

Minutes of the Ordinary Meeting of Council

Held at the Council Chambers, 86 Market Street, Mudgee
on Wednesday 21 October 2015, commencing at 6.28pm and concluding at 7.35pm.

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.
IN ATTENDANCE	Acting General Manager (S Jones), Director Operations (D Colwell), Acting Director Development (L Densley), Manager Finance – Chief Operating Officer (L Johnson), Governance Coordinator (T Johnston), Executive Secretary (M Sutton).
MEDIA REPRESENTATIVES	Mudgee Guardian / The Weekly (E Watson), Radio 2MG (C Bassett)

Item 1: Apologies

An apology was received for the absence of Councillor Lucy White.

335/15 MOTION: Cavalier / Webb

That the apology for the absence of Councillor Lucy White be received and leave of absence granted.

Item 2: Disclosure of Interest

Councillor Kennedy declared a non-pecuniary conflict of interest in Item 6.3.16 as he and his wife own the subdivision where the streets are to be named.

Councillor Thompson declared a non-pecuniary conflict of interest in Item 6.3.6 as he is a member of the Gulgong Race Club Committee.

Councillor Cavalier declared a significant non-pecuniary conflict of interest in Item 6.1.1 as he has a personal relationship with the current bus operator.

Item 3: Confirmation of Minutes

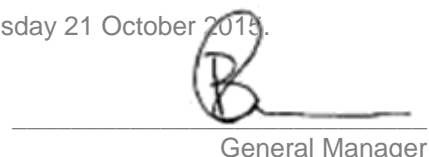
336/15 MOTION: Webb / Cavalier

That the Minutes of the Ordinary Meeting held on 16 September 2015 (Minute Nos.268/15 to 334/15) be taken as read and confirmed, including the following amendments:

Page 6 - Minute 280/15 should read “that Council appoint Councillor Thompson as the Councillor representative on the Mudgee & Gulgong Access Committee, and Councillor Webb the alternate representative”.



Mayor



General Manager

Page 7 - Minute 290/15 should read that Councillor Webb voted against the motion.

Pages 32 & 33 - Minute 299/15 should read that Councillor Shelley did not vote on this matter as he was not present at that time.

The motion was carried with Councillors voting unanimously.

Item 4: Matters in Progress

The following recommendations were adopted as a whole, being moved by Cr Cavalier, seconded by Cr Shelley and carried with Councillors voting unanimously. Each recommendation is recorded with a separate resolution number commencing at Resolution No.337/15 and concluding with Resolution No.339/15.

Draft Airport Master Plan

337/15 MOTION: Cavalier / Shelley

That Minute no. 172/15 be noted as completed.

The motion was carried with Councillors voting unanimously.

Naming of the new streets in the Rylstone Aerodrome Air Park subdivision off Coxs Creek Road

338/15 MOTION: Cavalier / Shelley

That Minute no. 179/15 be noted as completed.

The motion was carried with Councillors voting unanimously.

TV Reception in Gulgong

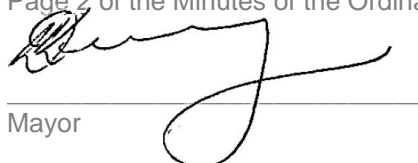
339/15 MOTION: Cavalier / Shelley

That Minute no. 203/15 be noted as completed.

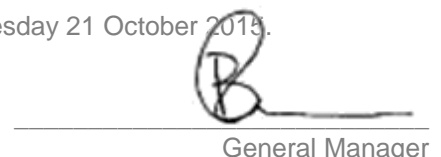
The motion was carried with Councillors voting unanimously.

Item 5: Mayoral Minute

There is no Mayoral Minute.



Mayor



General Manager

Item 6: General Business**6.1 NOTICES OF MOTION****6.1.1 FINANCIAL ASSISTANCE FOR GULGONG NIGHTRIDER BUS
GOV400022, GOV400043, FIN300052**

Councillor Cavalier declared a significant non-pecuniary conflict of interest in Item 6.1.1 as he has a personal relationship with the current bus operator, left the room at 6.32pm and did not participate in discussion or vote in relation to this matter.

340/15 MOTION: Kennedy / Thompson

That Council provide financial support of \$5,000 from Council's Financial Assistance Program, to the Gulgong Nightrider Bus.

The motion was carried with Councillors voting unanimously.

Councillor Cavalier returned to the room at 6.35pm.

**6.1.2 COUNCIL SUBMISSION ON KEPCO ENVIRONMENTAL
IMPACT STATEMENT**

GOV400022, GOV400043

341/15 MOTION: Webb / Shelley

That Council include in any submission on the KEPCO Environmental Impact Statement concerns over water extraction and the management of prime agricultural land.

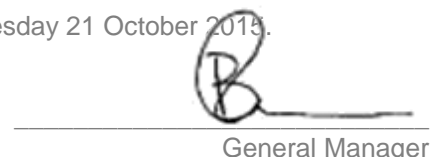
The motion was carried with Councillors voting unanimously.

6.2 RESCISSION MOTION**6.2.1 DA0228/2015 COMMERCIAL SHOPS, SHOP TOP HOUSING
AND STRATA SUBDIVISION - THE REGENT THEATRE,
5-7 CHURCH STREET, MUDGEE****342/15 MOTION: Walker / Shelley**

That the Council's decision on 16 September 2015 to defer consideration of this development application until Development consent for the use of the right of way over Lot 1 DP86378 (Lawson Park Hotel) for the purposes of the development (in particular, access thereto), has been addressed, be and is hereby rescinded.

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



Mayor

General Manager

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

6.3 REPORTS TO COUNCIL

6.3.1 PLANNING PROPOSAL FOR SMALL LOT AVIATION/RESIDENTIAL SUBDIVISION ASSOCIATED WITH AIRPORT ON LOT 63 DP 618063, GEORGE CAMPBELL DRIVE – POST EXHIBITION REPORT

GOV400043, LAN900050

343/15 MOTION: Kennedy / Walker

That report 6.3.1 be withdrawn.

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	✓	

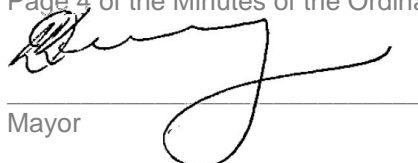
6.3.2 2015-16 LOCAL HERITAGE GRANTS ALLOCATION

GOV400043, GRA600012

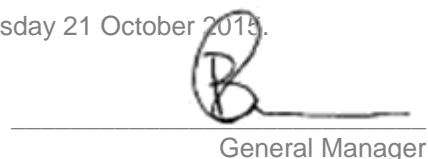
344/15 MOTION: Webb / Shelley

That:

1. **the report by the Senior Town Planner on the 2015-16 Local Heritage Grants allocation be received;**
2. **Council provide a Local Heritage Grant for the following project:**
 - a) **\$1300 grant for the repair to the front awning and painting of the front façade at 47 Louee Street, Rylstone Lot A DP946966;**



Mayor



General Manager

3. **the 2015/16 Operational Plan be amended to increase the allocation for Local Heritage Program – donations and contributions to local bodies by \$1,300, funded from unrestricted cash.**

The motion was carried with Councillors voting unanimously.

6.3.3 MONTHLY DEVELOPMENT APPLICATIONS PROCESSING & DETERMINED

GOV400043

345/15 MOTION: Shelley / Cavalier

That the report by the Director, Development on the Monthly Development Applications Processing & Determined be received.

The motion was carried with Councillors voting unanimously.

6.3.4 TEMPORARY SUSPENSION OF ALCOHOL FREE ZONES FOR SECTIONS OF CUDGEGONG AND LOUEE STREETS, RYLSTONE

GOV400043, A0100009

346/15 MOTION: Shelley / Cavalier

That:

1. **The report by the Acting Manager Health and Building on the Temporary Suspension of Alcohol Free Zones for sections of Cudgegong and Louee Streets, Rylstone be received;**
2. **The nominated alcohol free zones located in Cudgegong and Louee Streets Rylstone be suspended between the hours of 10am to 5pm on Saturday 7th November for the purposes of Rylstone StreetFeast 2015.**

The motion was carried with Councillors voting unanimously.

6.3.5 AIRPORT MASTER PLAN

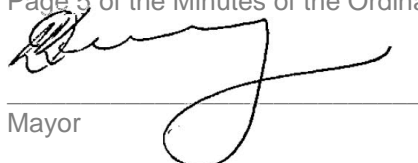
GOV400043, A0820020

347/15 MOTION: Walker / Cavalier

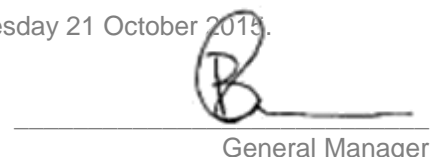
That:

1. **the report by the Manager, Corporate & Economic Development on the Airport Master Plan be received;**
2. **Council adopt the Airport Master Plan.**

The motion was carried with Councillors voting unanimously.



Mayor



General Manager

6.3.6 EVENTS ASSISTANCE FOR JANUARY TO JUNE 2016 EVENTS

GOV400043, ECO800009, FIN300052

348/15 MOTION: Thompson / Webb

That:

1. the report by the Events Coordinator on the Events Assistance for January to June 2016 Events be received;
2. Council provides Events Assistance to:

• 2016 Mid-Western Dance Festival	\$1,000
• CLAYarc 2016	\$2,536
• Gulgong Folk Festival	\$2,000
• Gulgong Henry Lawson Heritage Festival	\$2,500
• Gulgong Rabbit Races	\$500
• Kandos Bob Marley Festival	\$1,500
• Kandos Food & Wine Festival	\$500
• Kandos Garden Fair	\$500
• Kandos Street Machine & Hot Rod Show	\$2,500
• MGC Veteran Women's Two Day Tournament	\$1,111,000
• MudFest International Short Film Festival	\$1,000
• Mudgee Bike Muster	\$2,500
• Mudgee Swap Meet	\$800
• The 36th Gulgong Prince of Wales Eisteddfod 2016	\$1,500
• Wings Wheels & Wine	\$2,500

The motion was carried with Councillors voting unanimously.

Councillor Thompson declared a non-pecuniary conflict of interest in Item 6.3.6 as he is a member of the Gulgong Race Club Committee, left the room at 7.05pm and did not participate in discussion or vote in relation to the following motion.

349/15 MOTION: Cavalier / Martens

That Council provide event assistance to:

- | | |
|--------------------|---------|
| • Gulgong Gold Cup | \$1,000 |
|--------------------|---------|

The motion was carried with Councillors voting unanimously.

Councillor Thompson returned to the room at 7.06pm.

6.3.7 MONTHLY BUDGET REVIEW AUGUST 2015

GOV400043, FIN300062

350/15 MOTION: Walker / Weatherley

That:

1. the report by the Manager, Financial Planning on the Monthly Budget Review August 2015 be received;

2. **the 2015/16 Operational Plan be amended in accordance with the variations as listed in the report below.**

The motion was carried with Councillors voting unanimously.

6.3.8 MONTHLY STATEMENT OF INVESTMENTS AND BANK BALANCES AS AT 30 SEPTEMBER 2015

GOV400043, FIN300053

351/15 MOTION: Shelley / Webb

That:

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

The motion was carried with Councillors voting unanimously.

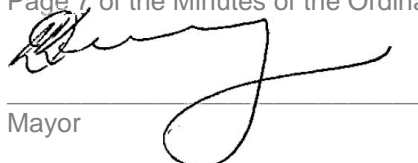
6.3.9 FINANCIAL ASSISTANCE APPLICATIONS

GOV400043, FIN300052

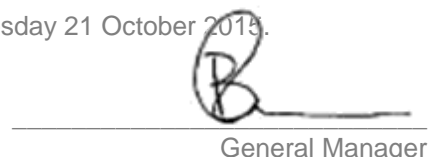
352/15 MOTION: Shelley / Cavalier

That:

1. **the report by the Manager Finance on the Financial Assistance Applications be received;**
2. **Council provide financial assistance to the following applicants in accordance with the criteria and guidelines of the Financial Assistance Policy, subject to those requirements being met:**
 - Rylstone Women's Bowling Club \$ 500
 - Concierge Enterprises \$ 2,500
 - Gulgong Show Society Inc. \$ 3,000
 - Gulgong High School \$ 100
 - Anglican Diocese of Bathurst Parish of Rylstone-Kandos \$ 500
 - St Matthews Central School Parents and Citizens \$ 154
 - Gulgong Chamber of Commerce Inc. \$10,000
 - Jordan Woolmer – Deaf Basketball Australia \$ 500
 - Rylstone-Kandos Show Society Inc. \$ 3,000
 - Mudgee Show Society \$ 3,000
 - Mudgee High School \$ 100
 - The Pink Tractor Trek \$ 500
 - Kandos Rylstone Little Athletics Centre \$ 435
3. **Council provide an in-kind contribution to the following applicants in accordance with the criteria and guidelines of the Financial Assistance Policy, subject to those requirements being met:**
 - Twin Town Players \$ 550



 Mayor



 General Manager

• Kandos Public School	\$ 500
• Rotary Club of Rylstone-Kandos Inc.	\$ 110
• Mudgee High School Parents & Citizens Association	\$ 185
• Mudgee Civilian Rifle and Small Bore Club Inc.	\$ 1,470
• The Henry Lawson Society of NSW Inc.	\$ 1,589
• Mudgee Relay for Life 2016	\$ 1,250
• Mudgee District University of the Third Age (U3A)	\$ 1,000
• Barnardos	\$ 600
• Painters@Mudgee 2016	\$ 164
• Gulgong Historical Society Inc.	\$ 2,391
• Lifeskills	\$ 315
• Gulgong Pistol Club Inc.	\$ 821
• Kookaburra March	\$ 1,021
• Rotary Club of Mudgee & Rotary Club of Mudgee Sunrise	\$ 211
• Kandos Rylstone Mens Shed	\$ 965

4. Council will not collect a facility hire bond from the following applicants for the events detailed in this report:
- Twin Town Players
 - Rotary Club of Rylstone-Kandos Inc.
 - Mudgee Relay of Life 2016
 - Mudgee District University of the Third Age (U3A)
 - Barnardos – Kandos Hall
 - Painters@Mudgee 2016
 - Kookaburra March
 - Rotary Club of Mudgee and Rotary Club of Mudgee Sunrise
5. Council decline the financial assistance applications from:
- Environmental Health Australia
 - Mudgee Bridge Club Inc.
 - The Mudgee Dressage Group
 - The Women's Shed
 - Department of Family & Community Services NSW
 - Gulgong Arts Council
 - The Rylstone District Trainers Group
6. Council support a budget variation for the Mudgee Showground works requested by the below applicants, with a budget variation to be recommended in the September Quarterly Business Review
- Mudgee Bridge Club Inc. \$ 5,000
 - The Mudgee Dressage Group \$ 550

The motion was carried with Councillors voting unanimously.

6.3.10 ADDITIONAL SUPPLIER - RFT 2013/04 GENERAL
CONTRACTORS PREFERRED SUPPLIER – EMS GROUP PTY
LTD

GOV400043, A0412910, COR400089

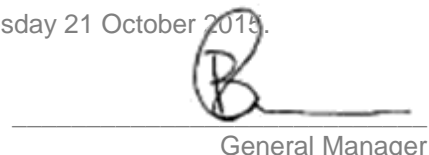
353/15

MOTION: Weatherley / Shelley

That:



Mayor



General Manager

1. **The report by the Procurement Manager on the Additional Supplier – RFT 2013/04 General Contractors Preferred Supplier – EMS Group Pty Ltd be received;**
2. **Council accepts the additional supplier for Tender 2013/04 for the provision of General Contractors;**
Contractor: EMS Group Pty Ltd
Services Provided: Labour Hire

The motion was carried with Councillors voting unanimously.

6.3.11 ADDITIONAL SUPPLIER - RFT 2013/03 WET & DRY PLANT HIRE PREFERRED SUPPLIER – GREATWOOD PTY LTD – TRADING AS GREATER WATER TRUCKS & TG HIRE

GOV400043, A0412904, COR400052

354/15 MOTION: Cavalier / Shelley

That:

1. **the report by the Procurement Manager on the Additional Supplier - RFT 2013/03 Wet & Dry Plant Hire Preferred Supplier - Greatwood Pty Ltd – Trading as Greater Water Trucks & TG Hire be received;**
2. **Council accepts the additional supplier for Tender 2013/03 for the provision of Wet & Dry Plant Hire;**
Contractor: Greatwood Pty Ltd– Trading as Greater Water Trucks & TG Hire
Services Provided: Wet Hire - Water Trucks and Rollers

The motion was carried with Councillors voting unanimously.

6.3.12 REQUEST TO SUSPEND GENERAL WASTE DISPOSAL CHARGES AT RYLSTONE AERODROME AIRPARK

GOV400043, FIN300052, 23249

355/15 MOTION: Shelley / Thompson

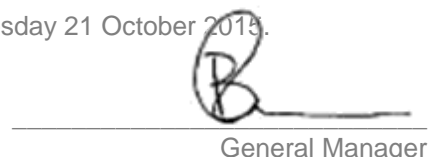
That:

1. **the report by the Revenue & Property Manager on the Request to Suspend General Waste Disposal Charges at Rylstone Aerodrome Airpark be received;**
2. **Council deny the request to waive, suspend or write-off the 2015/2016 General Waste Disposal Charge on any of the 42 properties comprising the Rylstone Aerodrome Airpark currently in the ownership of Loneragan Aviation P/L and Robert & Harriet Loneragan.**

The motion was carried with Councillors voting unanimously.



 Mayor



 General Manager

6.3.13 NAMING OF A NEW STREET IN THE BROADVIEW SUBDIVISION

GOV400043, R0790041

356/15 MOTION: Cavalier / Weatherley**That:**

- 1. the report by the Revenue & Property Manager on the Naming of a new street in the Broadview subdivision be received;**
- 2. Council revoke the name Diamond Court for street No 4 off Broadhead Road;**
- 3. Council rename street no 4 off Broadhead Road Lovett Court.**

The motion was carried with Councillors voting unanimously.

The following recommendations were adopted as a whole, being moved by Cr Shelley, seconded by Cr Walker and carried with Councillors voting unanimously. Each recommendation is recorded with a separate resolution number commencing at Resolution No. 357/15 and concluding with Resolution No. 358/15.

6.3.14 NAMING OF AN NEW STREET IN THE CAERLEON ESTATE SUBDIVISION OFF HILL END ROAD

GOV400043, R0790141

357/15 MOTION: Shelley / Walker**That:**

- 1. the report by the Revenue & Property Manager on the Naming of a new street in the Caerleon Estate subdivision off Hill End Road be received;**
- 2. Council name this street Hone Creek Drive.**

The motion was carried with Councillors voting unanimously.

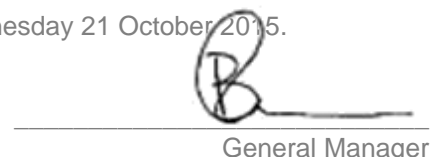
6.3.15 NAMING OF THE REMAINING SECTION OF OLD GEORGE CAMPBELL DRIVE

GOV400043, R0790041

358/15 MOTION: Shelley / Walker**That:**

- 1. the report by the Revenue & Property Manager on the Naming of the remaining section of Old George Campbell Drive be received;**
- 2. Council name this road Goodger Place.**



Mayor

General Manager

3. Council approve Condon and Masters for inclusion in the pre-approved names list for future use.

The motion was carried with Councillors voting unanimously.

6.3.16 NAMING OF NEW STREETS IN THE SUBDIVISION OFF ULAN ROAD

GOV400043, R0790141

Councillor Kennedy declared a non-pecuniary conflict of interest in Item 6.3.16 as he and his wife own the subdivision where the streets are to be named, left the room at 7.10pm and did not vote or participate in discussion on this matter.

359/15 MOTION: Shelley / Weatherley

That:

- 1. the report by the Revenue & Property Manager on the Naming of new streets in the subdivision off Ulan Road be received;**
- 2. Council name road 1 Wurth Drive, road 2 Harvey Street, road 3 Croake Court, road 4 Goodlet Lane, road 5 Nelthorpe Street, road 6 Webster Street, road 7 Chapman Street, road 8 Bucholtz Street, road 9 Edwards Close, road 10 Joseph Place, road 11 Page Circuit and road 12 Butler Circle.**

The motion was carried with Councillors voting unanimously.

Councillor Kennedy returned to the room at 7.11pm.

6.3.17 DECONSTRUCTION OF ULAN WOLLAR TEMPORARY DETOUR ROAD

GOV400043, R4022001

360/15 MOTION: Walker / Shelley

That:

- 1. the report by the Manager Works on the Deconstruction of Ulan Wollar Temporary Detour Road be received;**
- 2. Council authorise the deconstruction of the temporary detour road up to the value of \$50,000.**

The motion was carried with Councillors voting unanimously.

6.3.18 MUDGEES GOLF CLUB FENCE – ROBERTSON ROAD

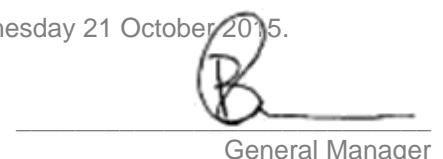
GOV400043, ROA100027

361/15 MOTION: Walker / Kennedy

That:



Mayor



General Manager

1. the report by the Director, Operations on the erection of a protective fence at the boundary of Mudgee Golf Course in Robertson Road;
2. Council agrees to contribute \$17,790 incl GST to 300m of protective fence on a 50/50 basis (tot. cost \$35,579 incl GST) with the Mudgee Golf Club;
3. the 2015/16 Operational Plan be amended to allocate \$16,500 towards the construction of this fence from unrestricted cash.

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	✓	

6.3.19 PROPOSED DEDICATION AS PUBLIC ROAD – ALLOTMENT 52 DP 1205480

GOV400043, 23294

362/15 MOTION: Walker / Cavalier

That:

1. the report by the Revenue & Property Manager on the Proposed Dedication as Public Road - Allotment 52 DP 1205480 be received;
2. Pursuant to Section 10 of the Roads Act 1993, Council dedicate Allotment 52 DP 1205480, as Public Road.

The motion was carried with Councillors voting unanimously.


6.3.20 CONSIDERATION OF CUSTOMER CONNECTIONS TO COUNCIL'S RAW WATER TRANSFER PIPELINES

GOV400043, WAT500002

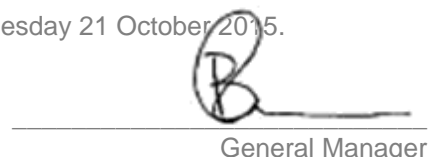
363/15 MOTION: Shelley / Weatherley

That Council defer making a decision until all options can be explored.

AMENDMENT: Webb/Cavalier



Mayor



General Manager

1. the report by the Business Manager Services on the Consideration of customer connections to Council's raw water transfer pipelines be received;
2. requests for connection to Council's raw water transfer mains be renegotiated due to unacceptable risk to both Council's security of water supply and public health.
3. that negotiations include a restriction on water usage to address concerns of water supply.

Amendment withdrawn

FORESHADOWED AMENDMENT: Thompson/

In renegotiating agreements, the amount of water being used be allowed to continue where the number of lots changes.

The foreshadowed amendment lapsed for want of a seconder.

The motion was put and carried with Councillors voting unanimously.

6.3.21 RFQ 2015/14 PREFERRED SUPPLIERS LIST FOR BITUMEN SPRAY SEALING 2015/16 PROGRAM

GOV400043, COR400109

364/15

MOTION: Webb / Walker

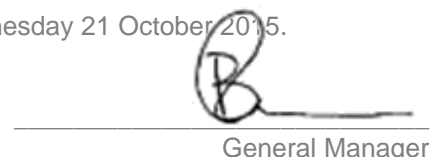
That:

1. **the report by the Business Manager Works on the RFQ 2015/14 Preferred Suppliers List for Bitumen Spray Sealing 2015/16 Program be received;**
2. **Council endorses the following list of preferred suppliers for the provision of Bitumen Spray Seal for Council's 2015/16 spray seal program.**
 - **Downer Australia Pty Ltd**
 - **Fulton Hogan Industries Pty Ltd**

The motion was carried with Councillors voting unanimously.



Mayor



General Manager

6.3.22 RFT 2015/13 DESIGN AND CONSTRUCT FOUR BRIDGES

GOV400043, COR400108

365/15

MOTION: Webb / Walker**That:**

1. the report by the Director, Operations on RFT 2015/13 Design and Construct Four Bridges be received;
2. Council accepts the tender submitted by Murray Constructions Pty Ltd for the design and construction of four bridges in accordance with clause 178 of the Local Government (General) Regulation 2005 at a tendered price of \$1,589,600 excluding GST;
3. Council authorise the General Manager to finalise and execute the contract on behalf of Council with Murray Constructions Pty Ltd for the design and construction of four bridges, Mudgee RFT 2015/13;
4. The General Manager be granted delegated authority to approve variations to the contract up to a cumulative total of 10% of the original contract sum; and
5. unsuccessful tenderers be notified that their tenders were unsuccessful.

The motion was carried with Councillors voting unanimously.


6.3.23 RFT 2015/07 WOLLAR ROAD UPGRADE - ENGINEERING INVESTIGATION, DESIGN AND PROJECT MANAGEMENT SERVICES

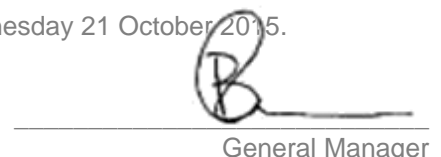
GOV400043, COR400102

366/15

MOTION: Cavalier / Walker**That:**

1. the report by the Director, Operations on RFT 2015/07 Wollar Road Upgrade - Engineering Investigation, Design and Project Management Services be received;
2. Council accepts the tender submitted by Local Government Engineering Services for the Provision of Engineering Investigation, Design and Project Management Services for the Wollar Road upgrade in accordance with clause 178 of the Local Government (General) Regulation 2005 at a tendered price of \$639,260 excluding GST;
3. Council authorise the General Manager to finalise and execute the contract on behalf of Council with Local Government Engineering Services for the Provision of Engineering Investigation, Design and Project Management Services for the Wollar Road upgrade, Mudgee RFT 2015/07;



Mayor

General Manager

4. **The General Manager be granted delegated authority to approve variations to the contract up to a cumulative total of 10% of the original contract sum; and**
5. **unsuccessful tenderers be notified that their tenders were unsuccessful.**

The motion was carried with Councillors voting unanimously.

The following recommendations were adopted as a whole, being moved by Cr Shelley, seconded by Cr Cavalier and carried with Councillors voting unanimously. Each recommendation is recorded with a separate resolution number commencing at Resolution No. 367/15 and concluding with Resolution No. 373/15.

6.3.24 POLICY ON PAYMENT OF EXPENSES AND PROVISION OF FACILITIES TO COUNCILLORS

GOV400043, A0110001

367/15 MOTION: Shelley / Cavalier

That:

1. **the report by the Acting General Manager on the Policy on Payment of Expenses and Provision of Facilities to Councillors be received;**
2. **Council endorse the unchanged policy on Payment of Expenses and Provision of Facilities to Councillors.**

The motion was carried with Councillors voting unanimously.

6.3.25 DISCLOSURES BY COUNCILLORS AND DESIGNATED PERSONS SECTION 449(3) RETURN – TABLING OF RETURNS

GOV400043, GOV400011, A0110004

368/15 MOTION: Shelley / Cavalier

That Council note the tabling of Councillor and Designated Persons Returns in accordance with the Local Government Act 1993 section 450A (2).

The motion was carried with Councillors voting unanimously.

6.3.26 CULTURAL DEVELOPMENT COMMITTEE

GOV400043, REC800019

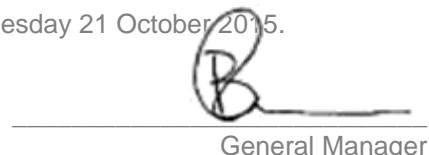
369/15 MOTION: Shelley / Cavalier

That:

1. **the report by the Manager, Community Services on the Cultural Development Committee be received;**



Mayor



General Manager

2. Council note the minutes of the Cultural Development Committee meeting held on 9 September 2015;
3. Council endorse the report from the Public Art Advisory Panel to the Cultural Development Committee dated 22 September 2015.

The motion was carried with Councillors voting unanimously.

6.3.27 LOCAL TRAFFIC COMMITTEE MINUTES OF MEETING HELD
24 JULY 2015

GOV400043, A0100009

370/15 MOTION: Shelley / Cavalier

That the report by the Director Operations on the Local Traffic Committee Minutes of Meeting held 24 July 2015 items 15/21 – 15/29 be received; accepted and endorsed.

The motion was carried with Councillors voting unanimously.

6.3.28 GULGONG SPORTS COUNCIL – JULY AND AUGUST 2015

GOV400043, A0360003

371/15 MOTION: Shelley / Cavalier

That:

1. the report by the Acting General Manager on the Gulgong Sports Council meeting minutes be received;
2. the minutes of the Gulgong Sports Council ordinary monthly meetings held on 15 July 2015 and 12 August 2015 be noted.

The motion was carried with Councillors voting unanimously.

6.3.29 MUDGEES SPORTS COUNCIL MEETING – 25 AUGUST 2015

GOV400043, A0360013

372/15 MOTION: Shelley / Cavalier

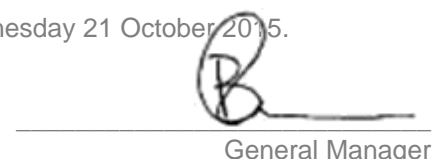
That:

1. the report by the Acting General Manager on the Mudgee Sports Council Meetings - August and September 2015 be received;
2. the minutes for the Mudgee Sports Council ordinary monthly meetings held on 25 August and 28 September 2015 be noted.

The motion was carried with Councillors voting unanimously.



Mayor



General Manager

6.3.30 RED HILL COMMITTEE MEETING –SEPTEMBER 2015

GOV400043, P0860011

373/15

MOTION: Shelley / Cavalier**That:**

1. the report by the Acting General Manager on the Red Hill Committee Meeting - 22 September 2015 be received;
2. the minutes for the Red Hill Committee held on 22 September 2015 be noted.

The motion was carried with Councillors voting unanimously.

6.3.31 FINANCIAL ASSISTANCE APPLICATION GULGONG
CHRISTMAS CELEBRATION 2015

GOV400043, FIN300052

374/15

MOTION: Webb / Cavalier**That:**

1. the report by the Manager Finance on the Financial Assistance Application Gulgong Christmas Celebration 2015 be received;
2. Council provide financial assistance to the following applicant in accordance with the criteria and guidelines of the Financial Assistance Policy, subject to those requirements being met:

Gulgong Memorial Hall Committee - Gulgong Christmas Celebration **\$3,000**

3. Council provide an in-kind contribution to the following applicant in accordance with the criteria and guidelines of the Financial Assistance Policy, subject to those requirements being met:

Gulgong Memorial Hall Committee - Gulgong Christmas Celebration **\$58**

4. Council will not collect a facility hire bond from the following applicant for the event detailed in this report:

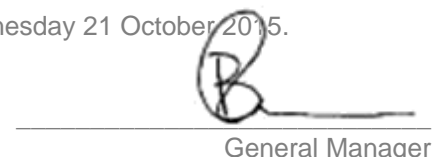
Gulgong Memorial Hall Committee

The motion was carried with Councillors voting unanimously.

Item 7: Urgent Business Without Notice

7.1 Nil



Mayor

General Manager

Item 8: Confidential Session**375/15 MOTION: Cavalier / Martens**

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 Acting General Manager announced that the following matter would be considered in confidential session and the reason why it was being dealt with in this way.

Subject: Voluntary Planning Agreement – Peabody Energy Australia (Wilpinjong)

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) 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 could prejudice Council's negotiations.

Following an enquiry from the Mayor, the Acting General Manager advised that there were no written representations in respect of this matter and that no person in the gallery wished to make verbal representations.

The motion was carried with Councillors voting unanimously.

8.1 CONFIDENTIAL REPORTS**8.1.1 VOLUNTARY PLANNING AGREEMENT – PEABODY ENERGY AUSTRALIA (WILPINJONG)****376/15 MOTION: Cavalier / Walker****That:**

- 1. the report by the Acting Director Development on the Voluntary Planning Agreement – Peabody Energy Australia (Wilpinjong) be received;**
- 2. Council draft a Voluntary Planning Agreement and accompanying Explanatory Note based on the following terms:**

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

- a. consistent with the existing agreement as provided by condition 12A of the Modification 5 approval issued by the Department of Planning and Infrastructure being \$12,000 per employee paid annually and adjusted for CPI (note the rate is currently \$12,541); and**

3. following the preparation of the documentation a further report be presented to Council for consideration prior to commencement of public exhibition.

The motion was carried with Councillors voting unanimously.

Item 9: Open Council

377/15 MOTION: Cavalier / Martens

That the Council move to Open Council.

The motion was carried with Councillors voting unanimously.

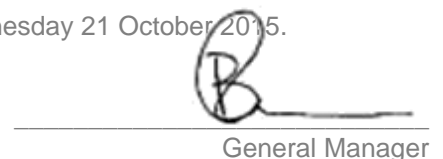
The Acting General Manager announced the decisions taken in Confidential Session.

Closure

There being no further business the meeting concluded at 7.35pm.



Mayor



General Manager