

# Minutes of the Ordinary Meeting of Council

Held at the Council Chambers, 86 Market Street, Mudgee  
on Wednesday 17 February 2016, commencing at **6.10pm** and concluding at **7.04pm**.

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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	Director Operations (D Colwell), Acting Director Development (L Densley), Chief Operating Officer (L Johnson), 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 General Manager, Brad Cam.

## Item 2: Disclosure of Interest

Councillor Kennedy declared a pecuniary conflict of interest in item 11.3 as he is the owner of a hotel in Mudgee.

Councillor White declared a significant non-pecuniary conflict of interest in item 9.7 as her family members are landowners of the subject site.

Councillor Cavalier declared:

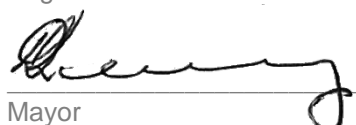
- a pecuniary conflict of interest in item 8.1 as his business provided a quote for producing the sign that this development application relates to.
- a significant non-pecuniary conflict of interest in Item 9.8 as he holds the rank of Station Commander with Fire & Rescue NSW at Gulgong Fire Station.
- a significant non-pecuniary indirect conflict of interest in Item 10.4 due to a conflicting duty as per section 78B of the Local Government Act 1989.

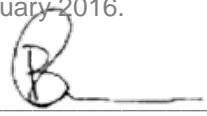
Councillor Walker declared:

- a pecuniary conflict of interest in item 8.2 as he has worked on this development.
- a pecuniary conflict of interest in item 8.3 as he is the owner of the property.

Councillor Shelley declared a non-pecuniary conflict of interest in item 14.1 as he is the subject of the Rescission Motion.

Councillor Webb declared a non-pecuniary conflict of interest in item 9.1 as one of the people requesting assistance is a relative.

  
Mayor

  
General Manager

**Item 3: Confirmation of Minutes**

**1/16 MOTION: Cavalier / White**

**That the Minutes of the Ordinary Meeting held on 16 December 2015 (Minute Nos. 420/15 to 459/15) be taken as read and confirmed.**

*The motion was carried with Councillors voting unanimously.*

**Item 4: Matters in Progress**

Pedestrian Access Mobility Plan

**2/16 MOTION: Shelley / Cavalier**

**That Minute no. 219/14 be noted as completed.**

*The motion was carried with Councillors voting unanimously.*

Rylstone Pedestrian Bridge – Design & Construction Tender

**3/16 MOTION: Shelley / Cavalier**

**That Minute no. 140/15 be noted as completed.**

*The motion was carried with Councillors voting unanimously.*

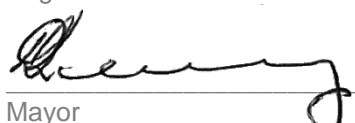
**4/16 MOTION: Shelley / Cavalier**


**That Minute no. 294/15 be noted as completed.**

*The motion was carried with Councillors voting unanimously.*

**Item 5: Mayoral Minute**

*There was no Mayoral Minute.*

  
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Mayor

  
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General Manager

**Item 6: Notices of Motion or Rescission**

## 6.1 NOTICE OF RESCISSION: BREACHES OF COUNCIL'S MEDIA POLICY

*This item is listed in Confidential, as Item 14.1*

MOTION: Shelley / Walker

That this matter be dealt with in Open Session.

*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		✓

**Item 7: Office of the General Manager**

Nil.

**Item 8: Development**

## 8.1 DA0136/2016 SIGNAGE AT 153 BRUCE ROAD, MUDGEES

GOV400054, P1146761

Councillor Cavalier declared a pecuniary conflict of interest in item 8.1 as his business provided a quote for producing the sign that this development application relates to, left the room at 6.23pm and did not participate in discussion or vote in relation to the matter.

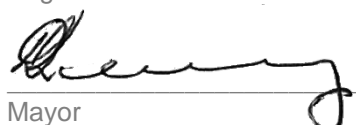
**5/16 MOTION: Webb / Walker**

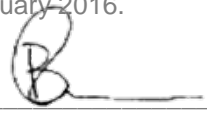
**That Council:**

- A. receive the report by the Town Planner on the DA0136/2016 Signage at 153 Bruce Road, Mudgee be received;**
- B. approve DA0136/2016 Signage at 153 Bruce Road, Mudgee, subject to the following conditions:**

**APPROVED PLAN**

- 1. The development is to be carried out in accordance with the following plan endorsed with Council's Stamp as well as the**

  
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 Mayor

  
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 General Manager

documentation listed below, except as varied by the conditions listed herein and/or any plan notations.

Plan	Reference	Prepared by	Date
Proposed sign plan	Mudgee Baptist Church – Ministry and Community Centre	Applicant	Received by Council 04 November 2015.

#### PREScribed CONDITIONS

2. A sign must be erected in a prominent position on any site on which building work, subdivision work or demolition work is being carried out:
  - a) showing the name, address and telephone number of the principal certifying authority for the work, and
  - b) showing the name of the principal contractor (if any) for any building work and a telephone number on which that person may be contacted outside working hours, and
  - c) stating that unauthorised entry to the work site is prohibited.

Any such sign is to be maintained while the building work, subdivision work or demolition work is being carried out, but must be removed when the work has been completed.

#### PRIOR TO THE COMMENCEMENT OF WORKS – BUILDING

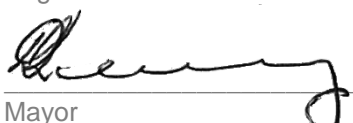
3. No work shall commence until a Construction Certificate has been issued and the applicant has notified Council of:
  - a) the appointment of a Principal Certifying Authority and
  - b) the date on which work will commence.


Such notice shall include details of the Principal Certifying Authority and must be submitted to Council at least two (2) days before work commences.

4. 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**

5. If the work involved in the erection/demolition of the structure;
  - a) is likely to cause pedestrian or vehicular traffic in a public place to be obstructed or rendered inconvenient, or

  
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 Mayor

  
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 General Manager

- b) building involves the enclosure of a public place.

A hoarding or fence must be erected between the work site and the public place. If necessary, an awning is to be erected, sufficient to prevent any substance from, or in connection with, the work falling into the public place. Any such hoarding, fence or awning is to be removed when the work has been completed.

6. Prior to the commencement of works on site, the applicant shall advise Council's Operations Department, in writing, of any existing damage to Council property.

#### **BUILDING CONSTRUCTION**

7. 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.

8. 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.

9. 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.

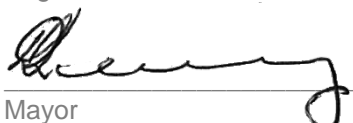
#### **PRIOR TO ISSUE OF THE OCCUPATION CERTIFICATE**

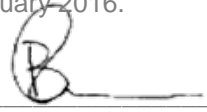
The following conditions are to be completed prior to final use of the sign and are provided to ensure that the development is consistent with the provisions of the Building Code of Australia and the relevant development consent.

10. Prior to final use of the sign, an Occupation Certificate is to be obtained from the Principal Certifying Authority appointed for the erection of the structure.

#### **SIGNAGE**

11. The sign is to be maintained in good condition at all times.
12. The sign is to be securely affixed and is not to flash, move or be objectionably glaring.
13. Any further signage proposed on the site is subject to a separate Development Application.
14. The sign is to be erected on the front gable of the church fronting Bruce Road in accordance with the plans submitted

  
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Mayor

  
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General Manager

with the application and in accordance with the following specifications:

Maximum length: 4.88 metres

Maximum height: 2.44 metres

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	✓	
Cr White	✓	

Councillor Cavalier returned to the room at 6.23pm.

8.2 DA0157/2016 – DUAL OCCUPANCY & SUBDIVISION – 14 LOY AVENUE, MUDGEES

GOV400054, DA0157/2016

Councillor Walker declared a pecuniary conflict of interest in item 8.2 as he has worked on this development, left the room at 6.24pm and did not participate in discussion or vote in relation to the matter.

6/16 MOTION: Shelley / Weatherley

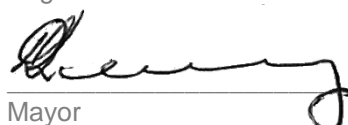
That Council:


1. receive the report by the Town Planner on Development Application 0157/2016 – Dual Occupancy & Subdivision – Lot 8 DP 1205283, 14 Loy Avenue, Mudgee;
2. grant consent for Development Application 0157/2016 – Dual Occupancy & Subdivision – Lot 8 DP 1205283 at 14 Loy Avenue, Mudgee, subject to the following conditions:

**APPROVED PLAN CONDITIONS**

1. Development is to be carried out in accordance with stamped plans identified in the table below and the application received by Council on 24 November 2015 except as varied by the conditions. 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.

Plan No.	Reference	Prepared by	Date
DRAWING NUMBER 24001-A103 REVISION 1	Site Plan	BARNSONS	23 NOV 15

  
Mayor

  
General Manager

<b>DRAWING NUMBER 24001-A104 REVISION 1</b>	<b>Floor Plan</b>	<b>BARNSONS</b>	<b>23 NOV 15</b>
<b>DRAWING NUMBER 24001-A105 REVISION 1</b>	<b>Elevations</b>	<b>BARNSONS</b>	<b>23 NOV 15</b>
<b>DRAWING NUMBER 24001-A106 REVISION 1</b>	<b>Sections</b>	<b>BARNSONS</b>	<b>23 NOV 15</b>
<b>DRAWING NUMBER 24001-A107 REVISION 1</b>	<b>Subdivision Plan</b>	<b>BARNSONS</b>	<b>23 NOV 15</b>
<b>DRAWING NUMBER 24001-P01a REVISION A</b>	<b>Statement of Environmental Effects</b>	<b>BARNSONS</b>	<b>NOV 15</b>

### GENERAL CONDITIONS

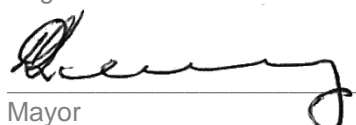
2. Notwithstanding the approved plans the structure is to be located clear of any easements and/or water and sewer mains in accordance with Council Policy.
3. A 1.8 metre high screen fence is to be provided to all side and rear boundaries prior to occupation of the development. All fencing is to be provided at full cost to the developer. The fence is to provide a screen to surrounding developments but must allow the passage of flood waters. Details are to be provided with the application for Construction Certificate.
4. A 1.8 metre high screen fence is to be provided between the private open space areas of the units, prior to occupation of the development. The fence is to provide a screen between the two developments but must allow the passage of flood waters. Details are to be provided with the application for Construction Certificate.
5. Outdoor drying facilities and letterboxes are to be provided for each unit prior to occupation.
6. Switchboards for gas, electricity, etc., must not be attached to the front or street facing elevations of the buildings.
7. Private open space areas for both unit 1 and unit 2 are to be provided with a level surface to at least 50% of the open space area.

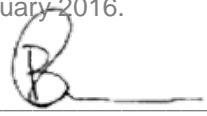
### PRIOR TO THE ISSUE OF A CONSTRUCTION CERTIFICATE - BUILDING

8. The developer shall obtain a Certificate of Compliance under the Water Management Act.

This will require:

<b>Water Headworks</b>	<b>\$6,342.00</b>
<b>Sewerage Headworks</b>	<b>\$3,895.75</b>
<b>Total Payable</b>	<b>\$9,237.75</b>

  
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 Mayor

  
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 General Manager

**Note: Contributions are subject to Consumer Price Index increase at 1 July each year. Please contact Council's Planning and Development Department regarding any adjustments.**

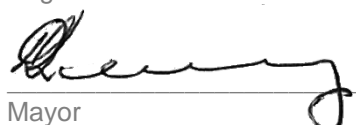
- 9. Prior to the commencement of works, approval pursuant to Section 68 of the Local Government Act, 1993 to carry out water supply, stormwater and sewerage works is to be obtained from Mid-Western Regional Council.**
- 10. All fencing below the 1 in 100 year flood level (448.8 AHD) shall be designed to allow the passage of water in the event of a flood. Details are to be provided to the PCA prior to the issue of the Construction Certificate.**

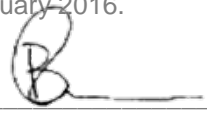
**This can be achieved through providing open mesh fencing to the lower sections of the fence of 100mmx50mm or another approved fence design.**

- 11. If the Construction Certificate is not issued, for any reason whatsoever, within twelve (12) months of the date of determination, then the charges and contributions contained in this consent, may be increased to the current rate at the time of payment.**
- 12. Development Consent DA0273/14 (M0013/2015) is modified by this development consent in accordance with s80A(1)(b) of the Environmental Planning and Assessment Act 1970 . To finalise the modification the applicant is required to submit to Council a notice in accordance with cl 97 of the Environmental Planning and Assessment Regulations.**

#### **PRIOR TO THE COMMENCEMENT OF WORKS**

- 13. 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.**
- 14. 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.**

  
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Mayor

  
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General Manager

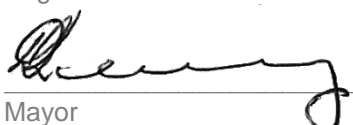


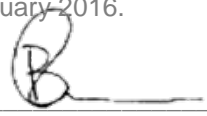
Such notice shall include details of the Principal Certifying Authority and must be submitted to Council at least two (2) days before work commences.

15. 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**

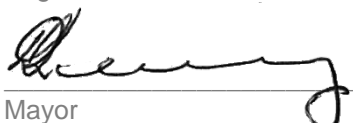
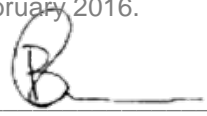
16. A sign must be erected in a prominent position on any work site on which involved in the erection or demolition of a building is carried out;
  - a) stating that unauthorised entry to the work site is prohibited, and
  - b) showing the name of the person in charge of the work site and a telephone 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.
17. With the exception of work where there is in force an exemption under clause 187 and 188 of the Environmental Planning and Assessment Act 1979 all building work that involves residential building work for which the Home Building Act requires there to be a contract of insurance in force in accordance with Part 6 of that Act, such a contract of insurance is to be in force.
18. Runoff and erosion controls shall be installed prior to clearing and incorporate:-
  - a) diversion of uncontaminated upslope runoff around cleared and/or disturbed areas and areas to be cleared and/or disturbed;
  - b) sediment control fences at the downslope perimeter of the cleared and/or disturbed area to prevent sediment and other debris escaping from the land to pollute any stream or body of water.
  - c) maintenance of all erosion control measures at maximum operational capacity until the land is effectively rehabilitated and stabilized beyond the completion of construction.

  
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Mayor

  
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General Manager

**BUILDING CONSTRUCTION**

19. Prior to the pouring of the dwelling slab, a survey prepared by a registered Surveyor is to be submitted confirming the slab, when poured, will comply with the FFL of 449.3 AHD as indicated on the approved plans.
20. No additional fill is permitted on the site. The only variance to this is filling required for the vehicular access ramp leading into the garage level. Any such fill is to be contained within drop edge beams which are to extend no wider than the garage door opening.
21. The strength of the concrete used for the reinforced concrete floor slab must be a minimum 25Mpa
22. 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.
23. 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.
24. All plumbing and drainage work must be carried out by a licensed plumber and drainer and must comply with the Plumbing Code of Australia.
25. 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.
26. 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.
27. The requirements of BASIX Certificate number(s) 679683S\_03 and 679697S\_03 issued on 20 November 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

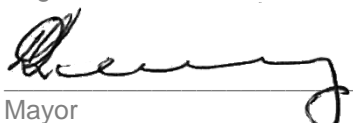
  
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General Manager

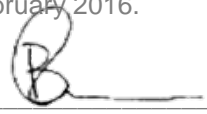
amended BASIX Certificate to the Council and/or the Principal Certifying Authority prior to the commencement of the alteration/s

28. All stormwater is to discharge to the street gutter with the use of non-flexible kerb adaptors. Alternatively, stormwater is to be connected to the approved inter-allotment drainage system.
29. Fill material shall not raise the existing surface level within the dedicated easement/s.

#### ENGINEERING CONSTRUCTION

30. Prior to Development the applicant shall advise Council's Operations Department, in writing, of any existing damage to Council property before commencement of works. The applicant shall repair (at their own expense) any part of Council's property damaged during the course of this development in accordance with AUS-Spec #1/2 (as modified by Mid-Western Regional Council) and any relevant Australian Standards.
31. All finished surface levels shall be shown on the plans submitted for the Construction Certificate. Any existing fill onsite and any proposed new fill shall be certified as free of hazardous materials and contamination by a suitably qualified geotechnical engineer. Fill placed in residential or commercial lots shall be compacted in accordance with *AS3798-2007 Guidelines on Earthworks for Commercial and Residential Developments*.
32. The applicants shall, at their own expense, engage a registered surveyor to relocate any survey mark that may be disturbed by the development or any associated work. Any information regarding relocation should be supplied to the Land Titles Office and Council.
33. Inter-allotment drainage is to be provided to remove stormwater from any lots that cannot discharge to the street in accordance with Aus Spec #1. Easements not less than 1m wide shall be created over inter-allotment drainage in favour of upstream allotments.
34. All works are to be constructed at the full cost of the developer, in a manner consistent with Aus-Spec #1 and Council's standard drawings.
35. A copy of the Contractor's public liability insurance cover for a minimum of \$20,000,000 (Twenty million dollars) is to be provided to Mid-Western Regional Council. Mid-Western Regional Council is to be indemnified against any works carried out by the contractor.

  
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General Manager

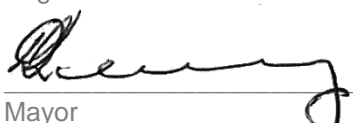
36. All earthworks, filling, building, driveways or other works, are to be designed and constructed (including stormwater drainage if necessary) so that at no time will any ponding of stormwater occur on adjoining land as a result of this development.
37. Vehicular entrances comprising kerb laybacks (where roll kerb and gutter does not exist) and concrete footway crossings are to be provided to each lot at a suitable location. These should be constructed in accordance with Aus-Spec #1 and Council's "Access to Properties Policy".
38. Concrete must not be poured until the excavation, formwork and reinforcing has been inspected by Council. The contractor/owner must arrange an inspection by contacting Council's Operations Department between 8.00am and 4.30pm Monday to Friday, giving at least twenty four (24) hours notice.
39. Failure to have the work inspected may result in the access being removed and reconstructed at the contractors/owners expense.
40. If any aboriginal artefacts are uncovered or identified during construction earthworks, such work is to cease immediately and the local aboriginal community and National Parks and Wildlife Service are to be notified.

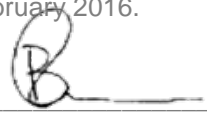
Note: A suitably qualified person is required to be present during earthworks to identify whether any artefacts were uncovered).

41. Any necessary alterations to, or relocations of, public utility services to be carried out at no cost to council and in accordance with the requirements of the relevant authority including the provision of easements over existing and proposed public infrastructure.
42. The applicant is to provide separate water and sewer reticulation services to each allotment within the subdivision.
43. The developer is to provide a water service and meter for each lot in the subdivision. This can be achieved by making a payment to Council of \$1700 per lot to cover the cost of installing both the service and a 20mm meter on the water main.

**TOTAL PAYABLE 1 x \$1,700 = \$1,700**

**NOTE: Council does not permit other bodies to connect into 'live' water mains.**

  
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Mayor

  
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General Manager

- 44. The developer is to provide a sewer junction for each dwelling in the subdivision. This can be achieved by making a payment to Council of \$1,550.00 per new junction to cover the cost of Council installing a junction in an existing main.

TOTAL PAYABLE 1 x \$1,550 = \$1,550

NOTE: COUNCIL DOES NOT PERMIT OTHER BODIES TO INSERT NEW JUNCTIONS INTO "LIVE" SEWER MAINS.

**PRIOR TO THE ISSUE OF AN OCCUPATION CERTIFICATE**

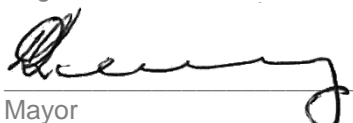
- 45. Prior to the occupation of a new building, or occupation or use of an altered portion of, or an extension to an existing building, an Occupation Certificate is to be obtained from the Principal Certifying Authority appointed for the erection of the building.
- 46. All car parking and associated driveway works are to be completed prior to occupation of the development.
- 47. A Survey prepared by a registered surveyor is to be submitted to the PCA and Council, confirming the FFL of 449.3 AHD for the dwelling and clearances under all solid fencing are provided to 448.8 AHD

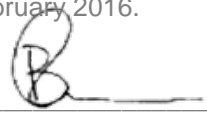
**PRIOR TO THE ISSUE OF A SUBDIVISION CERTIFICATE**

- 48. Under the Environmental Planning & Assessment Act, 1979, a *Subdivision Certificate* is required before the linen plan of subdivision can be registered with the Land Titles Office.

Note: The fee to issue a *Subdivision Certificate* is set out in Council's Fees and Charges

- 49. A linen plan and two (2) copies are to be submitted to Council for approval and endorsement by the General Manager.
- 50. If the Subdivision Certificate is not issued, for any reason whatsoever, by the end of the financial year immediately following the date of determination, then the charges and contributions contained in this consent, may be increased to the current rate at the time of payment.
- 51. Underground electricity and telecommunications are to be supplied to the Subdivision in accordance with the relevant authorities standards.
- 52. Three metre wide easements, including associated Section 88B instruments, are to be created in favour of Council over any existing or newly constructed water or sewerage reticulation components located within the subject property, or extended through adjoining private properties as a result of this subdivision.

  
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Mayor

  
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General Manager

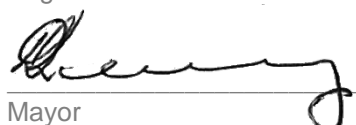
53. Following completion of the subdivision works, work-as-executed plans (WAE) are to be provided to Council in the following formats;
- PDF
  - Dwg format or “Autocad compatible” All work-as-executed plans shall bear the Consulting Engineer's or Consulting Surveyor's certification stating that all information shown on the plans is accurate.
54. Prior to issue of the *Subdivision Certificate*, Council is to be supplied with:
- a) A certificate of acceptance from the appropriate power authority indicating that satisfactory arrangements have been made for provision of electricity supply to the subdivision.
  - b) A certificate from Telstra stating that they accept control/acquisition of the telecommunications infrastructure to the development.
  - c) All contributions must be paid to Council and all works required by the consent be completed in accordance with the consent.
55. In accordance with the provisions of section 94(1)(b) of the *Environmental Planning and Assessment Act 1979* and the Mid-Western Regional Council Section 94 Development Contributions Plan, a contribution shall be paid to Council in accordance with this condition for the purpose of: **SUBJECT TO CPI INCREASE**

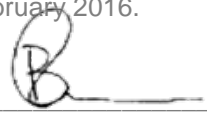
**Catchment No. 2 – 1 Additional Lot**

<b>Transport Management</b>	
Traffic Management	\$1,196
<b>Open Space</b>	
Local Open Space	\$1,878
District Open Space	\$2,549
<b>Community Facilities</b>	
Library Buildings	\$246
Library Resources	\$295
<b>Administration</b>	
Plan Administration	\$573
<b>TOTAL PAYABLE</b>	<b>\$6,737</b>

The motion was put, carried and won on the casting vote of the Mayor with Councillors voting as follows:

<b>Councillors</b>	<b>Ayes</b>	<b>Nayes</b>
Cr Cavalier	✓	
Cr Kennedy	✓	
Cr Martens		✓
Cr Shelley	✓	
Cr Thompson		✓

  
 \_\_\_\_\_  
 Mayor

  
 \_\_\_\_\_  
 General Manager

Cr Weatherley	✓	
Cr Webb		✓
Cr White		✓

### 8.3 PLANNING PROPOSAL – 33 ROBERT HODDLE GROVE, BOMBIRA

GOV400054, LAN900061

*Notation – The formal report offered to Council incorrectly had the signature of the Acting Director Development. This was incorrect, the report was formally offered by the Statutory/Strategic Planner.*

Councillor Walker declared a pecuniary conflict of interest in item 8.3 as he is the owner of the property and did not participate in discussion or vote in relation to the matter.

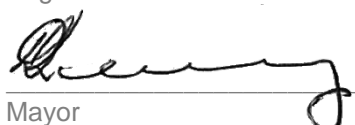
**7/16 MOTION: Shelley / Weatherley**

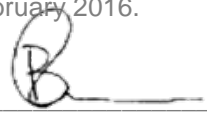
**That Council:**

1. receive the report by the Statutory/Strategic Planner on the Planning Proposal – 33 Robert Hoddle Grove, Bombira (Rezoning from RU4 Primary Production Small Lots to R5 Large Lot Residential and amend minimum lot size to from 20ha to 2ha – Part Lot 5 DP 1181765, Part Lot 61 DP 1181768 and Part Lot 2 DP 1062660);
2. support the Planning Proposal to rezone part of Lot 5 DP1181765, Part Lot 61 DP1181768 and Part Lot 2 DP1062662 from RU4 Primary Production Small Lots to R5 Large Lot Residential;
3. forward the Planning Proposal to the NSW Department of Planning & environment for Gateway Determination.

*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		✓
Cr White		✓

  
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Mayor

  
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General Manager

Councillor Walker returned to the room at 6.25pm.

#### 8.4 VOLUNTARY PLANNING AGREEMENT FOR EXHIBITION – BYLONG COAL PROJECT

GOV400054, A0420219

**8/16 MOTION: Walker / Weatherley**

**That Council:**

1. receive the report by the Manager Strategic Planning on the Voluntary Planning Agreement – Bylong Coal Project;
2. place the Voluntary Planning Agreement on public exhibition for a period of 28 days in accordance with the requirements of the Environmental Planning and Assessment Act; and
3. receive for consideration a further report following the exhibition of the documentation.

*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	✓	

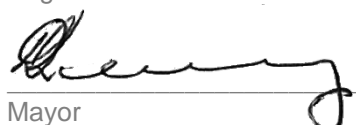
#### 8.5 VOLUNTARY PLANNING AGREEMENT – PEABODY ENERGY AUSTRALIA (WILPINJONG)

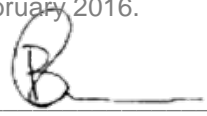
GOV400054, A0420169

**9/16 MOTION: Webb / White**

**That:**

1. Council receive the report by the Acting Director, Development on the Voluntary Planning Agreement – Peabody Energy Australia (Wilpinjong);
2. Council amend the Voluntary Planning Agreement to extend to the Wilpinjong Extension Project SSD 6764 as outlined in correspondence dated 15 December 2015 and placed on public exhibition for a period of 28 days in accordance with the

  
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Mayor

  
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General Manager



requirements of the Environmental Planning and Assessment Act 1979; and

3. the VPA be amended to include an additional \$15,000 pa (indexed in accordance with the CPI for the December quarter of the previous year) specifically for the maintenance of Community Infrastructure within the Wollar Village including infrastructure not necessarily owned and maintained by Council.
4. the General Manager be delegated to negotiate the VPA with the proponent and that Council receive a further report for consideration, following the preparation of the documentation, prior to commencement of public exhibition.

*The motion was carried with Councillors voting unanimously.*

#### 8.6 MONTHLY DEVELOPMENT APPLICATIONS PROCESSING & DETERMINED – DECEMBER 2015

GOV400054

**10/16 MOTION: Cavalier / Walker**

**That Council receive the report by the Acting Director Development on the Monthly Development Applications Processing & Determined – December 2015 be received.**

*The motion was carried with Councillors voting unanimously.*

#### 8.7 CRUDINE RIDGE WIND FARM

GOV400054

**11/16 MOTION: Shelley / Cavalier**

**That the report by the Acting Director Development on the Crudine Ridge Wind farm be moved to Urgent Business Without Notice.**

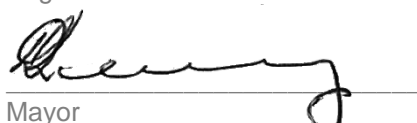
*The motion was carried with Councillors voting unanimously.*

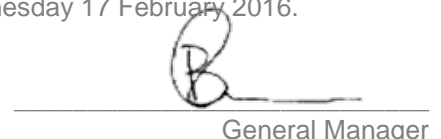
**12/16 MOTION: Martens / Walker**

**That:**

1. the report by the Acting Director Development on the Crudine Ridge Wind farm be received; and
2. Council provide the attached revised submission to the planning assessment commission in relation to the draft approval with the inclusion of maintenance of Aarons Pass Road during the construction period.

*The motion was carried with Councillors voting unanimously.*

  
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 Mayor

  
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 General Manager

**Item 9: Finance**

## 9.1 FINANCIAL ASSISTANCE APPLICATIONS

GOV400054, FIN300052

Councillor Webb declared a non-pecuniary conflict of interest in item 9.1 as one of the people requesting assistance is a relative, left the room at 6.38pm and did not participate in discussion or vote in relation to the matter.

**13/16 MOTION: Shelley / White****That Council:**

1. receive the report by the Chief Financial Officer on the Financial Assistance Applications;
2. 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 Sporting Clays Inc.	\$150
Pioneer Auxiliary Ladies P.A.L.S	\$204
Western NSW Community Legal Centre	\$121
Kandos Youth Motorcycle Club	\$200

3. not collect a facility hire bond from the following applicant for the event detailed in this report:  
Pioneer Auxiliary Ladies P.A.L.S
4. not support the following requests for financial assistance, for the reasons provided in the report:  
LOBO Oz – Gary Weeks

*The motion was carried with Councillors voting unanimously.*

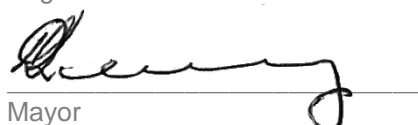
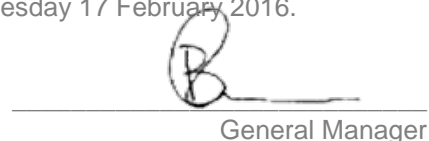
Councillor Webb returned to the room at 6.40pm.

## 9.2 AMENDED 2015/16 FEES AND CHARGES – SUBMISSIONS RECEIVED

GOV400054, FIN300064, FIN300040

**14/16 MOTION: Weatherley / Cavalier****That Council:**

1. receive the report by the Chief Financial Officer on the Amended 2015/16 Fees and Charges – Submissions;
2. Council thank Mr Whitehall for his submission and note his concerns over the 2015/16 Building Regulation fee structure;

  
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Mayor  
\_\_\_\_\_  
General Manager

- 3 Council staff perform a thorough review of all Building Regulation fees during the fee and charge setting process for 2016/17, ensuring that the Full Cost Recovery and Reference principles are maintained;
4. The following amended fee structure take effect as advertised, with no further changes recommended at this point of the financial year:

**Appointment of Principal Certifying Authority and Building Compliance Inspections**

***Inspection Package Fees where Council is the Principal Certifying Authority***

Residential Single Dwellings -	<b>\$560.00</b>
Residential Dual Occupancies	<b>\$327.00</b>
<b>Section 68 Transportable Home</b>	
Alterations and garages ≤ \$50,000	<b>\$222.00</b>
Alterations and garages > \$50,000	<b>\$337.00</b>
Residential Units	<b>\$327.00</b>
Commercial or Industrial Class 2-9 under 300m <sup>2</sup>	<b>\$95.00</b>
Commercial or Industrial Class 2-9 from 300m <sup>2</sup> to 2,000m <sup>2</sup>	<b>\$559.00</b>
Commercial or Industrial Class 2-9 over 2,000m <sup>2</sup>	<b>\$907.00</b>

*The motion was carried with Councillors voting unanimously.*

9.3 QUARTERLY BUDGET REVIEW STATEMENT DECEMBER 2015

GOV400054, FIN300064

15/16

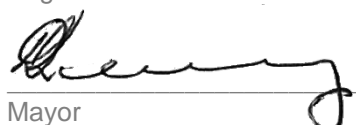
**MOTION: Cavalier / White**

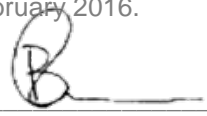
**That Council:**

1. receive the report by the Manager, Financial Planning on the Quarterly Budget Review Statement December 2015;
2. amend the 2015/16 Operational Plan in accordance with the variations as listed in the quarterly budget review attachments; and
3. note the opinion by the Responsible Accounting Officer regarding the satisfactory financial position of Council, based upon the revised estimates of income and expenditure.

*The motion was carried with Councillors voting unanimously.*

The following recommendations were adopted as a whole, being moved by Cr Shelley, seconded by Cr Cavalier and carried with Councillors voting unanimously. Each recommendation is recorded with a separate resolution number commencing at Resolution No. 16/16 and concluding with Resolution No. 17/16.

  
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Mayor

  
\_\_\_\_\_  
General Manager

9.4 MONTHLY STATEMENT OF INVESTMENT AND BANK  
BALANCES AS AT 31 DECEMBER 2015

GOV400054, FIN300053

**16/16 MOTION: Shelley / Cavalier****That Council:**

- 1. receive the report by the Manager, Financial Planning on the Monthly statement of investment and bank balances as at 31 December 2015;**
- 2. note the certification of the Responsible Accounting Officer.**

*The motion was carried with Councillors voting unanimously.*

9.5 MONTHLY STATEMENT OF INVESTMENT AND BANK  
BALANCES AS AT 31 JANUARY 2016

GOV400054, FIN300053

**17/16 MOTION: Shelley / Cavalier****That Council:**

- 1. receive the report by the Manager, Financial Planning on the Monthly statement of investment and bank balances as at 31 January 2016;**
- 2. note the certification of the Responsible Accounting Officer.**

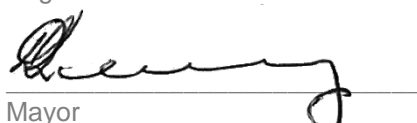
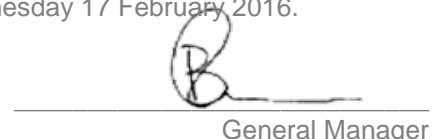
*The motion was carried with Councillors voting unanimously.*

9.6 TRANSFER OF CLOSED ROAD AT MEROTHERIE TO CROWN  
- ALLOTMENT 9 DP 1083440

GOV400054, R0790175

**18/16 MOTION: Cavalier / Thompson****That Council:**

- 1. receive the report by the Revenue & Property Manager on the Transfer of Closed Road at Merotherie to Crown – Allotment 9 DP 1083440;**
- 2. approve the transfer of Allotment 9 DP 1083440 to the Crown and give consent to the Department of Primary Industries Lands to amend the vesting of the Allotment to the Crown by way of notice in the Government Gazette;**
- 3. note that all costs in relation to the transfer of Allotment 9 DP 1083440 to the Crown are to be borne by the Crown;**

  
\_\_\_\_\_  
Mayor  
\_\_\_\_\_  
General Manager

4. **authorise the General Manager to sign all documents necessary to transfer Allotment 9 DP 1083440 to the Crown;**
5. **authorises the affixing of the Common Seal to all documents necessary to transfer Allotment 9 DP 1083440 to the Crown.**

*The motion was carried with Councillors voting unanimously.*

#### 9.7 ACQUISITION OF CROWN LAND ON LUE ROAD AT HAVILAH BRIDGE

GOV400054, R0790175, P1319311

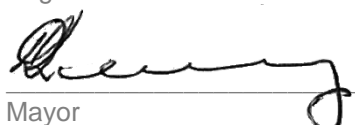
Councillor White declared a significant non-pecuniary conflict of interest in item 9.7 as her family members are landowners of the subject site, left the room at 6.42pm and did not participate in discussion or vote in relation to the matter.

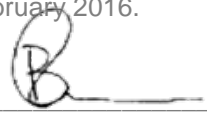
**19/16**

**MOTION: Thompson / Martens**

**That Council:**

1. **receive the report by the Revenue and Property Manager on the Acquisition of Crown Land on Lue Road at Havilah Bridge;**
2. **pursuant to Part 12, Division 1 of the Roads Act 1993 approve the compulsory acquisition, for public road purposes, that part of allotment 1 DP 1048544 having an area of 265 m2 as shown on Attachment 1 to this Report;**
3. **pursuant to Section 178 Roads Act 1993 makes application to the Minister for Local Government and the Governor of NSW for the compulsory acquisition, for public road purposes, that part of allotment 1 DP 1048544 having an area of 265 m2 as shown on Attachment 1 to this Report;**
4. **make the application on the basis that Native Title has not been extinguished in relation to that part of allotment 1 DP 1048544 having an area of 265 m2 as shown on Attachment 1 to this Report;**
5. **exempt all mines and minerals from the acquisition of that part of allotment 1 DP 1048544 having an area of 265 m2 as shown on Attachment 1 to this Report;**
6. **authorise the General Manager to sign all documents necessary to formalise the acquisition of that part of allotment 1 DP 1048544 having an area of 265 m2 as shown on Attachment 1 to this Report;**
7. **authorise the affixing of the Common Seal to all documents necessary to formalise the acquisition of that part of allotment 1 DP 1048544 having an area of 265 m2 as shown on Attachment 1 to this Report;**

  
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Mayor

  
\_\_\_\_\_  
General Manager

8. **dedicates that part of allotment 1 DP 1048544 having an area of 265 m2 as shown on Attachment 1 to this Report, upon acquisition, as public road in accordance with Section 10 Roads Act 1993.**

*The motion was carried with Councillors voting unanimously.*

Councillor White returned to the room at 6.42pm.

9.8 PROPOSED SALE LOT 233 DP 1099677 1 MEDLEY STREET,  
GULGONG TO FIRE & RESCUE NSW

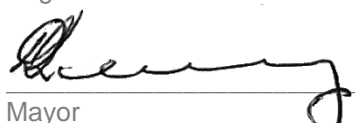
GOV400054, P0506711


Councillor Cavalier declared significant non-pecuniary conflict of interest in item 9.8 as he holds the rank of Station Commander with Fire & Rescue NSW at Gulgong Fire Station, left the room at 6.42pm and did not participate in discussion or vote in relation to the matter.

**20/16 MOTION: Thompson / Shelley**

**That Council:**

1. **receive the report by the Revenue & Property Manager on the Proposed Sale Lot 233 DP 1099677 1 Medley Street, Gulgong;**
2. **accept the offer made by Fire & Rescue NSW of \$120,000 (exclusive of GST) for the purchase of Allotment 233 DP 1099677, being 1 Medley Street Gulgong;**
3. **require that Fire & Rescue NSW be responsible for the payment of all costs in relation to the preparation and sale of Allotment 233 DP 1099677, including Council's reasonable legal costs and survey, fence realignment and relocation of entrance into Lot 234 DP 1099677, if necessary;**
4. **authorise the General Manager to exercise delegated authority to deal with matters arising out of the sale of Allotment 233 DP 1099677 to Fire & Rescue NSW so as to ensure continuous and smooth running of the sale process;**
5. **authorise the General Manager to sign all documentation necessary in relation to the sale of Allotment 233 DP 1099677 to Fire & Rescue NSW;**
6. **affix the Common Seal of Council to all necessary documentation for the sale of the sale of Allotment 233 DP 1099677 to Fire & Rescue NSW;**
7. **amend the Operational Plan for 2015/2016 to reflect the proposed sale proceeds of Allotment 233 DP 1099677; and**
8. **transfer the sale proceeds of Allotment 233 DP 1099677 to the Land Development Reserve with the Operational Plan 2015/2016 amended accordingly.**

  
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Mayor

  
\_\_\_\_\_  
General Manager

*The motion was carried with Councillors voting unanimously.*

Councillor Cavalier returned to the room at 6.42pm.

9.9 ADDITIONAL SUPPLIER - RFT 2013/16 SUPPLY CHEMICAL -  
HERBICIDE & PESTICIDE

GOV400054, COR400051

**21/16 MOTION: Martens / Weatherley**

**That Council:**

- 1. receive the report by the Procurement Manager on the Additional Supplier - RFT 2013/16 Supply Chemical - Herbicide & Pesticide;**
- 2. accepts the additional supplier for Tender 2013/16 for the provision of Supplying Chemical – Herbicides and Pesticides;**

**Contractor: Elders Mudgee  
Services Provided: Chemcial Supply**

*The motion was carried with Councillors voting unanimously.*

**Item 10: Operations**

10.1 PEDESTRIAN ACCESS AND MOBILITY PLAN (PAMP)

GOV400054, ROA100027

**22/16 MOTION: Martens / Weatherley**

**That Council:**

- 1. receive the report by the Manager Works on the Pedestrian Access and Mobility Plan (PAMP);**
- 2. adopt the Pedestrian Access and Mobility Plan.**

*The motion was carried with Councillors voting unanimously.*

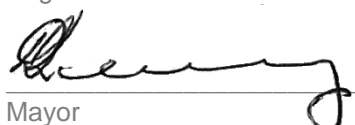
10.2 CAERLEON SUBDIVISION – DETAIL DESIGN, SUPPLY AND  
CONSTRUCT SEWER PUMP STATION

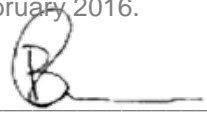
GOV400054, COR400111

**23/16 MOTION: Shelley / Weatherley**

**That Council:**

- 1. receive the report by the Senior Water and Waste Water Engineer for RFT 2015/16 “Caerleon Subdivision – Detailed Design, Supply and Construct Sewer Pump Station”;**

  
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Mayor

  
\_\_\_\_\_  
General Manager

2. **accept the tender (as negotiated with final modifications submitted 2/2/16) of Poonindie Pty Ltd (trading as Ted Wilson and Sons) for the detailed design, supply and construction of sewer pump station to service the Caerleon Subdivision for the amount of \$582,249 (excluding GST) in accordance with clause 178 of the Local Government (General) Regulation 2005;**
3. **amend the 2015/16 Operational Plan to increase the Caerleon Sewer Pump Station budget by \$302,000 (excluding GST), funded from Sewer Reserves;**
4. **amend the 2015/16 Operational Plan to increase the Caerleon Sewer Pump Station budget by \$23,120.00 (excluding GST), funded from the Sewer Pump Station Flow Metering budget;**
5. **grant the General Manager delegated authority to approve contract variations up to a cumulative total of 10% of the original contract sum.**

*The motion was carried with Councillors voting unanimously.*

### 10.3 LANDSCAPING OF WINTER ST DETENTION BASIN

GOV400054, SEW200008

24/16

**MOTION: Cavalier / Shelley**

**That Council:**

1. **receive the report by the Director, Operations on the Landscaping of Winter St Detention Basin;**
2. **amend the 2015/16 Operational Plan to re-allocate the budget at a total of \$150,255 from the Denison Street drainage project to landscaping of the Winter Street detention basin in Mudgee.**

*The motion was carried with Councillors voting unanimously.*

### 10.4 RURAL FIRE SERVICE PRECINCT DEVELOPMENT

GOV400054, EME900015

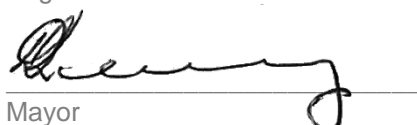
Councillor Cavalier declared a non-pecuniary indirect conflict of interest in item 10.4 due to a conflicting duty as per section 78B of the Local Government Act 1989, left the room at 6.44pm and did not participate in discussion or vote in relation to the matter.

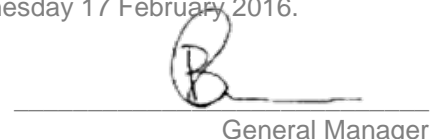
25/16

**MOTION: Walker / Shelley**

**That Council:**

1. **receive the report by the Manager, Plant & Facilities on the Rural Fire Service Precinct Development;**
2. **reject the proposed NSW Rural Fire Service Precinct development proposal due to the high financial burden placed on Council;**

  
 \_\_\_\_\_  
 Mayor

  
 \_\_\_\_\_  
 General Manager



3. **support the development of the NSW Rural Fire Service Heritage Museum;**
4. **authorise the General Manager to enter into negotiations with NSW Rural Fire Service to develop a proposal for a NSW Rural Fire Service solution that substantially reduces the financial burden on Council;**
5. **receive any new proposals for a NSW Rural Fire Precinct, or Fire Control Centre, for in-principle support.**

*The motion was carried with Councillors voting unanimously.*

AMENDMENT: Martens / Thompson

That Council defer consideration of this matter until Council receives further clarification on whole of life project costs on the Rural Fire Service Precinct Development.

*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		✓
Cr White		✓

Councillor Cavalier returned to the room at 6.50pm.

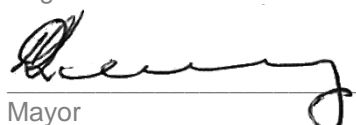
## 10.5 RYLSTONE DAM WALL STRUCTURAL ASSESSMENT GOV400054, WAT500013

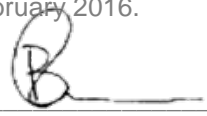
26/16

**MOTION: Weatherley / Thompson**

**That Council:**

1. **receive the report by the Manager, Water and Sewer on the Rylstone Dam Wall Structural Assessment;**
2. **write to the NSW Minister for Lands and Water, seeking financial assistance for the concept structural works proposed for Rylstone Dam;**

  
\_\_\_\_\_  
Mayor

  
\_\_\_\_\_  
General Manager

3. **amend the 2015/16 Operational Plan to increase Water Management Studies by \$50,000 funded from Water Fund unrestricted cash.**

*The motion was carried with Councillors voting unanimously.*

## **Item 11: Community**

### 11.1 GLEN WILLOW SPORTING COMPLEX MASTER PLAN

GOV400054, F0650099

**27/16 MOTION: Walker / Weatherley**

#### **That Council:**

1. **receive the report by the Director, Community on the Glen Willow Sporting Complex Master Plan;**
2. **place the Draft Glen Willow Sporting Complex Master Plan on public exhibition for 28 days;**
3. **endorse the Glen Willow Sporting Complex Master Plan, if no public submissions are received.**

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

<b>Councillors</b>	<b>Ayes</b>	<b>Nayes</b>
Cr Cavalier	✓	
Cr Kennedy	✓	
Cr Martens		✓
Cr Shelley	✓	
Cr Thompson		✓
Cr Walker	✓	
Cr Weatherley	✓	
Cr Webb	✓	
Cr White	✓	

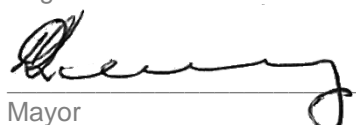
### 11.2 CODE OF CONDUCT AMENDMENT

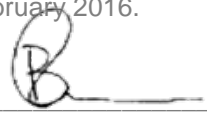
GOV400054, GOV400008

**28/16 MOTION: Shelley / Cavalier**

#### **That Council:**

1. **receive the report by the Governance Coordinator on the Model Code of Conduct Amendment;**

  
\_\_\_\_\_  
Mayor

  
\_\_\_\_\_  
General Manager

2. **adopt the revised Model Code of Conduct produced by the Office of Local Government as per circular 15-41 dated 17th December 2015.**

*The motion was carried with Councillors voting unanimously.*

### 11.3 BUSINESS USE OF FOOTPATH POLICY

GOV400054, A0100021

Councillor Kennedy declared a pecuniary conflict of interest in item 11.3 as he is the owner of a hotel in Mudgee, left the room at 6.45pm and did not participate in discussion or vote in relation to the matter.

Councillor Cavalier proceeded to chair the meeting.

**29/16 MOTION: White / Shelley**

1. **That the Business Use of the Footpath policy be deferred pending a community meeting as soon as possible to include the Police, MRTI, MWGGA, local business operators, Council and any other interested parties so a comprehensive and appropriate policy can be drafted to ensure all compliance issues are addressed, and that tourism and commercial opportunities are maximised.**
2. **That a report on the Business Use of the Footpath policy be brought back to Council for consideration.**

*The motion was carried with Councillors voting unanimously.*

Councillor Kennedy returned to the meeting at 6.59pm and resumed to chair the meeting.

The following recommendations were adopted as a whole, being moved by Cr Shelley, seconded by Cr Cavalier and carried with Councillors voting unanimously. Each recommendation is recorded with a separate resolution number commencing at Resolution No. 30/16 and concluding with Resolution No. 37/16.

### 11.4 AFFORDABLE HOUSING POLICY

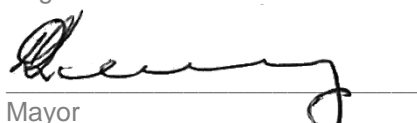
GOV400054, A0402052

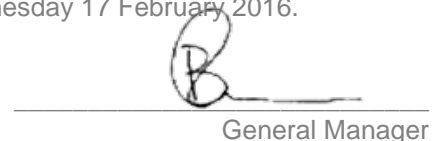
**30/16 MOTION: Shelley / Cavalier**

**That Council:**

1. **receive the report by the Manager, Community Services on the Affordable Housing Policy;**
2. **adopt the amended Affordable Housing Policy**

*The motion was carried with Councillors voting unanimously.*

  
\_\_\_\_\_  
Mayor

  
\_\_\_\_\_  
General Manager

11.6 LIBRARY SERVICES – QUARTERLY REPORT SEP-DEC 2015

GOV400054, F0620020

**31/16 MOTION: Shelley / Cavalier**

**That Council receive and note the report by the Library Services Coordinator on the Library Services – Quarterly Report.**

*The motion was carried with Councillors voting unanimously.*

11.7 MUDGEETOWN HALL CINEMA 2015 ACTIVITY REPORT

GOV400054, REC800016

**32/16 MOTION: Shelley / Cavalier**

**That Council receive and note the report by the Library Services Coordinator on the Mudgee Town Hall Cinema 2015 Activity Report.**

*The motion was carried with Councillors voting unanimously.*

11.8 COMPANION ANIMALS POLICY

GOV400054, REC800016

**33/16 MOTION: Shelley / Cavalier**

**That Council:**

- 1. receive the report by the Governance Coordinator on the Companion Animals Policy;**
- 2. adopt the Companion Animals Policy with the minor amendments discussed.**

*The motion was carried with Councillors voting unanimously.*

**Item 12: Reports from Committees**

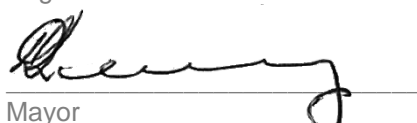
12.1 LOCAL TRAFFIC COMMITTEE MEETING MINUTES

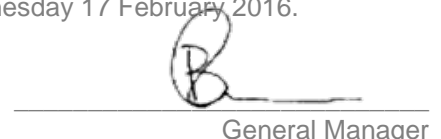
GOV400054, A0100009

**34/16 MOTION: Shelley / Cavalier**

**That Council:**

- 1. receive the report by the Director, Operations on the Local Traffic Committee Minutes of Meeting held 29 January 2016;**
- 2. note the minutes of the Local Traffic Committee meeting held 29th January 2016;**
- 3. move the line marking to across the intersection of Cudgegong and Louee Streets the give way sign be moved forward and duplicated;**

  
\_\_\_\_\_  
Mayor

  
\_\_\_\_\_  
General Manager

4. not install a footpath in Third Street and Council undertake a traffic survey to assess traffic movements in Third Street with a report referred back to LTC prior to going to Council;
5. implement the following changes outside St Matthew's School in Mudgee:
  - a. Council remove the existing two reverse parking bays and two reverse disabled bays between the existing bus zone and drop off zone;
  - b. Council remove the four reverse parking bays to the south of the existing bus zone;
  - c. Council relocate the Pick Up/Drop off zone to the south where the existing bus zone exists and extend from 33m to 50m;
  - d. Council relocate the Bus zone to the north where the existing Pick up/Drop off zone exists which will remain unchanged at 60m (note that at the start of the new bus zone concrete may be required over the grass verge);
  - e. Council install one disabled zone (one parallel parking space) between the new bus zone and drop off zone;
  - f. Council change the 12 reverse parking bays out the front of one life church from two hour parking Monday to Friday to all day parking.
6. install as an interim measure prior to Council Widening Lions Drive to provide 'no stopping' yellow line marking to cover the extent of the bend and entrance to the High Cube Café on either side of the road by at least 20m;
7. line mark Lions Drive to demarcate the road centreline for the extent of the bend;
8. receive a submission from the Director, Operations on the widening of Lions Drive at a cost of \$95,000 as a Community Plan Proposal during the budget process for 2016/17 Financial year; and
9. provide written advice to Organiser of Small Farm Field Days, regarding points raised regarding proposed traffic management for the event.

*The motion was carried with Councillors voting unanimously.*

## 12.2 MUDGEE SHOWGROUND MANAGEMENT COMMITTEE MEETING MINUTES

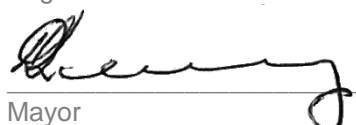
GOV400054, F0650007

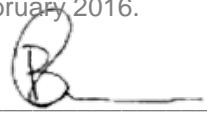
35/16

**MOTION:** Shelley / Cavalier

**That Council:**

1. receive the report by the Manager Plant & Facilities on the Mudgee Showground Management Committee Meeting minutes from 1 December 2015;

  
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Mayor

  
\_\_\_\_\_  
General Manager

2. reserve the area north of the Cudgegong Cruisers shed including the road area for future development;
3. note that the Committee categorically supports the erection of a building to replace the grandstand facility in the future;
4. note that the Dressage Group be permitted to take over the maintenance of their dressage arena and also be responsible for all bookings and receive the income;
5. note the Committee respectfully suggests Council financially supports the RDA to assist their cause.

*The motion was carried with Councillors voting unanimously.*

### 12.3 MUDGEY SALEYARDS MANAGEMENT COMMITTEE MEETING MINUTES

GOV400054, F0720036

**36/16 MOTION: Shelley / Cavalier**

**That Council:**

1. receive the report by the Director, Operations on the Mudgee Saleyards Management Committee;
2. note the minutes for the Mudgee Saleyards Management Committee ordinary bi-monthly meeting held 10 December 2015.

*The motion was carried with Councillors voting unanimously.*

### 12.4 RED HILL COMMITTEE MEETING – 13 JANUARY 2016

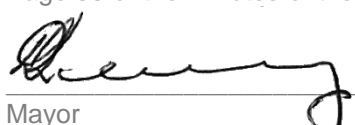
GOV400054, P0860011


**37/16 MOTION: Shelley / Cavalier**

**That Council:**

1. receive the report by the Director, Community on the Red Hill Committee Meeting held on 13 January 2016;
2. note the minutes for the Red Hill Committee held on 13 January 2016.

*The motion was carried with Councillors voting unanimously.*

  
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Mayor

  
\_\_\_\_\_  
General Manager

11.5 WILPINJONG COAL COMMUNITY CONSULTATIVE  
COMMITTEE

GOV400054, A0420169

**38/16 MOTION: Shelley / Walker****That Council:**

1. **receive the report by the Director, Community on the Wilpinjong Coal Community Consultative Committee;**
2. **nominate Cr Weatherley as an alternate for the Wilpinjong Coal Community Consultative Committee.**

*The motion was carried with Councillors voting unanimously.*

**Item 13: Urgent Business Without Notice**

Nil.

**Item 14: Confidential Session**

Councillor Shelley declared a non-pecuniary conflict of interest in item 14.1 as he is the subject of the Rescission Motion, left the room at 7.02pm and did not participate in discussion or vote in relation to the matter.

**39/16 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 (or his delegate) announced that the following matter would be considered in confidential session and the reason why it was being dealt with in this way.

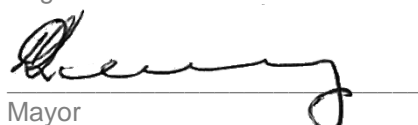
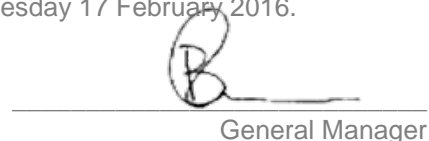
**Subject: Breaches of Council's Media Policy**

***The reason for dealing with this matter confidentially is that it is a matter concerning alleged contravention of any code of conduct requirement applicable under Section 440 in accordance with Section 10A(j) of the Local Government Act, 1993.***

***Discussion of this matter in an open meeting would be, on balance, contrary to public interest as it could adversely impact on Council's investigative functions.***

Following an enquiry from the Mayor, the General Manager (or his delegate) 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.*

  
\_\_\_\_\_  
Mayor  
\_\_\_\_\_  
General Manager

14.1 Breaches of Council's Media Policy

GOV400023, GOV400054

40/16 MOTION: Webb / White

That the Council's decision on 16 December 2015 to:

*That the General Manager undertake a Code of Conduct investigation into the allegations regarding remarks made on Facebook and report back to Council.*

be and is hereby rescinded.

*The motion was carried with Councillors voting unanimously.*

**Item 15: Open Council**

41/16 MOTION: Cavalier / Martens

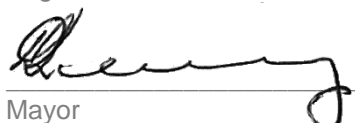
That the Council move to Open Council.

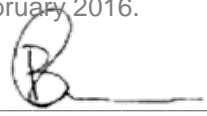
*The motion was carried with Councillors voting unanimously.*

The General Manager announced the decisions taken in Confidential Session.

**Closure**

There being no further business the meeting concluded at 7.04pm.

  
\_\_\_\_\_  
Mayor

  
\_\_\_\_\_  
General Manager