

Minutes of the Ordinary Meeting of Council

Held at the Council Chambers, 86 Market Street, Mudgee
on 19 June 2019, commencing at 6.05pm and concluding at 7:03pm.

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

IN ATTENDANCE General Manager (Brad Cam), Director Community (Simon Jones), Director
Development (Julie Robertson), Director Operations (Garry Hemsworth),
Manager Governance (Tim Johnston), Executive Manager Human
Resources (Michele George), Chief Financial Officer (Leonie Johnson) and
Executive Assistant (Mette Sutton).

Item 1: Apologies

An apology was received for Cr J O'Neill.

140/19 MOTION: Shelley / Holden

That the apology for Cr J O'Neill 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 8.2 as he is the previous owner of Bombira Estate sold to MAAS group and is awaiting the final instalment payment from the developer.

Item 3: Confirmation of Minutes

141/19 MOTION: Shelley / Karavas

That the Minutes of the Ordinary Meeting held on 15 May 2019 be taken as read and confirmed.

The motion was carried with the Councillors voting unanimously.

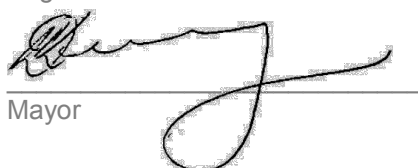
Item 4: Matters in Progress

Nil

Item 5: Mayoral Minute

5.1 MAYORAL MINUTE: WINDAMERE DAM WATER TRANSFERS
GOV400067,

142/19 MOTION: Kennedy



Mayor



General Manager

That Council:

1. object to the suspension of the Water Sharing Plan protocols allowing Windamere Dam to drop below 70GL when water transfers are occurring from the dam;
2. object to any further water trading that will drop Windamere Dam below 70GL; and
3. introduce level 1 water restrictions from 1 August 2019.

The motion was carried with the Councillors voting unanimously.

Item 6: Notices of Motion or Rescission**6.1 'EMERGENCY+' APP SIGNAGE AT REST STOPS
THROUGHOUT THE REGION**

GOV400067, A0100035; GOV400022

143/19

MOTION: Cavalier / Holden

That Council fund the installation of signage promoting the Emergency+ App at rest stops throughout the region.

The motion was carried with the Councillors voting unanimously.

Item 7: Office of the General Manager**7.1 AUDIT RISK AND IMPROVEMENT COMMITTEE MEETING 3
MAY 2019**

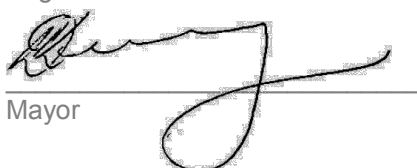
GOV400067, COR400236

144/19

MOTION: Shelley / Paine**That Council:**

1. receive the report by the Executive Manager, Human Resources on the Audit Risk and Improvement Committee Meeting 3 May 2019; and
2. note the minutes for the Audit Risk and Improvement Committee meeting 3 May 2019.

The motion was carried with the Councillors voting unanimously.

7.2 FIXING OF ANNUAL FEES FOR COUNCILLORS AND THE

Mayor

General Manager

MAYOR

GOV400067, A0170031

145/19

MOTION: Paine / Shelley**That Council:**

1. receive the report by the Manager Governance on the 2019/20 Determination of the Local Government Remuneration Tribunal; and
2. fix fees for Councillors and the Mayor for the period July 2019 to June 2020 at \$20,280 for Councillors and an additional \$44,250 for the Mayor;
 - (a) Council pay the Deputy Mayor a fee, to be deducted from the additional fee payable to the Mayor, for periods of 7 days or more, where the Mayor is unable to carry out the duties of Mayor, such fee to be for the period that the Deputy Mayor acts in the role of the Mayor;
 - (b) the calculation of this fee to be determined at a pro rata rate of the Mayors Additional fee.

The motion was carried with the Councillors voting unanimously.

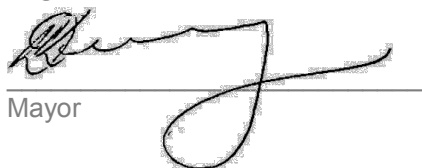
Item 8: Development

8.1 MI0007/2019 - MODIFICATION TO DA0122/2017 - DUAL OCCUPANCY, SHOP AND SUBDIVISION - 1 LEWIS STREET, MUDGEE

GOV400067, DA0122/2017

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

- A. receive the report by the Town Planner on the MI0007/2019 - Modification to DA0122/2017 - Dual Occupancy, Shop and Subdivision - 1 Lewis Street, Mudgee; and
- B. approve MI0007/2019 - Modification to DA0122/2017 - Dual Occupancy, Shop and Subdivision - 1 Lewis Street, Mudgee subject to the conditions of consent provided in Attachment 1, noting the modification of Condition 1 and the addition of Condition 51, 52 and Statement of Reasons as follows:
 1. The development is to be carried out in accordance with the following plans endorsed with Council's Stamp as well as the documentation



Mayor

General Manager

listed below, except as varied by the conditions listed herein and/or any plan notations.

Title / Name:	Drawing No / Document Ref	Revision / Issue:	Date [dd.mm.yyy]:	Prepared by:
Floor Plans	Dwg 6814/W2 B	B D	26/10/2017 22/11/2018	Planned Environment Pty Ltd
Elevations	Dwg 6814/W3 B	B C	26/10/2017 22/11/2018	Planned Environment Pty Ltd
Lighting & Window Plan	Dwg 6814/W5 B	B	26/10/2017	Planned Environment Pty Ltd
Landscape Plan	Dwg 6814/W4 B	B	26/10/2017	Planned Environment Pty Ltd
Subdivision Plan	Job No. BK488	A	26/09/2017	Jabek Pty Ltd

[NEW CONDITION MI0007/2019]

TO BE COMPLETED WITHIN 6 MONTH FROM THE DATE OF CONSENT OF MODIFICATION MI0007/2019:

52. A Building Information Certificate issued by Council in accordance with Division 6.7 of the Environmental Planning and Assessment Act 1979, is to be obtained within 6 months of the date of consent of modification MI0007/2019 for the two balconies and door on the east elevation.

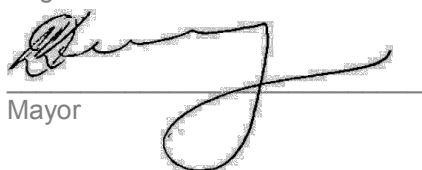
Note – Prior to the issue of a Building Certificate engineering certification for structural adequacy may be required. Please contact Council's Building Surveyors prior to lodging an application for a Building Information Certificate to determine what information will be required to support an application for a Building Information Certificate.

[NEW CONDITION MI0007/2019]

STATEMENT OF REASONS

The determination decision was reached for the following reasons:

1. The proposed modification is considered to result in minimal environmental impact and is substantially the same development as the originally approved development – thereby satisfying the requirements of Section 4.55 (1A)(a) and (b) of the Environmental


Mayor


General Manager

Planning and Assessment Act 1979.

2. The proposed development satisfactorily addresses the issues raised in submissions received in response to public notification of the development, as follows:
 - Condition 52 has been imposed to require a Building Information Certificate is obtained in relation to the building works already completed.

[NEW STATEMENT OF REASON MI0007/2019]

AMENDMENT Holden /

That Council refuse MI0007/2019 and require the developer to remove said balconies and go back to original DA. The reason for refusal being that the balconies are intrusive on the neighbours and have been retrospectively adjoined to the building without consent.

The motion was lost for want of a seconder.

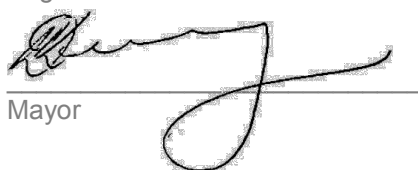
146/19

FORESHADOWED AMENDMENT KENNEDY / PAINE

That Council:

- A. receive the report by the Town Planner on the MI0007/2019 - Modification to DA0122/2017 - Dual Occupancy, Shop and Subdivision - 1 Lewis Street, Mudgee; and
- B. approve MI0007/2019 - Modification to DA0122/2017 - Dual Occupancy, Shop and Subdivision - 1 Lewis Street, Mudgee subject to the conditions of consent provided in Attachment 1, noting the modification of Condition 1 and the addition of Condition 51, 52 and Statement of Reasons as follows:
 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 [dd.mm.yyyy]:	Prepared by:
Floor Plans	Dwg 6814/W2 B	B D	26/10/2017 22/11/2018	Planned Environment Pty Ltd
Elevations	Dwg 6814/W3 B	B C	26/10/2017 22/11/2018	Planned Environment Pty Ltd


Mayor


General Manager

Lighting & Window Plan	Dwg 6814/W5 B	B	26/10/2017	Planned Environment Pty Ltd
Landscape Plan	Dwg 6814/W4 B	B	26/10/2017	Planned Environment Pty Ltd
Subdivision Plan	Job No. BK488	A	26/09/2017	Jabek Pty Ltd

[AMENDED CONDITION MI0007/2019]

TO BE COMPLETED WITHIN 1 MONTH FROM THE DATE OF CONSENT OF MODIFICATION MI0007/2019:

51. A permanent fixed clear glass window panel shall be installed to the internal portion of the door frame to each balcony located on the east elevation within one month of the date of consent of modification MI0007/2019. The height of the window panel must be a minimum of 800mm above the floor level and must be installed by a suitably qualified professional.

[NEW CONDITION MI0007/2019]

TO BE COMPLETED WITHIN 6 MONTHS FROM THE DATE OF CONSENT OF MODIFICATION MI0007/2019:

52. A Building Information Certificate issued by Council in accordance with Division 6.7 of the *Environmental Planning and Assessment Act 1979*, is to be obtained within 6 months of the date of consent of modification MI0007/2019 for the two balconies and door on the east elevation.

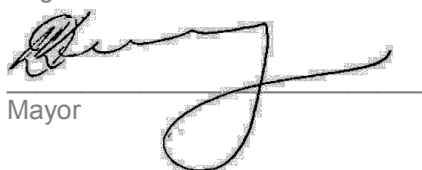
Note – Prior to the issue of a Building Certificate engineering certification for structural adequacy may be required. Please contact Council's Building Surveyors prior to lodging an application for a Building Information Certificate to determine what information will be required to support an application for a Building Information Certificate.

[NEW CONDITION MI0007/2019]

STATEMENT OF REASONS

The determination decision was reached for the following reasons:

1. The proposed modification is considered to result in minimal environmental impact and is substantially the same development as the originally approved development – thereby satisfying the requirements of Section 4.55 (1A)(a) and (b) of the *Environmental Planning and Assessment Act 1979*.
2. The proposed development satisfactorily addresses the issues


Mayor


General Manager

raised in submissions received in response to public notification of the development, as follows:

- **Condition 51 has been imposed to ensure that the extent of overlooking into the private open space of 18 Market Street is generally not increased from that approved under the original development consent.**
- **Condition 52 has been imposed to require a Building Information Certificate is obtained in relation to the building works already completed.**

[NEW STATEMENT OF REASON MI0007/2019]

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

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

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

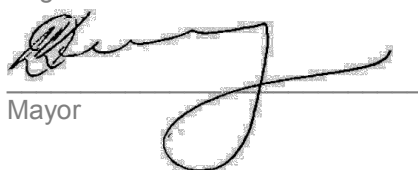
Councillors	Ayes	Nayes
Cr Shelley		✓
Cr Kennedy	✓	
Cr Martens	✓	
Cr Thompson	✓	
Cr Cavalier		✓
Cr Paine	✓	
Cr Karavas		✓
Cr Holden		✓

Councillor Kennedy declared a pecuniary conflict of interest in item 8.2 as he is the previous owner of Bombira Estate sold to MAAS group and is awaiting the final instalment payment from the developer. He left the Chambers at 6:21pm and did not participate in discussion or vote in relation to the matter.

Cr Paine proceeded to chair the meeting.

8.2 MA022/2019 - MODIFICATION APPLICATION TO
DA0152/2015 (BOMBIRA ESTATE) - 220 ULAN ROAD,
BOMBIRA

GOV400067, DA0152/2015



Mayor



General Manager

MOTION: Shelley / Cavalier

That Council:

- A. receive the report by the Senior Planner on the Modification Application to DA0152/2015 (MA022/2019) - Bombira Estate; and
- B. approve Modification Application to DA0152/2015 (MA022/2019) - Bombira Estate subject to the following conditions and statement of reasons:

Conditions of Consent (AMENDMENTS IN RED)

APPROVED PLANS

1. Development is to be carried out generally in accordance with stamped plans
 - ~~Drawing Number 22225-C00 Cover Sheet~~
 - ~~Drawing Number 22225-C01 Existing Site Plan~~
 - **Drawing Number 23949-PNL01 Proposed Lot Plan Revised Lot Masterplan (Revision G Ea)**
 - ~~Drawing Number 22225-C03 Proposed Staging Plan~~
 - ~~Drawing Number 22225-C04 Proposed Services Plan Sewer~~
 - ~~Drawing Number 22225-C05 Proposed Services Plan Water~~
 - ~~Drawing Number 22225-C06 Proposed Services Plan Stormwater~~

and the Application received by Council on 4 November 2014 except as varied by the conditions listed herein. Any minor modification to the approved plans will require the lodgement and consideration by Council of amended plans. Major modifications will require the lodgement of a new development application.

(AMENDED MA0016/2016)

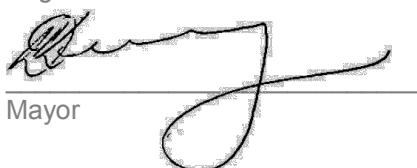
(AMENDED MA0033/2016)

(AMENDED MA0029/2017)

(AMENDED MA0022/2019)

- 1 a ~~The battleaxe access as shown on Barnson Drawing 23949-NL01 will not be permitted, with the land to be transferred to proposed Lot 8b.~~

(AMENDED MA0029/2017)


Mayor


General Manager

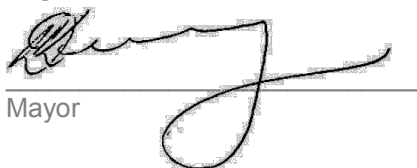
PRIOR TO ISSUE OF THE CONSTRUCTION CERTIFICATE – CIVIL

2. If any aboriginal artefacts are uncovered or identified during construction earthworks, such work is to cease immediately and the local aboriginal community and National Parks and Wildlife Service are to be notified.

(Note: A suitably qualified person is required to be present during earthworks to identify whether any artefacts were uncovered).

3. Demonstration through provision of an Engagement Letter that the Subdivision has been registered with Telstra Smart Communities prior to issue of the Construction Certificate.
4. The development site is to be managed for the entirety of work in the following manner:
 - a) 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;
 - b) Appropriate dust control measures;
 - c) 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.
5. Any necessary alterations to, or relocations of, public utility services to be carried out at no cost to council and in accordance with the requirements of the relevant authority including the provision of easements over existing and proposed public infrastructure.
6. A Construction Certificate is required for, but not limited to, the following civil works;
 - Water and sewer main infrastructure
 - Stormwater drainage such as inter-allotment drainage, detention basins,
 - Road construction
 - Footpath and kerb & gutter
 - Landscaping of public reserves

Note: No works can commence prior to the issue of the Construction Certificate.
7. A detailed engineering design supported by plans, and an “Autocad compatible” Plan, (in dwg format including pen-map), material samples, test reports and specifications are to be prepared in accordance with AUS-SPEC #1 (as modified by Mid-Western Regional Council) and the conditions of this development consent.
8. A detailed engineering design is to be submitted to and approved by Council prior to the issue of a Construction Certificate. The



Mayor



General Manager

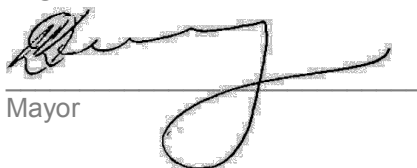
engineering design is to comply with Council's Development Control Plan and the Standards referenced within Appendix B and D.

9. Where the development requires access to private land, the developer shall provide Council with documentary evidence that an agreement has been entered into with the landholder prior to issue of a Construction Certificate. If utilities are to be located within the private land, an easement is to be created prior to release of the Construction Certificate.
10. An Erosion and Sediment Control Plan for the development is to be prepared and implemented in accordance with the LANDCOM guidelines and requirements as outlined in the latest edition of "Soils and Construction – Managing Urban Stormwater". Points to be considered include, but are not limited to:
 - drainage reserves are to be turfed.
 - single strip of turf to be laid behind kerb and gutter.
 - saving available topsoil for reuse in the revegetation phase of the subdivision;
 - using erosion control measures to prevent on-site damage;
 - rehabilitating disturbed areas quickly;
 - maintenance of erosion and sediment control structures;
 - a schedule of operations is to be submitted to ensure all appropriate works are undertaken at the correct stage.
11. (DELETED MA0033/2016)
- 11a. As there are known aboriginal objects upon, or within the immediate vicinity of proposed lots 8a, 8b, 8c and Lot 44 that will be or are likely to be harmed from future residential development, prior to the release of the Subdivision Certificate for any of these lots, an Aboriginal cultural heritage assessment report must be prepared and submitted to Council for approval.

This report is to be prepared in accordance with the Office of Environment and Heritage's Guide to investigating, assessing and reporting on Aboriginal cultural heritage in NSW. As per the Guide, the report is required to determine what Aboriginal cultural heritage is in the area, why it is important, what the likely impacts of development will be, and how the impacts can be avoided, minimised or not avoided.

Where the impacts cannot be avoided, an Aboriginal Heritage Impact Permit (AHIP) is to be obtained.

(AMENDED MA0033/2016)



Mayor



General Manager

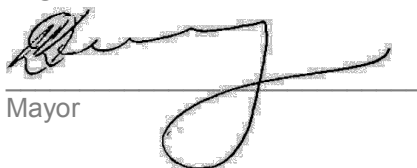
12. Any registered easements or restrictions applicable to the site are to be removed from the title prior to the issue of a construction certificate for that stage to which the easement or restriction may apply.

PRIOR TO THE COMMENCEMENT OF WORKS

13. A Traffic Control Plan (TCP) completed by a "Certified Person" for the implementation during works is to be submitted to Mid-Western Regional Council prior to any work commencing
14. Contractor's public liability insurance cover for a minimum of \$20,000,000 is to be sighted and to be shown to Mid-Western Regional Council as an interested party. Public Liability Insurance is to include Mid-Western Regional Council as an interested party and a copy of the insurance policy including the Certificate of Currency is to be provided to Mid-Western Regional Council prior to the commencement of work. All work is to be at no cost to Council.
15. The applicants shall, at their own expense, engage a registered surveyor to relocate any survey mark that may be disturbed by the development or any associated work. Any information regarding relocation should be supplied to the Land Titles Office and Council.
16. Prior to commencement of works, the submission of possible street/road names in order of preference, for the proposed new roads within the subdivision, are to be submitted to Council for approval.
17. Prior to development the applicant shall advise Council's Development and Community Services Department, in writing, of any existing damage to Council property before commencement of works. The applicant shall repair (at their own expense) any part of Council's property damaged during the course of this development in accordance with AUS-Spec #1/2 (as modified by Mid-Western Regional Council) and any relevant Australian Standards.
18. All works are to be constructed at the full cost of the developer, in a manner consistent with Aus-Spec #1 and Council's standard drawings.
19. Prior to the commencement of subdivision works, the following actions are to be carried out;
 - A site supervisor is to be nominated by the applicant;
 - Council is to be provided with two (2) days' notice of works commencing.

INFRASTRUCTURE

Stormwater Drainage



Mayor



General Manager

20. The applicant is to submit a Drainage Report prepared in accordance with the Institution of Engineers publication Australian Rainfall and Runoff (2001) 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 up to and including a 100-year ARI. All storm water detention details including analysis shall be included with the drainage report.

Note: Post development flows must not exceed pre-development flows up to and including the 100 year ARI event. Any additional works required to satisfy this condition will be entirely at the developers cost.

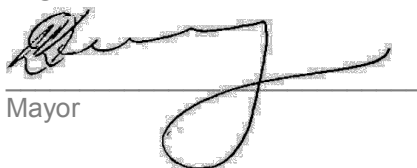
(AMENDED MA0033/2016)

21. The trunk drainage system must be designed such that discharge from the subdivision satisfies the following water quality targets:

Post Development Stormwater Pollution Reduction Targets	
<ul style="list-style-type: none"> • Total Suspended Solids (TSS) – 85% reduction of the typical annual load • Total Phosphorus (TP) – 65% reduction of the typical annual load • Total Nitrogen (TN) – 45% reduction of the typical annual load • 90% of gross pollutant loads, oil and grease retained on-site 	

Note: Results from MUSIC modelling or equivalent shall be supplied with Construction Certificate Issue plans demonstrating that the design meets the above criteria.

22. All internal roads shall comprise roll back concrete kerb and gutter. Sub- surface drainage is required where gutter flows exceed 2.5m width during minor events (1 in 5yr ARI). If required, sub-surface drainage shall be located behind the kerb.
23. Interallotment drainage is to be provided to remove stormwater from any lots that cannot discharge to the street in accordance with AusSpec #1. An easement not less than 1.0m shall be created in favour of the upstream allotments for any Interallotment drainage.
24. One (1) roof-water outlet per allotment is to be provided in the kerb and gutter 2m from the downhill boundary at the time of the installation of the kerb and gutter.
25. Any soil / water retention structures are to be constructed prior to the bulk stripping of topsoil, to ensure sediment from the whole site is captured.
26. All earthworks, filling, building, driveways or other works, are to be designed and constructed (including stormwater drainage if



 Mayor



 General Manager

necessary) so that at no time will any ponding of stormwater occur on adjoining land as a result of this development.

ROADS

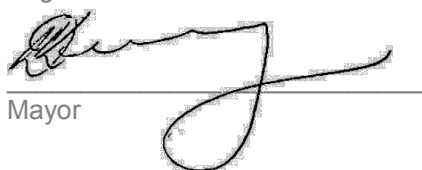
27. The intersection of the new road within the subdivision and the Ulan Road is to be designed and constructed to comprise;
- A full length Rural Channelised T-junction – Full length (CHR) is to be provided in accordance with Figure 7.7 of Austroads Guide to Road Design 2010 – Part 4A: Guide to Unsignalled and Signalled Intersections and RMS Supplements;
 - A Rural Auxiliary Left Turn Lane Treatment (AUL) on the major road is to be provided in accordance with Figure 8.4 of Austroads Guide to Road Design 2010 – Part 4A: Guide to Unsignalled and Signalled Intersections and RMS Supplements;
 - All existing and proposed utility services shall be located clear of existing road pavements.
28. All internal roads within the subdivision must be designed and constructed to the following standards:

Road 1 and 2

Item	Requirement
Full Road Pavement Width	13 m (2 x 3.5m travel lanes and 2 x 3m sealed shoulders/parallel parking lanes)
Nature Strip	2 x 4.5m
Concrete Footpaths	2.5m Wide
Seal	Two coat flush seal -14/7 mm (Double/ Double) as required
Kerb & Gutter	Roll back concrete kerb & gutter
Subsoil Drainage	Where gutter flow exceeds 2.5m during minor events or adjacent to intersections To be installed behind kerb

Road 5, 6, 8

Item	Requirement



 Mayor



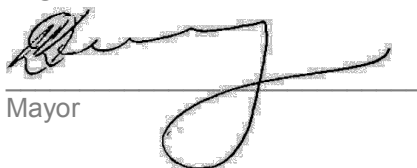
 General Manager

Full Road Pavement Width	11 m (2 x 3.5m travel lanes and 2 x 2m sealed shoulders)
Nature Strip	2 x 4.5m
Concrete Footpaths	1.2m Wide
Seal	Two-coat flush seal -14/7 mm (Double/ Double) as required
Kerb & Gutter	Roll back concrete kerb & gutter
Subsoil Drainage	Where gutter flow exceeds 2.5m during minor events or adjacent to intersections To be installed behind kerb

Road 3, 4, 9, 10 and 14

Item	Requirement
Full Road Pavement Width	8 m (2 x 4m travel lanes)
Nature Strip	2 x 4m
Concrete Footpaths	Nil
Seal	Two-coat flush seal -14/7 mm (Double/ Double) as required
Kerb & Gutter	Roll back concrete kerb & gutter
Subsoil Drainage	Where gutter flow exceeds 2.5m during minor events or adjacent to intersections To be installed behind kerb

Road 7, 11, 12 and 13



Mayor



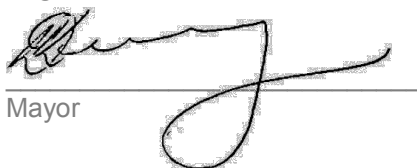
General Manager

Item	Requirement
Full Road Pavement Width	9 m (2 x 3.5m travel lanes and 2 x 1m sealed shoulders)
Nature Strip	2 x 4.5m
Concrete Footpaths	1.2m Wide
Seal	Two coat flush seal 14/7 mm (Double/ Double) as required
Kerb & Gutter	Roll back concrete kerb & gutter
Subsoil Drainage	Where gutter flow exceeds 2.5m during minor events or adjacent to intersections To be installed behind kerb

~~28a. All internal roads within the subdivision must be designed and constructed to the following standards:~~

Wurth Drive to the Frontage of Lot 64 and Harvey Street

Item	Requirement
Full Road Pavement Width	13 m (2 x 3.5m travel lanes and 2 x 3m sealed shoulders/parallel parking lanes)
Nature Strip	2 x 4.5m
Concrete Footpaths	2.5m Wide to extend the full length of Wurth Drive


Mayor


General Manager

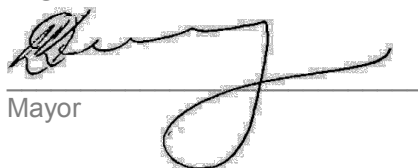
Seal	Two-coat flush seal -14/7 mm (Double/ Double) as required
Kerb & gutter	Roll back concrete kerb & gutter
Subsoil Drainage	Where gutter flow exceeds 2.5m during minor events or adjacent to intersections. To be installed behind kerb

Webster Street, Page Circuit, Chapman Street, Nelthorpe Street
and Wurth Drive from Lot 64

Item	Requirement
Full Road Pavement Width	9 m (2 x 3m travel lanes)
Nature Strip	2 x 4.5m
Concrete Footpaths	1.2m
Seal	Two-coat flush seal -14/7 mm (Double/ Double) as required
Kerb & gutter	Roll back concrete kerb & gutter
Subsoil Drainage	Where gutter flow exceeds 2.5m during minor events or adjacent to intersections. To be installed behind kerb

Joseph Place and Edwards Close

Item	Requirement
Full Road Pavement Width	8m (2 x 4m travel lanes)
Nature Strip	2 x 4m
Concrete Footpaths	Nil



Mayor

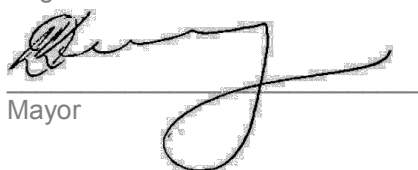


General Manager

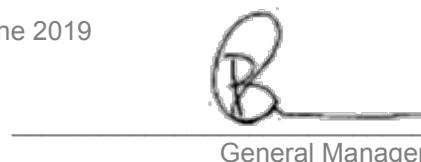
Seal	Two-coat flush seal -14/7 mm (Double/ Double) as required
Kerb & gutter	Roll back concrete kerb & gutter
Subsoil Drainage	Where gutter flow exceeds 2.5m during minor events or adjacent to intersections. To be installed behind kerb

(AMENDED MA0029/2017)

29. The submission to Council of engineering design plans for any road works shall include pavement and wearing surface investigation and design.
30. All electrical, telecommunication and water service crossings are to be perpendicular to the road centreline and performed prior to the addition of the base course and installation of kerb and gutter.
31. All stormwater, water and sewer main infrastructure road crossings must be installed prior to the addition of the base course and installation of kerb and gutter.
32. All water mains and associated fittings/valves should not be installed underneath a concrete structure such as the footpath.
33. All required earthworks for roads associated with the subdivision must have compaction testing in compliance with RMS Q4 and AUS-SPEC CQS-A.
34. A Traffic Control Plan (TCP) completed by a "Certified Person" for implementation during works is to be submitted to Mid-Western Regional Council prior to any work commencing.
35. All internal roads must be designed with design speed of 60km/hr.
36. Street signs necessitated by the subdivision are to be installed in accordance with Aus-Spec #1 and Council standards.
37. A Give Way sign is required to be installed on the internal subdivision road at the junction with Ulan Road.
38. 50km/hr speed restriction signs, duplicated both sides of the road, are to be installed on Road 1 at the entry to the subdivision. These



Mayor



General Manager

signs must also indicate 80km/hr for traffic leaving the subdivision.

39. The proposed internal road network should have sufficient width to accommodate the turning paths for service vehicles (e.g. rubbish collection and removalist vehicles). Particular attention should be given to cul de sac finishing points.

WATER AND SEWER

40. 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 a Subdivision Certificate for each stage of the development.

~~Note: This will include (but is not limited to) the requirement to alter and extend services, upgrade and install ancillary infrastructure such as sewer pump stations and the payment of section 64 developer contributions.~~

Note: As a precondition to issuing a compliance certificate, the Council may require the alteration and extension of services, upgrading and installing ancillary infrastructure such as sewer pump stations and the payment of section 64 developer charges. Payment of charges may also be paid in accordance with the relevant deferred payments provisions contained within the relevant Council Development Servicing Plans.

(AMENDED MA0029/2017)

41. Three metre wide easements, including associated Section 88B of the Conveyancing Act 1919 instruments, are to be created in favour of Council over any existing or newly constructed water, or sewerage reticulation components located within the subject property, or extended through adjoining private properties as a result of this subdivision.

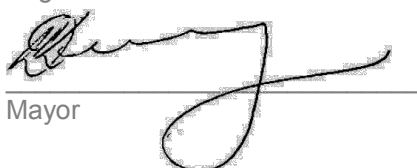
Note: where an easement is proposed over private land for the purpose of servicing this subdivision, Council will require evidence that the easement has been created prior to release of the Construction Certificate.

42. The proposed sewer pump station to be located on proposed lot 403 **135** is to be constructed above the probable maximum flood level. Details to be provided with the relevant Construction Certificate stage.

(AMENDED MA0022/2019)

EARTHWORKS

43. All finished surface levels shall be shown on the plans submitted for the Construction Certificate. Where it is proposed to import fill, the material shall be certified as free of hazardous materials and



Mayor



General Manager

contamination by a suitably qualified geotechnical engineer. Fill placed in residential or commercial lots shall be compacted in accordance with AS3798-2007 Guidelines on Earthworks for Commercial and Residential Developments.

Contributions and other charges

44. In accordance with the provisions of s.94 of the Environmental Planning and Assessment Act 1979 and the Mid-Western Regional Council Section 94 Developer Contributions Plan (CP), the developer will contribute a contribution per lot of ~~\$7022.00~~ \$7,085.00 (excluding house lot). The contributions are to be paid prior to the issue ~~at the lodgement~~ of the Subdivision Certificate for each stage, or- if Council receives a bank guarantee for the contributions payable in respect of a stage which meets the requirements set out in clause 1.10 of the CP the contributions for that stage will be payable 6 months after the date of issue of the Subdivision Certificate for the stage.

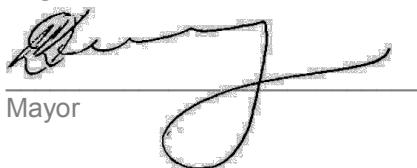
Catchment 2	
Section 94 Contributions	
Transport Management	
Traffic Management	\$1258.00 1247.00
Open space	
Local Open Space	\$1975.00 1957.00
District Open Space	\$2681.00 2657.00
Community Facilities	
Library Buildings	\$258.00 256.00
Library Resources	\$310.00 307.00
Administration	
Plan Administration	\$6035 98.00
Total per lot	\$7085.70 7022.00

NOTE: Developer Contributions and all other fees and charges are subject to Consumer Price Index increase at 1 July each year. Please contact Council's Development Department regarding any adjustments.

(AMENDED MA0016/2016)

(AMENDED MA0033/2016)

(AMENDED MA0029/2017)


Mayor


General Manager

PRIOR TO THE ISSUE OF THE SUBDIVISION CERTIFICATE

45. A linen plan and two (2) copies are to be submitted to Council for approval and endorsement by the General Manager.

NOTE: Under the Environmental Planning & Assessment Act, 1979, a Subdivision Certificate is required before the linen plan of subdivision can be registered with the Land Titles Office. Council's fee to issue a Subdivision Certificate is set out in Council's fees and charges.

46. Following completion of the subdivision works, one full set of Work-As- Executed plans, in pdf and dwg format, which is "AutoCAD compatible", is to be submitted on disk to Council. All Work-As-Executed plans shall bear the Consulting Engineer's or Consulting Surveyor's certification stating that all information shown on the plans is accurate.

47. Underground electricity, street lighting and telecommunications are to be supplied to the subdivision. Prior to issue of the Subdivision Certificate, Council is to be supplied with:

- a) A certificate from an energy provider indicating that satisfactory arrangements have been made for provision of electricity supply to the subdivision.
- b) A letter from the appropriate telecommunications authority Telstra indicating that they accept acquisition of the infrastructure provision of telecommunication services to the subdivision.

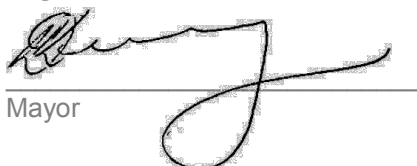
48. Prior to the issue of a Subdivision Certificate:

- a) all contributions must be paid to Council (subject to condition 44) and all works required by the consent be completed in accordance with the consent, or
- b) an agreement be made between the developer and Council; be paid to Council in accordance with this condition for the purpose of:
 - i) as to the security to be given to Council that the works will be completed or the contribution paid, and
 - ii) as to when the work will be completed ~~or the contribution paid.~~

(AMENDED MA0029/2017)

49. Following completion of all engineering works, a defect liability bond of 5% of the value of such works (not carried out by Council) shall be lodged with Council for a twenty four month (24) period to ensure that any defects in such works are remedied by the developer.

Note: The bond may be provided by way of a monetary deposit with the Council or a bank guarantee to the satisfaction of the Council. The bank guarantee must not specify any time limitations on the


Mayor


General Manager

operation of the guarantee.

50. The developer is to ensure that all defects in the works that become apparent within twenty four (24) months of Council accepting the works on maintenance are remedied to Council's satisfaction. If these defects are not satisfactorily remedied, Council may use bond money to carry out rectification.

Note: Any unspent bond money will be returned to the developer at the end of the twenty four (24) month period, less the estimated cost of any outstanding works.

51. The applicant shall repair in accordance with Aus-Spec# 1 and Council Standard Drawings any part of Council's property damaged during the course of this development.
- 51a. A post and rail style fence is to be erected to the satisfaction of Council along the rear boundary of any lot that abuts the Ulan Road Public Reserve prior to the issue of a Subdivision Certificate for those lots. Details of the fence are to be lodged with and approved by Council prior to erection.

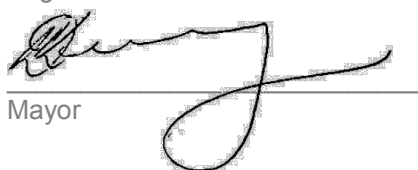
(AMENDED MA0029/2017)

GENERAL

52. The subdivision works are to be inspected by the Council (or Accredited Certifier on behalf of Council) to monitor compliance with the consent and the relevant standards of construction encompassing the following stages of construction:
- (a) Installation of sediment and erosion control measures
 - (b) Water and sewer line installation prior to backfilling
 - (c) Establishment of line and level for kerb and gutter placement
 - (d) Road pavement construction
 - (e) Road pavement surfacing
 - (f) Practical completion

All works are to be constructed at the full cost of the developer, in a manner consistent with Aus-Spec #1 and Council's standard drawings.

53. If the Subdivision Certificate is not issued within the financial year of the date of determination, then the charges and contributions contained in this consent will be increased to the current rate at the time of payment.
54. The developer must provide Council and land purchasers with a site classification for each lot within the subdivision. The classification is to be carried out at a suitable building site on each lot and is to be



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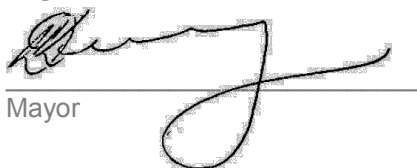


General Manager

carried out by a NATA registered laboratory using method (a) of Clause 2.2.3 of AS2870 - 1996.

Results are to be submitted to Council prior to issue of the Subdivision Certificate.

55. The development is to be provided with completed drainage, pollution traps and open space areas as detailed in the approved landscape plans for each stage of the development. Any drainage or open space area within or adjacent to a stage is to be completed prior to the release of the Subdivision Certificate for that stage.
56. Street trees are required at a rate of two (2) trees per lot and are to be planted prior to the issue of the Subdivision Certificate. The trees are to be semi- mature and barricaded for protection
57. All open space areas are to be levelled, top soiled, turfed with the installation of an in ground irrigation system prior to the release of the Subdivision Certificate. The developer will maintain these areas for a period of two (2) years from the release of the Subdivision Certificate.
58. A shared Pedestrian/bicycle path is to be provided from the new entrance to the Southern boundary on Ulan Road. Engineering details of the access are to be provided with the construction certificate documentation for stage 3. The access is to be completed prior to the issue of subdivision certificate for stage 3.
59. An acoustic assessment be provided by a qualified acoustic engineer and that any recommendations arising from the report be required to be implemented during construction.
60. ~~A Restriction as to User is to be registered on the title of proposed lots 37, 39, 40, 41, 42, 43, 44, 45, 60, 63, 69 and 70 1, 3, 5, 12, 13, 16, 55, 56, 57, 58, 59, 60 stating that no direct access to Ulan Road is permitted.~~
(~~AMENDED MA0033/2016~~)
A Restriction as to User benefitting Council and on terms satisfactory to Council is to be registered on the title to all lots with a boundary to the Ulan Road public reserve (being lots 22-34 shown on plan 23949_P01 Revision ~~G-E~~) to the effect that:
- there is to be no direct access to the Ulan Road public reserve from the lot;
 - no above ground structures shall be erected on the lot within 15m of the boundary of the lot with the Ulan Road public reserve; and
 - all fencing along the boundary to the Ulan Road public reserve is to be post and wire construction only.
- (AMENDED MA0029/2017)
(AMENDED MA0022/2019)
61. The landscaped buffer along Ulan Road is to be extensively



Mayor



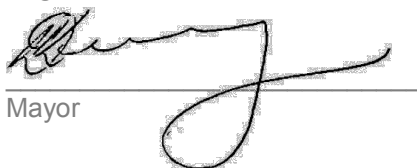
General Manager

landscaped to provide a visual separation between Ulan Road and the subdivision. The landscaping is to incorporate both low and high growing species. Landscaped plans are to be submitted with the Stage 1 Construction Certificate and works completed prior to the issue of subdivision certificate for stage 1.

62. A detailed contamination site investigation is to be undertaken of the diesel tank and included with the construction certificate documentation for Stage 4. Any remediation measures included in the assessment must be completed prior to the issue of subdivision certificate for stage 4.
63. ~~[DELETED] A Restriction as to User is to be placed on proposed lots 40 to 45 55 to 60 inclusive restricting further subdivision of the land to assist in preserving the rural amenity of the northern gateway entrance into Mudgee.~~
(AMENDED MA0033/2016)
(DELETED MA0029/2017)
64. Proposed lot ~~403~~ 135 (detention basin) is to incorporate a passive recreation area in accordance with the provisions of Mid-Western Regional Development Control Plan 2013. Details of this are to be provided with the construction certificate documentation for stage 1. The recreation area is to be completed to the satisfaction of Council prior to the issue of subdivision certificate for stage 5.
(AMENDED MA0029/2017)
65. The existing shed is to be lawfully demolished prior to the issue of subdivision certificate for stage 4.
65. ~~Construction of Road 12 must be completed prior to the registration of proposed lots 44 and 8c~~
(DELETED MA0029/2017)

STATEMENT OF REASONS

1. The proposed development complies with the requirements of the applicable environmental planning instruments and Mid-Western Regional Development Control Plan 2013.
2. The proposed development is considered satisfactory in terms of the matters identified in Section 4.55(1A) of the Environmental Planning and Assessment Act 1979.
3. The proposed development is considered satisfactory in terms of the matters identified in Section 4.15 of the Environmental Planning and Assessment Act 1979.
4. The proposal satisfactorily addresses the issue of overland drainage raised in submissions received in response to public notification of



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General Manager

the development, as follows:

- a) Existing condition 20 requires the applicant to prepare a drainage report prior to issue of the construction certificate that must demonstrate that stormwater runoff from the site is not increased beyond the existing undeveloped state up to and including a 100-year ARI and post development flows must not exceed pre-development flows up to and including the 100 year ARI event. Any additional works required to satisfy this condition will be entirely at the developers cost.

147/19

AMENDMENT Holden /Karavas

That Council request the General Manager to negotiate again a better outcome regarding the green space, with the developer.

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

Councillors	Ayes	Nayes
Cr Shelley		✓
Cr Martens	✓	
Cr Thompson	✓	
Cr Cavalier		✓
Cr Paine		✓
Cr Karavas	✓	
Cr Holden	✓	

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

Councillors	Ayes	Nayes
Cr Shelley		✓
Cr Martens	✓	
Cr Thompson	✓	
Cr Cavalier		✓
Cr Paine		✓
Cr Karavas	✓	
Cr Holden	✓	

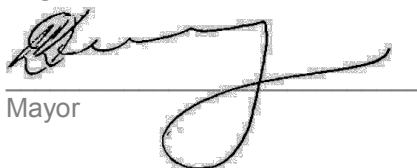
Councillor Kennedy returned to the Chambers at 6:31pm and resumed to chair the meeting.

8.3 DRAFT DEVELOPMENT CONTROL PLAN 2013 AMENDMENT
 4 - SOLAR ENERGY FARMS - POST EXHIBITION REPORT
 GOV400067, LAN9000099

148/19

MOTION: Shelley / Karavas

That Council:


 Mayor


 General Manager

1. receive the report by the Senior Planner on the Draft Development Control Plan - Amendment 4 - Solar Energy Farms - Post Exhibition Report; and
2. adopt the revised Development Control Plan 2013 Amendment 4 – Solar Energy Farms as attached to this report.

The motion was carried with the Councillors voting unanimously.

8.4 HOUSEKEEPING AMENDMENT TO MID-WESTERN REGIONAL LOCAL ENVIRONMENTAL PLAN 2012 - POST EXHIBITION

GOV400067, LAN900082

149/19 MOTION: Shelley / Paine

That Council:

1. receive the report by the Manager, Strategic Planning on the Housekeeping Amendment to Mid-Western Regional Local Environmental Plan 2012 - Post Exhibition; and
2. exercise its delegation in the preparation of the amendment to the Mid-Western Regional Local Environmental Plan 2012 to rezone land from RU4 Primary Production Small Lots to R5 Large Lot Residential at Upper Growee and include three additional items and correct the legal description of one item in Schedule 5 Environmental Heritage subject to the Opinion issued by Parliamentary Counsel.

The motion was carried with the Councillors voting unanimously.

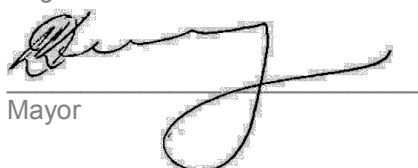
8.5 GENERAL AMENDMENT TO MID-WESTERN REGIONAL LOCAL ENVIRONMENTAL PLAN 2012 - POST EXHIBITION

GOV400067, LAN900098

150/19 MOTION: Shelley / Paine

That Council:

1. receive the report by the Manager, Strategic Planning on the General Amendment to Mid-Western Regional Local Environmental Plan 2012 - Post Exhibition; and
2. exercise its delegation in the preparation of the amendment to the Mid-Western Regional Local Environmental Plan



Mayor



General Manager

2012 in relation to the Visually Sensitive Land Map and amendment to Clause 6.10 Visually Sensitive Land near Mudgee subject to the Opinion issued by Parliamentary Counsel.

The motion was carried with the Councillors voting unanimously.

The following recommendations (item 8.6 to item 8.8) 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.151/19 and concluding at Resolution No. 153/19).

8.6 DRAFT MID-WESTERN REGIONAL CONTRIBUTIONS PLAN
2019 - POST EXHIBITION REPORT

GOV400067, LAN900100

151/19 MOTION: Shelley / Paine

That Council:

1. receive the report by the Director Development on the Draft Mid-Western Regional Contributions Plan 2019 - Post Exhibition Report; and
2. adopt the Mid-Western Regional Contributions Plan 2019.

The motion was carried with the Councillors voting unanimously.

8.7 EVENTS ASSISTANCE POLICY REVIEW

GOV400067, GOV400047

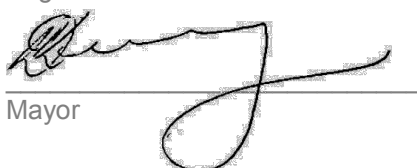
152/19 MOTION: Shelley / Paine

That Council:

1. receive the report by the Manager Economic Development on the Events Assistance Policy Review;
2. place the draft Events Assistance Policy on public exhibition for 28 days to receive any public submissions; and
3. adopt the revised Events Assistance Policy if no submission are received.

The motion was carried with the Councillors voting unanimously.

8.8 MONTHLY DEVELOPMENT APPLICATIONS PROCESSING



Mayor



General Manager

AND DETERMINED

GOV400067, A100055, A100056

153/19 MOTION: Shelley / Paine

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.

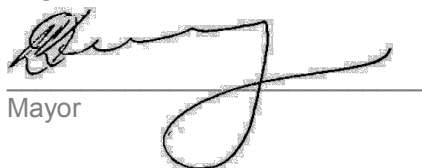
Item 9: Finance

9.1 DELIVERY PROGRAM 2017/18 - 2020/21 AND OPERATIONAL PLAN 2019/20

GOV400067, FIN300179

154/19 MOTION: Shelley / Holden**That Council:**

1. receive the report by the Chief Financial Officer on the Delivery Program 2017/18 - 2020/21 and Operational Plan 2019/20;
2. receive and give thanks to all public submissions to the Draft Delivery Program 2017/18- 2020/21 and Draft Operational Plan 2019/20 as listed below, with the General Manager required to respond to each submission as follows:
 - 2.1 Sierra Escape – Council has declined the request for the sealing of Lower Piambong Road;
 - 2.2 Gulgong Holtermann Museum (GHM) - Council has declined the request for repairing and widening of a section of Robinson St (Medley to Herbert Street) footpath;
 - 2.3 Susan Mills - Council has declined the request to repair and grade Egans Lane, Gulgong;
 - 2.4 Mudgee Dressage Group - Council has declined the request for additional footpaths, parking and shade trees at Mudgee Showground;
 - 2.5 Julie Consadine - Council has declined the request for a street light at 183-185 Market Street;
 - 2.6 Mid Western Working Horse Association - Council has declined the request for development of a plan to improve accessibility, parking and landscaping at

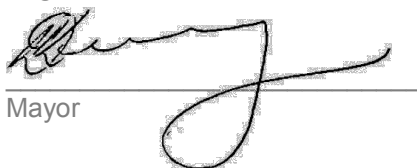


Mayor

General Manager

Mudgee Showground;

- 2.7 **Bob Lamond - Council has declined the request for grading Lower Piambong Road, reviewing the road maintenance plan and reconsidering project priorities;**
- 2.8 **Jo Ioane - Council has existing budget for a pedestrian crossing on Douro Street, south of railway crossing in 2019/20. This project will be referred to the Local Traffic Committee and is contingent on grant funding yet to be secured for 50% of the project cost;**
- 2.9 **Diana O'Mara - Council has declined the request for Healthy Communities classes to continue in Gulgong;**
- 2.10 **Alicia Anderson- Council has declined the request for sealing and repairs to Botobolar Road;**
- 2.11 **Alex Wisser - Council has declined the request for banner posts on Ilford Road and Bylong Valley Way**
- 2.12 **Stephen Hawkins – Council has declined the request for sealing the intersection of Ulan Road and Bobadeen Road;**
- 2.13 **Alex Wisser - Council has declined the request to repaint the Kandos sign on the silver tank at Ilford Road and Angus Avenue;**
- 2.14 **Peter Monaghan - Council has declined the request to amend the wording of strategy 1.2.1 to include 'and villages' at the end and for further education within Council's Heritage Conservation Area;**
- 2.15 **Ben Kurtz - Council has declined the request for installation of a pedestrian crossing on Church Street, Mudgee between Mortimer & Gladstone Street;**
- 2.16 **Peter and Carol Kurtz - Council has declined the request to seal approximately 150 metres of Bayly Street, Lue between Swanston Street and Dowling Street;**
- 2.17 **Garry Chapman - Council has declined the request to replace two causeways on the Wollar Road with pipes;**
- 2.18 **Mudgee Rylstone Gulgong Branch of National Trust of Australia (NSW) – Council has declined your request for further education within heritage**



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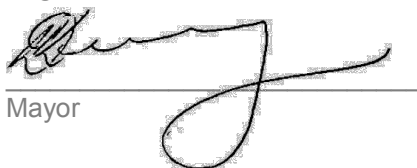
conservation areas;

- 2.19 Botobolar Community Committee - Council has declined the request to upgrade the causeways along Wollar Road between the Budgee Budgee turn-off and Botobolar Road;
- 2.20 Rylstone and District Historical Society - Council has proposed budget of \$40,000 in 2019/20 for refurbishment of the Guides Hall Rylstone;
- 2.21 Mitchell & Daryl Clapham – Council advise that the rate model is based on the full 2.7% IPART increase distributed evenly across all rating categories;
- 2.22 Mudgee District Branch NSW Farmers Association – Council advise that the rate model is based on the full 2.7% IPART increase distributed evenly across all rating categories;
- 2.23 Mitchell Clapham – Council advise that the rate model is based on the full 2.7% IPART increase distributed evenly across all rating categories;

- 3. give thanks to all public submissions and make the following amendments to the Draft Delivery Program 2017/18 - 2020/21 and Draft Operational Plan 2019/20 budget as exhibited, and listed in the report below, with the General Manager required to respond to each public submission as follows:

3.1 Public Submissions

- 3.1.1 Scott Etherington - Council has supported the request for additional water bubblers in Lawson Park. In 2019/20 \$20,000 will be funded from Section 94 Developer Contributions;
- 3.1.2 Rachel Clare - Council has supported the request for security cameras at the Adventure Playground in Gulgong. In 2019/20 \$15,000 will be funded from unrestricted cash;
- 3.1.3 Cementa Inc. - Council has supported the request to assist in painting the interior of 71 Angus Avenue Kandos as a new art space. In 2019/20 \$1,500 will be funded from unrestricted cash;
- 3.1.4 Gulgong District Tennis Association - Council has supported the request for resurfacing the tennis courts at the Gulgong Tennis facilities.


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General Manager

In 2020/21 \$130,000 will be funded by \$65,000 grant income, \$32,500 contributions from Gulgong District Tennis Association and \$32,500 from Council's unrestricted cash;

3.1.5 Mudgee Region Tourism – Council has supported the request for to develop a new 5-year Destination Management Plan (DMP) for the region. In 2019/20 \$100,000 will be provided to Mudgee Region Tourism to undertake the DMP, to be funded from unrestricted cash;

3.1.6 Kandos Rylstone Community Radio Inc.- Council has approved the request for an additional \$6,000 to publish Community Capers, funded from the existing financial assistance budget;

3.1.7 Friends of the Historic Camping Tree - Council has approved the request for an information board and replacement of signage to the Historic Camping Tree Reserve. In 2019/20 \$1,000 be funded from unrestricted cash;

3.2 Management Submissions

3.2.1 \$132,020 in 2019/20 to prepare the road pavement on Spring Flat South Lane in preparation for the seal extension, funded from Seal Extension Reserve;

3.2.2 \$17,000 in 2019/20 to replace Air-Conditioning Units at Mudgee Water Treatment Plant, funded from Water Fund Reserves;

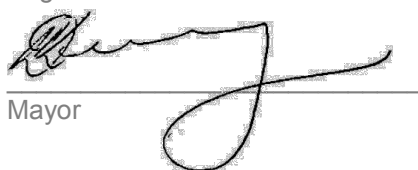
3.2.3 \$8,800 in 2019/20 for required works at 3/13 Cooyal Street Gulgong, funded from the Community Tenancy Scheme Reserve;

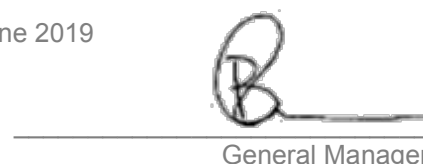
3.3 March 2019 Quarterly Budget Review Statement rolled budgets– amendments to the 2019/20 Operational Plan (funding splits provided in the body of the report)

3.3.1 \$3,635,802 Kepco Bylong Coal Mine VPA

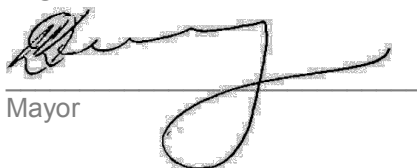
3.3.2 \$2,800,000 Commercial Property Purchase

3.3.3 \$784,950 Bylong Valley Way Upgrade Upper Bylong


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- 3.3.4 \$709,000 Plant Purchases**
- 3.3.5 \$500,000 Art Gallery Facility**
- 3.3.6 \$418,988 Bylong Valley Way & Wollar Road Intersection**
- 3.3.7 \$405,842 Victoria Park Lighting**
- 3.3.8 \$250,000 Mudgee Showground Grandstand**
- 3.3.9 \$225,692 Rylstone Pedestrian Footbridge**
- 3.3.10 \$188,000 IT Corporate Software**
- 3.3.11 \$180,000 Solar Farm Initiative**
- 3.3.12 \$177,751 Wollar Road Seal Extension Stage 5**
- 3.3.13 \$168,677 Mudgee Shared Cycle Loop**
- 3.3.14 \$155,673 Putta Bucca Eco Trail**
- 3.3.15 \$115,000 Mudgee Showground Grandstand Demolition**
- 3.3.16 \$100,000 Master Key System**
- 3.3.17 \$100,000 Website Development**
- 3.3.18 \$98,000 Earth Channel Enlargement Works**
- 3.3.19 \$87,109 Mudgee Flood Study**
- 3.3.20 \$70,000 Gulgong Hall Roof**
- 3.3.21 \$68,000 Stormwater Asset Survey**
- 3.3.22 \$67,500 Rylstone Library Capital**
- 3.3.23 \$60,000 Mudgee Washbay project**
- 3.3.24 \$60,000 IT Network Upgrades**
- 3.3.25 \$50,000 Depot Shed Project**
- 3.3.26 \$45,000 Corporate Strategic Initiative**
- 3.3.27 \$44,000 Double Cricket Nets at Glen Willow**
- 3.3.28 \$30,000 Rylstone Pathway Extension**
- 3.3.29 \$30,000 Community Transport Vehicle**



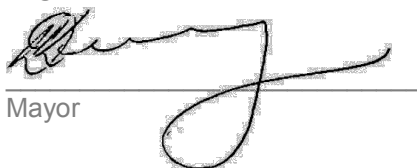
Mayor



General Manager

Replacement

- 3.3.30 \$30,000 Gulgong Hall Painting**
- 3.3.31 \$30,000 Carmel Croan Tank and Veranda**
- 3.3.32 \$30,000 Server Room Capital Upgrade**
- 3.3.33 \$30,000 Putta Bucca Walkway**
- 3.3.34 \$30,000 Library Strategic Plan**
- 3.3.35 \$29,600 Entrance Signage Project**
- 3.3.36 \$27,000 Winter Street Footpath Extension**
- 3.3.37 \$22,500 Rylstone Library Capital**
- 3.3.38 \$20,000 Mudgee Pound Cage Repairs**
- 3.3.39 \$20,000 Pit modifications at various locations**
- 3.3.40 \$15,000 Pitts Lane Property**
- 3.3.41 \$15,000 Kandos Preschool Extension**
- 3.3.42 \$12,300 Street Lighting Upgrades at Mortimer, Market and Church Street Crossing**
- 3.3.43 \$11,400 Denison Street Units Capital**
- 3.3.44 \$9,990 Billy Dunn Fence**
- 3.3.45 \$8,500 Cemetery Capital**
- 3.3.46 \$7,000 Old Police Station**
- 3.3.47 \$5,000 WHS**
- 3.3.48 \$2,600,000 Glen Willow Upgrades Stage 2**
- 3.3.49 \$2,480,000 Ulan Wollar Road Stage 1**
- 3.3.50 \$170,000 Saleyards Lane Subdivision Stage 1**
- 3.3.51 \$84,000 Munghorn Gap Realignment**
- 3.3.52 \$69,200 Risk Officer Position Recruitment**
- 3.3.53 \$62,500 Mudgee Showground Amenities**
- 3.3.54 \$15,000 Waratah Park Fencing**



Mayor

General Manager

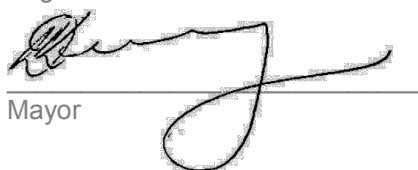
3.3.55 \$15,000 IT Network Upgrades - Water Fund**3.3.56 \$15,000 IT Network Upgrades – Sewer Fund**

4. place on public exhibition for 28 days, the following new Fees and Charges. If no submissions are received following public exhibition Council adopt the Fees and Charges below and include them in the Fees and Charges Schedule:

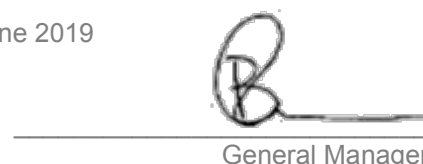
4.1 Regulated Systems – initial notification to register \$115

5. amend the draft Revenue Policy rates table to the following:

Category	Sub Category	Minimum Amount	Ad Valorem (c in \$)	Estimated Yield
Farmland		\$677.27	0.478721	\$4,745,757
Residential		\$677.27	0.594691	\$4,316,603
Residential	Urban	\$677.27	0.594691	\$6,244,947
Business		\$677.27	0.842130	\$1,479,215
Business	Rylstone Aeropark	\$222.33	0.842130	\$33,258
Mining		\$677.27	1.763070	\$10,911,210
Estimated Total Yield from Ordinary rates				\$27,730,990



Mayor



General Manager

6. amend the Revised Delivery Program 2017/21 and the Draft Operational Plan 2019/20 to increase the rates revenue income to reflect the total estimated yield from ordinary rates, \$27,730,990 in 2019/20, and subsequent matching increases in 2020/21, 2021/22, and 2022/23 taking into account assumed IPART increases;
7. endorse the amended Revised Delivery Program 2017/21 and Draft Operational Plan 2019/20 to go on public exhibition for a further period of 28 days commencing Friday 21 June 2019;
8. request a further report be presented following the exhibition period including a review of any submissions made on the Revised Delivery Program 2017/21 and Draft Operational Plan 2019/20;
9. notes that the currently approved Delivery Program 2017/21 provides detailed budgets for four years, which will be used to continue Council activities in early July 2019 until the draft Operational Plan 2019/20 is endorsed by Council; and
10. notes that Council will make the rates and charges following the exhibition period of the Revised Delivery Program 2017/21 and Draft Operational Plan 2019/20.

The following recommendations (item 9.2 to item 9.12) 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.155/19 and concluding at Resolution No. 165/19).

9.2 WRITE-OFF OF DEBTS - PERIOD 5/6/2018 TO 23/5/2019

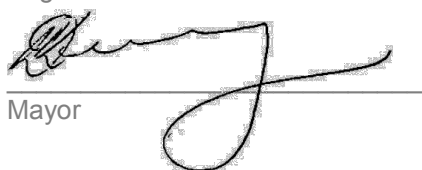
GOV400067, A0140197

155/19

MOTION: Shelley / Paine

That Council:

1. receive the report by the Assistant Manager Revenue and Property on the Write-off of Debts - Period 5/6/2018 to 23/5/2019;
2. note the write-offs totalling \$4,438.50 made under delegated authority as stipulated in Attachment 1 to this Report for the period 5/6/2018 to 23/5/2019; and
3. authorise the write-off of those debts greater than \$2,500 and totalling \$37,505.25 as stipulated in Attachment 1 to



Mayor



General Manager

this Report for the period 5 June 2018 to 23 May 2019.

The motion was carried with the Councillors voting unanimously.

9.3 MONTHLY BUDGET REVIEW APRIL 2019

GOV400067, FIN300065

156/19 MOTION: Shelley / Paine**That Council:**

- 1. receive the report by the Manager Financial Planning on the Monthly Budget Review April 2019; and**
- 2. amend the 2018/19 and 2019/20 Operational Plans in accordance with the proposed variations as listed in the Monthly Budget Review attachment to this report.**

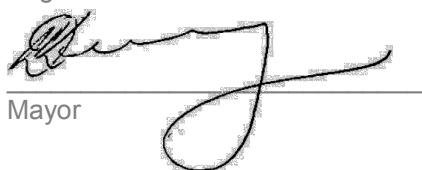
The motion was carried with the Councillors voting unanimously.

9.4 EMERGENCY SERVICES LEVY

GOV400067, FIN300071

157/19 MOTION: Shelley / Paine**That Council:**

- 1. receive the report by the Chief Financial Officer on the Emergency Services Levy;**
- 2. note the changes to the Emergency Services Levy by the state government, including that:**
 - 2.1 last December, the NSW Government enacted laws to provide better workers compensation coverage for firefighters who are diagnosed with one of twelve specific work-related cancers;**
 - 2.2 this Council supports this expanded workers compensation scheme;**
 - 2.3 as a result of these changes, the State Government has decided to implement the new scheme by charging local governments an increased Emergency Services Levy, without consultation;**
 - 2.4 the expected increase in costs to local governments will be \$19m in the first year alone, and that there is little or no time to enshrine this charge in Council's 2019/2020 budgets;**



Mayor

General Manager

- 2.5 the estimated increase in Council's rating revenue for 2018/19, attributable to the IPART rate increase of 2.7% is roughly \$500,000;
- 2.6 the cost impact to this Council of the Emergency Services Levy increase is \$152,640;
3. decline to pay the Emergency Services Levy increase;
4. requests that the Mayor write to the NSW Premier and NSW Interim Opposition Leader, NSW Minister for Emergency Services, Minister for Local Government and Shadow Minister for Local Government, and local state member/s to call upon the NSW Government to:
 - 4.1 fund the 12 months of this extra cost rather than requiring councils to find the funds at short notice when budgets have already been allocated;
 - 4.2 highlight that councils were not warned of the increased cost until May 2019, despite the new laws being passed in November 2018;
 - 4.3 explain that the poor planning and implementation of the increase is inconsistent with the Government's commitment to work in partnership with the sector;
 - 4.4 request that the Department of Premier and Cabinet and the Independent Pricing and Regulatory Tribunal be directed to investigate the current Emergency Services arrangements in NSW including the efficiencies and effectiveness to be gained by such an investigation.
5. write to the Office of Local Government and Revenue NSW advising of the decision of Council.

The motion was carried with the Councillors voting unanimously.

9.5 REQUEST FOR CONSIDERATION OF COUNCIL ACCEPTING APPOINTMENT AS CROWN LAND MANAGER FOR HARGRAVES CATHOLIC CEMETERY

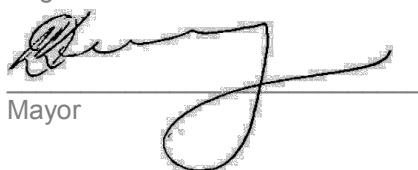
GOV400067, P0526311

158/19

MOTION: Shelley / Paine

That Council:

1. receive the report by the Assistant Manager Revenue and Property on the Request for consideration of Council



Mayor



General Manager

accepting appointment as Crown Land Manager for Hargraves Catholic Cemetery; and

2. decline the request for Council to accept appointment as the Crown Land manager for the Hargraves Catholic Cemetery being Lot 7041 DP 1095898 and advise CKM Law, representing the Trustees of the Roman Catholic Church, Diocese of Bathurst accordingly.

The motion was carried with the Councillors voting unanimously.

9.6 CLANDULLA TENNIS COURTS

GOV400067, P1439311

159/19 MOTION: Shelley / Paine

That Council:

1. receive the report by the Assistant Manager Revenue and Property on the Clandulla Tennis Courts;
2. call for expressions of interest for the possible sale of Lot 7 Section 2 DP 758249 being the site of the Clandulla Tennis Courts;
3. obtain a valuation from a registered valuer for Lot 7 Section 2 DP 758249 being the site of the Clandulla Tennis Court; and
4. provide a further report to Council detailing the results of the expression of interest process and valuation.

The motion was carried with the Councillors voting unanimously.

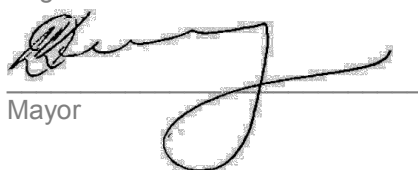
9.7 REQUEST FOR TENDER 190517_S1_2019 - SUPPLY & DELIVERY OF BULK FUEL

GOV400067, COR400065

160/19 MOTION: Shelley / Paine

That Council:

1. receive the report by the Procurement Manager on the Supply & Delivery of Bulk Fuel;
2. enter into contracts with Ocwen Energy and Oilsplus Holdings Australia for the Supply & Delivery of Bulk Fuel to Mid-Western Regional Council;
3. accept the term of the contract is to be 2 years,



Mayor



General Manager

commencing 1 July 2019, with an optional 12 month extension, subject to supplier performance; and

4. delegate the authority to the Procurement Manager to accept or decline the optional, 12 month extension period, subject to supplier performance.

The motion was carried with the Councillors voting unanimously.

9.8 LOCAL PREFERENCE POLICY REVIEW

GOV400067, GOV400047

161/19 MOTION: Shelley / Paine

That Council:

1. receive the report by the Chief Financial Officer on the Local Preference Policy Review;
2. place the revised Local Preference Policy on public exhibition for 28 days; and
3. adopt the revised Local Preference Policy if no submissions are received during the public exhibition period.

The motion was carried with the Councillors voting unanimously.

9.9 PROCUREMENT POLICY REVIEW

GOV400067, GOV400047

162/19 MOTION: Shelley / Paine

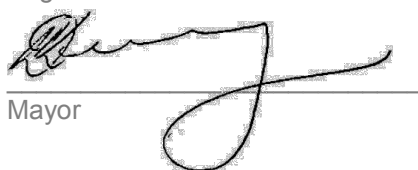
That Council:

1. receive the report by the Chief Financial Officer on the Procurement Policy Review;
2. place the revised Procurement Policy on public exhibition for 28 days; and
3. adopt the revised Procurement Policy if no submissions are received.

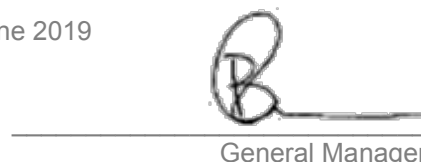
The motion was carried with the Councillors voting unanimously.

9.10 SERVICE PROVIDER MANAGEMENT POLICY REVIEW

GOV400067, GOV400047



Mayor



General Manager

163/19 **MOTION:** **Shelley / Paine**

That Council:

1. **receive the report by the Chief Financial Officer on the Service Provider Management Policy Review;**
2. **place the Service Provider Management Policy on public exhibition for 28 days; and**
3. **request an additional report to Council to consider submissions and adopt the Service Provider Management Policy after public exhibition.**

The motion was carried with the Councillors voting unanimously.

9.11 **ASSET DISPOSAL POLICY REVIEW**

GOV400067, GOV400047

164/19 **MOTION:** **Shelley / Paine**

That Council:

1. **receive the report by the Chief Financial Officer on the Asset Disposal Policy Review;**
2. **place the revised Asset Disposal Policy on public exhibition for 28 days; and**
3. **adopt the Asset Disposal Policy if no submissions are received.**

The motion was carried with the Councillors voting unanimously.

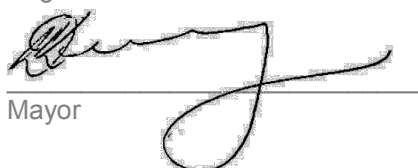
9.12 **MONTHLY STATEMENT OF INVESTMENT AND BANK BALANCES AS AT 31 MAY 2019**

GOV400067, FIN300053

165/19 **MOTION:** **Shelley / Paine**

That Council:

1. **receive the report by the Manager Financial Planning on the Monthly Statement of Investment and Bank Balances as at 31 May 2019; and**
2. **note the certification of the Responsible Accounting Officer.**



Mayor



General Manager

The motion was carried with the Councillors voting unanimously.

Item 10: Operations

10.1 RFT 2018/33 RYLSTONE PEDESTRIAN BRIDGE

GOV400067, COR400207

166/19

MOTION: Shelley / Holden

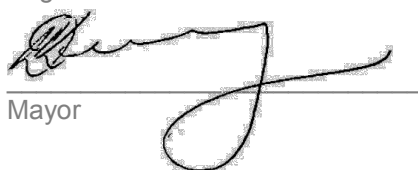
That Council:

1. **receive the report by the Tendering and Contracts Officer on the RFT 2018/33 Rylstone Pedestrian Bridge;**
2. **decline to accept any of the tenders with respect to RFT 2018/33 Rylstone Pedestrian Bridge, in accordance with Clause 178(1)(b) of Local Government (General) Regulations 2005;**
3. **authorise the General Manager to enter into negotiations with Waeger Constructions Pty Ltd in accordance with Clause 178(3)(e) of Local Government (General) Regulations 2005;**
4. **decline to call fresh tenders as a satisfactory outcome can be negotiated, and the reason Council enter into negotiations is to explore if a more economical solution can be determined, in accordance with Clause 178(4)(a) and (b) of Local Government (General) Regulations 2005;**
5. **delegate authority to the General Manager to finalise a contract up to \$733,000 excluding GST;**
6. **delegate authority to the General Manager to approve variations to the contract up to a cumulative total of 10% of the original contract sum;**
7. **amend the Operational Plan 2019/20 to increase the budget for the Rylstone Pedestrian Bridge by \$200,500, funded from Unrestricted Cash; and**
8. **notify unsuccessful tenderers of the outcome.**

AMENDMENT Karavas /

That Council:

1. **receive the report by the Tendering and Contracts Officer on the RFT 2018/33 Rylstone Pedestrian Bridge;**
2. **decline to accept any of the tenders with respect to RFT**



Mayor



General Manager

- 2018/33 Rylstone Pedestrian Bridge, in accordance with Clause 178(1)(b) of Local Government (General) Regulations 2005;
3. authorise the General Manager to enter into negotiations with Waeger Constructions Pty Ltd in accordance with Clause 178(3)(e) of Local Government (General) Regulations 2005;
 4. decline to call fresh tenders as a satisfactory outcome can be negotiated, and the reason Council enter into negotiations is to explore if a more economical solution can be determined, in accordance with Clause 178(4)(a) and (b) of Local Government (General) Regulations 2005;
 5. delegate authority to the General Manager to finalise a contract up to \$629,500 excluding GST;
 6. delegate authority to the General Manager to approve variations to the contract up to a cumulative total of 10% of the original contract sum;
 8. notify unsuccessful tenderers of the outcome.

The amendment lapsed for want of a seconder.

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

10.2 RYLSTONE DAM SAFETY REVIEW

GOV400067, WAT500056

167/19

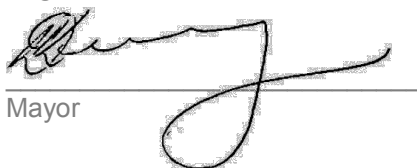
MOTION: Martens / Thompson

That Council:

1. **receive the report by the Manager, Water & Sewer on the Rylstone Dam Safety Review;**
2. **receive the report by AECOM for the Rylstone Dam Safety Review.**
3. **note that the dam generally satisfies the NSW Dam Safety Committee (DSC) and the Australian National Committee on Large Dams (ANCOLD) criteria, however some major upgrade works are required; and**
4. **pursue grant funding from Safe & Secure, for two separable portions being design and construction phases.**

The motion was carried with the Councillors voting unanimously.

The following recommendations (item 10.3 to item 12.5, excluding item 11.1) were adopted as a whole, being moved by Cr Shelley, seconded by Cr Paine and carried with Councillors voting



Mayor



General Manager

unanimously. Each recommendation is recorded with separate resolution numbers commencing at Resolution No.168/19 and concluding at Resolution No. 178/19).

10.3 ULAN-WOLLAR ROAD REALIGNMENT STAGES 1 & 3

GOV400067, ROA100367

168/19

MOTION: Shelley / Paine

That Council:

1. receive the report by the Senior Works Engineer (Major Projects) on the Ulan-Wollar Road Realignment Stages 1 & 3;
2. approve to construct a side track on Stage 1 (\$95,000 excl GST);
3. approve the upgrade of the existing roadway between the second rail crossing and Robinsons Road (\$1,610,000.00 excl GST) known as Stage 3A;
4. amend the 2019/20 Operational Plan to increase the Ulan-Wollar Road Stage 1 expenditure budget by \$95,000 funded by contributions from Peabody Energy;
5. amend the 2019/20 Operational Plan to include a budget for Ulan-Wollar Road Stage 3A of \$1,610,000 funded by contributions from Peabody Energy; and
6. authorise the General Manager to negotiate final terms and sign all necessary contractual documentation to formally accept the funds from Peabody Energy.

The motion was carried with the Councillors voting unanimously.

10.4 RFT 2018/32 STRUCTURAL IMPROVEMENTS TO GLEN WILLOW FOOTBRIDGE

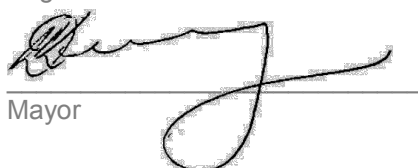
GOV400067, COR400127

169/19

MOTION: Shelley / Paine

That Council:

1. receive the report by the Director Operations on the RFT 2018/32 Structural Improvements to Glen Willow Footbridge;
2. decline to accept any of the tenders with respect to RFT 2018/32 Structural Improvements to Glen Willow Footbridge, in accordance with Clause 178(1)(b) of Local



Mayor



General Manager

Government (General) Regulations 2005 ;

3. **cancel the proposal for RFT2018/32, in accordance with Clause 178(3) (a) of Local Government (General) Regulations 2005;**
4. **close the bridge during major events which are likely to cause crowd loading on the Glen Willow Footbridge; and**
5. **endorse a load limit on the bridge for a maximum of 10 people at any one time.**

The motion was carried with the Councillors voting unanimously.

Item 11: Community

Please see after item 12.5 for item 11.1 - Code of Meeting Practice following public exhibition.

11.2 KEEPING OF ANIMALS IN URBAN AREAS POLICY REVIEW
GOV400067, A0100021

170/19 MOTION: Shelley / Paine

That Council:

1. **receive the report by the Manager Governance on the review of the Keeping of Animals in Urban Areas Policy Review;**
2. **place the Keeping of Animals in Urban Areas Policy on 28 days public exhibition; and**
3. **endorse the Policy if no submissions are received.**

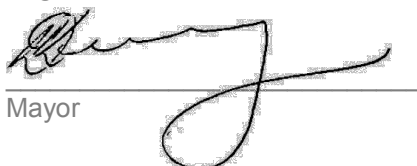
The motion was carried with the Councillors voting unanimously.

11.3 GLEN WILLOW SPORTING COMPLEX STAGE 2 MASTER PLAN
GOV400067, PAR300584

171/19 MOTION: Shelley / Paine

That Council:

1. **receive the report by the Director Community on the Glen Willow Sporting Complex Stage 2 Master Plan;**



Mayor



General Manager

2. **note the submissions after placing the Draft Glen Willow Sporting Complex Stage 2 Master Plan layout on public exhibition; and**
3. **endorse the Draft Glen Willow Sporting Complex Stage 2 Master Plan layout.**

The motion was carried with the Councillors voting unanimously.

11.4 FAMILY DAY CARE POLICY

GOV400067, COS300291

172/19 MOTION: Shelley / Paine

That Council:

1. **receive the report by the Manager, Community Services on the Family Day Care Policy; and**
2. **adopt the revisions to the Family Day Care Policy.**

The motion was carried with the Councillors voting unanimously.

11.5 LIBRARY SERVICES - QUARTERLY REPORT

GOV400067, F0620020

173/19 MOTION: Shelley / Paine

That Council receive the report by the Library Services Coordinator on the Library Services - Quarterly Report.

The motion was carried with the Councillors voting unanimously.

Item 12: Reports from Committees

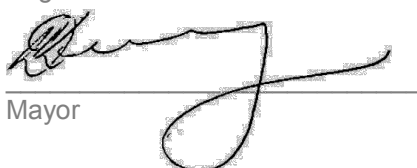
12.1 MUDGEES SPORTS COUNCIL MEETING 30 APRIL 2019

GOV400067, GOV400067, A0360013

174/19 MOTION: Shelley / Paine

That Council:

1. **receive the report by the Director Community on the Mudgee Sports Council Meeting 30 April 2019; and**
2. **note the minutes for the Sports Council Meeting held 30 April 2019.**



Mayor



General Manager

The motion was carried with the Councillors voting unanimously.

12.2 GULGONG SPORTS COUNCIL MEETINGS 8 FEBRUARY
2019, 8 APRIL 2019 AND 13 MAY 2019

GOV400067, A0360003

175/19 MOTION: Shelley / Paine

That Council:

1. receive the report by the Director Community on the Gulgong Sports Council Meetings 8 February 2019, 8 April 2019 and 13 May 2019; and
2. note the minutes for the Gulgong Sports Council meetings held 8 February 2019, 8 April 2019 and 13 May 2019.

The motion was carried with the Councillors voting unanimously.

12.3 HERITAGE COMMITTEE MEETING MINUTES 30 APRIL 2019

GOV400067, DEV700020

176/19 MOTION: Shelley / Paine

That Council:

1. receive the report by the Manager, Strategic Planning on the Heritage Committee Meeting Minutes 30 April 2019; and
2. note the minutes of the 30 April 2019 Heritage Committee Meeting.

The motion was carried with the Councillors voting unanimously.

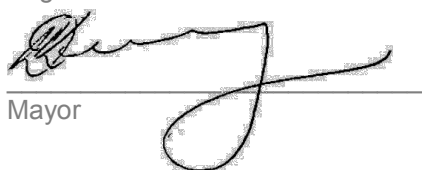
12.4 MUDGEES SHOWGROUND MANAGEMENT COMMITTEE - 7
MAY 2019

GOV400067, F0650007

177/19 MOTION: Shelley / Paine

That Council:

1. receive the report by the Administrative Assistant, Operations on the Mudgee Showground Management Committee; and
2. note the contents of the minutes of the Mudgee Showground Management Committee Meeting held on 7 May 2019.



Mayor



General Manager

The motion was carried with the Councillors voting unanimously.

12.5 LOCAL TRAFFIC COMMITTEE- MAY MEETING 2019

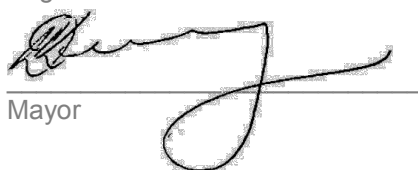
GOV400067, A0100009

178/19

MOTION: Shelley / Paine

That Council:

1. **receive the report by the EA to Director, Operations on the Local Traffic Committee- May Meeting 2019;**
2. **classify the event – “Mudgee Running Festival 2019 (Marathon Weekend)” Sunday 18 August 2019 – as a Class 2 event under the “Guide to Traffic and Transport Management for Special Events Version 3.5” and proceed with the following conditions:**
 - 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 3.5 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 and return areas in a clean and tidy condition. No obstructions are to be left on the roadways or footpaths;**
 - g. **A Traffic Control Plan (TCP) certified by a person with a ‘Select & Modify’ or a ‘Design & Audit’ certificate be included in the TMP;**
 - h. **Any person directing traffic on a public road is required to possess an appropriate traffic controller’s certificate;**
 - i. **Council must be provided with a current copy of**



Mayor



General Manager

- a public liability insurance policy in the amount of at least \$20 million. Such a policy is to note that Council, NSW Police and the Roads and Maritime Services are indemnified against any possible action as the result of the event;
- j. 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;
 - k. Maintain a four-metre wide emergency vehicle lane;
 - l. Advertise the proposed event in local newspapers with relevant information at least two weeks prior to the date; and
 - m. Traffic Control plan to be in accordance with Roads and Maritime Services Traffic Control at Worksites Manual
 - n. The organiser is to have a debrief with Council and Police with all traffic control documentation and controls tabled for review.
 - o. Consent is required from Roads and Maritime Services for the Traffic
 - p. Management on classified sections of Short Street, Market Street and Ulan Road
 - q. Traffic Control plan to be in accordance with Roads and Maritime Services Traffic Control at Worksites Manual 2018
3. Amend condition 'n' of the Small Farm Field Days Event approval to: The intersection of Ulan Road and Henry Lawson Drive controlled by NSW Police between 2:30pm and 6:30pm 12 and 13 July 2019; and
4. Note general business and correspondence items.

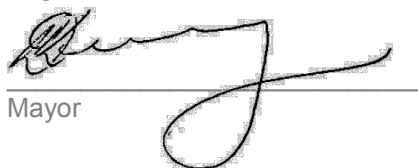
The motion was carried with the Councillors voting unanimously.

11.1 CODE OF MEETING PRACTICE FOLLOWING PUBLIC EXHIBITION

GOV400067, GOV400067

179/19

MOTION: Shelley / Paine



Mayor



General Manager

That Council:

1. receive the report by the Manager Governance on the Code of Meeting Practice following public exhibition;
2. note that no public submissions were received;
3. make the following changes that are not substantial:
 - 3.1 add a new second sentence in section 9.17 as follows: *“The foreshadowed motion must be verbalised when proposed.”*
 - 3.2 add, *“unless additional speakers are otherwise voted on by the council”* to section 13.13; and
4. adopt the new Code of Meeting Practice.

Item 13: Urgent Business Without Notice

Nil.

Item 14: Confidential Session

180/19 MOTION: Cavalier / Shelley

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

Following the motion to close the meeting being moved and seconded, the 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 Request for Financial Contribution

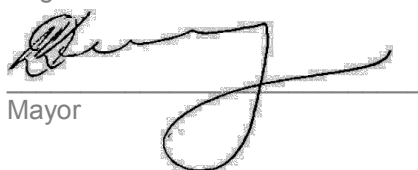
The reason for dealing with this report confidentially is that it relates to advice concerning litigation, or advice as comprises a discussion of this matter, that would otherwise be privileged from production in legal proceedings on the ground of legal professional privilege in accordance with Section 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 potential legal matter.

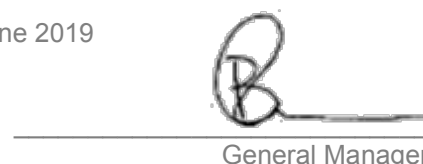
14.2 2019/20 Insurance Renewal and Class Action

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



Mayor



General Manager

interest as it involves discussion of advice concerning litigation that would otherwise be privileged in production of legal proceedings on the grounds of legal professional privilege.

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 REQUEST FOR FINANCIAL CONTRIBUTION

GOV400067, P0049361

181/19

MOTION: Shelley / Cavalier

That Council:

1. **receive and note the report by the Director Development on the Request for Financial Contribution; and**
2. **decline the request to provide a financial contribution for the amount of \$28,413 to the applicant in this report.**

Amendment Kennedy / Thompson

That Council:

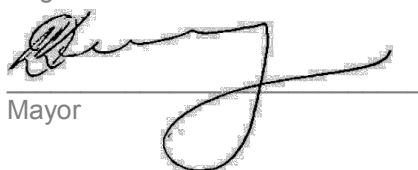
1. receive and note the report by the Director Development on the Request for Financial Contribution; and
2. provide a financial contribution for the amount of \$10,000 as financial assistance to the applicant in this report.

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 Holden	✓	

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

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


Mayor


General Manager

Cr Paine	✓	
Cr Karavas	✓	
Cr Holden		✓

14.2 2019/20 INSURANCE RENEWAL AND CLASS ACTION

GOV400067, RIS900454

182/19 MOTION: Shelley / Paine**That Council receive and note the report by the Manager Governance on the Class action and 2019/20 Insurance Renewal.***The motion was carried with the Councillors voting unanimously.***Item 15: Urgent Confidential Business Without Notice**

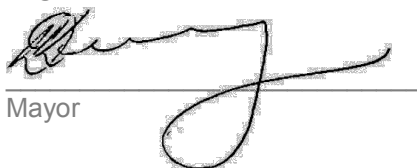
Nil.

Item 16: Open Council**183/19 MOTION: Martens / Thompson****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 7:03pm.



Mayor

General Manager