

Minutes of the Ordinary Meeting of Council

Held at the Council Chambers, 86 Market Street, Mudgee
on Wednesday 3 September 2014, commencing at 5.38pm 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 JR Webb.
IN ATTENDANCE	General Manager (B Cam), Acting Director Mid-Western Operations (D Colwell), Director Development and Community Services (C Van Laeren), Acting Director Finance and Administration (L Johnson), Corporate Communications Officer (P Goldsmith), Manager Governance (I Roberts).
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 White.

354/14 MOTION: Webb / Cavalier

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

The motion was carried with Councillors voting unanimously.

Item 2: Annual Elections

2.1 DELEGATIONS TO THE MAYOR

GOV400038, A0110016

355/14 MOTION: Shelley / Cavalier

That:

- 1. the report by the Manager Governance on the Delegations to the Mayor for the period September 2014 to September 2015 be received;**
- 2. pursuant to the provisions of Section 377 of the Local Government Act, 1993, Council delegate to the Mayor authority:**
 - (a) to monitor the General Manager in the exercise of the General Manager's powers, duties and functions;**
 - (b) To authorise work, not approved in the Budget/Management Plan, which in the Mayor's opinion, is urgent at a cost not exceeding \$20,000 except in the case of Bush Fire Emergency where the limit is \$50,000;**

- (c) To approve the attendance of any Councillor at meetings or functions between Council meetings, that the Mayor would normally attend on behalf of Council;
- (d) To affix and witness the Common Seal of Council, in response to a resolution of Council, to any necessary documents in conjunction with the General Manager or another councillor;

3. the attached delegations for the Mayor be adopted.

The motion was carried with Councillors voting unanimously.

2.2 ELECTION OF MAYOR

GOV400038, A0110008

Councillor Kennedy vacated the Chair.

The General Manager announced that nominations had been received from Councillors Kennedy and Webb. No further nominations were forthcoming.

356/14 MOTION: Shelley / Cavalier

That:

- 1. the report by the Manager Governance on the Election of Mayor for the period September 2014 to September 2015 be received;**
- 2. Council determine that the Ballot for the election of the Mayor be by Open Voting;**
- 3. the election be conducted by the General Manager and the Manager Governance.**

AMENDMENT: Webb / -

That:

1. the report by the Manager Governance on the Election of Mayor for the period September 2014 to September 2015 be received;
2. Council determine that the Ballot for the election of the Mayor be by Preferential Ballot;
3. the election be conducted by the General Manager and the Manager Governance.

The amendment lapsed for want of a seconder.

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

Councillors	Ayes	Nayes
Cr Cavalier	✓	
Cr Kennedy	✓	

Councillors	Ayes	Nayes
Cr Martens	✓	
Cr Shelley	✓	
Cr Thompson	✓	
Cr Walker	✓	
Cr Weatherley	✓	
Cr Webb		✓

The ballot was then conducted with Councillors Kennedy, Cavalier, Shelley, Walker and Weatherley voted in favour of Councillor Kennedy's nomination. Councillors Webb, Thompson and Martens voting in favour of Councillor Webb's nomination.

After counting the votes, the General Manager declared Councillor Kennedy elected as Mayor for the ensuing twelve months.

Councillor Kennedy assumed the Chair.

2.3 ELECTION OF DEPUTY MAYOR

GOV400038, A0110008

357/14

MOTION: Shelley / Cavalier

That:

1. **the report by the Manager Governance on the Election of Deputy Mayor for the period September 2014 to September 2015 be received;**
2. **Council determine that the Ballot for the election of the Deputy Mayor be by Open Voting;**
3. **the election be conducted by the General Manager and Manager Governance.**

The motion was carried with Councillors voting unanimously.

The General Manager announced that nominations had been recieved from Councillors Cavalier and Webb. No further nominations were forthcoming.

The ballot was then conducted with Councillors Webb, Thompson and Martens voting in favour of Councillor Webb's nomination. Councillors Kennedy, Cavalier, Shelley, Walker and Weatherley voted in favour of Councillor Cavalier's nomination.

After counting the votes, the General Manager declared Councillor Cavalier elected as Deputy Mayor for the ensuing twelve months.

2.4 COUNCIL ADVISORY COMMITTEES

GOV400038, A0110015

358/14 MOTION: Shelley / Cavalier**That:**

1. the report by the Manager Governance on the Council Advisory Committees be received;
2. Council confirm the membership of all proposed Council Advisory Committees with external membership as shown on the attached schedule.

The motion was carried with Councillors voting unanimously.

359/14 MOTION: Martens / Cavalier

That Council appoint Councillor Webb as the Councillor representative on the Mudgee Showground Management Committee.

The motion was carried with Councillors voting unanimously.

360/14 MOTION: Cavalier / Walker

That Council appoint Councillor Thompson as the Councillor representative on the Gulgong Memorial Hall Committee.

The motion was carried with Councillors voting unanimously.

361/14 MOTION: Shelley / Weatherley

That Council appoint Councillor Cavalier as the Councillor representative on the Red Hill Reserve Working Party.

AMENDMENT: Thompson / Martens

That Council appoint Councillors Cavalier and Thompson as the Councillor representatives on the Red Hill Reserve Working Party.

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

Councillors	Ayes	Nays
Cr Cavalier		✓
Cr Kennedy		✓
Cr Martens	✓	
Cr Shelley		✓
Cr Thompson	✓	
Cr Walker		✓
Cr Weatherley		✓
Cr Webb	✓	

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 Weatherley	✓	
Cr Webb		✓

362/14 MOTION: Shelley / Cavalier

That Council appoint Councillor Weatherley as the Councillor representative on the Mid-Western Regional Council Peak Sports Council and Chairs and Presidents of Sports Councils with one meeting per year.

The motion was carried with Councillors voting unanimously.

363/14 MOTION: Shelley / Walker

That Council appoint Councillor Weatherley as the Councillor representative on the Mudgee Sports Council Sub Committee.

The motion was carried with Councillors voting unanimously.

364/14 MOTION: Cavalier / Walker

That Council appoint Councillor Thompson as the Councillor representative on the Gulgong Sports Council Sub Committee.

The motion was carried with Councillors voting unanimously.

365/14 MOTION: Weatherley / Cavalier

That Council appoint Councillor Shelley as the Councillor representative on the Rylstone Sports Council Sub Committee.

The motion was carried with Councillors voting unanimously.

366/14 MOTION: Webb / Shelley

That Council appoint Councillor White as the Councillor representative on the Mid-Western Regional Council Heritage Committee.

The motion was carried with Councillors voting unanimously.

367/14 MOTION: Webb / Cavalier

That Council appoint Councillor Thompson as the Councillor representative and Councillor Webb as the alternative representatives on the Mudgee & Gulgong Access Committee.

The motion was carried with Councillors voting unanimously.

368/14 MOTION: Webb / Cavalier

That Council appoint Councillor Martens as the Councillor representative on the Rylstone & Kandos Access Committee.

The motion was carried with Councillors voting unanimously.

369/14 MOTION: Weatherley / Cavalier

That Council appoint Councillor White as the Councillor representative on the Mid-Western Regional Cultural Development Committee.

The motion was carried with Councillors voting unanimously.

370/14 MOTION: Shelley / Cavalier

That Council appoint the Mayor, Deputy Mayor and Councillors Weatherley and Walker as the Councillor representatives on the Australia Day Selection Committee.

The motion was carried with Councillors voting unanimously.

371/14 MOTION: Webb / Cavalier

That Council appoint Councillors Weatherley and Webb as the Councillor representative on the Mudgee Regional Saleyards Committee.

The motion was carried with Councillors voting unanimously.

372/14 MOTION: Weatherley / Shelley

That Council appoint Councillors Kennedy and Cavalier as the Councillor representative on the Mid-Western Regional Youth Council.

The motion was carried with Councillors voting unanimously.

373/14 MOTION: Shelley / Webb

That Council appoint the Mayor and Councillor Weatherley as the Councillor representatives on the Community Safety Committee.

The motion was carried with Councillors voting unanimously.

374/14 MOTION: Kennedy / Shelley

That Council appoint Councillor Webb as the Councillor representative on the Noxious Weeds Control Advisory Committee.

The motion was carried with Councillors voting unanimously.

375/14 MOTION: Webb / Shelley

That Council appoint Councillor Martens as the Councillor representative on the Kandos Centennial Working Party.

The motion was carried with Councillors voting unanimously.

376/14 MOTION: Shelley / Cavalier

That Council appoint Councillors Cavalier and Weatherley as the Councillor representative on the Integrated Water Cycle Management Project Reference Group.

The motion was carried with Councillors voting unanimously.

377/14 MOTION: Webb / Cavalier

That Council appoint the Mayor and Councillor White as the Councillor representatives on the Public Art Advisory Panel.

The motion was carried with Councillors voting unanimously.

2.5 DELEGATES TO EXTERNAL COMMITTEES AND OTHER ORGANISATIONS

GOV400038, A0110015

378/14 MOTION: Shelley / Cavalier

That the report by the Manager Governance on the Delegates to External Committees and other organisations be received.

The motion was carried with Councillors voting unanimously.

379/14 MOTION: Webb / Shelley

That Council appoint Councillors Webb and Cavalier as its delegates to the Bushfire Management Committee.

The motion was carried with Councillors voting unanimously.

380/14 MOTION: Webb / Shelley

That Council appoint Councillors Webb and Cavalier as its delegates to the Rural Fire Service District Liaison Committee.

The motion was carried with Councillors voting unanimously.

381/14 MOTION: Shelley / Weatherley

That Council appoint Councillor Kennedy as its delegate to Mudgee Region Tourism Inc.

The motion was carried with Councillors voting unanimously.

382/14 MOTION: Shelley / Weatherley

That Council appoint Councillor Walker as its delegate to the Ulan Coal Mine Community Consultative Committee, Wilpingjong Community Consultative Committee and Moolarben Community Consultative Committee.

AMENDMENT: Webb / Martens

That Council appoint Councillor Webb as its delegate to the Ulan Coal Mine Community Consultative Committee, Wilpingjong Community Consultative Committee and Moolarben Community Consultative Committee.

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

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

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 Weatherley	✓	
Cr Webb		✓

383/14 MOTION: Shelley / Cavalier

That Council appoint Councillor Martens as its delegate to the Charbon Community Consultative Committee.

The motion was carried with Councillors voting unanimously.

384/14 MOTION: Shelley / Cavalier

That Council appoint Councillor Martens as its delegate to the Inglebrook Exploration Community Consultative Committee.

The motion was carried with Councillors voting unanimously.

385/14 MOTION: Martens / Cavalier

That Council appoint Councillor Webb as its delegate to the Central West Catchment Management Authority.

The motion was carried with Councillors voting unanimously.

386/14 MOTION: Martens / Webb

That Council appoint Councillor Thompson as its delegate to the Bells Line Expressway Group.

The motion was carried with Councillors voting unanimously.

387/14 MOTION: Webb / Cavalier

That Council appoint Councillor Webb as its delegate to the Macquarie Valley Weeds Advisory Committee.

The motion was carried with Councillors voting unanimously.

388/14 MOTION: Shelley / Cavalier

That Council appoint Councillors Walker and Weatherley as its delegates to the Joint Regional Planning Panel.

The motion was carried with Councillors voting unanimously.

389/14 MOTION: Walker / Martens

That Council appoint Councillor Webb as its delegate to the Botobolar Community Committee.

The motion was carried with Councillors voting unanimously.

390/14 MOTION: Cavalier / Weatherley

That Council not appoint a delegate to the Goolma Amenities Committee.

The motion was carried with Councillors voting unanimously.

391/14 MOTION: Shelley / Weatherley

That Council defer appointing delegates to the Murray Darling Association until Item 7.2.5 of this meeting.

The motion was carried with Councillors voting unanimously.

Item 3: Disclosure of Interest

Councillor Walker declared a pecuniary conflict of interest in Item 7.2.1 as he is the owner and applicant.

Item 4: Confirmation of Minutes

392/14 MOTION: Shelley / Martens

That

- 1. the Minutes of the Ordinary Meeting held on 20 August 2014 (Minute Nos. 317/14 to 349/14) be taken as read and confirmed after Minute No 343/14 is changed from:**

That:

- 1. the report by the Director, Development and Community Services on the Joint Regional Planning Panel – Gulgong Hospital DA0331/2014 be received;***
- 2. Council does not nominate any members of the community to represent Council on the Joint Regional Planning Panel to consider DA0331/2014 being the demolition of the former Gulgong Hospital.***

To

That:

- 1. the report by the Director, Development and Community Services on the Joint Regional Planning Panel – Gulgong Hospital DA0331/2014 be received;***
 - 2. Council does not nominate any members of the community to represent Council on the Joint Regional Planning Panel to consider DA0331/2014 being the demolition of the former Gulgong Hospital, or DA0277/2014 being Western Institute of TAFE, Ulan Road, Bombira.***
- 2. the Minutes of the Reconvened Extraordinary Meeting held on 20 August 2014 (Minute Nos. 350/14 to 353/14) be taken as read and confirmed after the recorded voting of Minute No 352/14 is changed from:**

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

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

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

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

to

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

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

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

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

The motion was carried with Councillors voting unanimously.

Item 5: Matters in Progress

Noted.

Item 6: Mayoral Minute

There is no Mayoral Minute.

Item 7: General Business**7.2 REPORTS TO COUNCIL****7.2.1 DA0389/2014 – PROPOSED CONSTRUCTION OF HORSE STABLES BUILDING, LOT 1 DP 1062660, 25A ROBERT HODDLE GROVE, BOMBIRA**

GOV400038, DA0389/2014

Councillor Walker declared a pecuniary conflict of interest in Item 7.2.1 as he is the owner and applicant, left the meeting at 5.59pm and did not participate in discussions or vote in relation to this matter.

393/14 MOTION: Shelley / Cavalier**That:**

- 1. the report by the Manager Statutory Planning on the DA0389/2014 – Proposed Construction of Horse Stables Building, lot 1 DP 1062660, 25A Robert Hoddle Grove, Bombira be received;**
- 2. DA0389/2014 – Proposed Construction of Horse Stables Building, lot 1 DP 1062660, 25A Robert Hoddle Grove, Bombira be approved in accordance with the following conditions;**

APPROVED DEVELOPMENT

- 1. Development is to be carried out generally in accordance with stamped plans (Drawing Number 21611-A01/A05) Revision B drawn by Barnson P/L and Statement of Environmental Effects by Barnson P/L and the Application received by Council on 17/06/2014 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.**

AMENDMENT

- 3. The vehicular access to the stables building is to run down the eastern boundary and then south behind the existing dwelling and shed to the stables on the southern side of the building.**
- 4. All storage of bedding, supplies and feed is to occur on the southern side of the building or within the building.**

5. The building is to be cut into the ground by 1600mm at the northern elevation so that the Natural Ground Level (NGL) of the building equates to the existing NGL at the southern elevation.

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.

6. 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 prior to issue of the Construction Certificate.

PRIOR TO THE COMMENCEMENT OF WORKS – BUILDING

7. 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.

8. 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

9. 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.
10. Prior to the commencement of works on site, the applicant shall advise Council's Development and Community Services

Department, in writing, of any existing damage to Council property.

11. The development site is to be managed for the entirety of work in the following manner:
 - a) 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;
 - b) Appropriate dust control measures;
 - c) Construction equipment and materials shall be contained wholly within the site unless approval to use the road reserve has been obtained;
 - d) 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

12. 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.
13. All plumbing and drainage work must be carried out by a licensed plumber and drainer and must comply with the Plumbing Code of Australia.
14. 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.
15. 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.
16. The approved stables are to be installed in accordance with the manufacturer's requirements.
17. 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.
- 18. The strength of the concrete used for the reinforced concrete floor slab must be 25Mpa.
- 19. A qualified site monitor approved by the NPWS or a local aboriginal group is to be present during the initial excavation works.

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.

- 20. 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.

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.

- 21. Traffic movements are restricted to ten (10) movements per week related to the use of the stables, i.e. horse float and service vehicle movements.
- 22. The facility is to be operated in accordance with the NSW Animal Welfare Code of Practice No 3 – Horses in riding centres and Boarding Stables.
- 23. The stables are to be cleaned daily in accordance with the NSW Animal Welfare Code of Practice No 3 and waste is to be disposed of promptly.
- 24. All waste is to be composted or disposed of to the waste depot. The composting heap is to be established south of the building but at least 100 metres from Lawson Creek or any other drainage line.
- 25. Deliveries of supplies or horses to the site are to occur during daylight hours.

AMENDMENT: Thompson / Martens

That:

1. the report by the Manager Statutory Planning on the DA0389/2014 – Proposed Construction of Horse Stables Building, lot 1 DP 1062660, 25A Robert Hoddle Grove, Bombira be received;
2. DA0389/2014 – Proposed Construction of Horse Stables Building, lot 1 DP 1062660, 25A Robert Hoddle Grove, Bombira be approved in accordance with the following conditions;

APPROVED DEVELOPMENT

1. Development is to be carried out generally in accordance with stamped plans (Drawing Number 21611-A01/A05) Revision B drawn by Barnson P/L and Statement of Environmental Effects by Barnson P/L and the Application received by Council on 17/06/2014 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.

AMENDMENT

3. The vehicular access to the stables building is to run down the eastern boundary and then south behind the existing dwelling and shed to the stables on the southern side of the building.
4. All storage of bedding, supplies and feed is to occur on the southern side of the building or within the building.
5. The building is to be cut into the ground by 1600mm at the northern elevation so that the Natural Ground Level (NGL) of the building equates to the existing NGL at the southern elevation.

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.

6. 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 prior to issue of the Construction Certificate.

PRIOR TO THE COMMENCEMENT OF WORKS – BUILDING

7. 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.

8. 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

9. 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.
10. Prior to the commencement of works on site, the applicant shall advise Council's Development and Community Services Department, in writing, of any existing damage to Council property.
11. The development site is to be managed for the entirety of work in the following manner:
- a) 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;
 - b) Appropriate dust control measures;
 - c) Construction equipment and materials shall be contained wholly within the site unless approval to use the road reserve has been obtained;
 - d) 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

12. 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.

13. All plumbing and drainage work must be carried out by a licensed plumber and drainer and must comply with the Plumbing Code of Australia.
14. 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.
15. 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.
16. The approved stables are to be installed in accordance with the manufacturer's requirements.
17. 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.
18. The strength of the concrete used for the reinforced concrete floor slab must be 25Mpa.
19. A qualified site monitor approved by the NPWS or a local aboriginal group is to be present during the initial excavation works.

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.

20. 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.

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.

21. Traffic movements are restricted to ten (10) movements per week related to the use of the stables, i.e. horse float and service vehicle movements.
22. The facility is to be operated in accordance with the NSW Animal Welfare Code of Practice No 3 – Horses in riding centres and Boarding Stables.
23. The stables are to be cleaned daily in accordance with the NSW Animal Welfare Code of Practice No 3 and waste is to be disposed of promptly.
24. All waste is to be composted or disposed of to the waste depot. The composting heap is to be established south of the building but at least 100 metres from Lawson Creek or any other drainage line.
25. Deliveries of supplies or horses to the site are to occur during daylight hours.

ADVICE

The applicant be encouraged to use the Lue Road access as much as possible.

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

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

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 Weatherley	✓	
Cr Webb	✓	

Councillor Walker returned to the meeting at 6.05pm.

7.2.2 2014-15 LOCAL HERITAGE GRANTS ALLOCATION

GOV400038, A0420162

394/14

MOTION: Shelley / Weatherley**That:**

1. the report by the Senior Town Planner on the 2014-15 Local Heritage Grants allocation be received;
2. Council provide a Local Heritage Grant to the following projects:
 - a) \$1000 grant for the painting, fencing and four structural veranda posts, at 67 Lewis Street, Mudgee
 - b) \$1000 grant for the repair and painting of external timber, at 15 Inglis Street, Mudgee
 - c) \$2800 grant for the repair and painting of external timber and levelling of the rear of the church, at St Marks Anglican Church 2976 Goolma Road Goolma.
 - d) \$1000 grant for the restoration of brick and sandstone, at 7 Lawson Street, Mudgee
 - e) \$1000 grant for the painting of external weatherboard, at 75 Herbert Street, Gulgong
 - f) \$1000 grant for the restoration of the front porch and steps, at 73 Lewis Street, Mudgee
 - g) \$3000 grant for the painting of the front facade and southern wall, at The Prince of Wales Hotel 97 Mayne Street, Gulgong

The motion was carried with Councillors voting unanimously.

7.2.3 COMMUNITY TRANSPORT POLICY AMENDMENT

GOV400038, COS300013

395/14

MOTION: Martens / Cavalier**That:**

1. the report by Manager, Community Services on the Community Transport Policy Amendment be received;
2. Council adopt the amended Community Transport Policy.

The motion was carried with Councillors voting unanimously.

7.2.4 MONTHLY BUDGET REVIEW JULY 2014

GOV400038, FIN300062

396/14

MOTION: Shelley / Cavalier**That:**

1. the report by the Acting Director, Finance & Administration on the Monthly Budget Review July 2014 be received;

- 2. the 2014/15 Operational Plan be amended in accordance with the variations as listed in the report below.**

The motion was carried with Councillors voting unanimously.

7.2.5 MURRAY DARLING ASSOCIATION REPRESENTATION

GOV400038, F0710037

397/14

MOTION: Webb / Cavalier

That:

- 1. the report by the Financial Accountant on the Murray Darling Association Representation be received;**
- 2. Council renew its membership to Murray Darling Association for 2014/15;**
- 3. Council appoint Councillor White and Mr Russell Holden as delegates to the Murray Darling Association.**

AMENDMENT: Thompson / Martens

That:

1. the report by the Financial Accountant on the Murray Darling Association Representation be received;
2. Council does not renew its membership to Murray Darling Association for 2014/15;
3. Council appoint no delegates to the Murray Darling Association.

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

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

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

Councillors	Ayes	Nayes
Cr Cavalier	✓	
Cr Kennedy	✓	
Cr Martens		✓
Cr Shelley	✓	

Councillors	Ayes	Nayes
Cr Thompson		✓
Cr Walker	✓	
Cr Weatherley	✓	
Cr Webb	✓	

7.2.6 POLICY REVIEW – DEBT RECOVERY POLICY

GOV400038, A0340005

398/14

MOTION: Shelley / Cavalier

That:

1. **the report by the Revenue & Property Manager on the Policy Review - Debt Recovery Policy be received;**
2. **Council adopt the revised Debt Recovery Policy.**

The motion was carried with Councillors voting unanimously.

7.2.7 PROPOSED SALE OF 45 DUNN STREET KANDOS

GOV400038, P1985111

399/14

MOTION: Shelley / Walker

That:

1. **the report by the Revenue & Property Manager on the Proposed Sale of 45 Dunn Street Kandos be received;**
2. **Council approve the sale of Lot 1 DP 1192154, 45 Dunn Street Kandos;**
3. **the General Manager be authorised to negotiate the sale price for Lot 1 DP 1192154 within 10% of the current market appraisal, as attached in the confidential section;**
4. **the Common Seal of Council be affixed to all necessary documentation for the sale of Lot 1 DP 1192154;**
5. **the sale proceeds be transferred to the Land Development Reserve.**

The motion was carried with Councillors voting unanimously.

7.2.8 MUDGEE AIRPORT LIGHTING

GOV400038, COR400073

400/14

MOTION: Walker / Weatherley**That:**

1. the report by the Business Manager Plant & Facilities on the Mudgee Airport Lighting be received;
2. That Council delegates the negotiation of the contract price and terms with Advanced Airport Lighting Pty Ltd for the design and construction of the Mudgee Airport PAL and PAPI lighting systems at the Mudgee Airport to the Acting Group Manager Operations;
3. Advanced Airport Lighting Pty Ltd is requested to use as many local contractors as practicable;
4. That the results of these negotiations are reported back to Council.

The motion was carried with Councillors voting unanimously.

7.2.9 ECONOMIC DEVELOPMENT AND EVENTS UPDATE Q2 2014

GOV400038, A0820020

401/14

MOTION: Martens / Cavalier**That the report by the Economic Development Officer on the Economic Development and Events Update Q2 2014 be received.**

The motion was carried with Councillors voting unanimously.

7.2.10 2014 CHRISTMAS CLOSE DOWN

GOV400038, A0260003

402/14

MOTION: Weatherley / Cavalier**That:**

1. the report by the General Manager on the 2014 Christmas Close Down be received;
2. Council notes that administrative centres, works depots and the libraries will close for the Christmas holidays from close of business Friday 19 December 2014, returning on Monday 5 January 2015; and
3. Public will be notified through the Community News and appropriate signs be affixed to the doors of Council's premises advertising of the closure period.

The motion was carried with Councillors voting unanimously.

7.2.11 KANDOS CENTENARY WORKING PARTY MINUTES

GOV400038, P1553611

403/14 MOTION: Shelley / Weatherley**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 on 11 & 18 August 2014, and the accompanying Income and Expenses and Budget reports.**

The motion was carried with Councillors voting unanimously.

7.2.12 MUDGEES SHOWGROUND MANAGEMENT COMMITTEE

GOV400038, F0650007

404/14 MOTION: Shelley / Weatherley**That:**

- 1. the report by the Acting Director, Mid-Western Operations on the Mudgee Showground Management Committee be received;**
- 2. that the Mudgee Showground Four Year Business Plan be adopted by Council**
- 3. that Council approves and put onto public exhibition a new regular hirer fee for 30 days "For Fitness & Sake" to carry out fitness classes at the showground as follows –**
 - Hire Fees - \$210.00 per annum**
 - Security Bond - \$150.00**

The motion was carried with Councillors voting unanimously.

7.2.13 GULGONG SPORTS COUNCIL

GOV400038

405/14 MOTION: Shelley / Weatherley**That:**

- 1. the report by the Acting 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 18 July 2014 be noted.**

The motion was carried with Councillors voting unanimously.

7.2.14 MUDGEES SPORTS COUNCIL

GOV400038, A0100013

406/14 MOTION: Shelley / Weatherley**That:**

1. the report by the Acting Director, Mid-Western Operations on the Mudgee Sports Council be received;
2. That the minutes for the Mudgee Sports Council ordinary monthly meeting held on 28 July 2014 be noted.

The motion was carried with Councillors voting unanimously.

Item 8: Urgent Business Without Notice

8.1 Kandos Bicentennial Industrial Museum – Ministerial Approval

GOV400029, GOV400038, P1553611, A0360015

407/14 MOTION: Cavalier / Shelley**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.

408/14 MOTION: Walker / Cavalier**That:**

1. the report by the Manager, Community Services on the Kandos Bicentennial Industrial Museum – Ministerial Approval be received;
2. Council endorse an application to the Minister of Local Government, under section 358 of the *Local Government Act 1993*, for consent to form the incorporated association.

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 Weatherley	✓	
Cr Webb	✓	

Closure

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