payable	\$6068.14

If the Subdivision 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.

38. Prior to the issue of a Subdivision Certificate:
- (a) all contributions must be paid to Council and all works required by the consent be completed in accordance with the consent, or
 - (b) an agreement be made between the developer and Council;
 - i) as to the security to be given to Council that the works will be completed or the contribution paid, and
 - ii) as to when the work will be completed or the contribution paid.
39. Vehicular entrances comprising kerb laybacks (where roll kerb and gutter does not exist) and concrete footway crossings are to be provided to each lot at a suitable location. 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, as outlined in Councils "Access to Properties Policy".
- Which states:-
- 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 Technical Services Department 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.

40. The applicant is to provide separate water and sewer reticulation services to each lot.
41. 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.
42. The developer is to provide a water service and meter for each lot in the subdivision. This can be achieved by making a payment to Council of \$1,100.00 per lot to cover the cost of installing both the service and a 20mm meter on the water main.

TOTAL PAYABLE 1 x \$1,100.00 = \$1,100.00

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

43. The developer is to provide a sewer junction for each lot in the subdivision. This can be achieved by making a payment to Council of \$1,100.00 per new junction to cover the cost of Council installing a junction in an existing main.

TOTAL PAYABLE 1 x \$1,100.00 = \$1,100.00

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

44. 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.
45. 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.

AMENDMENT: Holden/Lang

That consideration of this matter be deferred to permit a site inspection by Councillors.

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

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

6.2.2 DA 0290/2012 - ATTACHED DUAL OCCUPANCY – LOT 24 DP
1163433 7 TEBBUTT COURT, MUDGEE

A0100055, P2112661

219/12

MOTION: Holden/Webb

That:

- A. The report by the Senior Town Planner on Development Application 0290/2012 for a dual occupancy at 7 Tebbutt Court Mudgee be received;**
- B. Development Application No. 0290/2012 for the erection of a dual occupancy on Lot 24 DP 1163433, 7 Tebbutt Court Mudgee be refused for the following reasons;**
 - 1. The proposed development does not comply with Clause 3.3 of the Residential DCP (Setbacks) as the average side setback standards are not attained.**
 - 2. The proposed development does not comply with Clause 4.2 (d) of the Residential DCP (Site Coverage) as the maximum site coverage is exceeded.**
 - 3. The proposed development does not comply with Clauses 4.3 & 5.7 of the Residential DCP (Privacy and Amenity) as there is the potential for overlooking from proposed unit 2 to existing residential development immediately north of the subject site.**
 - 4. The proposed development does not comply with Clauses 4.2 (e) & 5.6 (h) of the Residential DCP (Solar Access) due**

to the limited solar access afforded the private open space of proposed unit 1.

5. The proposed development does not comply with Clause 3.8 (b) of the Residential DCP (Landscaping) as the minimum landscaping requirement is not achieved.
6. The applicant has not demonstrated that the proposed development can adequately dispose of stormwater.
7. The proposed development, involving excessive variations to the Residential DCP, is not in the public interest.
8. The development site is unsuitable for the proposed development due to the battle axe nature of the allotment and the magnification of impacts (privacy and amenity) on adjoining land owners.

AMENDMENT: Walker/Thompson

That staff speak to the applicant to negotiate solutions with this development.

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

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

6.2.3 PLANNING PROPOSAL TWA

A0100055, A0420084

Councillor Martens declared a significant non pecuniary conflict of interest in that she is one of Council's representatives on the Joint Regional Planning Panel, left the meeting at 6.21 pm and did not participate in discussions or vote in relation to this matter.

Councillor Weatherley declared a significant non pecuniary conflict of interest in that he is one of Council's representatives on the Joint Regional Planning Panel, left the meeting at 6.21 pm and did not participate in discussions or vote in relation to this matter.

220/12

MOTION: Webb/Shelley**That:**

1. the report by Manager Strategic Planning on the Planning Proposal - Temporary Workers Accommodation be received;
2. that the criteria for the location on temporary workers accommodation in the Draft Plan be amended to refer to a distance of 5km from a mine lease; and
3. that Council prepare a submission to the Department of Planning and Infrastructure requesting that the Local Environmental Plan be made.

The motion was put and carried.

Councillors Martens and Weatherley returned to the meeting at 6.23 pm.

6.2.4 MUDGEE AND GULGONG ACCESS COMMITTEE

A0100055, A0060008

221/12

MOTION: Shelley/Webb**That:**

1. the report by Customer Service Manager on the Mudgee and Gulgong Access Committee be received;
2. Council note the minutes of the Mudgee & Gulgong Access Committee meeting held on 6 March and 3 April 2012.

The motion was put and carried.

6.2.5 MORTIMER STREET CAR PARK BOUNDARY ADJUSTMENT

A0100055, R1005005

222/12

MOTION: Weatherley/Walker**That:**

1. the report by Manager Technical Support on the Mortimer Street Car Park Boundary Adjustment be received;
2. Council approve the boundary adjustment that will result in the transfer of approximately 90m² of land from Lot 5 DP 817985 to Lot 1 DP 817985.
3. Council delegates to the Mayor and General Manager the authority to affix the Common Seal of the Council to all documents that are required to be signed to finalise the transfer of approximately 90m² of land from Lot 5 DP 817985 to Lot 1 DP 817985.

The motion was put and carried.

6.2.6 CATCHMENT A DRAINAGE

A0100055, F0560027

223/12

MOTION: Weatherley/Walker**That:**

1. the report by Manager Environment on the Catchment A Drainage program be received;
2. that Council resolve to enter into Voluntary Planning Agreements (VPAs) for the following developments located within Catchment A at Bellevue for the purposes of stormwater drainage at a rate of \$5 000 plus GST per lot and advertise the Draft VPAs in accordance with the requirements of the Environmental Planning and Assessment Act 1979

DA0592/2004	Richard St
DA0177/2012	Lot 58 Bellevue
DA0257/2012	Lot 31 Rifle Range Rd
DA0282/2012	20-28 Richards St
DA0009/2010	Norman Rd

The motion was put and carried.

6.2.7 CODE OF CONDUCT – CALL FOR SUBMISSIONS ON
CONSULTATION DRAFT

A0100055, A0110003, A0040004

224/12

MOTION: Walker/Lang**That:**

1. the report by the Manager Governance on the call for submissions on the Consultation Draft of the Code of Conduct be received;
2. Council requests the Division of Local Government to recommence the review of the Code of Conduct to a more user friendly concise document that focuses on the vast majority of Councils who behave professionally and with dignity.

The motion was put and carried.

6.2.8 CONSULTATION PLAN – RECREATION STRATEGY

A0100055, A0420239

225/12

MOTION: Weatherley/Walker**That:**

1. the report by Manager Strategic Planning on the Consultation Plan for the Recreation Strategy be received;
2. That the Consultation Plan for the Recreation Strategy be endorsed.

The motion was put and carried.

6.2.9 FIXING OF ANNUAL FEES FOR COUNCILLORS AND MAYOR

A0100055, A0110001

226/12

MOTION: Lang/Walker**That:**

1. the report by the Manager Governance on the fixing of fees for Councillors and the Mayor for the period July 2012 to June 2013 be received;
2. Council fix the fees for Councillors and the Mayor for the period July 2012 to June 2013 at \$10,220 for Councillors and \$22,310 for the Mayor;
3. (a) Council pay the Deputy Mayor a fee, to be deducted from the fee payable to the Mayor, for those periods of 7 days or more, where the Mayor is unable to carry out the duties of Mayor, such fee to be for the period that the Deputy Mayor acts in the role of the Mayor;
- (b) the calculation of this fee to be determined at a pro rata of the Mayor's annual fee.

The motion was put and carried.

6.2.10 HOME AND COMMUNITY CARE SERVICES – QUARTERLY REPORT

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

227/12

MOTION: Weatherley/Lang**That:**

1. the report by Customer Service Manager on the Home and Community Care Services be received;

2. **Council note the activity reports from the Home and Community Care funded services.**

The motion was put and carried.

6.2.11 HARDSHIP PROVISION – RATES AND CHARGES POLICY REVIEW

A0100055, A0340046, A0340047, A0340005

228/12

MOTION: Webb/Holden

That:

1. **the report by Manager Revenue & Property on the Hardship Provision – Rates and Charges Policy review be received;**
2. **Council adopt the revised Hardship Provision – Rates and Charges policy.**
3. **Councillors be advised of the staff recommendation and be given 3 days to comment before any decision is released.**

AMENDMENT: Shelley/Lang

That:

1. the report by Manager Revenue & Property on the Hardship Provision – Rates and Charges Policy review be received;
2. Council adopt the revised Hardship Provision – Rates and Charges policy.

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

6.2.12 INFORMATION AND DIRECTIONAL SIGNAGE POLICY

A0100055, A0100051, A0100021

229/12

MOTION: Walker/Holden

That:

1. **the report by Manager Technical Services on the Informational and Directional Signage Policy be received;**
2. **That Council adopt the amended Information and Directional Signage Policy.**

The motion was put and carried.

6.2.13 KANDOS BICENTENNIAL MUSEUM COMMITTEE

A0100055, A0060123

230/12

MOTION: Weatherley/Walker

That:

1. **the report by Manager Community Development on the Kandos Bicentennial Museum Committee be received;**
2. **Council accept the minutes of the Kandos Bicentennial Museum Committee meeting held on 12 April 2012.**

The motion was put and carried.

6.2.14 MEALS ON WHEELS, HOME MODIFICATIONS AND MAINTENANCE, AND MUDGEES COMMUNITY TRANSPORT POLICY REVIEW 2012

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

231/12

MOTION: Holden/Walker

That:

1. **the report by Customer Service Manager on the Meals on Wheels, Home Modifications and Maintenance, and Mudgees Community Transport Policy Review 2012 be received;**
2. **Council adopts the policies as amended.**

The motion was put and carried.

6.2.15 MINOR LOCALITY BOUNDARY ADJUSTMENTS

A0100055, P1249211, P1328511

232/12

MOTION: Lang/Shelley

That:

1. **the report by the Manager of Revenue and Property on the minor Locality boundary adjustments be received;**
2. **Council approve the minor Locality boundary adjustments to the localities of Gulgong, Galambine and Canadian Lead allowing the Geographical Names Board to implement the changes.**

The motion was put and carried.

6.2.16 MUDGEE SALEYARDS MANAGEMENT COMMITTEE

A0100055, A0100055, A0100047, F0720036

233/12

MOTION: Thompson/Lang**That:**

1. **the report by Group Manager Operations on the Mudgee Saleyards Management Committee be received;**
2. **the minutes for the Mudgee Saleyards Management Committee ordinary monthly meeting held on 19 April 2012 be noted.**

The motion was put and carried.

6.2.17 MUDGEE SHOWGROUND – USE FOR SHORT TERM
CAMPING AND CARAVANS

A0100055, F0650007

MOTION: Webb/Martens**That:**

1. the report by Group Manager Development and Community Services on the use of the Mudgee Showground for short term camping and caravans be received;
2. Council commence discussions with the NSW Department of Primary Industries (Crown Lands) to determine their requirements for the continuation of a short term caravan park at the Mudgee Showground.
3. a further report be prepared for Council outlining the detailed costs of any upgrades required prior to the formulation of a Mudgee Showground's Draft Management Plan.
4. Council continue with the current practice of allowing camping on the Mudgee Showground's until such times as the Management Plan is amended as necessary.
5. Council adjusts the camping fees at the Mudgee Showground's to the following

Caravan sites -powered	\$31.00 per day
Unpowered	\$24.00 per day
6. Prior to taking any bookings at the Mudgee Showground's for camping, the client be advised that other registered camping grounds exist in the region and have a lesser rate that what is charged at this facility.

234/12

AMENDMENT: Walker/Shelley**That:**

1. **the report by Group Manager Development and Community Services on the use of the Mudgee Showground for short term camping and caravans be received;**
2. **camping only be allowed at the Mudgee Showground's for persons associated with events at the Showground's and when other camping grounds in the Mudgee township are full.**
3. **Council adjusts the camping fees at the Mudgee Showground's to the following**

Caravan sites -powered	\$31.00 per day
Unpowered	\$24.00 per day

AMENDMENT: Thompson/Holden**That:**

1. the report by Group Manager Development and Community Services on the use of the Mudgee Showground for short term camping and caravans be received;
2. camping only be allowed at the Mudgee Showground's for persons associated with events at the Showground's and when other camping grounds in the Mudgee township are full,
3. Council adjusts the camping fees at the Mudgee Showground's to the following

Caravan sites -powered	\$31.00 per day
Unpowered	\$24.00 per day

4. Council commence discussions with the NSW Department of Primary Industries (Crown Lands) to determine their requirements for the continuation of a short term caravan park at the Mudgee Showground.
5. a further report be prepared for Council outlining the detailed costs of any upgrades required prior to the formulation of a Mudgee Showground's Draft Management Plan.

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

6.2.18 NOXIOUS WEEDS ADVISORY COMMITTEE

A0100055, A0130077

235/12

MOTION: Weatherley/Shelley**That:**

1. **the report by the Noxious Weeds Administrator on the Noxious Weeds Advisory Committee be received;**
2. **the minutes of the Noxious Weeds Advisory Committee held on 27 February 2012 be noted;**
3. **Council write a letter to the Minister in support of the motion put by the Noxious Weeds Advisory Committee for the formation of a Management Committee for Windamere Dam Foreshore.**
4. **Council pursue with the senior management of NSW Office of Water, the development of more effective weeds management plans for the Windamere Dam Foreshore.**

The motion was put and carried.

6.2.19 TENDER ASSESSMENT - T71112HUN ROAD SAFETY
BARRIER SYSTEMS - SUPPLY ONLY

A0100055, A010026

236/12

MOTION: Walker/Holden**That:**

1. **the report by the Financial Accountant on the Tender Assessment - T71112HUN Road Safety Barrier Systems - Supply Only be received;**
2. **Council accepts a tender panel for the tender T71112HUN for Category 2: Supply Only of Road Safety Barrier Systems and that Council enters into a contract with the following:**
 - **Above & Beyond Concepts**
 - **Australian Construction Products Pty Ltd**
 - **Ingal Civil Products**

at the prices set out in the tendered Schedule of Rates in accordance with clause 178 of the Local Government (General) Regulation 2005 for the period to 31 March 2014, with provision for a twelve month extension based on satisfactory supplier performance.
3. **Council authorises the General Manager to finalise and execute the contract on behalf of Council with:**
 - **Above & Beyond Concepts**
 - **Australian Construction Products Pty Ltd**

- **Ingal Civil Products**
for T7112HUN Category 2: Supply Only of Road Safety Barrier Systems.

The motion was put and carried.

6.2.20 MUDGEE SEWERAGE AUGMENTATION – TENDER
RECOMMENDATION FOR PUTTA BUCCA PUMP STATION
CONTRACT

A0100055, F0740001

237/12

MOTION: Weatherley/Shelley

That:

1. **the report by Business Manager Services on the Mudgee Sewerage Augmentation Tender recommendation for Upgrading of Putta Bucca Pumping Station Contract be received;**
2. **Subject to satisfactory financial assessment and concurrence of the NSW Office of Water, Council accepts the tender of Poonindie P/L for the Putta Bucca Pumping Station and Associated Works for the sum of \$2,680,381.00 (including GST);**
3. **The General Manager is authorised to approve variations of up to 2% of the contract price (\$53,607.62 including GST).**

The motion was put and carried.

6.2.21 MONTHLY BUDGET REVIEW - APRIL 2012

A0100055, A0149935

238/12

MOTION: Holden/Shelley

That:

1. **the report by Management Accountant on the April 2012 Monthly Budget Review be received;**
2. **the 2011/12 Management Plan be amended in accordance with the variations as listed on pages 4 to 6 of the April 2012 Monthly Budget Review and reproduced in the report below;**
3. **the 2011/12 Management Plan be amended in accordance with the variations as listed on page 4 of the April Monthly Review and reproduced in the report below; and**
4. **the opinion by the Responsible Accounting Officer regarding the satisfactory financial position of Council, based upon the revised estimates of income and expenditure, be noted.**

The motion was put and carried.

239/12

MOTION: Holden/Martens

That an amount of \$500 be distributed from Councillor Holden's discretionary vote for the Mudgee Rotary and that a report be placed with the next business paper to allow Councillors to complete the use of their discretionary funds in the 2011/12 financial year.

The motion was put and carried.

6.2.22 OPERATIONAL AND DELIVERY PLAN 2012/13

A0100055, A0149936

240/12

MOTION: Walker/Shelley**That:**

1. the report by General Manager on the Operational and Delivery Plan, and Budget 2012 be received;
2. Council makes the following amendments to the 2012/13 Operational Plan and Budget:
 - Council allocate a grant of \$5,000 to the Cudgegong Valley Antique Machinery Club for the National Historic Machinery Association National Rally to be funded from the Large Grants Program and if further assistance is required, a further submission including detailed budget and business plan should be made to Council for consideration;
 - Council fund the right hand turn bay into Cox's Creek Road, Rylstone at a cost of \$100,000 to be funded from the Regional Roads budget, subject to the Rylstone Airport subdivision proceeding;
 - Council provide \$500 donation to Lifeline Central West to be funded from the Large Grants Program;
 - Council fund the Directional Signage to Natural Assets to the value of \$6,000 from the Regional Tourism Signage budget;
 - Council reduce the income to the Mudgee Showgrounds by \$15,000;
 - Council fund \$20,000 for an extension to the Taxi Way at Mudgee Airport, to be funded from the Land Development Reserve Fund;
 - Council increase the income for strategic planning by \$20,000;
 - Council increase funding for Regional Pound facility by \$48,000;
 - Council increase funding for food premises inspections by \$20,000;
 - Council provide an amount of \$25,000 for external tourism signage.
3. Council commences a public consultation process for the

opening up of the Cox Street rail crossing and then include in future budget quarterly reviews or inclusions in future operational plan and budgets the funding of this work if Council resolves to proceed after the public consultation process.

4. Council endorses the response to the submission made by Mr Bob Lamond and makes the following changes to the Delivery/Operational Plan resulting from that submission:
 - A consolidated income statement be included at the end of the Delivery/Operational Plan.
 - A glossary table be inserted into the Delivery/Operational Plan explaining terms used throughout the document.
5. Council remove the following projects from the 2012/13 Operational Plan as they are now included in the 2011/12 Management Plan
 - Part of the Healthy Communities Initiative grant income & matching expenditure \$4,108
 - Recreation Strategy \$20,000
6. Council include the following projects with the funding in the 2012/13 operational plan and budget as they have been deferred from the March and April 2012 quarterly reviews
 - Mudgee Library and Town Hall \$2,411,000
 - Wilpinjong Ulan Rd VPA contribution \$600,000
 - Ulan Wollar Rd Widening & Sealing \$600,000
 - Moolarben Stage 2 VPA contribution \$1,365,000
 - Catchment A stormwater drainage works \$348,000
 - Purchase of Bulldozer \$875,000
 - Regional Pound Facilities \$137,000
 - Roadside Vegetation grant funded works \$31,968
 - Rylstone/Kandos Flood Study \$15,000
 - Swimming Pool Renewal \$1,100,000
 - Glen Willow Natural Disaster works & grant funding \$240,108
 - Road Land Matters \$12,834
 - Rural Road Erosion Control works \$25,200
 - Bellevue Cycleway works \$40,000
 - Pedestrian path Kandos to Clandulla \$40,000
 - Rehabilitation Mayne St, Gulgong \$28,500
 - Chemical storage unit purchase, Stores \$12,500
 - Kandos Netball Courts, third court works \$24,500
7. Council amend the fees and charges schedule to allow for the following changes for the Mudgee Showgrounds Operation:
 - Line 456 & 457 – Old Main Pavilion: delete
 - Line 458, 459 & 460 – New Main Pavilion: remove word “New” as this causes confusion.

- **Line 460 - Main pavilion plus bar & kitchen: insert "Cleaning fee will be deducted from Bond if premises are not cleaned within 24 hours".**
 - **Line 461 & 462 - Luncheon Pavilion: delete.**
 - **Under line 467 - Bar Hire: insert "Bond of \$50".**
 - **Line 474 & 475 - Aquila (Woodworkers) and Wool Pavilions: split into multiple lines. "Aquila pavilion hire: \$90, bond \$100." And "Wool Pavilion hire \$90, bond \$100).**
 - **Line 476 & 477 – Enclosed Catering Shed: delete.**
 - **Line 478 & 479 – Open Catering Area: delete.**
 - **Under line 485 – insert "Weeds Shed hire \$90" and "Bond of \$100".**
 - **Under line 485 – insert "Canteen - Chooks hire \$80" and "Bond of \$50".**
 - **Line 491 - New Stables and day yard: delete word "day".**
- 8. Council make a provision in the Water Fund account for \$13,300 for a licence fee from NSW Office of Water for the hydrometric site upstream of the Rylstone Dam installed in 2009**
- 9. Council include the following projects with funding in the 2012/13 Operational Plan for the Water Fund as they have been deferred from the March and April 2012 reviews:**
- **Water Chlorine Dosing Plant works \$11,560**
 - **Water Augmentation Rylstone/Kandos \$70,000**
 - **Gulgong Raw Water Scheme grant funding \$160,000**
 - **Gulgong Raw Water Scheme works \$320,000**
- 10. Council include the following projects within the funding in the 2012/13 operational plan and budget for the Sewer Fund as they have been deferred from the March and April 2012 reviews:**
- **CCTV sewer pipe works to Sewer relining works \$35,000**
 - **Smoke testing sewer pipe works to Sewer relining works \$10,000**
 - **Mudgee Sewer Augmentation works \$3,521,378**
 - **Burrundulla Rd Sewer Mains \$23,000**
- 11. Council remove the following projects from the 2012/13 Operational Plan for the Sewer Fund as they are now included in the 2011/12 Management Plan:**
- **Mudgee Sewer Augmentation grant funding \$2,002,000**
- 12. Council allocate \$5,000 for the purchase of waste bins to be stored at the Waste Depot and also to have a corresponding income stream for sales of those waste bins.**

AMENDMENT: Webb/Martens

That:

1. the report by General Manager on the Operational and Delivery Plan, and Budget 2012 be received;
2. Council makes the following amendments to the 2012/13 Operational Plan and Budget
 - Council allocate a grant of \$5,000 to the Cudgegong Valley Antique Machinery Club for the National Historic Machinery Association National Rally to be funded from the Large Grants Program and if further assistance is required, a further submission including detailed budget and business plan should be made to Council for consideration;
 - Council fund the right hand turn bay into Cox's Creek Road, Rylstone at a cost of \$100,000 to be funded from the Regional Roads budget, subject to the Rylstone Airport subdivision proceeding;
 - Council provide \$500 donation to Lifeline Central West to be funded from the Large Grants Program;
 - Council fund the Directional Signage to Natural Assets to the value of \$6,000 from the Regional Tourism Signage budget
 - Council reduce the income to the Mudgee Showgrounds by \$15,000
 - Council fund \$20,000 for an extension to the Taxi Way at Mudgee Airport, to be funded from the Land Development Reserve Fund
 - Council increase the income for strategic planning by \$20,000
 - Council increase funding for Regional Pound facility by \$48,000
 - Council increase funding for food premises inspections by \$20,000
 - Council provide an amount of \$25,000 for external tourism signage
3. Council commences a public consultation process for the opening up of the Cox Street rail crossing and then include in future budget quarterly reviews or inclusions in future operational plan and budgets the funding of this work if Council resolves to proceed after the public consultation process.
4. Council endorses the response to the submission made by Mr Bob Lamond and makes the following changes to the Delivery/Operational Plan resulting from that submission:
 - A consolidated income statement be included at the end of the Delivery/Operational Plan.
 - A glossary table be inserted into the Delivery/Operational Plan explaining terms used throughout the document.
5. Council remove the following projects from the 2012/13 Operational Plan as they are now included in the 2011/12 Management Plan

- Part of the Healthy Communities Initiative grant income & matching expenditure \$4,108
 - Recreation Strategy \$20,000
6. Council include the following projects with the funding in the 2012/13 operational plan and budget as they have been deferred from the March and April 2012 quarterly reviews
- Mudgee Library and Town Hall \$2,411,000
 - Wilpinjong Ulan Rd VPA contribution \$600,000
 - Ulan Wollar Rd Widening & Sealing \$600,000
 - Moolarben Stage 2 VPA contribution \$1,365,000
 - Catchment A stormwater drainage works \$348,000
 - Purchase of Bulldozer \$875,000
 - Regional Pound Facilities \$137,000
 - Roadside Vegetation grant funded works \$31,968
 - Rylstone/Kandos Flood Study \$15,000
 - Swimming Pool Renewal \$1,100,000
 - Glen Willow Natural Disaster works & grant funding \$240,108
 - Road Land Matters \$12,834
 - Rural Road Erosion Control works \$25,200
 - Bellevue Cycleway works \$40,000
 - Pedestrian path Kandos to Clandulla \$40,000
 - Rehabilitation Mayne St, Gulgong \$28,500
 - Chemical storage unit purchase, Stores \$12,500
 - Kandos Netball Courts, third court works \$24,500
7. Council amend the fees and charges schedule to allow for the following changes for the Mudgee Showgrounds Operation:
- Line 456 & 457 – Old Main Pavilion: delete
 - Line 458, 459 & 460 – New Main Pavilion: remove word “New” as this causes confusion.
 - Line 460 - Main pavilion plus bar & kitchen: insert “Cleaning fee will be deducted from Bond if premises are not cleaned within 24 hours”.
 - Line 461 & 462 - Luncheon Pavilion: delete.
 - Under line 467 - Bar Hire: insert “Bond of \$50”.
 - Line 474 & 475 - Aquila (Woodworkers) and Wool Pavilions: split into multiple lines. “Aquila pavilion hire: \$90, bond \$100.” And “Wool Pavilion hire \$90, bond \$100).
 - Line 476 & 477 – Enclosed Catering Shed: delete.
 - Line 478 & 479 – Open Catering Area: delete.
 - Under line 485 – insert “Weeds Shed hire \$90” and “Bond of \$100”.
 - Under line 485 – insert “Canteen - Chooks hire \$80” and “Bond of \$50”.
 - Line 491 - New Stables and day yard: delete word “day”.

8. Council make a provision in the Water Fund account for \$13,300 for a licence fee from NSW Office of Water for the hydrometric site upstream of the Rylstone Dam installed in 2009
9. Council include the following projects with funding in the 2012/13 Operational Plan for the Water Fund as they have been deferred from the March and April 2012 reviews:
 - Water Chlorine Dosing Plant works \$11,560
 - Water Augmentation Rylstone/Kandos \$70,000
 - Gulgong Raw Water Scheme grant funding \$160,000
 - Gulgong Raw Water Scheme works \$320,000
10. Council include the following projects within the funding in the 2012/13 operational plan and budget for the Sewer Fund as they have been deferred from the March and April 2012 reviews:
 - CCTV sewer pipe works to Sewer relining works \$35,000
 - Smoke testing sewer pipe works to Sewer relining works \$10,000
 - Mudgee Sewer Augmentation works \$3,521,378
 - Burrundulla Rd Sewer Mains \$23,000
11. Council remove the following projects from the 2012/13 Operational Plan for the Sewer Fund as they are now included in the 2011/12 Management Plan:
 - Mudgee Sewer Augmentation grant funding \$2,002,000
12. Council allocate \$5,000 for the purchase of waste bins to be stored at the Waste Depot and also to have a corresponding income stream for sales of those waste bins.
13. Council adopt Rating Model 9 for the 2012/2013 financial year.

This amendment was put and lost.

AMENDMENT: Thompson/Martens

That:

1. the report by General Manager on the Operational and Delivery Plan, and Budget 2012 be received;
2. Council makes the following amendments to the 2012/13 Operational Plan and Budget
 - Council allocate a grant of \$5,000 to the Cudgegong Valley Antique Machinery Club for the National Historic Machinery Association National Rally to be funded from the Large Grants Program and if further assistance is required, a further

- submission including detailed budget and business plan should be made to Council for consideration;
- Council fund the right hand turn bay into Cox's Creek Road, Rylstone at a cost of \$100,000 to be funded from the Regional Roads budget, subject to the Rylstone Airport subdivision proceeding;
 - Council provide \$500 donation to Lifeline Central West to be funded from the Large Grants Program;
 - Council fund the Directional Signage to Natural Assets to the value of \$6,000 from the Regional Tourism Signage budget
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 - Council increase the income for strategic planning by \$20,000
 - Council increase funding for Regional Pound facility by \$48,000
 - Council increase funding for food premises inspections by \$20,000
 - Council provide an amount of \$25,000 for external tourism signage
3. Council commences a public consultation process for the opening up of the Cox Street rail crossing and then include in future budget quarterly reviews or inclusions in future operational plan and budgets the funding of this work if Council resolves to proceed after the public consultation process.
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 - Glen Willow Natural Disaster works & grant funding \$240,108
 - Road Land Matters \$12,834
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 - Bellevue Cycleway works \$40,000
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 - Chemical storage unit purchase, Stores \$12,500
 - Kandos Netball Courts, third court works \$24,500
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8. Council make a provision in the Water Fund account for \$13,300 for a licence fee from NSW Office of Water for the hydrometric site upstream of the Rylstone Dam installed in 2009
9. Council include the following projects with funding in the 2012/13 Operational Plan for the Water Fund as they have been deferred from the March and April 2012 reviews:
- Water Chlorine Dosing Plant works \$11,560
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 - Gulgong Raw Water Scheme grant funding \$160,000
 - Gulgong Raw Water Scheme works \$320,000

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12. Council allocate \$5,000 for the purchase of waste bins to be stored at the Waste Depot and also to have a corresponding income stream for sales of those waste bins.
13. Council adopt Rating Model 10 for the 2012/2013 financial year.

This Amendment was put and lost

AMENDMENT: Martens/Webb

That:

1. the report by General Manager on the Operational and Delivery Plan, and Budget 2012 be received;
2. Council makes the following amendments to the 2012/13 Operational Plan and Budget
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 - Council increase the income for strategic planning by \$20,000

- Council increase funding for Regional Pound facility by \$48,000
 - Council increase funding for food premises inspections by \$20,000
 - Council provide an amount of \$25,000 for external tourism signage
 - Council provide an amount of \$20,000 for the erection of a storage shed at the Kandos Bicentennial Museum
3. Council commences a public consultation process for the opening up of the Cox Street rail crossing and then include in future budget quarterly reviews or inclusions in future operational plan and budgets the funding of this work if Council resolves to proceed after the public consultation process.
4. Council endorses the response to the submission made by Mr Bob Lamond and makes the following changes to the Delivery/Operational Plan resulting from that submission:
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 - Swimming Pool Renewal \$1,100,000
 - Glen Willow Natural Disaster works & grant funding \$240,108
 - Road Land Matters \$12,834
 - Rural Road Erosion Control works \$25,200
 - Bellevue Cycleway works \$40,000
 - Pedestrian path Kandos to Clandulla \$40,000
 - Rehabilitation Mayne St, Gulgong \$28,500
 - Chemical storage unit purchase, Stores \$12,500
 - Kandos Netball Courts, third court works \$24,500

7. Council amend the fees and charges schedule to allow for the following changes for the Mudgee Showgrounds Operation:
 - Line 456 & 457 – Old Main Pavilion: delete
 - Line 458, 459 & 460 – New Main Pavilion: remove word “New” as this causes confusion.
 - Line 460 - Main pavilion plus bar & kitchen: insert “Cleaning fee will be deducted from Bond if premises are not cleaned within 24 hours”.
 - Line 461 & 462 - Luncheon Pavilion: delete.
 - Under line 467 - Bar Hire: insert “Bond of \$50”.
 - Line 474 & 475 - Aquila (Woodworkers) and Wool Pavilions: split into multiple lines. “Aquila pavilion hire: \$90, bond \$100.” And “Wool Pavilion hire \$90, bond \$100).
 - Line 476 & 477 – Enclosed Catering Shed: delete.
 - Line 478 & 479 – Open Catering Area: delete.
 - Under line 485 – insert “Weeds Shed hire \$90” and “Bond of \$100”.
 - Under line 485 – insert “Canteen - Chooks hire \$80” and “Bond of \$50”.
 - Line 491 - New Stables and day yard: delete word “day”.
8. Council make a provision in the Water Fund account for \$13,300 for a licence fee from NSW Office of Water for the hydrometric site upstream of the Rylstone Dam installed in 2009
9. Council include the following projects with funding in the 2012/13 Operational Plan for the Water Fund as they have been deferred from the March and April 2012 reviews:
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 - Gulgong Raw Water Scheme works \$320,000
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 - Mudgee Sewer Augmentation works \$3,521,378
 - Burrundulla Rd Sewer Mains \$23,000
11. Council remove the following projects from the 2012/13 Operational Plan for the Sewer Fund as they are now included in the 2011/12 Management Plan:
 - Mudgee Sewer Augmentation grant funding \$2,002,000

12. Council allocate \$5,000 for the purchase of waste bins to be stored at the Waste Depot and also to have a corresponding income stream for sales of those waste bins.

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

241/12 **MOTION:** **Shelley/Holden**

That a report be presented to Council in relation to the rationalisation of the stock at the need for additional storage facilities at the Kandos Bicentennial Museum.

The motion was put and carried.

Item 7: Urgent Business Without Notice

7.1 DRAFT LOCAL ENVIRONMENTAL PLAN 2012 – DRAFT OPINION

A0100055, A0149935

242/12 **MOTION:** **Holden/Weatherley**

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

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

243/12 **MOTION: Holden/Weatherley**

That:

1. **the report by Manager Strategic Planning on the Draft Local Environmental Plan 2012 be received;**
2. **the typographical and minor rewording as proposed by Parliamentary Counsel be noted;**
3. **local clauses 4.2B relating to subdivision for farm adjustments, 4.1 (3B) relating to subdivision of lots with a split minimum lot size and 7.4 Natural Resources Waterways be omitted and considered as a separate planning proposal;**
4. **dialogue with the Department of Planning and Infrastructure continue with Council requesting the following inclusions in to Draft;**
 - (i) ***Omit Viticulture from requiring consent (Item 3) in the land use tables to RU1 and RU4 and omit from Schedule 3 Complying Development***
 - (ii) ***Retain the requirement relating to servicing as per the exhibited draft clause 4.1 (3A) or similar wording and***

intent.

- (iii) *Retain sub-clause 4.2AA (2)(d) as per the exhibited draft LEP or similar wording and intent.*
 - (iv) *Retain the requirement relating to tar sealed road access as per the exhibited draft clause 4.2A (3)(f) or similar wording and intent.*
 - (v) *Retain sub-clause 4.2A (3)(g) as written.*
 - (vi) *Retain the RU4 Primary Production zone over the entire AREC site subject to discussion with the executive of AREC.*
 - (vii) *Pursue inclusion of a provision that allows subdivision of existing dual occupancies and clarification of minimum lot sizes.*
 - (viii) *Retain Depots in Schedule 2 Exempt Development as exhibited.*
5. *any changes as a result of discussion with the Department of Environment and Planning be circulated and Councillors given three days in which to request the report be presented to a Council meeting; and*
6. *the General Manager, Mayor and Group Manager Development and Community Services (or their delegates) be authorised to endorse the Draft LEP following circulation.*

The motion was put and carried.

7.2 REPORTED COMMENTS OF COUNCILLOR MARTENS – MUDGEES GUARDIAN MONDAY 4 JUNE 2012

A0100055, A0100035

244/12 **MOTION:** **Shelley/Lang**

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

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

245/12 **MOTION: Shelley/Lang**

That Councillor Martens be required to present in writing to the next Council meeting on 20 June her explanation of why she has made a statement to the Mudgee Guardian of Monday 4 June 2012 that accuses the men on this Council of going to the pub after Council meetings knowing it not to be true.

During consideration of this matter, Councillor Thompson left the Chamber at 7.50 pm.

The motion was put and carried.

7.3 TELSTRA – DEVELOPMENT OF COMMUNICATIONS TOWER
ON FLIRTATION HILL MUDGEE

A0100055, P2013611, A0070005

246/12

MOTION: Lang/Weatherley

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

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

247/12

MOTION: Webb/Holden

That:

1. **Council give land owner's consent for Telstra to lodge a development application to erect a telecommunications tower on Flirtation Hill Mudgee;**
2. **if the development application is approved, the General Manager be authorised to negotiate a market rental for the lease of the site.**

The motion was put and carried.

Item 8: Confidential Session

There were not matters dealt with in Confidential Session.

Closure

There being no further business the meeting concluded at 8.00 pm.