

Minutes of the Ordinary Meeting of Council

Held at the Council Chambers, 86 Market Street, Mudgee
on 14 December 2016, commencing at 5:54pm and concluding at 6:52pm.

PRESENT Cr P Shelley, Cr D Kennedy, Cr E Martens, Cr JP Thompson, Cr P Cavalier,
Cr S Paine, Cr A Karavas, Cr J O'Neill, Cr R Holden.

IN ATTENDANCE General Manager (Brad Cam), Director Operations (Daryl Colwell), Director
Community (Simon Jones), Director Development (Julie Robertson), Chief
Financial Officer (Leonie Johnson), Governance Co-ordinator (Tim
Johnston) and Executive Assistant (Mette Sutton).

Item 1: Apologies

There were no apologies.

Item 2: Disclosure of Interest

Councillor O'Neill declared a non-pecuniary conflict of interest in item 8.4 as the company for which he works provides a service to this premise.

Councillor Shelley declared a non-pecuniary conflict of interest in item 8.5 as he is employed by Bowdens Silver Mine.

Item 3: Confirmation of Minutes

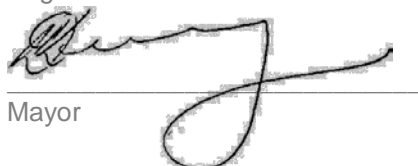
357/16 MOTION: Karavas / Holden

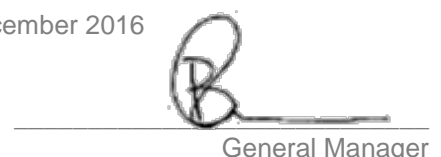
That the Minutes of the Ordinary Meeting held on 16 November 2016 be taken as read and confirmed.

The motion was carried with the Councillors voting unanimously.

Item 4: Matters in Progress

Nil


Mayor


General Manager

Item 5: Mayoral Minute

Nil

Item 6: Notices of Motion or Rescission

6.1 COMMUNITY GRANTS PROGRAM APPLICATIONS -
QUARTER 2

GOV400054, FIN300122

358/16 MOTION: Karavas / Paine

That Council rescind resolution No.286a/16 of the Council Meeting on 19 October 2016 in relation to financial assistance to the Mudgee Baptist Church.

The motion was carried with the Councillors voting unanimously.

359/16 MOTION: Karavas / Paine

That Council provide \$6,000 financial assistance through the Community Grants Applications to the Mudgee Baptist Church for the construction of shade cloth and outdoor amenities.

The motion was carried with the Councillors voting unanimously.

6.2 FEASIBILITY OF A SOLAR FARM FOR MID-WESTERN
REGIONAL COUNCIL

GOV400054, ENE100020, A0100035

360/16 MOTION: Shelley / Cavalier

That Council staff conduct a preliminary assessment on the feasibility of a solar farm for Mid-Western Regional Council.

The motion was carried with the Councillors voting unanimously.

6.3 RED HILL PRECINCT

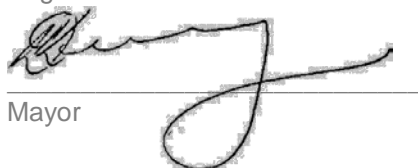
GOV400054, P0860011, A0100035

MOTION: Thompson / Martens

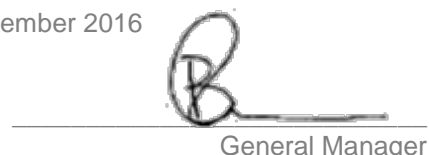
That Council apply to have the Redhill Precinct declared a heritage area.

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

Councillors	Ayes	Nayes
Cr Shelley		✓
Cr Kennedy		✓



Mayor



General Manager

Cr Martens	✓	
Cr Thompson	✓	
Cr Cavalier		✓
Cr Paine		✓
Cr Karavas	✓	
Cr O'Neill		✓
Cr Holden		✓

6.4 TRIAMBLE ROAD

GOV400054, R4008001, A0100035

MOTION: Thompson /

That Council when appropriate put the works for the upgrade of Triamble Road out for tender.

The Motion lapsed for want of a seconder.

6.5 FORMER ELDERS BUILDING, MARKET STREET MUDGEE

GOV400054, A0100035, P1043311, COU500018

MOTION: Thompson / Martens

That Council investigate the possibility of purchasing or leasing the former Elders building in Market Street Mudgee, for possible use as a tourist and art centre.

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

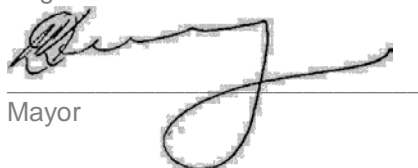
Councillors	Ayes	Nayes
Cr Shelley		✓
Cr Kennedy		✓
Cr Martens	✓	
Cr Thompson	✓	
Cr Cavalier		✓
Cr Paine		✓
Cr Karavas		✓
Cr O'Neill		✓
Cr Holden		✓

6.6 WATER SUPPLY FOR FIRE FIGHTING STANDPIPES AND HYDRANT MAINTENANCE

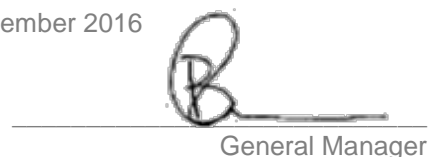
GOV400054, EME900012, A0100035

MOTION: Thompson /

That Council be brought up to date on the water supply for fire fighting standpipes and that water hydrants are checked and functioning.



Mayor



General Manager

The motion was lost for want of a seconder.

Item 7: Office of the General Manager

7.1 COUNCILLOR REPRESENTATIVES ON SECTION 355
COMMITTEES AND OTHER EXTERNAL BODIES
GOV400054, A0110015

MOTION: Holden / Shelley

That Council:

1. receive the report by the Director, Community on the Councillor Representatives on Section 355 Committees and Other External Bodies;
2. appoint Councillor Cavalier to be the Councillor representative to the Gulgong Memorial Hall Committee;
3. appoint Councillor Holden to be an additional Councillor representative to the Mid-Western Regional Youth Council;
4. appoint the Mayor and the General Manager to be Invited Members of the Mudgee Health Council; and
5. appoint Councillor Paine to be an additional Councillor representative to the Rylstone Kandos Access Committee.

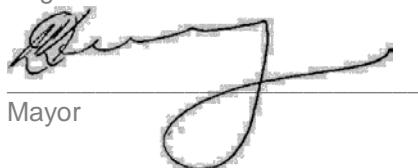
AMENDMENT: Karavas / Paine

That Council:

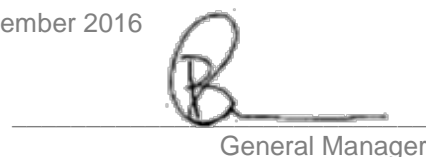
1. receive the report by the Director, Community on the Councillor Representatives on Section 355 Committees and Other External Bodies;
2. appoint Councillor Cavalier to be the Councillor representative to the Gulgong Memorial Hall Committee;
3. appoint the Mayor and the General Manager to be Invited Members of the Mudgee Health Council; and
4. appoint Councillor Paine to be an additional Councillor representative to the Rylstone Kandos Access Committee.

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

Councillors	Ayes	Nayes
Cr Shelley	✓	



Mayor



General Manager

Cr Kennedy		✓
Cr Martens	✓	
Cr Thompson		✓
Cr Cavalier		✓
Cr Paine	✓	
Cr Karavas	✓	
Cr O'Neill		✓
Cr Holden		✓

361/16

FORESHADOWED AMENDMENT: Martens / Shelley**That Council:**

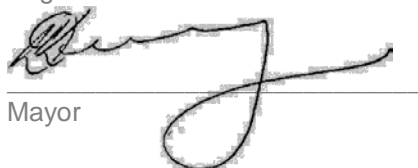
1. receive the report by the Director, Community on the Councillor Representatives on Section 355 Committees and Other External Bodies;
2. appoint Councillor Cavalier and Councillor Thompson as the Councillor representatives to the Gulgong Memorial Hall Committee;
3. appoint the Mayor and the General Manager to be Invited Members of the Mudgee Health Council; and
4. appoint Councillor Paine to be an additional Councillor representative to the Rylstone Kandos Access Committee.

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

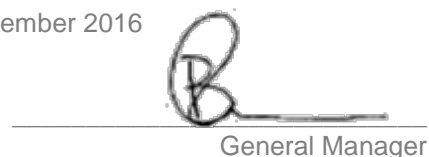
Councillors	Ayes	Nayes
Cr Shelley	✓	
Cr Kennedy		✓
Cr Martens	✓	
Cr Thompson	✓	
Cr Cavalier		✓
Cr Paine	✓	
Cr Karavas	✓	
Cr O'Neill		✓
Cr Holden		✓

The amendment, on becoming the motion, was put and carried with Councillors voting as follows:

Councillors	Ayes	Nayes
Cr Shelley	✓	
Cr Kennedy		✓
Cr Martens	✓	
Cr Thompson	✓	
Cr Cavalier	✓	
Cr Paine	✓	
Cr Karavas	✓	
Cr O'Neill		✓
Cr Holden		✓



Mayor



General Manager

7.2 MRTI QUARTERLY REPORT JULY TO SEPTEMBER 2016
GOV400054, F0770077

362/16 MOTION: Martens / Cavalier

That Council:

- 1. receive the report by the General Manager on the MRTI Quarterly Report July to September 2016; and**
- 2. congratulate the staff and members of the MRTI on winning the State top award for Destination Marketing.**

The motion was carried with the Councillors voting unanimously.

Item 8: Development

8.1 FOOD INSPECTION PROGRAM
GOV400054, GOV400043, A0130009

363/16 MOTION: Cavalier / Martens

That Council receive the report by the Manager, Health and Building on the Food Inspection Program.

The motion was carried with the Councillors voting unanimously.

8.2 UPDATE ON THE NUMBER OF MATTERS DEALT WITH UNDER THE PROTECTION OF THE ENVIRONMENT OPERATIONS ACT 1997
GOV400054, GOV400043, ENV200046

364/16 MOTION: Martens / Karavas

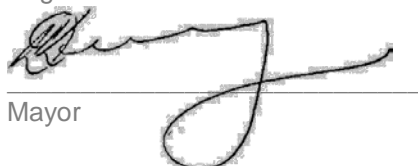
That Council receive the report by the Manager, Health and Building on the Update on the Number of Matters Dealt with under the Protection of the Environment Operations Act 1997.

The motion was carried with the Councillors voting unanimously.

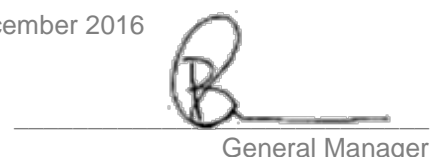
8.3 MONTHLY DEVELOPMENT APPLICATIONS PROCESSING & DETERMINED
GOV400054, GOV400043, A100055, A100056

365/16 MOTION: Cavalier / Holden

That Council receive the report by the Director Development on the Monthly Development Applications Processing & Determined.



Mayor



General Manager

The motion was carried with the Councillors voting unanimously.

8.4 EVENTS ASSISTANCE APPLICATION - MUDGEES RUGBY LEAGUE 9S TOURNAMENT

GOV400054, ECO800009, FIN300052

366/16

MOTION: Martens / Cavalier

That Council:

1. receive the report by the Events Officer on the Events Assistance Application - Mudgee Rugby League 9s Tournament; and
2. provide \$1,990 as in-kind Events Assistance to cover the hire fees associated with the Mudgee Rugby League 9s Tournament.

The motion was carried with the Councillors voting unanimously.

8.5 BOWDENS SILVER CCC MEETING NOVEMBER 2016

GOV400054, A0420245

367/16

MOTION: Cavalier / Karavas

That Council:

1. receive the report by the Director Development on the Bowdens Silver CCC Meeting November 2016;
2. note the minutes of the November 2016 Bowdens Silver CCC Meeting.

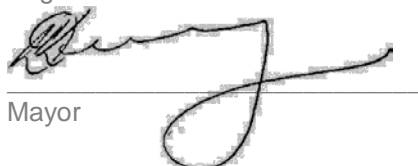
The motion was carried with the Councillors voting unanimously.

8.6 S82A REVIEW OF DETERMINATION – RYLSTONE HOTEL MANAGER'S RESIDENCE DA0096/2017

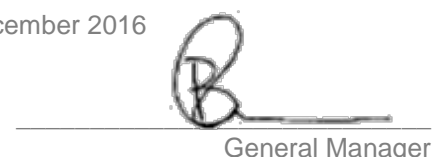
MOTION: Shelley / Karavas

That Council:

1. receive the report by the Manager, Statutory Planning on the S82A Review of Determination – Rylstone Hotel Manager's Residence DA0096/2017;
2. approve the applicants request or vary condition 4 and approve the original application colour choice; and



Mayor



General Manager

3. waive the applicants section 82A application fee through financial assistance after being placed on public exhibition for 28 days, should there be no submissions received.

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

Councillors	Ayes	Nayes
Cr Shelley	✓	
Cr Kennedy	✓	
Cr Martens		✓
Cr Thompson		✓
Cr Cavalier		✓
Cr Paine	✓	
Cr Karavas	✓	
Cr O'Neill		✓
Cr Holden		✓

Item 9: Finance

9.1 REQUEST TO LEASE ALLOTMENT 1 DP 1003936 PART OF MUDGEES AIRPORT

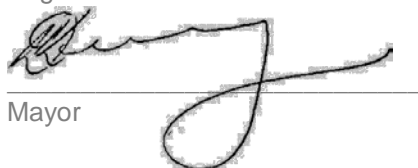
GOV400054, P2130311

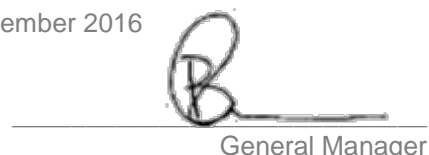
368/16

MOTION: Cavalier / Holden

That Council:

1. receive the report by the Revenue and Property Manager on the Request to Lease Allotment 1 DP 1003936 Part of Mudgee Airport;
2. enter into a Lease agreement with Mr Lance Grant to occupy Allotment 1 DP 1003936 under the conditions as specified in Attachment 3 of this Report, with an annual Lease fee of \$3,756 (plus GST), which is to be increased annually by the Consumer Price Index and, with a term of 5 years with no option to renew at the end of the 5 year term;
3. require Mr Lance Grant be responsible for the payment of all costs in relation to the preparation of the Lease agreement, including Council's reasonable legal costs, registration and valuation costs in relation to Allotment 1 DP 1003936;
4. authorise the General Manager to exercise delegated authority to deal with and determine any matter which may arise pursuant to Clause 5 of Annexure A of the Lease agreement pertaining to assignment or sublease of Allotment 1 DP 1003936 during the 5 year term of the Lease;


Mayor


General Manager

5. consent to the registration of the Lease agreement on the title for Allotment 1 DP 1003936 for the term of the Lease agreement;
6. authorise the General Manager and Mayor to sign necessary documentation in relation to the Lease agreement of Allotment 1 DP 1003936;
7. authorise the Common Seal of Council to be affixed to all documentation necessary in relation to the Lease agreement of Allotment 1 DP 1003936.

The motion was carried with the Councillors voting unanimously.

9.2 CRUDINE RIDGE WIND FARM P/L - REQUEST FOR AGREEMENT OVER PART OLD CRUDINE ROAD ROAD RESERVE

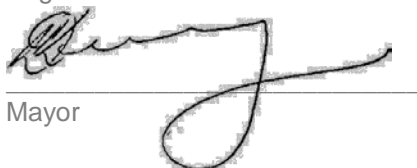
GOV400054, A0420255

369/16

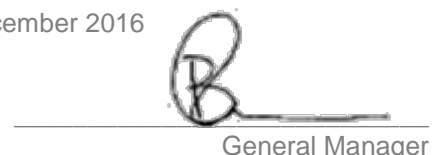
MOTION: Cavalier / Karavas

That Council:

1. receive the report by the Revenue and Property Manager on the Crudine Ridge Wind Farm P/L - request for Agreement over part Old Crudine Road road reserve;
2. enter into the proposed Lease agreement, as specified in Attachment 2 to this Report with Crudine Ridge Wind Farm P/L, subject to the Director of Planning's approval, to allow Crudine Ridge Wind Farm P/L to use that segment of Old Crudine Road road reserve pursuant to Section 149 of the Roads Act 1993 (NSW) for the permitted use as stipulated in the proposed Lease agreement for a term of 75 years;
3. authorise the General Manager to approve any further amendments to the proposed Lease agreement as may be required by the Director of Planning;
4. approve an annual initial Lease rent fee of \$2,000 (plus GST), which is to be increased annually by the Consumer Price Index and a market rent review every 5th anniversary of the commencement date of the term, for the permitted use of that segment of Old Crudine Road road reserve;
5. requires all costs associated with the proposed Lease agreement for the entire 75 year term, including Council's reasonable legal costs incurred in preparing the proposed Lease agreement and independent valuation costs, be borne by Crudine Ridge Wind Farm P/L;



Mayor



General Manager

6. **authorise the General Manager and Mayor to sign necessary documentation in relation to the proposed Lease agreement;**
7. **authorise the Common Seal of Council to be affixed to all documentation necessary in relation to the proposed Lease agreement; and**
8. **amend the proposed lease agreement to increase the period of notice required by the leasee in order to exit the lease to 90 days.**

The motion was carried with the Councillors voting unanimously.

9.3 MONTHLY BUDGET REVIEW OCTOBER 2016

GOV400054, FIN300065

370/16

MOTION: Holden / Cavalier

That Council:

1. **receive the report by the Manager, Financial Planning on the Monthly Budget Review October 2016; and**
2. **amend the Delivery Program 2014-2017 Capital Works Program for 2018 and 2019 by transferring \$600,000 each year from Sewer Mains – Capital Budget Only to Sewer Mains Relining**

The motion was carried with the Councillors voting unanimously.

9.4 MONTHLY STATEMENT OF INVESTMENT AND BANK BALANCES AS AT 30 NOVEMBER 2016

GOV400054, FIN300053

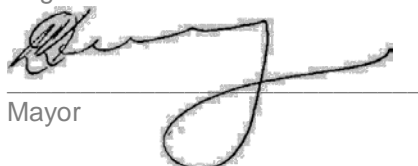
371/16

MOTION: Holden / Cavalier

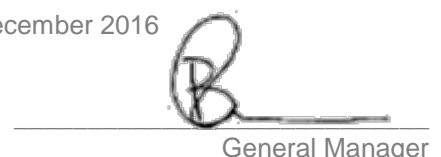
That Council:

1. **receive the report by the Manager, Financial Planning on the Monthly Statement of Investment and Bank Balances as at 30 November 2016;**
2. **note the certification of the Responsible Accounting Officer.**

The motion was carried with the Councillors voting unanimously.



Mayor



General Manager

9.5 NAMING OF AN UNNAMED ROAD OFF BYLONG VALLEY
WAY, UPPER GROWEE

GOV400054, R0790041

372/16

MOTION: Thompson / O'Neill**That Council:**

1. receive the report by the Property Support Officer on the Naming of an unnamed road off Bylong Valley Way, Upper Growee; and
2. name this road Jimmy Jimmy Road.

The motion was carried with the Councillors voting unanimously.

9.6 NAMING OF AN UNNAMED ROAD OFF BYLONG VALLEY
WAY ILFORD

GOV400054, R0790041

373/16

MOTION: Cavalier / Holden**That Council:**

1. receive the report by the Property Support Officer on the Naming of an unnamed road off Bylong Valley Way Ilford; and
2. name this road Cotter Lane.

The motion was carried with the Councillors voting unanimously.

Item 10: Operations

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. 374/16 and concluding with Resolution No. 380/16.

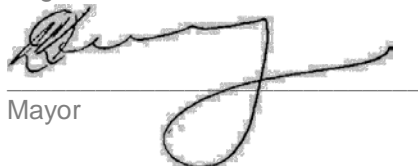
10.1 MUDGEE COMMON PLAN OF MANAGEMENT

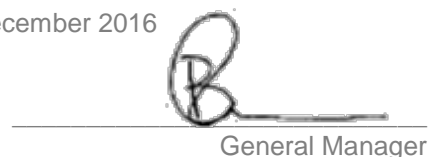
GOV400054, PAR300022

374/16

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

1. receive the report by the Manager Environmental Services on the Mudgee Common Plan of Management;



Mayor

General Manager

2. **place the draft Plan of Management on public exhibition for 28 days; and**
3. **adopt the Plan of Management if no public submissions are received during the exhibition period.**

The motion was carried with the Councillors voting unanimously.

10.2 PUTTA BUCCA PLAN OF MANAGEMENT

GOV400054, PAR300022

375/16

MOTION: Shelley / Cavalier

That Council:

1. **receive the report by the Manager Environmental Services on the Putta Bucca Plan of Management;**
2. **place the draft Plan of Management on public exhibition for 28 days; and**
3. **adopt the Plan of Management if no public submissions are received during the exhibition period.**

The motion was carried with the Councillors voting unanimously.

10.3 RFT 2016/06 WOLLAR ROAD RECONSTRUCTION STAGE 1

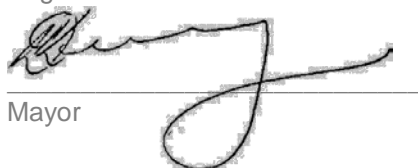
GOV400054, COR400120

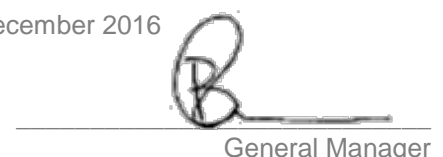
376/16

MOTION: Shelley / Cavalier

That Council:

1. **receive the report by the Director, Operations on the RFT 2016/06 Wollar Road Reconstruction Stage 1 ;**
2. **declines all tenders submitted for RFT 2016/06 Wollar Rd upgrade Stage 1 as tenders were non-conforming or excluded on the basis of unacceptable risk;**
3. **authorise the General Manager to negotiate with one or all of the tenderers for the upgrade of the Wollar Rd upgrade Stage 1 as the market has been tested and it is likely that a contract can be formed with one of the parties that satisfies the requirements of the request for tender without further delay;**
4. **authorise the General Manager to finalise and execute a contract if a satisfactory outcome can be negotiated;**


Mayor


General Manager

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

The motion was carried with the Councillors voting unanimously.

Item 11: Community

Nil

Item 12: Reports from Committees

12.1 HERITAGE COMMITTEE MEETING OCTOBER AND
NOVEMBER 2016

GOV400054, DEV700020

377/16 MOTION: Shelley / Cavalier

That Council:

1. **receive the report by the Manager, Strategic Planning on the October and November Heritage Committee Meetings; and**
2. **note the minutes of the October and November 2016 Heritage Committee Meetings.**

The motion was carried with the Councillors voting unanimously.

12.2 LOCAL TRAFFIC COMMITTEE MINUTES - NOVEMBER

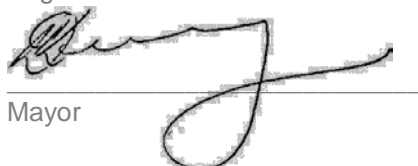
GOV400054, A0100009

378/16 MOTION: Shelley / Cavalier

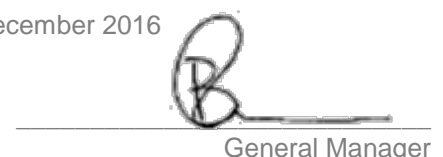
That Council:

1. **receive the report by the Director, Operations on the Local Traffic Committee meeting held 18 November 2016; and**
2. **note the minutes of the Local Traffic Committee meeting held 18 November 2016;**

The motion was carried with the Councillors voting unanimously.



Mayor



General Manager

12.3 CULTURAL DEVELOPMENT COMMITTEE

GOV400054, REC800019

379/16

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

1. receive the report by the Manager, Community Services on the Cultural Development Committee;
2. note the minutes of the Cultural Development Committee meeting held on 7 November 2016;
3. endorse Scott Etherington, Cameron Anderson, Denise Faulkner, Lizzy Galloway, Virginia Handmer, Alicia Leggett, Melanie Trethowan and Alex Wisser as members of the Cultural Development committee as follows:
4. endorse the nomination of Councillor Sam Paine as the Council representative for Orana Arts;
5. endorse the nomination of Virginia Handmer as the community representative for Orana Arts; and
6. endorse the updated Terms of Reference from the Cultural Development Committee.

The motion was carried with the Councillors voting unanimously.

12.4 MUDGEES SPORTS COUNCIL ORDINARY MEETING AND
AGM - 31 OCTOBER 2016 AND 14 NOVEMBER 2016

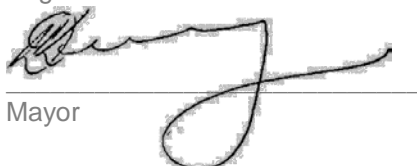
GOV400054, A0360013

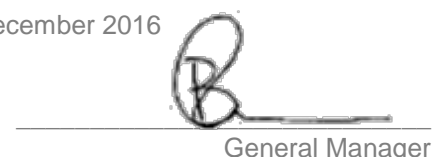
380/16

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

1. receive the report by the Director, Community on the Mudgee Sports Council Ordinary Meeting and AGM - 31 October 2016 and 14 November 2016; and
2. note the minutes for the Mudgee Sports Council Meeting held 31 October, 2016 and the Mudgee Sports Council Annual General Meeting held 14 November, 2016.

The motion was carried with the Councillors voting unanimously.



Mayor

General Manager

Item 13: Urgent Business Without Notice

381/16 MOTION: Shelley / Cavalier

That Council consider the offer from Kepco for road maintenance as Urgent Business Without Notice.

The motion was carried with the Councillors voting unanimously.

382/16 MOTION: Shelley / Holden

That Council:

- 1. accept the offer from Kepco of \$177,000 (plus GST) annual contribution for road maintenance, CPI indexed commencing in 2017/18, and then continuing each year for the life of the project; and**
- 2 request that the Department of Planning include the road maintenance contribution as a condition of consent for the project.**

The motion was carried with the Councillors voting unanimously.

Item 14: Confidential Session

Nil

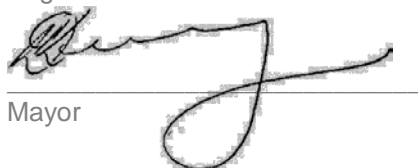
Item 15: Urgent Confidential Business Without Notice

Nil

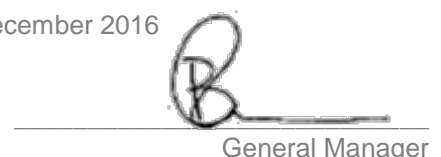
Item 16: Open Council

Item 17: Closure

There being no further business the meeting concluded at 6:52pm.



Mayor



General Manager