

Minutes of the Ordinary Meeting of Council

Held at the Council Chambers, 86 Market Street, Mudgee
on Wednesday 6 August 2014, commencing at 5.32pm and concluding at 6.11pm.

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

Item 1: Apologies

An apology was received for the absence of Councillor Webb.

304/14 MOTION: Thompson / Martens

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

The motion was carried with Councillors voting unanimously.

Item 2: Disclosure of Interest

Councillors Kennedy, Thompson and Walker declared a pecuniary conflict of interest in Item 6.2.1 as they each have a contractual arrangement with the applicant.

Councillor White declared a non-pecuniary conflict of interest in Item 6.2.4 as she leases an office from one of the applicants.

Item 3: Confirmation of Minutes

305/14 MOTION: Shelley / Cavalier

That the Minutes of the Ordinary Meeting held on 23 July 2014 (Minute Nos. 268/14 to 303/14) be taken as read and confirmed.

The motion was carried with Councillors voting unanimously.

Item 4: Matters in Progress

Noted.

Item 6: General Business

6.2 REPORTS TO COUNCIL

6.2.1 SECTION 82A REVIEW OF DETERMINATION DA0341/2014 –
PROPOSED USE OF FOUR ACCOMMODATION CABINS FOR
TOURIST AND VISITOR ACCOMMODATION – LOT 2
DP871401, 939 HENRY LAWSON DRIVE, EURUNDEREE
GOV400038, DA0341/2014

Councillors Kennedy, Thompson and Walker declared an interest in item 6.2.1 as they each have a contractual arrangement with the applicant, left the meeting at 5.34pm and did not vote or participate in discussion in relation to this matter. In the absence of the Mayor, the Deputy Mayor assumed the Chair.

306/14 MOTION: Shelley / Weatherley

That:

1. **the report by the Manager, Statutory Planning on the Section 82A Review of Determination DA0341/2014 – Proposed Use of Four Accommodation Cabins for Tourist and Visitor Accommodation – Lot 2 DP871401, 939 Henry Lawson Drive, Eurunderee be received;**
2. **the Section 82A Review of Determination for Development Application 0341/2014 for the use of four accommodation cabins as Tourist and Visitor Accommodation at Lot 2 DP871401, 939 Henry Lawson Drive Eurunderee be approved as a Deferred Commencement Consent and the following conditions:**

DEFERRED COMMENCEMENT CONDITION/S

- A. **The applicant is to apply for and obtain individual Building Certificates issued under the Environmental Planning and Assessment Act, 1979 for each of the four accommodation units.
(Note: The fee to issue a Building Certificate is set out in Council's Fees and Charges)**
- B. **An Approval to operate issued under Section 68 of the Local Government Act 1993 for the onsite sewage management facility is to be obtained from Council.**

These are deferred commencement conditions 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.

These conditions are 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 document titled "Submission for S.82A application – Tourist and Visitor Accommodation – Revised Proposal dated July 2014" and Revised plan Drawing Number 21040-GIO1 Revision B dated 2 July 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 Henry Lawson Drive 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 any of the Accommodation units is not to be via the right of carriageway located on Lot 1 DP871401.
5. The new access road is to be provided with dust suppression to reduce amenity issues for the adjoining buildings. Details of the design, location and proposed dust suppression method are to be provided to Council for approval prior to works commencing.

GENERAL

6. 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.
7. 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".

8. 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.
9. The accommodation units are to be used for short stay visitor accommodation only (not Temporary Workers Accommodation or Multi Unit Dwelling for permanent accommodation). Occupants are limited to a maximum stay of 12 weeks.
10. A Certificate from the appropriate power authority indicating that satisfactory arrangements have been made for provision of electricity supply to the development is to be submitted to Council prior to the issue of the Occupation Certificate.
11. An Occupation Certificate is to be obtained for all of the buildings prior to the use of the buildings for tourist and visitor accommodation purposes.
12. Accommodation building no.1 as shown on the Approved Plan is to be removed prior to the issue of Occupation Certificate.

SIGNAGE

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

AMENDMENT: White / Martens

That:

1. the report by the Manager, Statutory Planning on the Section 82A Review of Determination DA0341/2014 – Proposed Use of Four Accommodation Cabins for Tourist and Visitor Accommodation – Lot 2 DP871401, 939 Henry Lawson Drive, Eurunderee be received;
2. the Section 82A Review of Determination for Development Application 0341/2014 for the use of four accommodation cabins as Tourist and Visitor Accommodation at Lot 2 DP871401, 939 Henry Lawson Drive Eurunderee be refused for the following reasons:

REASONS FOR REFUSAL

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 is not in the public interest as it used for a purpose that is inconsistent with the Mid-Western Regional LEP 2012.

The amendment was put and lost with Councillors voting as follows:

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

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

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

Councillors Kennedy, Walker and Thompson returned to the meeting at 5.41pm and Councillor Kennedy resumed the Chair.

6.2.2 MONTHLY DEVELOPMENT APPLICATIONS PROCESSING & DETERMINED

GOV400038

307/14 MOTION: Weatherley / Cavalier

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

The motion was carried with Councillors voting unanimously.

6.2.3 FINANCIAL ASSISTANCE POLICY

GOV400038, A0140201

308/14 MOTION: Shelley / Weatherley

That:

- 1. the report by the Director, Finance & Administration on the Financial Assistance Policy be received;**
- 2. Council adopt the Financial Assistance Policy.**

The motion was carried with Councillors voting unanimously.

6.2.4 FINANCIAL SUPPORT PROGRAMME APPLICATIONS

GOV400038, A0140201

Councillor White declared an interest in item 6.2.4 as she leases an office from one of the applicants, left the room at 5.42pm and did not vote or participate in any discussion in relation to this matter.

309/14 MOTION: Shelley / Cavalier

That:

- 1. the report by the Financial Accountant on the Financial Support Programme Applications be received;**
- 2. Council provide financial support to the following applicants in accordance with the criteria and guidelines of the Financial Assistance Policy, subject to those requirements being met, with the funding from the general financial assistance programme funds:**

Mudgee Historical Society	\$3,000
Rylstone Kandos Preschool	\$1,000
Mudgee Show Society	\$3,000
Mudgee Shorts 2014	\$1,264
Kandos Rylstone Community Radio Inc (Community Capers)	\$10,000
Gulgong Heritage Festival Committee	\$2,500

Mudgee Fine Foods Inc	\$3,900
St John's Union Church Running Stream	\$800
Gulgong High School	\$100
Rotary Club of Mudgee Sunrise	\$5,000
Mudgee Baptist Church	\$1,000
Mudgee PCYC	\$2,188
The Henry Lawson Society of NSW Inc	\$1,536
Mudgee Small Farm Field Days	\$2,795

3. **Council provide financial support to the following events that has been approved in the operational plan:**

Seniors Week	\$5,000
Gulgong Show	\$3,000
4. **Council decline the financial assistance application from Jo and Nico Loane (on behalf of Mudgee Hockey tour of Samoa 2014);**
5. **Council decline the financial assistance application from Kandos Returned Services Community Club Ltd.**

The motion was carried with Councillors voting unanimously.

Councillor White returned to the meeting at 5.43pm.

6.2.5 RYLSTONE ACCESS COMMITTEE

GOV400038, A0060129

310/14 MOTION: Cavalier / Thompson

That:

1. **the report by the Manager, Community Services on the Rylstone Access Committee be received;**
2. **Council note the minutes of the Rylstone & Kandos Access Committee meeting of 17 June 2014.**

The motion was carried with Councillors voting unanimously.

6.2.6 MUDGEE SALEYARDS MANAGEMENT COMMITTEE

GOV400038, F0720036

311/14

MOTION: Thompson / Martens**That:**

1. the report by the Acting Director, Mid-Western Operations on the Mudgee Saleyards Management Committee be received;
2. that the minutes for the Mudgee Saleyards Management Committee ordinary bi-monthly meeting held on 17 July 2014 be noted.

The motion was carried with Councillors voting unanimously.

6.2.7 RESOURCES FOR REGIONS FUND

GOV400038, A0820020

312/14

MOTION: White / Cavalier**That:**

1. the report by the Economic Development Officer on the Resources for Regions Fund be received;
2. Council submit expressions of interest to the Resources for Regions Fund the following projects:

Bylong Valley Way Project (Kandos to Bylong)	\$5.0m
Alternate Hunter Access Road Project (Bylong to Wollar)	\$14.5m
Mudgee Water Supply Extension	\$8.5m
Stage 2 Glen Willow Regional Sports Complex	\$5.0m
Gulgong Water & Sewer Upgrades	\$5.0m
Regional Art Gallery	\$4.0m
Mudgee CBD Retail Car Parking	\$1.0m
Kandos/Rylstone/Clandulla/Charbon Sewer Scheme	\$3.0m

The motion was carried with Councillors voting unanimously.

Item 7: Urgent Business Without Notice

7.1 There was no urgent business without notice

Item 8: Confidential Session**313/14 MOTION: Cavalier / White**

That pursuant to the provisions of Section 10 of the Local Government Act, 1993, the meeting be closed to the public.

Following the motion to close the meeting being moved and seconded, the 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: Proposed New Organisational Structure

The reason for dealing with this matter confidentially is that it relates to personnel matters concerning particular individuals (other than Councillors) in accordance with Section 10A(2)(a) of the Local Government Act 1993.

Following an enquiry from the Mayor, the 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.

URGENT BUSINESS WITHOUT NOTICE

GOV400029

314/14 MOTION: Kennedy / Cavalier

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

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

8.1.1 Proposed New Organisational Structure

MOTION: Cavalier / White**That:**

1. The report by the General Manager on a proposed new organisational structure be received,
2. Council endorse the new structure and delegate to the GM the consultation process with the relevant unions, consultative committee and employees.

315/14 AMENDMENT: Weatherley / Shelley**That:**

1. The report by the General Manager on a proposed new organisational structure be received,

2. Council endorse the new structure, incorporating changes tabled at the meeting, and delegate to the General Manager the consultation process with the relevant unions, consultative committee and employees.

The amendment 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 Weatherley	✓	
Cr White		✓

On being put as the motion, it was again carried with Councillors voting unanimously.

Item 9: Open Council

316/14 MOTION: Kennedy / Cavalier

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.

Councillor Shelley stood up and said "Some time ago, after a Council meeting was finished I called Councillor Thompson a 'scum bag'. I wish to apologise to Councillor Thompson for calling him a 'scum bag' and I also wish to apologise to Council for my behaviour".

Closure

There being no further business the meeting concluded at 6.11pm.