

# Minutes of the Ordinary Meeting of Council

Held at the Council Chambers, 86 Market Street, Mudgee  
on Wednesday 4 June 2014, commencing at 5.55pm and concluding at 6.22pm.

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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), Manager Statutory Planning (G Bruce), Director Finance & Administration (B Exelby), Corporate Communications Officer (P Goldsmith).
MEDIA REPRESENTATIVES	Mudgee Guardian / The Weekly (R Murray), Radio 2MG (C Bassett & M Heldon).

## Item 1: Apologies

An apology was received for the absence of Councillor Weatherley.

### 215/14 MOTION: Shelley / Cavalier

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

The motion was carried with Councillors voting unanimously.

## 6.2.9 RECORDING OF COUNCIL MEETINGS

GOV400038, GOV400009

### 216/14 MOTION: Shelley / Cavalier

That:

1. the report by the General Manager on the Recording of Council meetings be received;
2. Council allow for the recording of this meeting and request staff to prepare an amendment to the Code of Meeting Practice that will allow for the permanent webcasting and recording of Council meetings.

The motion was carried with Councillors voting unanimously.

## Item 2: Disclosure of Interest

There were no disclosures of interest.

**Item 3: Confirmation of Minutes**

MOTION: Shelley /

That the Minutes of the Ordinary meeting (minute nos. 178/213/14) and Extraordinary meeting held on 21 May 2014 (Minute nos. 214/14) be taken as read and confirmed.

The motion lapsed for want of a seconder.

**Item 4: Matters in Progress**

Noted.

Brad Cam left the meeting at 5.57pm.

**Item 5: Mayoral Minute**

## 5.1 EXTRAORDINARY MEETING OF COUNCIL

GOV400038

217/14 MOTION: Kennedy

That:

1. Council not hold the Extraordinary meetings of Council on Thursday 19 June 2014 for the purpose of interviews for the position of General Manager and on Monday 23 June 2014 to determine the Revenue Policy; and
2. Council hold an Extraordinary Meeting on Wednesday 25 June 2014 at a time to be determined for the purpose of the interviews for the position of General Manager and to determine the Revenue Policy.

AMENDMENT: Webb / Thompson

That Council defer the appointment of a new General Manager for 9 months or until the ICAC investigation is complete, whichever comes first.

The amendment was put and lost on the Mayor's casting vote with Councillors voting as follows:

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

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	✓	

Brad Cam returned to the meeting at 6.05pm.

## Item 6: General Business

### 6.1 NOTICES OF MOTION

The Notice of Motion was dealt with during the discussion of the Mayoral Minute.

### 6.2 REPORTS TO COUNCIL

#### 6.2.1 DA0284/2014 PROPOSED CHANGE OF USE ANTIQUE SHOP & CAFE TO FUNERAL HOME - LOT 2 DP 837945, 131 MORTIMER STREET MUDGEE

GOV400038, DA0284/2014

MOTION: Walker /

That:

1. the report by the Senior Town Planner on the DA0284/2014 Proposed Change of Use Antique shop & Cafe to Funeral Home - Lot 2 DP 837945, 131 Mortimer Street Mudgee be received;
2. Development Application 0284/2014 for the change of use from antique shop and cafe to funeral home on Lot 2 DP 837945, 131 Mortimer Street Mudgee be approved subject to the following conditions:

#### APPROVED PLANS

1. Development is to be carried out generally in accordance with stamped plans 21346 – A01 and A02 and the Application received by Council on 21 February 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.

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

The following conditions must be compiled with prior to Council issuing a Construction certificate for the proposed subdivision works.

3. All works are to be constructed at the full cost of the developer, in a manner consistent with Aus-Spec #1 and Council's standard drawings.

#### PRIOR TO ISSUE OF THE CONSTRUCTION CERTIFICATE – BUILDING

The following conditions must be compiled with prior to Council issuing a Construction Certificate for the proposed building works.

4. Prior to development the applicant shall advise Council's Development and Community Services Department, in writing, of any existing damage to Council property before commencement of works. The applicant shall repair (at their own expense) any part of Council's property damaged during the course of this development in accordance with AUS-Spec #1/2 (as modified by Mid-Western Regional Council) and any relevant Australian Standards.
5. The applicants shall, at their own expense, engage a registered surveyor to relocate any survey mark that may be disturbed by the development or any associated work. Any information regarding relocation should be supplied to the Land Titles Office and Council.
6. The developer is to grant Council (or an Accredited Certifier on behalf of Council) unrestricted access to the site at all times to enable inspections or testing of the works.
7. All building work is to comply with the requirements of the Access to Premises Standard
8. To ensure that adequate provision is made for the cleanliness and maintenance of all food preparation areas, all work involving construction or fitting out of the premises shall comply with the requirements of Australian Standard 4674-2004 – "Design, Construction and Fit-Out of Food Premises", Food Act 2003, the provisions of the Food Safety Standards Code (Australia) and the conditions of development consent. Details demonstrating compliance are to be submitted to the Principal Certifying Authority prior to release of the Construction Certificate.
9. A schedule of existing and proposed fire safety measures is to be submitted to the Principal Certifying Authority with the application for the Construction Certificate.

10. Under Clause 94 of the Environmental Planning and Assessment Regulations 2000, the building is to be brought into conformity with the following Parts of the BCA Volume 1:

Part C: All applicable sections

Part D: All applicable sections of D1, D2, and D3

Part E: All applicable sections of E1, E2 and E4

Part F: All applicable sections of F1, F2, F3, F4 and F5

Details of compliance with the abovementioned Parts of the BCA are to be indicated on amended/additional plans and submitted to the Principle Certifying Authority for assessment with the Construction Certificate

11. Details are to be submitted to Council indicating how the building will comply with the requirements of the Public Health Act, 2012 and the Public Health Regulations 2012.

12. 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 the provision of public facilities:

The levy is: \$1,000 based on the estimated cost of development of \$ 200,000.

13. Prior to release of the Construction Certificate, approval pursuant to Section 68 of the Local Government Act, 1993 to carry out water supply, stormwater and sewerage works is to be obtained from Mid Western Regional Council.

#### PRIOR TO THE COMMENCEMENT OF WORKS – BUILDING

14. Trade Waste Application will be required to be submitted and approved for the proposed mortuary prior to commencement of works.

15. 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.

16. 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

17. 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 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.
  
18. If the work involved in the erection/demolition of the building;
  - a) is likely to cause pedestrian or vehicular traffic in a public place to be obstructed or rendered inconvenient, or
  - b) building involves the enclosure of a public place

A hoarding or fence must be erected between the work site and the public place. If necessary, an awning is to be erected, sufficient to prevent any substance from, or in connection with, the work falling into the public place. Any such hoarding, fence or awning is to be removed when the work has been completed.

19. 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 Construction 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.

#### BUILDING CONSTRUCTION

20. 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.
  
21. All plumbing and drainage work must be carried out by a licensed plumber and drainer and must comply with the Plumbing Code of Australia.

22. 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.
23. 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.
24. The strength of the concrete used for the reinforced concrete floor slab must be 25Mpa
25. All stormwater is to discharge to the street with the use of non-flexible kerb adaptors
26. 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.
27. The list of measures contained in the schedule attached to the Construction Certificate are required to be installed in the building or on the land to ensure the safety of persons in the event of fire in accordance with Clause 168 of the Environmental Planning and Assessment Regulation 2000.
28. 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.
29. The applicant is to upgrade the access from Mortimer St through to the new car park to the following standards and Council's Access Policy:
  - a) A minimum carriage-way width of 3.5m.
  - b) The road should be a sealed access formed using natural materials if suitable or otherwise approved road base compacted to a minimum of 98% standard MDD.
30. Car parking within and fronting the development is to comply with the following:
  - a) Car parking shall be implemented as shown on the approved drawings at the full cost of the Developer;
  - b) Each parking space is to have minimum dimensions pursuant to Australian Standard AS2890.1 – 2004;
  - c) 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;

- d) 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;
- e) Off street parking is to be encouraged by the placement of prominent signs indicating the availability of parking.
- g) The aisle widths, internal circulation, ramp widths and grades of the car park are to generally conform to the Roads and Traffic Authority Guide to Traffic Generating Developments 1992 and Australian Standard AS2890.1 – 2004. Details of compliance are to be shown on the relevant plans and specifications.
- h) 60 degree rear to kerb parking shall be implemented for the full frontage of the development and line marked/sign posted at full cost to the developer.
- i) Access is to be maintained to the adjoining property at 133 Mortimer Street over the right of carriageway

#### PRIOR TO ISSUE OF THE OCCUPATION CERTIFICATE

The following conditions are to be completed prior to occupation of the building and are provided to ensure that the development is consistent with the provisions of the Building Code of Australia and the relevant development consent.

- 31. 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.
- 32. Prior to occupation or the issue of the Occupation Certificate (or Interim Occupation Certificate) the owner of the building must cause the Principal Certifying Authority to be given a fire safety certificate (or interim fire safety certificate in the case of a building or part of a building occupied before completion) in accordance with Clause 153 of the Environmental Planning and Assessment Regulation 2000 for each measure listed in the schedule. The certificate must only be in the form specified by Clause 174 of the Regulation. A copy of the certificate is to be given to the Commissioner of the New South Wales Fire Brigade and a copy.

#### 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.

- 33. 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.



34. Where any essential services are installed in the building a copy of the final Fire Safety Certificate (together with a copy of the current fire safety schedule) is to be given to the Commissioner of NSW Fire Brigades and Council. A further copy of the Certificate (together with a copy of the current fire safety schedule) is to be prominently displayed in the building.
35. Any air conditioning units and refrigeration units installed must be operated in accordance with the requirements of the Protection of the Environmental Operations Act (Noise Control) Regulations 2000. Noise from the units is not to exceed 5dB(A) above the background noise level at the nearest residential receptor.
36. The hours of operation for the Funeral Home are limited to 8.00am to 6.00pm Monday to Friday inclusive.
37. The number of funeral services held at the premises 131 Mortimer Street Mudgee is limited to a total of 100 per year. The maximum number of attendees at a funeral service is limited to 50 persons.
38. No embalming of cadavers is to be undertaken on the site.
39. The ongoing use as a funeral home is to comply with the Public Health Act, 2012 and public Health Regulations, 2012
40. No signage is to be erected on the site without the prior consent of Council. Any signage proposed will be subject to a separate development application.

The motion lapsed for want of a seconder.

6.2.2 DA NO. 0297/2014 – DUAL OCCUPANCY AND SUBDIVISION  
AT LOT 25 DP 1191367, 3 HARDWICK AVENUE, MUDGEE  
GOV400038, DA0297/2014

This matter was withdrawn from the business paper as the applicant is redesigning the proposed Dual Occupancy and that the information supplied to Council to date indicates that this development will be fully compliant.

6.2.3 MONTHLY BUDGET REVIEW FOR APRIL 2014  
GOV400038, FIN300062

**218/14**

**MOTION: Shelley / Martens**

**That the report by the Manager, Financial Planning on the Monthly Budget Review for April 2014 be received.**

The motion was carried with Councillors voting unanimously.

## 6.2.4 SUBMISSIONS TO THE BUDGET, OPERATIONAL AND DELIVERY PLAN

GOV400038, COR400059

219/14

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

1. **the report by the General Manager on the Submissions to the Budget, Operational and Delivery Plan be received;**
2. **Council thank Mr Max Eady for his submission to seal Black Springs Road and decline the request;**
3. **Council resolve the rate categorisation allocation at the Extraordinary Meeting of Council on 25 June;**
4. **Council allocate to the Western Academy of Sport the sum of \$1,220 from the Financial Assistance grants allocation;**
5. **Council advise Cameron Scott Fell that it does not consider the Regent Theatre as a suitable fit for purpose venue for a modern Regional Art Gallery and that Council does not wish to pursue a private public partnership;**
6. **Council grant the Mudgee Chamber of Commerce the sum of \$10,000 towards the operation of their organisation to be funded from the Financial Assistance budget and that if any further funding is required in future financial years a report will be required of the effectiveness of this grant and a specific program for funding in future years;**
7. **Council thank Renae Hill for her submission and staff investigate the condition of 12 Mile Road and report back to Council in July on those areas that need upgrading from the resheeting or grading budget;**
8. **Council thank Damian and Louise Dewit for their submission and advise Mr & Mrs Dewit that it does not have the legislative powers to stop the public selling their vehicles on public roads;**
9. **Council advise the Mid-Western Community Health Alliance that it has made a financial contribution of \$50,000 in the 2013/14 financial year and that before any further funds are granted Council would like to see a report on the effectiveness of the Council grant;**
10. **Council staff be required to report to Council prior to December on the number of causeways on unsealed roads in the region and the cost of sealing the approaches to the causeways for consideration in the 2015/16 Operation Plan and Budget;**

11. Council thanks Mr Stephen Sneesby for his submission in regard to additional cycleways in the region and advise that Council has allocated a further \$130,000 towards footpaths and cycleways in the region
12. Mrs Cheryl Grieff be thanked for her submission and advised that Council staff will inspect Wallinga Lane to ensure appropriate standards are being adhered to. Further, staff responds to all other issues contained within Ms Grieff's submission;
13. Council staff prepare a report to Council regarding options of fulfilling the role of a Cultural Development Officer from existing staff;
14. Council include in the 2014/15 Operational Plan and Budget the annual operating costs of \$22,300 for web casting Council meetings and staff report to Council on options to reduce this cost;
15. Council include in the 2014/15 Operational Plan and Budget the sealing of the hill section of Nullo Mountain Road for a distance of 2.0 kilometres at a cost of \$120,000;
16. Council include in the 2014/15 Operational Plan and Budget the sealing of 20 metres of Lochiel Lane Mudgee at a cost of \$4,000;
17. Council include in the 2014/15 Operational Plan and Budget an additional \$15,000 for operational costs for the Kandos Museum;
18. Council include in the 2014/15 Operational Plan and Budget all the works deferred in the March 2014 quarterly budget review totalling \$1,584,100 in General Fund, \$1,120,000 in Water Fund and \$535,000 in Sewer Fund;
19. Council allocate \$35,000 towards the lease and structural changes for the development of a community centre at the Salvation Army premises in Perry Street Mudgee, and a further \$15,000 for the ongoing operations and management of this facility and that Council relocates its Ironed Out activities to this premises if the lease negotiations are successful;
20. Council allocate \$130,000 towards regional-wide new or upgraded footpath and cycleway infrastructure in the region and that staff prepare a report for the July meeting to recommend priorities for the expenditure of these funds;
21. Council increases the allocation for legal expenses by a further \$50,000 to be realistic of actual costs that may be incurred;
22. Council allocate \$73,500 from the Sewer Reserves account for the purchase of a mobile sludge dewatering unit;

23. Council allocate a further \$70,000 from the Corporate Buildings budget to upgrade the Gulgong Service Centre;
24. Council recognise the income from Wilpinjong coal of \$260,000 for community' infrastructure and allocate the monies in the VPA reserve
25. Council allocate \$2,035,000 for the purchase of plant required to complete the Ulan Road and Cope Road projects and Council allocate \$1,003,000 for operation costs of that plant to be charged against Ulan and Cope Road, and Council allocate \$275,000 for plant purchase that was deferred in the March Quarterly Budget Review;
26. Council allocate \$50,000 for the development of playground facilities at the Gulgong tennis club with \$25,000 funded from grants and \$25,000 funded by General Funds;
27. Council allocate \$60,000 from the Section 94 reserves to undertake the review of the Section 94 plan;
28. Council allocate \$235,000 to the replacement of the fire damaged pavilion at the Glen Willow sports facility to be funded by insurance claims;
29. Council amend the Fees and Charges schedule to reflect the following:-
  - Interest on overdue account set at 8.5%
  - Additional fees at Mudgee Showground for Cudgegong Cruisers - \$440.00
  - Add the following words to the Mudgee Showground Fees and Charges: "camping for regular hirers" to be \$11 for an unpowered site;
  - the camping sites fees at the Mudgee Showground be amended to \$29 for a powered site and \$22 for an unpowered site;
30. Council allocate \$20,000 towards some repair works required at the Council commercial building in Mortimer Street tenanted by The Reject Shop. This work to be funded from the Property Development account;
31. Council allocate \$70,000 for the repair of the Victoria Park fence adjacent to Church Street and the tennis courts to be funded from the Asset Replacement reserve; and
32. Council make a grant of \$7,000 to assist the Lifeskills Plus Inc Community Centre to be connected to Council's mains water and that this be funded from Unrestricted Reserve Cash as part of the 2014/15 budget.

AMENDMENT: Thompson / Martens

That:

1. the report by the General Manager on the Submissions to the Budget, Operational and Delivery Plan be received;
2. Council thank Mr Max Eady for his submission to seal Black Springs Road and decline the request;
3. Council resolve the rate categorisation allocation at the Extraordinary Meeting of Council on 25 June;
4. Council allocate to the Western Academy of Sport the sum of \$1,220 from the Financial Assistance grants allocation;
6. Council grant the Mudgee Chamber of Commerce the sum of \$10,000 towards the operation of their organisation to be funded from the Financial Assistance budget and that if any further funding is required in future financial years a report will be required of the effectiveness of this grant and a specific program for funding in future years;
7. Council thank Renae Hill for her submission and staff investigate the condition of 12 Mile Road and report back to Council in July on those areas that need upgrading from the resheeting or grading budget;
8. Council thank Damian and Louise Dewit for their submission and advise Mr & Mrs Dewit that it does not have the legislative powers to stop the public selling their vehicles on public roads;
9. Council advise the Mid-Western Community Health Alliance that it has made a financial contribution of \$50,000 in the 2013/14 financial year and that before any further funds are granted Council would like to see a report on the effectiveness of the Council grant;
10. Council staff be required to report to Council prior to December on the number of causeways on unsealed roads in the region and the cost of sealing the approaches to the causeways for consideration in the 2015/16 Operation Plan and Budget;
11. Council thanks Mr Stephen Sneesby for his submission in regard to additional cycleways in the region and advise that Council has allocated a further \$130,000 towards footpaths and cycleways in the region
12. Mrs Cheryl Grieff be thanked for her submission and advised that Council staff will inspect Wallinga Lane to ensure appropriate standards are being adhered to. Further, staff responds to all other issues contained within Ms Grieff's submission;
13. Council staff prepare a report to Council regarding options of fulfilling the role of a Cultural Development Officer from existing staff;

14. Council include in the 2014/15 Operational Plan and Budget the annual operating costs of \$22,300 for web casting Council meetings and staff report to Council on options to reduce this cost;
15. Council include in the 2014/15 Operational Plan and Budget the sealing of the hill section of Nullo Mountain Road for a distance of 2.0 kilometres at a cost of \$120,000;
16. Council include in the 2014/15 Operational Plan and Budget the sealing of 20 metres of Lochiel Lane Mudgee at a cost of \$4,000;
17. Council include in the 2014/15 Operational Plan and Budget an additional \$15,000 for operational costs for the Kandos Museum;
18. Council include in the 2014/15 Operational Plan and Budget all the works deferred in the March 2014 quarterly budget review totalling \$1,584,100 in General Fund, \$1,120,000 in Water Fund and \$535,000 in Sewer Fund;
19. Council allocate \$35,000 towards the lease and structural changes for the development of a community centre at the Salvation Army premises in Perry Street Mudgee, and a further \$15,000 for the ongoing operations and management of this facility and that Council relocates its Ironed Out activities to this premises if the lease negotiations are successful;
20. Council allocate \$130,000 towards regional-wide new or upgraded footpath and cycleway infrastructure in the region and that staff prepare a report for the July meeting to recommend priorities for the expenditure of these funds;
21. Council increases the allocation for legal expenses by a further \$50,000 to be realistic of actual costs that may be incurred;
22. Council allocate \$73,500 from the Sewer Reserves account for the purchase of a mobile sludge dewatering unit;
23. Council allocate a further \$70,000 from the Corporate Buildings budget to upgrade the Gulgong Service Centre;
24. Council recognise the income from Wilpinjong coal of \$260,000 for community' infrastructure and allocate the monies in the VPA reserve
25. Council allocate \$2,035,000 for the purchase of plant required to complete the Ulan Road and Cope Road projects and Council allocate \$1,003,000 for operation costs of that plant to be charged against Ulan and Cope Road, and Council allocate \$275,000 for plant purchase that was deferred in the March Quarterly Budget Review;

26. Council allocate \$50,000 for the development of playground facilities at the Gulgong tennis club with \$25,000 funded from grants and \$25,000 funded by General Funds;
27. Council allocate \$60,000 from the Section 94 reserves to undertake the review of the Section 94 plan;
28. Council allocate \$235,000 to the replacement of the fire damaged pavilion at the Glen Willow sports facility to be funded by insurance claims;
29. Council amend the Fees and Charges schedule to reflect the following:-
  - Interest on overdue account set at 8.5%
  - Additional fees at Mudgee Showground for Cudgegong Cruisers - \$440.00
  - Add the following words to the Mudgee Showground Fees and Charges: "camping for regular hirers" to be \$11 for an unpowered site;
  - the camping sites fees at the Mudgee Showground be amended to \$29 for a powered site and \$22 for an unpowered site;
30. Council allocate \$20,000 towards some repair works required at the Council commercial building in Mortimer Street tenanted by The Reject Shop. This work to be funded from the Property Development account;
31. Council allocate \$70,000 for the repair of the Victoria Park fence adjacent to Church Street and the tennis courts to be funded from the Asset Replacement reserve; and
32. Council make a grant of \$7,000 to assist the Lifeskills Plus Inc Community Centre to be connected to Council's mains water and that this be funded from Unrestricted Reserve Cash as part of the 2014/15 budget.

The amendment was put and lost 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 Webb	✓	
Cr White		✓

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 Webb	✓	
Cr White	✓	

### 6.2.5 FINANCIAL ASSISTANCE APPLICATIONS

GOV400038, A0140201

**220/14**

**MOTION: Shelley / Cavalier**

**That:**

- 1. the report by the Financial Accountant on the Financial Assistance Applications be received;**
- 2. Council note that the Financial Assistance budget for 2013/2014 is fully expended. Councillors should consider any donations from their discretionary funds; and**
- 3. Funds be allocated as follows from Councillors' discretionary funds:**

<b>Councillor Webb</b>	<b>\$100</b>	<b>The View Club Singers</b>
<b>Councillor Martens</b>	<b>\$200</b>	<b>Rylstone Red Cross</b>
	<b>\$300</b>	<b>Pioneer House</b>

The motion was carried with Councillors voting unanimously.

### 6.2.6 MUDGEES RIVERSIDE CARAVAN AND TOURIST PARK – LEASE AGREEMENT

GOV400038, P0233911

**221/14**

**MOTION: Shelley / White**

**That:**

- 1. the report by the Revenue & Property Manager on the Mudgee Riverside Caravan and Tourist Park - Lease Agreement be received;**
- 2. Council endorse the new Lease between Council and Avonbell Pty Limited for the Mudgee Riverside Caravan and Tourist Park for an initial term of 5 years from 27 September 2013 to 26 September 2018 with one option to renew for a period of 5 years;**



3. **all necessary documents required to give effect to the new Lease be executed under the Common Seal of Council;**
4. **all legal costs associated with the drafting and execution of the new Lease be borne by Avonbell Pty Limited.**

The motion was carried with Councillors voting unanimously.

#### 6.2.7 CLOSURE OF SECTIONS OF SALEYARDS LANE ROAD RESERVE

GOV400038, P0596211

222/14

**MOTION: Thompson / Martens**

**That:**

1. **the report by the Revenue & Property Manager on the Closure of Sections of Saleyards Lane Road Reserve be received;**
2. **Council agree to the closure of those parts of the Saleyards Lane road reserve identified as hatched areas A, B and C on the attached plan and proceed with the lodgement of a Road Closure Application with Crown Lands Division;**
3. **the General Manager be authorised to sign all necessary documentation in relation to the closure of those parts of the Saleyards Lane road reserve;**
4. **Council authorises the affixing of the Common Seal to all documents necessary to complete the closure of those parts of the Saleyards Lane road reserve;**
5. **upon transfer of title of those lands to Council identified as hatched areas A, B and C on the attached plan, Council notify the public of its intention to classify the lands as Operational by exhibiting the proposal for 28 days and should there be no submissions from the public, the lands be so classified as Operational.**

The motion was carried with Councillors voting unanimously.

#### 6.2.8 ASSESSMENT OF QUOTATION FOR WASTE HOOK LIFT TRUCK

GOV400038, A0419330

223/14

**MOTION: Cavalier / Walker**

**That:**

1. **the report by the Director, Mid-Western Operations on the Assessment of Quotation for Waste Hook Lift Truck be received;**

2. **Council accepts Volvo Trucks for VendorPanel quotation LGP13533 for the provision of one Volvo FM11 cab chassis with a Palfinger hook lifting system for the quoted price of \$281,850.00 (Excl GST) and that Council enter into a contract with Volvo Trucks in accordance with clause 178 of the Local Government (General) Regulation 2005;**
3. **Council approves the General Manager to authorise variations up to 5% of the contract value;**
4. **The unsuccessful applicants are notified that their quotations were unsuccessful.**

The motion was carried with Councillors voting unanimously.

#### 6.2.10 CULTURAL DEVELOPMENT COMMITTEE MINUTES

GOV400038, A0420172

**224/14 MOTION: White / Cavalier**

**That:**

1. **the report by the Manager, Community Services on the Cultural Development Committee Minutes be received;**
2. **Council note the minutes of the Cultural Development Committee meetings held on 19 May 2014;**
3. **Council appoint Margot Palk to the Cultural Development Committee.**

The motion was carried with Councillors voting unanimously.

#### 6.2.11 KANDOS CENTENARY WORKING PARTY MINUTES

GOV400038, P1553611

**225/14 MOTION: Shelley / Cavalier**

**That:**

1. **the report by the Manager, Community Services on the Kandos Centenary Working Party minutes be received;**
2. **Council note the minutes of the meeting held 12th May 2014, and the accompanying Treasurer's report.**

The motion was carried with Councillors voting unanimously.

## 6.2.12 GULGONG SPORTS COUNCIL

GOV400038, A0100056

226/14

**MOTION: Shelley / 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 9 April 2014 be noted.

The motion was carried with Councillors voting unanimously.

**Item 7: Urgent Business Without Notice**

None

**Item 8: Confidential Session**

227/14

**MOTION: Cavalier / Shelley****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: Saleyards Subdivision**

***The reason for dealing with this matter confidentially is that it contains information that would, if disclosed, confer a commercial advantage on a person with whom the council is conducting, or proposes to conduct business, in accordance with Section 10A(2)(c) of the Local Government Act, 1993.***

***Discussion of this matter at an open meeting would be, on balance, contrary to the public interest as it could prejudice Council's negotiations with potential tenderers.***

Following an enquiry from the Mayor, the General Manager 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 carried with Councillors voting unanimously.

## 8.1.1 Saleyards subdivision

GOV400038, DA0248/2014

**228/14****MOTION: Shelley / Cavalier****That:**

- 1. the report by the General Manager on the Saleyards subdivision be received;**
- 2. Council advertise state-wide a tender to sell the former Saleyards site, known as Lot 2 DP534336, Lot 399 DP132580, and Lot 532 DP1132581 which has recently been approved for a 48 lot residential subdivision;**
- 3. all tenders be forwarded to Council for determination as to whether or not Council will sell the site;**
- 4. the tender process to last 60 days, and the tender notice clearly indicate that Council may not necessarily accept all or any tenders;**
- 5. Council demolish the old SES building prior to the public tender of this subdivision and remove all demolished waste from site.**

The motion was carried with Councillors voting unanimously.

**Item 9: Open Council****229/14****MOTION: Cavalier / Shelley****That the Council move to Open Council.**

The motion was carried with Councillors voting unanimously.

The General Manager announced the decisions taken in Confidential Session.

**Closure**

There being no further business the meeting concluded at 6.22pm.