

Minutes of the Ordinary Meeting of Council

Held at the Council Chambers, 86 Market Street, Mudgee
on Wednesday 18 June 2014, commencing at 5.52pm and concluding at 6.48pm.

PRESENT	Cr D Kennedy (Mayor), Cr P Cavalier (Deputy Mayor), Cr EE Martens (AM), Cr PA Shelley, Cr JP Thompson, Cr JR Webb, Cr L White.
IN ATTENDANCE	Acting General Manager (B Cam), Acting Director Mid-Western Operations (D Colwell), Director Development and Community Services (C Van Laeren), Director Finance & Administration (B Exelby), Manager Information Services (S Jones), 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 Councillors Walker and Weatherley.

230/14 MOTION: Cavalier / White

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

The motion was carried with Councillors voting unanimously.

1.1.1 RECORDING OF COUNCIL MEETING

GOV400038

231/14 MOTION: Shelley / Cavalier

That:

1. the report by the Director, Finance & Administration on the Recording of Council meeting be received;
2. Council allow the recording of this meeting.

The motion was carried with Councillors voting unanimously.

The Mayor noted that the Extraordinary Meeting of May 21 was not held and confirmed that he would reconvene the meeting at a date and time to be announced following the receipt of legal advice about his involvement in that meeting.

Item 2: Disclosure of Interest

Councillor Kennedy declared a pecuniary conflict of interest in Item 6.2.3 as he has a contractual arrangement with one of the objectors.

Councillor Cavalier declared a pecuniary conflict of interest in Item 6.2.2 as the applicants are clients of his business.

Councillor Cavalier declared a pecuniary conflict of interest in Item 6.2.5 as the one of the objectors is a client of his business.

Councillor Thompson declared a non-pecuniary conflict of interest in Item 6.2.1 as his daughter is employed by the applicant.

Councillor Thompson declared a non-pecuniary conflict of interest in Item 6.2.3 as one of the objectors is a sponsor of the Gulgong Turf Club, of which he is a committee member.

Councillor Thompson declared a non-pecuniary conflict of interest in Item 6.2.9 as he is associated with of the two benefiting organisations.

Item 3: Confirmation of Minutes

3.1 MINUTES OF ORDINARY MEETING HELD ON 4 JUNE 2014

232/14 MOTION: Cavalier / Shelley

That the Minutes of the Ordinary Meeting held on 4 June 2014 (Minute Nos. 215/14 to 229/14) be taken as read and confirmed.

The motion was carried with Councillors voting unanimously.

3.2 CONFIRMATION OF MINUTES 21 MAY 2014

3.2.1 CONFIRMATION OF MINUTES 21 MAY 2014

GOV400038, GOV400024

233/14 MOTION: Shelley / Cavalier

That:

- 1. the report by the Acting General Manager on the Confirmation of Minutes 21 May 2014 (will be item 3.2) be received;**
- 2. The Minutes of the Ordinary Meeting held on 21 May 2014, Minute Nos 178/14 to 214/14 and the Minutes of the Extraordinary Meeting held on 21 May 2014, Minute No 214/14 be taken as read and confirmed.**

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 Webb	✓	
Cr White	✓	

Item 4: Matters in Progress

Noted.

Item 5: Mayoral Minute

5.1.1 KANDOS CENTENARY COMMITTEE FUNDING

234/14 MOTION: Kennedy

That:

- 1. Council not seek to be reimbursed for the printing of the Rocky Mountain Spirit; and**
- 2. Council allow the Kandos Centenary Committee to retain all proceeds from the sale of the Rocky Mountain Spirit for the purpose of funding the Centennial of Kandos, and that the 2013/14 Operational Plan be amended to remove \$10,800 in book sales, to be funded from unrestricted cash.**

The motion was carried with Councillors voting unanimously.

5.1.2 COUNCILLOR DISCRETIONARY FUNDS AND GENERAL FINANCE ASSISTANCE GRANTS

235/14 MOTION: Kennedy

That:

- 1. Council dispense with the Councillor Discretionary Funds;**
- 2. The 2014/15 Operational Plan and 2014/17 Delivery Program be amended to remove \$18,000 from Councillor Discretionary Contributions, and to increase General Financial Assistance Grants by the corresponding amount; and**
- 3. Applications have a clear strategic link to the Community Plan which are demonstrated in the applications**

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 Webb		✓
Cr White	✓	

Item 6: General Business

6.2 REPORTS TO COUNCIL

6.2.1 DA 0216/2014 – CHANGE OF USE FROM RESIDENCE TO CHILD CARE CENTRE AND EXTENSION OF EXISTING CHILD CARE CENTRE – LOT 4 DP 221682, 128 MORTIMER STREET, MUDGEE

GOV400038, DA0216/2014

Councillor Thompson declared a non-pecuniary conflict of interest in Item 6.2.1 as his daughter is employed by the applicant, left the meeting at 6.16pm and did not participate in discussion or vote in relation to this matter.

236/14 MOTION: White / Martens

That:

- 1. the report by the Senior Town Planner on the DA0216/2014 – Change of Use from Residence to Child Care Centre and Extension of Existing Child Care Centre – Lot 4 DP 221682, 128 Mortimer Street, Mudgee be received;**
- 2. Development Application 0216/2014 for the change of use from residence to child care centre and the extension of the existing child care centre at Lot 4 DP 221682, 128 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 355PLA-01 to 355PLA-06 issue B and the Application received by Council on 16 December 2013 except as varied by the conditions listed herein. Any minor modification to the approved plans will require the lodgement and consideration**

by Council of amended plans. Major modifications will require the lodgement of a new development application.

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

(Note: A suitably qualified person is required to be present during earthworks to identify whether any artefacts were uncovered).

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.

4. 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.

PRIOR TO ISSUE OF THE CONSTRUCTION CERTIFICATE BUILDING

The following conditions must be compiled with prior to Council or an accredited Certifier issuing a Construction certificate for the proposed building.

5. All building work is to comply with the requirements of the Access to Premises Standard
 6. 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.
 7. 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.
- 7(a). The developer shall obtain a Certificate of Compliance under the Water Management Act 2000. This will require:

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

Water Headworks	\$ 12,840
Sewerage Headworks	\$ 5,880
Total	\$ 19,720

Note: Section 64 Developer Contributions are subject to Consumer Price Index increase at 1 July each year. Please contact Council's Planning and Development Department regarding any adjustments.

- 7(b). **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. The levy is \$700 based on the estimated cost of development of \$ 140,000.**

PRIOR TO THE COMMENCEMENT OF WORKS – BUILDING

8. **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.

9. **The site shall be provided with a waste enclose (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

10. **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.**

11. 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.

12. Runoff and erosion controls shall be installed prior to clearing and incorporate:-
 - a) diversion of uncontaminated upslope runoff around cleared and/or disturbed areas and areas to be cleared and/or disturbed;
 - b) sediment control fences at the downslope perimeter of the cleared and/or disturbed area to prevent sediment and other debris escaping from the land to pollute any stream or body of water.
 - c) maintenance of all erosion control measures at maximum operational capacity until the land is effectively rehabilitated and stabilized beyond the completion of construction.

BUILDING CONSTRUCTION

13. 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;
14. All plumbing and drainage work must be carried out by a licensed plumber and drainer and must comply with the Plumbing Code of Australia;
15. Construction work noise that is audible at other premises is to be restricted to the following times:
 - Monday to Saturday - 7.00am to 5.00pmNo construction work noise is permitted on Sundays or Public Holidays.
16. 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;
17. The licensed demolition contractor and/or principal contractor must comply with the following specific requirements in respect of the proposed demolition works:-
 - a) Demolition work is not be undertaken until:
 - Council has been provided with a copy of any required Hazardous Substances Management Plan;

- The licensed demolition contractor and/or principal contractor has inspected the site and is satisfied that all measures are in place to comply with the provisions of such Plan;
 - b) The removal, handling and disposal of any asbestos material (in excess of 10m²) is to be undertaken only by an asbestos removal contractor who holds the appropriate class of Asbestos Licence, issued by WorkCover NSW, and in accordance with the requirements of WorkCover NSW, the Work Health and Safety Act 2011 and Australian Standard 2601-2001
 - c) All asbestos and other hazardous materials are to be appropriately contained and disposed of at a facility holding the appropriate license issued by the NSW Environmental Protection Agency;
 - d) Seven working days notice in writing is to be given to Council prior to the commencement of any demolition works. Such written notice is to include the date demolition will commence and details of the name, address, contact telephone number and licence details (type of licences held and licence numbers) of any asbestos removal contractor and demolition contractor.
18. The strength of the concrete used for the reinforced concrete floor slab must be 25Mpa;
19. Stormwater is to be conveyed to the existing property stormwater drains by way of a sealed pipe system. The existing drains are to be checked for adequacy and cleared of any obstructions;
20. 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;

ENGINEERING CONSTRUCTION

21. All public footways, foot paving, kerbs, gutters and road pavement damaged during the works are to be restored to match existing conditions at the Developer's/Demolisher's expense;
22. A total of 15 car parking spaces are to be provided within the site of the development and comply with AS 2890.1: 2004 and the following requirements:
- (a) Each parking space is to have minimum dimensions of 5.5m x 2.4m;
 - (b) Each disabled car parking space is to be in accordance with the provisions of AS 2890.6: 2009.
 - (c) All car parking spaces are to be line-marked and provided with a hard standing, all weather compacted gravel surface

- and must be maintained in a satisfactory condition at all times;
- (d) Off street parking is to be encouraged by the placement of prominent signs indicating the availability of parking.

PRIOR TO ISSUE OF THE OCCUPATION CERTIFICATE

23. 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;
24. 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;
25. All car parking and associated driveway works are to be completed prior to occupation of the development;

CONDITIONS RELATED TO THE ONGOING USE OF THE SITE

26. All exterior lighting associated with the development shall be designed and installed so that no obtrusive light will be cast onto any adjoining property or roadways, in accordance with Australian Standard 4282 "Control of the Obtrusive Effects of Outdoor Lighting;
27. The centre is limited to 60 childcare places and approval must be obtained from the Department of Education and Communities prior to operation;
28. The approved hours of operation for the centre are Monday to Friday 7.00am to 6.00pm.

The motion was carried with Councillors voting unanimously.

Councillor Thompson returned to the meeting at 6.17pm.

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

GOV400038, DA0284/2014

Councillor Cavalier declared a pecuniary conflict of interest in Item 6.2.2 as the applicant is a client of his business, left the meeting at 6.17pm and did not participate in discussion or vote in relation to this matter.

MOTION: Webb / Thompson

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 enclose (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.

41. No car parking spaces are to be located in the right of carriageway.
42. The two car parking spaces be removed from the right of way and reallocated to rear-to-curb street parking.

237/14

AMENDMENT: Shelley / White

That:

1. **the report by the Manager, Statutory Planning 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. **DA0284/2014 Proposed Change of Use Antique shop & Cafe to Funeral Home - Lot 2 DP 837945, 131 Mortimer Street Mudgee be refused for the following reasons:**
 1. **The proposed development is inconsistent with the Mid-Western Regional Local Environmental Plan 2012 as 'Commercial Premises' are prohibited within the R3 Medium Density Residential Zone.**
 2. **The proposed development is inconsistent with the Mid-Western Regional Local Environmental Plan 2012 R3 Medium Density Residential Zone Objective as the proposal will reduce the opportunity for further residential development.**
 3. **The proposed development is inconsistent with the Mid-Western Regional Local Environmental Plan 2012 R3 Medium Density Residential Zone Objective as the proposal does not provide for a variety of housing types.**
 4. **The proposed development is inconsistent with the Mid-Western Regional Local Environmental Plan 2012 R3 Medium Density Residential Zone Objective as the land use is not one that meets the day to day needs of the locality.**
 5. **The proposed development is likely to create land use conflict by locating a commercial premise in a residential zone through traffic movements, hours of operation and noise.**
 6. **The proposed development of a building listed as an item of Environmental Heritage is inconsistent with 5.10 Heritage Conservation Objective (b) of the Mid-Western Regional Local Environmental Plan 2012 as the proposed driveway and car spaces that includes the sealing with concrete, bitumen or similar directly adjoining the building detrimentally impacts upon the 'setting' of the Item of Environmental Heritage.**

7. The proposed development is not in the public interest to relocate a funeral home form a business zone to a residential zone.

The amendment was put and carried on the Mayor's casting vote and on being put as the motion was again carried on the Mayor's casting vote with Councillors voting as follows:

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

Councillor Cavalier returned to the meeting at 6.30pm.

6.2.3 DA0341/2014 – PROPOSED USE OF FIVE ACCOMMODATION CABINS FOR TOURIST AND VISITOR ACCOMMODATION – LOT 2 DP871401, 939 HENRY LAWSON DRIVE, EURUNDEREE

GOV400038, DA0341/2014

Councillor Thompson declared a non-pecuniary conflict of interest in Item 6.2.3 as one of the objectors is a sponsor of the Gulgong Turf Club of which he is a committee member, left the meeting at 6.30pm and did not participate in discussion or vote in relation to this matter.

Councillor Kennedy declared a pecuniary conflict of interest in Item 6.2.3 as he has a contractual arrangement with one of the objectors, left the meeting at 6.30pm and did not participate in discussion or vote in relation to this matter, and in his absence Councillor Cavalier assumed the Chair.

MOTION: Shelley /

That:

1. the report by the Senior Town Planner on the DA 0341/2014 – Proposed Use of Five Accommodation Cabins for Tourist and Visitor Accommodation – Lot 2 DP871401, 939 Henry Lawson Drive, Eurunderee be received;
2. Development Application 0341/2014 for the use of five accommodation cabins as Tourist and Visitor Accommodation at Lot 2 DP871401, 939 Henry Lawson Drive Eurunderee be approved with the following conditions:

DEFERRED COMMENCEMENT CONDITION/S

- A. The applicant is to apply for and obtain individual Building Certificates under section 149D of the Environmental Planning and Assessment Act, 1979 for each of the five accommodation units.

(Note: The fee to issue a Building Certificate is set out in Council's Fees and Charges)

This is a deferred commencement condition in accordance with Section 80(3) of the Environmental Planning and Assessment Act 1979 and this consent shall not operate until it has been complied with to the satisfaction of Council.

This condition is to be complied with within six (6) months of the date of determination.

APPROVED PLANS

1. Development is to be carried out generally in accordance with the Statement of Environmental Effects reference 21040 – PO2 dated April 2014 and the Application received by Council on 17 April 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. If any aboriginal artefacts are uncovered or identified during construction earthworks, such work is to cease immediately and the local aboriginal community and National Parks and Wildlife Service are to be notified.

(Note: A suitably qualified person is required to be present during earthworks to identify

PROPERTY ACCESS

3. The construction of a new all-weather vehicle access for Units 4 and 5, to be wholly located on Lot 2 DP871401 off Sills Lane in accordance with the following minimum guidelines;
 - (i) a gate or stock grid (if applicable) set back a minimum distance of fifteen (15) from the boundary of the land with the public road;
 - (ii) a minimum 4.0 metre wide compacted gravel driveway, extending from the edge of pavement on the public road to the entrance gate or stock grid;
 - (iii) a minimum 150mm thick, 4.0 metre wide concrete dish drain or 375mm diameter reinforced concrete pipe culvert with headwalls, located outside the clear zone, having the table drain directed through it.
 - (iv) the access shall be located such that adequate sight distances are achieved, as specified in the Austroads publication 'Intersections at Grade'.
4. Access to the Accommodation units 4 and 5 is to be off Sills Lane and in accordance with Condition 3. The existing right of carriageway on Lot 1 DP871401 is not to be used for access to accommodation units 4 and 5.

GENERAL

5. 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.
6. All exterior lighting associated with the development shall be designed and installed so that no obtrusive light will be cast onto any adjoining property or roadways, in accordance with Australian Standard 4282 "Control of the Obtrusive Effects of Outdoor Lighting".
7. 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, traffic generation or otherwise as a result of the proposed development.
8. The accommodation units are to be used for short stay visitor accommodation only. Occupants are limited to a maximum stay of 28 days.

SIGNAGE

9. Any signage proposed on the site to identify the Tourist and Visitor accommodation is subject to a separate Development Application.

The motion lapsed for want of a seconder.

238/14 MOTION: Webb / Martens

That:

1. **the report by the Senior Town Planner on the DA 0341/2014 – Proposed Use of Five Accommodation Cabins for Tourist and Visitor Accommodation – Lot 2 DP871401, 939 Henry Lawson Drive, Eurunderee be received;**
2. **Development Application 0341/2014 for the use of five accommodation cabins as Tourist and Visitor Accommodation at Lot 2 DP871401, 939 Henry Lawson Drive Eurunderee be refused for the following reasons:**
 1. **The proposed development is not consistent with the definition of Tourist and Visitor Accommodation as they house long term mining contractors;**
 2. **The proposed development could be characterised as multi dwelling housing which is prohibited in the RU4 Primary Production Small Lots Zone of Mid-Western Regional Local Environmental Plan 2012;**
 3. **The proposed development which could be characterised as multi dwelling housing is inconsistent with the RU4 zone**

- objective “To minimise conflict between land uses within this zone and land uses within adjoining zones”;
4. The proposed development which could be characterised as multi dwelling housing is inconsistent with the RU4 zone objective “To ensure that land is available for intensive plant agriculture”;
 5. The proposed development could also be characterised as Temporary Workers Accommodation as it houses long term mining contractors but is inconsistent with clause 6.11 (2) (a)(i) of the LEP 2012 as the subject site is located further than 5 kilometres from the relevant mining lease;
 6. The proposed development is not consistent with the definition of Temporary Workers Accommodation in Clause 6.11 (1) (c) of MWR LEP 2012 as the use of the proposed site will have a detrimental impact on the future use of the land and will conflict with an existing land use;
 7. The proposed development is not in the public interest as it used for a purpose that is inconsistent with the Mid-Western Regional LEP 2012 and Comprehensive DCP 2013.

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

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

Councillors Thompson and Kennedy returned to the meeting at 6.35pm and Councillor Kennedy resumed the Chair.

6.2.4 MA0089/2014 – MODIFICATION OF BUILDING ENVELOPE -
 DWELLING – ONSITE SEWERAGE MANAGEMENT FACILITY -
 LOT 22 DP 1163342, 839 HILL END ROAD ERUDGERE
 GOV400038, DA0218/2014 – MA0089/2014, P22415

239/14

MOTION: Shelley / Martens

RECOMMENDATION

That:

1. That the report by the Building Surveyor on Modification Application 0089/2014, for the proposed relocation of the approved dwelling and on-site sewerage management facility located at 839 Hill End Road, Erudgere be received; and
2. Modification Application No. 0089/2014, Proposed relocation of approved dwelling and on-site sewerage management facility located at 839 Hill End Road, Erudgere be approved;

and subject to the following conditions detailed below;

3. Council resolve to allow the dwelling and associated structures outside of the registered building envelope.

APPROVED PLANS

1. Development is to be carried out generally in accordance with stamped plans and the Application received by Council on 20/05/2014 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.

GENERAL TERMS OF APPROVAL

2. 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.

The following information is to be submitted to Council prior to the commencement of works:

- a) Manufacturers details for the frames and roof trusses.
 - b) Wind bracing details.
3. 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.

4. 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

5. 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.

6. Residential building work (in accordance with the meaning of the Home Building Act 1989) must not be carried out unless the principal certifying authority for the development to which the work relates:
 - a) in the case of work to be done by a licensee under that Act:
 - i) has been informed in writing of the licensee's name and contractor licence number, and
 - ii) is satisfied that the licensee has complied with the requirements of Part 6 of that Act, or

 - b) in the case of work to be done by any other person:
 - i) has been informed in writing of the person's name and owner builder permit number, or
 - ii) has been given a declaration, signed by the owner of the land, that states that the reasonable market cost of the labour and materials involved in the work is less than the amount prescribed for the purposes of the definition of owner-builder work in section 29 of that Act,

and is given appropriate information and declarations under paragraphs (a) and (b) whenever arrangements for the doing of work are changed in such a manner as to render out of date any information or declaration previously given under either of those paragraphs.

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.

BUILDING CONSTRUCTION

8. 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.
9. 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.
10. Structural members subject to attack by subterranean termites shall be protected by one of the methods outlined in AS 3660.1 and a durable notice must be permanently fixed to the building in a prominent location, such as a meter box or the like, indicating:
 - a) the method of protection; and
 - b) the date of installation of the system; and
 - c) where a chemical barrier is used, its life expectancy as listed on the National Registration Authority label; and
 - d) the need to maintain and inspect the system on a regular basis.
11. The requirements of BASIX Certificate number(s) 502810s_02 issued on 31/01/2014 must be installed and/or completed in accordance with the commitments contained in that certificate. Any alteration to those commitments will require the submission of an amended BASIX Certificate to the Council and/or the Principal Certifying Authority prior to the commencement of the alteration/s

PRIOR TO OCCUPATION

12. Prior to the occupation of a new building an Occupation Certificate is to be obtained from the Principal Certifying Authority appointed for the erection of the building.
13. A minimum of 45,000 litres of domestic water storage is to be provided for the proposed dwelling. At least 20,000 litres of water storage is to be available for fire fighting purposes.
14. Metal roof/wall cladding shall be provided in a non reflective colour scheme such as "Colorbond" steel sheeting.

The motion was carried with Councillors voting unanimously.

6.2.5 PLANNING PROPOSAL – LOT 110 DP 1029542, 277 BLACK SPRINGS ROAD EURUNDEREE

GOV400038, LAN900045

Councillor Cavalier declared a pecuniary conflict of interest in Item 6.2.5 as one of the objectors is a client of his business, left the meeting at 6.36pm and did not participate in discussion or vote in relation to this matter.

240/14 MOTION: Shelley / Kennedy

That:

- 1. the report by the Statutory/Strategic Planner on the Planning Proposal – Lot 110 DP 1029524, 277 Black Springs Road Eurunderee be received;**
- 2. the Planning Proposal be forwarded to the Minister under section 58 of the Environmental Planning and Assessment Act requesting that the proposal proceed and that the Minister make the plan in accordance with section 59 of the Act.**

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

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

Councillor Cavalier returned to the meeting at 6.37pm.

6.2.6 MONTHLY DEVELOPMENT APPLICATIONS PROCESSING & DETERMINED

GOV400038

241/14 MOTION: Webb / Cavalier

That the report by the Director, Development and Community Services on the Monthly Development Applications Processing & Determined be received.

The motion was carried with Councillors voting unanimously.

6.2.7 2014-15 OPERATIONAL PLAN

GOV400038, COR400059

Item 6.2.7 was withdrawn.

6.2.8 MONTHLY STATEMENT OF BANK BALANCES AND INVESTMENTS AS AT 31 MAY 2014

GOV400038, A0140304

242/14 MOTION: Cavalier / Webb**That:**

- 1. the report by the Manager, Financial Planning on the Monthly statement of bank balances and investments as at 31 May 2014 be received;**
- 2. the certification of the Responsible Accounting Officer be noted**

The motion was carried with Councillors voting unanimously.

6.2.9 FINANCIAL ASSISTANCE APPLICATIONS

GOV400038, A0140201

Councillor Thompspon declared a non-pecuniary conflict of interest in Item 6.2.9 as he is associated with of the two benefiting organisations, left the meeting at 6.38pm and did not participate in discussion or vote in relation to this matter.

243/14 MOTION: Shelley / Cavalier**That:**

- 1. the report by the Director, Finance & Administration on the Financial Assistance applications be received;**
- 2. Council note the balance of Councillor discretionary funds remaining;**
- 3. The following amounts be assigned from respective Councillors' discretionary funds:**

Councillor Thompson	\$600	Gulgong Men's Shed
Councillor Thompson	\$600	Gulgong Sports Council

The motion was carried with Councillors voting unanimously.

Councillor Thompson returned to the meeting at 6.39pm.

6.2.10 SUPPLY AND DELIVERY OF STATIONERY AND ANCILLARY ITEMS – T011415HUN

GOV400038, GOR500017

244/14 MOTION: Cavalier / Shelley**That:**

1. the report by the Director, Finance & Administration on the Supply and delivery of stationery and ancillary items – T011415HUN be received;
2. Council select Australian Graphic and Office Supplies Pty Ltd, trading as Stuart and Dunn – Office Choice, as the primary source supplier for the supply and delivery of stationery and ancillary items to council for the period 01/07/2014 to 30/06/2016, and that a provision be allowed for a 12 month extension based on satisfactory supplier performance which may take this contract through to 30/06/2017;
3. Council select Complete Office Supplies Pty Ltd (COS), as the secondary source supplier for the supply and delivery of stationery and ancillary items to council for the period 01/07/2014 to 30/06/2016, and that a provision be allowed for a 12 month extension based on satisfactory supplier performance which may take this contract through to 30/06/2017.

The motion was carried with Councillors voting unanimously.

6.2.11 CLASSIFICATION OF LAND – LOT 1 DP 1192154 45 DUNN STREET KANDOS

GOV400038, P1985111

245/14 MOTION: Shelley / Cavalier

That:

1. the report by the Revenue & Property Manager on the Classification of land - Lot 1 DP 1192154 45 Dunn Street Kandos be received;
2. Council notify the public of its intention to classify Lot 1 DP 1192154 as Operational by exhibiting the proposal for 28 days and should there be no submissions from the public, the land be so classified as Operational.

The motion was carried with Councillors voting unanimously.

6.2.12 NAMING OF NEW STREETS IN THE RIDGE ESTATE SUBDIVISION

GOV400038, R0790141

246/14 MOTION: Cavalier / White

That:

1. the report by the Revenue & Property Manager on the Naming of new streets in The Ridge Estate subdivision be received;

2. Council formally approve the names of Hughson Avenue and Rowe Street for the new roads in The Ridge Estate subdivision

The motion was carried with Councillors voting unanimously.

6.2.13 NAMING OF THE UNNAMED LANE NEXT TO HEALTH ONE IN GULGONG

GOV400038, R0790141

247/14 MOTION: Thompson / Cavalier

That:

- 1. the report by the Revenue & Property Manager on the Naming of the unnamed Lane next to Health One in Gulgong be received;**
- 2. Council formally approve the name of Auld Lane for the lane next to Gulgong Health One.**

The motion was carried with Councillors voting unanimously.

6.2.14 ULAN ROAD UPGRADE – INVESTIGATION & DESIGN TENDER

GOV400038, COR400061

248/14 MOTION: Shelley / Cavalier

That:

- 1. the report by the Senior Works Engineer on the Ulan Road Upgrade – Investigation & Design Tender be received;**
- 2. Council accepts GHD Pty Ltd (GHD) price for Tender 2014/01 for the Investigation and Design of the Ulan Road Upgrade and that Council enter into a contract with GHD 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 GHD for Tender 2014/01 for the Investigation and Design of the Ulan Road Upgrade for the sum of \$333,200 (excl. GST);**
- 4. Council authorises the General Manager to approve variations to this contract of up to 5% of the tendered amount;**
- 5. The unsuccessful tenderers be notified that their tenders were unsuccessful.**

The motion was carried with Councillors voting unanimously.

6.2.15 ASSESSMENT OF QUOTATION FOR GRADERS

GOV400038, A0419330

249/14

MOTION: Shelley / Cavalier**That:**

1. **the report by the Business Manager Works on the Assessment of Quotation for Graders be received;**
2. **Council accepts Hitachi Construction Machinery (Australia) Pty Ltd for VendorPanel quotation LGP16918 for the provision of two Class 15 John Deere 770GP graders for the quoted price of \$737,800 (excl GST) and that Council enter into a contract with Hitachi Construction Machinery (Australia) Pty Ltd 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.

6.2.16 ASSESSMENT OF QUOTATION FOR ROLLERS

GOV400038, A0419330

250/14

MOTION: Shelley / Cavalier**That:**

1. **the report by the Business Manager Works on the Assessment of Quotation for Rollers be received;**
2. **Council accepts GCM Agencies Pty Ltd for VendorPanel quotation LGP16918 for the provision of two Multipac SSR200 smooth drum rollers and two Multipac SSRP200 pad foot rollers for the quoted price of \$528,000 (excl GST) and that Council enter into a contract with GCM Agencies Pty Ltd 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.

6.2.17 ASSESSMENT OF QUOTATION FOR TRUCK AND DOG COMBINATION

GOV400038, A0419330

251/14 MOTION: Shelley / Cavalier**That:**

- 1. the report by the Business Manager Works on the Assessment of Quotation for Truck and Dog Combination be received;**
- 2. Council accepts Mack Trucks for VendorPanel quotation LGP15891 for the provision of one Mack Trident cab chassis with an M&S body and dog trailer for the quoted price of \$336,600 (excl GST) and that Council enter into a contract with Mack 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.

6.2.18 ASSESSMENT OF QUOTATION FOR WATER CART

GOV400038, A0419330

252/14 MOTION: Shelley / Cavalier**That:**

- 1. the report by the Business Manager Works on the Assessment of Quotation for Water Cart be received;**
- 2. Council accepts Mack Trucks for VendorPanel quotation LGP15891 for the provision of two Mack Metroliner cab chassis with Barry Burrows Engineering water tanks for the quoted price of \$546,000 (\$273,850.00 each excl GST) and that Council enter into a contract with Mack 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.

6.2.19 WASTE LEVY

GOV400038, F0570003

MOTION: Shelley / Martens

That:

1. the report by the Business Manager Resources & Recreational on the Waste levy be received;
2. Council write to the EPA expressing its objection to the introduction of a waste levy.
3. While council expresses its objection to a levy if one were to be introduced council would deem option 4 to be the most desirable option to negotiate with the EPA. This is with a view to keeping 100% of the levy for waste minimisation functions that the levy is designed to achieve.
4. Council's General Manager approaches our local Parliamentary members and also the Minister for Local Government to object to a levy in regional areas of NSW.

253/14

AMENDMENT: Webb / Kennedy

That:

- 1. the report by the Business Manager Resources & Recreational on the Waste levy be received;**
- 2. Council write to the EPA expressing its objection to the introduction of a waste levy.**
- 3. Council's General Manager approaches our local Parliamentary members and also the Minister for Local Government to object to a levy in regional areas of NSW.**

The amendment was put and carried and on being put as the motion was again carried with Councillors voting as follows:

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

6.2.20 EVENTS ASSISTANCE FOR GULGONG GOLD CUP
GOV400038, A0140201

Item 6.2.20 was withdrawn.

6.2.21 KANDOS BICENTENNIAL INDUSTRIAL MUSEUM – LEGAL
ADVICE

GOV400038, GOV400029, P1553611

254/14 MOTION: Shelley / Cavalier

That:

- 1. the report by the Manager, Community Services on the Kandos Bicentennial Industrial Museum - Legal Advice be received;**
- 2. the advice be noted by Council for future decision making on the transfer of ownership of the Kandos Bicentennial Industrial Museum.**

The motion was carried with Councillors voting unanimously.

6.2.22 NOXIOUS WEEDS ADVISORY COMMITTEE

GOV400038, ENV200017

255/14 MOTION: Shelley / Cavalier

That:

- 1. the report by the Noxious Weeds Administrator on the Noxious Weeds Advisory Committee be received;**
- 2. the nomination of Mr Andrew Blackman to the Weeds Advisory Committee be accepted;**
- 3. the amended Local Weed Control Management Plan for Class 4 Noxious Weeds be adopted.**

The motion was carried with Councillors voting unanimously.

6.2.23 MUDGEES SALEYARDS MANAGEMENT COMMITTEE

GOV400038, F0720036

256/14 MOTION: Webb / Martens

That:

- 1. the report by the Business Manager Works on the Mudgee Saleyards Management Committee be received;**

2. **that the minutes for the Mudgee Saleyards Management Committee ordinary bi-monthly meeting held on 8 May 2014 be noted.**

The motion was carried with Councillors voting unanimously.

6.2.24 CODE OF MEETING PRACTICE AMENDMENT - RECORDING OF COUNCIL MEETINGS

GOV400038

257/14 MOTION: Shelley / Cavalier

That:

1. **the report by the Manager Governance on the Code of Meeting Practice amendment - Recording of Council meetings be received;**
2. **Council formally adopt the changes to the Code of Meeting Practice regarding the recording and webcasting of Council Meetings.**

The motion was carried with Councillors voting unanimously.

6.2.25 BUSINESS USE OF THE FOOTPATH

GOV400038, A0100021

258/14 MOTION: Shelley / Cavalier

That:

1. **the report by the Manager Governance on the Business Use of the Footpath be received;**
2. **Council formally adopt the policy and fee structure.**

The motion was carried with Councillors voting unanimously.

Item 7: Urgent Business Without Notice

7.1 The was no Urgent Business Without Notice

Closure

There being no further business the meeting concluded at 6.48pm.