

Minutes of the Ordinary Meeting of Council

Held at the Council Chambers, 86 Market Street, Mudgee
on Thursday 6 June 2013, commencing at 6.20 pm and concluding at 7.17 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 (Deputy Mayor).

IN ATTENDANCE General Manager (WL Bennett), Director Mid-Western Operations (B Cam), Director Development and Community Services (C Van Laeren), Director Finance and Administration (C Phelan), Manager Governance (I Roberts)

MEDIA REPRESENTATIVES Mudgee Guardian / The Weekly (R Murray), Radio 2MG (M Heldon).

Item 1: Apologies

An apology was received for the absence of Councillor White.

185/13 MOTION: Martens/Weatherley

That the apology for the absence of Councillor White be accepted and leave of absence be granted.

The motion was put and carried.

Item 2: Disclosure of Interest

There were no disclosures of interest.

Item 3: Confirmation of Minutes


186/13 MOTION: Shelley/Weatherley

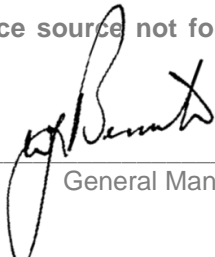
That the Minutes of the Ordinary Meeting held on 15 May 2013 (Minute Nos. 169/13 to 184/13) be taken as read and confirmed.

The motion was put and carried.

Item 4: Matters in Progress

Noted.


Mayor


General Manager

Item 5: Mayoral Minutes

There was no Mayoral Minute.

Item 6: General Business**6.1 NOTICES OF MOTION****6.1.1 RE-VALUATION OF MUDGEES CBD**

A0100056, A0100035

MOTION: Thompson/Shelley

That Council adjust its rates charges for the present Operational Plan on the new valuation to take place on 1 July 2013 and that a letter be written to the appropriate State Government Minister requesting that the law be changed to prohibit the sales of properties for mines and buffer zones being used as comparable sales when valuing genuine farmland.

The motion was put and lost.

6.2 REPORTS TO COUNCIL**6.2.1 DA 0334/2013 PROPOSED 33 LOT RESIDENTIAL
SUBDIVISION – 38– 46 BATEMAN AVENUE, MUDGEES**

A0100056, P1038163


187/13

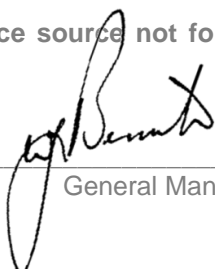
MOTION: Shelley/Cavalier**That:**

- A. the report by the Town Planner on the DA 0334/2013 Proposed 33 Lot Residential Subdivision – 38 – 46 Bateman Avenue, Mudgees be received;**
- B. Council permit the variation of the lot size in accordance with Clause 4.6 for proposed lot 34 as it will be used for access purposes and not for the purposes of a residential lot.**
- C. Development Application No DA0334/2013 be approved subject to the following conditions:**

APPROVED PLANS

- 1. Development is to be carried out generally in accordance with the stamped approved plans: Subdivision Plan, File No BK003.dwg Sheet Nos 1 and 2, prepared by Jabek Pty Limited and dated 24 August 2012, Statement of Environmental Effects dated February 2013 and supporting documentation, and the Development**



Mayor

General Manager


Application received by Council on 6 February 2013, except as varied by the conditions listed herein.

Any minor modification to the approved plans will require the lodgement and consideration by Council of amended plans. Major modifications will require the lodgement of a new Development Application.

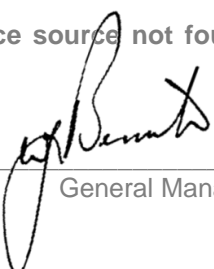
2. If any aboriginal artefacts are uncovered or identified during construction earthworks, such work is to cease immediately and the Mudgee Local Aboriginal Land Council and National Parks and Wildlife Service are to be notified.

PRIOR TO THE RELEASE OF THE CONSTRUCTION CERTIFICATE

3. Council is to be provided with a Controlled Activity Approval under the *Water Management Act 2000* from the NSW Office of Water for the proposed works prior to the issue of the Construction Certificate.
4. The developer shall obtain an Aboriginal Heritage Impact Permit (AHIP) for the destruction or relocation of known and unknown aboriginal heritage at the location from the NSW Office of Environment and Heritage prior to issue of the Construction Certificate.
5. All finished surface levels shall be shown on the plans submitted for the Construction Certificate. Where it is proposed to import fill, the material shall be certified as free of hazardous materials and contamination by a suitably qualified geotechnical engineer. Fill placed in residential or commercial lots shall be compacted in accordance with *AS3798-2007 Guidelines on Earthworks for Commercial and Residential Developments*.
6. Interallotment drainage is to be provided to remove stormwater from any lots that cannot discharge to the street in accordance with AusSpec #1. An easement in favour of the upstream allotments shall be created not less than 1.0 m in width for interallotment drainage.
7. 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.
8. 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



Mayor



General Manager

CIVIL WORKS ASSOCIATED WITH THE SUBDIVISION

9. The developer is to extend and meet the full cost of water and sewerage reticulations to service the new lots plus the cost of connecting to existing services. Each lot must be provided with separate water and sewer 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.
10. 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 \$1,425.00 per new junction to cover the cost of Council installing a junction in an existing main, or for the work to be done as part of any main extension.


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

11. 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 \$1,600.00 per lot to cover the cost of installing both the service and a 20mm meter on the water main, OR \$350.00 per meter assembly where the main is extended by the developer.

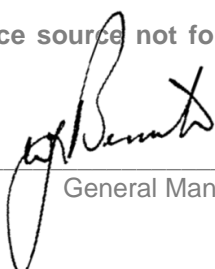
Note: Council does not permit other bodies to insert new junctions into ‘live’ water mains.

12. The developer is to upgrade the Bateman Avenue extension for the full frontage of the proposed subdivision and including connection to the existing sealed Bateman Avenue, such that it has the following characteristics:

Item	Requirement
Full Road Pavement Width	9m @ 3% cross fall
Footpath Seal	1.2 metre wide concrete footpath Two-coat flush seal -14/7 mm (Double/Double) as Required
Kerb & Gutter	Roll back concrete kerb & gutter (western side)
Subsoil Drainage Underground Drainage	Behind kerb if required Where gutter flow exceeds 2.5 metres during minor events or adjacent to intersections.



Mayor



General Manager

13. All public reserves proposed to be vested in the control of Council (outside of the riparian corridor) are to be landscaped and turfed prior to the release of the Subdivision Certificate.
14. A 1.2 metre wide concrete footpath is to be provided within the reserve designated path and park reserve from the road reserve to the drainage reserve prior to the issue of the Subdivision Certificate.

PRIOR TO THE ISSUE OF THE SUBDIVISION CERTIFICATE

15. A linen plan and two (2) copies are to be submitted to Council for approval and endorsement by the General Manager.
16. 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.

17. 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

Section 94 Contributions

Transport Management

Traffic Management	\$34,417
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Open Space

Local Open Space	\$55,756
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District Open Space	\$73,296
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Community Facilities

Library Buildings	\$7,090
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Library Resources	\$8,445
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Administration

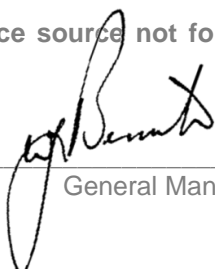
Plan Administration	\$16,491
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Total Payable	\$195,495
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If the *Subdivision Certificate* is not issued, for any reason whatsoever, within twelve (12) months of the date of determination, then the charges and contributions contained in this consent, may be increased to the current rate at the time of payment.



Mayor



General Manager

18. The developer shall obtain a *Certificate of Compliance* in accordance with s305-307 of the *Water Management Act 2000*. This will require:

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

Water Headworks	\$246,867.00
Sewerage Headworks	\$111,128.00
Total Payable	\$357,995.00

(b) The adjustment of existing services or installation of new services and meters, as required, in compliance with *Australian Standard 3500: National Plumbing and Drainage Code*. All costs associated with this work shall be borne by the developer.

19. 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.

20. Three metre wide easements, including associated Section 88B of the *Conveyancing Act 1919* instruments, are to be created in favour of Council over any existing or newly constructed water, or sewerage reticulation components located within the subject property, or extended through adjoining private properties as a result of this subdivision.

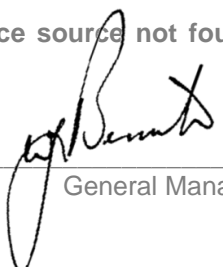
21. Following completion of the subdivision works, one full set of work-as-executed plans, in pdf and dwg format, which is "Autocad compatible" is to be submitted on disk to Council. All work-as-executed plans shall bear the Consulting Engineer's or Consulting Surveyor's certification stating that all information shown on the plans is accurate.

22. Prior to issue of the *Subdivision Certificate*, Council is to be supplied with:

a) A certificate from an energy provider indicating that satisfactory arrangements have been made for provision of underground electricity supply to the subdivision.



Mayor



General Manager

- b) A certificate from a communication provider indicating that satisfactory arrangements have been made for provision of telephone services to the subdivision.

23. Proposed lot 34 is not approved for the purpose of a dwelling and a restriction as to user benefitting Council is to be placed on the title that states that no dwelling shall be erected on the allotment.

GENERAL TERMS OF APPROVAL NSW OFFICE OF ENVIRONMENT AND HERITAGE

1. The proponent is required to apply for an Aboriginal Heritage Impact Permit (AHIP) for the objects located within the development area.
2. The fate of the objects (relocation or storage) is to be decided on the basis of the wishes of the Aboriginal stakeholders.
3. Consultation with the Aboriginal community in relation to the AHIP must comply with Office of Environment and Heritage's "Aboriginal Cultural Heritage Consultation Requirements for Proponents 2010".

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

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

6.2.2 DA0301/2013 – STAGED DEVELOPMENT – DWELLING - LOT 11 DP 1153315, 277 ILFORD HALL ROAD, ILFORD

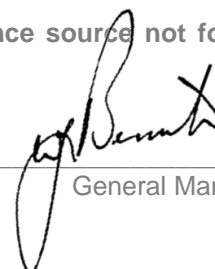
A0100056, P1942164

188/13

MOTION: Walker/Martens

That:

- A. the report by the Graduate Planner on the DA0301/2013 – Proposed Staged Dwelling, Lot 11 DP 1153315, 277 Ilford Hall Road, Ilford be received;

- B. Development Application DA0301/2013 - Proposed Staged Dwelling, Lot 11 DP 1153315, 277 Ilford Hall Road, Ilford, be refused for the following reasons;**
- 1. The proposal does not comply with Clause 4.2A (3(a)) of the Mid-Western Regional Local Environmental Plan 2012 as it does not incorporate an area in excess of 40 hectares,**
 - 2. The proposal does not comply with Clause 4.2A (3(b)) of the Mid-Western Regional Local Environmental Plan 2012 as a dwelling was not permissible immediately before the commencement of the LEP 2012,**
 - 3. The proposal does not comply with Clause 4.2A (3(c)) of the Mid-Western Regional Local Environmental Plan 2012 as a dwelling was not permissible immediately before the commencement of the LEP 2012,**
 - 4. The proposal does not comply with Clause 4.2A (3(d)) of the Mid-Western Regional Local Environmental Plan 2012 as the land does not comprise an existing holding,**
 - 5. The proposal does not comply with Clause 4.2A (3(f)) of the Mid-Western Regional Local Environmental Plan 2012 as the land is not within 500 metres of a RU5 Village zone and the 500 metres is not a development standard,**
 - 6. It is not considered to be in the public interest to vary a development standard that is within the applicant's control to achieve compliance with the development standard.**

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

Councillors	Ayes	Nayes
<i>Cr Cavalier</i>	✓	
<i>Cr Kennedy</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 SUBMISSIONS ON OPERATIONAL PLAN

A0100056, A0170041

189/13

MOTION: Shelley/Weatherley

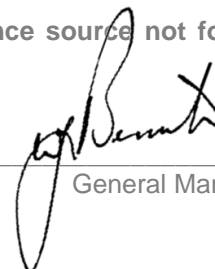
- 1. That the report by the General Manager on the Submissions on Operational Plan be received.**

Page 8 of the Minutes of the Ordinary Meeting of Council held on **Error! Reference source not found.**
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Mayor



General Manager



The motion was put and carried.

190/13 **MOTION:** **Shelley/Cavalier**

2. That Council amend the 2013/14 Operational Plan to reduce the overall rates levied in the 2013/14 financial year by \$169,000 to \$17,751,094.36 and that the reduced yield be determined by reducing the rate increase on Farmland to 5.53% increase the same as the Business and Residential categories. This reduced income of \$169,000 be funded by way of deleting/amending the following expenditure and/or projects costs
 - \$40,000 – Cemetary Landscaping
 - \$80,000 – Lawson Park Irrigation
 - \$49,000 – Weeds budget

AMENDMENT: Webb/Thompson

2. That Council amend the 2013/14 Operational Plan to reduce the overall rates levied in the 2013/14 financial year by \$169,000 to \$17,751,094.36 and that the reduced yield be determined by reducing the rate increase on Farmland to 5.53% increase the same as the Business and Residential categories. This reduced income of \$169,000 be funded by way of deleting/amending the following expenditure and/or projects costs
 - \$80,000 – Lawson Park Irrigation
 - \$90,000 – Percy Nott Park

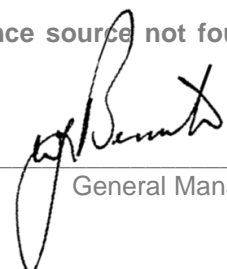
The amendment was put and lost. The motion was put and carried.

191/13 **MOTION:** **Thompson/Shelley**

3. Council receive all the submissions to the 2013/14 Operational Plan and that the General Manager be required to respond to each submission as per the Council resolutions;
4. Yancoal be thanked for its submission and advise that a review of categorisation for rating purposes will only be undertaken on application for review on the approved form;
5. An acknowledgement be sent to Mr Bob Lamond for his submission and that he be notified that Council has the legal right to recover lost rate income if it so desires and that it will not purchase the Regent Theatre and that the General Manager give an explanation on the budget statement queries that have been raised.

The motion was put and carried.

192/13 **MOTION:** **Shelley/Cavalier**



6. Consideration of the submission from the NSW Origin Legends be deferred until the September quarterly budget review.

The motion was put and carried.

193/13 **MOTION:** Cavalier/Weatherley

7. Consideration of the submission from the Mudgee Civilian Rifle and Small Bore Club Inc be deferred.

The motion was put and carried.

194/13 **MOTION:** Martens/Cavalier

8. Consideration of the submission from Frontline Community Services be deferred until the September Quarterly Budget Review.

The motion was put and carried.

195/13 **MOTION:** Thompson/Cavalier

9. Beragoo Estate Progress Association be thanked for their submission and advised that Council will contribute \$8,000 towards the cost of tar sealing Beragoo Road from the Council's Road and Maintenance account on the condition that all Beragoo residents make their contribution to Council totalling \$8,000 prior to the works commencing. The works to be limited to \$16,000.

The motion was put and carried.

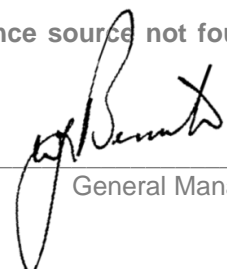
196/13 **MOTION:** Walker/Cavalier

10. the Sculptures in the Garden Committee be thanked for their submission and advised that Council approves its request to match their funds raised of \$4,783.21 towards a piece of sculptured art work for the region and the committee be advised that the selected piece of art work must be approved by Council before being commissioned.

The motion was put and carried.

197/13 **MOTION:** Shelley/Walker

11. Denise Guggenbuhl-Cornaz be thanked for her submission and that she be advised that Council has maximised as far as practicable its allocation to non-urban road funding in the region;
12. the Mudgee District Tennis Club be thanked for its submission and Council confirm its grant of \$30,000 towards this facility;



13. the Mudgee and Gulgong Cricket Association be thanked for its submission and advise that Council declines its request to increase the allocation for wicket maintenance from \$20,000 to \$30,000;
14. Kandos Gardens Fair Committee be thanked for its submission and advised that Council will undertake plantings in the Kandos township as part of its operational program.

The motion was put and carried.

198/13 **MOTION:** **Weatherly/Cavalier**

15. NSW Farmers be thanked for their submission and advised that Council supports, in principle, the scholarship for a student wishing to study agriculture at a tertiary level as part of the Australian Day awards but that Council is unable to comit any funds towards this scholarship..

The motion was put and carried.

199/13 **MOTION:** **Shelley/Cavalier**

16. Housing Plus be thanked for its submission but be advised that Council declines its request to waiver section 94 contributions and water and sewer headwork fees;

The motion was put and carried.

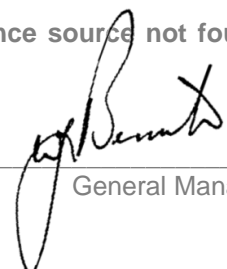
200/13 **MOTION:** **Shelley/Weatherley**

17. TAFE NSW be thanked for its submission and be advised that Council will persue grant funding applications for a footpath to the Ulan Road campus but is unable to make any financial contribution from Council funds.

The motion was put and carried.

201/13 **MOTION:** **Shelley/Cavalier**

18. Barnardos Western NSW be thanked for its submission and advised that their request for additional funding for the Loft Youth Centre in Kandos will be referred to the Youth Council;
19. Council amend the Sewer Budgets to include the following projects:
 - Sewer Management studies: \$50,000
 - Sewer Mains relining: \$12,000
 - Mudgee Sewer Augmentation: \$1,100,000
 - Training of operators: \$41,000



and these projects be funded as a result of carryover from the 2012/13 year from the Sewer Reserve account

20. Council amend the Water Budgets to include the Redbank Dam structural repairs at a cost of \$150,000 to be funded from the Water Reserve account as a result of the carryover from the 2012/13 financial year;
21. Council include the Catchment A Drainage Works project at a cost of \$305,000 in the 2013/14 Operational Plan. The works to be funded from surpluses declared in the March Quarterly Budget Review from the Asset Replacement account;
22. Council include in the 2013/14 Operational Plan the following grants that were received and paid in advance to Council in the 2012/13 financial year, and will be shown as surpluses at 30 June 2013:
 - Financial Assistance Grants: \$2,808,000
 - Footbridge over Cudgegong River: \$150,000
23. Council include in the 2013/14 Operational and Delivery Plan the following incomes expected from Section 94 contributions or VPAs:
 - Section 94 contributions - - haulage extraction: \$176,000 for 2013/14, \$182,000 for 2014/15, \$187,000 for 2015/16 and \$193,000 for 2016/17;
 - Voluntary Planning Agreement – Stage 2 Moolarben Coal: \$1,500,000

The motion was put and carried.

202/13

MOTION: Cavalier/Shelley

24. Council amend the 2013/14 Operational Plan to include the following projects:
 - Cemetery software: \$12,000 from the Capital Programme Reserve
 - MAC Group appeal to Environment Court: \$80,000 from unrestricted cash

The motion was put and carried.

203/13

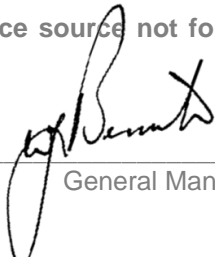
MOTION: Shelley/Walker

25. Council amend its Fees and Charges schedule to include:
 - A \$1.00 per hour fee for the use of the inflatable pool slide
 - Inspections of private swimming pools: first inspection \$150, second inspection \$100

The motion was put and carried.



Mayor



General Manager

MOTION: Webb/Thompson

26. That Church Street Mudgee between Gladstone and Denison Streets receive a rubber seal upgrade and the remainder of the \$750,000 set aside for the Church Street rehabilitation be redirected to rural roads re-sheeting.

The motion was put and lost.

204/13 MOTION: Shelley/Cavalier

27. the Mudgee Small Farm Field Days be thanked for their submission and advised that Council is prepared to make an in-kind contribution for rubbish removal and airport security up to a maximum of \$3,500 towards their Field Day event in July 2013.

The motion was put and carried.

205/13 MOTION: Webb/Martens

28. That grants donation of \$3,000 each be made to the Gulgong and Mudgee Show Societies.

AMENDMENT: Shelley/Cavalier

28. That any funds donated to the show societies be treated in the usual manner.

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

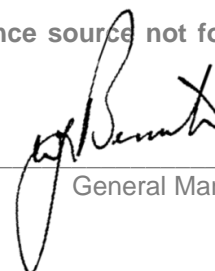
6.2.4 COMMUNITY PLAN – SUBMISSIONS

A0100056, A0149939

206/13 MOTION: Shelley/Cavalier

That:

1. the report by Manager Strategic Planning on the Community Plan be received;
2. the submission relating to development of facilities at People's Park in Gulgong, Adventure Playground and seating in Rylstone Parks be referred to and considered as submissions to the Recreation Strategy;
3. the issues raised in relation to pedestrian movement at the intersection of Horatio and Church Streets (McDonalds) and traffic island in Church Street between Aldi and Mitre-10 be referred to staff for a report to the Traffic Committee for further consideration;



4. that the Community Plan be adopted.

The motion was put and carried.

6.2.5 A CONVERSATION WITH LUE

A0100056, A0420245

207/13

MOTION: Cavalier/Martens

That the report by the Director, Development and Community Services on community consultation evening called A Conversation with Lue be received.

The motion was put and carried.

6.2.6 MONTHLY BUDGET REVIEW – APRIL 2013

A0100056, A0149935

208/13

MOTION: Shelley/Cavalier**That:**

- 1. the report by the Financial Accountant on the Monthly Budget Review - April 2013 be received;**
- 2. the 2012/13 Operational Plan be amended in accordance with the variations as listed on page 2 of the April 2013 Monthly Budget Review and as set out in the report of the Finance Accountant dated 23rd May 2013.**

The motion was put and carried.

6.2.7 FINANCIAL ASSISTANCE APPLICATIONS

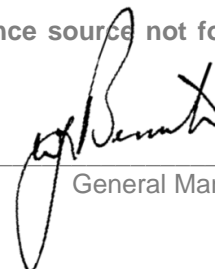
A0100056, A0140201

209/13

MOTION: Weatherley/Shelley**That:**

- 1. the report by the 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:**

Judy Kurtz	\$ 200
Mudgee Fine Foods	\$1,500
Jordan Woolmer	\$ 250
Karen Wilkinson	\$ 120



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

<i>Cr Weatherley</i>	<i>Cudgegong Choir</i>	<i>\$500</i>
	<i>Gulgong Eistedfod</i>	<i>\$500</i>
	<i>Jordon Woolmer</i>	<i>\$500</i>
<i>Cr Cavalier</i>	<i>Jordon Woolmer</i>	<i>\$200</i>
<i>Cr Webb</i>	<i>Jordon Woolmer</i>	<i>\$200</i>
<i>Cr Kennedy</i>	<i>Mudgee Hospital – Shower Chair</i>	<i>\$2,000</i>

The motion was put and carried.

6.2.8 TENDER FOR SUPPLY OF WATER METERS

A0100056, A0100026

210/13

MOTION: Martens/Cavalier

That:

1. the report by the Director, Finance & Administration on the tender for supply of water meters be received;
2. That Elster Metering be awarded this tender as the single source supplier of water meters for the period 1 July 2013 to 30 September 2015; and
3. That a provision be allowed for a 12 month extension based on satisfactory supplier performance which may take this tender through to 30 June 2016.

The motion was put and carried.

6.2.9 TENDER FOR SUPPLY OF TRAFFIC AND SAFETY SIGNAGE, AND GALVANISED POSTS AND CAPS

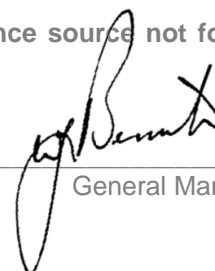
A0100056, A0100026

211/13

MOTION: Shelley/Weatherly

That:

1. the report by the Director, Finance & Administration on the tender for supply of traffic and safety signage, and galvanised posts and caps be received;
2. Council accept the tender of Barrier Signs Pty Ltd for the supply of traffic and safety signage for the period 1 July 2013 to 30 June 2015;
3. provision be allowed for a one year extension to this contract based on satisfactory supplier performance which may take this tender through to 30 June 2016;

4. Council accept the tender of Hi-Vis Signs & Safety for the supply of galvanised posts and caps for the period 1 July 2013 to 30 June 2015;, and
5. provision be allowed for a one year extension to the contract based on satisfactory supplier performance which may take this tender through to 30 June 2016.

The motion was put and carried.

6.2.10 ROADS POLICY REVIEW


A0100056, A0100021

212/13

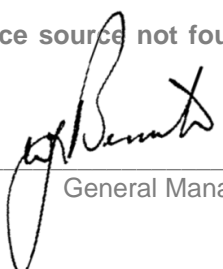
MOTION: Weatherley/Martens

That:

1. the report by Business Manager Works on the Roads Policy Review be received;
2. Council adopt the revised Advise to Resident on Road Works / Conditions Policy
3. Council confirm and adopt the exiting Access to Properties Policy
4. Council adopt the revised Bitumen Sealing of Gravel Roads Policy
5. Council adopt the revised Bus Shelter Policy
6. Council adopt the revised Construction of New Pathways Policy
7. Council adopt the revised Grazing of Stock on Roads Policy
8. Council adopt the revised Kerbing and Guttering and Footpath Charges Policy
9. Council adopt the revised Permanent Road Closures Policy
10. Council adopt the revised Private Works Policy
11. Council adopt the revised Public Seating Policy
12. Council adopt the revised Regulatory and Warning Signage Policy
13. Council adopt the revised Road Encroachment on Private Lands Policy
14. Council adopt the revised Temporary Road Closures Policy



Mayor



General Manager

15. Council adopt the revised Water Pipes Across and Along Roads Policy
16. Council adopt the revised Sign Inspection and Replacement Policy
17. Council rescinds the Gutter Bridges Policy

The motion was put and carried.

6.2.11 GULGONG SPORTS COUNCIL

A0100056, A0360003

213/13 **MOTION:** Thompson/Cavalier

That:

1. the report by the Director, Mid-Western Operations on the Gulgong Sports Council be received;
2. That the minutes for the Gulgong Sports Council ordinary monthly meeting held on 13 March 2013 be noted.

The motion was put and carried.

6.2.12 GULGONG SPORTS COUNCIL

A0100056, A0360003

214/13 **MOTION:** Cavalier/Walker

That:

1. the report by the Director, Mid-Western Operations on the Gulgong Sports Council be received;
2. That the minutes for the Gulgong Sports Council ordinary monthly meeting held on 10 April 2013 be noted.

The motion was put and carried.

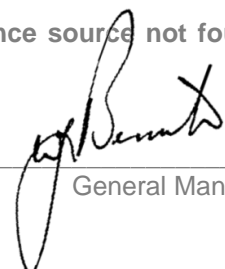
6.2.13 MUDGEES SPORTS COUNCIL

A0100056, A0100013

215/13 **MOTION:** Weatherley/Walker

That:

1. the report by the Director, Mid-Western Operations on the Mudgee Sports Council be received;
2. That the minutes for the Mudgee Sports Council ordinary monthly meeting held on 29 April 2013 be noted.



The motion was put and carried.

6.2.14 LOCAL TRAFFIC COMMITTEE MINUTES – 21 MAY 2013

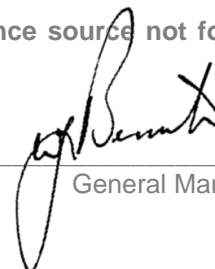
A0100056, A0100009

216/13


MOTION: Cavalier/Weatherley

That:

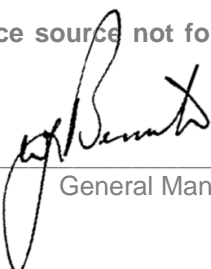
1. the report by the Development Engineer on the Local Traffic Committee Minutes – 12 March 2013 be received;
2. the event – “Gulgong Henry Lawson Festival” Saturday, 8 June 2013 – be classified as a Class 2 event under the “Guide to Traffic and Transport Management for Special Events Version 3.4” and 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 & 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 Mid-Western Regional Council, NSW Roads and Maritime Service (RMS) and NSW Police are 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 two 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 Cycle Club Events 2013’ – 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 and the ‘Typical Requirements for Bicycle Special Events’.
 - 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 3.3 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 Service 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 & 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 consult with all affected businesses and residents adjacent to the proposed closure, in writing, indicating the period during which their accesses will be affected;
 - l. Maintain a four-metre wide emergency vehicle lane;
 - m. Advertise the proposed event in local newspapers with relevant information at least two weeks prior to the date;
 - n. The organiser is to have a debrief with Council and Police with all traffic control documentation and controls tabled for review; and
 - o. The organiser is to advise Ulan, Wilpinjong and Moolarben coal mines of race details to ensure that mine workers are aware of the cycling races.
4. the event – “Mudgee Running Festival 2013” Friday and Saturday, 24 & 25 August 2013 – be classified as a Class 2 event under the




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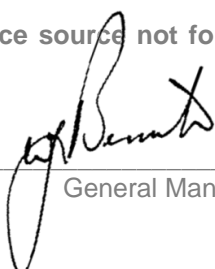


General Manager

- “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 any of 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 & 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 \$10 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 consult with all affected businesses and residents adjacent to the proposed closure, in writing, indicating the period during which their accesses will be affected;
 - k. Maintain a four-metre wide emergency vehicle lane;
 - l. Advertise the proposed event in local newspapers with relevant information at least two weeks prior to the date;
 - m. The organiser is to have a debrief with Council and Police with all traffic control documentation and controls tabled for review; and
 - n. A copy of the TMP including the TCP is to be forwarded to the Traffic Operations Manager at the Regional RMS Office in Parkes, for information.
5. the event – “Rylstone StreetFeast”, 2 November 2013 – 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;



Mayor



General Manager

- 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. "Give Way" signs be installed on Rocky Waterhole Road on the north side approach to Cudgegong River.
7. the Local Traffic Committee:
- a. note the RMS Inspection Report of the site, dated April 2013;
 - b. note the submission from Mr GC Hansen, dated 4 April 2013 (as amended 19 April 2013); and
 - c. replace the current symbolic cross-road ahead signage to clarify the priority of the roads at the intersection as recommended by the RMS report.
8. a 'disabled parking space', including kerb ramp and associated signage, be installed on the southern side of the existing disabled parking space in Lewis Street, adjacent to St Matthews Catholic School.
9. a. a request to review the speed zone on Black Lead Lane be forwarded to the RMS; and
- b. the residents of Black Lead Lane be notified of the referral to the RMS.

The motion was put and carried.

6.2.15 UPDATED ROBERTSON PARK MANAGEMENT PLAN

A0100056, A0820020

217/13

MOTION: Shelley/Martens**That:**

1. the report by the Economic Development Officer on the Updated Robertson Park Management Plan be received;
2. the Updated Robertson Park Management Plan be placed on public exhibition for a period of 28 days;
3. following the exhibition period, the Updated Robertson Park Management Plan be presented back to Council for adoption.

The motion was put and carried.

6.2.16 JULY COUNCIL MEETING

A0100056, A0100004

218/13

MOTION: Walker/Cavalier**That:**

1. the report by the General Manager on the July Council Meeting be received;
2. the July Council Meeting be changed from 17 July to 24 July 2013.

The motion was put and carried.

Item 7: Urgent Business Without Notice

7.1 Conduct Review Panel

A0100056, A0110003

219/13

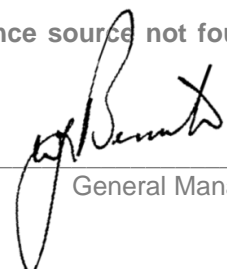
MOTION: Shelley/Cavalier**That this matter be dealt with as urgent business without notice.**

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

220/13

MOTION: Shelley/Martens**That:**

1. The report by the Manager Governance on the Conduct Review Panel be received; and



2. Council appoint the following new members to its panel of conduct reviewers:
- Mr Robert Ball
 - Mr John Burgess
 - A nominee of the Local Government Women's Association.

The motion was put and carried.

Item 8: Confidential Session

221/13 MOTION: Shelley/Martens

That pursuant to the provisions of Section 10 of the Local Government Act, 1993, the meeting be closed to the public.

Following the motion to close the meeting being moved and seconded, the Manager Governance announced that the following matters would be considered in confidential session and the reason why they were being dealt with in this way.

Subject: Caerleon Voluntary Planning Report

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

Discussion of this matter in an open meeting would be, on balance, contrary to the public interest as it could prejudice negotiations for the Voluntary Planning Agreement.

Subject: Insurance Matters

The reason for dealing with the second report confidentially is that it relates to advice concerning litigation or advice that would otherwise be privileged for production in legal proceedings on the grounds of legal professional privilege in accordance with Section 10A(2) (g) of the Local Government Act, 1993.

Discussion of this matter in an open meeting would be, on balance, contrary to the public interest as it could prejudice the handling of insurance claims.

Following an enquiry from the Mayor, the Manager Governance advised that there were no written representations in respect of this matter and that no person in the gallery wished to make verbal representations.

The motion was put and carried.


8.1.1 Voluntary Planning Agreement Caerleon

A0100056, A4200236

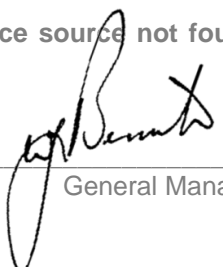
222/13 MOTION: Weatherley/Cavalier

That:

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Mayor



General Manager

1. the report by the Director, Development and Community Services on the Voluntary Planning Agreement for Caerleon be received;
2. subject to drafting amendments as may be required upon receiving legal advice and the amendments listed below, that the draft Voluntary Planning Agreement for Caerleon be placed on exhibition for 28 days in accordance with the requirements of the Environmental Planning and Assessment Act. The amendments are:

Planning Agreement

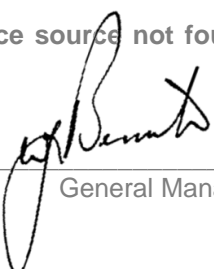
- Clarification of the ability to register the VPA on the land title when the purchase of the land is yet to be complete.
- Provision within the VPA of adequate security for the provision of the facilities subject to the VPA.
- Clarification and flexibility within the definition of the area and definition of land for water reservoir and sewer pumping station to enable the finalisation of the design to be adequately addressed in the VPA.
- Construction of the footpath extending along the rail corridor at stage 1 of the development.
- Clarification in the VPA of who is undertaking the design and construct of water and sewer works and adequate flexibility within the VPA to allow the developer to undertake the work subject to the provisions of the current Development Servicing Plans.
- Amendment of Clause 5.3 to ensure that the methodology for the CPI increase specified in the VPA are consistent with that adopted in the current DSP.
- Deletion of Clause 5.5 requiring monetary contribution to be paid as set out in Items 18 and 19 of Schedule 3.
- Further clarification regarding the timing and process of valuation as specified in 5.6 for the water reservoir.
- Inclusion in the VPA recognition that Council is responsible to design and construct distribution works and headworks which will be undertaken to service catchment area in the most efficient and cost effective design. Changes to the design to suit the developer's works should be at the developer's cost.

Schedule 3

- Amendment of Item 9 Schedule 3 to remove the allowance for monetary offset for easements and accesses as such easements and accesses are to be created and dedicated to Council at no cost to Council.
- Amendment to Item 10 of Schedule 3 to require the completion of the local park OS1 upon the provision of the occupation certificate for the 50th house subject to legal advised that the VPA provides adequate security if not than



Mayor



General Manager

the provision of the OS1 to be linked to the release of the linen plan for stage 1.

- Amendment of Item 11, 12 , 13, 14, 15 and 16 in relation to the carrying out of works in the open spaces and drainage work to be required prior to the release of the relevant linen plan.
- Amendment of Item 17 in Schedule 3 to require the construction of the bus stop upon the provision of a bus service to the area or the occupation certificate for 100 homes whichever occurs first.
- Amendment of Item 18 in Schedule 3 to a Council approved design rather than to match the spine road design.
- Amendment of Item 19 in Schedule 3 DSP charges to allow the deferment of 100 lots for 6 months or at the registration of the 100th lot whichever is the lesser. In addition payment of the DSP charges are to occur at the linen release stage for all other lots rather than registration of lots.
- Amendment of Item 19 Schedule 3 for the contribution to be indexed with CPI at the time of payment in accordance with the current DSP.
- Amendment of Item 19 in Schedule 3 to remove reference to 1 March 2014.
- Amendment of Item 19 Schedule 3 to delete the monetary offset provision for land as this point refers to all infrastructure works.
- Amendment of Item 19 Schedule 3 to further clarify and refine the definition of works with the possible inclusion of a reference to the intention of the current DSP.

The motion was put and carried.

8.1.2 Insurance Matters

A0100056, A0205984

223/13

MOTION: Shelley/Martens

That the report by the Manager Governance on Insurance Matters be received and noted.

The motion was put and carried.

Item 9: Open Council

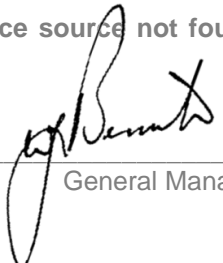
The Manager Governance announced the decisions taken in Confidential Session.

Closure

There being no further business the meeting concluded at 7.17 pm.



Mayor



General Manager