

Minutes of the Ordinary Meeting of Council

Held at the Council Chambers, 86 Market Street, Mudgee
on 15 November 2017, commencing at 5.40pm and concluding at 6:56pm.

PRESENT 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

An apology was received for Cr P Shelley.

317/17 MOTION: Cavalier / Martens

That the apology received for Cr P Shelley be accepted.

The motion was carried with the Councillors voting unanimously.

Item 2: Disclosure of Interest

Councillor D Kennedy declared a pecuniary conflict of interest in item 14.2 as he is the prior developer of the site which has been sold, but he holds a mortgage on the site pending sale.

Councillor JP Thompson declared a significant non-pecuniary conflict of interest in item 8.2 as he is a member of the Gulgong Turf Club.

Councillor R Holden declared a less than significant non-pecuniary conflict of interest in item 8.2 as his private residence adjoins the Small Bore Rifle Club premises/lands. Cr Holden also declared a pecuniary conflict of interest in item 7.5 as he conducts business with a Director of the MRTI Board.

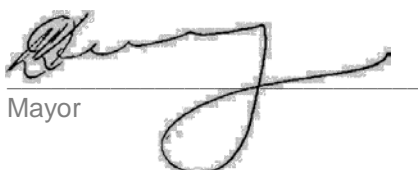
Councillor P Cavalier declared a pecuniary conflict of interest in item 10.2 as he resides along Black Lead Lane and he will be paying a contribution toward the sealing of the lane to Council.

Item 3: Confirmation of Minutes

318/17 MOTION: Cavalier / Karavas

That the Minutes of the Ordinary Meeting held on 18 October 2017 be taken as read and confirmed.

The motion was carried with the Councillors voting unanimously.


Mayor


General Manager

Item 4: Matters in Progress**Levee Bank - Res. 125/17****319/17 MOTION: Holden / Cavalier****That Council note this matter as being complete.***The motion was carried with the Councillors voting unanimously.***Item 5: Mayoral Minute**

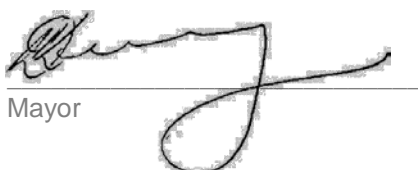
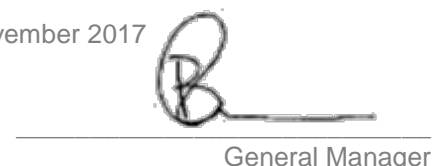
Nil

Item 13: Urgent Business Without Notice

The Mayor declared the rescission motion for the Gulgong Holtermann Museum as urgent business.

320/17 MOTION: Holden / Cavalier**That the Urgent Business Without Notice be brought forward on the agenda.***The rescission motion was carried with the Councillors voting unanimously.***321/17 RESCISSION MOTION: Cavalier / Holden****That the resolution of the Council Meeting on 20 September, 2017 in relation to Res No. 276/17 being:****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;**


Mayor
General Manager

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.

be and is hereby rescinded.

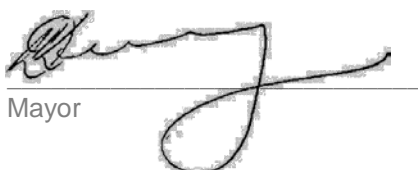
The motion was carried with the Councillors voting unanimously.

322/17

MOTION: Cavalier / Holden

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. authorise the General Manager to negotiate final terms of the Mortgage Deed;
5. authorise the General Manager and Mayor to sign the Mortgage Deed and all related documentation, as required;
6. authorise the use of Council's seal on the Mortgage Deed and all related documents, as required;
7. 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; and



Mayor



General Manager

8. cover all related legal costs.

The motion was carried with the Councillors voting unanimously.

Item 6: Notices of Motion or Rescission

6.1 STRONGER COUNTRY COMMUNITIES FUND -
HOLTERMANN MUSEUM

GOV400064, A0100035

323/17

MOTION: Holden / Thompson

That Council:

1. **nominate the Holtermann Museum for funding in the next round of Stronger Country Communities funding; and**
2. **encourage the Holtermann Museum to apply for any grant funding including the Stronger Country Communities funding in the future.**

The motion was carried with the Councillors voting unanimously.

Item 7: Office of the General Manager

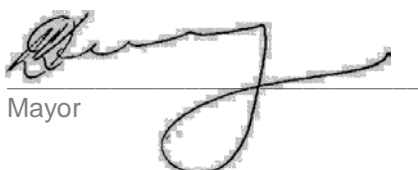
7.1 RUNWAY MOTORSPORT AUSTRALIA EVENT

GOV400064, F0470025

MOTION: Cavalier / Karavas

That Council:

1. receive the report by the General Manager on the Runway Motorsport Australia Event;
2. authorise the General manager to negotiate further with the Runway Motorsport Australia organiser;
3. as part of those negotiations, seeks to ensure any closure of the Mudgee airport on Friday evening does not impact on the incoming commercial services of FlyPelican, the closure of the airport on Sunday is limited to the morning only, and that the risks of damage to the airport are addressed through either a suitable insurance policy being taken out by the organiser or by way of a bank guarantee that is viable for the organiser and Council.


Mayor


General Manager

4. receive a further report for consideration following negotiations.

324/17

AMENDMENT Kennedy / Holden**That Council:**

1. receive the report by the General Manager on the Runway Motorsport Australia Event; and
2. decline the use of the Mudgee Airport for the Runway Motorsport Australia event.

The amendment was put and carried on the casting vote of the Mayor with Councillors voting as follows:

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

The amendment on becoming the motion was carried on the casting vote of the Mayor with Councillors voting as follows:

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

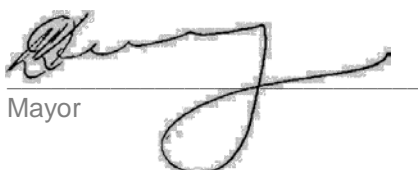
7.2 COMMUNITY SAFETY COMMITTEE

GOV400064, A0100054

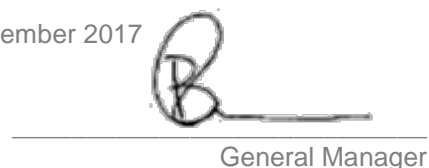
325/17

MOTION: Karavas / Thompson**That Council:**

1. receive the report by the Director Community on the Community Safety Committee;
2. consider the expressions of interest from community



Mayor



General Manager

members; and

3. **appoint Alex Feneck, Lyn Sahyoun, Ang Fittler, Annette Rhodes, Michael Boyd and Victoria Smith-Webb as community representatives and representatives of the NSW Police to the Community Safety Committee.**

The motion was carried with the Councillors voting unanimously.

7.3 MUDGEE REGIONAL SALEYARDS COMMITTEE

GOV400064, F0720001

326/17

MOTION: Holden / Paine

That Council:

1. **receive the report by the Director Community on the Mudgee Regional Saleyards Committee membership;**
2. **consider the expressions of interest to be community members of the Mudgee Regional Saleyards Committee;**
3. **endorse Bill Lawson, Chris Schmidt, Barry Clapham, Robert Kearins and David Clarke as community members of the Mudgee Regional Saleyards Committee; and**
4. **endorse the draft Terms of Reference for the Mudgee Regional Saleyards Committee.**

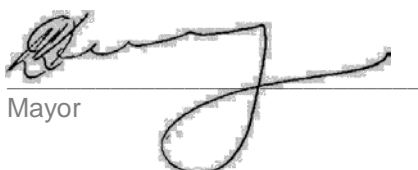
The motion was carried with the Councillors voting unanimously.

AMENDMENT: Karavas

That Council:

1. receive the report by the Director Community on the Mudgee Regional Saleyards Committee membership;
2. consider the expressions of interest to be community members of the Mudgee Regional Saleyards Committee;
3. endorse Bill Lawson, Chris Schmidt, Barry Clapham, Robert Kearins, David Clarke and Sandy Walker as community members of the Mudgee Regional Saleyards Committee; and
4. endorse the draft Terms of Reference for the Mudgee Regional Saleyards Committee.

The amendment was put and lost for want of a seconder.


Mayor


General Manager

7.4 MERGING OF INGLENOK EXPLORATION & CHARBON
COLLIERY COMMUNITY CONSULTATIVE COMMITTEES
GOV400064, A0420233

327/17 MOTION: Cavalier / O'Neill

That Council:

1. receive the report by the Director Community on the Merging of Inglenook Exploration & Charbon Colliery Community Consultative Committees; and
2. note the approval to merge Inglenook Exploration and Charbon Colliery Community Consultative Committees.

The motion was carried with the Councillors voting unanimously.

Councillor Holden declared a pecuniary conflict of interest in item 7.5 as he conducts business with a Director of the MRTI Board, left the Chambers at 6:16pm and did not participate or vote in relation to this matter.

7.5 MRTI QUARTERLY REPORT - JULY 2017 TO SEPTEMBER
2017
GOV400064, F0770077

328/17 MOTION: Cavalier / Paine

That Council receive the report by the General Manager on the MRTI Quarterly Report - July 2017 to September 2017.

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

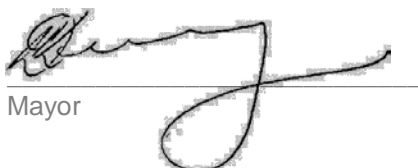
Councillors	Ayes	Nayes
Cr Kennedy	✓	
Cr Martens	✓	
Cr Thompson	✓	
Cr Cavalier	✓	
Cr Paine	✓	
Cr Karavas	✓	
Cr O'Neill	✓	

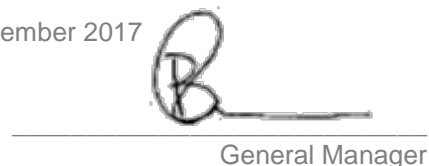
Councillor Holden returned to the Chambers at 6:17pm.

Item 8: Development

8.1 EVENTS ASSISTANCE APPLICATION - ADDITIONAL
FUNDING FOR RYLSTONE STREET FEAST
GOV400064, ECO800009; FIN300052

329/17 MOTION: Cavalier / Holden


Mayor


General Manager

That Council:

1. receive the report by the Events Coordinator on the Events Assistance Application - Additional Funding for Rylstone Street Feast; and
2. provide additional funding to Rylstone Street Feast for the provision of Traffic Control Personnel (\$654) and Waste Services (\$261).

The motion was carried with the Councillors voting unanimously.

Councillor Thompson declared a significant non-pecuniary conflict of interest in item 8.2 as he is a member of the Gulgong Turf Club, left the Chambers at 6:18pm and did not participate or vote in relation to this matter.

8.2 EVENTS ASSISTANCE APPLICATIONS - JANUARY TO JUNE
2018 EVENTS

GOV400064, ECO800009; FIN300052

330/17

MOTION: Holden / Paine

That Council:

1. receive the report by the Events Coordinator on the Events Assistance Applications - January to June 2018 Events;
2. provide Events Assistance to the below applicants (includes cash and in-kind amounts); and

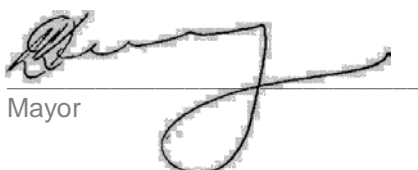
Henry Lawson Society of NSW
Gulgong Prince of Wales Eisteddfod
Gulgong Turf Club Inc.
Gulgong Arts Council
Cudgegong Valley Antique Machinery Club
CWA Kandos

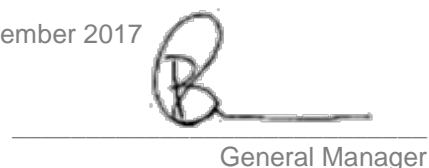
3. decline the applications to provide Events Assistance to the following applicants for the reasons provided in the report:

Big Bike Pty Ltd
Mudgee Civilian Rifle and Smallbore Club Inc.
Gulgong Pistol Club Inc.

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

Councillors	Ayes	Nayes
Cr Kennedy	✓	


Mayor


General Manager

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

Councillor Thompson returned to the Chambers at 6:18pm.

8.3 MONTHLY DEVELOPMENT APPLICATIONS PROCESSING
AND DETERMINED

GOV400064, A100055, A100056

331/17 MOTION: Holden / Karavas

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 DRAFT ANNUAL REPORT 2017

GOV400064, COR400008

332/17 MOTION: Holden / O'Neill

That Council:

- 1. receive the report by the Financial Accountant on the Draft Annual Report 2017; and**
- 2. adopt the draft Annual Report 2017.**

The motion was carried with the Councillors voting unanimously.

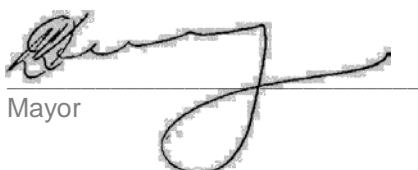
9.2 MONTHLY STATEMENT OF INVESTMENT AND BANK
BALANCES AS AT 31 OCTOBER 2017

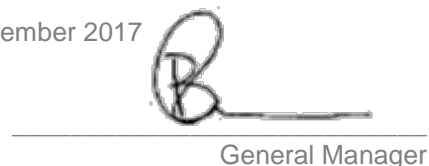
GOV400064, FIN300053

333/17 MOTION: Karavas / Martens

That Council:

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


Mayor


General Manager

Officer.

The motion was carried with the Councillors voting unanimously.

9.3 QUARTERLY BUDGET REVIEW STATEMENT SEPTEMBER
2017

GOV400064, FIN300117

334/17

MOTION: Paine / Karavas

That Council:

1. receive the report by the Manager Financial Planning on the Quarterly Budget Review Statement September 2017;
2. amend the 2017/18 Operational Plan in accordance with the proposed variations as listed in the Quarterly Budget Review attachment to this report; and
3. note the opinion of the Responsible Accounting Officer regarding the satisfactory financial position of Council, based upon the revised estimates of income and expenditure.

The motion was carried with the Councillors voting unanimously.

9.4 INVESTMENTS POLICY REVIEW

GOV400064, FIN300032

335/17

MOTION: Martens / Paine

That Council:

1. receive the report by the Manager Financial Planning on the Investments Policy Review; and
2. adopt the revised Investment Policy

The motion was carried with the Councillors voting unanimously.

Item 10: Operations

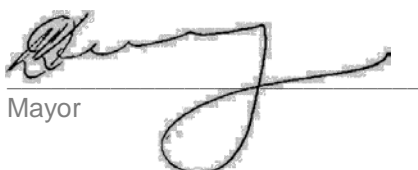
10.1 MUDGEE AIRPORT DEVELOPMENT

GOV400064, COU50087

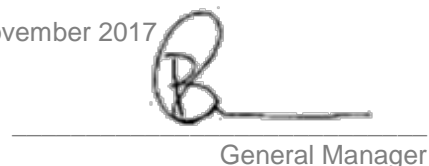
336/17

MOTION: Cavalier / Thompson

That Council:



Mayor



General Manager

1. receive the report by the Manager, Plant and Facilities on the Mudgee Airport Development;
2. amend the Operational Plan 2017/18 to allocate \$180,000 to complete the unfinished taxiway civil works as defined in the Airport Master Plan Stage 1, funded from the Land Development Reserve;
3. amend the Operational Plan 2017/18 to allocate \$10,000.00 for the survey, registration fees, and legal costs for subdivision;
4. delegate the General Manager authority to obtain commercial valuations on two blocks of land, Lots 12 and 13, with a subsequent report to Council detailing the results and further recommendation;
5. amend the Operational Plan 2017/18 to allocate \$3,000 for land valuation fees for Lots 12 & 13, funded from the Land Development Reserve;
6. provide in principal approval for the 25 year lease of the remaining blocks of land, Lots 1 to 11; and
7. delegate the Mayor and General Manager to approach the Minister Infrastructure and Transport with the view to accelerate the decommissioning of the Non Directional Beacon (NDB) Tower at the Mudgee Airport.

The motion was carried with the Councillors voting unanimously.

Councillor Cavalier declared a pecuniary conflict of interest in item 10.2 as he resides along Black Lead Lane and he will be paying a contribution toward the sealing of the lane to Council, left the Chambers at 6:20pm and did not participate in discussion or vote in relation to this matter.

10.2 SEALING OF BLACK LEAD LANE

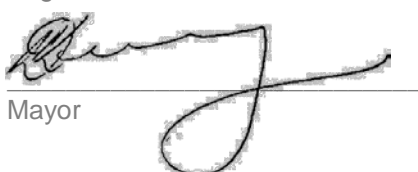
GOV400064, R0133001

337/17

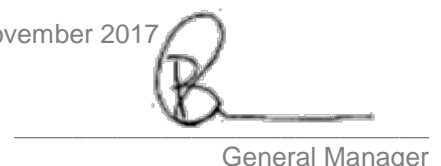
MOTION: Holden / Paine

That Council:

1. receive the report by the Manager Works on the Sealing of Black Lead Lane;
2. approve the sealing of 1000m of Black Lead Lane with a contribution from the applicants for the cost of the seal and a condition that payment is received prior to any works commencing; and
3. amend the 2017/18 Operational Plan to include the sealing



Mayor



General Manager

of Black Lead Lane for \$51,160, funded from \$36,160 contribution from the applicant, and an additional \$15,000 from existing resheeting budgets.

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

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

Councillor Cavalier returned to the Chambers at 6:21pm.

10.3 RFT2017/17 SUPPLY OF QUARRY PRODUCTS

GOV400064, COR400166

338/17

MOTION: Martens / Cavalier

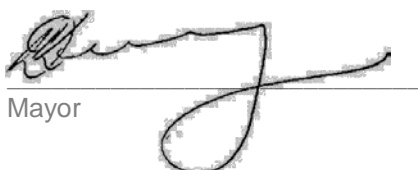
That Council:

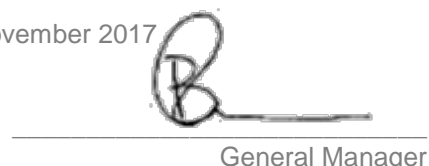
1. receive the report by the Senior Works Engineer (Major Projects) on the RFT2017/17 Supply of Quarry Products;
2. accept the list of preferred suppliers for tender 2017/17 for the supply of quarry products in accordance with Clause 178 of the Local Government (General) Regulation 2005 as listed below. Supply will be allocated based on a combination of both product supply cost and cartage costs.

Quarry Organisations:

Regional Quarries Australia
Kandos Operations Pty Ltd
Ulan Stone Pty Limited
Boral Resources (Country) Pty Ltd

3. accept the term of this contract is for 3 years, commencing 27 November 2017, expiring 26 November 2020;
4. delegate authority to the General Manager to approve any additional service providers that may submit an application during the term of this tender for consideration; and
5. ensure suppliers have development consent prior to placing orders.


Mayor


General Manager

The motion was carried with the Councillors voting unanimously.

10.4 ACCEPTANCE OF FUNDING FOR ROAD IMPROVEMENTS -
BYLONG COAL PROJECT

GOV400064, .

339/17

MOTION: Karavas / Holden

That Council:

1. receive the report by the Director Operations on the Acceptance of Funding for Road Improvements - Bylong Coal Project;
2. subject to KEPCO proceeding with the Bylong Coal project, accept the funding from KEPCO for road improvements, listed in the body of the report;
3. amend the 2018/19 Delivery Program to include the road improvement expenditure associated with the Bylong Coal Project in the amount \$3,635,802, funded from contributions from KEPCO;
4. authorise the General Manager to negotiate final terms of the formal agreement; and
5. authorise the General Manager and Mayor to sign all necessary documentation to formally accept the funds from KEPCO;

The motion was carried with the Councillors voting unanimously.

10.5 GLEN WILLOW FOOTBRIDGE RECTIFICATION WORKS

GOV400064, COR400047

340/17

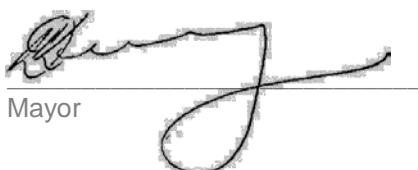
MOTION: Paine / Karavas

That Council:

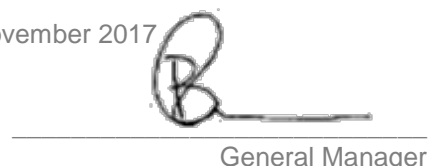
1. receive the report by the Director Operations on the Glen Willow Footbridge Rectification Works;
2. endorse the fast tracked program of procurement for rectification works of the Glen Willow Footbridge.

The motion was carried with the Councillors voting unanimously.

The following recommendations (item 11.1 to item 11.5) were adopted as a whole, being moved by Cr Cavalier, seconded by Cr Holden and carried with Councillors voting unanimously. Each



Mayor



General Manager

recommendation is recorded with separate resolution numbers commencing at Resolution No. 341/17 and concluding with Resolution No. 345/17.

Item 11: Community

11.1 BUSINESS USE OF FOOTPATH POLICY

GOV400064, LAW100036

341/17 MOTION: Cavalier / Holden

That Council:

- 1. receive the report by the Manager Governance on the Business Use of Footpath Policy; and**
- 2. endorse the minor amendments to the Business Use of Footpath Policy.**

The motion was carried with the Councillors voting unanimously.

11.2 POLICY REVIEW - VANDALISM

GOV400064, GOV400047

342/17 MOTION: Cavalier / Holden

That Council:

- 1. receive the report by the Building Services Coordinator on the review of Council's Vandalism Policy; and**
- 2. endorse the reviewed Vandalism Policy.**

The motion was carried with the Councillors voting unanimously.

11.3 COMMUNITY TRANSPORT POLICY

GOV400064, COS300013

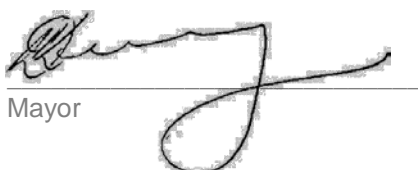
343/17 MOTION: Cavalier / Holden

That Council:


- 1. receive the report by the Manager, Community Services on the Community Transport Policy; and**
- 2. endorse the Community Transport Policy.**

The motion was carried with the Councillors voting unanimously.

11.4 COMMUNITY SERVICES JULY 2017 TO SEPTEMBER 2017



Mayor



General Manager

QUARTERLY REPORT

GOV400064, A0060030

344/17 MOTION: Cavalier / Holden

That Council:

- 1. receive the report by the Manager, Community Services on the Community Services July 2017 to September 2017 Quarterly Report; and**
- 2. note the recent services provided and activities coordinated by Council's Community Services Department.**

The motion was carried with the Councillors voting unanimously.

11.5 NATIONAL DISABILITY INSURANCE SCHEME

GOV400064, COS300185/COS300025

345/17 MOTION: Cavalier / Holden

That Council:

- 1. receive the report by the Manager, Community Services on the National Disability Insurance Scheme ; and**
- 2. note concerns regarding the National Disability Insurance Scheme roll-out across the region and its effects on Council-auspiced services and service users.**

The motion was carried with the Councillors voting unanimously.

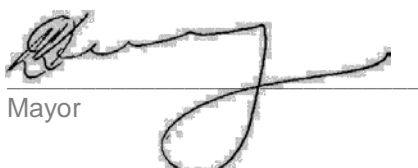
11.6 OFFICE OF LOCAL GOVERNMENT CONSULTING DRAFTS OF A NEW MODEL CODE OF CONDUCT AND ASSOCIATED PROCEDURES

GOV400064, A0170031

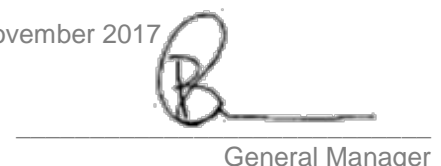
346/17 MOTION: Holden / Paine

That:

- 1. Council receive the report by the Manager Governance on the Office of Local Government Consulting Drafts of a new Model Code of Conduct and associated Procedures;**
- 2. Council note the opportunity to make a submission into the consultative process before 2 December 2017; and**
- 3. Councillors provide to the General Manager any written**



Mayor



General Manager

feedback on or before 25 November 2017 so as to enable a submission to be formulated.

The motion was carried with the Councillors voting unanimously.

11.7 GULGONG HOLTERMANN MUSEUM AND GULGONG GOLD EXPERIENCE

GOV400064, REC800024

347/17

MOTION: Cavalier / Holden

That Council:

1. receive the report by the Director Community on the Gulgong Holtermann Museum and Gulgong Gold Experience; and
2. endorse the draft Memorandum of Understanding between Mid-Western Regional Council and Gulgong Holtermann Museum Inc. for the operation of the Gulgong Gold Experience for 2018;
3. note that the draft Memorandum of Understanding would allow for an additional payment of \$5,000 to Gulgong Holtermann Museum Inc to facilitate the operation of the Gulgong Gold Experience, paid from existing budget;
4. authorise the General Manager to finalise the negotiations over this Memorandum of Understanding and sign as required.

The motion was carried with the Councillors voting unanimously.

11.8 VILLAGE SUBSIDIES 2017-2018

GOV400064, FIN300052

MOTION: Holden / O'Neill

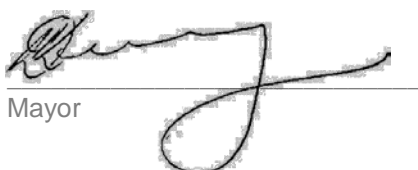
That Council:

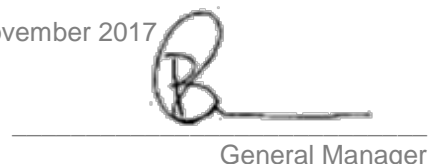
1. receive the report by the Director Community on the Village Subsidies 2017-2018; and
2. note the village subsidies for 2017 – 2018 but that Goolma Amenities Committee funding be reduced to \$1,500.

348/17

AMENDMENT: Thompson / Cavalier

That Council:


Mayor


General Manager

1. receive the report by the Director Community on the Village Subsidies 2017-2018;
2. note the village subsidies for 2017 – 2018; and
3. request the General Manager take the concerns outlined by Councillors in the meeting regarding the amount the Goolma Amenities Committee are paid in comparison to other villages and report back to Council.

The amendment was put and carried with the Councillors voting unanimously.

The amendment, on becoming the motion, was carried with the Councillors voting unanimously.

349/17 SUPPLEMENTARY MOTION: Thompson / Martens

That Council approach the Running Stream Community in regard to maintenance of facilities.

The motion was carried with the Councillors voting unanimously.

The following recommendations (item 11.9 to item 12.4) were adopted as a whole, being moved by Cr Cavalier, seconded by Cr O'Neill and carried with Councillors voting unanimously. Each recommendation is recorded with separate resolution numbers commencing at Resolution No. 350/17 and concluding with Resolution No. 355/17.

11.9 LIBRARY SERVICES - JULY TO SEPTEMBER 2017
QUARTERLY REPORT

GOV400064, F0620020

350/17 MOTION: Cavalier / O'Neill

That Council receive the report by the Library Services Coordinator on the Library Services - July to September 2017 Quarterly Report.

The motion was carried with the Councillors voting unanimously.

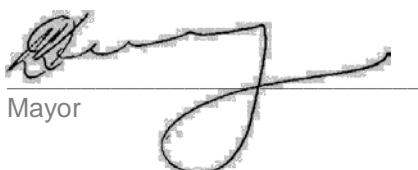
11.10 TREE POLICIES

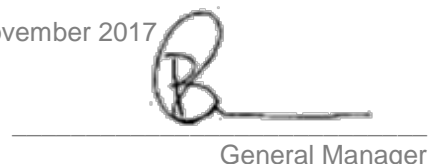
GOV400064, GOV400047

351/17 MOTION: Cavalier / O'Neill

That Council:

1. receive the report by the Manager, Recreational Services on the Tree Policies;
2. place the amended Street Tree Policy and Tree Removal and Pruning Policy on public exhibition for 28 days; and


Mayor


General Manager

3. **adopt the amended Street Tree Policy and the Tree Removal & Pruning Policy if no submissions are received following the public exhibition period.**

The motion was carried with the Councillors voting unanimously.

Item 12: Reports from Committees

12.1 MUDGEE SPORTS COUNCIL SEPTEMBER 2017 AND OCTOBER 2017

GOV400064, A0360013

352/17 MOTION: Cavalier / O'Neill

That Council:

1. **receive the report by the Director Community on the Mudgee Sports Council September 2017 and October 2017;**
2. **note the minutes for the Mudgee Sports Council Meeting held on 26 September 2017 and the Annual General Meeting 30 October 2017; and**
3. **endorse the updated Terms of Reference for the Mudgee Sports Council.**

The motion was carried with the Councillors voting unanimously.

12.2 LOCAL TRAFFIC COMMITTEE MEETING - OCTOBER 2017

GOV400064, A0100009

353/17 MOTION: Cavalier / O'Neill

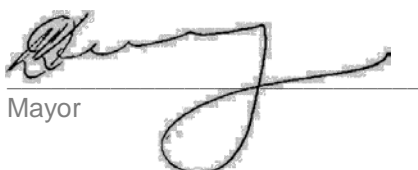
That Council:

1. **receive the report by the Manager Development Engineering on the Local Traffic Committee Meeting - October 2017; and**
2. **take no further action into providing a pedestrian crossing at the Gulgong Preschool.**

The motion was carried with the Councillors voting unanimously.

12.3 GULGONG MEMORIAL HALL COMMITTEE - SEPTEMBER 2017 AND OCTOBER 2017

GOV400064, A0100024



Mayor



General Manager

354/17 MOTION: Cavalier / O'Neill

That Council:

1. receive the report by the Director Community on the Gulgong Memorial Hall Committee - September 2017 and October 2017;
2. note the minutes from the Gulgong Memorial Hall Committee meeting held on 12 September 2017 and 10 October 2017; and
3. endorse the update Terms of Reference for the Gulgong Memorial Hall Committee.

The motion was carried with the Councillors voting unanimously.

12.4 HERITAGE COMMITTEE MINUTES 26 OCTOBER 2017

GOV400064, DEV700020

355/17 MOTION: Cavalier / O'Neill

That Council:

1. receive the report by the Manager, Strategic Planning on the Heritage Committee Minutes 26 October 2017; and
2. note the minutes of the 26 October 2017 Meeting Heritage Committee Meeting.

The motion was carried with the Councillors voting unanimously.

Item 13: Urgent Business Without Notice

Nil.

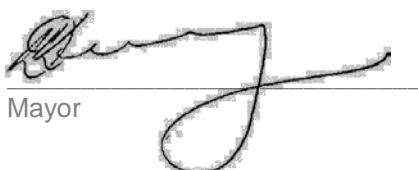
Item 14: Confidential Session

356/17 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



Mayor



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 Sale of Land to Recover Overdue Rates and Charges - Chapter 17, Part 2, Division 5, Section 713 Local Government Act 1993

The reason for dealing with this report confidentially is that it relates to discussion in relation to the personal hardship of a resident or ratepayer in accordance with Section 10A(2)(b) 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 (b) discussion in relation to the personal hardship of a resident or ratepayer.

14.2 Update on LEC Matter MA0029/2017

The reason for dealing with this report confidentially is that it relates to advice concerning litigation, or advice as comprises a discussion of this matter, that would otherwise be privileged from production in legal proceedings on the ground of legal professional privilege in accordance with Section 10A(2)(g) of the Local Government Act, 1993.

Discussion of this matter in an open meeting would be, on balance, contrary to the public interest as it involves discussion of a matter subject to legal proceedings.

Urgent Confidential Business Without Notice

The Mayor declared the Proposal for the Campervan & Motorhome Club of Australia Solos Network Rally 2018 as urgent confidential business.

357/17

MOTION: Holden / Cavalier

That the Urgent Confidential Business Without Notice be considered.

The motion was carried with the Councillors voting unanimously.

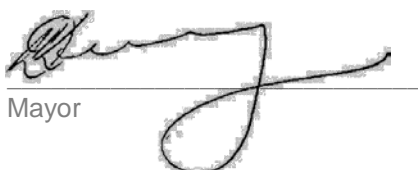
15.1 Proposal for Campervan & Motorhome Club of Australia Solos Network Rally 2018

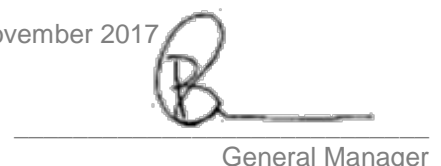
The reason for dealing with this report confidentially is that it relates to commercial information of a confidential nature that would, if disclosed, prejudice the commercial position of the person who supplied it in accordance with Section 10A(2)(d)(i) of the Local Government Act, 1993.

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

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.

14.1 SALE OF LAND TO RECOVER OVERDUE RATES AND CHARGES - CHAPTER 17, PART 2, DIVISION 5, SECTION 713 LOCAL GOVERNMENT ACT 1993


Mayor

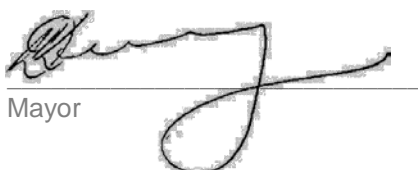

General Manager

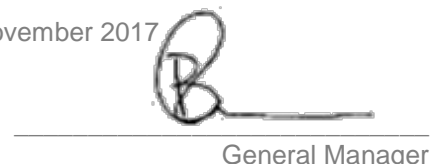
GOV400064, A0340011, RAT700043

358/17

MOTION: Cavalier / Karavas**That Council:**

1. receive the report by the Revenue and Property Manager on the Sale of Land to Recover Overdue Rates and Charges - Chapter 17, Part 2, Division 5, Section 713 Local Government Act 1993;
2. agree to sell under Chapter 17, Part 2, Division 5, Section 713 of the Local Government Act 1993, the lands held under the following Property Numbers: 20822, 21150, 21377 and 21642 and note that the General Manager has signed the General Manager's Certificates for each of the properties;
3. approve Friday 6 April 2018, as the date for the Auction;
4. authorise the General Manager to appoint an Auctioneer and determine the time and venue for the Auction on 6 April 2018;
5. authorise the General Manager to arrange the publication of the mandatory advertisement in accordance with Section 715(1) Local Government Act 1993;
6. authorise the General Manager to exercise delegated authority to deal with matters arising out of the sale process so as to ensure continuous and smooth running of the Sale process;
7. authorise the General Manager to determine any reserve prices;
8. authorise the General Manager to negotiate the sale of any property, by private treaty in accordance with Section 716(2) Local Government Act 1993, that fails to sell at the Auction on 6 April 2018;
9. authorise the General Manager to consider arrangements for payment of rates and charges and to withdraw properties from the Auction where satisfactory arrangements have been accepted or where a property no longer meets the requirements under Chapter 17, Part 2, Division 5, Sections 713-726 of the Local Government Act 1993;
10. authorise the General Manager to execute the contract documents on behalf of Council in relation to all properties that are sold at the Auction on 6 April 2018 and; to execute the contract documents on behalf of Council in relation any



Mayor

General Manager

properties that fail to sell at the Auction, but are subsequently sold by private treaty, as negotiated by the General Manager at Recommendation 8;

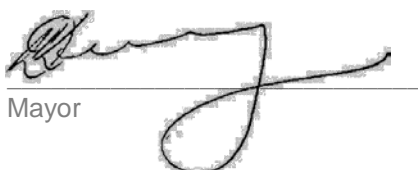
11. authorise the General Manager to take such action (including court proceedings if necessary) as may reasonably be required to give vacant possession of any properties sold at the Auction on 6 April 2018 and; to take such action (including court proceedings if necessary) as may reasonably be required to give vacant possession to any properties that fail to sell at the Auction, but are subsequently sold by private treaty, as negotiated by the General Manager at Recommendation 8;
12. authorise the General Manager and Mayor to sign all documentation necessary to facilitate the processes under Chapter 17, Part 2, Division 5, Sections 713-726 of the Local Government Act 1993 and; to all documentation relating to any properties that fail to sell at the Auction, but are subsequently sold by private treaty, as negotiated by the General Manager at Recommendation 8;
13. authorise the Common Seal of Council be affixed to all documentation necessary to facilitate the processes under Chapter 17, Part 2, Division 5, Sections 713-726 of the Local Government Act 1993 and; to all documentation relating to any properties that fail to sell at the Auction, but are subsequently sold by private treaty, as negotiated by the General Manager at Recommendation 8; and
14. appoint Mr Stephen Flynn of Flynn's Solicitors, as Council's legal representative in this matter.

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

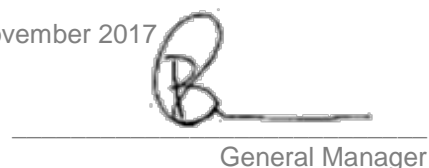
Councillors	Ayes	Nayes
Cr Kennedy	✓	
Cr Martens		✓
Cr Thompson	✓	
Cr Cavalier	✓	
Cr Paine	✓	
Cr Karavas	✓	
Cr O'Neill	✓	
Cr Holden	✓	

Councillor D Kennedy declared a pecuniary conflict of interest in item 14.2 as he is the prior developer of the site which has been sold but he holds a mortgage on the site pending sale, left the Chambers at 6:44pm and did not participate in discussion or vote in relation to this matter.

Deputy Mayor Cr Cavalier proceeded to chair the meeting.



Mayor



General Manager

14.2 UPDATE ON LEC MATTER MA0029/2017

GOV400064, MA0029/2017

359/17

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

1. receive the report by the Director Development on the Update on LEC Matter MA0029/2017;
2. adopt the recommendation contained in the confidential report to Council's 15 November 2017 meeting.

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

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

Councillor Kennedy returned to the Chambers at 6:50pm and resumed the position of the Chair.

Item 15: Urgent Confidential Business Without Notice

15.1 PROPOSAL FOR CAMPERVAN & MOTORHOME CLUB OF AUSTRALIA SOLOS NETWORK RALLY 2018

F0650007

360/17

MOTION: Cavalier / Holden

That Council defer this matter until the December Council Meeting seeking further information.

The motion was carried with the Councillors voting unanimously.

Item 16: Open Council

361/17

MOTION: Cavalier / Karavas

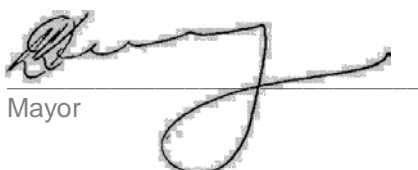
That: Council move to Open Council.

The motion was carried with the Councillors voting unanimously.

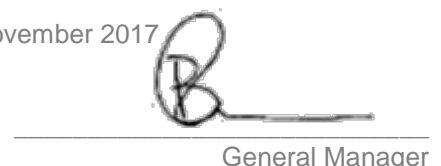
The General Manager announced the decisions taken in Confidential Session.

Item 17: Closure

There being no further business the meeting concluded at 6:56pm.



Mayor



General Manager