

Minutes of the Ordinary Meeting of Council

Held at the Council Chambers, 86 Market Street, Mudgee
on 21 August 2019, commencing at 5.41pm and concluding at 6.08pm.

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

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

The Mayor opened the meeting and spoke as follows:

On Saturday morning we lost a really lovely citizen of this community, Soolan Clifford, who was tragically killed on a pushbike on Spring Creek Road. Soolan was a wonderful community advocate for this region. People involved in the running festival that was held on Saturday, I take my hat off to the organisers of that event that were heavy hearted and still organised a fabulous event for the town with 1060 runners. Soolan was our sports person of the year in 2018. She was actually not just a runner, but a very good triathlete competing in triathlons and marathons across the world in Africa and America. It is a tragedy. She leaves behind a couple of beautiful children and her husband who runs the emergency department at the Mudgee Hospital. I would like to have a short silence for her and her family.

Everyone in the Chamber was upstanding for one minute of silence.

Item 1: Apologies

There were no apologies.

Item 2: Disclosure of Interest

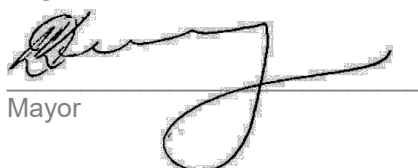
Councillor P Shelley declared a pecuniary conflict of interest in item 8.4 as he is employed by Bowdens Silver who are subject mentioned within the report.

Item 3: Confirmation of Minutes

222/19 MOTION: Shelley / Cavalier

That the Minutes of the Extraordinary Meeting held on 24 July 2019 be taken as read and confirmed.

The motion was carried with the Councillors voting unanimously.



Mayor



General Manager

Item 4: Matters in Progress**RFT 2017/21 Glen Willow Footbridge – Provision of Handrail Trusses and Piers - Res 66/18****MA0022/2019 – Section 4.55 Modification to DA0152/2015 (Bombira Estate) 220 Ulan Road, Bombira Res - 122/19****Delivery Program 2017/18 – 2020/21 and Operational Plan 2019/20 - Res 154/19**

223/19 MOTION: Shelley / Cavalier

That Council note resolution numbers 66/18, 122/19 and 154/19 as being complete.

The motion was carried with the Councillors voting unanimously.

Item 5: Mayoral Minute

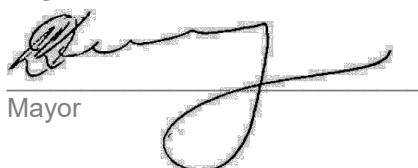
5.1 KANDOS TO GULGONG AND GULGONG TO MARYVALE
RAILWAY RE-OPENING FEASIBILITY STUDY TENDER

224/19 MOTION: Kennedy

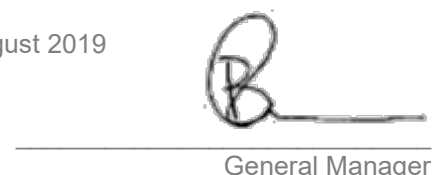
That Council:

1. note that John Holland Rail Pty Ltd issued a tender on 22 July 2019 for a feasibility study into the reopening of the Kandos to Gulgong Rail Line and the Gulgong to Maryvale Rail Line;
2. write to John Holland Rail Pty Ltd and the Minister for Transport and Roads strongly expressing Council's disappointment that Council was not informed that the tender was being issued and that there was no opportunity for Council to provide input into scope of the feasibility study;
3. include in this correspondence that the winning tenderer be requested to engage with Council at the earliest opportunity as part of the feasibility study; and
4. also forward Council's previous resolution on crossings and bridges over railway lines to John Holland Rail Pty Ltd and the Minister for Transport and Roads.

The motion was carried with the Councillors voting unanimously.



Mayor



General Manager

Item 6: Notices of Motion or Rescission

Nil

Item 7: Office of the General Manager

7.1 MURRAY DARLING ASSOCIATION MEMBERSHIP RENEWAL
INVOICE FOR 2019/2020

GOV400067, F0710037

225/19 MOTION: Shelley / Karavas

That Council:

1. receive the report by the General Manager on the Murray Darling Association Membership Renewal Invoice for 2019/2020; and
2. not renew its membership with the Murray Darling Association for 2019/20.

The motion was carried with the Councillors voting unanimously.

7.2 EMPLOYEE ENGAGEMENT SURVEY RESULTS 2019
GOV400067, GOV400054, GOV400043, PER400044

226/19 MOTION: Shelley / Holden

That Council receive the report by the Executive Manager, Human Resources on the Employee Engagement Survey Results 2019.

The motion was carried with the Councillors voting unanimously.

7.3 LOCAL GOVERNMENT NSW MEMBERSHIP RENEWAL
2019/20

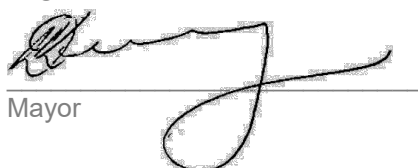
GOV400067, A0040005

227/19 MOTION: Shelley / Paine

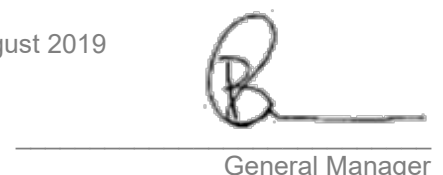
That Council:

1. receive the report by the Director Community on the Local Government NSW Membership Renewal 2019/20; and
2. endorse the renewal of membership with Local Government NSW for the 2019/20 financial year.

The motion was carried with the Councillors voting unanimously.



Mayor



General Manager

7.4 LGNSW ANNUAL CONFERENCE 2019

GOV400067, COR400021

228/19

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

1. receive the report by the Director Community on the LGNSW Annual Conference 2019;
2. approve the Mayor and General Manger if available to attend the Local Government NSW Annual Conference from Monday 14 October to Wednesday 16 October 2019 at Warwick Farm; and
3. provide details of any motions that Council would like to introduce to the Conference by the end of the August Council meeting so that they can be submitted by the deadline.

The motion was carried with the Councillors voting unanimously.

7.5 MRT QUARTERLY REPORT: APRIL TO JUNE 2019

GOV400067, F0770077

229/19

MOTION: Shelley / Paine**That Council receive the report by the General Manager on the MRT Quarterly Report: April to June 2019.**

The motion was carried with the Councillors voting unanimously.

Item 8: Development

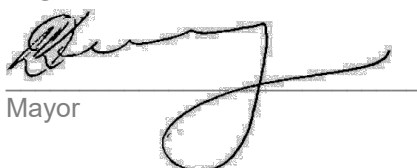
8.1 DA0218/2019- SUBDIVISION - TORRENS TITLE - 3 INTO 15 LOTS - MUDGEES AIRPORT - 41 GEORGE CAMPBELL DRIVE, EURUNDEREE

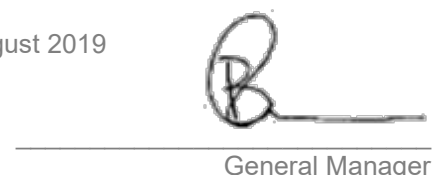
GOV400067, DA0218/2019

230/19

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

- A. receive the report by the Senior Town Planner on the DA0218/2019- Subdivision - Torrens Title - 3 into 15 Lots - Mudgee Airport - 41 George Campbell Drive, Eurunderee;



Mayor

General Manager

- B. approve DA0218/2019- Subdivision - Torrens Title - 3 into 15 Lots - Mudgee Airport - 41 George Campbell Drive, Eurunderee subject to the following conditions:**

SCHEDULE A: CONDITIONS

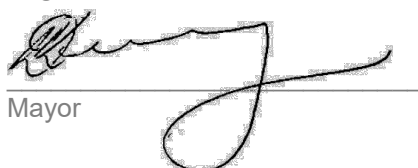
PARAMETERS OF CONSENT

- 1. 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 herein and/or any plan notations.**

Title/Name	Drawing No/ Document Ref	Revision/ Issue	Dated	Prepared by
Subdivision of Lot 2 in DP 1167326, Lot 201 & 202 in DP 1210399 and Lot 200 in DP 1231560	Sheet 1	-	28/09/17	Colin William (Bill) Currie
Subdivision of Lot 2 in DP 1167326, Lot 201 & 202 in DP 1210399 and Lot 200 in DP 1231560	Sheet 2	-	28/09/17	Colin William (Bill) Currie
Subdivision of Lot 2 in DP 1167326, Lot 201 & 202 in DP 1210399 and Lot 200 in DP 1231560	Sheet 3	-	28/09/17	Colin William (Bill) Currie

GENERAL

- 2. The developer is to engage a registered surveyor at their own expense to relocate any survey mark that may be disturbed by the development or any associated work. Any information regarding relocation is to be supplied to NSW Land Registry Services and Council.**
- 3. The only waste-derived fill material that may be received at the development site must be:**
- a) Virgin excavated natural material, within the meaning of the Protection of the Environment Operations Act 1997; and**
 - b) Any other waste-derived material the subject of a resource recovery exemption under cl.91 of the Protection of the Environment Operations (Waste) Regulation 2014 that is permitted to be used as fill material.**
- 4. Any damage to Council's infrastructure as a result of the**



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General Manager

proposed development must be repaired immediately to Council's satisfaction and at no cost to Council.

5. All stormwater runoff from the land, including future roof and developed surfaces and including overflow from any rainwater tanks that may be provided, is to be dispersed within the airport land and controlled in such a manner so as not to flow or discharge over adjacent properties. Methods of disposal of excess stormwater must also include adequate provision for prevention of erosion and scouring.
6. The internal road network must be designed with sufficient width to accommodate turning paths for service vehicles, with particular attention to cul-de-sac court bowls that must be provided with a radius suitable for rubbish collection vehicles and that require no reversing movements for collection of rubbish.
7. Street signs necessitated by the subdivision are to be installed in accordance with Aus-Spec #1 and Council standards.
8. Within 6 months from the issue date of this development consent, or prior to the commencement of works, whichever occurs earlier, Development Consent DA0117/2009 (as modified by MI0042/2011) shall be modified by this development consent in accordance with s4.17(1)9b) and (5) of the Environmental Planning and Assessment Act 1979, in a manner to accommodate the development approved by this development consent. To finalise the modification, the applicant is required to submit to Council a notice in accordance with cl 97 of the Environmental Planning and Assessment Regulations 2000.

Note – a pre-prepared notice is attached to this development consent.

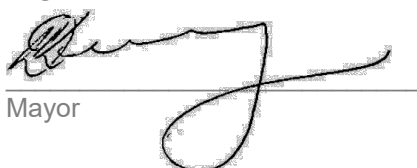
Water and Sewer Services

9. The developer is to provide separate water and sewer reticulation services to each allotment within the subdivision.
10. The developer is to provide a water service and meter for each lot in the subdivision.

Telecommunications and electricity supply

11. Underground electricity and telecommunications are to be supplied to the subdivision in accordance with the relevant authority's standards. Each allotment is to be provided with a service point / connection to an underground electricity supply.

PRIOR TO THE COMMENCEMENT OF WORKS



Mayor

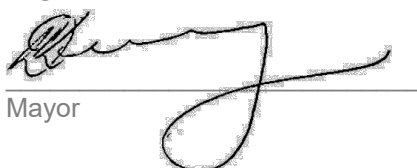


General Manager

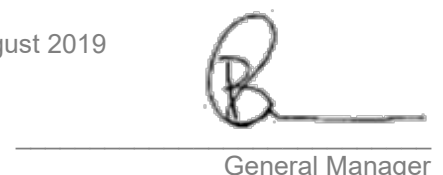
12. **Erosion and sediment controls are to be implemented to prevent sediment from leaving the site. The controls are to be maintained until the development is complete and the site stabilised.**
13. **Any necessary alterations to, or relocations of, public utility services are to be carried out at no cost to Council and in accordance with the requirements of the relevant authority including the provision of easements over existing and proposed public infrastructure.**
14. **Prior to commencement of works, the submission of three possible street/road names in order of preference, for the proposed new road within the subdivision, are to be submitted to Council for approval.**
15. **Prior to the commencement of works, details of the following are to be submitted to and approved by Council:**
 - a) **Construction of suitably sized levee banks or channels adjacent to the southern boundary, across or under Goodger Place road pavement and extending into the airport to control all surface stormwater runoff from the development area.**

DURING CONSTRUCTION

16. **In the event of any Aboriginal archaeological material being discovered during earthmoving/construction works, all work in that area shall cease immediately and the Office of Environment and Heritage (OEH) notified of the discovery as soon as practicable. Work shall only recommence upon the authorisation of the OEH.**
17. **Construction work noise that is audible at other premises is to be restricted to the following times:**
 - **Monday to Saturday - 7.00am to 5.00pm****No construction work noise is permitted on Sundays or Public Holidays.**
18. **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) **Construction equipment and materials shall be contained wholly within the site unless approval to use the road reserve has been obtained; and**
 - d) **Toilet facilities are to be provided on the work site at the**



Mayor



General Manager

rate of one toilet for every 20 persons or part of 20 persons employed at the site.

PRIOR TO ISSUE OF THE SUBDIVISION CERTIFICATE

19. Under the Environmental Planning & Assessment Act 1979, a Subdivision Certificate is required before the linen plan of subdivision can be registered with NSW Land Registry Services.

Note - The fee to issue a Subdivision Certificate is set out in Council's Fees and Charges.

20. A linen plan and two (2) copies are to be submitted to Council for approval and endorsement by the General Manager (or their delegate).
21. Prior to the issue of a Subdivision Certificate, all drainage works for the control of stormwater runoff must be completed to Council's satisfaction.

Certificate of Compliance

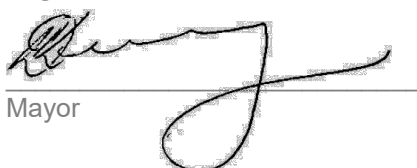
22. The developer shall obtain a Certificate of Compliance under the Water Management Act 2000, from Council.

Note – Refer to Advisory Notes in relation to payment of contributions to obtain a Certificate of Compliance.


Restrictions on Title

23. The Plan of Subdivision must be accompanied by necessary documentation to enable the registration of a Restriction as to User for proposed Lots 2 and 5 that access may only be obtained under relevant Airport Operations Security arrangements.
24. Three metre wide easements, including associated Section 88B 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, where necessary.
25. Easements for electricity purposes, as required by the electricity supply authority, shall be created. The Section 88B instrument and linen plans submitted with the application are to include details of any required electricity easements or restrictions on title required to be imposed by electricity authorities/suppliers.

Note – An easement may be required over the electricity padmount installation located adjacent to Lot 11 DP1242388.



Mayor



General Manager

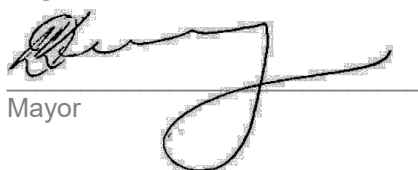
26. The developer is to create a restriction as to user, under the provisions of the Conveyancing Act 1919, to the effect that the height limit that will apply to any development on the proposed lots is limited to the height of the Obstacle Limitation Surface (OLS) for the Mudgee Airport and the associated OLS for the non-directional beacon. The degree the OLS impacts on future development varies for the affected lots and is likely to limit development on proposed lots to single storey. Details regarding the precise OLS impact on each lot are available from Council.
27. The developer is to create a restriction as to user under the provisions of the Conveyancing Act 1919, on the proposed lots 1 to 14, that states no residential accommodation shall be erected on the allotments unless it is ancillary to the aviation use and constructed as part of the hangar building.

Electricity and Telecommunication Certificates


28. Prior to issue of the Subdivision Certificate, Council is to be supplied with:
- a) A certificate of acceptance from the appropriate power authority indicating that satisfactory arrangements have been made for provision of electricity supply to the subdivision; and
 - b) Satisfactory evidence that arrangements have been made for the installation of fibre-ready facilities to all individual lots so as to enable fibre to be readily connected to any premises that may be constructed on those lots. This will need to include confirmation in writing from the carrier that they are satisfied that the fibre-ready facilities are fit for purpose; and
 - c) Satisfactory evidence (usually by way of an agreement with a carrier) that arrangements have been made for the provision of fixed-line telecommunications infrastructure in the fibre-ready facilities to all individual lots; or
 - d) As an alternative to b) or c), satisfactory evidence that a carrier will not require fixed line infrastructure to service the subdivision and satisfactory arrangements have been made for fixed wireless infrastructure to service the subdivision. This alternative is provided to address sites in areas mapped by NBN Co as being in a designated Fixed Wireless area, as opposed to a mapped Fibre to the Node area.

SCHEDULE B: STATEMENT OF REASONS

1. The proposed development generally complies with the



Mayor



General Manager

requirements of the applicable environmental planning instruments and Mid-Western Regional Development Control Plan 2013.

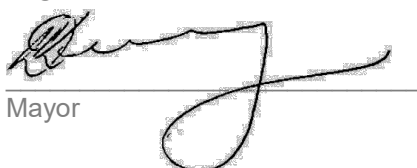
2. The proposed development is considered satisfactory in terms of the matters identified in Section 4.15 of the Environmental Planning and Assessment Act 1979.

SCHEDULE C: ADVISORY NOTES

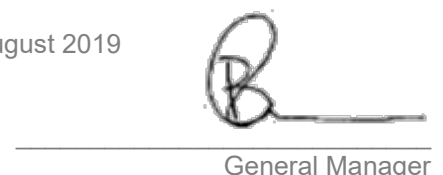
- 1 The removal of trees within any road reserve requires the separate approval of Council in accordance with the policy "Tree Removal and Pruning – Public Places".
- 2 The land upon which the subject building is to be constructed may be affected by restrictive covenants. This approval is issued without enquiry by Council as to whether any restrictive covenant affecting the land would be breached by the construction of the building, the subject of this approval. Persons to whom this approval is issued must rely on their own enquiries as to whether or not the building breaches any such covenant.
- 3 Sections 8.2, 8.3, 8.4 and 8.5 of the Environmental Planning and Assessment Act 1979 (EP&A Act) gives you the ability to seek a review of the determination. This request is made to Council and must be made within 6 months after the date on which you receive this notice. The request must be made in writing and lodged with the required fee; please contact Council's Planning and Development Department for more information or advice.
- 4 If you are dissatisfied with this decision Sections 8.7 and 8.10 of the EP&A Act 1979 gives you the right to appeal to the Land and Environment Court within 6 months after the date on which you receive this notice.
- 5 To ascertain the date upon which the consent becomes effective, refer to Sections 4.20 and 8.13 of the EP&A Act.
- 6 To ascertain the extent to which the consent is liable to lapse, refer to Section 4.53 of the EP&A Act.
- 7 This development consent requires a Certificate of Compliance under the Water Management Act 2000 to be obtained prior to the issue of a Subdivision Certificate.

A person may apply to Mid-Western Regional Council, as the water supply authority, for a Certificate of Compliance pursuant to section 305 of the Water Management Act 2000.

Please be advised that as a precondition to the granting of a Compliance Certificate:



Mayor



General Manager

- a) A monetary contribution in accordance with the following Schedule of Contributions must be paid in full (including indexation, where applicable). The contributions amount to be paid will be the pro-rata amount for the relevant stage or number of lots to be created.

Section 64 Contributions				
The rates shown below are current up to 30 June 2019				
12 Additional Lots (3 credits for existing lots)				
	ET/Unit	Value	Per Lot	12 Additional Lots
Water Headworks	1.0	\$8,407.00	\$8,407.00	\$100,884.00
Sewer Headworks	1.0	\$3,838.00	\$3,838.00	\$46,056.00
Total Headworks				\$146,940.00

Note - Section 64 Developer Contributions are subject to Consumer Price Index increase at 1 July each year. Please contact Councils Planning and Development Department regarding any adjustments.

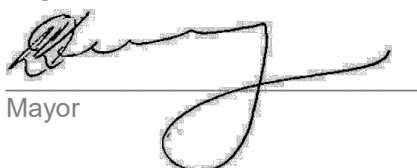
- 8 The subject lots are located within close proximity to the Non-Directional Beacon (NDB) used for aircraft navigation. There is an Obstacle Limitation Surface associated with the NDB that will impact on the height of any future buildings/development on the subject lots. The tightest constraint across the subdivision is a height limit of 6.75m for future buildings.

SCHEDULE D: OTHER APPROVALS

Nil

- C. The following form be given to the applicant/developer in order to modify Development Consent No DA0117/2009: Subdivision, to facilitate compatibility with the approved subdivision.

Notice of Modification of Development Consent in accordance with Section 4.17(1)(b) & (5) of the Environmental Planning and Assessment Act 1979	
Notice given by:	
Name:	
Address:	
Particulars of Development Consent to be modified:	
Development Consent No:	DA0117/2009 (as modified by MI0042/2011)
Approved Development:	Subdivision
Address (at time of approval):	Mudgee Airport

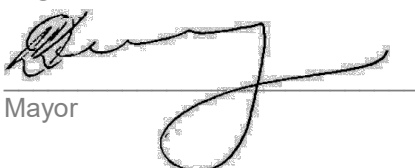


 Mayor



 General Manager

	41 George Campbell Drive Bombira NSW 2850			
Real Property Description (at time of approval):	Lot 2 DP1138994			
Details of modification or surrender of consent:				
Modify Condition 1 to read as follows:				
<p>Development is to be carried out in accordance with modification application 0042/2011 received by Council 23/05/2011 EXCEPT as amended by stamped approved plans Reference Number G105MU dated 12/11/2009 AMENDED 9/2/2010 and as varied by the conditions of consent 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.</p> <p>The following drawings supersede the previously mentioned plan, to the extent of any inconsistency. The following drawings replace Lots 8 to 17 with two larger lots.</p>				
Title/Name	Drawing No/ Document Ref	Revision/ Issue	Dated	Prepared by
Subdivision of Lot 2 in DP 1167326, Lot 201 & 202 in DP 1210399 and Lot 200 in DP 1231560	Sheet 1	-	28/09/17	Colin William (Bill) Currie
Subdivision of Lot 2 in DP 1167326, Lot 201 & 202 in DP 1210399 and Lot 200 in DP 1231560	Sheet 2	-	28/09/17	Colin William (Bill) Currie
Subdivision of Lot 2 in DP 1167326, Lot 201 & 202 in DP 1210399 and Lot 200 in DP 1231560	Sheet 3	-	28/09/17	Colin William (Bill) Currie
Modify Condition 16 to read as follows:				
<p>The developer shall obtain a Certificate of Compliance under the Water Management Act. This will require:</p> <p>(a) Payment of a contribution for water and sewer head works at the following rates:</p>				
	Stage 1: Lots 2 (residual) to 7			
Water Head Works	\$12,372			
Sewer Head Works	\$8,483			
Total	\$20,855			



Mayor



General Manager

Delete Condition 28	
Land owner's consent to the above modification or surrender of the consent or right.	
This section must be completed by all property owners. If the owner of the property is a company, then the director/s or the secretary of the company must sign the application and affix the body corporate stamp, if required, to this form or as an attachment with the appropriate details confirming consent.	
Name:	Mid-Western Regional Council
Signature:	
Date:	
Name:	

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

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

The motion was carried with the Councillors voting unanimously.

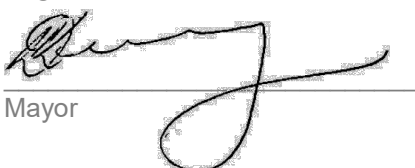
8.2 DA0004/2020 TEMPORARY USE OF LAND - SINGLE EVENT - 90 BARTLETTS ROAD, RYLSTONE
 GOV400067, DA0004/2020

231/19 MOTION: Shelley / Holden

That Council:

- A. receive the report by the Town Planner on the DA0004/2020 Temporary Use of Land - Single Event - 90 Bartletts Road, Rylstone;
- B. approve DA0004/2020 Temporary Use of Land - Single Event - 90 Bartletts Road, Rylstone subject to the following conditions:

CONDITIONS


 Mayor


 General Manager

APPROVED PLANS

1. Development is to be carried out generally in accordance with the following plans endorsed with Council's Stamp as well as the documentations listed below, except as varied by the conditions of this development consent and/or any plan notations.

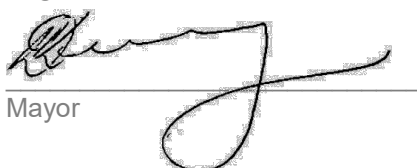
Title / Name	Drawing No/ Document Ref	Revision/ Issue	Dated	Prepared by
Site Plan	-	-	3/11/2 011	Applicant

GENERAL CONDITIONS

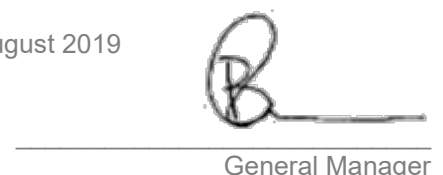
2. To clarify, this Development Consent is for the temporary use of the land for one single evening event, to be held in the 2019 calendar year.
3. This development consent does not include approval for the use of the land for a camping ground at any time.
4. Attendance numbers for the event are limited to a maximum of 150 people at any one time.
5. This approval is limited to one event only, to be held in the 2019 calendar year. Any further events will be subject to a new DA.
6. The event is limited to the hours of 4:30pm and 8.00pm.
7. Live music or amplified music is limited to within the area labelled 'Main Performing Area', notated on the approved site plan.
8. No alcohol shall be served, or consumed.
9. This approval does not provide any indemnity to the owner or applicant under the Disability Discrimination Act 1992 with respect to the provision of access and facilities for people with disabilities.

PRIOR TO STAGING THE EVENT

10. The proponent is to notify all adjoining residents of the details of the upcoming event, at least 14 days prior to the event. These details are to include:
 - An outline of the hours and days of the event.



Mayor



General Manager

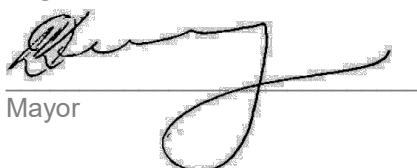
- **Contact details of a person nominated to address complaints associated with the operation of the event.**

DURING THE EVENT

- 11. The Applicant must ensure sufficient bins and portable utilities are provided on site to ensure adequate waste management facilities are available. The site is to be kept and left in a clean and tidy state and cause no ongoing environmental damage.**
- 12. No parking of any vehicles associated with the event is permitted in adjacent road reserves. Sufficient space must be provided on site to meet all parking requirements.**
- 13. All on-site parking areas must be clearly identified by temporary fencing or bunting with vehicle movements controlled and directed by staff.**
- 14. An event staff member is required to provide for traffic control and direction external to the site in the event of queuing in the road reserve prior to entry. Any queuing must not be permitted to adversely affect or hinder public traffic on Bartletts Road.**
- 15. The applicant must provide and maintain all services and utilities necessary for the proposed event, to an acceptable standard (power, potable water, Emergency services, sewer, communications, waste management).**
- 16. Adequate toilet facilities are to be provided for the duration of the proposed event. Temporary toilet facilities shall be located to ensure no offensive odour or spillage of contaminated wastewater is likely to cause nuisance or harm to public health or the environment.**
- 17. There being no interference with the amenity of the neighbourhood by reason of the emission of any “offensive noise”, vibration, smell, smoke, vapour, steam, soot, ash or dust, or otherwise as a result of the proposed development.**
- 18. All exterior lighting associated with the development shall be designed and installed so that no obtrusive light will be cast onto any adjoining property or roadways, in accordance with Australian Standard 4282 “Control of the Obtrusive Effects of Outdoor Lighting”.**

Additional Conditions:

- (a) Licensed security officers are to be onsite during the event’s operation hours.**



Mayor



General Manager

- (b) **The Rural Fire Service must be onsite during the event’s operation hours to manage the fire pits.**

FOLLOWING THE EVENT

- 19. **At the conclusion of the event, the land will, as far as is practicable, be restored to the condition in which it was before the commencement of the use.**

STATEMENT OF REASONS

The determination decision was reached for the following reasons:

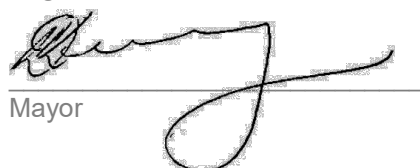
- 1. **The proposed development complies with the requirements of the applicable environmental planning instruments and Mid-Western Regional Development Control Plan 2013.**
- 2. **The proposed development is considered to be satisfactory in terms of the matters identified in Section 4.15 of the Environmental Planning & Assessment Act 1979.**

ADVISORY NOTES

- 1 **The removal of trees within any road reserve requires the separate approval of Council in accordance with the policy “Tree Removal and Pruning – Public Places”.**
- 3 **Division 8.2 of the Environmental Planning and Assessment Act 1979 (EP&A Act) gives you the ability to seek a review of the determination. This request is made to Council and must be made within 6 months after the date on which you receive this notice. The request must be made in writing and lodged with the required fee; please contact Council’s Development Department for more information or advice.**
- 4 **If you are dissatisfied with this decision section 8.7 of the EP&A Act 1979 gives you the right to appeal to the Land and Environment Court within 6 months after the date on which you receive this notice.**
- 5 **To ascertain the extent to which the consent is liable to lapse, refer to Section 4.53 of the EP&A Act.**
- 6 **The development is to operate so as to not emit offensive noise, as defined in the Protection of the Environment Operations Act 1997.**

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

Councillors	Ayes	Nayes
Cr Shelley	✓	
Cr Kennedy	✓	



 Mayor



 General Manager

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

8.3 MA0054/2019 (DA0220/2018) - MODIFICATION TO CAR WASH FACILITY AND CAFE - 13 PERRY STREET, MUDGEE
GOV400067, DA0220/2018

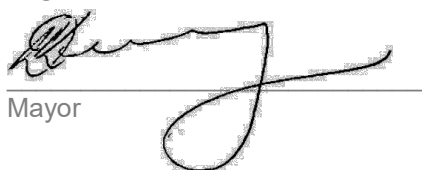
232/19

MOTION: Martens / Shelley

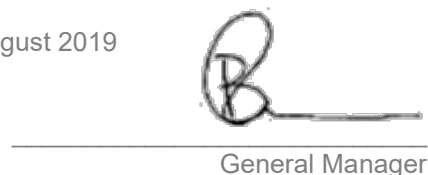
That Council:

- A. receive the report by the Senior Town Planner for MA0054/2019 (DA0220/2018) - Modification of Car wash Facility and Cafe – 13 Perry Street, Mudgee; and
- B. approve MA0054/2019 (DA0220/2018) - Modification of Car wash Facility and Cafe – 13 Perry Street, Mudgee subject to the following amended conditions:
 - I. Amend Condition 1 as follows.
 - 1. 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 herein.

Title/Name	Drawing No/ Document Ref	Revision /Issue	Dated	Prepared by
Existing and Demolition Overall Plan	SK-01	P4	14/06/18	Michael Carr Architect
Proposed Overall Plan	SK-02	P4	14/06/18	Michael Carr Architect
Proposed Local Plan	SK-03	P4	14/06/18	Michael Carr Architect
Elevations	SK-04	P3	14/06/18	Michael Carr Architect
Title Sheet & Site Locality	C001	C	12/06/18	Geolyse
Proposed Site Layout Plan	C003	C	12/06/18	Geolyse
Vehicle Turning Paths, Sheet 1 of 2	C004	C	12/06/18	Geolyse
Vehicle	C005	C	12/06/18	Geolyse



Mayor



General Manager

Turning Paths, Sheet 2 of 2			48	
Proposed Stormwater Layout Plan	C006	C	12/06/18	Geolyse
Proposed Trade Waste Treatment Layout Plan	C007	C	12/06/18	Geolyse
Trade Waste Process Flow Chart for Café Kitchen	C008	C	12/06/18	Geolyse
Trade Waste Process Flow Chart for Car Washing Area	C009	C	12/06/18	Geolyse

The following drawings supersede the previously mentioned plans, to the extent of any inconsistency. The following drawings provide an amended design for the car wash bay enclosure and makes no changes to the existing access and gateway to Byron Place.

Title/Name	Drawing No. Document Ref	Revision/ Issue	Dated	Prepared by
Ground Floor Plan 02	Page 0541-TD203	C-WIP	-	Popov Bass
North Elevation Wash Bay Enclosure	Page 0541-TD302	01-WIP	-	Popov Bass
Construction Details	Page 0541-TD700	C-WIP	-	Popov Bass
Byron St Vehicle Turning	30738-A01	A	26/06/19	Barnson

AMENDED BY MA0032/2019 & MA0054/2019

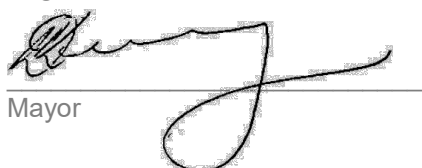
II. Add Condition 70A as follows.

70A. Any vehicle that is 8.8m or longer is to enter the site only outside of the business hours of the car wash facility and café.

ADDED BY MA0054/2019

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

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



 Mayor



 General Manager

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

Councillor Shelley declared a pecuniary conflict of interest in item 8.4, left the Chambers at 5:56pm and did not participate in discussion or vote in relation to this matter.

8.4 MA0037/2019 - EXISTING GRANITIC RHYOLITE MINE - NEW ROAD FOR EXTRACTIVE INDUSTRY - 571 BARA-LUE ROAD, LUE

GOV400067, MA0037/2019

233/19

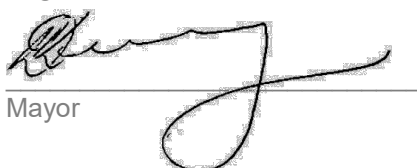
MOTION: Holden / Karavas

That Council:


1. receive the report by the Manager, Statutory Planning on MA0037/2019 - Existing Granitic Rhyolite Mine - New Road for Extractive Industry - 571 Bara-Lue Road, Lue;
2. approve MA0037/2019 – Existing Granitic Rhyolite – New Road for Extractive Industry – 571 Bara-Lue Road, Lue subject to the following conditions:

Conditions

1. Submission of a building application for any proposed building structures.
2. Compliance with any conditions of the Department of Mineral Resources.
3. Compliance with any conditions of the Department of Industrial Relations.
4. The developer is to ensure that all loads carried on Shire roads, comply with Ordinance 30D of the Local Government Act. 1919.
5. All old quarry areas and spoil areas are to be progressively rehabilitated as soon as possible with suitable local species. Work to be carried out to minimise erosion and environmental impact.
6. Development work is to be carried out generally in accordance with Environmental Impact Statement dated 17th March 1987 except as varied by the conditions listed herein.
7. DELETED BY MA0001/2008



Mayor



General Manager

8. DELETED BY MA0037/2019**9. The haulage route is to consist of:**

- Lue Road,
- North across railway level crossing
- West along Cox Street
- Generally north along Bara Lue Road

10. The developer is to upgrade Bara Lue Road for the full length (Lue Road to the private access of the extractive industry) generally in accordance with Council's Road Classification and Standards Policy to a Minor Local standard such that it has the following characteristics:

Item	Requirement
Formation Width	7m (or varied as determined by joint inspection with Council representatives)
Sheeted Width	5m (or varied as determined by joint inspection with Council representatives)
Sheeted Shape	6% cross fall
Sheet Thickness	100mm
Sheet Material	Pit material (gridded or rock busted)

Prior to commencement of any construction, approval under Section 138 of the Roads Act 1993 must be obtained.

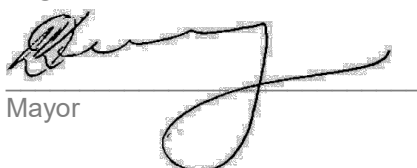
Note.

- I. Within 28 days of the issue of this amended consent, a joint inspection with the Applicant and Council is to be undertaken to identify site specific locations where pavement width can be varied;
- II. Within 28 days of the joint inspection being carried out, detailed design documentation is to be prepared that identifies location and standards of the specific works to be undertaken;
- III. All the identified works are to be completed with all costs borne by the Applicant within a further 84 days of the documented design being agreed and issued by Council.


MODIFIED BY MA0037/2019

11. The unsealed haulage route is to be regularly maintained by the applicant and the applicant must submit a maintenance schedule to be approved by Council's Asset Department.

12. As an interim measure for a period of 12 months only a minimum 50m road length from the existing Lue Road



Mayor



General Manager

intersection is to be treated with an approved dust suppressant to prevent carrying of clay and dust along with the truck wheels onto Lue Road. The dust suppressant or stabilising treatment is to be applied in accordance with product manufacturer recommended specifications and monitored for effectiveness and maintained in accordance with an approved Maintenance Schedule for no longer than a 12 month period from the date of this midwifed consent, after which the road must be sealed in accordance with the following standard:

Item	Requirement
Road pavement width	6m
Seal	Two-coat flush seal

MODIFIED BY MA0037/2019

- 13. The unsealed haulage route is required to be treated with an approved dust suppressant to reduce dust nuisance to dwellings located less than 60 m from the road reserve. The extent of the road pavement to be treated must be no less than 120 metres in both directions from the closest point of the dwelling to the road. The dust suppressant or stabilising treatment is to be applied in accordance with product manufacturer recommended specifications and monitored for effectiveness and maintained in accordance with an approved Maintenance Schedule for no longer than a 12 month period from the date of this modified consent, after which the road must be sealed in accordance with the following standard:

Item	Requirement
Road pavement width	6m
Seal	Two-coat flush seal

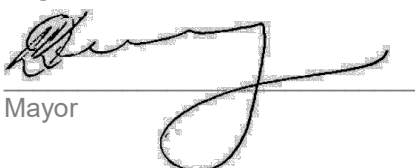
MODIFIED BY MA0037/2019

- 14. The truck movement speed shall be restricted to 50km/h.
- 15. Truck movements are restricted to an average of 2.5 movements per day (over a week) and are only to occur between the hours of 7.00am and 5.00pm Monday to Friday.
- 16. The road is to be regularly watered and details are to be included in the Maintenance schedule to be submitted to Council.

STATEMENT OF REASONS

The determination decision was reached for the following 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 to be satisfactory



Mayor



General Manager

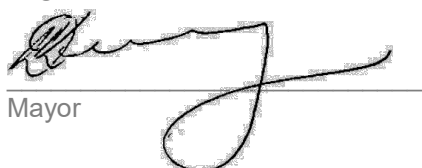
in terms of the matters identified in Section 4.15 of the Environmental Planning & Assessment Act 1979.

ADVISORY NOTES

- 1 The removal of trees within any road reserve requires the separate approval of Council in accordance with the policy “Tree Removal and Pruning – Public Places”.**
- 2 The land upon which the subject building is to be constructed may be affected by restrictive covenants. This approval is issued without enquiry by Council as to whether any restrictive covenant affecting the land would be breached by the construction of the building, the subject of this approval. Persons to whom this approval is issued must rely on their own enquiries as to whether or not the building breaches any such covenant.**
- 3 Division 8.2 of the Environmental Planning and Assessment Act (EP&A Act) gives you the ability to seek a review of the determination. This request is made to Council and must be made within 6 months after the date on which you receive this notice. The request must be made in writing and lodged with the required fee; please contact Council’s Development Department for more information or advice.**
- 4 If you are dissatisfied with this decision section 8.7 of the EP&A Act 1979 gives you the right to appeal to the Land and Environment Court within 6 months after the date on which you receive this notice.**
- 5 To ascertain the extent to which the consent is liable to lapse, refer to Section 4.53 of the EP&A Act.**
- 6 The development is to operate so as to not emit offensive noise, as defined in the Protection of the Environment Operations Act 1997.**

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

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



Mayor



General Manager

Councillor Shelley returned to the Chambers at 5:59pm.

- 8.5 MA0001/2020 - DEMOLITION OF EXISTING BUILDINGS AND DWELLING - ERECTION OF DISCOUNT DEPARTMENT STORE - BIG W, SIX (6) SPECIALTY SHOPS AND ASSOCIATED CAR PARKING - 72-78 MARKET STREET, MUDGEE

GOV400067, MA0001/2020

234/19

MOTION: Paine / Karavas

That Council:

1. receive the report by the Town Planer on MA000/2020 – Demolition of Existing Buildings and Dwelling – Erection of Discount Department Store – Big W, Six (6) Specialty Shops and Associated Car Parking – 72-78 Market Street, Mudgee Town Planner;
2. approve MA0001/2020 Demolition of Existing Buildings and Dwelling – Erection of Discount Department Store – Big W, Six (6) Specialty Shops and Associated Car Parking– 72-78 Market Street, Mudgee, subject to the following modified and added conditions.

Note. A full set of conditions is available in Attachment 2:

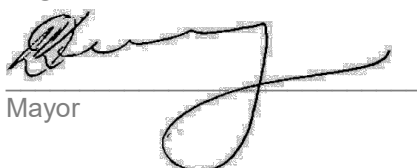
APPROVED PLANS

1. Development is to be carried out generally in accordance with the approved plans prepared by Thiessen Architects dated August 2003 drawing No: 01 to 05 received at Council on 2 September 2003, and amended plans submitted to Council on 13 October 2003, and 3 July 2019 as amended in red and varied by plans required by deferred commencement conditions and any conditions listed herein.

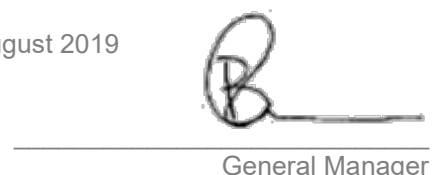
MODIFIED BY MA0001/2020

CAR PARKING

79. The proposed car parking modification to construct twelve (12 No.) additional car parking spaces must be constructed in accordance with the following requirements:
 - Each parking space is to have minimum dimensions of 5.5m x 2.6 m;
 - Any disabled car parking spaces are to be in accordance with the provisions of AS 2890.6: 2009
 - The surface of the car park is to be sealed with an asphaltic concrete surface



Mayor



General Manager

- Line marking, wheel stop and signage must be installed as per the relevant Australian Standard
- Off street visitor parking is to be encouraged by the placement of prominent signs indicating the availability of parking
- All car parking spaces and associated line-marking and signage must be maintained in a satisfactory condition at all times

ADDED BY MA0001/2020

80. The aisle widths, internal circulation, ramp widths and grades of the car park are to generally conform to the Roads and Maritime Services (RMS) guidelines and Australian Standard AS 2890.1 – 2004. Details of compliance are to be shown on the relevant plans and specifications.

ADDED BY MA0001/2020

81. All vehicles are required to enter and leave the site in a forward direction at all times. Signage to this effect is to be appropriately located within the site.

ADDED BY MA0001/2020

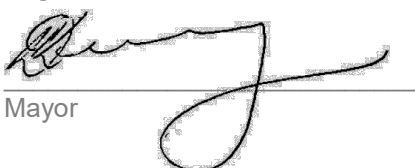
82. Prior to the commencement of construction, appropriate erosion control, dust control and silt collection measures must be put in place to the satisfaction of Council and to relevant engineering standards. Such erosion control, dust control and silt collection measures must remain onsite and maintained to the satisfaction of Council for the duration of the construction period.

ADDED BY MA0001/2020

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

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

The following recommendations (item 8.6 to item 8.10) 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. 235/19 and concluding at Resolution No. 239/19.



 Mayor



 General Manager

8.6 PLANNING PROPOSAL LOT 2 DP 1055152, 85 ROCKY
WATERHOLE ROAD, MOUNT FROME

GOV400067, LAN900094

235/19

MOTION: Shelley / Paine

That Council:

1. receive the report by the Manager, Strategic Planning on the Planning Proposal Lot 2 DP 1055152, 85 Rocky Waterhole Road, Mount Frome;
2. provide initial support for the Planning Proposal in relation to the rezoning of part of Lot 2 DP 1055152, 85 Rocky Waterhole Road, Mount Frome from RU1 Primary Production to RU4 Primary Production Small Lots and E3 Environmental Management and change the minimum lot size from 100 hectares to 20 hectares and 400 hectares for the area to be zoned RU4 Primary Production Small Lots and E3 Environmental Management respectively;
3. forward the Planning Proposal to amend the Mid-Western Regional Local Environmental Plan 2012 to the NSW Department of Planning Industry and Environment seeking a Gateway Determination, in accordance with Section 3.34 of the Environmental Planning and Assessment Act 1979; and
4. undertake community consultation as outlined within any approved Gateway Determination.

The motion was carried with the Councillors voting unanimously.

8.7 ACCEPTANCE OF GRANT FUNDING FOR UPGRADE TO
BYLONG VALLEY WAY

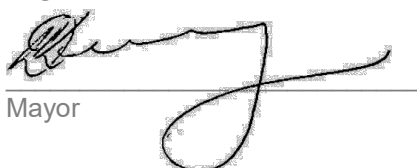
GOV400067, GRA600045

236/19

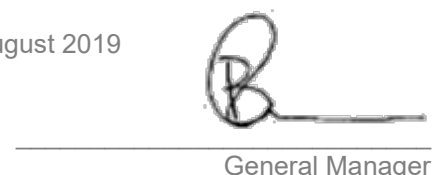
MOTION: Shelley / Paine

That Council:

1. receive the report by the Manager Economic Development on the Acceptance of Grant Funding for Upgrade to Bylong Valley Way;
2. accept grant funding of \$3,888,750 from Restart NSW Resources for Regions fund to upgrade 9.4km of Bylong Valley Way;
3. authorise the Mayor or General Manager to finalise and



Mayor



General Manager

sign the funding agreement with NSW State Government;
and

4. amend the 2019/20 Budget and Delivery Program 2017/21
as follows:

- in 2019/20 allocate a project expenditure budget of \$1,100,000 for upgrades to Bylong Valley Way including \$825,000 from Restart NSW, and \$275,000 from Regional Road Block Grant.
- in 2020/21 allocate a project expenditure budget of \$1,890,000 for upgrades to Bylong Valley Way including \$1,417,500 from Restart NSW, and \$472,500 from Regional Road Block Grant.
- in 2021/22 allocate a project expenditure budget of \$1,260,000 for upgrades to Bylong Valley Way including \$945,000 from Restart NSW, and \$315,000 from Regional Road Block Grant.
- in 2022/23 allocate a project expenditure budget of \$935,000 for upgrades to Bylong Valley Way including \$701,250 from Restart NSW, and \$233,750 from Regional Road Block Grant.

The motion was carried with the Councillors voting unanimously.

8.8 EVENTS ASSISTANCE LATE APPLICATION FROM MUDGEES
TOUCH FOOTBALL ASSOCIATION

GOV400067, FIN300181

237/19

MOTION: Shelley / Paine

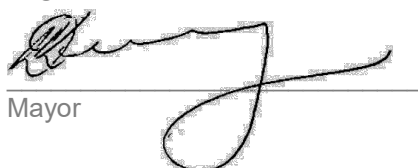
That Council:

1. receive the report by the Events Officer on the Events Assistance Late Application Mudgee Touch Football Association; and
2. provide Events Assistance to Mudgee Touch Football Association for the Don Green Touch Championships to the value of \$2,500 for 2019 and \$2,500 for 2020.

The motion was carried with the Councillors voting unanimously.

8.9 LAND & HOUSING SUPPLY MONITOR 1 JANUARY 2019 - 30
JUNE 2019

GOV400067, LAN900042



Mayor



General Manager

238/19 MOTION: Shelley / Paine

That Council receive the report by the Manager, Strategic Planning on the Land & Housing Supply Monitor 1 January 2019 - 30 June 2019.

The motion was carried with the Councillors voting unanimously.

8.10 MONTHLY DEVELOPMENT APPLICATIONS PROCESSING
AND DETERMINED

GOV400067, A100055, A100056

239/19 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.

The following recommendations (item 9.1 to item 12.5) were adopted as a whole, being moved by Cr Shelley, seconded by Cr Holden and carried with Councillors voting unanimously. Each recommendation is recorded with separate resolution numbers commencing at Resolution No. 240/19 and concluding at Resolution No. 261/19.

Item 9: Finance

9.1 REVIEW - PROCUREMENT POLICY

GOV400067, GOV400047

240/19 MOTION: Shelley / Holden

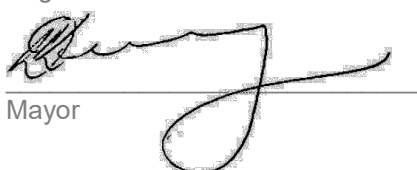
That Council:

1. receive the report by the Procurement Manager on the Review - Procurement Policy;
2. accept the increased Tendering threshold of \$250,000 (from \$150,000) and amendments to existing spend thresholds in the Procurement Policy;
3. place the revised Procurement Policy on public exhibition for 28 days; and
4. adopt the revised Procurement Policy if no submissions are received.

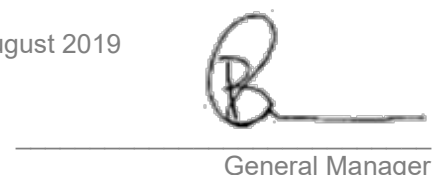
The motion was carried with the Councillors voting unanimously.

9.2 SERVICE PROVIDER MANAGEMENT POLICY REVIEW

GOV400067, GOV400047



Mayor



General Manager

241/19 MOTION: Shelley / Holden

That Council:

- 1. receive the report by the Chief Financial Officer on the Service Provider Management Policy Review;**
- 2. note that no submissions were received during the exhibition period;**
- 3. approve the administrative changes to the policy included in this report; and**
- 4. adopt the revised Service Provider Management Policy.**

The motion was carried with the Councillors voting unanimously.

9.3 BUDGET REVOTES FROM 2018/19 TO 2019/20

GOV400067, FIN300201

242/19 MOTION: Shelley / Holden

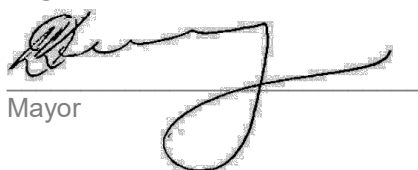
That Council:

- 1. receive the report by the Manager Financial Planning on the Budget Revotes From 2018/19 to 2019/20; and**
- 2. amend the 2019/20 budget to reflect the revote of \$321,980 capital expenditure with funding as follows:**

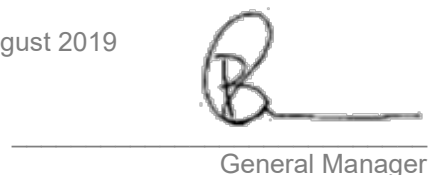
General Fund Unrestricted Cash	\$20,000
General Fund Internal Reserves	\$120,000
General Fund Unspent Grant/Contributions	\$137,480
General Fund Grants/Contributions	\$44,500

- 3. amend the 2019/20 budget to reflect carried forward expenditure of \$3,900,383 for multi-year projects with funding as follows:**

General Fund Unrestricted Cash	\$67,314
General Fund Internal Reserves	\$179,246
General Fund Developer Contributions	\$673,408



 Mayor



 General Manager

General Fund Unspent /Contributions	\$1,031,219
General Fund Grants/Contributions	\$1,329,383
Saleyards Fund Unspent Grant/Contributions	\$28,792
Saleyards Fund Grants/Contributions	\$20,500
Water Fund Reserves	\$226,060
Water Fund Developer Contributions	\$131,715
Water Fund Unspent Grant/Contributions	\$65,123
Sewer Fund Reserves	\$35,197
Sewer Fund Grant/Contributions	\$12,435
Waste Fund Reserves	\$99,991

4. amend the 2019/20 budget to reflect the revote of \$1,566,818 operating expenditure with funding as follows:

General Fund Unrestricted Cash	\$122,446
General Fund Internal Reserves	\$5,000
General Fund Developer Contributions	\$44,370
General Fund Unspent Grants/Contributions	\$139,413
General Fund Grants/Contributions	\$1,215,990
Water Fund Unspent Grant/Contributions	\$39,599

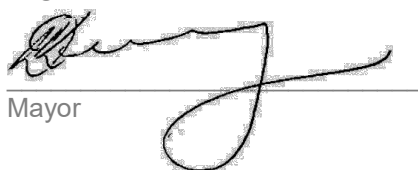
The motion was carried with the Councillors voting unanimously.

9.4 NAMING OF AN UNNAMED ROAD OFF BURRENDONG DAM ROAD, YARRABIN

GOV400067, R0790041

243/19

MOTION: Shelley / Holden



Mayor



General Manager

That Council:

1. receive the report by the Property Support Officer on the naming of an unnamed road off Burrendong Dam Road, Yarrabin; and
2. formally approve the name of Merrendee Road for this unnamed road; and
3. include Warren in the Pre-Approved Names List.

The motion was carried with the Councillors voting unanimously.

9.5 NAMING OF AN UNNAMED LANE OFF BULGA STEET,
GULGONG

GOV400067, R0790141

244/19

MOTION: Shelley / Holden

That Council:

1. receive the report by the Property Support Officer on the naming of an unnamed lane off Bulga Street, Gulgong; and
2. formally approve the name of Dougan Lane for this unnamed lane.

The motion was carried with the Councillors voting unanimously.

9.6 NAMING OF A NEW STREET IN A SUBDIVISION OFF
KILKENNY AVENUE, MUDGEE

GOV400067, R0790141

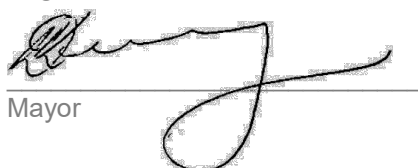
245/19

MOTION: Shelley / Holden

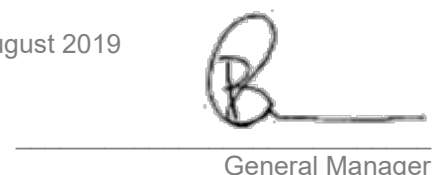
That Council:

1. receive the report by the Property Support Officer on the naming of a new street in a subdivision off Kilkenny Avenue, Mudgee; and
2. formally approve the name of Mulholland Court for this new street.

The motion was carried with the Councillors voting unanimously.



Mayor



General Manager

9.7 NAMING OF A NEW STREET IN A SUBDIVISION OFF
ROBERTSON ROAD, MUDGEE

GOV400067, R0790141

246/19 MOTION: Shelley / Holden

That Council:

1. receive the report by the Property Support Officer on the naming of a new street in a subdivision off Robertson Road; and
2. name this street Orth Place.

The motion was carried with the Councillors voting unanimously.

9.8 REPRESENTATION BY KANDOS RYLSTONE MEN'S SHED
FOR COUNCIL TO ACQUIRE THE FORMER GANG SHED
PREMISES AT KANDOS

GOV400067, P1509511

247/19 MOTION: Shelley / Holden

That Council:

1. receive the report by the Revenue and Property Manager on the Representation by Kandos Rylstone Men's Shed for Council to Acquire the Former Gang Shed Premises at Kandos; and
2. notes that Transport for NSW cannot support the sale of the Former Gang Shed premises at Kandos until their investigation is complete and a final decision is made, which may take up to two years to finalise.

The motion was carried with the Councillors voting unanimously.

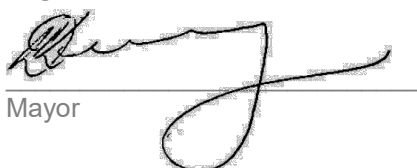
9.9 MONTHLY STATEMENT OF INVESTMENT AND BANK
BALANCES AS AT 31 JULY 2019

GOV400067, FIN300053

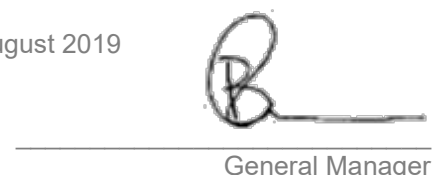
248/19 MOTION: Shelley / Holden

That Council:

1. receive the report by the Manager Financial Planning on the Monthly Statement of Investment and Bank Balances as



Mayor



General Manager

at 31 July 2019; and

2. note the certification of the Responsible Accounting Officer.

The motion was carried with the Councillors voting unanimously.

9.10 RFT 2019/31 - LEASE OF THE KANDOS OLYMPIC SWIMMING POOL

GOV400067, COR400242

249/19

MOTION: Shelley / Holden

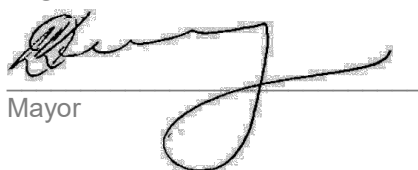
That Council:

1. receive the report by the Procurement Manager on the RFT 2019/31 - Lease of the Kandos Olympic Swimming Pool;
2. decline to accept the only tender received with respect to RFT 2019/31 – Lease of Kandos Olympic Swimming Pool, in accordance with Clause 178(1)(b) of Local Government Regulation 2005;
3. authorise the Director Community to enter into negotiations with Ross Lomax in accordance with Clause 178(3)(e) of Local Government (General) Regulations 2005. The reason for negotiations is to clarify compliance items specified in the tender in accordance with Clause 178(4)(a) and (b) of Local Government Regulation 2005;
4. decline to call fresh tenders and negotiate with others should a satisfactory outcome of negotiation not be achieved within two weeks of the commencement of negotiations. The reason for not calling fresh tenders and including the timeframe specified is that the Kandos Pool is due to be opened on the 28th September 2019;
5. delegate authority to the General Manager to finalise and sign a contract value not exceeding the approved Kandos Pool contractors budget; and
6. notify the tenderer of the outcome.

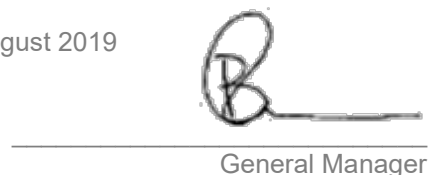
The motion was carried with the Councillors voting unanimously.

Item 10: Operations

10.1 ACCEPTANCE OF GRANT FUNDING - 2019/2020 NSW



Mayor



General Manager

GOVERNMENT ACTIVE TRANSPORT WALKING
COMMUNITIES PROGRAM

GOV400067, TRA300021

250/19 MOTION: Shelley / Holden

That Council:

1. receive the report by the Manager Works on the Acceptance of Grant Funding - 2019/2020 NSW Government Active Transport Walking Communities Program; and
2. amend the 2019/20 Budget by allocating a project expenditure budget of \$100,000 for pedestrian refuges, being made up of \$50,000 from the NSW Governments Active Transport Program, and \$50,000 from Developer Contributions.

The motion was carried with the Councillors voting unanimously.

10.2 POLICY REVIEW - WATER PIPES ACROSS AND ALONG
ROADS

GOV400067, A0100021

251/19 MOTION: Shelley / Holden

That Council:

1. receive the report by the Manager Works on the Policy Review - Water Pipes Across and Along Roads; and
2. place the revised Water Pipes Across and Along Roads Policy on public exhibition for 28 days; and
3. if no submissions are received adopt the revised Water Pipes Across and Along Roads Policy

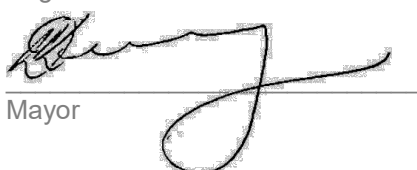
The motion was carried with the Councillors voting unanimously.

Item 11: Community

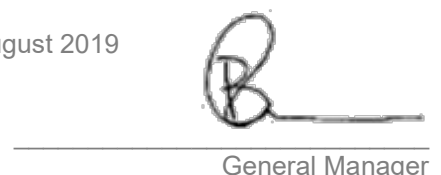
11.1 COMMUNITY DEVELOPMENT AND TARGETED EARLY
INTERVENTION

GOV400067, COS300015

252/19 MOTION: Shelley / Holden



Mayor



General Manager

That Council:

1. receive the report by the Manager, Community Services on the Community Development and Targeted Early Intervention; and
2. note the upcoming reform and the related change in direction for Council's Community Development activities and events.

The motion was carried with the Councillors voting unanimously.

11.2 POST EXHIBITION REPORT KEEPING OF ANIMALS IN URBAN AREAS

GOV400067, A0100021

253/19

MOTION: Shelley / Holden

That Council:

1. receive the report by the Manager Governance on the Post Exhibition Report Keeping of Animals in Urban Areas; and
2. adopt the revised Keeping of Animals in Urban Areas Policy.

The motion was carried with the Councillors voting unanimously.

11.3 COMMUNITY SERVICES QUARTERLY UPDATE - APRIL TO JUNE 2019

GOV400067, COS300015

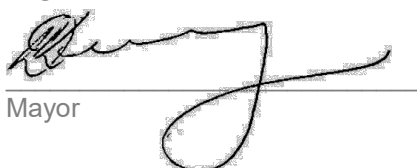
254/19

MOTION: Shelley / Holden

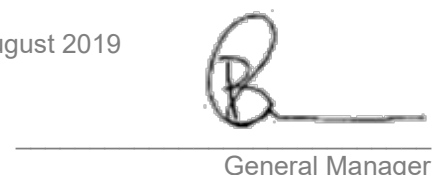
That Council:

1. receive the report by the Manager, Community Services on the Community Services Quarterly Update - April to June 2019; and
2. note the recent services provided and activities coordinated by Council's Community Services Department.

The motion was carried with the Councillors voting unanimously.



Mayor



General Manager

11.4 LIBRARY SERVICES - QUARTERLY REPORT

GOV400067, F0620020

255/19 MOTION: Shelley / Holden**That Council receive the report by the Manager Library Services on the Library Services - Quarterly Report.***The motion was carried with the Councillors voting unanimously.*

11.5 PROBLEMATIC COMPLAINANTS POLICY REVIEW

GOV400067, GOV400047

256/19 MOTION: Shelley / Holden**That Council:**

1. receive the report by the Manager Governance on the Problematic Complainants Policy Review;
2. confirm the Unreasonable Complainant Conduct Policy replaces the Problematic Complainants Policy;
3. place the Unreasonable Complainant Conduct Policy on public exhibition for 28 days; and
4. adopt the policy if no submissions are received after the exhibition period.

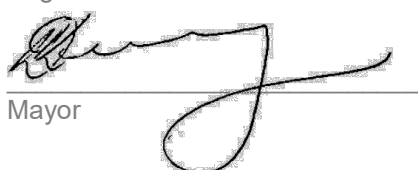
*The motion was carried with the Councillors voting unanimously.***Item 12: Reports from Committees**

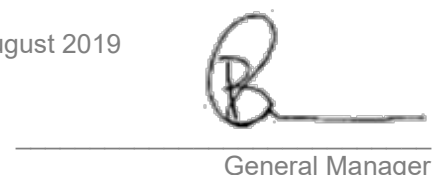
12.1 HERITAGE COMMITTEE MEETING MINUTES 23 JULY 2019

GOV400067, DEV700020

257/19 MOTION: Shelley / Holden**That Council:**

1. receive the report by the Manager, Strategic Planning on the Heritage Committee Meeting Minutes 23 July 2019; and
2. note the minutes of the 23 July 2019 Heritage Committee Meeting.

The motion was carried with the Councillors voting unanimously.

Mayor

General Manager

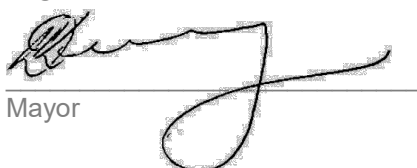
12.2 LOCAL TRAFFIC COMMITTEE- JULY MEETING 2019

GOV400067, A0100009

258/19

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

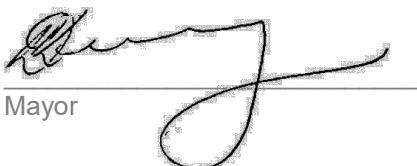
1. receive the report by the EA to Director, Operations on the Local Traffic Committee- July Meeting 2019;
2. Approve the event – ‘Mudgee High School Rainbow Day’ Tuesday 24 September 2019 – and classify as a Class 2 event under the ‘Guide to Traffic and Transport Management for Special Events Version 3.5’ and be approved with the following conditions:
 - a. The Event is to be undertaken in accordance with the requirements of the attached Special Events Transport Management Plan (TMP), Risk Assessment and Traffic Control Plans;
 - b. The Event is to be undertaken in accordance with the requirements of the NSW Police Force approval documentation
 - c. Controlling noise as required by the Protection Of The Environment Operations (Noise Control) Regulation 2000;
 - d. Reimbursing Council for the cost of damage repairs;
 - e. Complying with Council's Law Enforcement Officers' reasonable directives;
 - f. Maintain areas in a clean and tidy condition. No obstructions are to be left on the roadways or footpaths;
 - g. Any person directing traffic on a public road is required to possess an appropriate traffic controller's certificate;
 - h. The event convener is to notify all affected businesses and residents adjacent to the proposed closure indicating the period during which their accesses will be affected. Such notification is to be in writing;
 - i. Maintain a four-metre wide emergency vehicle lane;
 - j. Advertise the proposed event in local newspapers with relevant information at least two weeks prior to the date;
 - k. The organiser is to notify NSW Fire and Rescue and the NSW Ambulance Service of the event.



Mayor

General Manager

- l. The event is to be covered under the submitted public liability insurance policy in the amount of at least \$20 million. Council, NSW Police and the RMS are indemnified against any possible action as the result of the event;
 - m. The event is to be undertaken in accordance with the traffic control contingency plan, to ensure additional authorised traffic controllers are not required at short notice;
 - n. All people interacting with vehicles are to wear reflective high visibility vests.
 - o. The organiser is to have a debrief with Council and Police with all traffic control documentation and controls tabled for review
 - p. The organiser is to receive Roads and Maritime consent for use of Market Street and Ulan Road
 - q. Organiser to provide risk assessment document prior to event commencement
- 3. Approve the event – Flavours of Mudgee Street Festival, 28 September 2019 – and classify as a Class 2 Event under the Guide to Traffic and Transport Management for Special Events Version 3.5 with the following conditions:**
- a. A Special Events Transport Management Plan (TMP), is to be prepared in accordance with the Guide to Traffic and Transport Management for Special Events Version 3.5 and submitted to and approved by Council prior to the event.
 - b. A Traffic Control Plan/s (TCP) certified by a person with a 'Worksite Traffic Control Certificate' be included in the TMP;
 - c. Any person directing traffic on a public road is required to possess a valid traffic controller's certificate;
 - d. Events are to be undertaken in accordance with the requirements of the NSW Police Service with their approval documentation forwarded to Council for notation;
 - e. Council must be provided with a current copy of a public liability insurance policy in the amount of at least \$20 million;
 - f. Controlling noise as required by the Protection Of The Environment Operations (Noise Control) Regulation 2000;



Mayor



General Manager

- g. Reimbursing Council for the cost of damage repairs;
 - h. Complying with any of Council's Law Enforcement Officers' directives;
 - i. Maintain areas in a clean and tidy condition. No obstructions are to be left on the roadways or footpaths;
 - j. The event convener is to consult with all affected businesses and residents adjacent to the proposed closure, in writing, indicating the period during which their accesses will be affected at least two weeks prior to event commencement;
 - k. Advertise the proposed event in local newspapers with relevant information at least two weeks prior to the date;
 - l. Maintain a four-metre wide emergency vehicle lane;
 - m. Notify NSW ambulance and NSW Fire Brigade of the event
 - n. Traffic Control plan to be in accordance with Roads and Maritime Services Traffic Control at Worksites Manual
- 4. Note the general business comments and correspondence; and
 - 5. Note the outstanding action item list.

The motion was carried with the Councillors voting unanimously.

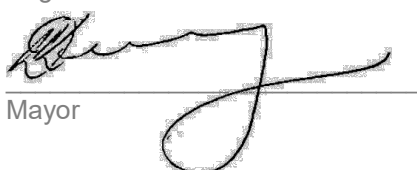
12.3 MID-WESTERN REGIONAL ACCESS COMMITTEE
GOV400067, COS300797

259/19 MOTION: Shelley / Holden

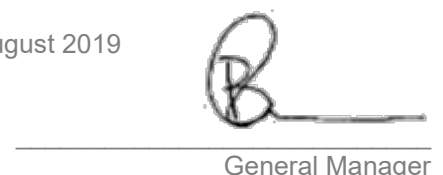
That Council:

- 1. receive the report by the Manager, Community Services on the Mid-Western Regional Access Committee; and
- 2. note the minutes of the Mid-Western Regional Council Access Committee meeting held on 2 July 2019.

The motion was carried with the Councillors voting unanimously.



Mayor



General Manager

12.4 MUDGEES SPORTS COUNCIL MEETING MINUTES 25 JUNE
2019

GOV400067, A0360013

260/19 MOTION: Shelley / Holden**That Council:**

1. receive the report by the Director Community on the Mudgee Sports Council Meeting Minutes 25 June 2019; and
2. note the minutes for the Mudgee Sports Council Meeting held on 25 June 2019

The motion was carried with the Councillors voting unanimously.

12.5 MID-WESTERN REGIONAL YOUTH COUNCIL

GOV400067, COS3000610

261/19 MOTION: Shelley / Holden**That Council:**

1. receive the report by the Manager, Community Services on the Mid-Western Regional Youth Council; and
2. note the minutes of the Mid-Western Regional Youth Council meeting convened on 30 July 2019.

The motion was carried with the Councillors voting unanimously.

Item 13: Urgent Business Without Notice

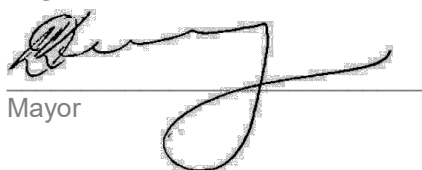
Nil

Item 14: Confidential Session**262/19 MOTION: Cavalier / Martens**

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

The motion was carried with the Councillors voting unanimously.

Following the motion to close the meeting being moved and seconded, the General Manager announced that the following matters would be considered in confidential session and the reason



Mayor

General Manager

why it was being dealt with in this way.

14.1 Health Precinct Masterplan

The reason for dealing with this report confidentially is that it relates to information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business in accordance with Section 10A(2)(c) of the Local Government Act, 1993.

Discussion of this matter in an open meeting would be, on balance, contrary to the public interest as it involves discussion of a commercial opportunity in initial stages of investigation.

14.2 Commercial Lease Proposal

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

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

14.3 Commercial Property Purchase Update

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

Discussion of this matter in an open meeting would be, on balance, contrary to the public interest as it involves discussion of a commercial property opportunity being considered by Council.

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

14.1 HEALTH PRECINCT MASTERPLAN

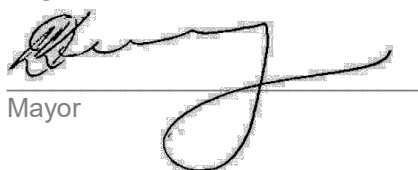
GOV400067, PUB600014

263/19

MOTION: Shelley / Holden

That Council:

1. receive the report by the Director Development on the Health Precinct Masterplan; and
2. amend the 2019/20 budget to allocate expenditure of \$75,000 to be funded from unrestricted cash towards the Health Precinct project identified in this report.



Mayor



General Manager

The motion was carried with the Councillors voting unanimously.

14.2 COMMERCIAL LEASE PROPOSAL

GOV400067, COU500044

264/19

MOTION: Shelley / Cavalier

That Council:

1. receive the report by the Director Development on the Commercial Lease Proposal;
2. accept the proposal to lease Shop 1/81 Mortimer Street Mudgee;
3. authorise the Mayor or General Manager to finalise and sign necessary documentation in relation to the proposed lease agreement; and
4. authorise the Common Seal to be affixed to all documentation necessary in relation to the proposed lease agreement.

The motion was carried with the Councillors voting unanimously.

14.3 COMMERCIAL PROPERTY PURCHASE UPDATE

GOV400067, COM100008

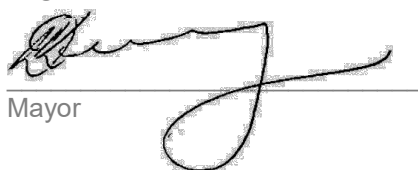
265/19

MOTION: Holden / O'Neill

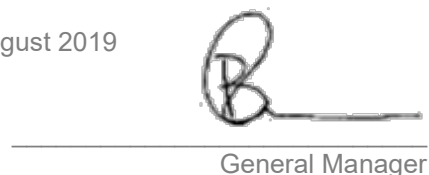
That Council:

1. receive the report by the Director Development on the Commercial Property Purchase Update;
2. amend the 2019/20 budget for commercial property to increase total income by \$150,000 (including revenue and expenditure items as detailed in the report); and
3. amend the 2019/20 budget to allocate \$50,000 for finalisation of the transaction and contract adjustments to be funded from Land Development reserves.

The motion was carried with the Councillors voting unanimously.



Mayor



General Manager

Item 15: Urgent Confidential Business Without Notice

Nil

Item 16: Open Council

266/19

MOTION: Shelley / O'Neill

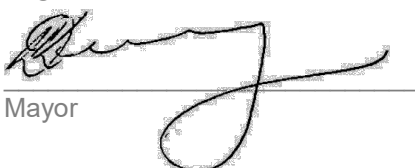
That: Council move to Open Council.

The motion was carried with the Councillors voting unanimously.

The General Manager announced the decisions taken in Confidential Session.

Item 17: Closure

There being no further business the meeting concluded at 6.08pm.



Mayor



General Manager