

Minutes of the Ordinary Meeting of Council

Held at the Council Chambers, 86 Market Street, Mudgee
on Wednesday 21 August 2013, commencing at 5.50 pm and concluding at 6.34 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), Cr L White.

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

There were no apologies.

Item 2: Disclosure of Interest

Councillor Walker declared a pecuniary conflict of interest in Item 6.2.2 as he is the owner of the subject property.

Councillor White declared a pecuniary conflict of interest in Item 6.2.14 as she is employed in the tourism industry and had a business relationship with MRTI.

Item 3: Confirmation of Minutes

310/13 MOTION: Shelley/Walker

That the Minutes of the Ordinary Meeting held on 7 August 2013 (Minute Nos. 291/13 – 309/13) be taken as read and confirmed.

The motion was put and carried.

Councillor Webb requested that his name be recorded as having voted against this decision.

Item 4: Matters in Progress

Housing Plus – George Street Affordable Housing

311/13 MOTION: Cavalier/Webb

That Minute No. 253/13 be noted as completed.

The motion was put and carried.

Item 5: Mayoral Minutes

5.1.1 REINSTATEMENT OF BUDGET CUTS

A0100056, A0100055,

312/13 **MOTION: Kennedy**

That Council amend the 2013/14 Operational Plan to increase the expenditure on resheeting by \$431,000, increase expenditure on Cope Road capital project by \$400,000, undertake landscaping at the cemetery at \$40,000, provide irrigation at Lawson Park at a value of \$80,000 and increase the weed budget by \$49,000, all funded from Unrestricted Cash.

AMENDMENT: Thompson/Webb

That Council amend the 2013/14 Operational Plan to increase the expenditure on resheeting by \$550,000, increase expenditure on Cope Road capital project by \$400,000 and increase the weed budget by \$50,000, all funded from Unrestricted Cash.

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

Item 6: General Business

6.1 NOTICES OF MOTION

There were no Notices of Motion.

6.2 REPORTS TO COUNCIL

6.2.1 NOTICE OF MOTION

A0100056, A0110002, A0100035

313/13 **MOTION: Cavalier/Weatherley**

That the report by the General Manager on the Notice of Motion be received.

The motion was put and carried.

6.2.2 DA0052/2014 – PROPOSED FARM SHED, LOT 4 DP1146240,
51 LUE ROAD, MILROY

A0100056, DA0052/2014

Councillor Walker declared a pecuniary conflict of interest as he owns the subject property, left the meeting at 6.04 pm and did not participate in discussions or vote in relation to this matter.

314/13

MOTION: Shelley/Cavalier

That:

1. the report by the Manager Health & Building on the DA 0052/2014 – Proposed Farm Shed, Lot 4 DP1146240, 51 Lue Road, Milroy be received;
2. That the Development Application 0052/2014 – Proposed Farm Shed, Lot 4 DP1146240, 51 Lue Road, Milroy be granted development consent subject to the following conditions:
 1. The development is to be carried out in accordance with the approved stamped plans, except as otherwise provided by the conditions of this determination (Note:- modifications to the approved plans will require the lodgement and consideration by Council of a modification pursuant to Section 96 of the Environmental Planning and Assessment Act).
 2. Notwithstanding the approved plans the structure is to be located clear of any easements and/or any water and sewer mains in accordance with Council Policy
 3. All building work must be carried out in accordance with the provisions of the National Construction Code, Volume One and the adopted Australian Standards referenced in the Building Code of Australia
 4. All plumbing and drainage work must be carried out by a licensed plumber and drainer and must comply with the requirements of the Plumbing Code of Australia 2013
 5. The shed shall not be adapted nor used for residential, commercial or industrial purposes without prior approval of certifying authority.
 6. All mandatory inspections required by the Environmental Planning and Assessment Act and any other inspections deemed necessary by the Principal Certifying Authority being carried out during the relevant stages of construction.
 7. Construction work noise that is audible at other premises is to be restricted to the following times:
 - Monday to Saturday -- 7.00am to 5.00pm

- **No construction work is permitted on Sundays and Public Holidays.**
8. **The building(s) shall not be used or occupied until either an occupation certificate or an interim occupation certificate has been issued by the principal certifying authority.**
 10. **A sign shall be erected in a prominent position on the premises on which the erection or demolition of a building is being carried out showing:**
 - **the name, address and telephone number of the principal certifying authority for the work, and**
 - **stating that unauthorised entry to the premises is prohibited, and**
 - **showing the name of the builder or other person in control of the premises and a telephone number at which the builder or other person may be contacted outside working hours. The sign shall be removed when the erection or demolition of the building has been completed**
 11. **The strength of the concrete used for the reinforced concrete floor slab must be 25MPa (N25)**
 12. **The site must be provided with a waste enclosure (minimum 1800mm x 1800mm x 1200mm high) that has a lid or secure covering for the duration of the construction works. The enclosure is to be emptied periodically to reduce the potential for rubbish to be blown from the site. The Council encourages the separation and recycling of suitable materials.**

NOTE: ALL WASTE GENERATED FROM THE CONSTRUCTION PROCESS IS TO BE CONTAINED ON-SITE.
 13. **Prior to the commencement of any construction works, the following provisions of the Environmental Planning and Assessment Act 1979 (the Act) are to be complied with:**
 - **A Construction Certificate is to be obtained in accordance with Section 81A(2)(a) of the Act.**
 - **A Principal Certifying Authority is to be appointed and Council is to be notified of the appointment in accordance with Section 81A(2)(b) of the Act.**
 - **Council is to be given at least 2 days notice of the date intended for commencement of building works, in accordance with Section 81A(2)(c) of the Act.**
 14. **All stormwater is to discharge a minimum 3m from the building and disposed of in such a way as to not adversely affect the adjoining properties.**

15. Erosion and sediment control measures being implemented prior to the commencement of works and must be maintained during the period of construction to prevent sediment and other debris escaping from the site. Controls are not to be removed until the site is stable with all bare areas supporting an established vegetative cover.

16. The floor of the proposed farm shed is to be 450.3m AHD.

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

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

Councillor Walker returned to the meeting at 6.06 pm.

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

A0100056, A0140304

315/13

MOTION: Shelley/Cavalier

That:

1. the report by the Financial Accountant on the Monthly statement of Mid-Western Regional Council bank balances and investments as at 31 July 2013 be received;
2. the certification by the Responsible Accounting Officer be noted.

The motion was put and carried.

6.2.4 MUDGEES COMMON – DRAFT PLAN OF MANAGEMENT

A0100056, F0650038

316/13

MOTION: Weatherley/Webb

That:

1. the report by the Manager Strategic Planning on the Mudgees Common - Draft Plan of Management be received;

2. that Council resolve to exhibit the draft Plan of Management for a period of 30 days to allow stakeholder and general community comment.

The motion was put and carried.

6.2.5 ON-SITE SEWAGE MANAGEMENT BULK INSPECTION FEE

A0100056, SEW200027

317/13

MOTION: Shelley/Cavalier

That:

1. the report by the Manager Health & Building on the Amendment to the 2013/14 fees and charges to include a \$30 on-site sewage management bulk inspection fee be received;
2. that a fee of \$30 be included in the current fees and charges to cover bulk on-site sewage management system inspections.

The motion was put and carried.

6.2.6 MUDGEES SEWERAGE AUGMENTATION PROGRESS REPORT

A0100056, A0100055, F0740001

318/13

MOTION: White/Cavalier

That:

1. the report by the Business Manager Services on the Mudgee Sewerage Augmentation Progress Report be received;
2. Council amend the 2013/14 Operational Plan to increase the budget for the Mudgee Sewerage Augmentation Project by \$370,000 to be funded from \$118,000 State Government grant; \$200,000 from Section 64 Developer Contributions; and \$50,000 from the Sewer Pump Station Capital Works program;
3. That Council approve a variation of \$57,029.09 ex GST, for the Putta Bucca Sewerage Pump Station Upgrade Contract due to delay costs.

The motion was put and carried.

6.2.7 MANDATORY SWIMMING POOL INSPECTION PROGRAM

A0100056, DEV700006

MOTION: Weatherley/Martens

That:

1. the report by the Manager Health & Building on the Mandatory Swimming Pool Inspection Program be received.
2. the inspection regime of 260 swimming pool inspections per annum with an inspection fee of \$150 be placed on public exhibition for 21 days.

319/13

MOTION: Shelley/Cavalier**That:**

- 1. the report by the Manager Health & Building on the Mandatory Swimming Pool Inspection Program be received.**
- 2. the inspection regime of 260 swimming pool inspections per annum with an inspection fee of \$100 for initial inspection and a further \$100 for any subsequent re-inspections and these fees be placed on public exhibition for 21 days.**

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

6.2.8 DRAFT FINANCIAL STATEMENTS 2012/13

A0100056, FIN300066

320/13

MOTION: Cavalier/Shelley**That:**

- 1. the report by the Director, Finance & Administration on the Draft Financial Statements 2012/13 be received;**
- 2. the draft General Purpose Financial Report 2012/13 and draft Special Purpose Financial Report 2012/13 be referred for audit;**
- 3. the Mayor, Deputy Mayor, General Manager and Responsible Accounting Officer be authorised to sign the Statement by Councillors and Management on its opinion of the General Purpose Financial Report 2012/13 and Special Purpose Financial Report 2012/13;**
- 4. the General Manager be authorised to issue the 2012/13 Financial Reports immediately upon receipt of the Auditors Report, subject to there being no material audit adjustments or audit issues;**

5. **General Manager be authorised to finalise the date at which the Auditors Report and Financial Statements for 2012/13 are to be presented to the public.**

The motion was put and carried.

6.2.9 2012/13 OPERATIONAL PLAN - JUNE QUARTERLY BUDGET REVIEW

A0100056, FIN300061

321/13

MOTION: Walker/Martens

That:

1. **the report by the Director, Finance & Administration on the 2012/13 Operational Plan - June Quarterly Budget Review be received;**
2. **the opinion by the Responsible Accounting Officer regarding the satisfactory financial position of Council be noted; and**
3. **Council make a dividend payment of \$250,000 from Private Works (P Fund) to General Fund (A Fund) as at 30 June 2013.**

The motion was put and carried.

6.2.10 MONTHLY DEVELOPMENT APPLICATIONS PROCESSING & DETERMINED

A0100056

322/13

MOTION: Weatherley/Cavalier

That the report by the Director, Development and Community Services on the monthly development application reports for the months ending 30 June 2013 and 31 July 2013 be received.

The motion was put and carried.

6.2.11 REVOTES 2013

A0100056, FIN300062

323/13

MOTION: Shelley/Walker

That:

1. **the report by the Director, Finance & Administration on the Revotes from the 2012/13 Operational Plan into the 2013/14 Operational Plan be received;**
2. **the 2013/14 Operational Plan be amended to reflect the revote of \$2,468,877 of estimates from 2012/13 as follows:**
 - **General Fund Unrestricted Cash \$84,464**

- **General Fund Reserves \$748,610**
- **General Fund Voluntary Planning Agreements \$176,173**
- **General Fund Unspent Grants \$306,076**
- **General Fund Specific Purpose Revenue \$176,860**
- **Sewer Fund Unrestricted Cash \$72,500**
- **Sewer Fund Reserves \$137,394**
- **Sewer Fund Section 64 Developer Contributions \$47,182**
- **Sewer Fund Specific Purpose Revenue \$684,368**
- **Water Fund Unrestricted Cash \$9,500**
- **Water Fund Reserves \$25,750**

The motion was put and carried.

6.2.12 FINANCIAL ASSISTANCE APPLICATIONS

A0100056, A0140201

324/13

MOTION: Shelley/Cavalier

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:**

Mudgee Baptist Church	\$500.00
The Rylstone Kandos Anglican Parish (The Hill Top Arts Committee)	\$500.00
NSW Endurance Riders Association – Central West Zone Two Incorporated	\$500.00
Gulgong Pistol Club Incorporated	\$782.56

The motion was put and carried.

6.2.13 ADDRESSING INFRASTRUCTURE BACKLOG

A0100056, A0149939

325/13

MOTION: Shelley/Weatherley

That the report by the General Manager on the Addressing Infrastructure backlog be received.

The motion was put and carried.

6.2.14 MRTI QUARTERLY REPORT – JUNE 2013

A0100056, F0770077

Councillor White declared a pecuniary conflict of interest as she is employed in the tourist industry had a business relationship with MRTI, left the meeting at 6.19 pm and did not participate in discussions or vote in relation to this matter.

326/13 **MOTION:** **Walker/Martens**

That the report by the General Manager on the MRTI Quarterly Report – June 2013 be received.

The motion was put and carried.

Councillor White returned to the meeting at 6.20 pm.

6.2.15 PURCHASE OF MEDICAL CENTRE GULGONG

A0100056, F0610002

327/13 **MOTION:** **Webb/Martens**

That:

- 1. the report by the General Manager on the Purchase of Medical Centre Gulgong be received;**
- 2. the General Manager seek further information on the purchase price, ways of attracting and retaining doctors and financial implications of sourcing grants to fund the purchase of the Gulgong Medical Centre located at 87 Mayne street Gulgong.**

The motion was put and carried.

6.2.16 NSW COUNTRY RUGBY CHAMPIONSHIPS 2014

A0100056, A0140201

328/13 **MOTION:** **Walker/Weatherley**

That:

- 1. the report by the General Manager on the NSW Country Rugby Championships 2014 be received;**
- 2. Council approves a grant of \$10,000 towards the NSW Country Rugby Championships 2014 comprising \$2,500 from the Event Management budget and \$7,500 from the Financial Assistance budget.**
- 3. Council provide an additional \$1,000 for the Kandos Mountain Hoedown.**
- 4. during the next Quarterley Review, Council increase the funding to the Events Management and Financial Assistance budgets.**

The motion was put and carried.

6.2.17 SCULPTURES IN THE GARDEN

A0100056, A0149939

329/13

MOTION: Cavalier/Weatherley**That:**

1. the report by the General Manager on the Sculptures in the Garden be received;
2. that Council form a interim committee consisting of Councillors Walker and White and the Director of Development and Community Services to meet with a representative (Nigel White) of the Sculptures in the Garden Committee to select a sculpture and a location within Mudgee for public display.

The motion was put and carried.

6.2.18 TELSTRA LEASE OF FLIRTATION HILL, MUDGEE

A0100056, P2013611, A0070005

330/13

MOTION: Walker/Martens**That:**

1. the report by the General Manager on the Telstra Lease of Flirtation Hill, Mudgee be received;
2. Council authorise the affixing of the Common Seal on the lease agreements with Telstra Corporation Limited to allow them to place a communication tower on the reservoir site on Flirtation Hill, Mudgee, and that the Mayor and General Manager be authorised to affix that Common Seal.

The motion was put and carried.

Item 7: Urgent Business Without Notice

There was no Urgent Business Without Notice.

Item 8: Confidential Session

331/13

MOTION: Webb/White

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: Performance Review of General Manager 2012 -13 and
Performance Assessment General Manager 2013 - 14**

The reason for dealing with these reports confidentially is that they relate to personnel matters concerning particular individuals (other than Councillors) in accordance with Section 10A(2)(a) of the Local Government Act, 1993.

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 General Manager's Performance Review 2012-13

A0100056, A0381421

332/13

MOTION: Cavalier/Weatherley

That:

- 1. the report by the General Manager on the General Manager's Performance Review 2012-13 be received.**
- 2. The General Manager Performance for the year ending 30th June 2013 be assessed at satisfactorily met objectives and at times exceeded objective expectations in accordance with the assessment scale include in the General Managers Performance Agreement for the year ending 30 June 2013.**

The motion was put and carried.

8.1.2 General Manager's Performance Agreement 2013/14

A0100056, A0381421

333/13

MOTION: Shelley/Martens

That:

- 1. the report by the Mayor on the General Manager's Performance Agreement 2013/14 be received;**
- 2. consideration of this matter be deferred.**

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 6.34 pm.