

Minutes of the Ordinary Meeting of Council

Held at the Council Chambers, 86 Market Street, Mudgee
on Wednesday 15 April 2015, commencing at 5.47pm and concluding at 6.37pm.

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, Cr L White.

IN ATTENDANCE General Manager (B Cam), Director Operations (D Colwell), Director
Development (C Van Laeren), Director Corporate (C Phelan), Director
Community (S Jones), Executive Secretary (M Sutton)

MEDIA REPRESENTATIVES Mudgee Guardian / The Weekly (L Stanford), Radio 2MG (M Heldon)

Item 1: Apologies

There were no apologies.

Item 2: Disclosure of Interest

Councillor Cavalier declared a pecuniary conflict of interest in Items 6.2.3 and 6.2.9 as he has a business relationship with both parties.

Councillor Walker declared a pecuniary conflict of interest in Item 6.2.4 as he is preparing a quote for the developer.

Councillor White declared a non-pecuniary conflict of interest in Item 6.2.1 as she has a personal friendship with the applicant.

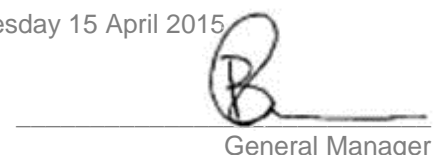
Item 3: Confirmation of Minutes

80/15 MOTION: Cavalier / Shelley

That the Minutes of the Ordinary Meeting held on 18 March 2015 (Minute Nos. 48/15 to 79/15) be taken as read and confirmed with an amendment that the non-pecuniary interest noted by Cr John Webb be changed to a 'pecuniary' interest.

The motion was carried with Councillors voting unanimously.


Mayor


General Manager

Item 4: Matters in ProgressRylstone Skate Park**81/15 MOTION: Cavalier / White****That Minute no. 51/15 be noted as completed.***The motion was carried with Councillors voting unanimously.***Item 5: Mayoral Minute**

5.1.1 ADDITIONAL ORDINARY COUNCIL MEETING – MAY 2015

GOV400043, GOV400020

82/15 MOTION: Kennedy**That an additional Ordinary Council meeting be held on 4 May 2015 commencing with Open Day at 5:30pm.***The motion was carried with Councillors voting unanimously.***Item 6: General Business**

6.1 NOTICES OF MOTION

6.1.1 BUSINESS USE OF FOOTPATH POLICY

GOV400022, GOV400043

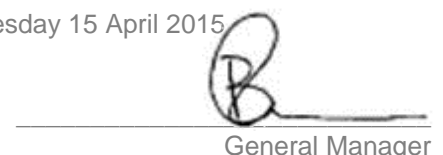
MOTION: Thompson / Martens**That Council not charge fees for footpath signs and dining in Mudgee, effective 1 July 2015.**

The motion 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		✓
Cr White		✓



Mayor



General Manager

6.2 REPORTS TO COUNCIL**6.2.1 DA0260/2015, CHANGE OF USE - SHED TO DUAL OCCUPANCY @ 809 OLD GRATTAI ROAD GRATTAI NSW 2850**

GOV400043, DA0260/2015

Councillor White declared a non-pecuniary conflict of interest in Item 6.2.1 as she has a personal friendship with the applicant, left the room at 5.57pm, did not participate in discussion or vote in relation to this matter.

83/15 MOTION: Weatherley / Webb**That:**

- 1. The report by the Senior Town Planner on Development Application 0260/2015 for the change of use shed to dual occupancy Lot 1 DP 584930 at 809 Old Grattai Road be received;**
- 2. That Development Application 0260/2015 for the change of use shed to dual occupancy Lot 1 DP 584930 at 809 Old Grattai Road be approved subject to the following conditions:**

APPROVED DEVELOPMENT

- 1. The development is to be carried out in accordance with the approved stamped plans and application received by Council 10 March 2015, except as otherwise provided by the conditions of this determination (Note: modifications to the approved plans will require the lodgement and consideration by Council of a modification pursuant to Section 96 of the Environmental Planning and Assessment Act).**

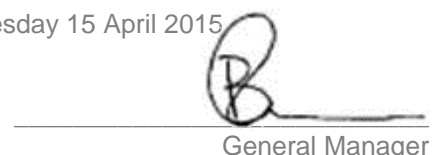
GENERAL

- 2. The requirements of BASIX Certificate number 615250S issued on 9 March 2015 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**
- 3. A minimum of 45,000 litres of domestic water storage is to be provided for the dual occupancy (second dwelling).**

PRIOR TO THE ISSUE OF THE OCCUPATION CERTIFICATE

- 4. Prior to the occupation of the second dwelling (dual occupancy), an Occupation Certificate is to be obtained from Council.**
- 5. A Building Certificate for the fit out of the shed for residential purposes is to be obtained within three (3) months of the**



Mayor

General Manager

- date of this consent and prior to the issue of an Occupation Certificate.
6. The owner is to apply for a Building Certificate addressing the following matters;
 1. Engineer's certification for the structural adequacy of the building making reference to the AS1170 series.
 2. Engineer's certification for the timber and wire balustrades and their compliance with Performance Requirement (PR) 2.5.1 and/or Part 3.9.2 of Volume 2 of the BCA.
 3. Engineer's certification stating that the building complies with Part 3.12 'Energy Efficiency' of the BCA
 4. Licensed Builder to certify the installation of the solid-fuel burning fire place to PR2.3.3 and/or Part 3.7.3 of the BCA.
 5. Interconnected smoke alarm to be installed within the ground floor storage area in accordance with Part 3.7.2.4 of the BCA – Certification is required from a licensed electrician.
 7. Complete landscaping plans are to be submitted for approval prior to issue of an Occupation Certificate. Landscaping is to screen the development from the dwelling located at 851 Grattai Road. All landscaping to consist of appropriately advanced trees and shrubs. All landscaping is to be established prior to issue of occupation certificate for the development. Tree and shrub species should require minimal watering and be salt resistant.

The motion was carried with Councillors voting unanimously.

Councillor White returned to the meeting at 6.04pm.

6.2.2 PLANNING PROPOSAL - ADDITIONAL DWELLINGS ADAMS LEAD ROAD GULGONG, SPRING FLAT ROAD AND MARKET STREET MUDGEE

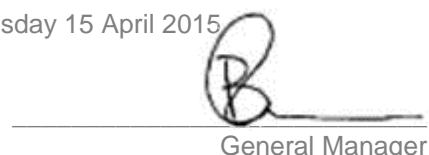
GOV400043, LAN900048

MOTION: Thompson / White

That:

1. the report by the Town Planner on the Planning Proposal - Additional Dwellings Adams Lead Road Gulgong, Spring Flat Road and Market Street Mudgee be received;
2. Council exercise the delegation in relation to the preparation of the amendment to Local Environmental Plan 2012 to amend the Mid-Western Regional LEP 2012 – Spring Flat Road, Adams Lead Road, Market Street and Split Zoning subject to the Opinion issued by Parliamentary Counsel.


Mayor


General Manager

84/15

AMENDMENT: Weatherley / Cavalier**That:**

1. the report by the Town Planner on the Planning Proposal - Additional Dwellings Adams Lead Road Gulgong, Spring Flat Road and Market Street Mudgee be received;
2. Council exercise the delegation in relation to the preparation of the amendment to Local Environmental Plan 2012 to amend the Mid-Western Regional LEP 2012 – Spring Flat Road, Adams Lead Road, and Split Zoning subject to the Opinion issued by Parliamentary Counsel;
3. Council not proceed with the planning proposal in relation to Lot 41 DP703056 and Lot 1 DP564729 Market Street Mudgee.

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 Walker	✓	
Cr Weatherley	✓	
Cr Webb	✓	
Cr White		✓

6.2.3 ULAN WEST MODIFICATION 3

GOV400043, A0420028

85/15

MOTION: Walker / Weatherley

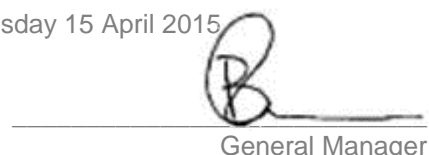
Councillor Cavalier declared a pecuniary conflict of interest in Item 6.2.3 as he has a business relationship with the party, left the room at 6.14pm, did not participate in discussion or vote in relation to this matter.

That:

1. the report by the Manager, Statutory Planning on the proposed Ulan West Modification 3 be received;
2. Council note that the proposed modification is on exhibition until the 17 April 2015;
3. Council not lodge a submission with the Department of Planning and Environment (DPE).



Mayor



General Manager

The motion was carried with Councillors voting unanimously.

Councillor Cavalier returned to the meeting at 6.14pm.

6.2.4 WATER AND SEWER SERVICING - SUBDIVISION - 238
BROADHEAD ROAD MUDGEES (BROADVIEW ESTATE)

GOV400043, P2109711

86/15 MOTION: White / Weatherley

Councillor Walker declared a pecuniary conflict of interest in Item 6.2.4 as he is preparing a quote for the developer, left the room at 6.14pm, did not participate in discussion or vote in relation to this matter.

That:

- 1. the report by the Director, Development on Water and Sewer Servicing - Subdivision - 238 Broadhead Road Mudgees (Broadview Estate) be received;**
- 2. Negotiations regarding the servicing of the Broadview Estate be finalised and a further report be presented to Council for endorsement detailing the terms of the agreement including design and costs.**

The motion was carried with Councillors voting unanimously.

6.2.5 MONTHLY BUDGET REVIEW FEBRUARY 2015

GOV400043, FIN300062, A0100056

87/15 MOTION: Cavalier / Martens

That Council receive the report by the Manager Finance on the Monthly Budget Review February 2015.

The motion was carried with Councillors voting unanimously.

6.2.6 MONTHLY STATEMENT OF INVESTMENTS AND BANK
BALANCES AS AT 31 MARCH 2015

GOV400043, FIN300053

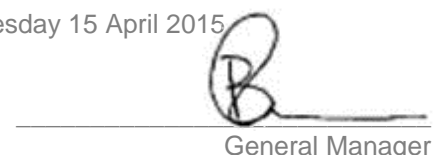
88/15 MOTION: Cavalier / Weatherley

That:

- 1. the report by the Manager Finance on the Monthly statement of investments and bank balances as at 31 March 2015 be received;**
- 2. the certification of the Responsible Accounting Officer be noted.**

The motion was carried with Councillors voting unanimously.


Mayor


General Manager

Councillor Walker returned to the meeting at 6.16pm.

6.2.7 FINANCIAL ASSISTANCE APPLICATIONS

GOV400043, A0140201

89/15 MOTION: Martens / Cavalier

That:

1. **The report by the Manager Finance on the Financial Assistance Applications be received;**
2. **Council provide a donation to the following applicants in accordance with the criteria and guidelines of the Financial Assistance Policy, subject to those requirements being met:**

Mudgee Endurance Riders Association Inc.	\$500.00
Rylstone & District Historical Society	\$774.37

The motion was carried with Councillors voting unanimously.

6.2.8 FINANCIAL ASSISTANCE FOR CHILDCARE CENTRE MELTON ROAD

GOV400043, P1193065

MOTION: Cavalier / White

That Council:

1. receive the report by the General Manager on the Financial Assistance for Childcare Centre Melton Road; and
2. not proceed with the provision of financial assistance of \$36,639.80 by way of reduced Section 64 Developer Contributions.

90/15 AMENDMENT: Kennedy /Walker

That Council:

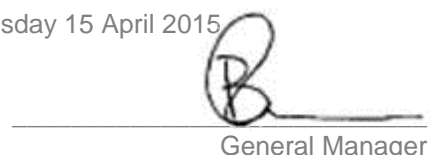
1. **receive the report by the General Manager on the Financial Assistance for Childcare Centre Melton Road; and**
2. **proceed with the provision of financial assistance of \$36,639.80 by way of reduced Section 64 Developer Contributions subject to the applicant having the building completed by June 2017;**
3. **encourage the applicant to employ local contractors to build the facility.**

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	✓	



 Mayor



 General Manager

Cr Martens		✓
Cr Shelley	✓	
Cr Thompson	✓	
Cr Walker	✓	
Cr Weatherley	✓	
Cr Webb		✓
Cr White		✓

6.2.9 REQUEST FOR EVENT ASSISTANCE – MUDGEEO POLO CLUB
GOV400043, A0410001, A0140201

91/15 MOTION: Shelley / Thompson

Councillor Cavalier declared a pecuniary conflict of interest in Item 6.2.9 as he has a business relationship with the party, left the room at 6.29pm, did not participate in discussion or vote in relation to this matter.

That:

1. the report by the Events Co-ordinator on the Request for Event Assistance – Mudgeeo Polo Club be received;
2. Council provide Event Assistance of \$500 for the 2015 Mudgeeo Polo Club Tournament.

The motion was carried with Councillors voting unanimously.

Councillor Cavalier returned to the meeting at 6.30pm.

6.2.10 REQUEST TO DISCOUNT GLEN WILLOW HIRE FEES –
WESTERN MARINERS

GOV400043, A0140001, F0650099, A0140201

92/15 MOTION: Shelley / White

That:

1. the report by the Events Co-ordinator on the Request to Discount Glen Willow Hire Fees – Western Mariners be received;
2. Council provide a \$3,780 discount to the hire fees for the use of Glen Willow Regional Sports Stadium for the 2015 Western Mariners Football season.

The motion was carried with Councillors voting unanimously.

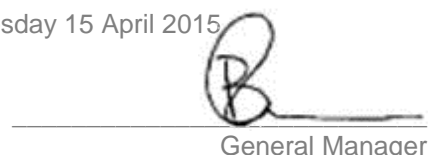
6.2.11 POLICY REVIEW – CREDIT POLICY

GOV400043, A0140326

93/15 MOTION: Shelley / Cavalier

That:


Mayor


General Manager

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

The motion was carried with Councillors voting unanimously.

6.2.12 NAMING OF UNNAMED ROAD OFF HILL END ROAD

GOV400043, R0790041

94/15 MOTION: Shelley / Weatherley

That:

1. **the report by the Revenue & Property Manager on the Naming of unnamed road off Hill End Road be received;**
2. **Council name this road Blain Road;**
3. **Council donate a second street blade to Mr Blain's family, funded from Financial Assistance.**

The motion was carried with Councillors voting unanimously.

6.2.13 POLICY REVIEW – BUSINESS USE OF THE FOOTPATH

GOV400043, A0100021

95/15 MOTION: Webb / Shelley

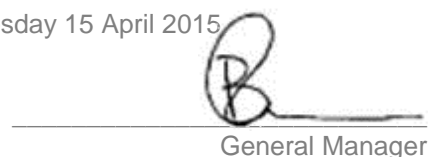
That:

1. **receive the report by the Director, Community on the Policy Review – Business Use of the Footpath;**
2. **place the draft Business Use of the Footpath Policy on public exhibition for 21 days to provide the opportunity for comment from the community.**

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	✓	
Cr White	✓	


Mayor


General Manager

6.2.14 QUARRY ROAD - KANDOS

GOV400043, P1683311

96/15 MOTION: Shelley / Martens**That the report by the Director, Operations on the Quarry Road - Kandos be received.**

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	✓	
Cr White	✓	

6.2.15 REVIEW OF POLICY ON ASSET MANAGEMENT

GOV400043, A0020003

97/15 MOTION: Cavalier / Walker**That:**

1. the report by the Manager Plant & Facilities on the Review of Policy on Asset Management be received;
2. Council formally adopt the amendments to the Asset Management Policy.

The motion was carried with Councillors voting unanimously.

6.2.16 APPOINTMENT OF ACTING GENERAL MANAGER

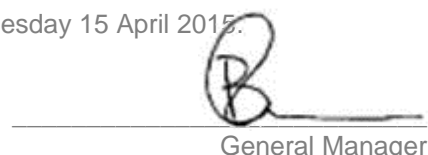
GOV400043, GOV400025

98/15 MOTION: Shelley / Thompson**That:**

1. receive the report by the General Manager on the appointment of an Acting General Manager;
2. appoint Clare Phelan, Director Corporate, as Acting General Manager for the period 4 May 2015 to 18 May 2015; and
3. delegate to the Acting General Manager, Clare Phelan, the authority to exercise all discretionary functions that Council is capable of delegating and is not prohibited from so doing under



Mayor



General Manager

section 377 of the Local Government Act, 1993, and also excluding any specific functions which Council has, by resolution, reserved to Council.

The motion was carried with Councillors voting unanimously.

6.2.17 MUDGEE & GULGONG ACCESS COMMITTEE MINUTES

GOV400043, A0060008

99/15 MOTION: Cavalier / Webb

That:

- 1. the report by the Acting Manager, Community Services on the Mudgee & Gulgong Access Committee Minutes be received;**
- 2. Council note the minutes of the Mudgee & Gulgong Access Committee meeting held on 3 March 2015;**
- 3. Council endorse the appointment of Renee Lamshed of CareWest to the Committee.**

The motion was carried with Councillors voting unanimously.

Item 7: Urgent Business Without Notice

Nil

Item 8: Confidential Session

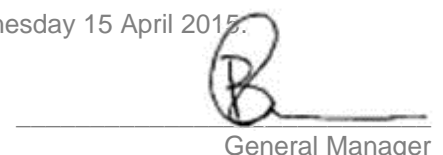
Nil

Closure

There being no further business the meeting concluded at 6.37pm.



Mayor



General Manager