

# Minutes of the Ordinary Meeting of Council

Held at the Council Chambers, 86 Market Street, Mudgee  
on 20 September 2017, commencing at 6:01pm and concluding at 7:22pm.

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 Community (Simon Jones), Director  
Development (Julie Robertson), Director Operations (Garry Hemsworth),  
Chief Financial Officer (Leonie Johnson), Manager Governance (Tim  
Johnston) and Executive Assistant (Mette Sutton).

## Item 1: Apologies

There were no apologies.

## Item 2: Disclosure of Interest

Councillor Cavalier declared a pecuniary conflict of interest in item 7.4 as it concerns matters with which his business's landlord is involved. He also declared a significant non-pecuniary conflict of interest in item 10.4 as he has a personal and professional relationship with the adjoining land owners.

## Item 3: Confirmation of Minutes

235/17 MOTION: Shelley / Holden

**That the Minutes of the Ordinary Meeting held on 16 August 2017 be taken as read and confirmed.**

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

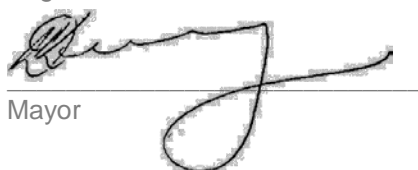
## Item 4: Matters in Progress

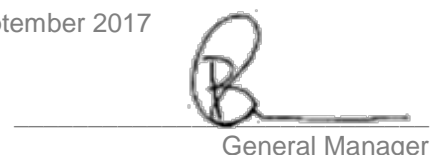
### Efficiency Plan and Future Purchase of Road Maintenance Equipment

236/17 MOTION: Holden / Shelley

**That Minute no.331/16 be noted as complete and that the Levee Bank Report (Minute no.125/17) be moved to the October Council meeting.**

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

  
Mayor

  
General Manager

**Item 5: Mayoral Minute**

Nil

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

## 6.1 RAIL LINE FROM KANDOS TO GULGONG

GOV400064, TRA300009

237/17

**MOTION: Thompson / Martens****That Council request the NSW State Government to consider re-opening the rail line from Kandos to Gulgong.***The motion was carried with the Councillors voting unanimously.*

## 6.2 MUDGEES SHOWGROUND HERITAGE IMPACT STUDY

GOV400064, GOV400064, DA0039/2018, F0650007

**MOTION: Thompson / Martens**

That:

1. a Heritage Impact Study be carried out on the Mudgee Showground Grandstand that's recommended for demolition; and
2. Council hold off on the demolition to see if grant funding can be achieved for the upgrade of the Mudgee Showground Grandstand.

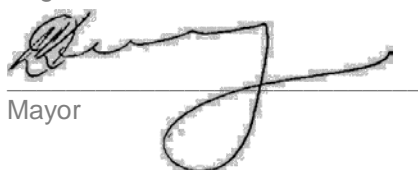
*The motion was put and lost with Councillors voting as follows:*

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

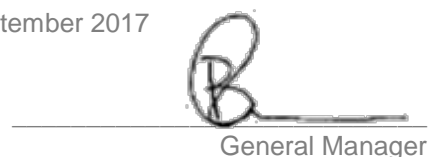
**Item 7: Office of the General Manager**

## 7.1 COUNCIL MEETING SCHEDULE FOR 2018

GOV400064



Mayor



General Manager

238/17

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

1. receive the report by the Director Community on the Council Meeting Schedule for 2018; and
2. confirm the Council Meetings for 2018 as follows:
  - Wednesday, 21 February 2018
  - Wednesday, 21 March 2018
  - Wednesday, 18 April, 2018
  - Wednesday, 16 May 2018
  - Wednesday, 20 June 2018
  - Wednesday, 18 July 2018
  - Wednesday, 15 August 2018
  - Wednesday, 19 September 2018
  - Wednesday, 17 October 2018
  - Wednesday, 21 November 2018
  - Wednesday, 12 December 2018

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

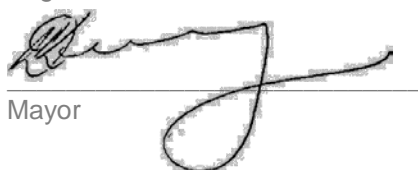
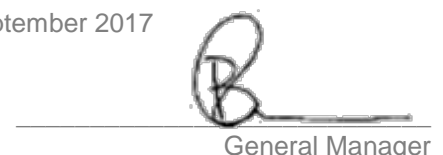
## 7.2 COUNCIL ADVISORY COMMITTEES

GOV400064, A0110015

239/17

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

1. receive the report by the Director Community on the Council Advisory Committees;
2. confirm the membership of all proposed Council Advisory Committees with external membership as shown on the attached schedule; and
3. appoints the following Councillor representative(s) to the following committees for the period until the end of August 2020:
  - (a) Mudgee Showground Management Committee

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

- (2 Councillor)
- (b) Red Hill Reserve Working Party (1 Councillor)
- (c) Mudgee Sports Council Sub Committee (1 Councillor)
- (d) Gulgong Sports Council Sub Committee (1 Councillor)
- (e) Rylstone Sports Council Sub Committee (1 Councillor)
- (f) Mid-Western Regional Council Heritage Committee (2 Councillor)
- (g) Mudgee & Gulgong Access Committee (1 Councillor)
- (h) Rylstone & Kandos Access Committee (1 Councillor)
- (i) Cultural Development Committee (1 Councillor)
- (j) Australia Day Selection Committee (Mayor, Deputy Mayor and 1 Councillor)
- (k) Mid-Western Regional Youth Council (3 Councillors)
- (l) Gulgong Memorial Hall Committee (1 Councillor)
- (m) Mudgee Saleyards Committee (1 Councillor)

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

**240/17**                      **MOTION:**     Karavas / Shelley

**That Council appoint Councillor Karavas and Councillor Holden as the Councillor representatives on the Mudgee Showground Management Committee and that meetings be held quarterly.**

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

**241/17**                      **MOTION:**     Thompson / Cavalier

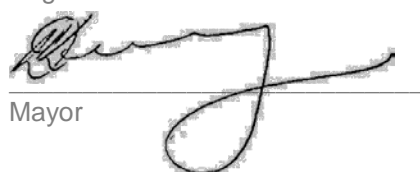
**That Council appoint Councillor Cavalier and Councillor Thompson as the Councillor representatives on the Red Hill Reserve Working Party Committee.**

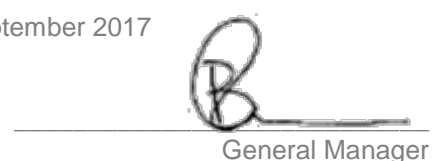
*The motion was carried with the Councillors voting unanimously.*

**242/17**                      **MOTION:**     Shelley / Cavalier

**That Council appoint Councillor O'Neill as the Councillor representative on the Mudgee Sports Council Sub Committee.**

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

  
\_\_\_\_\_  
Mayor

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

**243/17**                    **MOTION:**     **O'Neill / Shelley**

**That Council appoint Councillor Thompson as the Councillor representative on the Gulgong Sports Council Sub Committee.**

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

**244/17**                    **MOTION:**     **Cavalier / Holden**

**That Council appoint Councillor Shelley as the Councillor representative on the Rylstone Sports Council Sub Committee.**

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

**245/17**                    **MOTION:**     **Paine / Kennedy**

**That Council appoint Councillor Paine and Councillor Holden as the Councillor representatives on the Mid-Western Regional Council Heritage Committee.**

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

**246/17**                    **MOTION:**     **Karavas / Cavalier**

**That Council appoint Councillor Paine and Councillor Karavas as the Councillor representatives on the Mudgee & Gulgong Access Committee.**

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

**247/17**                    **MOTION:**     **Shelley / Cavalier**

**That Council appoint Councillor Martens and Councillor Paine (alternate) as the Councillor representatives on the Rylstone & Kandos Access Committee**

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

**248/17**                    **MOTION:**     **Kennedy / Shelley**

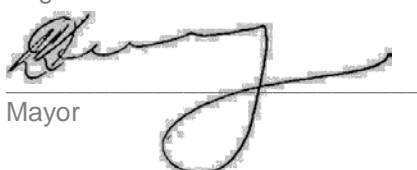
**The Council appoint Councillor Paine as the Councillor representative on the Cultural Development Committee.**

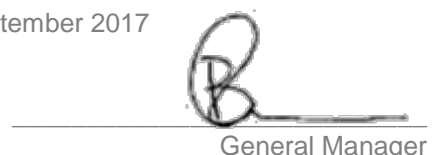
*The motion was carried with the Councillors voting unanimously.*

**249/17**                    **MOTION:**     **Shelley / Holden**

**That Council consider the appointment of representatives on the Australia Day committee as a separate item.**

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

  
\_\_\_\_\_  
Mayor

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

MOTION: Karavas / Martens

That Council appoint Councillor Karavas and Councillor Paine as the Councillor representatives on the Mid-Western Regional Youth Council.

250/17

AMENDMENT: Shelley/Holden

**That Council appoint three Councillors as representatives on the Mid-western Regional Youth Council, being Councillor Karavas, Councillor Paine and Councillor Holden.**

*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 being put as the motion, was carried with the Councillors voting unanimously.*

251/17

MOTION: Cavalier / Holden

**That Council appoint Councillor Thompson as the Councillor representative on the Gulgong Memorial Hall Committee.**

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

Council did not appoint a Councillor on the Mudgee Saleyards Committee as a report on this matter will be considered at the October Council meeting following the closure of the expression of interest for Committee membership on 22 September 2017.

252/17

MOTION: Holden / Kennedy

**That the Australia Day Selection Committee be appointed each year and to be made up of the Mayor, Deputy Mayor and a Councillor from the town where the celebration will be held.**

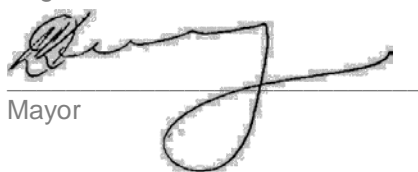
*The motion was carried with the Councillors voting unanimously.*

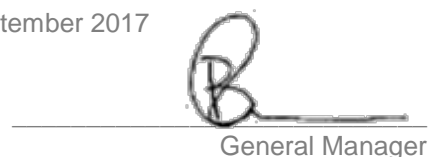
253/17

MOTION: Holden / Kennedy

**That Council appoint the Mayor, Deputy Mayor and Councillor O'Neill as the Councillor representatives on the Australia Day Selection Committee.**

AMENDMENT: Thompson / Martens

  
Mayor

  
General Manager

That Council appoint the Mayor, Deputy Mayor and Councillor Karavas as the Councillor representatives on the Australia Day Selection Committee.

*The amendment 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		✓

*The motion was put and carried with the Councillors voting unanimously.*

### 7.3 DELEGATES TO EXTERNAL COMMITTEES AND OTHER ORGANISATIONS

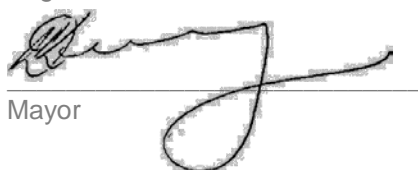
GOV400064, A0110015

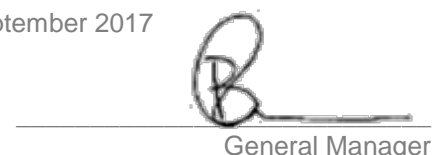
254/17

**MOTION: Cavalier / O'Neill**

**That Council:**

1. **receive the report by the Director Community on the Delegates to External Committees and other Organisations;**
2. **appoint its delegates to the following external Committees or other organisations for the period September 2017 to August 2020:**
  - 2.1 **Cudgegong Bushfire Management Committee (2 Councillors)**
  - 2.2 **Rural Fire Service District Liaison Committee (2 Councillors)**
  - 2.3 **Mudgee Regional Tourism Inc (1 Councillor)**
  - 2.4 **Ulan Coal Mine Community Consultative Committee (1 Councillor)**
  - 2.5 **Wilpinjong Coal Community Consultative Committee (2 Councillors)**
  - 2.6 **Charbon Community Consultative Committee (1 Councillor)**
  - 2.7 **Moolarben Coal Community Consultative**

  
Mayor

  
General Manager

**Committee (2 Councillors)**

- 2.8 Inglenook Exploration Community Consultative Committee (General Manager or nominee)**
- 2.9 Western Joint Regional Planning Panel (2 Councillors)**
- 2.10 Murray Darling Association (2 Representatives)**
- 2.11 Local Traffic Committee (1 Councillor)**
- 2.12 Bowdens Silver Project Community Consultative Committee (1 Councillor)**
- 2.13 Crudine Ridge Wind Farm Consultative Committee (1 Councillor)**
- 2.14 Orana Arts (1 Councillor)**

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

**255/17 MOTION: Holden / Cavalier**

**The Council appoint Councillor Cavalier and Councillor Thompson as the Councillor representatives on the Cudgegong Bushfire Management Committee.**

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

**256/17 MOTION: Cavalier / O'Neill**

**That Council appoint Councillor Cavalier and Councillor O'Neill as the Councillor representatives on the Rural Fire Service District Liaison Committee.**

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

**257/17 MOTION: Cavalier / Paine**

**That Council appoint the Mayor as the Councillor representative on the Mudgee Region Tourism Inc.**

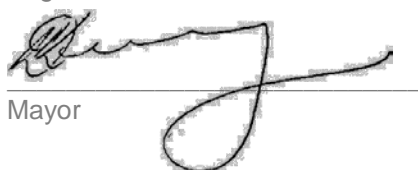
*The motion was carried with the Councillors voting unanimously.*

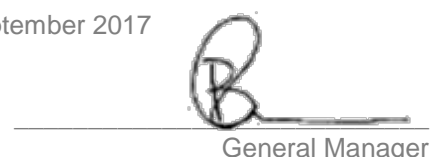
**258/17 MOTION: Cavalier / Martens**

**That Council appoint Councillor Kennedy and Councillor Martens as the Councillor representative on the Ulan Coal Mine Community Consultative Committee.**

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

**259/17 MOTION: Kennedy / Paine**

  
\_\_\_\_\_  
Mayor

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



**That Council appoint Councillor Kennedy as the Councillor representative on the Wilpinjong Coal Community Consultative Committee.**

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

**260/17 MOTION: Cavalier / Paine**

**That Council appoint Councillor Martens as the Councillor representative on the Charbon Community Consultative Committee.**

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

**261/17 MOTION: Shelley / Paine**

**That the Council representatives remain as they are for the remaining External Committee and other organisations:**

<b>Moolarben Coal Community Consultative Committee</b>	<b>Councillors O'Neill and Cavalier</b>
<b>Inglenook Exploration Community Consultative Committee</b>	<b>Councillor Martens</b>
<b>Western Joint Regional Planning Panel</b>	<b>Councillors Holden and Cavalier</b>
<b>Murray Darling Association</b>	<b>Councillors Holden and Kennedy</b>
<b>Local Traffic Committee</b>	<b>Councillor Karavas</b>
<b>Bowdens Silver Project Community Consultative Committee</b>	<b>Councillor O'Neill</b>
<b>Crudine Ridge Wind Farm Consultative Committee</b>	<b>Councillor Karavas</b>
<b>Orana Arts</b>	<b>Councillor Paine</b>

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

Councillor Cavalier declared a pecuniary conflict of interest in item 7.4 as it concerns matters with which his business landlord is involved, left the Chambers at 6:39pm and did not participate in discussion or vote in relation to this matter.

#### 7.4 BROADVIEW ESTATE PUMP STATION

GOV400064, P2109711

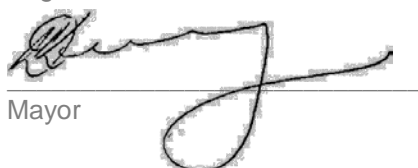
**262/17 MOTION: Shelley / Holden**

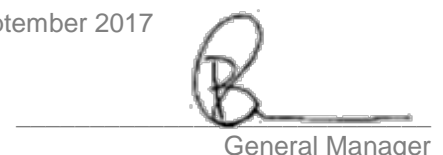
**That Council:**

- 1. receive the report by the General Manager on the Broadview Estate Pump Station; and**
- 2. note the recommendation of staff to not pay for a water booster pump station for Broadview Estate.**

**AMENDMENT: O'Neill / Thompson**

**That Council request the developer to provide costings for the supply of**

  
Mayor

  
General Manager

adequate water pressure to the seven blocks in question as opposed to the \$250k to cover the entire future development water supply.

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

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

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

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

Councillor Cavalier returned to the Chambers at 6:52pm.

## **Item 8: Development**

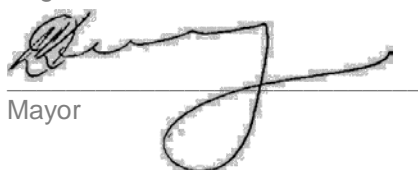
8.1 PLANNING PROPOSAL LOT 4 DP 1043986 25B DEWHURST DRIVE, MUDGEE - POST EXHIBITION REPORT  
GOV400064, LAN900076

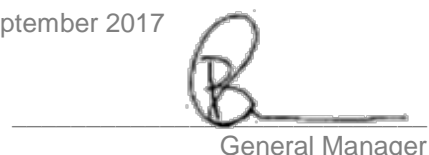
**263/17 MOTION: Holden / Shelley**

**That Council:**

1. receive the report by the Manager, Strategic Planning on the Planning Proposal Lot 4 DP 1043986 25B Dewhurst Drive, Mudgee - Post Exhibition Report; and
2. exercise the delegation in relation to the preparation of the amendment to the Mid-Western Regional Local Environmental Plan 2012 to reduce the minimum lot size in respect to Lot 4 DP 1043986 25B Dewhurst Drive, Mudgee subject to the Opinion issued by Parliamentary Counsel.

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

  
Mayor

  
General Manager

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

8.2 DA0305/2017 - EXTENSION TO WINNING POST MOTEL & CHANGE OF USE OF DWELLING TO SERVICED APARTMENT - 101 - 105 CHURCH STREET & 58 DENISON STREET , MUDGEE

GOV400064, DA0305/2017

264/17

**MOTION:** Shelley / Karavas

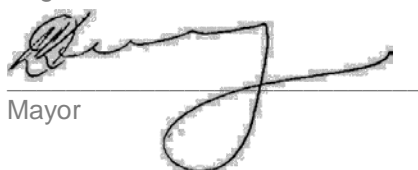
**That Council:**

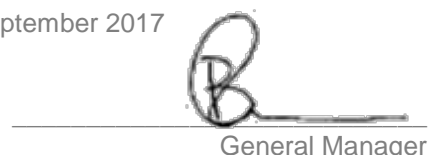
1. receive the report by the Senior Town Planner on the DA0305/2017 - Extension to Winning Post Motel & Change of use of dwelling to serviced apartment - 101 - 105 Church Street & 58 Denison Street , Mudgee ; and
2. approve DA0305/2017 - Extension to Winning Post Motel & Change of use of dwelling to serviced apartment - 101 - 105 Church Street & 58 Denison Street , Mudgee subject to the following conditions:

**APPROVED PLANS**

1. The development is to be carried out in accordance with the following plans endorsed with Council's Stamp as well as the documentation listed below, except as varied by the conditions listed herein and/or any plan notations.

Title / Name:	Drawing No / Document Ref	Revision / Issue:	Date:	Prepared by:
Site Plan	Project 101.16 Dwg 1	C	04/08/2017	Preferred Design & Drafting
Landscape Plan	Project 101.16 Dwg 3	C	04/08/2017	Preferred Design & Drafting
Ground Floor Plan	Project 101.16 Dwg 5	C	04/08/2017	Preferred Design & Drafting
First Floor Plan	Project 101.16 Dwg 7	C	04/08/2017	Preferred Design & Drafting
Elevations	Project 101.16 Dwg 8	C	04/08/2017	Preferred Design & Drafting
Sections	Project 101.16 Dwg 9	C	04/08/2017	Preferred Design & Drafting
Floor Plan	Project 101.16	B	09/05/2017	Preferred Design &

  
Mayor

  
General Manager

(Serviced Apartment)	Dwg 11			Drafting
----------------------	--------	--	--	----------

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

The following conditions must be complied with prior to Council or an accredited Certifier issuing a Construction Certificate for the proposed building.

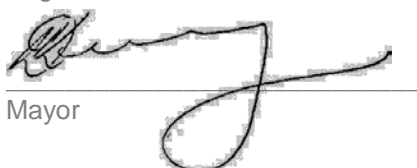
2. A detailed landscape plan prepared by a suitably qualified landscape architect, prepared generally in accordance with the approved Landscaping Plan, is to be prepared and lodged with Council for approval prior to the issue of a Construction Certificate. The landscape plan is to further detail planting within the development site and confirm suitability of each species for the climate and their intended purpose.

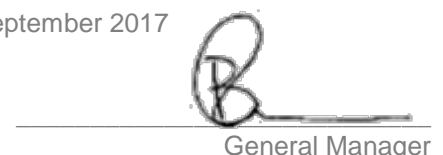
The landscape plan is to include a 5 year maintenance schedule to ensure optimum growth and survival. The landscaping is to be established prior to the issue of an interim Occupation Certificate for any of the buildings and is to be maintained in perpetuity.

3. Acoustic fencing must be provided between the new car park area and any adjacent residential boundary. Details of the acoustic fencing is to be lodged with Council for approval prior to the issue of a Construction Certificate. The fencing is to be certified by a suitably qualified acoustic engineer demonstrating that vehicle noise is minimised to an appropriate level.

The fencing is to be erected at the full cost of the developer and prior to the issue of an interim Occupation Certificate.

4. All building work is to comply with the requirements of the Access to Premises Standard.
5. A schedule of existing and proposed fire safety measures is to be submitted to the Principal Certifying Authority with the application for the Construction Certificate.
6. A site supervisor is to be nominated by the applicant prior to issue of the Construction Certificate.
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. The applicant is to submit a Drainage Report to address Stormwater Management on the site in accordance with

  
Mayor

  
General Manager

**Section 5.3 of the Development Control Plan to the Principal Certifying Authority for approval prior to the release of the Construction Certificate. The report must demonstrate that stormwater runoff from the site is not increased beyond the existing undeveloped state and that post development pollution reduction targets are met up to and including a 10% Annual Exceedance Probability (AEP). All storm water detention details including analysis shall be included with the drainage report.**

**Note: this report only needs to address the increase hardstand area provided within Lot B DP70326.**

- 9. An application for a Compliance Certificate under the Water Management Act 2000 is to be submitted to Council as the Water Supply Authority and approved prior to the issue of construction certificate.**

**Note: This will include the payment of Section 64 developer contributions.**

- 10. 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.**

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

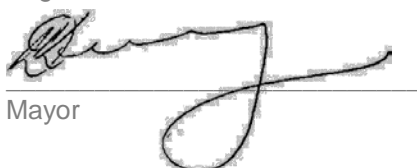
- 11. No work shall commence until a Construction Certificate has been issued and the applicant has notified Council of:**

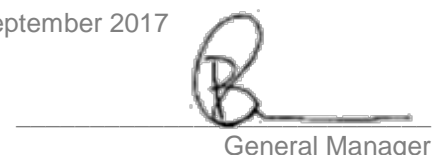
- the appointment of a Principal Certifying Authority; and
- the date on which work will commence.

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

- 12. A sign must be erected in a prominent position on any work site on which the erection or demolition of a building is carried out:**

- a. stating that unauthorised entry to the work site is prohibited;
- b. showing the name of the person in charge of the work site and a telephone number at which that person may be contacted outside working hours;
- c. the name, address and telephone number of the Principal Certifying Authority for the work; and
- d. The sign shall be removed when the erection or demolition of the building has been completed.

  
Mayor

  
General Manager

**13. 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;
- Construction equipment and materials shall be contained wholly within the site unless approval to use the road reserve has been obtained; and
- Toilet facilities are to be provided on the work site at the rate of one toilet for every 20 persons or part of 20 persons employed at the site.

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

<b>BUILDING CONSTRUCTION</b>
------------------------------

**15. All building work must be carried out in accordance with the provisions of the National Construction Code, the Environmental Planning & Assessment Act 1979 and Regulations and all relevant Australian Standards.**

**16. All plumbing and drainage work must be carried out by a licensed plumber and drainer and must comply with the Plumbing Code of Australia.**

**17. Construction work noise that is audible at other premises is to be restricted to the following times:**

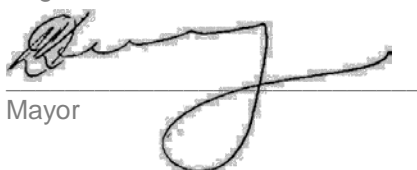
**Monday to Saturday - 7.00am to 5.00pm**

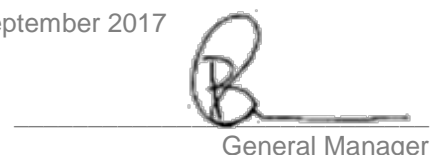
**No construction work noise is permitted on Sundays or Public Holidays.**

**18. All mandatory inspections required by the Environmental Planning & Assessment Act 1979 and any other inspections deemed necessary by the Principal Certifying Authority being carried out during the relevant stage of construction.**

**19. Structural members subject to attack by subterranean termites shall be protected by one of the methods outlined in AS 3660.1 and a durable notice must be permanently fixed to the building in a prominent location, such as a meter box or the like, indicating:**

- a. the method of protection; and

  
\_\_\_\_\_  
Mayor

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

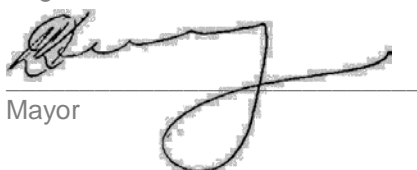
- b. the date of installation of the system; and
  - c. where a chemical barrier is used, its life expectancy as listed on the National Registration Authority label; and
  - d. the need to maintain and inspect the system on a regular basis.
20. The strength of the concrete used for the reinforced concrete floor slab must be 25Mpa.
21. The list of measures contained in the schedule attached to the Construction Certificate are required to be installed in the building or on the land to ensure the safety of persons in the event of fire in accordance with Clause 168 of the Environmental Planning and Assessment Regulation 2000.
22. The site shall be provided with a waste enclosure (minimum 1800mm X 1800mm X 1200mm) that has a lid or secure covering for the duration of the construction works to ensure that all wastes are contained on the site. The receptacle is to be emptied periodically to reduce the potential for rubbish to leave the site. Council encourages the separation and recycling of suitable materials.

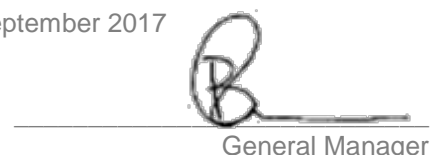
**NOTE: ALL WASTE GENERATED FROM THE CONSTRUCTION PROCESS IS TO BE CONTAINED ON-SITE**

**PRIOR TO ISSUE OF THE OCCUPATION CERTIFICATE**

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

23. Prior to the occupation of a new building, or occupation or use of an altered portion of, or an extension to an existing building, an Occupation Certificate is to be obtained from the Principal Certifying Authority appointed for the erection of the building.
24. Prior to occupation or the issue of the Occupation Certificate (or Interim Occupation Certificate) the owner of the building must cause the Principal Certifying Authority to be given a fire safety certificate (or interim fire safety certificate in the case of a building or part of a building occupied before completion) in accordance with Clause 153 of the Environmental Planning and Assessment Regulation 2000 for each measure listed in the schedule. The certificate must only be in the form specified by Clause 174 of the Regulation. A copy of the certificate is to be given to the Commissioner of the New South Wales Fire Brigade and a copy is to be prominently displayed in the building.

  
\_\_\_\_\_  
Mayor

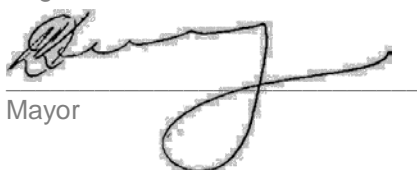
  
\_\_\_\_\_  
General Manager

25. Smoke alarms and evacuation lighting are to be installed throughout the serviced apartment in accordance with the provisions of Clause 3.7.2.4 and 3.7.2.5 of Volume 2 of Building Code Australia 2017, and AS 3786.
26. A total of 64 car parking spaces are to be provided within the site of the development and comply with AS 2890.1: 2004 and the following requirements:
- (a) Each parking space is to have minimum dimensions of 5.5m x 2.4m;
  - (b) Each disabled car parking space is to be in accordance with the provisions of AS 2890.6: 2009.
  - (c) 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;
  - (d) Off street parking is to be encouraged by the placement of prominent signs indicating the availability of parking.
27. The aisle widths, internal circulation, ramp widths and grades of the car park are to generally conform to the Roads and Maritime Services (RMS) guidelines and Australian Standard AS 2890.1 – 1993. Details of compliance are to be shown on the relevant plans and specifications.
28. Lot 1 DP 804483 and Lot B DP 70326 are to be consolidated prior to the issue of an Occupation Certificate.

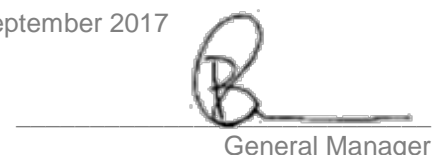
**GENERAL**

The following conditions have been applied to ensure that the use of the land and/or building is carried out in a manner that is consistent with the aims and objectives of the environmental planning instrument affecting the land.

29. For every 12 month period after the issue of the Final Fire Safety Certificate the owner/agent of the building must provide the Council and the Commissioner of NSW Fire Brigades with a copy of an Annual Fire Safety Statement Certifying that each specified fire safety measure is capable of performing to its specification.
30. Where any essential services are installed in the building a copy of the final Fire Safety Certificate (together with a copy of the current fire safety schedule) is to be given to the Commissioner of NSW Fire Brigades and Council. A further copy of the Certificate (together with a copy of the current fire safety schedule) is to be prominently displayed in the building.
31. All exterior lighting associated with the development shall be designed and installed so that no obtrusive light will be



Mayor



General Manager



cast onto any adjoining property or roadways, in accordance with Australian Standard 4282 “Control of the Obtrusive Effects of Outdoor Lighting”.

- 32. A separate development application for any proposed signs must be submitted for the approval of Council, prior to the erection or display of any such signs. This does not apply to signs which are classified as being “Exempt Development”.
- 33. 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 (the Section 94A Plan), a levy based on the value of works shall be paid to Council in accordance with this condition for the purpose of public facilities, prior to issue of a Construction Certificate.

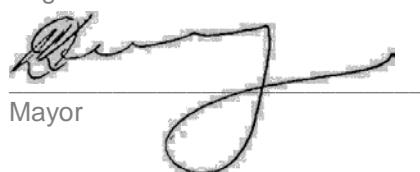
The value of works is to be calculated in accordance with Section 9.0 and the procedure outlined in Appendix 1 of the Section 94A Plan. A report regarding value of works and any necessary certification is to be submitted to Council. Council will calculate and advise of the final levy amount following submission of the documents.

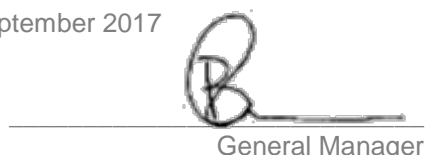
Note – the levy amount will be adjusted by the Consumer Price Index, if not paid in the same financial year it was calculated. An indicative contribution amount, based on a construction value of \$1.4m, and a 1% developer levy is \$14,000.

- 34. Access to the self-contained cottage within 58 Denison Street is to be restricted to one way traffic with entry being from Denison Street.
- 35. The domestic air conditioning unit/s must be operated in accordance with the requirements of the Protection of the Environmental Operations Act (Noise Control) Regulations 2000.
- 36. All loading and unloading in connection with the premises shall be carried out wholly within the site.
- 37. Garbage areas are to be adequately screened from public view with an opaque fence and / or adequate landscaping.

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

Councillors	Ayes	Nayes
Cr Shelley	✓	
Cr Kennedy	✓	
Cr Martens	✓	

  
 \_\_\_\_\_  
 Mayor

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

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

The following recommendations (item 8.3 and item 8.4) were adopted as a whole, being moved by Cr Shelley, seconded by Cr Karavas and carried with Councillors voting unanimously. Each recommendation is recorded with separate resolution numbers commencing at Resolution No. 265/17 and concluding with Resolution No. 266/17.

### 8.3 TESLA DESTINATION CHARGER

GOV400064, ECO800023

**265/17**

**MOTION: Shelley / Karavas**

**That Council:**

1. receive the report by the Manager Economic Development on the Tesla Destination Charger;
2. approve the installation of a Tesla Destination Charger at Market Street carpark next to The Stables building; and
3. amend the 2017/18 Operational Plan by a net \$1,500, funded from unrestricted cash, as follows:
  - 3.1 increase the economic development expenditure budget by \$3,000 for the installation costs; and
  - 3.2 increase the economic development income budget by \$1,500 for a rebate from Tesla towards installation.

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

### 8.4 EVENTS ASSISTANCE FUNDING REQUESTS

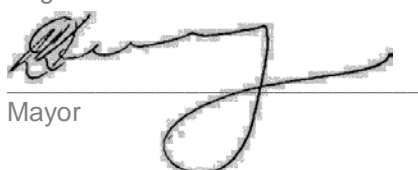
GOV400064, ECO800009; FIN300052

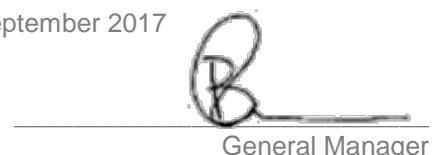
**266/17**

**MOTION: Shelley / Karavas**

**That Council:**

1. receive the report by the Events Coordinator on the Events Assistance Funding Requests;
2. provide \$2,500 of in-kind events assistance to Mudgee Gulgong Wolves FC for the hire of Glen Willow Regional Sporting Complex; and

  
 \_\_\_\_\_  
 Mayor

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

3. **provide \$875 of in-kind events assistance to Mudgee Junior Rugby League for the hire of Glen Willow Regional Sports Stadium.**

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

8.5 2017-18 LOCAL HERITAGE GRANT ALLOCATION  
GOV400064, GRA600032

267/17

**MOTION: Cavalier / Paine**

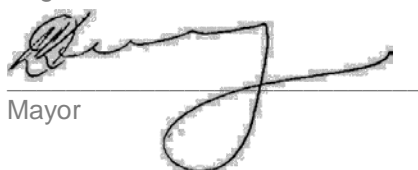
**That Council:**

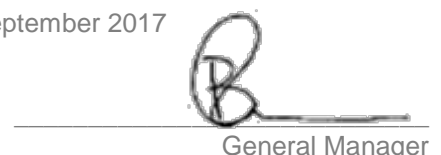
1. **receive the report by the Manager, Strategic Planning on the 2017-18 Local Heritage Grant Allocation ; and**
2. **provide a Local Heritage Grant to the following projects:**
  - a) **\$4,000 for re-stumping at 152 Mortimer Street, Mudgee;**
  - b) **\$1,500 for external painting and sympathetic guttering at 24 Perry Street, Mudgee;**
  - c) **\$1,250 for fence and window restoration at 56 Denison Street, Mudgee;**
  - d) **\$1,000 for external painting at 499 Lue Road, Milroy;**
  - e) **\$4,000 for external conservation works at St Stephen's Anglican Church, Bylong Valley Way, Bylong;**
  - f) **\$1,000 for external painting at 114 Mortimer Street, Mudgee;**
  - g) **\$1,125 for a new front fence at 69 Gladstone Street, Mudgee;**
  - h) **\$1,000 for external painting at 33 Mudgee Street, Mudgee;**
  - i) **\$1,125 for a new front fence at 156 Gladstone Street, Mudgee.**

**AMENDMENT: Karavas / Holden**

**That Council:**

1. **receive the report by the Manager, Strategic Planning on the 2017-18 Local Heritage Grant Allocation ; and**

  
\_\_\_\_\_  
Mayor

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

2. provide a Local Heritage Grant to the following projects:
- b) \$1,500 for external painting and sympathetic guttering at 24 Perry Street, Mudgee;
  - c) \$1,250 for fence and window restoration at 56 Denison Street, Mudgee;
  - d) \$1,000 for external painting at 499 Lue Road, Milroy;
  - e) \$4,000 for external conservation works at St Stephen's Anglican Church, Bylong Valley Way, Bylong;
  - f) \$1,000 for external painting at 114 Mortimer Street, Mudgee;
  - g) \$1,125 for a new front fence at 69 Gladstone Street, Mudgee;
  - h) \$1,000 for external painting at 33 Mudgee Street, Mudgee;
  - i) \$1,125 for a new front fence at 156 Gladstone Street, Mudgee

*The amendment 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		✓

*The motion was put and carried with the Councillors voting unanimously.*

The following recommendations (item 8.6 to item 9.6) 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 separate resolution numbers commencing at Resolution No. 268/17 and concluding with Resolution No. 275/17.

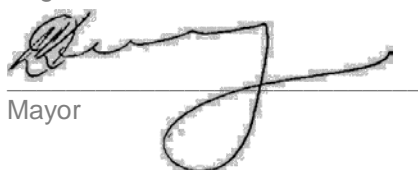
8.6 TEMPORARY SUSPENSION OF ALCOHOL FREE ZONES  
FOR SECTIONS OF CUDGEGONG AND LOUEE STREETS,  
RYLSTONE

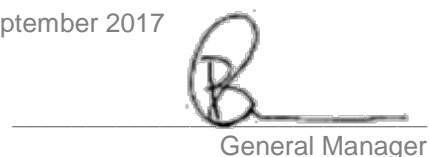
GOV400064, GOV400043,A0100009

**268/17**

**MOTION: Shelley / Cavalier**

**That Council:**

  
Mayor

  
General Manager

1. receive the report by the Manager, Health and Building on the Temporary Suspension of Alcohol Free Zones for Sections of Cudgegong and Louee Streets, Rylstone; and
2. suspend the alcohol free zones located in Cudgegong and Louee Streets, Rylstone between the hours of 10am to 5pm on Saturday 28 October 2017 for the purposes of Rylstone StreetFeast 2017.

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

8.7 MONTHLY DEVELOPMENT APPLICATIONS PROCESSING AND DETERMINED

GOV400064, A100055, A100056

**269/17 MOTION: Shelley / Cavalier**

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

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

**Item 9: Finance**

9.1 MONTHLY BUDGET REVIEW JULY 2017

GOV400064, FIN300117

**270/17 MOTION: Shelley / Cavalier**

**That Council:**

1. receive the report by the Manager, Financial Planning on the Monthly Budget Review July 2017; and
2. amend the 2017/18 Operational Plan in accordance with the variations as listed in the Monthly Budget Review attachment to this report.

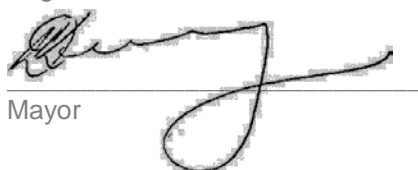
*The motion was carried with the Councillors voting unanimously.*

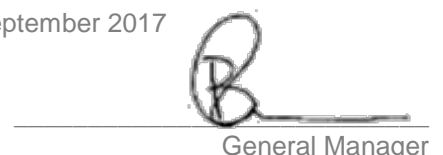
9.2 NEW AND AMENDED FEES AND CHARGES 2017/18

GOV400064, FIN300117

**271/17 MOTION: Shelley / Cavalier**

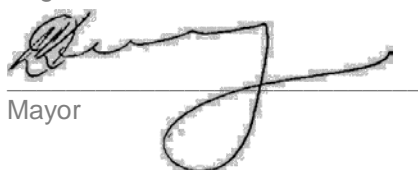
**That Council:**

  
\_\_\_\_\_  
Mayor

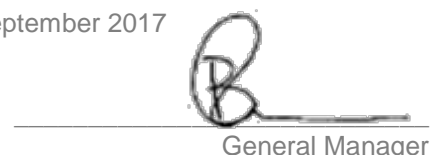
  
\_\_\_\_\_  
General Manager

1. receive the report by the Manager, Financial Planning on the New and Amended Fees and Charges 2017/18; and
2. add the following new fees, as written, and place on public exhibition for 28 days;

Service Type	New Fee	Fee (\$ Inclusive of GST)	GST	Conditions	Price Policy
Commercial Waste Disposal - Mudgee Waste Depot	Bio Solids (spade able)	125.00	Yes	Per tonne	FCR
Commercial Waste Disposal - Mudgee Waste Depot	Contaminated Soil (Complying with EPA Guidelines)	250.00	Yes	Per tonne	FCR
Commercial Waste Disposal - Mudgee Waste Depot	Commercial E Waste	45.00	Yes	Per tonne	FCR
Commercial Waste Disposal - Mudgee Waste Depot	Hydraulic Hoses	230.00	Yes	Per tonne	FCR
Commercial Waste Disposal - Mudgee Waste Depot	Clean Fill	Nil	Yes	Per tonne	FCR
Commercial Waste Disposal - Mudgee Waste Depot	Document Destruction Burial	150.00	Yes	Per tonne	FCR
Commercial Waste Disposal - Mudgee Waste Depot	Document Destruction Recycling	20.00	Yes	Per tonne	FCR
Commercial Waste Collection - Mudgee & Gulgong	Additional waste removal service - Level 1 ( 2 additional collections per week)	338.00	NA	Per quarter	FCR
Commercial Waste Collection - Mudgee & Gulgong	Additional waste removal service - Level 2 ( 1 additional collection per week)	169.00	NA	Per quarter	FCR
Commercial Waste Collection - Mudgee & Gulgong	Additional waste removal service - Level 3 ( 1 additional collection per fortnight)	85.00	NA	Per quarter	FCR
Commercial Waste Collection - Mudgee & Gulgong	Additional waste removal service - Level 4 ( 1 additional collection per month)	50.00	NA	Per quarter	FCR
Commercial Waste Disposal - Gulgong and Kandos	Green Waste - Single rear axle truck with 16" or smaller wheels	69.90	Yes	Per load	FCR
Other Public Health Fees	Fee for clean-up, prevention and noise control notices	535.00	NA		STAT
Ironed Out - Dry Cleaning Services	As Council acts as an agent, fees are determined by the external supplier. Pricing is available upon enquiry at Ironed Out	POA	Yes		EXT



Mayor



General Manager

Other Building Approvals – Swimming Pools      Notice of Public Swimming Pool      \$100.00      NA      STAT

Swimming Pools – Mudgee Pool Canteen Sales      Food and drink sales      POA      Yes      Prices as displayed      ROR

3. amend the following fee amount, as written and place on public exhibition for 28 days;

Service Type /Fee	Fee amount (\$)
Mudgee Showground – Fee 12.67 Caravan Sites - Unpowered	15.20

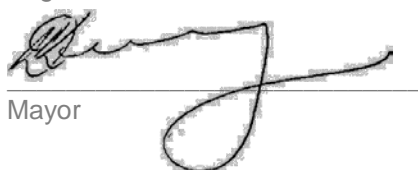
4. amend the following fee condition, as written and place on public exhibition for 28 days;

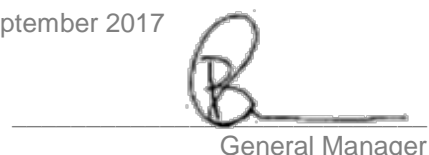
Service Type /Fee	Condition	Amended Condition
MWRC Parks & Gardens – Fee 12.1 Event booking of MWRC Parks & Gardens	Excludes annual athletics carnival for schools	Excludes annual athletics carnival for schools, markets and RSL functions

5. remove the following fees from 2017/18 Fees and Charges;

Service Type /Fee	Fee Amount	Condition
Commercial Waste Collection Mudgee & Gulgong Fee 20.17 Waste Removal Bin 240 Litres	13.00	Per service
Ironed Out - Dry Cleaning Clothing Fees 16.18 to 16.58	Various	
Ironed Out - Dry Cleaning Clothing Police Uniforms only Fees 16.59 to 16.62	Various	
Building Approvals and Certificates – Electronic Housing Code Complying Development Certificates Fees 4.16 to 4.27	Various	

6. endorse the new fees following the 28 day public exhibition period if no submissions are received.

  
Mayor

  
General Manager

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

9.3 QUARTERLY BUDGET REVIEW JUNE 2017

GOV400064, FIN300064

272/17

**MOTION: Shelley / Cavalier**

**That Council:**

1. receive the report by the Manager, Financial Planning on the Quarterly Budget Review June 2017; and
2. note the opinion by the Responsible Accounting Officer regarding the satisfactory financial position of Council.

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

9.4 MONTHLY STATEMENT OF INVESTMENT AND BANK BALANCES AS AT 31 AUGUST 2017

GOV400064, FIN300053

273/17

**MOTION: Shelley / Cavalier**

**That Council:**

1. receive the report by the Manager, Financial Planning on the Monthly Statement of Investment and Bank Balances as at 31 August 2017; and
2. note the certification of the Responsible Accounting Officer.

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

9.5 DRAFT FINANCIAL STATEMENTS 2016/17

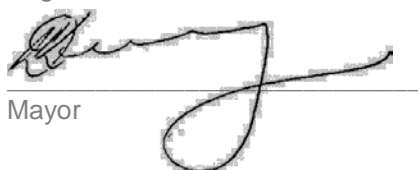
GOV400064, FIN300134

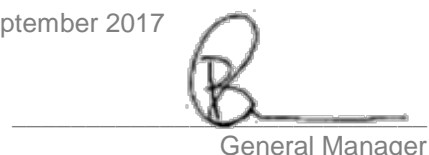
274/17

**MOTION: Shelley / Cavalier**

**That Council:**

1. receive the report by the Chief Financial Officer on the Draft 2016/17 Financial Statements;
2. authorise a change in the declared business activities of Council, reported in the Special Purpose Financial

  
\_\_\_\_\_  
Mayor

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



**Statements, to be Category 1 activities:**

- 2.1 **Water Supply;**
- 2.2 **Sewerage; and**
- 2.3 **Waste**
  
- 3. **authorise the Mayor, Deputy Mayor, General Manager and Responsible Accounting Officer to sign the Statement by Councillors and Management on its opinion of the General Purpose Financial Report 2016/17 and Special Purpose Financial Report 2016/17;**
  
- 4. **authorise the General Manager to issue the 2016/17 Financial Reports immediately upon receipt of the Auditors Report, subject to there being no material audit adjustments or audit issues; and**
  
- 5. **authorise the General Manager to finalise the date at which the Auditors Report and Financial Statements for 2016/17 are to be presented to the public.**

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

9.6 2017-18 FEDERAL GOVERNMENT FINANCIAL ASSISTANCE GRANTS

GOV400064, A0180064

275/17

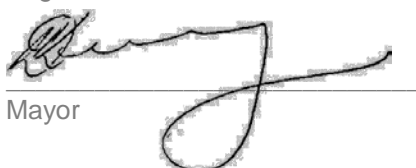
**MOTION: Shelley / Cavalier**

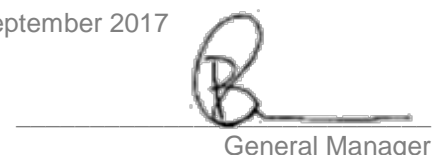
**That Council:**

- 1. **receive the report by the Chief Financial Officer on the 2017-18 Financial Assistance Grants;**
- 2. **note that the Federal Government Financial Assistance has resumed indexation at 3.4%, after freezing indexing for 3 years;**
- 3. **note the Disability Factors impacting Councils Financial Assistance Grant amount; and**
- 4. **note that no submission to the Local Government Grants Commission is recommended.**

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

9.7 HOLTERMANN MUSEUM MORTGAGE DEED

  
\_\_\_\_\_  
Mayor

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

GOV400064, REC800024

276/17

**MOTION: Holden / Thompson****That Council:**

1. receive the report by the Chief Financial Officer on the Holtermann Museum Mortgage Deed;
2. endorse financial assistance to Gulgong Holtermann Museum Incorporated in the form of a reduced rate loan for the principal amount of \$150,000, secured by mortgage over Lot 1 DP 400599, Folio Identifier 1/400599, 123-125 Mayne Street, Gulgong;
3. note the draft Mortgage Deed, as attached, with recommended terms;
4. endorse the addition of a term to ensure Gulgong Holtermann Museum Incorporated continue to maintain the Memorandum of Understanding MWRC and Holtermann Museum Inc – Red Hill for the duration of the loan term;
5. authorise the General Manager to negotiate final terms of the Mortgage Deed;
6. authorise the General Manager and Mayor to sign the Mortgage Deed and all related documentation, as required;
7. authorise the use of Councils seal on the Mortgage Deed and all related documents, as required;
8. authorise the General Manager to complete all other actions required to implement the Mortgage Deed, carry out principal drawdown of the loan, discharge the existing mortgage on the certificate of title to the loan security property, and register the mortgage over the loan security property.

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

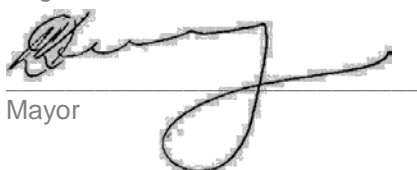
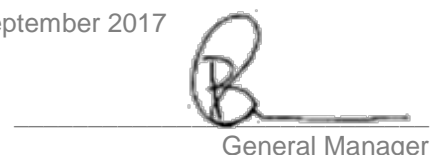
9.8 OPTION TO RENEW LEASE - RYLSTONE KANDOS  
PRESCHOOL INCORPORATED

GOV400064, P1577611

277/17

**MOTION: Shelley / Martens****That Council:**

1. receive the report by the Revenue and Property Manager and Director Community on the Option to Renew Lease -

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

**Rylstone Kandos Preschool Incorporated; and**

2. **delegate authority to the General Manager to negotiate with Rylstone Kandos Preschool Incorporated to determine the basis for calculating rent, the amount of the initial rent and subsequent years rent to be paid for the lease of the premises at 27 Fleming Street, Kandos for the period 1 December 2017 to 30 November 2022, due to Council's capital investment in the premises.**

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

**Item 10: Operations**

## 10.1 ORGANICS COLLECTION SERVICE TENDER

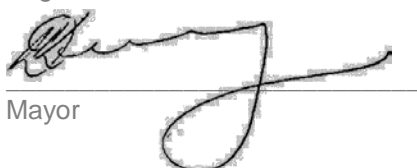
GOV400064, WAS400033

278/17

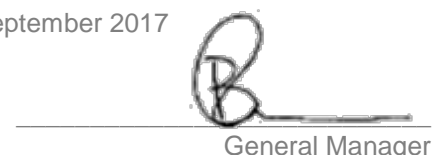
**MOTION: Kennedy / Cavalier****That Council:**

1. **receive the report by the Manager Environmental Services on the Organics Collection Service Tender;**
2. **note the details provided in the attached confidential report and accept the tendered price as offered by J.R Richards Pty Ltd \$1.1368 cents per collection weekly;**
3. **deliver all Food Organics and Garden Organics to the Dubbo Regional Organics Processing Plant (DROPP) at the rates detailed in the JR Richards schedule tendered for the estimated amount of \$95.42 per tonne for 5-10,000 tonnes/pa and \$50.58 per tonne for 10-15,000 tonnes/pa;**
4. **amend the 2017/2021 Delivery Program to include:**
  - 4.1 **the organics collection contract costs for years 2018/19-2020/21 of \$95.00 per annum, total budget of \$750,000,**
  - 4.2 **the estimated income from additional domestic waste charges for years 2018/19-2020/21 of \$95.00 per annum; total budget of \$750,000; and**
5. **commence an ongoing community engagement and education program detailing the new collection regime, its community and environmental benefits, and how it will operate for ratepayers.**

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



Mayor



General Manager

## 10.2 GLEN WILLOW PEDESTRIAN BRIDGE

GOV400064, COR400047

279/17

**MOTION: Cavalier / Paine****That Council:**

1. receive the report by the Director Operations on the Update - Glen Willow Pedestrian Bridge;
2. request a further report be brought back to Council when the scope and cost of rectification works are known; and
3. amend the Operational Plan 2017/18 to include \$37,500 in Glen Willow Pedestrian Bridge investigation and design rectifications, funded from unrestricted cash.

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

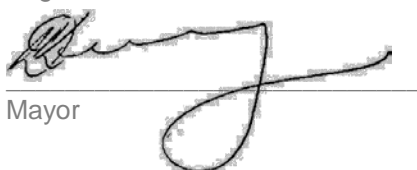
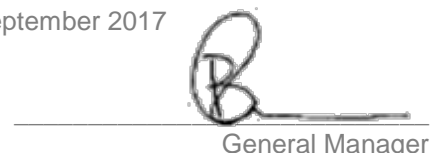
10.3 EXEMPTION FROM TENDER - RYLSTONE DAM  
GEOTECHNICAL INVESTIGATION WORKS

GOV400064, WAT50007

280/17

**MOTION: Paine / Karavas****That Council:**

1. receive the report by the Senior Water Engineer on the Exemption from Tender - Rylstone Dam Geotechnical Investigation Works;
2. approve an exemption from tender, in accordance with section 55(3)(i) of the Local Government Act 1993, for the additional geotechnical investigation works for the Rylstone Dam Safety Review, noting that due to extenuating circumstances, a satisfactory result would not be achieved by inviting tenders; and
3. note the reasons why a satisfactory outcome would not be achieved by inviting tenders are:
  - (i) a consultant has already been appointed for the original scope of works for the Rylstone Dam Safety Review in accordance with Council's procurement processes; and
  - (ii) the additional time and costs required to establish another consultant and conduct the initial assessments is not considered value for

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

**money.**

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

Councillor Cavalier declared a significant non-pecuniary conflict of interest in item 10.4 as he has a personal and professional relationship with the adjoining land owners, left the Chambers at 7:10pm and did not participate in discussion or vote in relation to the matter.

#### 10.4 SNELSONS LANE

GOV400064, R0108001

**281/17**

**MOTION: Thompson / Shelley**

**That Council:**

1. **receive the report by the Senior Works Engineer on Snelsons Lane;**
2. **resheet 650m of Snelsons Lane from the 2017/18 resheeting budget; and**
3. **complete minor tree pruning/removal work on Snelsons Lane under the unsealed local roads minor maintenance budget to accommodate 4.3m high rigid trucks;**

*The motion was carried with Councillors voting as follows:*

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

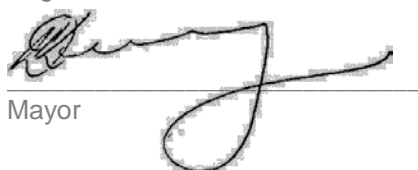
Councillor Cavalier returned to the Chambers at 7:10pm.

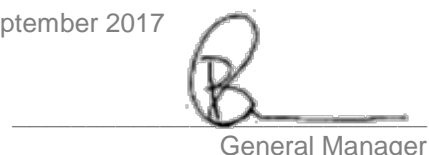
The following recommendations (item 11.1 to item 12.6) were adopted as a whole, being moved by Cr Holden, seconded by Cr Shelley and carried with Councillors O'Neill, Cavalier, Kennedy, Paine and Karavas voting for the items and Councillors Thompson and Martens voting against the items. Each recommendation is recorded with separate resolution numbers commencing at Resolution No. 282/17 and concluding with Resolution No. 291/17.

## **Item 11: Community**

### 11.1 COUNCILLOR PROFESSIONAL DEVELOPMENT PROGRAM

GOV400064, GOV400013

  
Mayor

  
General Manager

**282/17 MOTION: Holden / Shelley**

**That Council:**

1. receive the report by the Manager Governance on the Councillor Professional Development Program; and
2. endorse the Councillor Professional Development Program 2016 – 2020.

*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	✓	

11.2 MEMORANDUM OF UNDERSTANDING - TWIN TOWN PLAYERS

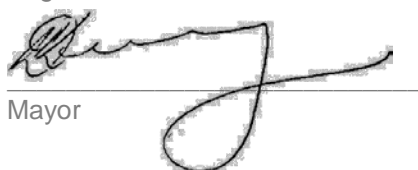
GOV400064, P1633211

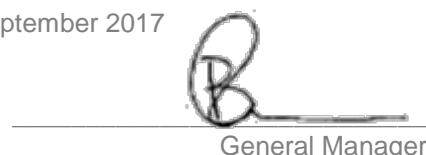
**283/17 MOTION: Holden / Shelley**

**That Council:**

1. receive the report by the Director Community on the Memorandum of Understanding - Twin Town Players; and
2. endorse the proposed Memorandum of Understanding with the Twin Town Players for the use of the Rylstone Memorial Hall;
3. place on public exhibition for 28 days seeking community feedback the proposal for a new fee to be listed in Council's Fees and Charges that there be no charge to the Twin Town Players for the use of the Rylstone Memorial Hall when used for rehearsals.
4. adopt this new fee that there be no charge to the Twin Town Players for the use of the Rylstone Memorial Hall when used for rehearsals if no submissions are received as a result of the public exhibition process.

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	✓	

### 11.3 OFFER OF DONATION OF ART WORKS - TATLOW COLLECTION

GOV400064, REC800010, REC800003

284/17

**MOTION: Holden / Shelley**

**That Council:**

1. receive the report by the Director Community on the Offer of Donation of Art Works - Tatlow Collection;
2. accept the offer of the donation of the 22 art works that form the Tatlow Collection;
3. authorise the General Manager to sign the Deed of Agreement between John Turnell & Alan Bingham and Mid-Western Regional Council on behalf of Council following any further negotiation if required; and
4. ensure that future offers of donations of art works conform to the Art Collection Policy recently endorsed by Council.

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

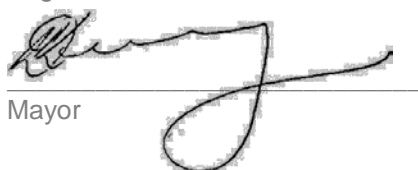
### 11.4 GRAEME MORGAN MEMORIAL PLAQUE - GULGONG SWIMMING POOL

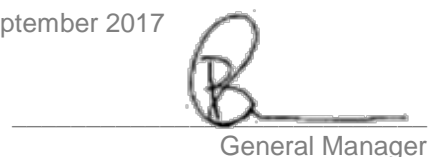
GOV400064, F0640015

285/17

**MOTION: Holden / Shelley**

**That Council:**

  
Mayor

  
General Manager

1. receive the report by the Director Community on the Graeme Morgan Memorial Plaque - Gulgong Swimming Pool; and
2. endorse the proposal for a memorial plaque to be installed at the Gulgong Swimming Pool to acknowledge the community service provided by Graeme Morgan.

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

## Item 12: Reports from Committees

12.1 RED HILL COMMITTEE MEETING MINUTES JULY & AUGUST  
GOV400064, P0860011

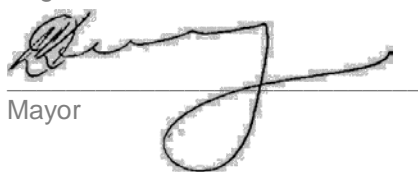
286/17

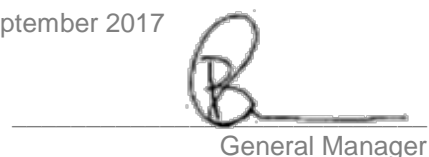
**MOTION: Holden / Shelley**

**That Council:**

1. receive the report by the Director Community on the Red Hill Committee Meeting Minutes July & August;
2. note the minutes of the Red Hill Committee meeting of 25 July, 2017 and 23 August, 2017; and
3. place the updated Red Hill Master Plan on public exhibition for 28 days to seek comment from the community.

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



12.2 LOCAL TRAFFIC COMMITTEE MEETING - AUGUST

GOV400064, A0100009

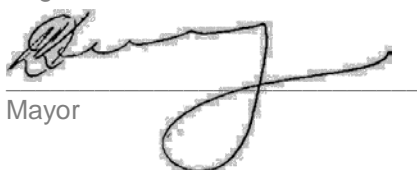
287/17

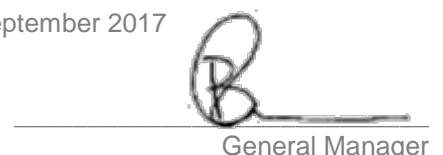
**MOTION: Holden / Shelley**

**That Council:**

1. receive the report by the Manager Development Engineering on the Local Traffic Committee Meeting;
2. Approve the event – Rylstone Street Feast, 28 October 2017 – be classified as a Class 2 Event under the Guide to Traffic and Transport Management for Special Events Version 3.4 and proceeds with the following conditions:
  - a. A Special Events Transport Management Plan (TMP), is to be prepared in accordance with the Guide to Traffic and Transport Management for Special Events Version 3.4 and submitted to and approved by Council prior to the event;
  - b. Events are to be undertaken in accordance with the requirements of the NSW Police Force with their approval documentation forwarded to Council for notation;
  - c. Controlling noise as required by the Protection of The Environment Operations (Noise Control) Regulation 2000;
  - d. Reimbursing Council for the cost of damage repairs;
  - e. Complying with Council's Law Enforcement Officers' reasonable directives;
  - f. Maintain areas in a clean and tidy condition. No obstructions are to be left on the roadways or footpaths;
  - g. Any person directing traffic on a public road is required to possess an appropriate traffic controller's certificate;
  - h. The event convener is to notify all affected businesses and residents adjacent to the proposed closure indicating the period during which their accesses will be affected. Such notification is to be in writing;
  - i. Maintain a four-metre wide emergency vehicle lane;
  - j. Advertise the proposed event in local newspapers with relevant information at least 2 weeks prior to the date;
  - k. The organiser is to have a debrief with Council and Police with all traffic control documentation and controls tabled for review; and
  - l. The organiser is to notify NSW Fire and Rescue and the NSW Ambulance Service of the event;
  - m. Council must be provided with a current copy of a Public Liability Insurance policy in the amount of at least \$20 million. Such a policy is to note Council, RMS and NSW Police Force as interested parties on the policy;

Councillors	Ayes	Nays
Cr Shelley	✓	
Cr Kennedy	✓	
Cr Martens		✓

  
 \_\_\_\_\_  
 Mayor

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

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

## 12.3 MUDGEES SPORTS COUNCIL MEETING - AUGUST

GOV400064, A0360013

288/17

**MOTION: Holden / Shelley****That Council:**

1. receive the report by the Director Community on the Mudgee Sports Council Meeting Minutes - August; and
2. note the minutes for the Mudgee Sports Council Meeting held on 29 August, 2017.

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

## 12.4 HERITAGE COMMITTEE MINUTES AUGUST 2017

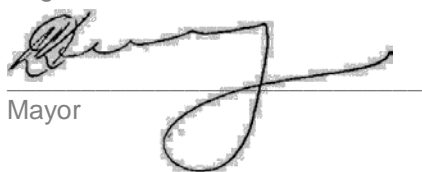
GOV400064, DEV700020

289/17

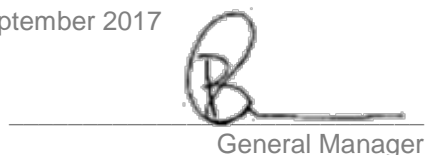
**MOTION: Holden / Shelley****That Council:**

1. receive the report by the Manager, Strategic Planning on the Heritage Committee Minutes August 2017; and
2. note the minutes of the August 2017 Heritage Committee Meeting.

Councillors	Ayes	Nayes
Cr Shelley	✓	
Cr Kennedy	✓	
Cr Martens		✓
Cr Thompson		✓



Mayor



General Manager

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

## 12.5 MUDGEE SHOWGROUND MANAGEMENT COMMITTEE

GOV400064, F0650007

290/17

**MOTION: Holden / Shelley****That Council:**

1. receive the report by the Manager, Plant and Facilities on the Mudgee Showground Management Committee; and
2. note the contents of the minutes of the Mudgee Showground Management Committee Meeting held on 8 August 2017

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

## 12.6 CULTURAL DEVELOPMENT COMMITTEE

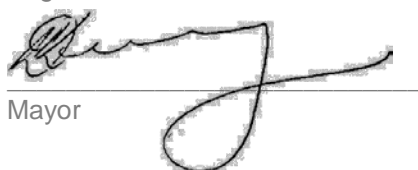
GOV400064, REC800019

291/17

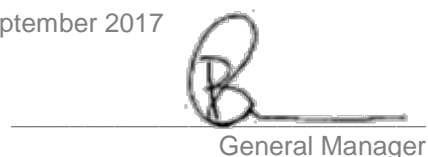
**MOTION: Holden / Shelley****That Council:**

1. receive the report by the Manager, Community Services on the Cultural Development Committee;
2. note the minutes of the Cultural Development Committee meetings convened on 5 June and 21 August 2017.

Councillors	Ayes	Nayes
Cr Shelley	✓	
Cr Kennedy	✓	
Cr Martens		✓
Cr Thompson		✓



Mayor



General Manager

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

**Item 13: Urgent Business Without Notice**

Nil.

**Item 14: Confidential Session**

**292/17 MOTION: Cavalier / Holden**

**That pursuant to the provisions of Section 10 of the Local Government Act, 1993, the meeting be closed to the public.**

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

Following the motion to close the meeting being moved and seconded, the General Manager announced that the following matters would be considered in confidential session and the reason why it was being dealt with in this way.

**14.1 Major Events for the Region**

***The reason for dealing with this report 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 the public interest as it involves discussion of information that will form part of Council's negotiations in attracting major events.***

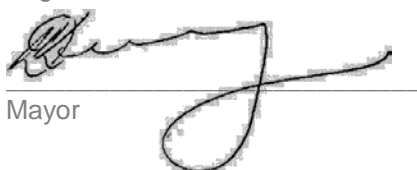
**14.2 Purchase of Land for Road Widening - Ulan Road Upgrade Project**

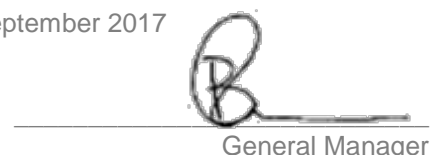
***The reason for dealing with this report confidentially is that it relates to information that would, if disclosed, confer a commercial advantage on a competitor of the council in accordance with Section 10A(2)(d)(ii) of the Local Government Act, 1993.***

***Discussion of this matter in an open meeting would be, on balance, contrary to the public interest as it involves discussion of Information that would, if disclosed, confer a commercial advantage on a competitor of the Council..***

Following an enquiry from the Mayor, the 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 following recommendations (item 14.1 and item 14.2) were adopted as a whole, being moved by Cr Shelley, seconded by Cr Paine and carried with Councillors voting unanimously. Each recommendation is recorded with separate resolution numbers commencing at Resolution No. 293/17 and concluding with Resolution No. 294/17.

  
 \_\_\_\_\_  
 Mayor

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

14.1 MAJOR EVENTS FOR THE REGION

GOV400064, ECO800024

293/17

**MOTION:** Shelley / Paine

**That Council:**

1. receive the report by the Director Development on the Major Events for the Region; and
2. amend the Operational Plan for 2017/18 to increase the existing budget for major events by \$150,000, to be funded from unrestricted cash; and
3. amend the Delivery Program 2017/21 to increase the existing budget for major events in 2018/19 by \$150,000, to be funded from unrestricted cash.

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

14.2 PURCHASE OF LAND FOR ROAD WIDENING - ULAN ROAD UPGRADE PROJECT

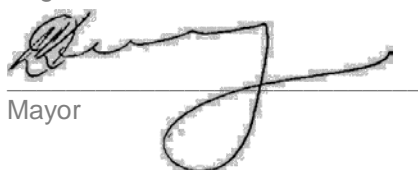
GOV400064, R189001,PN13054

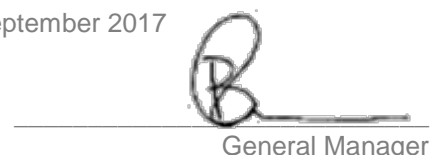
294/17

**MOTION:** Shelley / Paine

**That Council:**

1. receive the report by the Manager Works on the Purchase of Land for Road Widening - Ulan Road Upgrade Project;
2. dedicate part of allotment 2 DP 1000146, having an area of 31.43 m<sup>2</sup> and as shown on Attachment 1 to this Report, as public road pursuant to Section 9 Roads Act 1993;
3. authorise the General Manager to sign all documents necessary in relation to the dedication of that part of allotment 2 DP 1000146 as shown on Attachment 1 to this Report, as public road;
4. authorises the affixing of the Common Seal to all documents necessary in relation to the dedication of that part of allotment 2 DP 1000146 as shown on Attachment 1 to this Report, as public road; and
5. approves the payment of \$800.00 as compensation to Ms Bibi Liati of 10 Frog Rock Road for the purchase of part of allotment 2 DP 1000146, having an area of 31.43 m<sup>2</sup> and as shown on Attachment 1 to this Report.

  
Mayor

  
General Manager

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

**Item 15: Urgent Confidential Business Without Notice**

Nil.

**Item 16: Open Council**

295/17

**MOTION: Cavalier / Holden**

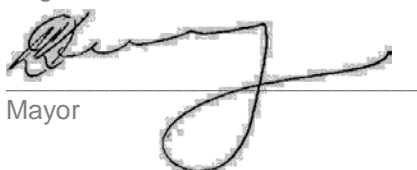
**That: Council move to Open Council.**


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

The General Manager announced the decisions taken in Confidential Session.

**Item 17: Closure**

There being no further business the meeting concluded at 7:22pm.

  
\_\_\_\_\_  
Mayor

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