

# Minutes of the Ordinary Meeting of Council

Held at the Council Chambers, 86 Market Street, Mudgee  
on Wednesday 5 March 2014, commencing at 5.47pm and concluding at 6.32pm.

---

|                       |  |
|-----------------------|--|
| PRESENT               | Cr D Kennedy (Mayor), Cr P Cavalier (Deputy Mayor), Cr PA Shelley, Cr JP Thompson, Cr MB Walker, Cr JR Webb, Cr L White.   |
| IN ATTENDANCE         | General Manager (WL Bennett), Director Mid-Western Operations (B Cam), Director Development and Community Services (C Van Laeren), Manager Governance (I Roberts), Corporate Communications Officer (P Goldsmith). |
| MEDIA REPRESENTATIVES | Mudgee Guardian / The Weekly (R Murray), Radio 2MG (C Bassett).  |

## Item 1: Apologies

Apologies were received for the absence of Councillors Martens and Weatherley.

### 66/14 MOTION: Shelley / Cavalier

That apologies for the absence of Councillors Martens and Weatherley be received and leave of absence granted.

*The motion was carried with Councillors voting unanimously.*

## Item 2: Disclosure of Interest

*Councillors Shelley and Thompson declared a non-pecuniary conflict of interest in Item 8.1.1 as they were subject to the Code of Conduct Review.*

*Councillor Kennedy declared a pecuniary conflict of interest in Item 6.2.14 as his business provides services to the Day on the Green event which was considered by the Traffic Management Committee.*

*Councillor White declared a non-pecuniary interest in Item 6.2.11 as she works in the tourism industry.*

## Item 3: Confirmation of Minutes

### 67/14 MOTION: Shelley / Cavalier

**That the Minutes of the Ordinary Meeting held on 19 February 2014 (Minute Nos. 43/14 to 65/14) be taken as read and confirmed.**

*The motion was carried with Councillors voting unanimously.*

**Item 4: Matters in Progress**

*Noted.*

**Item 5: Mayoral Minute**

There was no Mayoral Minute.

**Item 6: General Business**

## 6.1 NOTICES OF MOTION

There were no Notices of Motion.

## 6.2 REPORTS TO COUNCIL

6.2.1 DEVELOPMENT APPLICATION 0131/2014 PROPOSED SIX (6)  
LOT RESIDENTIAL TORRENS TITLE SUBDIVISION AT LOTS  
214, 215 AND 253 DP 755434 83 ADAMS LEAD ROAD  
GULGONG

GOV400038, DA0131/2014

68/14

**MOTION: Walker / Shelley**

**That:**

1. the report by the Senior Town Planner on Development Application 0131/2014 Proposed Six (6) Lot Residential Torrens Title Subdivision at Lots 214, 215 and 253 DP 755434, 83 Adams Lead Road Gulgong be received;
2. the variation of the minimum lot size by 10% for proposed Lot 1 be supported in the proposed plan of subdivision of Lots 214, 215 and 253 DP 755434, 83 Adams Lead Road Gulgong;
3. Council approve Development Application 0131/2014 for the six (6) lot residential Torrens Title subdivision at Lots 214, 215 and 253 DP 755434, 83 Adams Lead Road subject to the following conditions:

**APPROVED PLANS**

1. Development is to be carried out generally in accordance with stamped plans Job No 1468MU and the Application received by Council on 10 October 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 CONSTRUCTION CERTIFICATE**

2. Detailed engineering design plans (DWG and PDF), material samples, test reports and specifications is to be prepared in accordance with Council's DCP and the conditions of this development consent. The engineering design is to be submitted to and approved by Council prior to the issue of a Construction Certificate.
3. The submission to Council of engineering design plans for any road works shall include pavement and wearing surface investigation and design, sedimentation and erosion control plans, and a detailed construction plan. These plans are to be approved by the Council prior to the issue of a Construction Certificate.

### CONSTRUCTION REQUIREMENTS

4. 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.
5. Prior to commencement of works, the submission of three possible street/road names in order of preference, for the proposed new road within the subdivision, are to be submitted to Council for approval.
6. 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).

7. Basic right (BAR) turn treatments as shown in Figure 7.5 of the Austroads Guide to Road Design: Part4A shall be provided in Adams Lead Road at the intersection with the proposed internal road of the subdivision. The widened shoulders are to be sealed and built for 100kmph speed environment to provide a reasonable level of safety for traffic turning vehicle on the left hand side;
8. Basic left (BAL) turn treatments as shown in Figure 8.2 of the Austroads Guide to Road Design: Part4A shall be provided in Adams Lead Road at the intersection with the proposed internal road in the subdivision. The BAL facilities will also need to be sealed and built for a 100kmph environment;
9. Intersection and accesses shall be provided with lay-bys on the departure side for school bus stops.
10. Give Way Signs are to be installed on the proposed internal road at its the intersection with Adams Lead Road.

11. **375mm diameter reinforced concrete pipe culvert with headwalls, located outside the clear zone at the intersection of Adams Lead Road and the proposed internal road in the subdivision, having the table drain directed through it.**
12. **The developer is to upgrade Adams Lead Road from Gossage Rd to the full frontage of the development in accordance with Council's Comprehensive DCP to a Rural Sealed Road and the following minimum specifications:**
  - a) **formation width 9.0m.**
  - b) **sealed width 6.0m.**
  - c) **seal type – 14/7 mm double-double.**
  - d) **standard cross-section with 3% fall.**
  - e) **pavement thickness – 150-300 mm.**
  - f) **pavement material – gridded, rock busted or crushed – depends on material type and availability. Material to be approved by assets prior to placement.**
  - g) **Minimum compaction:**
    - **sub base 96% MDD**
    - **base course 98% MDD**
  - h) **Erosion and drainage control measures such as cross fall, table drains, mitre drains, and culverts where necessary.**
13. **The developer is to construct the proposed internal road in accordance with Council's Policy Road Classifications and Austroads standards to a Rural Sealed Road and the following minimum specifications:**
  - a) **formation width 9.0m.**
  - b) **sealed width 6.0m.**
  - c) **seal type – 14/7 mm double-double.**
  - d) **standard cross-section with 3%.**
  - e) **pavement thickness – 150-300 mm.**
  - f) **pavement material – gridded, rock busted or crushed – depends on material type and availability. Material to be approved by assets prior to placement.**
  - g) **Minimum compaction:**
    - **sub base 96% MDD**
    - **base course 98% MDD**
  - h) **Erosion and drainage control measures such as cross fall, table drains, mitre drains, and culverts where necessary.**
14. **The construction of an all-weather vehicle access to each lot in the development is required. The accesses from the proposed internal road 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 RMS Supplements. The access shall have the following minimum specifications:**
  - a) **a gate or stock grid (if applicable) set back a minimum distance of fifteen (15) metres from edge of the traffic lane of the public road;**

- b) a minimum 4.0 metre wide compacted gravel driveway, extending from the edge of pavement on the public road to the entrance gate or stock grid;
  - c) 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.
  - d) The access should be sealed a minimum of 10 metres from the edge of the travel lane to minimise mud on through road, match existing road levels and not interfere with road drainage.
  - e) Safe Intersection sight distance (SISD) requirements outlined in the Austroads Guide to Road Design Part 4A and relevant RMS supplements should be provided in both directions at the vehicular access point servicing the proposed lots.
15. The subdivision works are to be inspected by the Council (or an Accredited Certifier on behalf of Council) to monitor compliance with the consent and the relevant standards of construction, encompassing the following stages of construction:
- a) Construction of BAR/BAL treatments
  - b) Road pavement construction
  - c) Installation of vehicle accesses
  - d) Practical Completion
16. 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.
17. Street signs necessitated by the subdivision are to be installed in accordance with Aus-Spec #1 and Council standards.

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

18. A linen plan and two (2) copies are to be submitted to Council for approval and endorsement by the General Manager.

**NOTE: Council's fee to issue a Subdivision Certificate is set out in Council's fees and charges.**

19. Under the Environmental Planning and Assessment Act 1979, a Subdivision Certificate is required before the linen plan of Subdivision can be registered with the Land Titles Office.
20. The developer must provide Council and land purchasers with a site classification for each lot within the subdivision. The classification is to be carried out at a suitable building site on each lot and is to be carried out by a NATA registered laboratory using method (a) of Clause 2.2.3 of AS2870 - 1996. Results are to be submitted to Council prior to issue of the Subdivision Certificate.

21. If the Subdivision Certificate is not issued in the financial year that the Development Consent was issued, then the charges and contributions contained in this consent, may be increased to the current rate at the time of payment.
22. Prior to the issue of a Subdivision Certificate:
- a) all contributions must be paid to Council and all works required by the consent be completed in accordance with the consent, or
  - b) an agreement be made between the developer and Council;
    - i) as to the security to be given to Council that the works will be completed or the contribution paid, and
    - ii) as to when the work will be completed or the contribution paid.
23. Prior to issue of the Subdivision Certificate, Council is to be supplied with:
- a) A certificate from an energy provider indicating that satisfactory arrangements have been made for provision of underground electricity supply to the subdivision.
  - b) A certificate from a communication provider indicating that satisfactory arrangements have been made for provision of telephone services to the subdivision.
24. 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 Contribution Plan, a contribution shall be paid to Council in accordance with this condition for the purpose of:

| <i>Transport Management</i> | <i>Rate</i> | <i>No of Lots</i> | <i>Total</i>    |
|-----------------------------|-------------|-------------------|-----------------|
| Traffic Management          | \$626       | 3                 | \$1,878         |
| <i>Open Space</i>           |             |                   |                 |
| Local Open Space            | N/A         | N/A               | N/A             |
| District Open Space         | \$2,424     | 3                 | \$7,272         |
| <i>Community Facilities</i> |             |                   |                 |
| Library Buildings           | \$234       | 3                 | \$702           |
| Library Resources           | \$280       | 3                 | \$840           |
| <i>Administration</i>       |             |                   |                 |
| Plan Administration         | \$545       | 3                 | \$1635          |
| <b>TOTAL PAYABLE</b>        |             |                   | <b>\$12,327</b> |

AMENDMENT                      Councillor Webb/White

That:

1. the report by the Senior Town Planner on Development Application 0131/2014 Proposed Six (6) Lot Residential Torrens Title Subdivision at Lots 214, 215 and 253 DP 755434, 83 Adams Lead Road Gulgong be received;

2. the variation of the minimum lot size by 10% for proposed Lot 1 be supported in the proposed plan of subdivision of Lots 214, 215 and 253 DP 755434, 83 Adams Lead Road Gulgong:
3. Council approve Development Application 0131/2014 for the six (6) lot residential Torrens Title subdivision at Lots 214, 215 and 253 DP 755434, 83 Adams Lead Road subject to the following conditions:

#### APPROVED PLANS

1. Development is to be carried out generally in accordance with stamped plans Job No 1468MU and the Application received by Council on 10 October 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 CONSTRUCTION CERTIFICATE

2. Detailed engineering design plans (DWG and PDF), material samples, test reports and specifications is to be prepared in accordance with Council's DCP and the conditions of this development consent. The engineering design is to be submitted to and approved by Council prior to the issue of a Construction Certificate.
3. The submission to Council of engineering design plans for any road works shall include pavement and wearing surface investigation and design, sedimentation and erosion control plans, and a detailed construction plan. These plans are to be approved by the Council prior to the issue of a Construction Certificate.

#### CONSTRUCTION REQUIREMENTS

4. 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.
5. Prior to commencement of works, the submission of three possible street/road names in order of preference, for the proposed new road within the subdivision, are to be submitted to Council for approval.
6. 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).

7. Basic right (BAR) turn treatments as shown in Figure 7.5 of the Austroads Guide to Road Design: Part4A shall be provided in Adams Lead Road at the intersection with the proposed internal road of the subdivision. The widened shoulders are to be sealed and built for

- 100kmph speed environment to provide a reasonable level of safety for traffic turning vehicle on the left hand side;
8. Basic left (BAL) turn treatments as shown in Figure 8.2 of the Austroads Guide to Road Design: Part4A shall be provided in Adams Lead Road at the intersection with the proposed internal road in the subdivision. The BAL facilities will also need to be sealed and built for a 100kmph environment;
  9. Intersection and accesses shall be provided with lay-bys on the departure side for school bus stops.
  10. Give Way Signs are to be installed on the proposed internal road at its the intersection with Adams Lead Road.
  11. 375mm diameter reinforced concrete pipe culvert with headwalls, located outside the clear zone at the intersection of Adams Lead Road and the proposed internal road in the subdivision, having the table drain directed through it.
  12. The developer is to upgrade Adams Lead Road from Castlereagh Highway to the full frontage of the development in accordance with Council's Comprehensive DCP to a Rural Sealed Road and the following minimum specifications:
    - a) formation width 9.0m.
    - b) sealed width 6.0m.
    - c) seal type – 14/7 mm double-double.
    - d) standard cross-section with 3% fall.
    - e) pavement thickness – 150-300 mm.
    - f) pavement material – gridded, rock busted or crushed – depends on material type and availability. Material to be approved by assets prior to placement.
    - g) Minimum compaction:
      - sub base 96% MDD
      - base course 98% MDD
    - h) Erosion and drainage control measures such as cross fall, table drains, mitre drains, and culverts where necessary.
  13. The developer is to construct the proposed internal road in accordance with Council's Policy Road Classifications and Austroads standards to a Rural Sealed Road and the following minimum specifications:
    - a) formation width 9.0m.
    - b) sealed width 6.0m.
    - c) seal type – 14/7 mm double-double.
    - d) standard cross-section with 3%.
    - e) pavement thickness – 150-300 mm.
    - f) pavement material – gridded, rock busted or crushed – depends on material type and availability. Material to be approved by assets prior to placement.
    - g) Minimum compaction:
      - sub base 96% MDD
      - base course 98% MDD



- h) Erosion and drainage control measures such as cross fall, table drains, mitre drains, and culverts where necessary.
14. The construction of an all-weather vehicle access to each lot in the development is required. The accesses from the proposed internal road 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 RMS Supplements. The access shall have the following minimum specifications:
- a) a gate or stock grid (if applicable) set back a minimum distance of fifteen (15) metres from edge of the traffic lane of the public road;
  - b) a minimum 4.0 metre wide compacted gravel driveway, extending from the edge of pavement on the public road to the entrance gate or stock grid;
  - c) 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.
  - d) The access should be sealed a minimum of 10 metres from the edge of the travel lane to minimise mud on through road, match existing road levels and not interfere with road drainage.
  - e) Safe Intersection sight distance (SISD) requirements outlined in the Austroads Guide to Road Design Part 4A and relevant RMS supplements should be provided in both directions at the vehicular access point servicing the proposed lots.
15. The subdivision works are to be inspected by the Council (or an Accredited Certifier on behalf of Council) to monitor compliance with the consent and the relevant standards of construction, encompassing the following stages of construction:
- a) Construction of BAR/BAL treatments
  - b) Road pavement construction
  - c) Installation of vehicle accesses
  - d) Practical Completion
16. 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.
17. Street signs necessitated by the subdivision are to be installed in accordance with Aus-Spec #1 and Council standards.

#### PRIOR TO THE ISSUE OF THE SUBDIVISION CERTIFICATE

18. A linen plan and two (2) copies are to be submitted to Council for approval and endorsement by the General Manager.

NOTE: Council's fee to issue a Subdivision Certificate is set out in Council's fees and charges.

19. Under the Environmental Planning and Assessment Act 1979, a Subdivision Certificate is required before the linen plan of Subdivision can be registered with the Land Titles Office.
20. The developer must provide Council and land purchasers with a site classification for each lot within the subdivision. The classification is to be carried out at a suitable building site on each lot and is to be carried out by a NATA registered laboratory using method (a) of Clause 2.2.3 of AS2870 - 1996. Results are to be submitted to Council prior to issue of the Subdivision Certificate.
21. If the Subdivision Certificate is not issued in the financial year that the Development Consent was issued, then the charges and contributions contained in this consent, may be increased to the current rate at the time of payment.
22. Prior to the issue of a Subdivision Certificate:
  - a) all contributions must be paid to Council and all works required by the consent be completed in accordance with the consent, or
  - b) an agreement be made between the developer and Council;
    - i) as to the security to be given to Council that the works will be completed or the contribution paid, and
    - ii) as to when the work will be completed or the contribution paid.
23. Prior to issue of the Subdivision Certificate, Council is to be supplied with:
  - a) A certificate from an energy provider indicating that satisfactory arrangements have been made for provision of underground electricity supply to the subdivision.
  - b) A certificate from a communication provider indicating that satisfactory arrangements have been made for provision of telephone services to the subdivision.
24. 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 Contribution Plan, a contribution shall be paid to Council in accordance with this condition for the purpose of:

| <i>Transport Management</i> | <i>Rate</i> | <i>No of Lots</i> | <i>Total</i> |
|-----------------------------|-------------|-------------------|--------------|
| Traffic Management          | \$626       | 3                 | \$1,878      |
| <i>Open Space</i>           |             |                   |              |
| Local Open Space            | N/A         | N/A               | N/A          |
| District Open Space         | \$2,424     | 3                 | \$7,272      |
| <i>Community Facilities</i> |             |                   |              |
| Library Buildings           | \$234       | 3                 | \$702        |
| Library Resources           | \$280       | 3                 | \$840        |
| <i>Administration</i>       |             |                   |              |
| Plan Administration         | \$545       | 3                 | \$1635       |
| TOTAL PAYABLE               |             |                   | \$12,327     |

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

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

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 Shelley         | ✓           |              |
| Cr Thompson        |             | ✓            |
| Cr Walker          | ✓           |              |
| Cr Webb            |             | ✓            |
| Cr White           | ✓           |              |

6.2.2 DA 0226/2014 – PROPOSED MULTI DWELLING HOUSING DEVELOPMENT ( 4 UNITS) LOT 3 DP 1171264, 1 WILBETREE STREET GULGONG

GOV400038, DA0226/2014

69/14

**MOTION: Webb / Cavalier**

**That:**

1. the report by the Senior Town Planner on Development Application 0226/2014 Proposed four (4) Multi Dwelling Housing and Subdivision development, Lot 3 DP 1171264, Wilbetree Street Gulgong be received;
2. the variation of the minimum lot size for proposed Lots 31, 32, 33 and 34 be supported in the proposed plan of subdivision of Lot 3 DP 1171264, Wilbetree Street Gulgong;
3. Council approve Development Application 0226/2014 Proposed four (4) Multi Dwelling Housing and Subdivision development, Lot 3 DP 1171264, Wilbetree Street Gulgong subject to the following conditions:

**APPROVED DEVELOPMENT**

1. Development is to be carried out generally in accordance with stamped plans (Project No. 1.1, dated 30/09/2013, drawing No.s 01

– 08) prepared by Newall Homes 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.

#### **AMENDMENT**

2. A front fence is to be provided to the development. The fence is to be no higher than 1.2 metres and is to be generally of an open construction composed of timber and wire construction. Details are to be provided with the Construction Certificate.

#### **PRIOR TO ISSUE OF CONSTRUCTION CERTIFICATE**

3. The developer shall obtain a *Certificate of Compliance* under the Water Management Act. This will require:
  - (a) Payment of a contribution for water and sewerage headworks at the following rate:

|                    |             |
|--------------------|-------------|
| Water Headworks    | \$12,049.00 |
| Sewerage Headworks | \$ 7,154.00 |
| Total Payable      | \$19,203.00 |
  - (b) The adjustment of existing services or installation of new services and meters, as required, in compliance with Australian Standard 3500: National Plumbing and Drainage Code. All costs associated with this work shall be borne by the developer.

#### **BUILDING CONSTRUCTION**

4. 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.
5. The selected plumber/drainer must provide Council with a drainage diagram detailing the location of the drainage system and the relevant connections.
6. All plumbing and drainage inspections must be carried out by Council prior to the covering of any trenches or wall/ceiling linings.
7. All building work must comply with the requirements of the National Construction Code 2013, together with the relevant Australian Standards and also the Environmental Planning and Assessment Act, 1979, as amended, and Regulations.
8. All mandatory inspections required by the Environmental Planning and Assessment Act and any other inspections deemed

necessary by the Principal Certifying Authority being carried out during the relevant stages of construction.

9. Construction work noise that is audible at other premises is to be restricted to the following times.
  - Monday to Friday -- 7.00am to 6.00pm
  - Saturday -- 8.00am to 1.00pm
  - No construction work is permitted on Sundays and Public Holidays.
10. The site must be provided with a waste enclosure (minimum 1800mm x 1800mm x 1200mm high) that has a lid or secure covering for the duration of the construction works to ensure that all wastes are contained on site. The enclosure is to be emptied periodically to reduce the potential for rubbish to be blown from the site.

The Council encourages the separation and recycling of suitable materials.

11. During construction temporary toilet facilities are to be provided at or in the vicinity of the nominated work site and for this purpose provide either a standard flushing toilet or an approved sewage management facility.
12. A sign must be erected in a prominent position on any work site on which the erection of a building is being carried out;
  - stating that unauthorised entry to the work site is prohibited, and
  - 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.
13. The strength of the concrete used for the reinforced concrete floor slab must be 25MPa (N25)
14. With the exception of work where there is in force an exemption under clause 187 or 188 of the Environmental Planning & Assessment Act 1979 all building work that involves residential building work for which the Home Building Act 1989 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.

No work is to commence until a copy of a Home Owners Warranty or Owner/Builders Permit have been submitted to Council.

15. All stormwater is to discharge to the street water table by the use of non-flexible kerb adapters. Alternatively, stormwater can connect to the inter allotment drainage system if it is available.

16. Erosion and sediment control measures being implemented prior to the commencement of works and must be maintained during the period of construction to prevent sediment and other debris escaping from the site. Controls are not to be removed until the site is stable with all bare areas supporting an established vegetative cover.
17. Prior to the commencement of any construction works, Council is to give at least 2 days notice of the date intended for commencement of building works, in accordance with Section 81A(2)(c) of the EP&A Act.
18. Adequate yard drainage together with appropriately sized sumps must be provided for the collection and disposal of ground surface waters to prevent a nuisance from these waters being caused to the property and/or adjoining properties. The disposal of ground surface waters must discharge to the street gutter or interallotment drainage easement. The ground water drainage system must be separate to the roof water drainage system. Full details must be submitted with the Construction Certificate application.
19. A Registered Surveyors Certificate showing the boundaries of the site and the proposed buildings plotted there on being submitted to the Principal Certifying Authority prior to the commencement of construction.
20. The requirements of the submitted BASIX Certificates must be installed and/or completed in accordance with the commitments contained in that Certificate. Any alteration to those commitments will require the submission of an amended BASIX Certificate to the Council prior to the commencement of the alteration/s.

#### **PRIOR TO OCCUPATION**

21. Prior to the occupation of a new building, an Occupation Certificate is to be obtained from the Principal Certifying Authority appointed for the erection of the building.
22. Prior to the occupation of the building a written statement must be submitted to the Council confirming the installation/completion of those commitments.

#### **ENGINEERING CONSTRUCTION**

23. An Erosion and Sediment Control Plan for the development is to be prepared and implemented in accordance with the LANDCOM guidelines and requirements as outlined in the latest edition of "Soils and Construction – Managing Urban Stormwater". Points to be considered include, but are not limited to:
  - Saving available topsoil for reuse in the revegetation phase of the subdivision;

- Using erosion control measures to prevent on-site damage;
  - Rehabilitating disturbed areas quickly;
  - Maintenance of erosion and sediment control structures;
24. 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.
25. The subdivision works are to be inspected by the Council (or an Accredited Certifier on behalf of Council) to monitor compliance with the consent and the relevant standards of construction, encompassing the following stages of construction:
- Installation of sediment and erosion control measures
  - Practical Completion
26. The developer is to upgrade the Short Street for the full frontage of the proposed development, such that it has the following characteristics:

| Item                     | Requirement  |
|--------------------------|--|
| Half Road Pavement Width | 4 m  |
| Footpath Width           | N/A  |
| Concrete Footpaths       | N/A  |
| Seal                     | Two-coat flush seal -14/7 mm (Double/ Double) as required                        |
| Kerb & Gutter            | Roll back concrete kerb & gutter   |
| Subsoil Drainage         | Behind kerb if required  |
| Underground Drainage     | Where gutter flow exceeds 2.5m during minor events or adjacent to intersections. |

#### PRIOR TO THE ISSUE OF THE SUBDIVISION CERTIFICATE

27. A linen plan and two (2) copies are to be submitted to Council for approval and endorsement by the General Manager.
28. Following completion of the subdivision works, one full set of work-as-executed plans, on transparent film suitable for reproduction, and an "Autocad compatible" work-as-executed Plan, (in dwg format including pen-map), is to be submitted to Council. 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.
29. 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)**

30. 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: Council's fee to issue a Subdivision Certificate is set out in Council's fees and charges.**

31. Prior to issue of the *Subdivision Certificate*, Council is to be supplied with:
- a) A certificate from the appropriate power authority indicating that satisfactory arrangements have been made for provision of electricity supply to the subdivision.
  - b) A certificate from the appropriate telecommunications authorities indicating that satisfactory arrangements have been made for provision of telephone services to the subdivision.
32. The adjustment of existing services or installation of new services and metres, as required, in compliance with Australian Standard 3500: National Plumbing and Drainage Code. All costs associated with this work shall be borne by the developer.
33. Three metre wide easements, including associated Section 88B Instruments, are to be created in favour of Council over any existing or newly constructed inter-allotment drainage, water, or sewerage reticulation components located within the subject property, or extended through adjoining private properties as a result of this subdivision.
34. 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 the appropriate Council standard drawings including M524-Urban Access, M525-Rural Access, M526-Industrial Access, M594-Kerb & Gutter Layback, as outlined in Councils "Access to Properties Policy".

**Which states;-**

**Inspections - 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 Technical Services Department between 8.00am and 4.30pm Monday to Friday, giving at least twenty four (24) hours notice. Failure to have the work inspected may result in the access being removed and reconstructed at the contractors/owners expense.**



35. The applicant is to provide separate water and sewer reticulation services to each lot.
36. The developer is to extend and meet the full cost of water and sewerage reticulations to service the new lot plus the cost of connecting to existing services. All water and sewerage work is required to be carried out in accordance with the requirements of Mid-Western Regional Council (as the Water Supply Authority under the Local Government Act, 1993) and in accordance with the National Specification – Water & Sewerage Codes of Australia.
37. 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 \$1,650.00 per lot to cover the cost of installing both the service and a 20mm meter on the water main.

Note: Council does not permit other bodies to insert new junctions into 'live' water mains.

38. The developer is to provide a sewer junction for each lot in the subdivision. This can be achieved by making a payment to Council of \$1,425.00 per new junction to cover the cost of Council installing a junction in an existing main.

Note: Council does not permit other bodies to insert new junctions into "live" sewer mains.

39. 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:

**Catchment 3 – No. Additional Lot/s - 3**

| <b>Program</b>              | <b>Total \$</b>    |
|-----------------------------|--------------------|
| <i>Transport Management</i> |                    |
| Traffic Management          | \$1,881.00         |
| <i>Open Space</i>           |                    |
| Local Open Space            | \$5,358.00         |
| District Open Space         | \$7,271.00         |
| <i>Community Facilities</i> |                    |
| Library Buildings           | \$ 702.00          |
| Library Resources           | \$ 841.00          |
| <i>Administration</i>       |                    |
| Plan Administration         | \$1,635.00         |
| <b>TOTAL PAYABLE</b>        | <b>\$17,688.00</b> |

**GENERAL CONDITIONS RELATING TO THE DEVELOPMENT**

40. A 1.8 metre high timber 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.
41. A 1.8 metre high timber fence or landscaping screen is to be provided between the private open space areas of the units, prior to occupation of the development.
42. Outdoor drying facilities and letterboxes are to be provided for each unit prior to occupation.
43. Switchboards for gas, electricity, etc., must not be attached to the front or street facing elevations of the buildings.
44. 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.

The motion was carried with Councillors voting unanimously.

6.2.3 PLANNING PROPOSAL DWELLING ENTITLEMENT LOTS 28 &  
29 DP 755414 BOTOBOLAR – CONSIDERATION OF  
SUBMISSIONS

GOV400038, A0420258

70/14

**MOTION: Webb / Cavalier**

**That:**

1. the report by the Manager Strategic Planning on the Planning Proposal Dwelling Entitlement Lots 28 & 29 DP 755414 Botobolar – Consideration of Submissions be received;
2. Council exercise the delegation in relation to the preparation of the amendment to Local Environmental Plan 2012 to consolidate lots 28 & 29 DP 755414 and permit a dwelling house in association with intensive plant agriculture and that the plan be made subject to the Opinion issued by Parliamentary Counsel.

*The motion was carried with Councillors voting unanimously.*

6.2.4 UPDATE – STRATEGIC PLANNING PROGRAM

GOV400038, A0100056 A0420109

71/14

**MOTION: Cavalier / Shelley**

**That:**

1. the report by the Director, Development and Community Services on the Update – Strategic Planning Program be received;

2. **the amended Strategic Planning Program as attached to this report be adopted.**

*The motion was carried with Councillors voting unanimously.*

#### 6.2.5 MONTHLY BUDGET REVIEW FOR JANUARY 2014

GOV400029, A0100056, FIN300062

**72/14 MOTION: Cavalier / White**

**That the report by the Manager Financial Planning on the Monthly Budget Review for January 2014 be received.**

*The motion was carried with Councillors voting unanimously.*

#### 6.2.6 FINANCIAL ASSISTANCE APPLICATIONS

GOV400038, A0100056, A0140201

**73/14 MOTION: Shelley / Walker**

**That:**

1. **the report by the Financial Accountant 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, with the funding from the general financial assistance vote:**

|   |                |
|---|----------------|
| <b>Botobolar Community Committee</b>        | <b>\$500</b>   |
| <b>Painters@Mudgee</b>                      | <b>\$39</b>    |
| <b>Mudgee PCYC</b>                          | <b>\$1,000</b> |
| <b>Prince of Wales Eisteddfod Committee</b> | <b>\$500</b>   |

3. **Council provide financial assistance to the Gulgong Prince Of Wales Eisteddfod Committee to the amount of \$1,300 to be funded from the following Councillor's discretionary funds:**

|                    |              |
|--------------------|--------------|
| <b>Cr Thompson</b> | <b>\$300</b> |
| <b>Cr Webb</b>     | <b>\$500</b> |
| <b>Cr Cavalier</b> | <b>\$500</b> |

4. **Council provide financial assistance to the following organisations to be funded from from Councillor Cavalier's discretionary fund:**

|   |               |
|---|---------------|
| <b>Mudgee Wolves Football Club</b>                | <b>\$200</b>  |
| <b>Gulgong Show Society for the Gulgong Rodeo</b> | <b>\$200.</b> |

*The motion was carried with Councillors voting unanimously.*

## 6.2.7 WRITE OFF OF DEBTS 1 JULY 2013 TO 20 FEBRUARY 2014

GOV400038, A0140197 A0340005

74/14

**MOTION: Walker / Cavalier****That:**

1. the report by the Revenue & Property Manager on the Write Off of Debts 1 July 2013 to 20 February 2014 be received;
2. Council note the write offs totalling \$1,467.06 (being \$885.54 of unable to collect funds and \$581.52 of hardship grants) made under delegated authority for the period 1 July 2013 to 20 February 2014 and;
3. Council authorise the write off of those debts greater than \$2,500 as follows:

|  |                    |
|--|--------------------|
| Cardinal Project Services Pty Ltd          | \$3,141.94         |
| Gulfoyle Wreckers (NSW) Pty Ltd            | \$3,806.57         |
| CCA Projects Receiver & Managers Appointed | \$5,582.48         |
| <b>TOTAL:</b>                              | <b>\$12,531.00</b> |

*The motion was carried with Councillors voting unanimously.*

## 6.2.8 POLICY REVIEW – CATEGORISATION AS RESIDENTIAL FOR RATING PURPOSES POLICY &amp; HARDSHIP PROVISION – RATES &amp; CHARGES POLICY

GOV400038, A0340048

75/14

**MOTION: Cavalier / Thompson****That:**

1. the report by the Revenue & Property Manager on the Policy Review – Categorisation As Residential For Rating Purposes Policy & Hardship Provision – Rates & Charges Policy be received;
2. Council adopt the revised Categorisation As Residential For Rating Purposes Policy and the Hardship Provision – Rates and Charges Policy.

*The motion was carried with Councillors voting unanimously.*

## 6.2.9 INQUIRY INTO REGIONAL AVIATION SERVICES

GOV400038, TRA300007

76/14

**MOTION: Shelley / Cavalier****That:**

1. **the report by the General Manager on the Inquiry into Regional Aviation Services be received;**
2. **Council endorse the submission as amended for the Inquiry into the Regional Aviation Services.**

*The motion was carried with Councillors voting unanimously.*

## 6.2.10 STREET BANNER USAGE

GOV400038, A0400016

77/14

**MOTION: Shelley / White****That:**

1. **the report by the General Manager on the use of street banners be received;**
2. **Council adopt the attached policy as amended on street banner usage.**

*The motion was carried with Councillors voting unanimously.*

Councillor White declared a non-pecuniary conflict of interest in Item 6.2.11 in that she works in the tourism industry, left the meeting at 6.10pm and did not participate in discussions or vote in relation to this matter.

## 6.2.11 MUDGEE REGION TOURISM INC: DEC 2013

GOV400038, F0770077

78/14

**MOTION: Shelley / Cavalier****That the report by the General Manager on the Mudgee Region Tourism Inc: Dec 2013 be received.**

*The motion was carried with the Councillors present voting unanimously.*

Councillor White returned to the meeting at 6.11 pm.

6.2.12 T101314HUN SINGLE SOURCE SUPPLY OF CATEGORY 1:  
DUCTILE IRON CEMENT LINED PIPE, CATEGORY 2: WATER  
& SEWER FITTING AND CATEGORY 3: VALVES

GOV400038, GOR500017

**79/14 MOTION: Cavalier / White**

**That:**

1. the report by the Procurement Manager on the tender T101314HUN Single Source Supply Of Category 1: Ductile Iron Cement Lined Pipe, Category 2: Water & Sewer Fitting And Category 3: Valves be received;
2. Category 1 – Ductile Iron Cement Lined (DACL) Pipes  
That Iplex Pipelines Australia Pty Ltd be awarded this Category as the Single Source supplier to participating Hunter member councils for the period 6/03/2014 to 31/12/2015, and that a provision be allowed for a 12 month extension based on satisfactory supplier performance which may take this contract through to 31/12/2016;
3. Category 2 – Water and Sewer Fittings  
Cadia Group be awarded this Category as the Single Source supplier to participating Hunter member councils for the period 06/03/2014 to 31/12/2015, and that a provision be allowed for a 12 month extension based on satisfactory supplier performance which may take this contract through to 31/12/2016;
4. Category 3 – Valves  
Cadia Group be awarded this Category as the Single Source supplier to participating Hunter member councils for the period 06/03/2014 to 31/12/2015, and that a provision be allowed for a 12 month extension based on satisfactory supplier performance which may take this contract through to 31/12/2016.

*The motion was carried with Councillors voting unanimously.*

6.2.13 REVIEW OF DELEGATIONS TO GENERAL MANAGER

GOV400038, A0230005

**80/14 MOTION: Shelley / Cavalier**

**That:**

1. the report by the Manager Governance on the Review of Delegations to General Manager be received;
2. the revised delegations as shown on the attached documents be adopted.

*The motion was carried with Councillors voting unanimously.*

Councillor Kennedy declared a pecuniary conflict of interest in Item 6.2.14 that his business provides services to the Day on the Green event considered by the Local Traffic Committee, vacated the Chair and left the meeting at 6.11pm and did not participate in discussions or vote in relation to this matter. In his absence Councillor Cavalier assumed the Chair.

6.2.14 LOCAL TRAFFIC COMMITTEE MINUTES – 11 FEBRUARY  
2014

GOV400038, A0100009

81/14

**MOTION: Shelley / Walker**

**That:**

1. **the report by the General Manager on the Local Traffic Committee Minutes – 11 February 2014 be received;**
2. **Council write to ADA Cottages advising that Council will make an application to Essential Energy requesting installation of street lighting along Angus Avenue for the frontage of their premises but Council requires confirmation from ADA Cottages that they will contribute 50% of the cost of the street light and installation.**
3. **Council install “No Parking” signs either side of the Mudgee High School bus driveway on Denison Street.**
4. **Council install “No Parking” signs either side of the driveway to Pioneer House in Gladstone Street.**
5.
  - a) **the “Give Way” sign at the intersection of Putta Bucca Road and Henry Lawson Drive remain unchanged; and**
  - b) **Council implement line marking at this location in accordance with the RMS delineation manual.**
6.
  - a) **Council note the current signage on Ulan Road has been inspected by Council officers and was found to be well positioned and visible; and**
  - b) **Council check that speed regulation repeater signs are positioned every kilometre in accordance with NSW Speed Zone Guidelines.**
7. **Council note the concerns raised by the individuals in regard to the car sales lot on the corner of Horatio and Lewis Streets Mudgee but takes no further action at this time.**
8. **the event – “A Day on the Green” at Robert Oatley Vineyard, 8 March 2014” – be classified as a Class 2 Event under the “Guide to Traffic and Transport Management for Special Events Version 3.4” and proceeds with the following conditions:**
  - a. **A Special Events Transport Management Plan (TMP), is to be prepared in accordance with the Guide to Traffic and Transport Management for Special Events Version 3.4 and submitted to and approved by Council prior to the event;**

- b. Events are to be undertaken in accordance with the requirements of the NSW Police Force with their approval documentation forwarded to Council for notation;
  - c. Controlling noise as required by the Protection of The Environment Operations (Noise Control) Regulation 2000;
  - d. Reimbursing Council for the cost of damage repairs;
  - e. Complying with Council's Law Enforcement Officers' reasonable directives;
  - f. Maintain areas in a clean and tidy condition. No obstructions are to be left on the roadways or footpaths;
  - g. A Traffic Control Plan (TCP), certified by a person with a "Worksite Traffic Control Certificate" be included in the TMP;
  - h. Any person directing traffic on a public road is required to possess an appropriate traffic controller's certificate;
  - i. Council must be provided with a current copy of a public liability insurance policy in the amount of at least \$20 million. Such a policy is to note that Mid-Western Regional Council, NSW Police Force and RMS are indemnified against any possible action as the result of the event;
  - j. The event convener is to notify all affected businesses and residents adjacent to the proposed closure indicating the period during which their accesses will be affected. Such notification is to be in writing;
  - k. Maintain a four-metre wide emergency vehicle lane;
  - l. Advertise the proposed event in local newspapers with relevant information at least 2 weeks prior to the date;
  - m. The organiser is to have a debrief with Council and Police with all traffic control documentation and controls tabled for review; and
  - n. The event organiser apply to the RMS for a direction to restrict the speed limit as proposed.
9. the event – '2014 Henry Lawson Pilgrimage Drive' – be classified as a Class 2 Event under the "Guide to Traffic and Transport Management for Special Events Version 3.4" and proceeds with the following conditions:
- a. A Special Events Transport Management Plan (TMP), is to be prepared in accordance with the Guide to Traffic and Transport Management for Special Events Version 3.3 and submitted to and approved by Council prior to the event;
  - b. Events are to be undertaken in accordance with the requirements of the NSW Police Force with their approval documentation forwarded to Council for notation;
  - c. Controlling noise as required by the Protection of The Environment Operations (Noise Control) Regulation 2000;
  - d. Reimbursing Council for the cost of damage repairs;
  - e. Complying with any of Council's Law Enforcement Officers' reasonable directives;
  - f. Maintain areas in a clean and tidy condition. No obstructions are to be left on the roadways or footpaths;



- g. the qualification of the person creating the Traffic Control Plan must be at a minimum a holder of the Select and Modify Certificate or the Design and Audit Certificate;
- h. Any person directing traffic on a public road is required to possess an appropriate traffic controller's certificate;
- i. Council must be provided with a current copy of a public liability insurance policy in the amount of at least \$20 million. Such a policy is to note that Mid-Western Regional Council, NSW Police Force and RMS are indemnified against any possible action as the result of the event;
- j. The event convener is to consult with all affected businesses and residents adjacent to the proposed closure, in writing, indicating the period during which their accesses will be affected;
- k. Maintain a four-metre wide emergency vehicle lane;
- l. Advertise the proposed event in local newspapers with relevant information at least two weeks prior to the date; and
- m. The organiser is to have a debrief with Council and Police with all traffic control documentation and controls tables for review.

*The motion was carried with the Councillors present voting unanimously.*

Councillor Kennedy returned to the meeting at 6.12pm and resumed the Chair.

#### 6.2.15 MUDGEES SHOWGROUND MANAGEMENT COMMITTEE

GOV400038, F0650007

MOTION: Webb / White

That:

1. The report by the Director, Mid-Western Operations on the Mudgee Showground Management Committee be received;
2. Council adopts the following camping fees at the Mudgee Showgrounds at
  - a. \$24.00 including GST for a Powered Site; and
  - b. \$17.00 including GST for a Non-Powered Site;
3. These changed fees be placed on public exhibition for a period of 28 days and if no submissions are received the fees be implemented immediately.

82/14

**AMENDMENT: Shelley / Cavalier**

**That the report by the Director, Mid-Western Operations on the Mudgee Showground Management Committee be received.**

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

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

### 6.2.16 MUDGEES SPORTS COUNCIL

GOV400038, A0100056, A0100013

**83/14 MOTION: Shelley / Webb**

**That:**

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

*The motion was carried with Councillors voting unanimously.*

### **Item 7: Urgent Business Without Notice**

There was no Urgent Business Without Notice

### **Item 8: Confidential Session**

**84/14 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 Manager Governance announced that the following matters would be considered in confidential session and the reason why they were being dealt with in this way.

**Subject: Code of Conduct Review**

***The reason for dealing with this report 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 the public interest as it could adversely impact on Council's investigative functions.***

**Subject: Glencore Coal Rates Matter**

***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. As the matters referred to in this report are still before the Court, discussion of this matter in an open meeting would be, on balance, contrary to the public interest as it might prejudice Council's legal position.***

Following an enquiry from the Mayor, the Manager Governance advised that there were no written representations in respect of these matters and that no person in the gallery wished to make verbal representations.

*The motion was carried with Councillors voting unanimously.*

Councillor Shelley declared a non-pecuniary conflict of interest in Item 8.1.1 as he was involved in the Code of Conduct Review, and left the meeting at 6.25pm and did not participate in discussions or vote in relation to this matter.

Councillor Thompson declared a non-pecuniary conflict of interest in Item 8.1.1 as he was involved in the Code of Conduct Review, made a brief statement to Council and then left the meeting at 6.25pm and did not participate in further discussions or vote in relation to this matter.

A written apology from Councillor Shelley was tabled.

8.1.1 Code of Conduct Review

GOV400038, GOV400039, GOV400040

85/14

**MOTION: Cavalier / Walker**

**That:**

1. **the report by the General Manager on the Code of Conduct Review be received;**
2. **Council acknowledges and accepts the written apology to the elected Council by Councillor Peter Shelley for his conduct at the Council meeting on 4 December 2013;**
3. **Councillor Thompson is required to provide a written apology to the elected Council for his conduct at the Council meeting on 4 December 2013;**
4. **Councillors Shelley and Thompson be advised that their conduct at the meeting on 4 December 2013 could be construed as misconduct within the provisions of Section 440F of the Local**

**Government Act 1993 and any repetition. may lead to Council proceeding with a formal censure pursuant to Section 440G.**

*The motion was carried with Councillors voting unanimously.*

Councillors Shelley and Thompson returned to the meeting at 6.29pm.

8.1.2 Glencore Coal Rates Matter

GOV400038, A0340048

86/14

**MOTION: Cavalier / Walker**

**That:**

1. **the report by the General Manager on the Glencore Coal Rates Matter be received;**
2. **Council agree to negotiate with Ulan Coal Mines Pty Limited (owned by Glencore Xstrata) for the costs associated with the appeal of the rates categorisation case that Ulan Coal Mines Pty Limited took against Council in the Land and Environment Court up to the value of \$350,000 (including GST if any), and that the Mayor and the General Manager have delegated authority to finalise the negotiations and affix the common seal to any documentation required; and**
3. **Council fund this cost from the Community Plan Reserve Fund, and the 2013/14 Operational Plan and Budget be amended accordingly;**
4. **Council authorise the write off of the line marking debt totaling \$33,000 inclusive of GST to Ulan Coal Mines Pty Ltd.**

*The motion was carried with Councillors voting unanimously.*

**Item 9: Open Council**

87/14

**MOTION: Shelley / Cavalier**

**That the Council move to Open Council.**

*The motion was carried with Councillors voting unanimously.*

The Manager Governance announced the decisions taken in Confidential Session.

**Closure**

There being no further business the meeting concluded at 6.32pm.