

Minutes of the Ordinary Meeting of Council

Held at the Council Chambers, 86 Market Street, Mudgee
on Wednesday 4 December 2013, commencing at **6.06pm** and concluding at 6.52pm

PRESENT	Cr D Kennedy (Mayor), Cr P Cavalier (Deputy Mayor), Cr EE Martens (AM), Cr PA Shelley, Cr JP Thompson, Cr MB Walker, Cr JR Webb, Cr L White.
IN ATTENDANCE	General Manager (WL Bennett), Director Mid-Western Operations (B Cam), Director Development and Community Services (C Van Laeren), Manager Governance (I Roberts), Corporate Communications Officer (P Goldsmith).
MEDIA REPRESENTATIVES	Mudgee Guardian / The Weekly (R Murray), Radio 2MG (M Heldon).

Item 1: Apologies

Apologies were received for the absence of Councillor Weatherley.

485/13 MOTION: Walker / Cavalier

That the apologies for the absence of Councillor Weatherley be received and leave of absence granted.

Item 2: Disclosure of Interest

Councillor Kennedy declared a non-pecuniary conflict of interest in Item 5.2.1 as he owns a hotel in Mudgee and so his business is in direct competition with the applicant who has lodged this development application.

486/13 MOTION: Walker / Cavalier

That: Council bring forward Item 5.2.13 to the start of the meeting.

The motion was put and carried.

5.2.13 KANDOS MUSEUM OPERATIONAL OPTIONS

GOV400029, P1553611

487/13 MOTION: Shelley / Cavalier

That:

- the report by the General Manager on the Kandos Museum Operational Options be received;**
- Council undertake the building works to the value of \$95,542 to be funded as follows:**

Asset Management Reserve budget	\$73,382
Current Operations budget for Museum	\$10,000

**Kandos Museum Building Reserve Fund \$12,160
and the 2013/14 Operational Plan be amended accordingly;**

3. **Council acknowledge that the Museum will be open again from the 1 June 2014;**
4. **Expressions of interest be called for individuals interested in forming an Incorporated Association to operate the Kandos Museum from its opening day before 1 June 2014. The Council to receive the expressions of interest and appoint the individuals to the Incorporated Association;**
5. **Council prepare a newsletter to the Kandos residents informing them of the upgrade works and the expressions of interest process for the new Incorporated Association;**
6. **the Kandos Museum at 22 Buchanan Street, and the adjoining property of 20 Buchanan Street, be gifted to the Incorporated Association;**
7. **should the executors of the estate of the late Phyllis Simpkins be agreeable, the Kandos Museum proportion of that bequest be allocated to the new Incorporated Association to assist with their management of the facility;**
8. **Council continues to fund the annual rates and insurance costs for the Kandos Museum site and the new Incorporated Association be encouraged to dispose of the vacant block at 20 Buchanan Street. The proceeds from the sale of the vacant block to remain with the Incorporated Association for them to expend how the Incorporated Association consider appropriate;**
9. **Council make application to the Regional Visitor Economy Fund for a grant to match dollar for dollar Council's financial input into the building upgrade.**

AMENDMENT: Thompson / Martens

That:

1. Council meet with the Kandos community to discuss the options for the management of the Museum, and bring the findings back to the next Council meeting;
2. Council undertake the building works to the value of \$95,542 to be funded as follows:

Asset Management Reserve budget	\$73,382
Current Operations budget for Museum	\$10,000
Kandos Museum Building Reserve Fund	\$12,160

and the 2013/14 Operational Plan be amended accordingly.

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

Item 3: Confirmation of Minutes**488/13 MOTION: Cavalier / Webb**

That the Minutes of the Ordinary Meeting held on 20 November 2013 (Minute Nos. 457/13 to 484/13) be taken as read and confirmed with the change that in Item 6.2.5 Councillor Webb voted against the amendment.

The motion was put and carried.

Item 4: Matters in Progress

Noted.

Item 5: General Business**5.1 NOTICES OF MOTION**

There were no Notices of Motion.

5.2 REPORTS TO COUNCIL

Councillor Kennedy declared a non-pecuniary conflict of interest in Item 5.2.1 as he owns a hotel in Mudgee and so his business is in direct competition with the applicant who has lodged this development application, vacated the Chair and left the meeting at 6.23pm and did not participate in discussions or vote in relation to this matter. In his absence Councillor Cavalier assumed the Chair.

5.2.1 DA0066/2014 – PROPOSED PERMANENT TOURIST AND VISITOR ACCOMMODATION, LOT 2 DP 730123, 36 PERRY STREET MUDGEE

GOV400029, A0100056, DA0066/2014

489/13 MOTION: Shelley / Martens

That:

- 1. the report by the Graduate Town Planner on the DA0066/2014 - Proposed Permanent Tourist and Visitor Accommodation, Lot 2 DP 730123, 36 Perry Street Mudgee be received;**
- 2. Development Application number DA0066/2014 for Permanent Tourist and Visitor Accommodation on Lot 2 DP 730123, 38 Perry Street Mudgee be granted development consent subject to the following conditions;**

APPROVED PLANS

1. Development is to be carried out generally in accordance with stamped plans Drawing number 19958_A01 drawn by Barnson dated 02.07.2013 and un labelled Floor plan received by Council on 22 August 2013 as part of Development Application DA0066/2014 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.

TEMPORARY USE

The assessment of the proposal indicates that the proposal is only acceptable in terms of the impacts due to the proposed limited timescale of buildings with intention of applying for permanent structures.

2. The further use of the temporary structures is only permitted to enable the progression of development and Construction approvals for permanent tourist and visitor accommodation. To this extent, a Construction Certificate must have been issued within six months of this modified consent and construction must have commenced within twelve (12) months of the date of this modified consent.

GENERAL

The following conditions have been applied to ensure that the use of the land and/ or building is carried out in a manner that is consistent with the aims and objectives of the environmental planning instrument affecting the land

3. The operator of the site is to take all reasonable measures to ensure there is no anti-social behaviour or disturbance to the nearby residential properties that could be attributed or associated with the approved development.
4. No nuisance being caused to the amenity of the adjoining properties by reason of emission of any "offensive noise", smell, smoke, vapour, vibration, water or otherwise as a result of the proposed development.
5. The operator of the development is to prepare a Dust Management Plan to mitigate any dust nuisance created by the compact gravel surface of the car park and access path. The plan should incorporate a complaint system, contact person and method by which dust will be mitigated.
6. The development is to provide indoor facilities that would enable the occupants of the temporary accommodation to dine and relax

outside of the licensed premises. Details are to be submitted within one month of this development consent.

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

Councillors	Ayes	Nayes
Cr Cavalier	✓	
Cr Martens	✓	
Cr Shelley	✓	
Cr Thompson	✓	
Cr Walker	✓	
Cr Webb	✓	
Cr White	✓	

Councillor Kennedy returned to the meeting at 6.25pm and resumed the Chair.

5.2.2 DEVELOPMENT APPLICATION NUMBER 0495/2013
 PROPOSED MECHANICAL REPAIR WORKSHOP FOR
 TRUCKS AT 5 HORATIO LANE MUDGEE LOT 21 DP1121163
 GOV400029, A0100056, P1946861, DA0495/2013

490/13

MOTION: Walker / Shelley

That:

1. the report by the Senior Town Planner on Development Application Number 0495/2013 Proposed Mechanical Repair Workshop for Trucks at 5 Horatio Lane Mudgee Lot21 DP1121163 be received;
2. Development Application number 0459/2013 for the erection of a Workshop for the Mechanical Repair of Trucks at Lot 21 DP 1121163, 5 Horatio Lane Mudgee be approved subject to the following conditions:

APPROVED PLANS

1. Development is to be carried out generally in accordance with stamped plans 19674_A01C to 19674_A06C inclusive and the Application received by Council on 14 June 2013 including the Noise Impact Assessment Report prepared by Noise and Sound services 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. 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

PRIOR TO ISSUE OF THE CONSTRUCTION CERTIFICATE - CIVIL

3. In accordance with the provisions of section 94A of the Environmental Planning and Assessment Act 1979 and the Mid-Western Regional Council Section 94A Development Contributions Plan, a levy of 0.5% of the cost of carrying out the development shall be paid to Council in accordance with this condition for the purpose of:

Traffic Management, Road Works, Open Space, Community Facilities and Plan Administration.

The levy is: \$500.00 based on the estimated cost of development of \$100,000

PRIOR TO ISSUE OF THE CONSTRUCTION CERTIFICATE – BUILDING

4. The following conditions must be complied with prior to the Principal Certifying Authority (PCA) issuing a Construction Certificate. The conditions are required to satisfy the PCA that the proposal is consistent with the applicable development consent, the National Construction Code and all relevant Australian Standards.
5. Complete landscaping plans are to be submitted for approval prior to issue of a Construction Certificate. All landscaping is to consist of appropriately advanced trees and shrubs which are to be established prior to occupation of the development. Tree and shrub species should be endemic to the area, require minimal watering and salt resistant. Alternatively, smaller plant sizes will be considered if irrigation systems are implemented.
6. If the Construction 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.
7. A site supervisor is to be nominated by the applicant prior to issue of the Construction Certificate.
8. All building work is to comply with the requirements of the Access to Premises Standard
9. Detailed plans are to be submitted to council showing the method and materials for the sound insulation of the proposed building in accordance with the recommendations of the Noise Impact Assessment Report nss21977 - Final prepared by Noise and Sound Services

PRIOR TO THE COMMENCEMENT OF WORKS – BUILDING

10. No work shall commence until a Construction Certificate has been issued and the applicant has notified Council of:
- a) the appointment of a Principal Certifying Authority and
 - b) the date on which work will commence.

Such notice shall include details of the Principal Certifying Authority and must be submitted to Council at least two (2) days before work commences.

11. The site shall be provided with a waste enclosure (minimum 1800mm X 1800mm X 1200mm) that has a lid or secure covering for the duration of the construction works to ensure that all wastes are contained on the site. The receptacle is to be emptied periodically to reduce the potential for rubbish to leave the site. Council encourages the separation and recycling of suitable materials.

NOTE: ALL WASTE GENERATED FROM THE CONSTRUCTION PROCESS IS TO BE CONTAINED ON-SITE

12. A sign must be erected in a prominent position on any work site on which involved in the erection or demolition of a building is carried out;
- a) stating that unauthorized unauthorised entry to the work site is prohibited, and
 - b) showing the name of the person in charge of the work site and a telephone number at which that person may be contacted outside working hours.
 - c) the name, address and telephone number of the principal certifying authority for the work,
 - d) The sign shall be removed when the erection or demolition of the building has been completed.
13. The development site is to be managed for the entirety of work in the following manner:
- 1) Erosion and sediment controls are to be implemented to prevent sediment from leaving the site. The controls are to be maintained until the development is complete and the site stabilised with permanent vegetation;
 - 2) Appropriate dust control measures;
 - 3) Building equipment and materials shall be contained wholly within the site unless approval to use the road reserve has been obtained;
 - 4) Toilet facilities are to be provided on the work site at the rate of one toilet for every 20 persons or part of 20 persons employed at the site.
14. Any necessary alterations to, or relocations of, public utility services to be carried out at no cost to council and in accordance with the requirements of the relevant authority including the

- provision of easements over existing and proposed public infrastructure.
15. Car parking within the development is to comply with the following:
 - i. Each parking space is to have minimum dimensions of 5.5m x 2.6m;
 - ii. Each disabled car parking space is to be in accordance with the provisions of Clause D3.5 of the Building Code of Australia and Australian Standard as 2890.1 – 2004;
 - iii. All car parking spaces are to be line-marked and sealed with a hard standing, all weather material and must be maintained in a satisfactory condition at all times;
 - iv. Off street parking is to be encouraged by the placement of prominent signs indicating the availability of parking.
 16. The aisle widths, internal circulation, ramp widths and grades of the car park are to generally conform to the Roads and Traffic Authority guidelines and Australian Standard AS2980.1 – 2004. Details of compliance are to be shown on the relevant plans and specifications.
 17. The driveway is to have a minimum width sufficient to allow manoeuvring access in accordance with Roads & Traffic Authority standards and sealed with a hard standing, sealed material and must be maintained in a satisfactory condition at all times.
 18. All vehicles to enter and leave the site in a forward direction at all times.
 19. All car parking and associated driveway works to be completed prior to occupation of the development.
 20. Vehicular entrances comprising kerb laybacks (where roll kerb and gutter does not exist) and concrete footway crossings are to be provided each lot at a suitable location to the development. These should be constructed in accordance with Aus-Spec #1 and the appropriate Council standard drawings including M526-Industrial Access, M594-Kerb & Gutter Layback.

Which states:

Inspections - Concrete must not be poured until the excavation, formwork and reinforcing has been inspected by Council. The contractor/owner must arrange an inspection by contacting Council's Technical Services Department between 8.00am and 4.30pm Monday to Friday, giving at least twenty four (24) hours notice. Failure to have the work inspected may result in the access being removed and reconstructed at the contractors/owners expense.

Loading/Unloading

21. All loading and unloading in connection with the premises shall be carried out wholly within the site.
22. Building materials shall not be placed on Council's footpaths or grass verges and a suitable sign to this effect shall be erected adjacent to the street alignment.
23. The applicant shall repair in accordance with Aus-Spec# 1 and Council Standard Drawings any part of Council's property damaged during the course of this development.

Stormwater

24. All disturbed areas are to be stabilised through the saving of topsoil during disturbance and its later respreading and establishment of vegetative cover.
25. The applicant is to submit a Drainage Report prepared in accordance with the Institution of Engineers publication Australian Rainfall and Run-off to Council for approval prior to the release of the Construction Certificate. The report must demonstrate that stormwater runoff from the site is not increased beyond the existing undeveloped state up to and including a 100-year ARI. All storm water detention details including analysis shall be included with the drainage report.
26. An Erosion and Sediment Control Plan for the development is to be prepared and implemented in accordance with the LANDCOM guidelines and requirements as outlined in the latest edition of "Soils and Construction – Managing Urban Stormwater". Points to be considered include, but are not limited to:
 - a) saving available topsoil for reuse in the revegetation phase of the subdivision;
 - b) using erosion control measures to prevent on-site damage;
 - c) rehabilitating disturbed areas quickly;
 - d) maintenance of erosion and sediment control structures.
27. 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.

BUILDING CONSTRUCTION

These conditions are provided to ensure that adequate standards are being observed during the construction phase of the development.

28. All building work must be carried out in accordance with the provisions of the National Construction Code, the Environmental

Planning & Assessment Act 1979 and Regulations and all relevant Australian Standards.

- 29 All building work is to comply with the approved plans showing the method and materials for the sound insulation of the proposed building in accordance with the recommendations of the Noise Impact Assessment Report nss21977 - Final prepared by Noise and Sound Services**
- 30. All plumbing and drainage work must be carried out by a licensed plumber and drainer and must comply with the Plumbing Code of Australia.**
- 31. 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 noise is permitted on Sundays or Public Holidays.
- 32. All mandatory inspections required by the Environmental Planning & Assessment Act and any other inspections deemed necessary by the Principal Certifying Authority being carried out during the relevant stage of construction.**
- 33. The strength of the concrete used for the reinforced concrete floor slab must be 25Mpa**
- 34. All stormwater is to discharge to the street gutter with the use of non-flexible kerb adaptors. Alternatively, stormwater is to be connected to the approved interallotment drainage system.**
- 35. This approval does not provide any indemnity to the owner or applicant under the Disability Discrimination Act 1992 with respect to the provision of access and facilities for people with disabilities.**
- 36. Prior to the occupation of a new building, or occupation or use of an altered portion of, or an extension to an existing building, an Occupation Certificate is to be obtained from the Principal Certifying Authority appointed for the erection of the building. An application for an**
- 37. All car parking and associated driveway works to be completed prior to occupation of the development.**
- 38. Approval for discharge of liquid trade waste to the sewer is required prior to the issue of an Occupation Certificate. Trade Waste Application will be required to be submitted and approved for the proposed Vehicle Repair Station prior to occupation.**

BUILDING

39. For every 12 month period after the issue of the Final Fire Safety Certificate the owner/agent of the building must provide the Council and the Commissioner of NSW Fire Brigades with a copy of a Annual Fire Safety Statement Certifying that each specified fire safety measure is capable of performing to its specification.
40. All waste generated by the proposed development shall be disposed of to an approved location in accordance with the Waste Minimization & Management Act 1995.
41. All work and associated equipment is to be contained wholly within the building.
Storage of hazardous substances is to be located within an appropriate storage facility in accordance with requirements of the relevant Material Safety Data Sheet.
42. There being no interference with the amenity of the neighbourhood by reason of the emission of any “offensive noise”, vibration, smell, fumes, smoke, vapour, steam, soot, ash or dust, or otherwise as a result of the proposed development.
43. Any signage proposed on the site is subject to a separate Development Application.

GENERAL

44. The hours of operation for the business are restricted to the following:
Monday to Friday 7.00am to 5.00pm
Saturday 8.00am to 12.00 noon
- These times include all truck movements to and from the site.
45. The site is to be kept in a clean and tidy condition and all waste materials from the servicing of vehicles is to be stored in a screened enclosure and removed on a regular basis to a licensed waste disposal or recycling facility.

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 Webb	✓	
Cr White	✓	

5.2.3 COMPREHENSIVE DCP 2013 – DRAFT DCP AMENDMENT
NO.1

GOV400029, A0100056, A0420143

491/13 MOTION: Shelley / Cavalier**That:**

- 1. the report by the Manager Statutory Planning on the Adoption of the Comprehensive DCP 2013 be received;**
- 2. the Development Control Plan – Amendment No.1 be adopted and that an Advertisement be placed in the local newspaper advising of its Commencement.**

*The motion was put and carried.*5.2.4 DEVELOPMENT APPLICATION 0357/2013 PROPOSED
MOTOCROSS TRACK AT LOT 2 DP 1022470, 312 BUCKAROO
ROAD BUCKAROO

GOV400029, P1335361, DA0357/2013

492/13 MOTION: Shelley / Cavalier**That:**

- 1. the report by the Senior Town Planner on Development Application 0357/2013 Proposed Motocross Track at Lot 2 DP 1022470, 312 Buckaroo Road Buckaroo be received;**
- 2. Council withdraw DA0357/2013 for the proposed Motocross Track at Lot 2 DP 1022470, 312 Buckaroo Road, Buckaroo;**
- 3. Council advise Mudgee and District Motor Cycle Club of its decision to withdraw Development Application 0357/2013 and will work with the club to find an alternate site;**
- 4. the Council delegate to the General Manager to negotiate an agreement, with Mudgee Dolomite and Lime Pty Ltd in relation to their current use of Lot 2 DP1022470, 312 Buckaroo Road Buckaroo.**

AMMENDMENT: Thompson / Martens**That:**

- 1. the report by the Senior Town Planner on Development Application 0357/2013 Proposed Motocross Track at Lot 2 DP 1022470, 312 Buckaroo Road Buckaroo be received;**
- 2. Council withdraw DA0357/2013 for the proposed Motocross Track at Lot 2 DP 1022470, 312 Buckaroo Road, Buckaroo;**

3. Council advise Mudgee and District Motor Cycle Club of its decision to withdraw Development Application 0357/2013 and will work with the club to find an alternate site;
4. the Council continue with the current verbal agreement with Mudgee Dolomite and Lime Pty Ltd through the Council reserve.

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

5.2.5 PLANNING PROPOSALS – “BURRUNDULLA, SPRING FLAT ROAD AND 116-118 ABATTOIR ROAD MUDGEE

GOV400029, LAN90040, LAN90043, LAN90042

493/13

MOTION: White / Cavalier

That:

1. **the report by the Director, Development and Community Services on the Planning Proposals – “Burrundulla, Spring Flat Road and 116-118 Abattoir Road Mudgee be received;**
2. **the proponents be invited to withdraw their planning proposals with a full refund of their fees pending the completion of the Urban Release Strategy. Should the proponents choose not to withdraw their proposal then the Council defer consideration of the proposal until the Urban Release Strategy is completed.**

The motion was put and carried.

5.2.6 APPEAL BY MAC GROUP PTY LTD – PROGRESS REPORT

GOV400029, A0100056, A0420251

494/13

MOTION: Shelley / Cavalier

That the report by the Manager, Statutory Planning on the Appeal by Mac Group Pty Ltd – Progress Report be received.

The motion was put and carried.

5.2.7 MONTHLY DEVELOPMENT APPLICATIONS PROCESSING & DETERMINED

GOV400029

495/13

MOTION: Cavalier / Webb

That the report by the Director, Development and Community Services on the Monthly Development Applications Processing & Determined for the month of October 2013 be received.

The motion was put and carried.

5.2.8 COBBORA COAL TRANSITION FUND

GOV400029, A0420213

496/13

MOTION: Cavalier / Shelley**That:**

1. the report by the General Manager on the Cobbora Coal Transition Fund be received;
2. Council allocates from the Cobbora Coal Transition Fund the sum of \$1 million towards a preschool facility and early childhood intervention service;
3. Council submit expressions of interest to the Cobbora Transition Fund the following projects that are eligible for the \$16 million of the Fund for infrastructure projects:

Cope Road	\$6.7 million
Fairydale Lane/Saleyards Lane	\$7.5 million
Development of Regional art gallery	\$9 million
Mudgee airport development	\$2 million
Innovation/technology park	\$5 million
Development of retail precinct – Mudgee	\$7 million

The motion was put and carried.

5.2.9 CULTURAL DEVELOPMENT COMMITTEE

GOV400029, A0100056, A0420172

497/13

MOTION: Walker / White**That:**

1. the report by the Manager, Community Services on the Cultural Development Committee be received;
2. Council note the minutes of the Cultural Development Committee meeting ordinary meeting held on 28 October 2013;
3. the Public Art Advisory Panel be requested to review the policy and guidelines for the Ceramic Art Policy and make the recommendations to Council accordingly.

The motion was put and carried.

5.2.10 DISCOUNT FOR EARLY PAYMENT OF RATES

GOV400029, A0340048

498/13

MOTION: Cavalier / Walker**That:**

1. the report by the Revenue & Property Manager on the Discount for Early Payment of Rates be received;
2. Council does not provide discount for early payment of rates and continues the current practice of allowing voluntary payment of the annual Council Rates and Charges amount in full.

The motion was put and carried.

5.2.11 FINANCIAL ASSISTANCE APPLICATIONS

GOV400029, A0100056, A0140201

499/13

MOTION: Cavalier / 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:

Frontline Community Services	\$1000
Mudgee Readers Festival	\$2000

3. Councillor Shelley allocate \$300 from his discretionary fund to the Rylstone Uniting Church.

The motion was put and carried.

5.2.12 MONTHLY BUDGET REVIEW FOR OCTOBER 2013

GOV400029, A0100056, FIN300062

500/13

MOTION: Cavalier / Walker

That:

1. the report by the Financial Accountant on the Monthly Budget Review for October 2013 be received;
2. the 2013/14 Operational Plan be amended in accordance with the variations as listed on page 2 of the October 2013 Monthly Budget Review – 2013/14 Operational Plan/Delivery Program, and reproduced in the report below.

The motion was put and carried.

5.2.14 TENDER ASSESSMENT – SEWER MAINS REHABILITATION
PROGRAMME 2013-2016

GOV400029, RFT 2013/18

501/13 MOTION: Cavalier / Shelley**That:**

- 1. the report by the Business Services Manager on the Tender Assessment – Sewer Mains Rehabilitation Programme 2013-2016 be received;**
- 2. Council accepts the tender of Interflow Pty Ltd for tender RFT 2013/18 for Sewer Mains Rehabilitation Programme 2013-2016 and that Council enter into a contract with Interflow Pty Ltd in accordance with clause 178 of the Local Government (General) Regulation 2005;**
- 3. Council authorises the General Manager to finalise and execute the contract on behalf of Council with Interflow Pty Ltd for Sewer Mains Rehabilitation Programme 2013-2016;**
- 4. The unsuccessful tenderers be notified that their tenders were unsuccessful.**

The motion was put and carried.

5.2.15 TOWN HALL CINEMA ADVERTISING FEE

GOV400029, A0100056, REC800016

502/13 MOTION: Cavalier / Webb**That:**

- 1. the report by the Manager, Community Services on the Town Hall Cinema Advertising Fee be received;**
- 2. Council endorse a \$75.00 interim fee for advertising space at the Town Hall Cinema. The fee will be for a 30 second advertisement that runs for 3 consecutive months of movie screenings;**
- 3. Council allow the Rotary Clubs of Mudgee to raise funds by sourcing advertisers and screening the advertisements, charging advertisers higher than the Council fee of \$75.00.**

*The motion was put and carried.*5.2.16 LOCAL TRAFFIC COMMITTEE MEETING MINUTES 5
NOVEMBER 2013

GOV400029, A0100056, A0100009

503/13 MOTION: Cavalier / Shelley

That:

1. the report by the Development Engineer on the Local Traffic Committee Meeting Minutes 5 November 2013 be received;
2. a “Disabled Parking space”, including kerb ramp and signage, be installed on the western side of Church Street immediately in front of Country Physiotherapy at 160 Church Street;
3.
 - a) the disabled car space be moved from in front of the old pharmacy to the new pharmacy on Angus Avenue, Kandos; and
 - b) the disabled car parking be moved from McDonald Street to Angus Avenue in front of the IGA, Kandos, but limited to a single space;
4. Council note that the Committee noted Council’s resolution to implement twenty (20) rear to kerb car parking spaces with no parking signage at driveways on the southern side of Short Street in the vicinity of learn to swim school;
5. Council note that the event – “A Day on the Green” at Robert Oatley Vineyards, 26 October 2013” – was classified as a Class 2 Event under the “Guide to Traffic and Transport Management for Special Events Version 3.4” and proceeded 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 "Worksite Traffic Control 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 Mid-Western Regional Council and the 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 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.
 - n. The event organiser apply to the RMS for a direction to restrict the speed limit as proposed.
6. Council note that the event – ‘Windeyer Endurance Ride’ 19 & 20 October 2013 – was classified as a Class 2 Event under the “Guide to Traffic and Transport Management for Special Events Version 3.4” and proceeded 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 3.3 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 Service 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 ‘Worksite Traffic Control 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 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; and
 - m. The organiser is to have a debrief with Council and Police with all traffic control documentation and controls tabled for review.

7. Council note that the event – “Gulgong Telemovie – The Killing Field”, 14, 15 and 16 November 2013 – was classified as a Class 2 Event under the “Guide to Traffic and Transport Management for Special Events Version 3.4” and proceeded with the following conditions:
- a. A Special Events Transport Management Plan (TMP), is to be prepared in accordance with the Guide to Traffic and Transport Management for Special Events Version 3.4 and submitted to and approved by Council prior to the event;
 - b. Events are to be undertaken in accordance with the requirements of the NSW Police Force with their approval documentation forwarded to Council for notation;
 - c. Controlling noise as required by the *Protection of The Environment Operations (Noise Control) Regulation 2000*;
 - d. Reimbursing Council for the cost of damage repairs;
 - e. Complying with Council's Law Enforcement Officers' reasonable directives;
 - f. Maintain areas in a clean and tidy condition. No obstructions are to be left on the roadways or footpaths;
 - g. A Traffic Control Plan (TCP) certified by a person with a ‘Select & Modify’ or a ‘Design and Audit’ Certificate be included in the TMP;
 - h. Any person directing traffic on a public road is required to possess an appropriate traffic controller’s certificate;
 - i. Council must be provided with a current copy of a public liability insurance policy in the amount of at least \$20 million. Such a policy is to note that Council 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 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.

The motion was put and carried.

5.2.17 RYLSTONE & KANDOS ACCESS COMMITTEE

GOV400029, A0060129

504/13

MOTION: Cavalier / Shelley

That:

1. the report by the Manager, Community Services on the Rylstone & Kandos Access Committee be received;

2. Council note the minutes of the Rylstone & Kandos Access Committee meetings of 20 August and 15 October 2013.

The motion was put and carried.

5.2.18 MUDGEE SALEYARDS MANAGEMENT COMMITTEE

GOV400029, F0720036

505/13 MOTION: Cavalier / Shelley

That:

1. the report by the Director, Mid-Western Operations on the Mudgee Saleyards Management Committee be received;
2. That the minutes for the Mudgee Saleyards Management Committee ordinary bi-monthly meeting held on 20 June 2013 and 22 August 2013 be noted.

The motion was put and carried.

Item 6: Urgent Business Without Notice

6.1 None

Item 7: Confidential Session

506/13 MOTION: Cavalier / Shelley

I move 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 General Manager announced that the following matter would be considered in confidential session and the reason why it was being dealt with in this way.

Subject: Confidential Mayoral Minute: General Manager's Contract Agreement

The reason for dealing with this matter confidentially is that it relates 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.

7.1 Confidential Mayoral Minute: General Manager's Contract of Employment

The General Manager and the Directors left the meeting prior to this matter being discussed and did not return for the balance of the meeting.

GOV400029, A0381421

507/13 MOTION: Kennedy

That pursuant to section 338 of the Local Government Act 1993 the Mid Western Regional Council offer Warwick L Bennett a new five (5) year contract of employment as General Manager of the Council effective from 1 July 2014 on the same terms and conditions as the current contract of employment.

AMMENDMENT: Thompson / Martens

That Council extends the current contract of employment with Warwick L Bennett as General Manager of the Mid-Western Regional Council for a further (2) years from 21st August 2014 in accordance with the resolution of Council in October 2010.

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

Item 8: Open Session

The Manager Governance announced the decisions taken in Confidential Session.

Closure

There being no further business the meeting concluded at 6.52pm.