

Minutes of the Ordinary Meeting of Council

Held at the Council Chambers, 86 Market Street, Mudgee
on Wednesday 18 December 2013, commencing at 5.55pm and concluding at 7.36pm

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

IN ATTENDANCE General Manager (WL Bennett), Director Mid-Western Operations (B Cam),
Director Development and Community Services (C Van Laeren), Senior
Town Planner (E Stoneman), Manager Governance (I Roberts), Corporate
Communications Officer (P Goldsmith).

MEDIA REPRESENTATIVES Mudgee Guardian / The Weekly (R Murray), Radio 2MG (M Heldon).

Item 1: Apologies

There were no apologies.

Item 2: Disclosure of Interest

Councillor Kennedy declared a non-pecuniary conflict of interest in Item 6.2.4 as he is an adjoining landowner and is undertaking a similar development.

Item 3: Confirmation of Minutes

508/13 MOTION: Cavalier / Webb

That the Minutes of the Ordinary Meeting held on 4 December 2013 (Minute Nos. 485/13 to 507/13) be taken as read and confirmed.

The motion was put and carried.

Item 4: Matters in Progress

Purchase of Medical Centre, Gulgong

509/13 MOTION: Shelley / Cavalier

That Minute no. 327/13 be noted as completed.

The motion was put and carried.

Item 5: Mayoral Minutes

There was no Mayoral Minute.

Item 6: General Business

6.1 NOTICES OF MOTION

6.1.1 RECORDING AND WEBCASTING OF ALL COUNCIL MEETINGS

GOV400022, A0100035

MOTION: White / Shelley

That MWRC as a matter of urgency establishes the recording and webcasting of all Ordinary and Extraordinary meetings held in the Council Chamber excluding those parts of the meeting which are held in (in Confidential Session or those parts of the meeting closed to the public as provided by Section 10A of the Local Government Act 1993, and that the introduction of this procedure becomes an additional item in the MWRC Code of Meeting Practice (Clause 44 Acts of Disorder). Given the deterioration of behaviour at recent meetings, the introduction of recordings may give rise to an improvement in the conduct of councillors.

The motion was withdrawn.

MOTION: Cavalier / Walker

That:

1. Council agree in principle to record and webcast live Council meetings held in the Council Chambers, excluding those parts of the meeting closed to the public as provided by Section 10A of the Local Government Act 1993;
2. The introduction of this procedure become an additional item in the MWRC Code of Meeting Practice;
3. Council staff prepare a report with recommendations to Council outlining all options available to update the Council Chambers with modern technology to enable this procedure to be undertaken along with other complementary technologies including the full use of the NBN when and if available.

AMENDMENT: Thompson / Webb

That all Council meeting including Closed Sessions be recorded.

The amendment was put and lost. The motion was put and lost.

6.1.2 2014 GULGONG FOLK FESTIVAL

GOV400022, A0100035

510/13 MOTION: Thompson / Martens**That Council donate \$2,000.00 to the 2013 Gulgong Folk Festival.****AMENDMENT: Shelley / Webb****That this funding request for the 2014 Gulgong Folk Festival be considered in the 2014-15 budget.***The amendment was put and lost. The motion was put and carried.*

6.2 REPORTS TO COUNCIL

6.2.1 DA0168/2014 – MULTI DWELLING HOUSING: 8 X DWELLING UNITS, 32 HORATIO STREET MUDGEES, LOT 3 DP 618712

GOV400029, DA0168/2014, P12320

511/13 MOTION: Cavalier / Weatherley**That:**

- 1. the report by the Environmental Town Planner on the DA0168/2014 – Multi Dwelling Housing: 8 x Dwelling Units, 32 Horatio Street Mudgees, Lot 3 DP 618712 be received;**
- 2. DA 0168/2014 – Multi Dwelling Housing: 8 x Dwelling Units, 32 Horatio Street Mudgees, Lot 3 DP 618712 be approved subject to the following conditions:**

APPROVED PLANS

- 1. Development is to be carried out generally in accordance with stamped plans and the Application received by Council on 12 November 2013 except as varied by the conditions listed herein. Any minor modification to the approved plans will require the lodgement and consideration by Council of amended plans. Major modifications will require the lodgement of a new development application;**

ROADS AND MARITIME SERVICES

- 2. The development must be undertaken in accordance with the requirements and considerations of the Roads and Maritime Services as outlined in their letter dated 4 December 2013, Ref WST13/00147;**

PRIOR TO THE ISSUE OF CONSTRUCTION CERTIFICATE**CONTRIBUTIONS**

3. In accordance with the provisions of section 94A of the Environmental Planning and Assessment Act 1979 and the Mid-Western Regional Council Section 94A Development Contributions Plan, a levy of 1% of the cost of carrying out the development shall be paid to Council in accordance with this condition for the purpose of:
 - Traffic Management, Road Works, Open Space, Community Facilities and Plan Administration.
 - The levy is: \$13,130 based on the estimated cost of development of \$1,313,000
4. 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	\$30,821
Sewerage Headworks	\$25,492
Total Payable	\$56,313
 - 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;
5. A cultural survey of the site is required to be undertaken by a suitably qualified professional. In the event that any aboriginal artefacts or sites are found on the site, the applicant must apply to the NSW Department of Environment and Heritage for an Aboriginal Heritage Impact permit to disturb or destroy the artefacts or sites;
6. A contamination investigation of the site is required to be undertaken by a suitably qualified professional. In the event that contamination is identified on site, the site must be remediated in accordance with a remediation action plan prepared by the same professional and validated accordingly prior to the commencement of construction works on site;
7. Prior to release of the Construction Certificate, approval pursuant to Section 68 of the Local Government Act, 1993 to carry out water supply, stormwater and sewerage works is to be obtained from Mid-Western Regional Council;
8. Engineering plans of any mains extensions are to be submitted to and approved by Council prior to the issue of a Construction Certificate;

9. A detailed engineering design supported by plans, and an "Autocad compatible" Plan, (in dwg format including pen-map), material samples, test reports and specifications is to be prepared in accordance with AUS-SPEC #1 (as modified by Mid Western Regional Council) and the conditions of this development consent. The engineering design is to be submitted to and approved by Council or an Accredited Certifier prior to the issue of a Construction Certificate;
10. All finished surface levels shall be shown on the plans submitted for the Construction Certificate. Where it is proposed to import fill, the material 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;
11. Where the development requires access to private land, the developer shall provide Council with documentary evidence that an agreement has been entered into with the landholder prior to issue of a Construction Certificate. If utilities are to be located within the private land, the agreement shall clearly state that an easement of a specified width is to be created in accordance these consent conditions;
12. Engineering design of stormwater system is to be submitted and approved by Council prior to the issue of a Construction Certificate. Such design is to demonstrate that stormwater runoff from the site is not increased beyond the existing undeveloped state up to and including a 1.5-year ARI. All stormwater detention details shall be included with the Engineering plans;
13. The developer is to upgrade Denison Lane for the full width of the road from Horatio Street to the northern boundary of the development site. The upgrade is to include stormwater drainage and details are to be submitted to council for approval with the Engineering Construction Certificate;

BUILDING

14. Prior to commencing any construction works, the following provisions of the Environmental Planning and Assessment Act 1979 (the 'Act') are to be complied with;
 - a) A Construction Certificate is to be obtained in accordance with Section 81A(2)(a) of the Act.
 - b) A Principal Certifying Authority is to be appointed and Council is to be notified of the appointment in accordance with Section 81A(2)(b) of the Act and form 7 of schedule 1 to the Regulations.
 - c) Council is to be given at least two days notice of the date intended for commencement of building works, in

accordance with Section 81A(2)(c) of the Act and Form 7 of Schedule 1 to the Regulations;

15. The site shall be provided with a waste enclosure (minimum 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;
16. Toilet facilities are to be provided, at or in the vicinity of the site on which work is being carried out, at the rate of one toilet for every 20 persons employed at the site. Each toilet provided;
 - a) must be a standard flushing toilet, and
 - b) must be connected:
 - i) to a public sewer, or
 - ii) if connection to a public sewer is not practicable, to an accredited sewage management facility approved by Council;
17. 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 unauthorized 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;
18. 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;
19. If the work involved in the erection/demolition of the building;
 - a) is likely to cause pedestrian or vehicular traffic in a public place to be obstructed or rendered inconvenient, or
 - 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;
20. 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 noise is permitted on Sundays or Public Holidays;

- 21. All building work must be carried out in accordance with the provisions of the Building Code of Australia, the Environmental Planning & Assessment Act 1979 and Regulations and the relevant Australian Standards;**
- 22. The placing of building materials or the carrying out of building operations upon or from Council's footway or roadway is prohibited unless prior consent in writing is obtained from Council;**
- 23. 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;**
- 24. On completion of the building, the applicant/builder is to provide a written statement confirming that the requirements of the approved BASIX Certificate have been completed in accordance with those requirements;**
- 25. The building shall not be occupied or used until an Occupation Certificate has been issued;**
- 26. All plumbing and drainage work must be carried out by a licensed plumber and drainer and must comply with the requirements of AS 3500 (National Plumbing & Drainage Code) and the NSW Code of Practice - Plumbing & Drainage. The selected plumber/drainer must provide Council with a drainage diagram detailing the location of the drainage system and the relevant connections;**

ENGINEERING CONSTRUCTION

- 27. Interallotment drainage is to be provided to remove stormwater from any lots that cannot discharge to the street in accordance with AusSpec #1;**
- 28. 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;**

29. 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;
30. Onsite water reticulation must be in compliance with the Australian Standards for onsite fire hydrant design AS3500.1 (metering requirements only) and AS2419.1:2005 – Fire Hydrant Installations which provides advice regarding onsite hydrant installation (i.e. not street hydrants) and details the requirements for plumbing installations for hydrant services;
31. The developer is to extend and meet the full cost of water and sewerage reticulations to service the development 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;

Note: Council will undertake connection of approved sewerage reticulations to the existing 'live' sewerage system to service lot 171 at full cost to the developer. Upon issue of Construction Certificate, the applicant is advised to submit to Council a request to obtain quotation for the connection works to be undertaken by Council. Any request for quotation shall include a full set of approved construction plans and a proposed schedule of works.

Note: Internal fire fighting reticulation systems must be separately metered at full cost to the developer;

32. All units are to be separately water metered and all water meters are to be installed at the frontage of the development in Horatio Street;
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 dwelling at a suitable location. These should be constructed in accordance with Aus-Spec #1 and the appropriate Council standard drawings. Vehicular entrances shall have the following minimum characteristics:
 - a minimum of 6m width for the entry/Exit;
 - Including 2 passing lanes with a minimum formed width of 2.5m and length of 6m along the driveway;

Note: 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. An additional vehicular entrance comprising kerb laybacks (where roll kerb and gutter does not exist) and concrete footway crossings is to be provided in the upgraded Denison Lane to service the residential property at Lot 2 DP 618712. The layback shall be located as far as practical from the intersection of Horatio Street and Denison Lane (minimum 6 metres from the front property boundary) and allow for a vehicle parked in the garage on Lot 2 DP 618712 to exit the property in a forward direction;**

Note: 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;

- 36. All vehicles are required to enter and leave the site in a forward direction at all times. Signage to this effect is to be appropriately located within the site;**
- 37. Car parking spaces within the site of the development shall comply with the following requirements:**
- Each parking space is to have minimum dimensions of 5.5m x 2.6m;**
 - Each disabled car parking space is to be in accordance with the provisions of Councils Development Control Plan – Design for Accessibility.**
 - All car parking spaces are to be line-marked and provided with a hard standing, all weather compacted gravel surface and must be maintained in a satisfactory condition at all times;**
 - Off street parking is to be encouraged by the placement of prominent signs indicating the available of parking;**
- 38. The aisle widths, internal circulation, ramp widths and grades of the car park are to generally conform to the Roads and Traffic Authority (RTA) guidelines and Australian Standard AS 2890.1 – 1993. Details of compliance are to be shown on the relevant plans and specifications;**

39. All car parking and associated driveway works to be completed prior to occupation of the development;

GENERAL

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. All exterior lighting associated with the development shall be designed and installed so that no obtrusive light will be cast onto any adjoining property or roadways, in accordance with Australian Standard 4282 "Control of the Obtrusive Effects of Outdoor Lighting";
42. 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;
43. A 1.8 metre high screen fence or landscaping screen is to be provided between the private open space areas of the units, prior to occupation of the development;
44. Outdoor drying facilities and letterboxes are to be provided for each unit prior to occupation.
45. Switchboards for gas, electricity, etc., must not be attached to the front or street facing elevations of the buildings;
46. Private open space areas for all units are to be provided with a level surfaces to at least 50% of the open space area;

PRIOR TO OCCUPATION

47. 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;
48. Prior to the occupation of the building a written statement must be submitted to the Council confirming the installation/completion of those commitments;
49. Prior to issue of the Occupation Certificate, Council is to be supplied with:
- a) A certificate from an energy provider indicating that satisfactory arrangements have been made for provision of electricity supply to the development.

- b) A certificate from a communication provider indicating that satisfactory arrangements have been made for provision of telephone services to the development.

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

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

6.2.2 DEVELOPMENT APPLICATION 0155/2014 - PROPOSED DEMOLITION AND REMEDIATION WORKS AND THE TEMPORARY INSTALLATION OF A CONCRETE CRUSHING PLANT AT LOT 3 DP1187085 AND LOT 143 DP755789, JAMISON STREET, (KANDOS CEMENT WORKS) KANDOS
GOV400029, DA0155/2014, P22268

512/13

MOTION: Shelley / Cavalier

That:

1. the report by the Senior Town Planner on the Development Application 0155/2014 Proposed Demolition of Selected Structures, Gutting and Filling of Below Surface Level Voids, Installation of Safety Controls, Removal of Waste, Remediation of Land and the Temporary Installation of a Concrete Crushing Plant at Lot 3 DP1187085 and lot 143 DP755789, Jamison Street Kandos be received;
2. Development Application 0155/2014 for the demolition of selected structures, gutting and filling of below surface level voids, installation of appropriate safety controls, removal of waste, remediation of land and the location of a temporary concrete crushing plant at Lots143 DP755789 and Lot3 DP1187085, Jamison Street Kandos be approved subject the following conditions:

APPROVED PLANS

1. Development is to be carried out generally in accordance with stamped plans Figure 2 Statement of Environmental Effects and the Application received by Council on 30 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.

DEMOLITION WORKS

2. The demolition is to be carried out in accordance with the Australian Standard 2601- 2001 Demolition of Structures, and WorkCover standards.
3. The licensed demolition contractor and/or principal contractor must comply with the following specific requirements in respect of the proposed demolition works:-
 - a) Demolition work is not to be undertaken until:
 - Council has been provided with a copy of the Asbestos Management Plan prepared by a suitable qualified occupational hygienist
 - Council has been provided with a copy of any required Hazardous Substance Management Plan;
 - The licensed demolition contractor and/or principal contractor has inspected the site and is satisfied that all measures are in place to comply with the provisions of such Plan;
 - b) The removal, handling and disposal of any asbestos material (in excess of 10m²) is to be undertaken only by an asbestos removal contractor who holds the appropriate class of Asbestos Licence, issued by WorkCover NSW, and in accordance with the requirements of WorkCover NSW, the Work Health and Safety Act 2011 and Australian Standard 2601-2001
 - c) All asbestos and other hazardous materials are to be appropriately contained and disposed of at a facility holding the appropriate license issued by the NSW Environmental Protection Agency;
 - d) Seven working days notice in writing is to be given to Council prior to the commencement of any demolition works. Such written notice is to include the date demolition will commence and details of the name, address, contact telephone number and licence details (type of licences held and licence numbers) of any asbestos removal contractor and demolition contractor.
4. Any structure proposed to be demolished by explosives is to be decontaminated and a report certifying the removal of asbestos, lead paint and other contaminants is to be submitted to Council prior to the structures demolition.
5. Demolition/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

WASTE DISPOSAL

6. The demolition contractor shall contact Mid-Western Regional Council's Waste team a minimum of two weeks prior to the planned transportation of waste detailing the following:
 - The nature and type of the asbestos contaminated materials proposed to be delivered
 - The anticipated number and time of arrival at the waste facility of trucks per day
 - The transportation requirements and truck decontamination requirements prior to leaving the site
7. If the total amount of asbestos contaminated material proposed to be disposed of at the Mudgee Waste Facility will exceed 350m³ then the applicant or the demolition contractor is to contact the Business Manager Resources and Recreation to negotiate the further disposal of contaminated material prior to removing said material off site.
8. The applicant is to submit to Council a plan showing the location of the sub level areas filled and capped with the GPS details of each site where fill has been placed.
9. Any contaminated soil proposed to be disposed of at the Mudgee Waste Facility is to be decontaminated on site prior to removal to Council's Waste Facility. Council will not accept waste that is not classified as General Solid Waste
10. Council will not accept any recovered underground storage tanks at its waste facilities.
11. All contaminated material is to be disposed of to a licensed waste facility. Evidence of the disposal of material is to be submitted to Council.
12. Should the level of contaminated soil exceed the threshold under the Protection of the Environment Operations Act, an Environmental Protection License shall be obtained from the EPA.

GENERAL

12. The concrete crushing plant is to be removed from the site on the completion of the demolition works and the filling of the sub ground level voids.
13. The material to be used to fill the sub levels shall be certified as free of hazardous materials and contamination by a suitably qualified geotechnical engineer. All sub level areas proposed to be filled are to be compacted in accordance with AS3798-2007

Guidelines on Earthworks for Commercial and Residential Developments.

14. The development site is to be managed for the entirety of work in the following manner:
- 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;
 - Appropriate dust control measures;
 - Building equipment and materials shall be contained wholly within the site unless approval to use the road reserve has been obtained;
 - 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.

BUSHFIRE PREVENTION WORKS

15. Weather conditions are to be considered when using spark producing equipment and plant and is to be limited to times of lower bushfire risk, such as when temperature and wind are low and humidity is high.
16. When welding, grinding or gas cutting activities are being undertaken in the open, an area three (3) metres around the work area is to be cleared and wet down with adequate water or fire extinguishers ready and available for emergency use.

NOTE: BE AWARE THAT VEHICLES DRIVEN INTO GRASS CAN CAUSE FIRES WHEN HEATED AREAS OF THE VEHICLE COME INTO CONTACT WITH DRY GRASS

17. Vehicles are to follow existing tracks and constructed roadways and to park in marked car parks or cleared areas only when practicable.

SECTION 94A CONTRIBUTION

18. In accordance with the provisions of section 94A of the Environmental Planning and Assessment Act 1979 and the Mid-Western Regional Council Section 94A Development Contributions Plan, a levy of 1% of the cost of carrying out the development shall be paid to Council in accordance with this condition:

The levy is: \$60,000.00 based on the estimated cost of development of \$ 6,000,000.00.

19. An historic and photographic record of the buildings located on site is to be prepared and submitted to Council in accordance

with NSW Heritage Office guidelines prior to the commencement of demolition works.

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

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

6.2.3 COUNCIL SUBMISSION TO WESTERN REGION JOINT REGIONAL PLANNING PANEL – BYLONG QUARRY – LOTS 53, 55 AND 66 DP 755420, BYLONG VALLEY WAY, BYLONG GOV400029, A0100056, P2049061

513/13

MOTION: Walker / Cavalier

That:

- 1. the report by the Director, Development and Community Services on the Council Submission to the Western Region JRPP - DA 0330/2012 - Proposed Bylong Quarry, Bylong Valley Way, Bylong owned by Mudgee Dolomite and Lime Pty Limited be received;**
- 2. Council not make any submission on the proposed Bylong Quarry owned by Mudgee Dolomite and Lime Pty Limited to the Western Region JRPP.**

The motion was put and carried.

6.2.4 PLANNING PROPOSAL – EDGELL LANE

GOV400029, A0100056, LAN900039

Councillor Kennedy declared a non-pecuniary conflict of interest as he owns an adjoining property and is undertaking a similar development, vacated the Chair, left the meeting at 6.32pm and did not participate in discussions or vote in relation to this matter. In his absence Councillor Cavalier assumed the Chair.

514/13 MOTION: White / Webb

That:

- 1. the report by the Statutory/Strategic Planner on the Planning Proposal at Lot 4 DP 1174282 Edgell Lane Mudgee be received;**
- 2. The Planning Proposal under Section 55 of the Environmental Planning and Assessment Act 1979 for Edgell Lane Mudgee be refused.**

AMENDMENT: Shelley / Walker

That:

- 1. the report by the Statutory/Strategic Planner on the Planning Proposal at Lot 4 DP 1174282 Edgell Lane Mudgee be received;**
- 2. The Planning Proposal under Section 55 of the Environmental Planning and Assessment Act 1979 for Edgell Lane Mudgee be deferred pending finalisation of the Urban Release Strategy.**

The amendment was put and lost. The motion was put and carried.

Councillor Kennedy returned to the meeting at 6.43pm and resumed the Chair.

6.2.5 DRAFT SECTION 94 PLAN – OPEN SPACE AMENDMENT

GOV400029, A0420128

515/13 MOTION: Thompson / Cavalier

That:

- 1. the report by the Manager Strategic Planning on the Draft Section 94 Plan be received;**
- 2. the Draft Section 94 Contributions Plan be placed on public exhibition for a period of 28 days in accordance with the requirements of the Environmental Planning and Assessment Act, should no submissions be received the Section 94 Plan be amended as outlined in Attachment 1.**

The motion was put and carried.

6.2.6 CRUDINE RIDGE WIND FARM – PREFERRED PROJECT
REPORT

GOV400029, A0420255

516/13 MOTION: Walker / Martens**That:**

- 1. the report by the Director, Development and Community Services on the Crudine Ridge Wind Farm – Preferred Project Report be received;**
- 2. Council make a submission to the Department of Planning as outlined in Attachment 2 to this report objecting to the project on the basis of the proposed traffic routes and the adverse impact on the road network and residents in the Mid-Western Region.**

*The motion was put and carried.*6.2.7 MONTHLY STATEMENT OF BANK BALANCES AND
INVESTMENTS AS AT 30 NOVEMBER 2013

GOV400029, A0100056, A0140304

517/13 MOTION: Shelley / Weatherley**That:**

- 1. the report by the Financial Accountant on the Monthly statement of bank balances and investments as at 30 November 2013 be received;**
- 2. the certification of the Responsible Accounting Officer be noted.**

*The motion was put and carried.*6.2.8 CLASSIFICATION OF LAND – LOT 2 DP 1186687, 22 GEORGE
CAMPBELL DRIVE EURUNDEREE

GOV400029, A0100056, P2239611

518/13 MOTION: Cavalier / Thompson**That:**

- 1. the report by the Revenue & Property Manager on the Classification of Land - Lot 2 DP 1186687, 22 George Campbell Drive, Eurunderree be received;**
- 2. in relation to Lot 2 DP 1186687, the land be classified as Operational.**

The motion was put and carried.

6.2.9 DEBT RECOVERY POLICY REVIEW

GOV400029, A0340048, A0340005

519/13

MOTION: Cavalier / Weatherley**That:**

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

*The motion was put and carried.*6.2.10 NAMING OF NEW ROADS IN THE SUBDIVISION OFF
BATEMAN AVENUE

GOV400029, R0790141

520/13

MOTION: Cavalier / Shelley**That:**

- 1. the report by the Revenue & Property Manager on the Naming of new roads in the subdivision off Bateman Avenue be received;**
- 2. Council formally approve the names of Sawyers Place, Alexander Dawson Court and Wells Court for the new roads in the new subdivision off Bateman Avenue.**

*The motion was put and carried.*6.2.11 BASE DATE 1 JULY 2013 GENERAL REVALUATION
SUMMARY

GOV400029, A0340048, A0340049, A0340003

521/13

MOTION: Webb / Cavalier**That the report by the Revenue & Property Manager on the Base Date 1 July 2013 General Revaluation Summary be received and noted.***The motion was put and carried.*

6.2.12 ANZAC PARK

GOV400029, A0100056, F0650003

522/13

MOTION: Thompson / Cavalier**That:**

- 1. the report by the Business Manager Resources & Recreational on the Anzac Park be received;**

2. **the request by the Gulgong RSL Sub-branch to display their bomb in Anzac Park, Gulgong be approved with all costs to be funded by the Gulgong RSL.**

The motion was put and carried.

6.2.13 INTEGRATED WATER CYCLE MANAGEMENT PROJECT

GOV400029, WAT500049

523/13 MOTION: White / Cavalier

That:

1. **the report by the Business Manager Services on the Integrated Water Cycle Management Project be received;**
2. **Councillors Cavalier and Weatherley be the nominated representatives on the Integrated Water Cycle Management Project Reference Group.**

The motion was put and carried.

6.2.14 MOBILE BIOSOLIDS DEWATERING UNIT

GOV400029, A0100056, 2013/17

524/13 MOTION: Cavalier / Walker

That:

1. **the report by the Business Manager Services on the Mobile Biosolids Dewatering Unit be received;**
2. **Council not accept any of the tenders for the proposed contract;**
3. **Council enter into negotiations with TEMA Engineers Pty Ltd, Green Process Pty Ltd and VoR Environmental Australia Pty Ltd with a view to entering into a contract with one of these tenderers;**
4. **fresh tenders not be invited as all known mobile dewatering companies have submitted tenders and fresh tenders would be unlikely to identify new complying tenderers, technologies or lower tender prices;**
5. **Council negotiate with TEMA Engineers Pty Ltd, Green Process Pty Ltd and VoR Environmental Australia Pty Ltd as these tenderers have received the highest complying tender rankings in the tender assessment process; and,**
6. **a further report be presented to Council upon completion of negotiations for Council to consider and accept a tender.**

The motion was put and carried.

6.2.15 TENDER ASSESSMENT – NOXIOUS WEED SPRAYING (PANEL)

GOV400029, A0100056, COR400049

525/13

MOTION: Cavalier / Martens**That:**

1. **the report by the Financial Accountant on the Tender Assessment – Noxious Weed Spraying (Panel) be received;**
2. **Council accepts the following panel for tender 2013-14 for Noxious Weed Spraying and that Council enter into a contract with the panel in accordance with clause 178 of the Local Government (General) Regulation 2005;**
 - **Small Farm Solutions**
 - **Pilley Contracting Pty Ltd**
 - **Specialised Weed Services Pty Ltd**
 - **SJ Landscape Constructions Pty Ltd**
 - **Toolijooa**
 - **Hunter Land Management**
3. **Council authorises the General Manager to finalise and execute the contract on behalf of Council with the panel for Noxious Weed Spraying 2013-14**
4. **The unsuccessful tenderer(s) be notified that their tenders were unsuccessful.**

The motion was put and carried.

6.2.16 YARRAWONGA RD BRIDGE WIDENING TENDER

GOV400029, COR400055

526/13

MOTION: Thompson / Martens**That:**

1. **the report by the Manager Technical Services on the Yarrowonga Rd Bridge Widening Tender be received;**
2. **Council accepts Central West Civil for tender 2013-19 for the Design and Construction of the Extension to the one lane bridge on Yarrowonga Rd and that Council enter into a contract with Central West Civil in accordance with clause 178 of the Local Government (General) Regulation 2005.**
3. **Council authorises the General Manager to finalise and execute the contract on behalf of Council with Central West Civil for 2013-19 for the Design and Construction of the Extension to the one lane bridge on Yarrowonga Rd for the sum of \$163,064 (excl. GST)**

4. **Council authorises the General Manager to approve variations to this contract of up to 5% from the tendered amount**
5. **The unsuccessful tenderer(s) be notified that their tenders were unsuccessful.**

The motion was put and carried.

6.2.17 TRIAMBLE ROAD

GOV400029, R4008001

527/13 MOTION: Cavalier / Martens

That:

1. **the report by the General Manager on Triamble Road be received;**
2. **Council supply a copy of this legal advice to the Triamble Road affected parties;**
3. **Council resolves as a matter of principle that it will not participate in any legal or court proceedings over the matter of legal access at Triamble Road nor will Council fund any further research into the matter of the legality or not of the Triamble Road access matter;**
4. **Council reiterate its cash commitment of \$30,000 to assist in the construction of the road that was designated recently as a public road.**

The motion was put and carried.

6.2.18 FUTURE EMPLOYMENT STATISTICS

GOV400029, A0100056, ECO800020

528/13 MOTION: Cavalier / Martens

That the report by the General Manager on the Future employment statistics be received.

The motion was put and carried.

6.2.19 AMENDMENT TO 2014 MEETING PROGRAMME

GOV400029, A0100004, A0100046

529/13 MOTION: Weatherley / Cavalier

That:

1. **the report by the General Manager on the Amendment to 2014 Meeting Programme be received;**
2. **Council Meetings previously scheduled for:**

Wednesday, 8 October 2014
Wednesday, 22 October 2014

be changed to:
Wednesday, 1 October 2014
Wednesday, 15 October 2014, respectively;

- 3. the Gulgong Community Forum previously scheduled for:**
Wednesday 15 October 2014

be changed to:
Wednesday 8 October 2014.

The motion was put and carried.

6.2.20 MUDGEES SPORTS COUNCIL

GOV400029, A0100013

530/13 MOTION: White / Weatherley

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 29 September 2013 be noted;**
- 3. the minutes for the Mudgee Sports Council AGM meeting held on 28 October 2013 be noted;**
- 4. the minutes for the Mudgee Sports Council ordinary monthly meeting held on 21 November 2013 be noted.**

The motion was put and carried.

6.2.21 CULTURAL DEVELOPMENT COMMITTEE

GOV400029, A0420172

531/13 MOTION: White / Shelley

That:

- 1. the report by the Manager, Community Services on the Cultural Development Committee be received;**
- 2. Council note the minutes of the Cultural Development Committee meeting on 3rd December 2013;**
- 3. Council endorse the amended Terms of Reference for the Cultural Development Committee;**

4. **Council endorse the nominations for appointment to the Public Art Advisory Panel of Chester Nealie, Anne Finnegan, Cameron Anderson and Ludwig Mlcek;**
5. **Council elect and appoint Mayor Des Kennedy as an additional Councillor representative to the Public Art Advisory Panel.**

The motion was put and carried.

6.2.22 REVIEW OF GOVERNANCE POLICIES

GOV400029, A0100021

532/13 MOTION: Cavalier / Walker

That:

1. **the report by the Manager Governance on the review of Governance policies be received;**
2. **Council confirm the current Problematic Complainants policy;**
3. **Council confirm the current Election of Mayor and Deputy Mayor policy.**

The motion was put and carried.

6.2.23 NEW ASBESTOS MANAGEMENT POLICY

GOV400029, A0100056, A0250000

533/13 MOTION: Cavalier / Walker

That:

1. **The report by the Manager People & Culture on the New Asbestos Management Policy be received;**
2. **Council adopt the Asbestos Management Policy.**

The motion was put and carried.

6.2.24 RECORDS MANAGEMENT POLICY

GOV400029, INM700010

534/13 MOTION: Cavalier / Walker

That:

1. **the report by the Manager, Information Services on the Records Management Policy be received;**
2. **Council adopt the revised Records Management Policy.**

The motion was put and carried.

Item 7: Urgent Business Without Notice

7.1 Local Land Services Board

GOV400029, GOR500025

535/13 MOTION: Martens / Webb**That this matter be dealt with as urgent business without notice.***The Mayor having ruled the matter to be of great urgency, the motion was put and carried.***536/13 MOTION: Webb / Thompson****That:**

- 1. the report by the General Manager on the Local Land Services Board be received;**
- 2. Council write its own submission to the Chairman of the Independent Pricing and Regulatory Tribunal of NSW (IPART); the submission to support land under 2 ha be subject to LLS rates for a proposed rate base if they are identified as risk creators or beneficiaries; tenure blind as for rating; and opposing Local Government collecting the rates and no cost shifting from the State or Federal Governments (the Governments to honour their current funding commitments). And that Council oppose Local Government land being rated until further information is made available; a copy of the submission be sent to all Councillors prior to being sent with the Mayor having delegated authority to agree to any amendments to the proposed submission.**

AMENDMENT: Shelley / Cavalier**That:**

- 1. the report by the General Manager on the Local Land Services Board be received;**
- 2. Council writes to the Chairman of the Independent Pricing and Regulatory Tribunal of NSW (IPART supporting the submission by Local Government NSW which opposes a number of submissions made by the Local Land Services Board of Chairs.**

The amendment was put and lost. The motion was put and carried.

Item 8: Confidential Session**537/13 MOTION: Cavalier / Walker**

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: Road Closure of Part Fairydale Lane and Road Opening Off Fairydale Lane onto Bell Street

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

Discussion of this matter in an open meeting would be, on balance, contrary to public interest as it involves negotiations on the purchase of land.

Subject: Mudgee Town Structure Plan

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

Discussion of this matter in an open meeting would be, on balance, contrary to public interest as it involves discussion on the potential rezoning of property.

Following an enquiry from the Mayor, the Manager Governance 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 put and carried.

8.1.1 Road Closure of Part Fairydale Lane & Road Opening Off Fairydale Lane onto Bell Street

GOV400029, P1062011

538/13 MOTION: Shelley / Weatherley**That:**

- 1. the report by the Revenue & Property Manager on the Road Closure of Part Fairydale Lane & Road Opening Off Fairydale Lane onto Bell Street be received;**

2. Council proceed with the road closure of that part of Fairydale Lane described as "A" on the attached plan and proceed with the road creation and dedication of the land described as "B" on the attached plan being part of allotments 2 and 3 DP 820754.
3. Upon completion of the road closure and the road creation and dedication, the land described as "A" on the attached plan will be exchanged for the land described as "B" on the attached plan with Mr RJ Sanderson;
4. The General Manager negotiate all terms of agreement with Mr RJ Sanderson in relation to the exchange of the land described as "A" for the land described as "B" on the attached plan including any associated interim agreement that may be required to be put into place to access the sites before the road closure and/or the road creation and dedication have been completed;
5. The General Manager be authorised to sign all necessary documentation in relation to the road closure and the road creation and dedication and all documents necessary to complete the land exchange including any associated interim agreement;
6. Council authorises the affixing of the Common Seal to all documents necessary to complete road closure and the road creation and dedication and to all documents necessary to complete the land exchange including any associated interim agreement;
7. Council will incur the costs for the removal of any structures located on the proposed road site, costs associated with the subdivision of the land, the registration of the new Deposited Plan, and the vendor's and Council's relevant legal costs for the transfer of the ownership of the land and any interim agreement and the removal of the road surface and any excess overburden from that part of Fairydale Lane that is to be acquired by Mr Sanderson;
8. upon transfer of title of that land described as "A" on the attached plan to Council, Council notify the public of its intention to classify the land as Operational by exhibiting the proposal for 28 days and should there be no submissions from the public, the lands be so classified as Operational.

The motion was put and carried.

8.1.2 Mudgee Town Structure Plan

GOV400029, A0100056, LAN900044

MOTION: Webb / Thompson

That:

1. the report by the Manager Strategic Planning on the Mudgee Town Structure Plan be received;

2. the Amendment to the Mudgee Structure Plan be adopted as a Draft with the preferred future residential investigation area being Option 2 of Spring Flat Road;
3. the sites at Burrundulla/Spring Flat be identified as investigation areas for lifestyle residential development 2-12ha subject to provision of reticulated water and preparation and consideration of detailed planning proposals;
4. the Putta Bucca area be identified on the Mudgee Town Structure Plan Map as an opportunity for expansion of the Low Density Residential zone with a minimum lot size of 2000m²-4000m² subject to the outcomes of the Urban Release Strategy; and
5. Council forward the Mudgee Town Structure Plan documentation to the Department of Planning and Infrastructure for endorsement and following that proceed to public exhibition for a period of 28 days.

539/13

AMENDMENT: Cavalier / White**That:**

1. **The report by the Manager of Strategic Planning on the Mudgee Town Structure Plan be received:**
2. **The Council defer consideration of the amendment of the Mudgee Town Structure Plan to allow:**
 - a. **a detailed investigation of the Development Servicing Plan (DSP) and Section 64 costs for Water and Sewer for both options: and**
 - b. **a design and costing of the necessary drainage works for Option 2 to ascertain the Section 94 costs for drainage;**
3. **A further report be presented to Council detailing the DSP for both options, cost for drainage and recommendation for amendment to the Mudgee Town Structure Plan.**

The amendment was put and carried and on being put as the motion was again carried.

Item 9: Open Council

The Manager Governance announced the decisions taken in Confidential Session.

Closure

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