

Minutes of the Ordinary Meeting of Council

Held at the Council Chambers, 86 Market Street, Mudgee
on Wednesday 15 July 2015, commencing at 6.39pm and concluding at 7.36pm.

PRESENT	Cr D Kennedy (Mayor), Cr P Cavalier (Deputy Mayor), Cr EE Martens (AM), 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 (E Watson), Radio 2MG (M Heldon)

Item 1: Apologies

An apology was received for the absence of Councillor Peter Shelley.

198/15 MOTION: Weatherley / Cavalier

That the apology for Councillor Peter Shelley be noted and leave of absence granted.

Item 2: Disclosure of Interest

Councillor Kennedy declared a pecuniary conflict of interest in Item 8.1.4 as he operates a similar business in competition, being the Oatley Cellar Door and function centre.

Councillor White declared a non-pecuniary conflict of interest in Item 8.1.4 as the applicant is a personal friend.

Councillor Cavalier declared a significant pecuniary interest in items 6.2.3, 6.2.5 and 8.1.4 as he has business interests with the proponents of all three items.

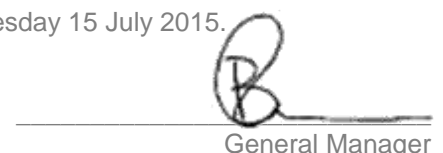
Catherine Van Laeren, Director Development, declared a pecuniary conflict of interest in item 6.2.5 as her husband Richard Van Laeren, is employed by Moolarben Coal. Mrs Van Laeren also declared a non-pecuniary conflict of interest in item 8.1.4 as her sister, Jane Endacott, has made representations to Council on behalf of the proponent of the application.

Councillor Webb declared a non-pecuniary conflict of interest in item 6.2.10 as he is the owner of the sheep that were killed in the dog attack matter.

Councillor Walker declared a pecuniary conflict of interest in item 6.2.4 as he intends to tender for future work on this development.

When the late report item 6.2.30 was before Council later in the meeting, Councillor Walker declared a pecuniary interest as he has carried out contract work at the site.


Mayor


General Manager

Mayor Kennedy offered his condolences on the recent passing of Councillor John McMahon, Mayor of Oberon Shire Council.

Item 3: Confirmation of Minutes

199/15 MOTION: Cavalier / White

That the Minutes of the Ordinary Meeting held on 17 June 2015 (Minute Nos. 156/15 to 197/15) be taken as read and confirmed.

The motion was carried with Councillors voting unanimously.

Item 4: Matters in Progress

Sealing of maintained unsealed lanes in Gulgong CBD

200/15 MOTION: Webb / Cavalier

That Minute no. 119/15 be noted as completed.

Sewer Mains rehabilitation program – 2013-16 Variation to Contract

201/15 MOTION: Cavalier / Walker

That Minute no. 141/15 be noted as completed.

Potential Gallery Site

202/15 MOTION: Thompson / White

That Minute no. 142/15 not be noted as complete, and that Councillors undertake an inspection of Cudgegong House Gulgong and the Elders site in Mudgee.

The motion was carried with Councillors voting unanimously.

Item 5: Mayoral Minute

There is no Mayoral Minute.

Item 6: General Business

6.1 NOTICES OF MOTION

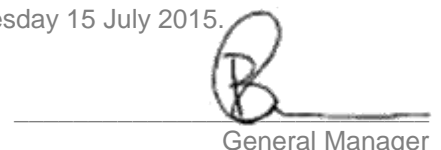
6.1.1 TV RECEPTION IN GULGONG

GOV400022, GOV400043

203/15 MOTION: Webb / Cavalier

That Council, on behalf of the Gulgong community, write to the Minister for Communications, the Honourable Malcolm Turnbull MP,


Mayor


General Manager

asking the regional broadcasters, Australia Holdings, to identify technical solutions including other areas within the Mid-Western Region.

The motion was carried with Councillors voting unanimously.

6.2 REPORTS TO COUNCIL

6.2.1 DA0323/2015 PROPOSED ILLUMINATED, FLASHING SIGN AT THE MUDGEE GOLF CLUB 21 ROBERTSON STREET, MUDGEE LOT 182 DP 1125697

GOV400043, DA0323/2015

204/15

MOTION: White / Webb

That:

1. **the report by the Senior Town Planner on the proposed illuminated, flashing sign at the Mudgee Golf Club 21 Robertson Street, Mudgee Lot 182 DP 1125697 be received;**
2. **the report by the Senior Town Planner on the proposed illuminated, flashing sign at the Mudgee Golf Club 21 Robertson Street, Mudgee Lot 182 DP 1125697 be refused for the following reasons:**
 - A. **The proposed size, height, illumination and flashing sign is significantly inconsistent with Section 4.4 (a), (b), (c) and (e) of the DCP.**
 - B. **The proposed sign located adjoining the R1 General Residential is inappropriate and therefore inconsistent with Section 79C(1)(c).**

The motion was carried with Councillors voting unanimously.

6.2.2 MA0054/2015 HOURS AND SIGNAGE MODIFICATION TO DA0188/2014 ANIMAL ESTABLISHMENT LOT 6 DP 880241 859 CASTLEREAGH HIGHWAY

GOV400043, DA0188/2014

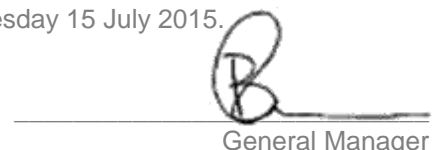
205/15

MOTION: Cavalier / Walker

That:

1. **the report by the Senior Town Planner on the MA0054/2015 MA0054/2015 Hours and signage modification to DA0188/2014 Animal Establishment Lot 6 DP 880241 859 Castlereagh Highway be received;**
2. **the report by the Senior Town Planner on the MA0054/2015 MA0054/2015 Hours and signage modification to DA0188/2014 Animal Establishment Lot 6 DP 880241 859 Castlereagh Highway**


Mayor


General Manager

be approved subject to the amended and additional conditions shown in red;

APPROVED PLANS

1. Development is to be carried out generally in accordance with stamped plans and the Application received by Council on 25 November 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.

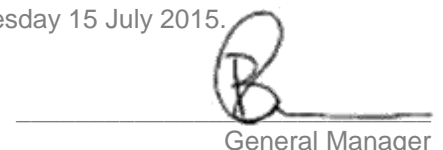
PRIOR TO ISSUE OF THE CONSTRUCTION CERTIFICATE – BUILDING

2. A schedule of the proposed fire safety measures is to be submitted to the Principal Certifying Authority with the application for the Construction Certificate.
3. All building work is to comply with the requirements of the Access to Premises Standard. Details of compliance are to be indicated on plans and submitted for assessment with the Construction Certificate.
4. 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

5. 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.
6. 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.


Mayor


General Manager

7. 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) Building 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.

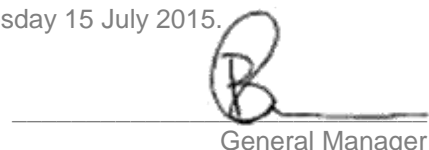
BUILDING CONSTRUCTION

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 plumbing and drainage work must be carried out by a licensed plumber and drainer and must comply with the requirements of AS 3500 (National Plumbing & Drainage Code) and the NSW Code of Practice - Plumbing & Drainage. The selected plumber/drainer must provide Council with a drainage diagram detailing the location of the drainage system and the relevant connections.
10. 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.
11. 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.

ENGINEERING CONSTRUCTION

12. The construction of an all-weather vehicular access to the business in accordance with the following minimum guidelines as per Roads and Traffic Authority Road Design Guide (see attached Drawing):
 - (i) a gate or stock grid (if applicable) set back a minimum of fifteen (15) metres from the boundary of the land with the public road;
 - (ii) a minimum of four (4.0) metres wide compacted gravel driveway, extending from the edge of the pavement on the public road to the entrance gate or stock grid;


Mayor


General Manager

- (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*
 - (v) the access and driveway is to be maintained in a manner that does not generate dust nuisances to the adjoining dwellings. Failure to comply with this requirement may lead to the requirement to seal the driveway
13. The access from Castlereagh Highway servicing the development shall be constructed in accordance with *Austroads Guide to Road Design: Part 4 Figure 7.4 'standard rural property access'* and any relevant Roads and Maritime Supplement. The access shall be sealed a minimum of 10 metres from the edge of the travel lane in the Castlereagh Highway, matching existing roads levels and not interfere with existing road drainage.

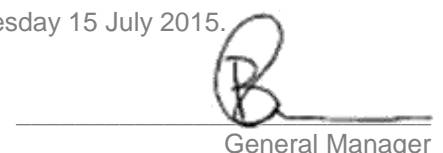
PRIOR TO ISSUE OF THE OCCUPATION CERTIFICATE

14. 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

15. Waste Disposal is to occur in the following manner;
- Droppings, bedding, food wastes and animal bodies must be disposed of promptly and hygienically.
 - Use of a trade waste service for collection and disposal of wastes is preferred. Wastes shall not be incinerated on site.
16. 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 an Annual Fire Safety Statement Certifying that each specified fire safety measure is capable of performing to its specification.
17. 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
18. The premises is to be constructed and maintained in accordance with the NSW Animal Welfare Code of Practice No. 5 – Dogs and Cats in animal boarding establishments


Mayor


General Manager

19. The maximum number of boarding kennels permitted to be located on the subject site is two (2). The maximum number of dogs attending Dog-a-cise at any given time is to be a maximum of 21 animals
20. All fencing of outdoor areas to be used by Dog-a-cise is to be constructed as dog proof fencing a minimum of 1.8 metres high and heavy grade dog proof material.
21. The area on the eastern side of the property is to be screened with opaque material to a height of 1.8 metres so that the areas used for Dog-a-cise activities are visually screened from the adjoining property to minimise disturbance to stock and the dogs attending Dog-a-cise.
22. 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".
23. The hours of operation for the Dog-a-cise activity (excluding dog obedience classes addressed in condition 23A) are restricted to the following times:
Monday to Friday 8.00am – Friday 8.00am to 6.00pm

MA0054/2015 - additional conditions 23A and 23B

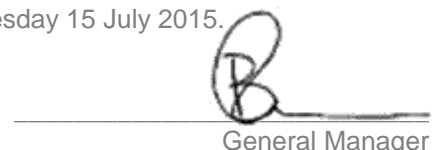
- 23A. The dog obedience classes including all customer vehicular movements are restricted to between the hours of 8.00am until 12.00pm Saturday's. The classes are limited to a maximum of 10 dogs and dog owners must stay onsite at all times.
- 23B. The provisions of conditions 23A of this consent are to cease after six (6) months from the date of determination of application to modify consent number DA0188/2014 being application MA0054/2015. This condition may be modified or deleted by a further application pursuant to Section 96 of the NSW Environmental Planning and Assessment Act 1979.
24. The building proposed to be used for the Dog-a-cise activities and the boarding kennels is to be insulated to reduce the impact of noise so that the noise level at the nearest receptor (dwelling) is no greater than 5 dBa above the background noise level
Note: Failure to comply may result in the closure of the business.

Condition amended by MA0054/2015

25. The sign is to advertise only the name of the business and be no larger than two (2) square metres and have a maximum height of 2.5 metres from natural ground level.

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


Mayor


General Manager

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

6.2.3 PLANNING PROPOSAL- LOT 1 DP 841458, WYOMING ROAD, STUBBO

GOV400043, LAN900056

Councillor Cavalier declared a significant pecuniary interest in item 6.2.3 as he has a business interest with the proponent, left the room at 6.48pm, and did not participate in discussion or vote in relation to this matter.

206/15 MOTION: Martens / Walker

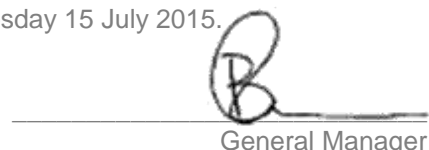
That:

1. **the report by the Town Planner on the Planning Proposal- Lot 1 DP 841458, Wyoming Road, Stubbo Proposal – Lot 1 DP 841458 Wyoming Road, Stubbo be received;**
2. **Council prepare an amending Local Environmental Plan for Lot 1 DP841458 Wyoming Road, Stubbo to:**
 - a) **rezone a 12ha portion of land from RU1 Primary Production to R5 Large Lot Residential in accordance with the attached concept plan.**
 - b) **reduce the minimum lot size applying to the 12ha portion of land from 100ha to 12ha to enable subdivision of the land.**
3. **The Planning Proposal be forwarded to the Department of Planning and Environment for Gateway determination.**

The motion was carried with Councillors voting unanimously.

Councillor Cavalier returned to the room at 6.49pm.


Mayor


General Manager

6.2.4 CAERLEON VOLUNTARY PLANNING AGREEMENT –
REQUEST FOR DEFERMENT OF CONTRIBUTION FOR
WATER AND SEWER

GOV400043, P1939562

Councillor Walker declared a pecuniary conflict of interest as he has had business dealings with a contractor who has tendered for this development, left the room at 6.49pm and did not participate in discussion or vote in relation to this matter.

207/15 **MOTION:** **White / Weatherley**

That:

- 1. the report by the Director, Development on the Caerleon Voluntary Planning Agreement – Request for deferment of Contribution for Water and Sewer be received;**
- 2. delegation be given to the General Manager to amend the Voluntary Planning Agreement with Caerleon to allow a further deferment of payment of the Development Servicing Plan contributions until the 31 August 2016 but stipulating that the Indexation Start Date is the 19 September 2015 for the purposes of calculating CPI increase, and the applicant be advised in writing hence forth.**

The motion was carried with Councillors voting unanimously.

Councillor Walker returned to the room at 6.50pm.

6.2.5 MOOLARBEN COAL COMPLEX UG1 OPTIMISATION
MODIFICATION APPLICATION FOR PROJECT APPROVALS
05_0117 (STAGE 1) AND 08_0135 (STAGE 2)

GOV400043, A0420176

Councillor Cavalier declared a significant pecuniary interest as he has a business interest with the proponent, left the room at 6.51pm and did not participate in discussion or vote in relation to this matter.

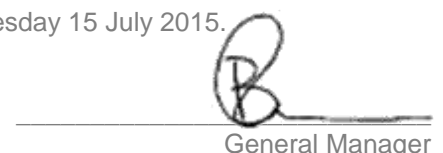
Catherine Van Laeren declared a pecuniary conflict of interest as her husband Richard Van Laeren is employed by Moolarben Coal. Mrs Van Laeren, left the room at 6.51pm and did not participate in discussion in relation to this matter.

208/15 **MOTION:** **Thompson / Walker**

That:

- 1. the report by the Manager Strategic Planning on the Moolarben Coal Complex UG1 Optimisation Modification application for Project Approvals 05_0117 (Stage 1) and 08_0135 (Stage 2) be received;**


Mayor


General Manager

2. the Council prepare a submission to the Department of Planning and Environment supporting the Modification and requesting that the assessment of the proposal adequately have regard to the cumulative impacts of mining on the community;
3. Council look at the policies in place to monitor and manage the short and long term cumulative impacts of mining in the region in anticipation of the next phase of growth.

The motion was carried with Councillors voting unanimously.

Councillor Cavalier and Catherine Van Laeren returned to the room at 6.52pm.

6.2.6 MONTHLY STATEMENT OF INVESTMENTS AND BANK BALANCES AS AT 30 JUNE 2015

GOV400043, FIN300053

209/15 MOTION: Weatherley / Martens

That:

1. the report by the Manager Finance on the Monthly statement of investments and bank balances as at 30 June 2015 be received;
2. the certification of the Responsible Accounting Officer be noted.

The motion was carried with Councillors voting unanimously.

6.2.7 FINANCIAL ASSISTANCE APPLICATIONS

GOV400043, FIN300052

210/15 MOTION: Cavalier / White

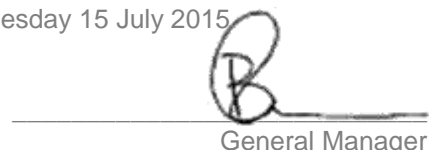
That:

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

Seniors Week	\$5,000
Mudgee Lions Club	\$2,500
Rotary Club of Mudgee Sunrise	\$7,000
Rotary Club of Rylstone-Kandos	\$3,000
Cooyal Parents Association	\$3,000
3. Council provide an in-kind contribution to the following applicants in accordance with the criteria and guidelines of the Financial Assistance Policy, subject to those requirements being met:

Mudgee Lions Club	\$150
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Mayor


General Manager

- | | | |
|--|--|---------------|
| | Rotary Club of Mudgee Sunrise | \$1688 |
| | Rotary Club of Rylstone-Kandos | \$1681 |
| | Mudgee Historical Society | \$2883 |
| | Mission Australia | \$760 |
| | Rylstone Public School Parents & Citizens Association | \$190 |
4. Council will not collect a facility hire bond from the following applicants for the events detailed in this report:
- Mudgee Lions Club
 - Rotary Club of Mudgee Sunrise
 - Rotary Club of Rylstone-Kandos
 - Cudgegong Valley Physical Culture
5. Council provide financial assistance to the following applicants which were supported during preparation of the 2015/2016 Operation Plan:
- | | |
|---|-----------------|
| Kandos Rylstone Community Radio Inc. | |
| for a period of 3 years (2015/16 -2018/19) | \$11,000 |
| Western Region Academy of Sport | \$1,249 |
6. Council decline the financial assistance applications from;
- Paroo Productions
 - Bungaba Progress Association Inc.
 - Mr Riley Murphy – Audio Sound System, Rylstone Hall
 - Mudgee Polo Club
 - Ms Holly Manwaring – Possum Boxes, Lawson Park

The motion was carried with Councillors voting unanimously.

6.2.8 ADDITIONAL SUPPLIER - RFT 2013/03 WET & DRY PLANT
HIRE PREFERRED SUPPLIER – THE MINING PTY LTD

GOV400043, A0411304, COR400052

211/15

MOTION: Thompson / Cavalier

That:

1. the report by the Procurement Manager on the Additional Supplier - RFT 2013/03 Wet & Dry Plant Hire Preferred Supplier – THE Mining Pty Ltd be received;
2. Council accepts the additional supplier for Tender 2013/03 for the provision of Wet & Dry Plant Hire;
Contractor: THE Mining Pty Ltd
Services Provided: Road Stabiliser & Spreader Truck

The motion was carried with Councillors voting unanimously.

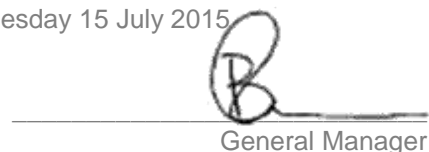
6.2.9 DISPOSAL OF ASSETS POLICY REVIEW

GOV400043, FIN300032

212/15

MOTION: Cavalier / Walker


Mayor


General Manager

That:

1. **the report by the Manager Finance on the Disposal of Assets Policy Review be received;**
2. **Council adopt the revised Disposal of Assets Policy.**

The motion was carried with Councillors voting unanimously.

6.2.10 WRITE OFF OF DEBTS 4/11/2014 TO 12/06/2015

GOV400043, A0140197, A0340005

Councillor Webb declared a non-pecuniary conflict of interest as he is the owner of the sheep that were killed, left the room at 6.53pm and did not participate in discussion or vote in relation to this matter.

MOTION: Thompson / Martens

That:

1. the report by the Revenue & Property Manager on the Write Off of Debts 4/11/2014 to 12/06/2015 be received;
2. Council note the write offs totalling \$1,481.10 being made under delegated authority for the period 4/11/2014 to 12/06/2015 and;
3. Council authorise the write off of those debts greater than \$2,500 as stipulated in Attachment 1 to this Report totalling \$19,343.30, being \$16,123 Brindabella Airlines (Aerodrome landing fees: company liquidated – no funds available to pay creditors) and \$3,220 Ken Scifleet Junior (dog attack – legal action unsuccessful).

213/15

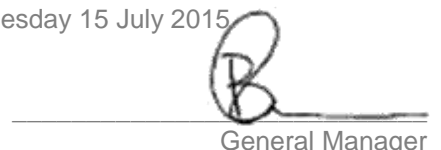
AMENDMENT: Cavalier/White

1. **the report by the Revenue & Property Manager on the Write Off of Debts 4/11/2014 to 12/06/2015 be received;**
2. **Council note the write offs totalling \$1,481.10 being made under delegated authority for the period 4/11/2014 to 12/06/2015 and;**
3. **Council authorise the write off of those debts greater than \$2,500 as stipulated in Attachment 1 to this Report totalling \$19,343.30, being \$16,123 Brindabella Airlines (Aerodrome landing fees: company liquidated – no funds available to pay creditors).**

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

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


 Mayor


 General Manager

Cr Thompson		✓
Cr Walker		✓
Cr Weatherley	✓	
Cr White	✓	

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

Councillors	Ayes	Nayes
Cr Cavalier	✓	
Cr Kennedy	✓	
Cr Martens		✓
Cr Thompson		✓
Cr Walker		✓
Cr Weatherley	✓	
Cr White	✓	

Councillor Webb returned to the room at 6.57pm.

6.2.11 DEDICATION OF LAND AS ROAD – SALEYARDS LANE

GOV400043, P0596211

214/15

MOTION: Cavalier / Walker

That:

1. the report by the Revenue & Property Manager on the Dedication of Land as Road – Saleyards Lane be received;
2. Council advertise its intention to dedicate the entire length of Saleyards Lane, as indicated in Attachment 1 to this Report, as public road pursuant to Section 17 of the Roads Act, 1993; and
3. Council dedicate by Gazettal notice the entire length of Saleyards Lane, as indicated in Attachment 1 to this Report, as public road pursuant to Section 16 of the Roads Act, 1993.

The motion was carried with Councillors voting unanimously.

6.2.12 MEDIA POLICY REVIEW

GOV400043, CMR200024

215/15

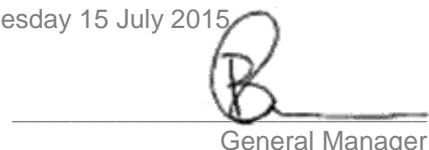
MOTION: Martens / Cavalier

That:

1. the report by the Manager, Corporate & Economic Development on the Media Policy Review be received; and
2. Council adopt the revised Media Policy.

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


Mayor


General Manager

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

6.2.13 DRAFT OPEN SPACE AND RECREATIONAL ASSET MANAGEMENT PLAN

GOV400043, PAR300023

216/15

MOTION: Cavalier / Weatherley

That:

1. the report by the Director, Community on the Draft Open Space and Recreational Asset Management Plan be received;
2. the Draft Open Space and Recreational Asset Management Plan be placed on public exhibition for 28 days.
3. If no submissions are received following the public exhibition period, that the Open Space and Recreational Asset Management Plan be adopted.

The motion was carried with Councillors voting unanimously.

6.2.14 ROADS POLICIES REVIEW

GOV400043, A0100021

217/15

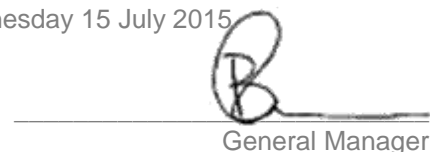
MOTION: Cavalier / Martens

That:

1. the report by the Senior Works Engineer on the Roads Policies Review be received;
2. Council adopt the revised Grids and Gates Policy; and
3. Council adopt the revised Unmaintained and Unformed Roads Policy.

The motion was carried with Councillors voting unanimously.


Mayor


General Manager

6.2.15 BUSINESS USE OF THE FOOTPATH POLICY

GOV400043, A0100021

218/15

MOTION: Cavalier / White**That:**

1. **the report by the Director, Community on the Business Use of the Footpath Policy be received;**
2. **Council adopt the amended Business Use of the Footpath Policy.**

The motion was carried with Councillors voting unanimously.

6.2.16 REMOVAL OF TREE ON ROBERTSON STREET

GOV400043, R1158001

219/15

MOTION: Walker / Weatherley**That:**

1. **the report by the Director, Community on the Removal of Tree on Robertson Street be received;**
2. **Council approve the removal of the tree opposite 76 Robertson Street, Mudgee and plant an appropriate replacement.**

AMENDMENT: Cavalier/White**That:**

1. the report by the Director, Community on the Removal of Tree on Robertson Street be received;
2. Council not approve the removal of the tree opposite 76 Robertson Street, Mudgee.

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

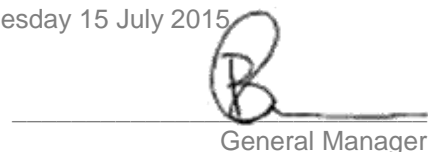
Councillors	Ayes	Nayes
Cr Cavalier	✓	
Cr Kennedy		✓
Cr Martens		✓
Cr Thompson		✓
Cr Walker		✓
Cr Weatherley		✓
Cr Webb	✓	
Cr White	✓	

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

Councillors	Ayes	Nayes
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Mayor



General Manager

Cr Cavalier		✓
Cr Kennedy	✓	
Cr Martens	✓	
Cr Thompson	✓	
Cr Walker	✓	
Cr Weatherley	✓	
Cr Webb		✓
Cr White		✓

6.2.17 PARKING PATROL AGREEMENTS

GOV400043, LAW100031

220/15 MOTION: Cavalier / White

That:

1. the report by the Director, Community on Parking Patrol Agreements be received;
2. Council support entering into agreements with property owners for parking patrols on established parking areas on privately owned land and authorise the General Manager to negotiate these terms as required.

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

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

6.2.18 FIXING OF ANNUAL FEES FOR COUNCILLORS AND THE MAYOR

GOV400043, GOV400010

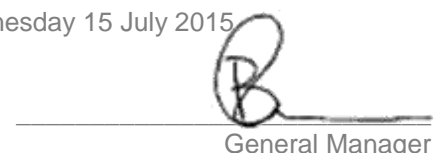
221/15 MOTION: Webb / Martens

That:

1. the report by the Director, Community on the Fixing of Annual Fees for Councillors and the Mayor be received;



 Mayor



 General Manager

2. Council fix the fees for Councillors and the Mayor for the period July 2015 to June 2016 at \$11,010 for Councillors and an additional \$24,030 for the Mayor;
 - (a) Council pay the Deputy Mayor a fee, to be deducted from the fee payable to the Mayor, for periods of 7 days or more, where the Mayor is unable to carry out the duties of Mayor, such fee to be for the period that the Deputy Mayor acts in the role of the Mayor;
 - (b) the calculation of this fee to be determined at a pro rata rate of the Mayor's annual fee.

AMENDMENT: White/

That:

1. the report by the Director, Community on the Fixing of Annual Fees for Councillors and the Mayor be received;
2. Council fees for Councillors and the Mayor for the period July 2015 to June 2016 remain unchanged.

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

6.2.19 2015 CHRISTMAS CLOSE DOWN

GOV400043, A0100056, A0260003

222/15

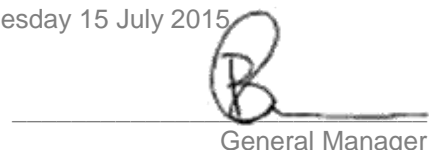
MOTION: Weatherley / Cavalier

That:

1. the report by the Director, Community on the 2015 Christmas Close Down be received;
2. Council notes that administrative centres, works depots and libraries will close for the Christmas holidays from 12 noon on Wednesday 23 December 2015, returning on Monday 4 January 2016;



 Mayor



 General Manager

3. **The community be notified through the Community News and appropriate signs be affixed to the doors of Council's premises advertising the closure period.**

The motion was carried with Councillors voting unanimously.

6.2.20 LIBRARY SERVICES - QUARTERLY REPORT APRIL-JUNE 2015

GOV400043, FO620020

223/15 MOTION: Thompson / Martens

That the report by the Library Services Coordinator on the Library Services- Quarterly Report be received.

The motion was carried with Councillors voting unanimously.

6.2.21 CODE OF MEETING PRACTICE

GOV400043, A0110003

224/15 MOTION: Cavalier / Walker

That:

1. **the report by the Director, Community on the Code of Meeting Practice be received;**
2. **Council's revised Code of Meeting Practice be adopted with the provision "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".**

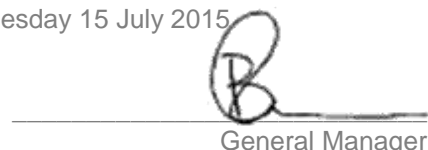
AMENDMENT: Webb/Martens

Council's revised Code of Meeting Practice be revised with the provision "to provide that Ordinary Council meetings will generally be held twice per month, on the 1st and 3rd Wednesday of each month, except July where there will be only one meeting on the 3rd Wednesday, with no Ordinary meeting to be scheduled for January".

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

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


Mayor


General Manager

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

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

6.2.22 FAMILY DAY CARE POLICY

GOV400043, COS300291

225/15 MOTION: Cavalier / White

That:

1. **the report by the Manager, Community Services on the Family Day Care Policy be received;**
2. **Council adopt the amended Family Day Care Policy.**

The motion was carried with Councillors voting unanimously.

The following recommendations were adopted as a whole, being moved by Cr Cavalier, seconded by Cr Weatherley and carried with Councillors voting unanimously. Each recommendation is recorded with a separate resolution number commencing at Resolution No. 226/15 and concluding with Resolution No.232/15.

6.2.23 LOCAL TRAFFIC COMMITTEE MINUTES OF MEETINGS HELD 12 JUNE 2015

GOV400043, A0100009

226/15 MOTION: Cavalier / Weatherley

That the report by the Director, Development on the Local Traffic Committee Minutes of Meeting held 12 June 2015 items 15/15 – 15/20 be received and endorsed.

The motion was carried with Councillors voting unanimously.

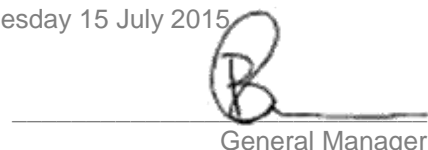
6.2.24 MUDGE GULGONG ACCESS COMMITTEE MEETING

GOV400043, A0060008

227/15 MOTION: Cavalier / Weatherley

That:


Mayor


General Manager

1. **the report by the Manager, Community Services on the Mudgee and Gulgong Access Committee be received ;**
2. **Council note the minutes for the Mudgee and Gulgong Access Committee meeting held on Tuesday, 2 June 2015.**

The motion was carried with Councillors voting unanimously.

6.2.25 GULGONG SPORTS COUNCIL MEETING – MAY

GOV400043, A0360003

228/15 MOTION: Cavalier / Weatherley

That:

1. **the report by the Director, Community on the Gulgong Sports Council be received;**
2. **that the minutes for the Gulgong Sports Council ordinary monthly meeting held on 18 May 2015 be noted.**

The motion was carried with Councillors voting unanimously.

6.2.26 MUDGEE SPORTS COUNCIL MEETING – MAY

GOV400043, A0100013

229/15 MOTION: Cavalier / Weatherley

That:

1. **the report by the Director, Community on the Mudgee Sports Council be received;**
2. **That the minutes for the Mudgee Sports Council ordinary monthly meeting held on 26 May 2015 be noted.**

The motion was carried with Councillors voting unanimously.

6.2.27 MUDGEE SHOWGROUND MANAGEMENT COMMITTEE

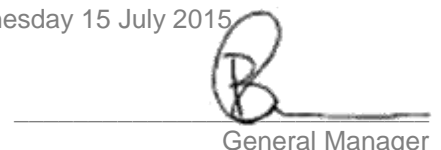
GOV400043, F0650007

230/15 MOTION: Cavalier / Weatherley

That the report by the Director, Operations on the Mudgee Showground Management Committee be received.

The motion was carried with Councillors voting unanimously.


Mayor


General Manager

6.2.28 MUDGEE SALEYARDS MANAGEMENT COMMITTEE

GOV400043, F0720036

231/15 MOTION: Cavalier / Weatherley**That:**

1. **the report by the Director, Operations on the Mudgee Saleyards Management Committee be received;**
2. **the minutes for the Mudgee Saleyards Management Committee ordinary bi-monthly meeting held 11th June 2015 be noted.**

The motion was carried with Councillors voting unanimously.

6.2.29 RYLSTONE & KANDOS ACCESS COMMITTEE MEETING

GOV400043, A0060129

232/15 MOTION: Cavalier / Weatherley**That:**

1. **the report by the Manager, Community Services on the Rylstone & Kandos Access Committee be received be received;**
2. **Council note the minutes for the Rylstone & Kandos Access Committee meeting held on 16 June 2015.**

The motion was carried with Councillors voting unanimously.

6.2.30 (LATE REPORT) EARLY CHILDHOOD CENTRE – SALEYARDS LANE, MUDGEE

GOV400043, A0060129

Councillor Walker declared a pecuniary interest as he has carried out contract work at the site, left the room at 7.13pm and did not participate in discussion or vote in relation to this matter.

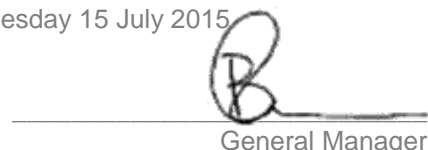
233/15 MOTION: Cavalier / Martens**That:**

1. **the report by the Director, Development on the Early Childhood Centre – Saleyards Lane, Mudgee be received;**
2. **Council approve the following variations to the contract for the Early Childhood Centre, Saleyards Lane, Mudgee:**

Type of Variation	Amount
inclusion of a 5kW Solar System	\$12,839.46
brick variation	\$2,195.00



Mayor



General Manager

cabinetry variation	\$1,980
inclusion of vinyl flooring	\$8,250
extra data ports & power points	\$1320
installation of oven & stove	\$3,252.44

3. Council authorises the General Manager to approve a further 5% variation to the contract above those amounts specified in the recommendation.

The motion was carried with Councillors voting unanimously.

Councillor Walker returned to the room at 7.13pm.

Item 7: Urgent Business Without Notice

Nil

Item 8: Confidential Session

234/15 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: *Future Development of Mortimer Street Site*

The reason for dealing with this report confidentially is that it relates to commercial information of a confidential nature that would, if disclosed:

- i prejudice the commercial position of the person who supplied it, or*
- ii confer a commercial advantage on a competitor of council, or*
- iii reveal a trade secret,*

with whom the council is conducting (or proposes to conduct) business in accordance with Section 10A(2) (d) of the Local Government Act, 1993.

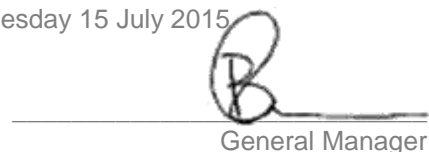
Subject: *Voluntary Planning Agreement Bylong Coal Project*

The reason for dealing with this report confidentially is that it relates to information that would, if disclosed, confer a commercial advantage on a person with whom the council is conducting (or proposes to conduct) business, in accordance with Section 10A(2) (c) of the Local Government Act, 1993.

Subject: *Payment of Legal Costs – MWRC ats Peabody Pastoral Holdings P/L*

The reason for dealing with this report confidentially is that it relates to advice concerning litigation, or advice that would otherwise be privileged from


Mayor


General Manager

production in legal proceedings on the ground of legal professional privilege in accordance with Section 10A(2) (g) of the Local Government Act, 1993.

Subject: *Bed & Breakfast and Wedding Reception Facility Lot 142 DP 755418, 111 Mount Pleasant Lane Buckaroo*

The reason for dealing with this report confidentially is that it relates to advice concerning litigation, or advice that would otherwise be privileged from production in legal proceedings on the ground of legal professional privilege in accordance with Section 10A(2) (g) 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.

8.1.1 FUTURE DEVELOPMENT OF MORTIMER STREET SITE

GOV400043, A0820020

235/15 MOTION: Walker / Weatherley

That:

- 1. the report by the Manager, Corporate & Economic Development on the Future Development of Mortimer Street Site be received;**
- 2. Council provide in principle support for the future development of the Mortimer Street site; and**
- 3. Council authorises the General Manager and staff to continue investigations with interested parties regarding long term commercial opportunities for the site.**

The motion was carried with Councillors voting unanimously.

8.1.2 VOLUNTARY PLANNING AGREEMENT BYLONG COAL PROJECT

GOV400043, A0420219

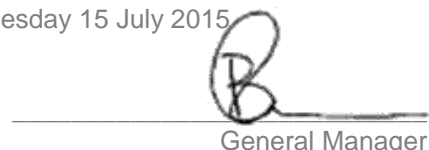
236/15 MOTION: Cavalier / White

That:

- 1. the report by the Director, Development on the Voluntary Planning Agreement Bylong Coal Project be received;**
- 2. Council draft a Voluntary Planning Agreement and accompanying Explanatory Note based on the following terms:**

The Voluntary Planning Agreement (VPA) will extend for the life of the current project as follows:


Mayor


General Manager

- i. **\$1.5M (CPI* increased annually from the 1 July 2017) upon granting of Development Consent and KEPCO's approval to proceed**
 - ii. **\$1.25M on commencement of open cut operations (CPI* increased annually from the 1 July 2017)**
 - iii. **\$0.05cents/railed (CPI* increased annually from the first payment) tonne of coal thereafter**
* refers to Consumer Price Index for Sydney (All Groups)
3. **the draft agreement be placed on public exhibition in accordance with the requirements of the Environmental Planning and Assessment Act 1979.**
 4. **Upon completion of the exhibition a further report be presented to Council.**

The motion was carried with Councillors voting unanimously.

8.1.3 PAYMENT OF LEGAL COSTS – MWRC ATS PEABODY
PASTORAL HOLDINGS P/L
GOV400043, A0340007, A0340047, P2115411, P2094511, P0759411

237/15

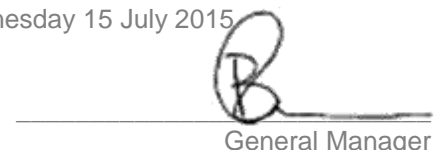
MOTION: Cavalier / Weatherley

That:

1. **the report by the General Manager on the Payment of Legal Costs – MWRC ats Peabody Pastoral Holdings P/L be received;**
2. **Council not pursue its Right of Review and Right of Appeal to the District Court of NSW in relation to the determinations of costs ordered in the Certificates of Determination of Costs and Certificates of Costs of Costs Assessment issued on 10 June 2015 by the Supreme Court of NSW;**
3. **Council settle the total order for costs made by the Supreme Court of NSW of \$317,909.04 (exclusive of GST) with Peabody Pastoral Holdings Pty Ltd;**
4. **the 2015/16 Operational Plan be amended to increase corporate legal expenses by \$317,909 funded from a transfer from the Community Plan Reserve of \$312,723, and the balance of \$5,186 from Unrestricted Cash; and**
5. **the Community Plan Reserve be closed.**

The motion was carried with Councillors voting unanimously.


Mayor


General Manager

8.1.4 BED & BREAKFAST AND WEDDING RECEPTION FACILITY
LOT 142 DP 755418, 111 MOUNT PLEASANT LN, BUCKAROO

GOV400043, P1150463

Councillor Cavalier declared a significant pecuniary interest as he has a business interest with the proponent, left the room at 7.17pm and did not participate in discussion or vote in relation to this matter.

Councillor Kennedy declared a pecuniary conflict of interest as he operates a similar business in competition, being the Oatley Cellar Door and Function Centre, left the room at 7.17pm and did not participate in discussion or vote in relation to this matter.

Councillor White declared a non-pecuniary conflict of interest as the applicant is a personal friend, left the room at 7.17pm and did not participate in discussion or vote in relation to this matter.

Catherine Van Laeren declared a non-pecuniary conflict of interest as her sister, Jane Endacott, has made representations to Council on behalf of the proponent of the application, left the room at 7.17pm and did not participate in discussion or vote in relation to this matter.

Councillor Weatherley proceeded to chair the meeting.

238/15 MOTION: Thompson / Martens

That the report by the Manager Strategic Planning on the Bed & Breakfast and Wedding Reception Facility Lot 142 DP 755418, 111 Mount Pleasant Lane Buckaroo be received for information.

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

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

Councillor Cavalier, Councillor Kennedy, Councillor White and Catherine Van Laeren returned to the room at 7.32pm.

Item 9: Open Council

239/15 MOTION: Cavalier / Martens

That the Council move to Open Council.

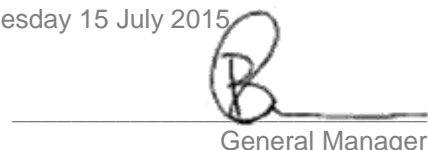
The motion was carried with Councillors voting unanimously.

The General Manager announced the decisions taken in Confidential Session.

Closure

There being no further business the meeting concluded at 7.36pm.


Mayor


General Manager