

# Minutes of the Ordinary Meeting of Council

Held at the Council Chambers, 86 Market Street, Mudgee  
on Wednesday 19 June 2013, commencing at 6.02 pm and concluding at 6.56 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.

224/13 MOTION: Thompson/Martens

**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

Councillor Martens declared a significant non-pecuniary conflict of interest in Item 8.1.1 in that she is Chair of the Committee, one of the parties was on her ticket at the last election and she has been associated with the other parties for many years.

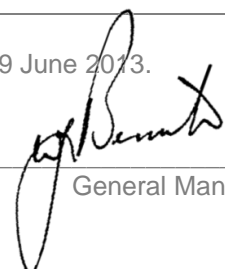
Councillor Webb declared a pecuniary conflict of interest in Item 6.2.4 in that his brother-in-law and sister own property that will be affected by the Wind Farm.

## Item 3: Confirmation of Minutes

225/13 MOTION: Weatherley/Cavalier

**That the Minutes of the Ordinary Meeting held on 6 June 2013 (Minute Nos. 185/13 to 223/13) be taken as read and confirmed.**

*The motion was put and carried.*



**Item 4: Matters in Progress**

Noted.

**Item 5: Mayoral Minutes**

There was no Mayoral Minute.

**Item 6: General Business****6.1 NOTICES OF MOTION****6.1.1 WEEDS BUDGET 2013/14**

A0100056, A0100035

**MOTION:** Webb/Thompson

That the \$49,000 shortfall in the weeds budget for 2013/14 be reinstated from the funds set aside in the 2012/13 budget for the Kandos to Charbon Walkway project and the 2013/14 Operational Plan be amended accordingly

*The motion was put and lost.*

**6.2 REPORTS TO COUNCIL****6.2.1 DA 0428/2013 – CAERLEON SUBDIVISION STAGE 1 – 267  
RESIDENTIAL LOTS – 38 HILL END ROAD, CAERLEON**

A0100056, P1939562

226/13

**MOTION:** Shelley/Cavalier

**That:**

1. the report by the Environmental Planner on the DA 0428/2013 Proposed 267 Lot Residential Subdivision, Lot 2 DP 1181749, lot 1 DP 1146227, lot 1 DP 132086 and lot 136 DP 756894, 38 Hill End Road, Caerleon be received;
2. Council delegate to the General Manager or his delegate the ability to approve Development Application No 0428/2013 – Residential Subdivision, Lot 2 DP 1181749, lot 1 DP 1146227, lot 1 DP 132086 and lot 136 DP 756894, Caerleon subject to standard conditions of consent and the receipt of the General Terms of Approval from NSW Office of Water, NSW Rural Fire Service and the NSW Roads and Maritime Service.
3. Council acknowledges the negotiations currently under way for the development of a Voluntary Planning Agreement and the General Manager be required to include a condition on this

**consent approval to ensure that all aspects of the Voluntary Planning Agreement are a condition on the consent.**

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

<b>Councillors</b>	<b>Ayes</b>	<b>Nayes</b>
Cr Cavalier	✓	
Cr Kennedy	✓	
Cr Martens		✓
Cr Shelley	✓	
Cr Thompson	✓	
Cr Walker	✓	
Cr Weatherley	✓	
Cr Webb	✓	

### 6.2.2 MID-WESTERN REGIONAL COUNCIL SUBMISSION – A NEW PLANNING SYSTEM FOR NSW WHITE PAPER

A0100056, A0420109

227/13

**MOTION: Shelley/Weatherley**

**That:**

1. **the report by the Director, Development and Community Services on the Mid-Western Regional Council Submission – A New Planning System for NSW White Paper be received;**
2. **Council make a submission on the White Paper "A New Planning System for NSW" in accordance with the draft letter attached to this report.**

*The motion was put and carried.*

### 6.2.3 MONTHLY DEVELOPMENT APPLICATIONS PROCESSING & DETERMINED

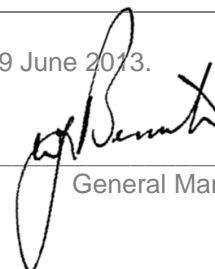
A0100056

228/13

**MOTION: Cavalier/Shelley**

**That the Monthly Development Application Report for the months ending 31 March 2013 and 30 April 2013 be received.**

*The motion was put and carried.*

## 6.2.4 UUNGALA WIND FARM

A0100056, A0420225

Councillor Webb declared a pecuniary conflict of interest in that his brother-in-law and sister own property that will be affected by the Wind Farm, left the meeting at 6.20 pm and did not participate in discussions or vote in relation to this matter.

229/13

**MOTION:** Thompson/Cavalier**That:**

1. the report by the Director Development and Community Services on the Uungala Wind Farm be received;
2. Council make a submission in accordance with attachment 2 of this report.

*The motion was put and carried.*

Councillor Webb returned to the meeting at 6.21 pm.

## 6.2.5 A NEW LOCAL GOVERNMENT ACT FOR NSW

A0100056, A0170031

230/13

**MOTION:** Cavalier/Walker**That:**

1. the report by the General Manager on the A New Local Government Act for NSW be received;
2. Council endorse the submission, to the Local Government Act's Taskforce on their Discussion Paper titled "A New Local Government Act for NSW" dated April 2013, as amended to include a combination of old and new technology for elections

**AMENDMENT:** Webb/Martens**That:**

1. the report by the General Manager on the A New Local Government Act for NSW be received;
2. Council endorse the submission to the Local Government Act's Taskforce on their Discussion Paper titled "A New Local Government Act for NSW" dated April 2013, by amending to include a combination of old and new technology for elections and remove reference to the comments on supporting a 5% variation above the rate capping.,

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

## 6.2.6 FUTURE DIRECTIONS FOR NSW LOCAL GOVERNMENT

A0100056, A0170031

231/13

**MOTION:** Shelley/Cavalier**That:**

1. the report by the General Manager on the Future directions for NSW Local Government be received;
2. Council endorse the submission to the Independent Local Government Review Panel on its Position Paper entitled "Future Directions for NSW Local Government – Twenty Essential Steps", dated April 2013, be amended to include reference to rural fires,

**AMENDMENT:** Webb/Martens**That:**

1. the report by the General Manager on the Future directions for NSW Local Government be received;
2. Council endorse the submission to the Independent Local Government Review Panel on its Position Paper entitled "Future Directions for NSW Local Government – Twenty Essential Steps", dated April 2013, as amended, be deleting the first six paragraphs to the comments under Step 6 – Bolster the revenue Base and replacing with tabled alterations

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

Councillors Webb and Martens requested that their names be recorded as having voted against this decision.

## 6.2.7 MID-WESTERN REGIONAL COUNCIL IN-PRINCIPLE SUPPORT FOR THE SEXI PROPOSAL AND THE DEVELOPMENT OF A SOLAR ENERGY INDUSTRY IN THE REGION

A0100056, A0280063

232/13

**MOTION:** Webb/Cavalier**That:**

1. The report by the Manager Strategic Planning on the Mid-Western Regional Council in-principle support for the SEXI proposal and the development of a solar energy industry in the region be received;
2. Mid-Western Regional Council supports the notion "Public funding used for public benefit";

3. Mid-Western Regional Council, in principle, supports the SEXI proposal and the development of a solar energy industry in their region;
4. Mid-Western Regional Council calls on the Federal Government, through the Australian Renewable Energy Agency (ARENA), to provide up to \$200M over five years to the SEXI Group of Councils, to allow the SEXI proposal to be built and operated.

*The motion was put and carried.*

## 6.2.8 2013-14 OPERATIONAL PLAN

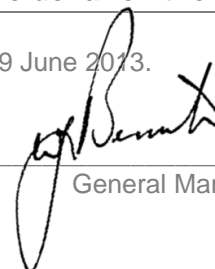

A0100056, A0149935

233/13

**MOTION:** Shelley/Cavalier

**That:**

1. the report by the Director Finance & Administration on the 2013/14 Operational Plan and 2013/14 – 2016/17 Delivery Program be received;
2. Council adopts the Operational Plan for 2013/14 and Delivery Program for 2013/14 – 2016/17, including the Fees & Charges Schedule;
3. Council adopts the Long Term Financial Plan 2013/14 – 2022/23;
4. Mid-Western Regional Council hereby makes the following rates and charges for the 2013/14 financial year to be:
  - Residential Rate (Rural and Urban)  
A Residential Rate (Rural and Urban) of 0.688833 cents in the dollar on the land value as at 1 July 2013 of all land so categorised as Residential, with land further subcategorised as Residential Urban, with a minimum rate of \$595.56;
  - Farmland Rate  
A Farmland Rate of 0.580605 cents in the dollar on the land value as at 1 July 2013 of all land so categorised as Farmland, with a minimum rate of \$595.56;
  - Business Rate  
A Business Rate of 0.922521 cents in the dollar on the land value as at 1 July 2013 of all land so categorised as Business, with a minimum rate of \$595.56;
  - Mining Rate  
A Mining Rate of 7.074573 cents in the dollar on the land value as at 1 July 2013 of all land so categorised as Mining, with a minimum rate of \$595.56;
  - Mining Coal Rate  
A Mining Coal Rate of 7.074573 cents in the dollar on the land



value as at 1 July 2013 of all land so categorised as Mining and further subcategorised as Mining Coal, with a minimum rate of \$595.56;

- **Hunter Valley Catchment Special Rate**  
Council contributes to the provision of watercourse management in the area controlled by the Hunter-Central Rivers Catchment Management Authority. A Hunter Valley Catchment Special Rate, which is determined by the Authority, and when notified, the rate is to be applied for the purposes of the *Catchment Management Act 2003* Schedule 4 and *Hunter-Central Rivers Catchment Management Authority Regulation 2005*, Regulation 4.
- A contribution is to be levied according to the land value within the meaning of the *Valuation of Land Act 1916*, of all land within the catchment contribution area that has a land value in excess of \$300 and is rateable for the time being under the *Local Government Act 1993*;
- **Extra Charges**  
The extra charges to be charged on overdue rates and charges shall be calculated at a rate of 9% per annum, on a daily simple interest basis;
- **Domestic Waste Management Charge**  
A Domestic Waste Management Charge of \$161 for all rateable and non-rateable properties within the service areas. Where there is more than one service the annual charge will be multiplied by the number of services;
- **General Waste Disposal Charge**  
A General Waste Disposal Charge of \$187 inclusive of GST for all rateable and non-rateable properties with the exception of certain Farmland properties that can identify in the manner required by Council that they have a landholding comprised of multiple adjoining assessments with a lesser number of residences than assessments; they will be charged for the number of residences. Where there is more than one service the annual charge will be multiplied by the number of services;
- **Business Waste Management Charge**  
A Business Waste Management Charge of \$200.20 inclusive of GST for all rateable and non-rateable Business category properties where a service is rendered. Where there is more than one service the annual charge will be multiplied by the number of services;
- **Water Charges**  
Water charges for rateable and non-rateable properties within

## the water supply area of:

Charge Type		Amount
Service Availability	20mm meter	\$135
	25mm meter	\$211
	32mm meter	\$346
	40mm meter	\$540
	50mm meter	\$844
	80mm meter	\$2,160
	100mm meter	\$3,375
	150mm meter	\$7,594
Usage - Residential	Per kL	\$2.65
Usage – Business	Per kL	\$2.65
Usage – Raw Water	Per kL	\$0.58

In relation to strata units, each unit will be levied with a 20mm service availability charge. In relation to Torrens Title residential units, each unit will be levied with a 20mm service availability charge. In relation to vacant land where a water meter is not connected, each property will be levied with a 20mm service availability charge;

## — Sewer Charges

Sewer charges for rateable and non-rateable properties within the sewer service area of:

Charge Type	Amount
Service availability – residential	\$651
Service availability – non-residential	\$361
Usage – Non-residential based on kLs of water used that would reasonably be deemed to enter sewer schemes	\$2.08 per kL

The motion was put and carried.

## 6.2.9 RE-NAME GLEN WILLOW

A0100056, F0650099

MOTION: Weatherley/Cavalier

That:

1. the report by the General Manager on the Re-naming of Glen Willow be received;
2. Council rename Glen Willow Regional Sports Stadium to Mudgee Regional Sports Stadium.

The motion was put and lost.



## 6.2.10 ULAN ROAD STRATEGY

A0100056, R9214003, R9208006

234/13

**MOTION: Martens/Weatherley****That:**

1. the report by the General Manager on the Ulan Road Strategy be received;
2. Council write to the Minister of Planning and Infrastructure and the Minister for Regional Development and advise that:
  - Mid-Western Regional Council cannot afford the contributions, particularly the capital works program as prescribed in the determination of the Ulan Road Strategy by the Director-General of Planning and Infrastructure;;
  - Having regard to the onerous nature of the contributions required by the determination that Council demands that the State Government cover the full share of Council's capital contribution, being \$9,455,593; and
  - Funding of the \$9,455,593 by the State government should not impact on Council's entitlements under the Resources to the Regions provisions and should not prejudice the current application and stated priorities in Council's current application.

*The motion was put and carried.*

## 6.2.11 FINANCIAL ASSISTANCE APPLICATIONS


A0100056, A0140201

235/13

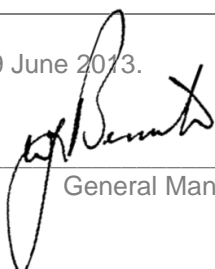
**MOTION: Weatherley/Cavalier****That:**

1. the report by the Financial Accountant on the Financial Assistance Applications be received;
2. Council decline the financial assistance application from Maria Palmer;
3. Council decline the financial assistance application from First National Real Estate Mudgee.
4. the following amounts be disbursed from Councillor discretionary votes:

Cr Thompson	Back to Gulgong Event – Camel Races	\$650.00
Cr Webb	View Club	\$100.00
Cr Martens	Kandos Senior Pensioner Group	\$250.00
	Rylstone Senior Pensioner Group	\$250.00
	Gulgong Senior Pensioner Group	\$250.00

*The motion was put and carried.*


\_\_\_\_\_  
Mayor



\_\_\_\_\_  
General Manager

6.2.12 MONTHLY STATEMENT OF MID-WESTERN REGIONAL  
COUNCIL BANK BALANCES AND INVESTMENTS AS AT 31  
MAY 2013

A0100056, A0140304

236/13 **MOTION:** **Martens/Webb**

**That:**

1. **the investment report as at 31 May 2013 by the Financial Accountant be received;**
2. **the certification by the Responsible Accounting Officer be noted.**

*The motion was put and carried.*

6.2.13 NAMES TO BE INCLUDED IN THE PRE-APPROVED  
STREET/ROAD NAMES LIST

A0100056, R0790041, R0790141

237/13 **MOTION:** **Walker/Cavalier**

**That:**

1. **the report by the Revenue & Property Manager on the Names to be included in the Pre-Approved Street/Road Names List be received;**
2. **Council approve the inclusion of Norm King, William Oxley or Constable Oxley, James Vincent and Jimmy Lambert in the pre-approved street/road names list for use at a later date.**

*The motion was put and carried.*

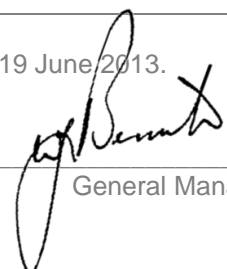
6.2.14 MUDGE SEWERAGE AUGMENTATION PROGRESS REPORT

A0100056, F0740001

238/13 **MOTION:** **Walker/Cavalier**

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

*The motion was put and carried.*



## 6.2.15 TENDER ASSESSMENT GENERAL CONTRACTORS 2013-2016

A0100056, A0411304

239/13

**MOTION:** Thompson/Walker**That:**

1. The report by the Business Manager Resources & Recreational on the Tender Assessment General Contractors 2013-2016 be received;
2. Council accepts the list of preferred contractors for tender 2013/14 for the provision of General Contractors in accordance with clause 178 of the *Local Government (General) Regulation 2005* as listed below for General Contractors:

<b>Air Conditioning</b>	<b>Peter Witheriff Refrigeration and Air conditioning Trilogy Servicing Pty Ltd</b>
<b>Audio Visual</b>	<b>CommTech Pty Ltd</b>
<b>Building Services</b>	<b>Boxsells Services Pty Ltd Stotts Painting Contractors</b>
<b>Concreting</b>	<b>John Howden Concreting T &amp; K Jackson Pty Ltd</b>
<b>Electrical</b>	<b>Andrew James Electrical 4B Electrical Services Encom Services Berridge and Gallagher</b>
<b>Fencing</b>	<b>Gulgong Stock and Rural SKSTBL Pty Ltd Graham Price Fencing</b>
<b>Geotechnical Services</b>	<b>Macquarie Geotech Barnson Pty Limited</b>
<b>Guardrails</b>	<b>JC's Constructions Pty Ltd</b>
<b>Labour Hire</b>	<b>OCTEC Limited A1 Earthworx</b>
<b>Landscaping</b>	<b>Living Earth Supplies SJ Landscaping Constructions Pty Ltd</b>
<b>Linemarking</b>	<b>Central West Linemarking</b>
<b>Mowing</b>	<b>Jims Mowing A1 Earthworx Gulgong Stock and Rural Centrogen</b>
<b>Non-Noxious Spraying</b>	<b>Small Farm Solutions Specialised Weed Services Pty Ltd SKSTBL Pty Ltd Centrogen Gulgong Stock and Rural</b>
<b>Office Fitouts</b>	<b>Axiom Office Interiors Pty Ltd</b>

<b>Painting</b>	<b>Stotts Painting Contractors</b>
<b>Plumbing</b>	<b>Plumbing Worx (NSW) Pty Ltd</b> <b>Onsite Plumbing</b> <b>Rapid Plumbing and Gas</b> <b>Cudgegong Plumbing</b>
<b>Surveying</b>	<b>de Witt Consulting</b> <b>Barnson Pty Limited</b> <b>Whelans Insites Pty Ltd</b>
<b>Traffic Control</b>	<b>Midwest Traffic Management</b>
<b>Transport</b>	<b>Combined Warehousing Services Pty Limited</b>
<b>Tree Services</b>	<b>Mudgee Tree Services</b> <b>Dan McArdle Tree Contracting service</b> <b>McArdle and Sons Pro Tree Service</b> <b>A1 Tree Services (NSW) Pty Ltd</b> <b>Agile Arbor Pty Ltd</b> <b>AgriPlex Group Pty Limited</b> <b>Extreme Tree Services</b>

3. **Additional contractors may be included on the preferred suppliers list if required during the contract period by resolution of Council.**

*The motion was put and carried.*

#### 6.2.16 TENDER ASSESSMENT CRUSHING AND SCREENING 2013-2016

A0100056, A0411306

240/13

**MOTION: Cavalier/Walker**

**That:**

1. **the report by Business Manager Works on the Tender Assessment Crushing and Screening 2013-2016 be received;**
2. **Council accepts the list of preferred suppliers for tender 2013/06 for provision of crushing and screening services in accordance with Clause 178 of the Local Government (General) Regulation 2005 as listed below:**
  - **Davis Earth Moving and Quarrying**
  - **Mudgee Dolomite and Lime**
  - **Richards Sand and Soil**
  - **Ian Colley Earthmoving**
  - **Calvani Crushing**
  - **Screenmasters Australia**
  - **Milbrae Quarries**
  - **CZL Group**
  - **John Page**
  - **Mulgoa Excavations**
  - **Rockcycle Crushing**

- **MES Demolition**
- **M & M Crushing**

*The motion was put and carried.*

## 6.2.17 TENDER ASSESSMENT SUPPLY OF QUARRY PRODUCTS 2013-2016

A0100056, A0411307

241/13

**MOTION:** Walker/Cavalier

**That:**

1. the report by the Business Manager Works on the Tender Assessment Supply of Quarry Products 2013-2016 be received;
2. Council Accepts the list of preferred suppliers for tender 2013/07 for the supply of quarry products in accordance with Clause 178 of the Local Government (General) Regulation 2005 as listed below. Supply will be allocated based on a combination of both product supply cost and cartage costs.

Product	Supplier	Quarry
DGB 20 (SPEC)	Sibelco	Excelsior
	Mudgee Dolomite and Lime	Buckaroo
		Bylong
		Mt Knowles
DGS 40 (SPEC)	Mudgee Dolomite and Lime	Buckaroo
		Bylong
		Bara
		Mt Knowles
20mm Ridge Gravel (Non spec)	Ian Colley Earthmoving	Ulan
	Sibelco	Excelsior
	Mudgee Dolomite and Lime	Buckaroo
40mm Ridge Gravel (Non spec)	Mudgee Dolomite and Lime	Ulan
	Sibelco	Excelsior
	Ian Colley Earthmoving	Ulan
Crusher dust / Sand	Ian Colley Earthmoving	Ulan
	Sibelco	Excelsior
	Mudgee Dolomite and Lime	Buckaroo
	Mudgee Dolomite and Lime	Bylong
	Rosebrook Sand and Gravel	Denman
Ballast	Ian Colley Earthmoving	Ulan
	Mudgee Dolomite and Lime	Buckaroo
	Mudgee Dolomite and Lime	Bylong

Product	Supplier	Quarry
Drainage Metal 20mm	Mudgee Dolomite and Lime Rosebrook Sand and Gravel	Buckaroo Denman
	Mudgee Dolomite and Lime	Bylong

The motion was put and carried.

## 6.2.18 LOCAL ROADS PROPOSED FOR GRAVEL RE-SHEETING 2013/14

A0100056, R0790126

242/13

**MOTION:** Walker/Shelley

**That:**

1. the report by the Manager Technical Services on the Local Roads Proposed for Gravel Re-sheeting 2013/14 be received;
2. That Council endorse the following local roads for gravel re-sheeting throughout the 2013/14 financial year using the budget allocated in the 2013/14 Operational Plan;

Road	Road Type	Grading Region	Gravel Re-Sheet Length
Aarons Pass Road	Collector	Bocoble	2.0
Bara Road	Minor Local	Bara/Lue/Botobolar	2.0
Birkalla Road	Main Local	Birkalla	1.0
Black Springs Road	Main Local	Frog Rock	1.0
Bonds Road	Minor Local	Hargraves	1.0
Botobolar Road	Main Local	Bara/Lue/Botobolar	1.0
Burrendong Dam Road	Main Local	Yarrabin	1.0
Camerons Road	Minor Local	Ilford	1.0
Canadian Lead Road	Main Local	Gulgong South	1.5
Coricudgy Road	Collector	Olinda	2.0
Coxs Creek Road	Collector	Olinda	1.5
Doughertys Junction	Minor Local	Hargraves	1.0
Evans Road	Minor Local	Ilford	1.0
Gorries Lane	Minor Local	Goolma	1.5
Hanns Road	Minor Local	Ilford	1.0
Hearne Lane	Minor Local	Ilford	0.8
Killens Road	Minor Local	Bylong	1.0
Lee Creek Road	Minor Local	Bylong	1.0
Lower Piambong Road	Main Local	Piambong	2.0
Maloneys Road	Minor Local	Bara/Lue/Botobolar	1.0
Mebul Road	Collector	Goolma	1.7
Merotherie Road	Main Local	Birkalla	2.0
Nullo Mountain Road	Main Local	Olinda	1.0
Pyramul Road	Collector	Windeyer	1.0

Road	Road Type	Grading Region	Gravel Re-Sheet Length
Queens Pinch Road	Collector	Windeyer	1.0
Sallys Flat Road	Minor Local	Windeyer	1.0
Tara Loop	Minor Local	Crudine	1.0
Triamble Road	Minor Local	Hargraves	2.0
Twelve Mile Road	Main Local	Yarrabin	2.0
Uamby Lane	Minor Local	Goolma	0.4
Ulan-Wollar Road	Main Local	Wollar	2.0
Upper Botobolar Road	Minor Local	Bara/Lue/Botobolar	1.0
Upper Bylong Road	Minor Local	Bylong	0.5
Upper Mebul Road	Minor Local	Goolma	0.8
Upper Piambong Road	Minor Local	Piambong	1.0
Warrangunia Road	Minor Local	Crudine	0.2
Whistons Lane	Minor Local	Birriwa	0.3
Wilbetree Road	Main Local	Mudgee North	1.5
Wyaldra Lane	Minor Local	Cooks Gap	1.0
Yarrabin Road	Minor Local	Yarrabin	1.5
<b>TOTAL</b>			<b>48.20</b>

The motion was put and carried.

#### 6.2.19 GULGONG SPORTS COUNCIL

A0100056, A0100056

243/13

**MOTION:** Shelley/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 8 May 2013 be noted.

The motion was put and carried.

#### 6.2.20 MUDGEES SPORTS COUNCIL

A0100056, A0100013

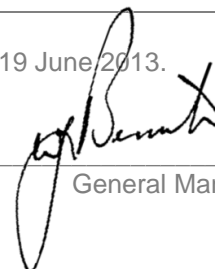
244/13

**MOTION:** Thompson/Cavalier

**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 27 May 2013 be noted.

The motion was put and carried.

6.2.21 ANNUAL REPORTING OF CONTRACTUAL CONDITIONS OF SENIOR STAFF

A0100056, A0385024

245/13 **MOTION:** Walker/Cavalier

**That the report by the Manager Governance on the Annual Reporting of Contractual Conditions of Senior Staff be received.**

*The motion was put and carried.*

**Item 7: Urgent Business Without Notice**

7.1 Moolarben Coal Project – Stage 1 – Optimisation Modification

A0100056, A0420176

246/13 **MOTION:** Shelley/Cavalier

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

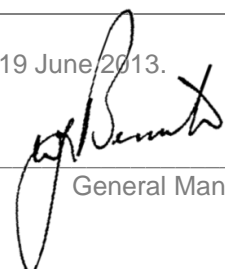
*The Mayor having ruled the matter to be of great urgency, the motion was put and carried.*

247/13 **MOTION:** Thompson/Cavalier

**That:**

- 1. The report by the Manager Strategic Planning on the Moolarben Coal Project – Stage 1 – Optimisation Modification be received;**
- 2. Council make a submission in accordance with the report presented to Council with the addition of a separate clause that if noise in the Ridge Road, Winchester Crescent or Cooks Gap area become an issue then Moolarben be required to acquire those noise affected properties**

*The motion was put and carried.*





**Item 8: Confidential Session**248/13 **MOTION: Cavalier/Weatherley**

**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 it was being dealt with in this way.

**Subject: Code of Conduct complaint**

***The reason for dealing with this report confidentially is that it concerns alleged contraventions of any code of conduct requirements applicable under Section 440 in accordance with Section 10A(2) (i) of the Local Government Act, 1993.***

***Discussion of this matter in an open meeting would, on balance, be contrary to the public interest as it could adversely impact on Council's investigative functions.***

**Subject: Rates Re-categorisation Land Used or Held for Mining Purpose Legal Action**

***The reason for dealing with this report confidentially is that it relates to (Insert relevant clause from Clause 10 of LGAct 1993)***

***As this matter is currently before the Court, discussion of this matter in an open meeting would, on balance, be contrary to the public interest as it might prejudice Council's legal position.***

**Subject: Categorisation for Rating Purposes of Land Used or Held for Any Mining Purpose – Progress Report June 2013**

***The reason for dealing with this 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. (Insert relevant clause from Clause 10 of LGAct 1993)***

***As this matter is currently before the Court, discussion of this matter in an open meeting would, on balance, be contrary to the public interest as it might prejudice Council's legal position.***


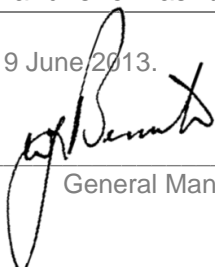
Following an enquiry from the Mayor, the Manager Governance advised that there were no written representations in respect of these matters and that no person in the gallery wished to make verbal representations.

*The motion was put and carried.*

**8.1.1 Code of Conduct complaint**

A0100056, A0000018

Councillor Martens declared a significant non-pecuniary conflict of interest in that she is Chair of the Committee, one of the parties was on her ticket at the last election and she has been

  
\_\_\_\_\_  
Mayor  
\_\_\_\_\_  
General Manager

associated with the other parties for many years, left the meeting at 6.50 pm and did not participate in discussions or vote in relation to this matter.

249/13                      **MOTION:**                      **Cavalier/Weatherley**

**That:**

1. the report by the General Manager on the Code of Conduct complaint be received;
2. Council disband the Kandos Bicentennial Museum Section 355 Committee;
3. The General Manager arrange for Council staff to operate the Museum utilising volunteers selected by Council staff for a period of at least 12 months; and
4. Council management conduct a detailed review into the operation and governance of this facility in the light of 2 above and when complete, submit a report with recommendations to Council about its future operation.

*The motion was put and carried.*

Councillor Martens returned to the meeting at 6.54 pm.

8.1.2 Re-categorisation Land Used or Held for Mining Purpose Legal Action

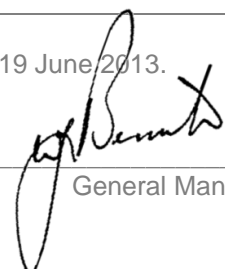
A0100056, A0000018

250/13                      **MOTION:**                      **Shelley/Cavalier**

**That:**

1. the report by the Director Finance & Administration on the Rates Recategorisation Land used or held for Mining Purpose Legal Action be received;
2. Subject to receipt of independent legal advice confirming satisfactory prospects of appeal, Council authorise the General Manager to lodge an appeal in the NSW Supreme Court, Court of Appeal.

*The motion was put and carried.*



8.1.3 Categorisation for Rating Purposes of Land Used or Held for any Mining Purpose - Progress Report June 2013

A0100056, A0340047, A0340007

251/13

**MOTION: Shelley/Cavalier**

**That the report by the Revenue & Property Manager on the Categorisation For Rating Purposes of Land Used Or Held For Any Mining Purpose – Progress Report June 2013 be received and noted.**


*The motion was put and carried.*

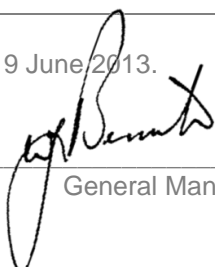
**Item 9: Open Council**

The Manager Governance announced the decisions taken in Confidential Session.

**Closure**

There being no further business the meeting concluded at 6.56 pm.

  
\_\_\_\_\_  
Mayor

  
\_\_\_\_\_  
General Manager