

Minutes of the Ordinary Meeting of Council

Held at the Council Chambers, 86 Market Street, Mudgee
on Monday 4 May 2015, commencing at 5.34pm and concluding at 6.20pm.

PRESENT Cr D Kennedy (Mayor), Cr EE Martens (AM), Cr PA Shelley,
Cr JP Thompson, Cr MB Walker, Cr JK Weatherley, Cr JR Webb.

IN ATTENDANCE Acting General Manager (C Phelan), Director Operations (D Colwell),
Director Development (C Van Laeren), Director Community (S Jones)
Corporate Governance Coordinator (T Gearon), Executive Secretary (M
Sutton).

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

Item 1: Apologies

Apologies were received for the absence of Councillor Lucy White and Councillor Paul Cavalier (Deputy Mayor).

100/15 MOTION: Walker / Weatherley

That the apologies for the absence of Councillor Lucy White and Councillor Paul Cavalier be received and leave of absence granted.

The motion was carried with Councillors voting unanimously.

Item 2: Disclosure of Interest

Councillor Walker declared a pecuniary conflict of interest in Item 6.2.1 as he is the owner of some of the blocks of land subject of the report.

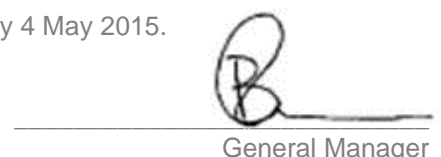
Item 3: Confirmation of Minutes

101/15 MOTION: Walker / Weatherley

That the Minutes of the Ordinary Meeting held on 15 April 2015 (Minute Nos. 80/15 to 99/15) be taken as read and confirmed.

The motion was carried with Councillors voting unanimously.


Mayor


General Manager

Item 4: Matters in Progress

Rylstone Skate Park

102/15 MOTION: Shelley / Weatherley

That Minute no. 426/14 be noted as completed.

The motion was carried with Councillors voting unanimously.

Glen Willow Scoreboard

103/15 MOTION: Webb / Shelley

That Minute no. 7/15 be noted as completed.

The motion was carried with Councillors voting unanimously.

The following recommendations were adopted as a whole, being moved by Cr Shelley, seconded by Cr Weatherley and carried with Councillors voting unanimously. Each recommendation is recorded with a separate resolution number commencing at Resolution No.104/15 and concluding with Resolution No. 106/15.

Requests for variations to water and sewer contributions

104/15 MOTION: Shelley / Weatherley

That Minute no. 16/15 be noted as completed.

Fit for the Future Program

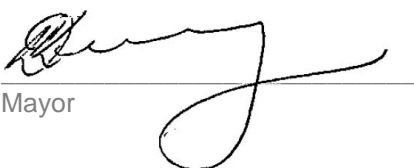
105/15 MOTION: Shelley / Weatherley

That Minute no. 23/15 be noted as completed.


Kandos Centenary Working Party

106/15 MOTION: Shelley / Weatherley

That Minute no. 39/15 be noted as completed.



Mayor



General Manager

Item 5: Mayoral Minute

There was no Mayoral Minute.

Item 6: General Business**6.1 NOTICES OF MOTION****6.1.1 INTRODUCTION OF BOUNTY ON WILD DOGS, FOXES AND FERAL CATS**

GOV400022, GOV400043

MOTION: Thompson / Martens

That:

1. Council approaches the State Government to request a bounty scheme be introduced for wild dogs, foxes and feral cats.
2. a request to the Local Government Association to support the Farmers Association in the eradication of these pests.

107/15 AMENDMENT: Shelley / Walker


That Council liaise with the Farmers Association, NPWS, Wild Dogs Assoc and Central Tablelands LLS to provide assistance where applicable with the eradication of these pests.

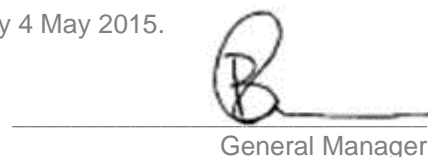
The amendment was put and carried and became the motion with Councillors voting as follows:

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

AMENDMENT: Webb /Thompson

1. Council approaches the State Government to request a bounty scheme be introduced for wild dogs and foxes.
2. a request to the Local Government Association to support the Farmers Association in the eradication of these pests.


Mayor


General Manager

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

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

The original amendment, having become the motion, was put as the motion and was carried with Councillors voting unanimously.

6.2 REPORTS TO COUNCIL

6.2.1 LOT 1 DP 1176841, 4-8 PERRY STREET, MUDGEES GOV400043, DA0273/2014

Councillor Walker declared a pecuniary conflict of interest in Item 6.2.1 as he is the owner of some of the blocks of land in the report, left the room at 5.53pm, and did not participate in discussion or vote in relation to this matter.

108/15 MOTION: Weatherley / Shelley

That:


1. the report by the Director, Development on the Lot 1 DP 1176841, 4-8 Perry Street, Mudgee be received;
2. Council delegate to the General Manager or his delegate the authority to finalise the amendment to the covenant;
3. the positive covenant for Lot 1 DP 1176841 Parish of Mudgee County of Wellington cover by Subdivision Certificate No.048/2015 be amended as follows (amendments shown underlined):

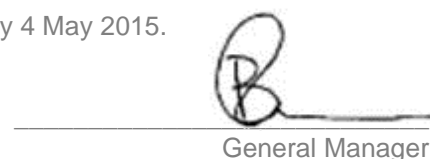
2. *Terms of Easement on Restrictions on Use of Land Fifthly referred to in abovementioned Plan*

Filling of Lots is not permitted excluding those areas located within the footprint of the dwelling or within the footprint of any ramp providing access to the dwelling including garages that form part of the dwelling.

5. *Terms of Positive Covenant Eighthly referred to in abovementioned Plan*

1. *All future dwellings are to have finished floor level 500mm above the 1 in 100 year flood level with a minimum finished floor level for each allotment in accordance with the following table.*


Mayor


General Manager

Lots 1 and 7	- 449.0 m Australian Height Datum (AHD)
Lots 6 and 8	- 449.1 m AHD
Lot 9	- 449.2 m AHD
Lots 3 and 10	- 449.3 m AHD
Lots 2 4 5 and 11	- 449.4 m AHD

2. *In respect to Lot 12 future dwellings are to have a finished floor level 500mm above the 1 in 100 year flood level.*
 3. For the purpose of this restriction garages and verandahs are excluded from the finished floor levels stipulated above.
3. Council delegate to the General Manager or his delegate the authority to determine Development Applications that seek to vary condition 49 and 51 of Development Consent DA 0273/2014 (MA0013/2015) where the assessment supports the variation.

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

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

Councillor Walker returned to the room at 5.54pm.

6.2.2 DRAFT OPERATIONAL PLAN 2015/16


GOV400043, FIN300064

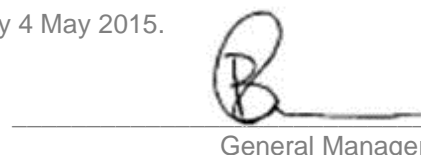
109/15

MOTION: Shelley / Weatherley

That Council:

1. receive the report by the Director Corporate on the Draft Operational Plan 2015/16;
2. endorse the Amended Delivery Program 2013/14 – 2016/17 and Draft Operational Plan 2015/16 to go on public exhibition for a period of 28 days commencing Wednesday 6 May 2015; and
3. request a further report be presented following the exhibition period including a review of any submissions made on the Amended Delivery Program 2013/14 – 2016/17 and Draft Operational Plan 2015/16.


Mayor


General Manager

AMENDMENT: Webb / Martens

That Council:

1. receive the report by the Director Corporate on the Draft Operational Plan 2015/16;
2. endorse the Amended Delivery Program 2013/14 – 2016/17 and Draft Operational Plan 2015/16 with the following change;
 - (a) a change to the proposed rates model that shows 0.5% of the estimated rate cap to be shifted from Farmland and distributed proportionately across the remaining categories;


to go on public exhibition for a period of 28 days commencing Wednesday 6 May 2015;
3. request a further report be presented following the exhibition period including a review of any submissions made on the Amended Delivery Program 2013/14 – 2016/17 and Draft Operational Plan 2015/16.

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


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



 Mayor



 General Manager

6.2.3 RECONSIDERATION OF OFFER TO PURCHASE 45 DUNN STREET KANDOS

GOV400043, P1985111

110/15

MOTION: Martens / Shelley**That Council:**

1. receive the report by the Director Corporate on the reconsideration of Offer to Purchase 45 Dunn Street Kandos; and
2. sell 45 Dunn St Kandos to Kids & Carers Support Group Kandos/Rylstone Incorporated for nil consideration, with Kids & Carers to be responsible for all legal expenses, agency commissions, and other fees and charges payable arising from the land transfer; and
3. include a special condition in the contract of sale requiring the proposed Kids & Carers premises to be constructed and operational within a period of five years from the date of the Council resolution or the Title will revert back to Council; and
4. delegate the General Manager or his delegate to arrange for a caveat to this effect to be registered on the Title.

The motion was carried with Councillors voting unanimously.

6.2.4 DRAFT SOLID WASTE STRATEGY


GOV400043, WAS400017

111/15

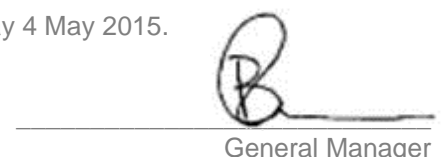
MOTION: Thompson / Weatherley**That:**

1. the report by the Manager Waste and Weeds Services on the Draft Solid Waste Strategic Plan be received;
2. the Draft Solid Waste Strategic Plan be placed on public exhibition for the statutory 28 day period;
3. following the conclusion of the exhibition period a further report considering any submissions received will be presented to Council prior to adoption the Draft Solid Waste Strategic Plan.

The motion was carried with Councillors voting unanimously.



Mayor



General Manager

6.2.5 CODE OF MEETING PRACTICE

GOV400009, A0110003, GOV400043

112/15

MOTION: Weatherley / Shelley**That:**

1. The report by the Director, Community on the Code of Meeting Practice for Council Meetings be received;
2. Council's Code of Meeting Practice be amended in Part 2, CI 5(1) to provide that Ordinary Council meetings will generally be held once per month, on the 3rd Wednesday of each month, with no Ordinary meeting to be scheduled for January;
3. Council's Code of Meeting Practice be amended in Part 2, CI 5(4)(b) to provide that if a motion for adjournment is negated, the business of the meeting shall proceed and it shall not be in order for any councillor to again move for a motion of adjournment, within half an hour of the previous motion for adjournment being negated;
4. The draft Code as amended, be placed on public exhibition for a period of 28 days, but allowing a period of at least 42 days during which submissions may be made to the Council, in accordance with S 361 of the local Government Act 1993.

The motion was carried with Councillors voting unanimously.

Item 7: Urgent Business Without Notice


Nil.

Item 8: Confidential Session

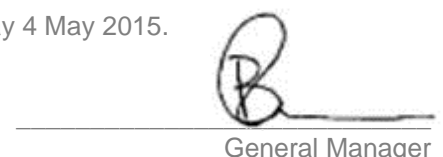
Nil.

Closure

There being no further business the meeting concluded at 6.20pm.



Mayor



General Manager