

Minutes of the Ordinary Meeting of Council

Held at the Council Chambers, 86 Market Street, Mudgee
on Wednesday 26 September 2012, commencing at 6.04 pm and concluding at 7.45 pm

PRESENT	Cr D Kennedy (Mayor), Cr P Cavalier, Cr EE Martens (AM), Cr PA Shelley, Cr JP Thompson, Cr MB Walker, Cr JK Weatherley, Cr JR Webb, Cr L White
IN ATTENDANCE	General Manager (W L Bennett), Group Manager Mid-Western Operations (B Cam), Group Manager Development and Community Services (C Van Laeren), Group Manager Finance and Administration (C Phelan), Manager Governance (I Roberts)
MEDIA REPRESENTATIVES	Mudgee Guardian / The Weekly (S Paine), Radio 2MG (M Rock), Real FM (M Heldon)

Item 1: Apologies

There were no apologies.

Item 2: Annual elections

2.1 DELEGATIONS TO MAYOR

A0100055, A0110016

371/12 **MOTION:** Shelley/Walker

That Council:

1. pursuant to the provisions of Section 377 of the Local Government Act, 1993, delegate to the Mayor authority:
 - (a) to monitor the General Manager in the exercise of the General Manager's powers, duties and functions;
 - (b) To authorise work, not approved in the Budget/Management Plan, which in the Mayor's opinion, is urgent at a cost not exceeding \$20,000 except in the case of Bush Fire Emergency where the limit is \$50,000;
 - (c) To approve the attendance of any Councillor at meetings or functions between Council meetings, that the Mayor would normally attend on behalf of Council;

- (d) To affix and witness the Common Seal of Council, in response to a resolution of Council, to any necessary documents in conjunction with the General Manager or another councillor;

2. adopt the attached delegations for the Mayor.

The motion was put and carried.

2.2 ELECTION OF MAYOR

A0100055, A0110016

372/12

MOTION: Walker/Weatherley

That:

1. Council determine that the Ballot for the election of the Mayor be by Preferential Ballot;
2. the election be conducted by the General Manager and the Manager Governance.

The motion was put and carried.

Councillor Kennedy then vacated the Chair.

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

The General Manager then declared Councillor Kennedy elected as Mayor for the ensuing twelve months.

Councillor Kennedy then assumed that Chair.

2.3 ELECTION OF DEPUTY MAYOR

A0100055, A0110008

373/12

MOTION: Walker/Weatherley

That:

1. Council determine that the Ballot for the election of the Deputy Mayor be by Preferential Ballot;
2. the election be conducted by the General Manager and Manager Governance.

The motion was put and carried.

The General Manager announced that four (4) nominations had been received, those being from Councillors Martens, Shelley, Walker and Webb.

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

2.4 COUNCIL ADVISORY COMMITTEES

A0100055, A0110015

374/12 **MOTION:** **Weatherley/Walker**

That Council confirm the membership of all proposed Council Advisory Committees with external membership as shown on the schedule attached to the report.

The motion was put and carried.

Mudgee Showground Management Committee

375/12 **MOTION:** **Thompson/Walker**

That Councillor Webb be appointed as the Council representative on the Mudgee Showground Management Committee.

The motion was put and carried.

Kandos Bicentennial Museum Committee

376/12 **MOTION:** **Thompson/Webb**

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

The motion was put and carried.

Gulgong Memorial Hall Committee

377/12 **MOTION:** **Shelley/Webb**

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

The motion was put and carried.

Red Hill Reserve Working Party

378/12 **MOTION:** **Webb/Martens**

That representation be increased to two (2) Councillors and Councillors Cavalier and Thompson be appointed as the Council representatives on the Red Hill Reserve Working Party.

The motion was put and carried.

Mid-Western Regional Council Peak Sports Council

379/12 **MOTION:** **Shelley/Webb**

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

The motion was put and carried.

Mudgee Sports Council Sub Committee

380/12 **MOTION:** **Shelley/Webb**

That Councillor Weatherley be appointed as the Council representative on the Mudgee Sports Council Sub Committee.

The motion was put and carried.

Gulgong Sports Council Sub Committee

381/12 **MOTION:** **Weatherley/Martens**

That representation be increased to two (2) Councillors and Councillors Cavalier and Thompson be appointed as the Council representatives on the Gulgong Sports Council Sub Committee.

The motion was put and carried.

Rylstone Sports Council Sub Committee

382/12 **MOTION:** **Weatherley/Walker**

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

The motion was put and carried.

Mid-Western Regional Council Heritage Committee

383 /12 **MOTION:** **Shelley/Webb**

That Councillor White be appointed as the Council representative on the Mid-Western regional Council Heritage Committee.

The motion was put and carried.

Mudgee & Gulqong Access Committee

384/12 **MOTION:** **Shelley/Cavalier**

That Councillor Webb be appointed as the Council representative on the Mudgee & Gulqong Access Committee.

The motion was put and carried.

Rylstone & Kandos Access Committee

385/12 **MOTION:** **Shelley/Thompson**

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

The motion was put and carried.

Mid-Western Regional Cultural Development Committee

386/12 **MOTION:** **Weatherley/Webb**

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

The motion was put and carried.

Australia Day Selection Committee

387/12 **MOTION:** **Webb/Martens**

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

The motion was put and carried.

Mudgee Regional Saleyards Committee

388/12 **MOTION:** **Shelley/Webb**

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

The motion was put and carried.

Mid-Western Regional Youth Council

389/12 **MOTION:** **Weatherley/Shelley**

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

The motion was put and carried.

Internal Audit Committee

390/12 **MOTION:** **Shelley/Webb**

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

The motion was put and carried.

Community Safety Committee

391/12 **MOTION:** **Shelley/Webb**

That the Mayor and Councillor Weatherley be appointed as the Council representatives on the Community Safety Committee.

The motion was put and carried.

Noxious Weeds Control Advisory Committee

392/12 **MOTION:** **Kennedy/Shelley**

That Councillor Webb be appointed as the Council representative on the Noxious Weeds Control Advisory Committee.

The motion was put and carried.

Kandos Centennial Working Party

393/12 **MOTION:** **Shelley/Weatherley**

That Councillor Martens be appointed as the Council representative on the Kandos Centennial Working Party.

The motion was put and carried.

2.5 DELEGATES TO EXTERNAL COMMITTEES AND OTHER ORGANISATIONS

A0100055, A0110008

Bushfire Management Committee

394/12 **MOTION:** **Webb/Shelley**

That representation be increased to two Councillors and Councillors Cavalier and Webb be appointed as Council's delegates to the Bushfire Management Committee.

The motion was put and carried.

Rural Fire Service District Liaison Committee

395/12 **MOTION:** **Webb/Shelley**

That Councillors Cavalier and Webb be appointed as Council's delegates to the Rural Fire Service District Liaison Committee.

The motion was put and carried.

Mudgee Region Tourism Inc

396/12 **MOTION:** **Shelley/Cavalier**

That Councillors Kennedy and White be appointed as Council's delegates to the Mudgee Region Tourism Inc.

The motion was put and carried.

Ulan Coal Mine Community Consultative Committee

397/12 **MOTION:** **Walker/Shelley**

That Councillor Webb be appointed as Council's delegate to the Ulan Coal Mine Community Consultative Committee.

The motion was put and carried.

Wilpinjong Community Consultative Committee

398/12

MOTION: Walker/Shelley

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

The motion was put and carried.

Charbon Community Consultative Committee

399/12

MOTION: Thompson/Shelley

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

The motion was put and carried.

Moolarben Community Consultative Committee

400/12

MOTION: Walker/Shelley

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

The motion was put and carried.

Inglenook Community Consultative Committee

401/12

MOTION: Webb/Weatherley

That Councillor Shelley be appointed as Council's delegate to the Inglenook Community Consultative Committee.

The motion was put and carried.

Central West Catchment Management Authority

402/12

MOTION: Shelley/Weatherley

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

The motion was put and carried.

Bells Line Expressway Group

403/12 **MOTION:** **Martens/Weatherley**

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

The motion was put and carried.

Macquarie Valley Weeds Advisory Committee

404/12 **MOTION:** **Shelley/Cavalier**

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

The motion was put and carried.

Joint Regional Planning Panel

405/12 **MOTION:** **Walker/Webb**

That Councillor Walker and Weatherley be appointed as Council's delegates to the Joint Regional Planning Panel.

The motion was put and carried.

Lachlan Regional Transport

406/12 **MOTION:** **Walker/Shelley**

That Council terminate its delegature to the Lachlan Regional Transport.

The motion was put and carried.

Botobolar Community Committee

407/12 **MOTION:** **Shelley/Cavalier**

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

The motion was put and carried.

Goolma Amenities Committee

408/12 **MOTION:** **Webb/Shelley**

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

The motion was put and carried.

Traffic Committee

409/12 **MOTION:** **Shelley/Cavalier**

That Councillor Weatherley be appointed as Council's delegate to the Traffic Committee.

The motion was put and carried.

Kingsgate Silver Mine Community Consultative Committee

410/12 **MOTION:** **Walker/Webb**

That Councillor Shelley be appointed as Council's delegate to the Kingsgate Silver Mine Community Consultative Committee.

The motion was put and carried.

Murray Darling Association

411/12 **MOTION:** **Shelley/Webb**

That Councillor Webb and Mr Russell Holden be appointed as Council's delegates to the Murray Darling Association.

The motion was put and carried.

2.7 CREATION OF STANDING COMMITTEES

A0100055, A0110015

412/12 **MOTION:** **Shelley/Walker**

That:

- 1. the report by General Manager on the Creation of Standing Committees be received;**
- 2. Council retains the existing political structure by having two ordinary meetings of Council per month, with the exception of January where there are no meetings and July only one meeting, and Council does not establish standing committees.**

AMENDMENT: Webb/Martens

That Council has three (3) Standing Committees, those being;

- Planning and Development
- Infrastructure
- Finance and Cultural

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

2.6 2012 MEETING PROGRAM

A0100055, A0100004

413/12

MOTION: Walker/Webb

That:

1. **Council confirm the following schedule of Council and Committee Meetings, Village Open Forums and Town Forums for the remainder of 2012:**

Council Meetings be scheduled as follows:

Wednesday, 17 October 2012	5.30 pm
Wednesday, 7 November 2012	5.30 pm
Wednesday, 21 November 2012	5.30 pm
Wednesday, 5 December 2012	5.30pm
Wednesday, 19 December 2012	5.30pm

Village Open Forums be scheduled as follows:

Wednesday, 10 October 2012	Yarrabin/Beragoo	2.00pm
	Goolma	4.00pm
Wednesday, 14 November 2012	Ilford	1.00pm
	Bylong	3.00pm
	Lue	5.00pm

Town Forums be scheduled as follows:

Gulgong	10 October 2012	6.00 pm
Rylstone/Kandos	14 November 2012	6.00 pm

2. **Council and Committee meetings be held in the Council Chamber at Council's Administration Building, 86 Market Street, Mudgee.**
3. **an Open Day session be held at the commencement of all Council and Committee Meetings at which members of the public can address Council.**

4. **in those cases where meetings are held in the evenings, a meal be provided, in house, at the conclusion of the meeting for Councillors and senior staff who attend, with Council to determine the nature of the meal and the level of associated refreshments.**

The motion was put and carried.

Item 3: Disclosure of Interest

Councillor Kennedy declared a pecuniary interest in Item 7.2.14 as he is one of the owners of a property to be considered in this report.

Councillor Walker declared a pecuniary interest in Item 7.2.24 as he is a contractor to this project.

Councillor Walker declared a pecuniary interest in Item 7.2.32 as he is the owner of the subject land.

Item 4: Confirmation of Minutes

414/12 **MOTION:** **Shelley/Webb**

That the Minutes of the Ordinary Meeting held on 15 August 2012 (Minute Nos. 339/12 to 370/2) be taken as read and confirmed.

The motion was put and carried.

Item 5: Matters in Progress

Noted.

Item 6: Mayoral Minutes

There was no Mayoral Minute.

Item 7: General Business

7.1 NOTICES OF MOTION

There were no Notices of Motion.

7.2 REPORTS TO COUNCIL

7.2.1 MUDGEE SHOWGROUND MANAGEMENT COMMITTEE

A0100055, P0210911, A0100012

415/12 **MOTION:** **Webb/Shelley****That:**

1. **The report by Group Manager Operations on the Mudgee Showground Management Committee Meeting be received;**
2. **That the minutes for the Mudgee Showground Management Committee ordinary meeting held on 5 June 2012 be noted.**

The motion was put and carried.

7.2.2 2012 POOL SEASON TIMES

A0100055, A0411297

416/12 **MOTION:** **Shelley/Cavalier**

That the report by Manager Resources and Recreation on the 2012/13 pool season dates be received and noted for information.

The motion was put and carried.

7.2.3 MEDIA POLICY

A0100055, A0100021, A0320019

417/12 **MOTION:** **Weatherley/Walker****That:**

1. **the report by General Manager on the Media policy be received;**
2. **Council endorse the Media policy with a change to page 3 “Media Releases paragraph 3” so that media releases are distributed to Councillors at least 4 hours prior to release.**

The motion was put and carried.

7.2.4 MONTHLY BUDGET REVIEW – AUGUST 2012

A0100055, A0149935

418/12 **MOTION:** **Walker/Weatherley****That:**

1. **the report by Manager Financial Planning on the August 2012 Monthly Budget Review be received;**

2. **the 2012/13 Operational Plan be amended in accordance with the variations as listed on pages 2 to 3 of the August 2012 Monthly Budget Review.**

The motion was put and carried.

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

A0100055, A0140304

419/12

MOTION: Shelley/Webb

That:

1. **the report by Manager Financial Planning on the Monthly statement of Mid-Western Regional Council bank balances and investments as at 31 August 2012 be received;**
2. **the certification by the Responsible Accounting Officer be noted.**

The motion was put and carried.

7.2.6 CANCELLATION OF EASEMENTS RELATING TO LOT 14 DP
1165148 80-82 DEPOT ROAD MUDGEES

A0100055, P2106011, A0010006

420/12

MOTION: Walker/Weatherley

That:

1. **the report by Manager Revenue & Property on the cancellation of easements relating to Lot 14 DP 116514 80-82 Depot Road Mudgees be received;**
2. **the General Manager and Mayor be authorised to sign all documentation required to cancel the easements numbered 2 and 3 in the Second Schedule of the Title Search and;**
3. **the Common Seal of the Council be affixed to all necessary documentation required to cancel the easements numbered 2 and 3 in the Second Schedule of the Title Search.**

The motion was put and carried.

7.2.7 CATCHMENT A VOLUNTARY PLANNING AGREEMENTS

A0100055, F0560027

421/12

MOTION: Walker/Shelley**That:**

1. the reports by the General Manager and Group Manager Development and Community Services on the Catchment A Voluntary Planning Agreements be received;
2. authority be granted to the Mayor and General Manager to execute the Voluntary Planning Agreements and all necessary documentation under the common seal of Council for the following properties:

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
3. Council approves the purchase of 1.599 hectares of land currently being part of Lot 1 DP 1036575, located at 50-64 Bellevue Road at a cost of \$315,000 inclusive of GST (if any) for the purpose of the construction of a detention basin and other community purposes; and
4. the General Manager report this additional cost as part of the September Quarterly Budget Review.

The motion was put and carried.

7.2.8 CHURCH STREET UPGRADE

A0100055, R1143008

MOTION: Walker/**That:**

1. the report by General Manager on the Church Street Upgrade be received;
2. Council amend the 2012/13 Operational Plan and Budget to allow for a comprehensive upgrade of Church Street Mudgee between Mortimer Street and Gladstone Street to reflect other sections of Church Street in the Mudgee CBD at a cost of \$900,000.00

3. Council approve the funding of the Church Street upgrade at \$900,000 in the 2012/13 Operational Plan and Budget to be \$114,000 from the Water Fund and \$786,000 from General Fund (acknowledging that \$350,000 is already including in the budget from General Fund).

The motion lapsed for want of a seconder.

MOTION: Thompson/Martens

That consideration of this matter be deferred and Council fix up the two or three holes in the street and investigate spending these funds on rural roads.

AMENDMENT: Shelley/

That:

1. the report by General Manager on the Church Street Upgrade be received;
2. Council amend the 2012/13 Operational Plan and Budget to allow for a comprehensive upgrade of Church Street Mudgee between Mortimer Street and Gladstone Street to reflect other sections of Church Street in the Mudgee CBD at a cost of \$900,000.00
3. Council approve the funding of the Church Street upgrade at \$900,000 in the 2012/13 Operational Plan and Budget to be \$114,000 from the Water Fund and \$786,000 from General Fund (acknowledging that \$350,000 is already including in the budget from General Fund).

This amendment lapsed for want of a seconder.

422/12 **AMENDMENT: Walker/Cavalier**

That consideration of this matter be deferred to permit an on-site inspection and an explanation of the works by Operations staff.

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

7.2.9 CLASSIFICATION OF LAND LOT 102 DP 1174280

A0100055, A0010002, P2174811

423/12 **MOTION: Weatherley/Shelley**

That:

1. **the report by Manager Revenue and Property on the Classification of Land be received;**
2. **in relation to Lot 102 DP 1174280 the land be classified as Operational.**

The motion was put and carried.

7.2.10 DELEGATION TO REVIEW RATING CATEGORIES

A0100055, A0340047, A0340007

424/12

MOTION: Shelley/Walker**That:**

1. the report by General Manager on the Delegation to review rating categories be received;
2. pursuant to Section 377 of the Local Government Act Council delegates to the General Manager the authority to determine under s525 Local Government Act reviews made by ratepayers to change the categorisation of their properties for rating purposes.

The motion was put and carried.

7.2.11 FINANCIAL ASSISTANCE – APPLICATIONS

A0100055, A0140201

425/12

MOTION: Shelley/Weatherley**That:**

1. the report by Financial Accountant on the 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, subject to those requirements being met, with the funding from the general financial assistance vote:

The Henry Lawson Society of NSW Inc	\$1,361.98
Returned & Services League - Gulgong RSL Sub-branch	\$2,000.00
Gulgong Pistol Club Incorporated	\$740.98
Mudgee High School	\$100.00
Mudgee Churches Association	\$1,000.00
Mudgee Celebration of Ability Committee	\$1,000.00

3. Council decline the financial assistance application from The Foundation for National Parks & Wildlife as the application does not satisfy the Financial Assistance policy criteria.

The motion was put and carried.

7.2.12 GULGONG SPORTS COUNCIL MINUTES

A0100055, A0360003

426/12

MOTION: Shelley/Walker**That:**

- 1. the report by Group Manager Operations on the Gulgong Sports Council Minutes be received;**
- 2. That the minutes for the Gulgong Sports Council ordinary monthly meetings held on 11 July 2012 & 15 August 2012 be noted.**

The motion was put and carried.

7.2.13 INFORMATION TECHNOLOGY ACCEPTABLE USE POLICY

A0100055, A0070010

427/12

MOTION: Martens/Cavalier**That consideration of this matter be deferred.**

The motion was put and carried.

7.2.14 SECTION 73A AMENDMENT TO LOT SIZE MAPS LEP 2012

A0100055, A0420244

Councillor Kennedy declared a pecuniary interest in that he is one of the owners of a property in one of the subject areas, vacated the Chair, left the meeting at 7.26 pm and did not participate in discussions or vote in relation to this matter.

In his absence, Councillor Webb assumed the Chair.

428/12

MOTION: Walker/Weatherley**That:**

- 1. the report by Manager Strategic Planning on the Local Environmental Plan 2012 Amendment to Lot Size Maps be received;**
- 2. That the Section 73A Submission regarding the corrections to the Lot Size Maps be forwarded to the Department of Planning requesting that the necessary amendments to the Local Environmental Plan 2012 Lot Size Maps be undertaken.**

The motion was put and carried.

Councillor Kennedy returned to the meeting at 7.27 pm and resumed the Chair.

7.2.15 LOCAL TRAFFIC COMMITTEE MINUTES – 16 AUGUST 2012

A0100055, R0790060

429/12

MOTION: Walker/Martens**That:**

1. the report by Development Engineer on the Local Traffic Committee Minutes – 16 August 2012 be received;
2. Council note the event – “Flavours of Mudgee Street Festival” 22 September 2012 – was classified as a Class 2 Event under the “Guide to Traffic and Transport Management for Special Events Version 3.4” and did proceed with the following conditions:
 - a. A Special Events Transport Management Plan (TMP), is to be prepared in accordance with the Guide to Traffic and Transport Management for Special Events Version 3.4 and submitted to and approved by Council prior to the event;
 - b. Events are to be undertaken in accordance with the requirements of the NSW Police Force with their approval documentation forwarded to Council for notation;
 - c. Controlling noise as required by the Protection of The Environment Operations (Noise Control) Regulation 2000;
 - d. Reimbursing Council for the cost of damage repairs;
 - e. Complying with Council's Law Enforcement Officers' reasonable directives;
 - f. Maintain areas in a clean and tidy condition. No obstructions are to be left on the roadways or footpaths;
 - g. A Traffic Control Plan (TCP) certified by a person with a ‘Select & Modify’ or a ‘Design and Audit’ Certificate be included in the TMP;
 - h. Any person directing traffic on a public road is required to possess an appropriate traffic controller’s certificate;
 - i. Council must be provided with a current copy of a public liability insurance policy in the amount of at least \$20 million. Such a policy is to note that Council is indemnified against any possible action as the result of the event;
 - j. The event convener is to notify all affected businesses and residents adjacent to the proposed closure indicating the period during which their accesses will be affected. Such notification is to be in writing;
 - k. Maintain a four-metre wide emergency vehicle lane;
 - l. Advertise the proposed event in local newspapers with relevant information at least 2 weeks prior to the date; and
 - m. The organiser is to have a debrief with Council and Police with all traffic control documentation and controls tabled for review.

3. **the event – “Mudgee Triathlon Race Season 2012-13”– be classified as a Class 2 Event under the “Guide to Traffic and Transport Management for Special Events Version 3.4” and proceeds with the following conditions:**
 - a. **Events are to be undertaken in accordance with the “Guidelines for Bicycle Road Races”;**
 - b. **A Special Events Transport Management Plan (TMP), is to be prepared in accordance with the Guide to Traffic and Transport Management for Special Events Version 3.4 and submitted to and approved by council prior to the event;**
 - c. **Events are to be undertaken in accordance with the requirements of the NSW Police Force with their approval documentation forwarded to Council for notation;**
 - d. **Controlling noise as required by the Protection of The Environment Operations (Noise Control) Regulation 2000;**
 - e. **Reimbursing Council for the cost of damage repairs;**
 - f. **Complying with any of Council's Law Enforcement Officers' reasonable directives;**
 - g. **Maintain areas in a clean and tidy condition. No obstructions are to be left on the roadways or footpaths;**
 - h. **A Traffic Control Plan (TCP) certified by a person with a ‘Select & Modify’ or a ‘Design and Audit’ Certificate be included in the TMP;**
 - i. **Any person directing traffic on a public road is required to possess an appropriate traffic controller’s certificate;**
 - j. **Council must be provided with a current copy of a public liability insurance policy in the amount of at least \$20 million. Such a policy is to note that Council is indemnified against any possible action as the result of the event;**
 - k. **The event convener is to notify all affected businesses and residents adjacent to the proposed closure indicating the period during which their accesses will be affected. Such notification is to be in writing;**
 - l. **Maintain a four-metre wide emergency vehicle lane;**
 - m. **Advertise the proposed event in local newspapers with relevant information at least 2 weeks prior to the date;**
 - n. **The applicant to apply to the RMS for a “Direction to Restrict the Speed Limit”, where applicable, and**
 - o. **The organiser is to have a debrief with Council and Police with all traffic control documentation and controls tabled for review.**
- 4 **Council note the event – “Rainbow Day”, Thursday 20 September 2012” – was classified as a Class 2 Event under the “Guide to Traffic and Transport Management for Special Events Version 3.4” and did proceed with the following conditions:**
 - a. **A Special Events Transport Management Plan (TMP), is to be prepared in accordance with the Guide to Traffic and Transport Management for Special Events Version 3.4 and submitted to and approved by Council prior to the event;**
 - b. **Events are to be undertaken in accordance with the requirements of the NSW Police Force with their approval documentation forwarded to Council for notation;**

- c. Controlling noise as required by the Protection of The Environment Operations (Noise Control) Regulation 2000;
 - d. Reimbursing Council for the cost of damage repairs;
 - e. Complying with Council's Law Enforcement Officers' reasonable directives;
 - f. Maintain areas in a clean and tidy condition. No obstructions are to be left on the roadways or footpaths;
 - g. A Traffic Control Plan (TCP) certified by a person with a 'Select & Modify' or a 'Design and Audit' Certificate be included in the TMP;
 - h. Any person directing traffic on a public road is required to possess an appropriate traffic controller's certificate;
 - i. Council must be provided with a current copy of a public liability insurance policy in the amount of at least \$20 million. Such a policy is to note that Council is indemnified against any possible action as the result of the event;
 - j. The event convener is to notify all affected businesses and residents adjacent to the proposed closure indicating the period during which their accesses will be affected. Such notification is to be in writing;
 - k. Maintain a four-metre wide emergency vehicle lane;
 - l. Advertise the proposed event in local newspapers with relevant information at least 2 weeks prior to the date;
 - m. A copy of the TMP including the TCP is to be forwarded to the Traffic Operations Manager at the Regional RTA Office in Parkes for approval; and
 - n. The organiser is to have a debrief with Council and Police with all traffic control documentation and controls tabled for review.
- 5 the event – "Rylstone StreetFeast", 3 November 2012 – be classified as a Class 2 Event under the "Guide to Traffic and Transport Management for Special Events Version 3.4" and proceeds with the following conditions:
- a. A Special Events Transport Management Plan (TMP), is to be prepared in accordance with the Guide to Traffic and Transport Management for Special Events Version 3.4 and submitted to and approved by Council prior to the event;
 - b. Events are to be undertaken in accordance with the requirements of the NSW Police Force with their approval documentation forwarded to Council for notation;
 - c. Controlling noise as required by the Protection of The Environment Operations (Noise Control) Regulation 2000;
 - d. Reimbursing Council for the cost of damage repairs;
 - e. Complying with Council's Law Enforcement Officers' reasonable directives;
 - f. Maintain areas in a clean and tidy condition. No obstructions are to be left on the roadways or footpaths;
 - g. A Traffic Control Plan (TCP) certified by a person with a 'Select & Modify' or a 'Design and Audit' Certificate be included in the TMP;
 - h. Any person directing traffic on a public road is required to possess an appropriate traffic controller's certificate;

- i. Council must be provided with a current copy of a public liability insurance policy in the amount of at least \$20 million. Such a policy is to note that Council is indemnified against any possible action as the result of the event;
 - j. The event convener is to notify all affected businesses and residents adjacent to the proposed closure indicating the period during which their accesses will be affected. Such notification is to be in writing;
 - k. Maintain a four-metre wide emergency vehicle lane;
 - l. Advertise the proposed event in local newspapers with relevant information at least 2 weeks prior to the date; and
 - m. The organiser is to have a debrief with Council and Police with all traffic control documentation and controls tabled for review.
- 6 the Mudgee taxi rank remains as follows:
- the day rank from 7am – 6pm in Mortimer Street Mudgee adjacent to Woolworth.
 - the night rank from 6 pm to 7am adjacent to the shell service station in Mortimer street Mudgee.
- 7 the intersection of Douro and Inglis street be upgraded to include pedestrian facilities when funding becomes available.
- 8 the request to use a programmable electronic billboard at St Matthew's Catholic School be approved subject to the following conditions:
- a the school notifies Council in writing of the wording that will be used on the sign, when it will be displayed and for how long;
 - b the variable message board (VMS) must comply with the RTA Technical Direction TDT2010/07 – Use of Variable Message Signs, RTA Policy and RTA Technical Direction TDT 2005/02b – Guidelines for the Location and Placement of Variable Message Signs; and
 - c Council write to the RMS Schools Project Officer for the Western Region seeking assistance to coordinate a meeting with all stakeholders to investigate improvements to road safety at St Matthews School.
- 9 staff further investigate the request for a disabled parking space, in particular, that the disabled car parking space be located on site.

The motion was put and carried.

7.2.16 MONTHLY DEVELOPMENT APPLICATIONS PROCESSING AND DETERMINED

A0100055

430/12 **MOTION:** **Shelley/Weatherley**

That the report of the Group Manager Development and Community Services on the monthly development applications process for the months ending 31 July 2012 and 31 August 2012 be received.

The motion was put and carried.

7.2.17 MOOLARBEN COAL MINES LIMITED ROAD REALIGNMENT OF ULAN WOLLAR ROAD

A0100055, A0100049, R4022001, A0420176

431/12 **MOTION:** **Shelley/Webb**

That:

- 1. The report by Manager Revenue & Property on the Moolarben Coal Mines Limited Road Realignment of Ulan Wollar Road be received;**
- 2. Council proceed with the closure of the section of Ulan-Wollar Road described as Lots 2 and 6 in the proposed plan;**
- 3. Council proceed with the road creation and dedication of the realigned Ulan-Wollar Road described as Lots 1, 4, 5 & 13 in the proposed plan;**
- 4. Upon completion of the road closure and road creation, Lot 2 of the proposed plan be transferred to Ulan Coal Mines Limited and that Lot 6 of the proposed plan be transferred to Moolarben Coal Mines Limited;**
- 5. The General Manager negotiate the terms of agreement with Moolarben Coal Mines Limited regarding the proposed road realignment of the Ulan-Wollar Road;**
- 6. The General Manager and the Mayor be authorised to sign all necessary documentation in relation to the road realignment and associated agreements;**
- 7. The Common Seal of Council be affixed to all necessary documentation.**

The motion was put and carried.

7.2.18 ULAN WOLLAR ROAD - REALIGNMENT

A0100055, R9214003

432/12

MOTION: Martens/Webb**That:**

1. the report by General Manager on the Ulan Wollar Road - realignment be received;
2. Council amend its 2012/13 Operational Plan and Budget to include the Ulan Wollar Road realignment at a value of \$2.5 million and to be funded by Moolarben Coal Pty Ltd.

The motion was put and carried.

7.2.19 ADEQUACY REVIEW OF THE ENVIRONMENTAL
ASSESSMENT – MT PENNY COAL PROJECT

A0100055, A0420223

433/12

MOTION: Shelley/Webb**That:**

1. the report by the General Manager on the Adequacy Review of the Environmental Assessment for the Mt Penny Coal Project (MP 10_0234) be noted for information;
2. Council endorse the written submission to the Adequacy Review based on the detail as outlined in Attachment 1 to this report, as forwarded to the Department of Planning & Infrastructure.

The motion was put and carried.

7.2.20 MUDGEES MOUNTAIN BIKE PLAN

A0100055, R0790051

434/12

MOTION: White/Weatherley**That:**

1. the report by General Manager on the Mudgee Mountain Bike Plan be received;
2. Council approves in principal for the Mudgee Cycling Club to use the Mudgee Common for mountain bike riding subject to:
 - the Mudgee Cycling Club obtaining all necessary insurance covers that protects Council from any claims for injury or other public liability events that occur on this property
 - the Mudgee Cycling Club applying for development application to undertake this activity on an outdoor recreation facility.

- 3. a long term management plan for the Common be developed as a condition of the development consent.**

The motion was put and carried.

7.2.21 MUDGEE SALEYARDS MANAGEMENT COMMITTEE

A0100055, A0100047, F0720036

435/12

MOTION: Webb/Walker

That:

- 1. the report by Group Manager Operations on the Mudgee Saleyards Management Committee Meeting be received;**
- 2. That the minutes for the Mudgee Saleyards Management Committee ordinary bi-monthly meeting held on 16 August 2012 be noted;**

The motion was put and carried.

7.2.22 MUDGEE SEWERAGE AUGMENTATION PROGRESS REPORT

A0100055, F0740001

436/12

MOTION: Walker/Weatherley

That the report by Business Manager Services on the Mudgee Sewerage Augmentation Progress Report be received.

The motion was put and carried.

7.2.23 MUDGEE SPORTS COUNCIL MINUTES

A0100055, A0360013

437/12

MOTION: Walker/Webb

That:

- 1. the report by Group Manager Operations on the Mudgee Sports Council minutes be received;**
- 2. That the minutes for the Mudgee Sports Council ordinary monthly meetings held on 30 July 2012 & 27 August 2012 be noted.**

The motion was put and carried.

7.2.24 MUDGEETOWN HALL PROGRESS REPORT – AUGUST

A0100055, P0159964

Councillor Walker declared a pecuniary interest in that he is a contractor to this project, left the meeting at 7.31 pm and did not participate in discussions or vote in relation to this matter.

438/12 **MOTION:** **Shelley/Martens**

That the report by Manager, Community Development on the Mudgee Town Hall Progress Report – August be received.

The motion was put and carried.

Councillor Walker returned to the meeting at 7.32 pm.

7.2.25 NAMING OF ROAD RESERVE OFF GLADSTONE STREET

A0100055, R0790141

439/12 **MOTION:** **Thompson/Cavalier**

That:

1. **the report by the Manager Revenue and Property on the naming of a road reserve off Gladstone Street be received;**
2. **Council name the road reserve off Gladstone Street – Shirley Stanley Lane.**

The motion was put and carried.

7.2.26 NOXIOUS WEEDS ACT DELEGATIONS

A0100055, A0230005

440/12 **MOTION:** **Webb/Thompson**

That:

1. **the report by the Manager Governance on the changes to the delegations brought about by amendments to the Noxious Weeds Act 1993 be received;**
2. **Council adopt the attached delegations under the Noxious Weeds Act 1993 for the:**
 - **General Manager;**
 - **Business Manager Resources and Recreation;**
 - **Chief Weeds Officer;**
 - **Noxious Weeds Administrator; and**
 - **Weeds Officer.**

The motion was put and carried.

7.2.27 REDBANK CREEK DAM

A0100055, F0710006, F0710004

441/12

MOTION: Webb/Shelley**That:**

1. the report by General Manager on the Redbank Creek Dam be received;
2. Council fund the upgrade of the Redbank Creek Dam to a maximum of \$200,000 excluding GST and the General Manager be authorised to proceed with the design and construction of repair works;
3. Council delegates to the General Manager the authority to enter into an agreement with the NSW Office of Water to undertake the repair works required at the Redbank Creek Dam and ensure that any costs above \$200,000 plus GST are met by the State Government; and
4. the \$200,000 be funded from the Council's Water Fund and that Council's 2012/13 Operational Plan and budget be amended accordingly.

The motion was put and carried.

7.2.28 NAMING OF NEW ROAD OFF GEORGE CAMPBELL DRIVE –
TIM LONERAGAN DRIVE

A0100055, R0790041

442/12

MOTION: Webb/Shelley**That:**

1. the report by Manager Revenue and Property on the Naming of new road off George Campbell Drive – Tim Loneragan Drive be received;
2. Council formally approve the naming of Tim Loneragan Drive for the new road that runs north off George Campbell Drive.

The motion was put and carried.

7.2.29 NAMING OF NEW UNNAMED ROAD OFF BELLEVUE ROAD

A0100055, R0790141

443/12

MOTION: Shelley/Thompson**That:**

1. the report by the Manager Revenue and Property on the naming of a new road reserve off Bellevue Road be received;
2. Council name the new road reserve off Bellevue Road – Nashs Flat Place.

The motion was put and carried.

7.2.30 PROPERTY RE-VALUATIONS

A0100055, A0340003, A0340028, A0340047

444/12

MOTION: Shelley/Walker**That:**

1. the report by General Manager on the be received;
2. Council delegates to the General Manager the authority to determine the best approach to settle the revaluation of farmland properties in the Mid-Western Region that have been subject to a re-ascertainment by the Valuer General. Any such solution should not have a negative impact on Council's total general rate yield; and
3. the General Manager to meet with the Valuer General and the Division of Local Government to establish the appropriate legal process if the re-ascertainment is allowable or late objections can be lodged.

The motion was put and carried.

7.2.31 CRUDINE RIDGE WIND FARM – CONSULTATIVE COMMITTEE

A0100055, A0420225

445/12

MOTION: Walker/Shelley**That:**

1. the report by General Manager on the Crudine Ridge Wind Farm - Consultative Committee be received;
2. Council nominates Councillor John Weatherley and Group Manager Development & Community Services, Catherine Van Laeren as the Council representatives on the Crudine Ridge Wind Farm Community Consultative Committee;

- 3. Council nominates Mrs Margaret Conn as a community representative on the Crudine Ridge Wind Farm Community Consultative Committee.**

AMENDMENT: Webb/Thompson

That:

1. the report by General Manager on the Crudine Ridge Wind Farm - Consultative Committee be received;
2. Council nominates Councillor John Weatherley and Group Manager Development & Community Services, Catherine Van Laeren as the Council representatives on the Crudine Ridge Wind Farm Community Consultative Committee.

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

7.2.32 SECTION 73A AMENDMENT TO LAND ZONING SHEET 5G LEP 2012

A0100055, A0420244

Councillor Walker declared a pecuniary interest in that he is the owner of the subject land, left the meeting at 7.41 pm and did not participated in discussions or vote in relation to this matter.

446/12

MOTION: Shelley/Weatherley

That:

- 1. the report by Manager Strategic Planning on the Local Environmental Plan 2012 Amendment to Land Zoning Map Sheet 5G be received;**
- 2. the Section 73A Submission regarding the corrections to the Land Zoning Map Sheet 5G be forwarded to the Department of Planning requesting that the necessary amendments to the Local Environmental Plan 2012 be undertaken;**
- 3. should the Department of Planning request that the correction be presented as a Planning Proposal, that such a planning proposal be prepared; and**
- 4. in the case of a planning proposal, should the gateway require exhibition and during which Council does not receive any submissions, that the matter be dealt with under the delegation of the General Manager.**

The motion was put and carried.

Councillor Walker returned to the meeting at 7.42 pm.

**9.1.1 General Manager's Performance Agreement 2012-13
(brought forward from Confidential Session)**

A0100055, A0381421

447/12

MOTION: Shelley/Weatherley

That consideration of this matter be deferred.

The motion was put and carried.

Item 8: Urgent Business Without Notice

There was no Urgent Business Without Notice.

Item 9: Confidential Session

The matter of the General Manager's Performance assessment that was to be considered was deferred.

Closure

There being no further business the meeting concluded at 7.45 pm.