

Minutes of the Ordinary Meeting of Council

Held at the Council Chambers, 86 Market Street, Mudgee
on 18 September 2019, commencing at 5:34pm and concluding at 6:07pm.

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

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

Item 1: Apologies

Apologies were received for Councillors Cavalier and Holden

272/19 MOTION: Shelley / O'Neill

That the apologies received for Councillors Cavalier and Holden be accepted.

The motion was carried with the Councillors voting unanimously.

The Mayor spoke of two awards that Council had recently won. The General Manager gave details of the awards:

- Service NSW Award for *Small Business Friendly Councils Initiative* from the Hon. Victor Dominello MP Minister for Customer Service and the Hon. Damien Tudehope MLC, Minister for Finance and Small Business. This award celebrates Mid-Western Regional Council as an Easy to do Business Partner.
- Local Government NSW RH Dougherty Award for *Reporting to your Community* Division A: population less than 30,000. This award was for the Community News Bulletin prepared by Council's Corporate Communications team.

The Mayor congratulated the Council and staff for their great work and achievements.

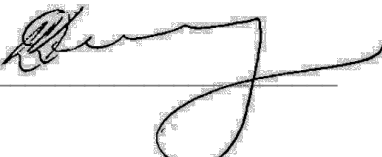
Item 2: Disclosure of Interest

There were no disclosures of interest.


Item 3: Confirmation of Minutes

273/19 MOTION: Shelley / O'Neill

That the Minutes of the Extraordinary Meeting held on 29 August 2019



Mayor



General Manager

be taken as read and confirmed.

The motion was carried with the Councillors voting unanimously.

Item 4: Matters in Progress

Representation by Kandos Rylstone Men's Shed for Council to Acquire the Former Gang Shed Premises at Kandos - Res 247/19 Ordinary Meeting 20/08/2019

LGNSW Membership Renewal 2019/20 - Res 227/19 Ordinary Meeting 20/08/2019

Service Provider Management Policy Review - Res.241/19 Ordinary Meeting 20/08/2019

274/19 MOTION: Thompson / Shelley

That Resolution nos. 247/19, 227/19 and 241/19 be noted as complete.

The motion was carried with the Councillors voting unanimously.

Item 5: Mayoral Minute

275/19. MOTION: Kennedy

That Council apply water restrictions to prohibit the use of potable water supplies for the purpose of road construction, maintenance and dust suppression, commencing 9 October 2019.

The motion was carried with the Councillors voting unanimously

Item 6: Notices of Motion or Rescission

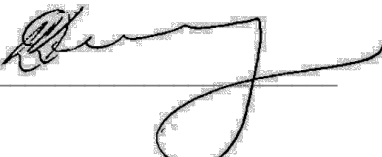
The following item 6.1 was withdrawn.

6.1 GULGONG HOLTERMANN SPONSORSHIP


GOV400067, A0230002

MOTION

That Council Consider becoming a major sponsor of the Holtermann Museum at Gulgong.



Mayor



General Manager

Item 7: Office of the General Manager**7.1 COUNCIL'S DECISIONS ON THE ADMINISTRATION OF THE SEPTEMBER 2020 ELECTIONS**

GOV400067, A0170031

276/19 MOTION: Shelley / Thompson**That Council:**

- 1. receive the report by the Manager Governance on the Council's decisions on the Administration of the September 2020 Elections; and**
- 2. pursuant to s. 296(2) and (3) of the Local Government Act 1993 (NSW) ("the Act"), authorise the General Manager to enter into a contract for the Electoral Commissioner to administer all elections, council polls and constitutional referenda of the Council for the contract period including the September 2020 Elections.**

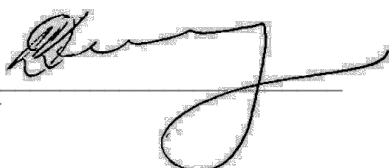
The motion was carried with the Councillors voting unanimously.

Item 8: Development**8.1 MA0007/2020 (DA0191/2015) - 27 LOT SUBDIVISION - 196 ROBERTSON ROAD, MUDGEES**

GOV400067, DA0191/2015

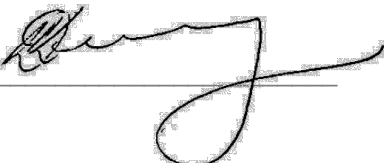
277/19 MOTION: Martens / Karavas**That Council:**

- A. receive the report by the Senior Town Planner on the MA0007/2020 (DA0191/2015) - 27 Lot Subdivision - 196 Robertson Road, Mudgee;**
- B. approve in part MA0007/2020 (DA0191/2015) - 27 Lot Subdivision - 196 Robertson Road, Mudgee, by amending/adding the following conditions. A full set of conditions is included in Appendix 3:**
 - I. Amend Condition 1 within Part 1 Deferred Commencement Conditions as follows:**
 - 1. This is a deferred commencement condition in accordance with Section 4.16(3) of the Environmental Planning and Assessment Act 1979 and this consent shall not operate until the following matters have been**



General Manager

completed, to the satisfaction of Council.

- a) **Submission to and approval by Council of a Water Servicing Plan with supporting calculations, prepared by an appropriately qualified engineer, demonstrating that the proposed subdivision will be adequately serviced with sufficient volume and pressure of water. The Water Servicing Plan shall demonstrate compliance with Mid-Western Development Control Plan 2013 and National Specification – Water Supply Code of Australia. The Water Servicing Plan shall show:**
- (i) Volume and location of water storage;**
 - (ii) Indicative pipe size and location;**
 - (iii) Depth of ground cover over underground infrastructure;**
 - (iv) Location of fire hydrants;**
 - (v) Details and location of any required pump stations;**
 - (vi) Indicative easements for water storage and water pump stations, as required; and**
 - (vii) Measures to minimise visual impact of water pumps and storage facilities.**
- b) **Submission to and approval by Council of a Sewerage Servicing Plan with supporting calculations, prepared by an appropriately qualified engineer, demonstrating that the proposed subdivision will be adequately serviced by sewerage infrastructure. The Sewerage Servicing Plan shall demonstrate compliance with Mid-Western Development Control Plan 2013 and National Specification – Sewerage Code of Australia. The Sewerage Servicing Plan shall show:**
- (i) Location, size, and gradient of all sewer lines;**
 - (ii) Depth of ground cover over underground infrastructure;**
 - (iii) Location and details of manholes and rising mains;**
 - (iv) Details and location of any sewer pump stations, if required;**
 - (v) Indicative easements for sewer lines and sewer pump stations, as required; and**
 - (vi) The impact on Endangered Ecological Communities and Threatened Species, if relevant.**
- c) **The registration with NSW Land Registry Services of an easement to drain sewer of a minimum 3m**



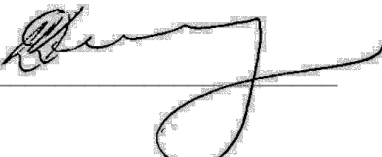
Mayor




General Manager

wide over the properties that the sewer line for the proposed development will traverse, between the development site and the nearest connection to the reticulated sewerage network. The easement shall burden the lots the sewer line traverses and benefit Mid-Western Regional Council, as per the submitted Sewerage Servicing Plan. The easements shall be over the following properties, or any alternative properties as agreed to by Council should another route be preferable, to achieve a sewer line connection into Council's existing reticulated sewer system:

- (i) Lot 3 DP1204702;
 - (ii) Lot 1 DP1000497;
 - (iii) Lot 2 DP1000497; and
 - (iv) Lot 8 DP1221711.
- d) Where required, the registration with NSW Land Registry Services of any easements over private property (other than the subject site) to accommodate water supply infrastructure, such as pump stations and storage tanks.
- e) An Ecological Assessment Report be prepared by a suitably qualified ecological consultant to identify any threatened species in:
- (i) the road reserve directly in front of both street frontages of the subject site;
 - (ii) within the area outside of the subject site approved for the sewer line extension; and
 - (iii) within any areas for water line extensions outside of the subject site.
- Following the completion and findings of the Ecological Assessment Report, the necessary approvals from other government agencies are to be obtained and a copy provided to Council, to ensure the protection of any Threatened Species. These approvals may include:
- (i) A Controlled Activity Approval from the Department of Environment and Energy (DEE); and
 - (ii) Concurrence from NSW Office of Environment and Heritage (OEH).
- f) If a Biodiversity Offset site is required to meet the requirements of sub-condition (e.) above, details of the Biodiversity Offset site and any draft terms of restriction or covenants on title are to be submitted to and approved by Council.



Mayor



General Manager

Evidence that will sufficiently enable Council to be satisfied as to the compliance of the above matter/s must be submitted to Council within five (5) years of the date of determination of the original un-modified development consent (ie due date: 20 February 2024).

If sufficient evidence of the satisfaction of the above matter/s is not received by Council within this time-frame, the consent will lapse pursuant to Section 4.53(6) of the Environmental Planning and Assessment Act 1979.

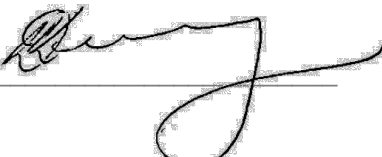
If sufficient evidence of the satisfaction of the above matter/s is received by Council within the above nominated time-frame, Council will notify the applicant/developer in writing of the date the development consent has become operative. The consent will become operative subject to the following conditions of consent.

Note: The development consent will lapse 5 years after it becomes operative, in accordance with Section 4.53 of the Environmental Planning and Assessment Act 1979.


II. 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 and/or any plan notations.

Title/Name	Drawing No/ Document Ref	Revision/ Issue	Dated	Prepared by
Proposed Subdivision Lot Layout	6242 PS-V10 Sheet 1 of 4	V10	12/06/19	Le Mottee Group
Proposed Subdivision Lot Layout – Aerial Overlay	6242 PS-V10 Sheet 2 of 4	V10	12/06/19	Le Mottee Group
Proposed Subdivision Lot Layout – Aerial Overlay (Contours)	6242 PS-V10 Sheet 3 of 4	V10	12/06/19	Le Mottee Group
Proposed Subdivision Lot Layout (APZ and	6242 PS-V10 Sheet 4 of 4	V10	12/06/19	Le Mottee Group



 Mayor



 General Manager

VRZ)				
Ecological Assessment for a Residential Subdivision at 196 Robertson Road, Mudgee	-	-	February 2017	Firebird Ecosulants Pty Ltd

Note: Servicing Strategy plans, as submitted, have not been approved as they require consent and approval for creation of easements.

AMENDED BY MA0007/2020

III. Amend Condition 7 as follows.

7. The development is to be constructed in 2 stages, as outlined below:

- a) Stage 1: All lots fronting Robertson Road (ie Lots 1 to 6, 25 and 26 – 8 lots) and residue lot, construction of the stormwater detention basin and any upgrade works required to Robertson Road.**
- b) Stage 2: Lots 7 to 24 and Lot 27 (ie 19 lots). This stage is to include the construction of:

 - (i) The internal road;**
 - (ii) The driveways associated with Lots 11, 23 and 24; and**
 - (iii) Any upgrade works required within the Bruce Road road reserve.****

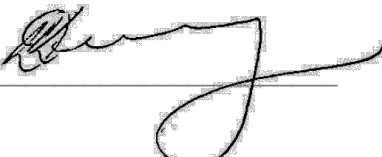
All servicing is to be undertaken in accordance with the staging.

AMENDED BY MA0007/2020


IV. Amend Condition 41 as follows.

41. The new roads in the subdivision are to be constructed in accordance with the following:

Item	Requirement
Full Road Pavement Width	9 m
Footpath Width	2 x 4.5m
Concrete Footpaths	1 x 1.2m wide
Seal	Two-coat flush seal -14/7 mm (Double/ Double) as required



 Mayor



 General Manager

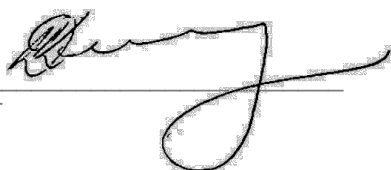
Kerb & Gutter	Roll back concrete kerb & gutter
Subsoil Drainage	Behind kerb if required
Underground Drainage	Where gutter flow exceeds 2.5m during minor events or adjacent to intersections.

AMENDED BY MA0007/2020

V. Amend Condition 44 as follows.

44. Details of the internal driveways within the access handles are to be submitted to and approved by the Certifier (ie Council or a private Certifier) as part of the Construction Certificate. The details are to comply with the following:

- a) **A 6m wide concrete crossover is to be provided at the entrance (ie first 6m) to the access handles for proposed Lots 23 and 24.**
- b) **A 3m wide concrete crossover is to be provided at the entrance to the access handles for proposed Lot 11.**
- c) **A 6m wide sealed (concrete or bitumen) driveway is to extend for the full length of the right of carriageway to be provided over the access handles for proposed Lots 23 and 24. Alternatively, localised pavement widening to a width of 6 metres and over a length of no less than 6 metres may be provided to allow two vehicles to safely pass. Provision must be made for the control of surface runoff (kerb or dish drain).**
- d) **A 3m wide sealed (concrete or bitumen) driveway is to extend for the full length of the access handle for proposed Lot 11.**
- e) **The design of the driveway and crossover is to comply with Aus-Spec #1 and Council's "Access to Properties Policy".**
- f) **Except where varied by the above conditions, the details are to comply with the relevant provisions of AS2890.1-2004.**
- g) **Should concrete be used, provide for construction joints and removable panels in the driveway so that the part of the concrete driveway can be removed while maintenance occurs on any underground water, sewer or stormwater infrastructure within the access**




handle.
AMENDED BY MA0007/2020

VI. Amend Condition 63 as follows.

63. Unless specifically identified in Deferred Commencement or Construction Certificate Approval requirements, no trees on public property (footpaths, roads, reserves etc.) shall be removed or damaged during construction of the subdivision works including the erection of any fences or hoardings.

VII. Delete Condition 72.

VIII. Amend Condition 85 as follows.

85. A sealed, all-weather access driveway is to be provided within the access handles and right of carriageway within proposed Lots 11, 23 and 24.

Note: Detailed plans for driveways were required to be submitted and approved in accordance with Condition 44.

AMENDED BY MA0007/2020

IX. Amend Condition 95 as follows.

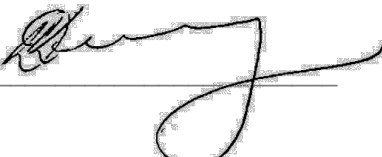
95. Where the stormwater drainage arrangements for the subdivision result in an on-site detention system within proposed Lot 27, as identified in the approved plans, a drainage easement with an access handle to a public road, over land not containing threatened species, is to be created over the on-site detention basin. The terms of the easement or restriction are to provide Council with maintenance access to the drainage reserve. The instrument shall identify Council as the sole party to vary the restriction.
AMENDED BY MA0007/2020

X. Delete Advisory Note C1.


C. add the following Statement of Reasons to the decision notice for MA0007/2020 (DA0191/2015) – 27 Lot Subdivision – 196 Robertson Road, Mudgee:

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 modification complies with the



Mayor



General Manager

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

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

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

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

The following recommendations (item 8.2 and item 8.3) 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. 277/19 and concluding at Resolution No. 278/19.

8.2 SPENDMAPP SUBSCRIPTION

GOV400067, ECO800022

278/19

MOTION: Shelley / Paine

That Council:

1. receive the report by the Manager Economic Development on the SpendMapp Subscription;
2. approve a 12-month subscription of SpendMapp software; and
3. amend the 2019/20 Budget for Economic Development to:
 - allocate a project expenditure budget of \$22,000 for a 12-month subscription to SpendMapp to be funded from Unrestricted Cash.

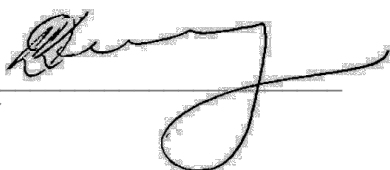
The motion was carried with the Councillors voting unanimously.

8.3 MONTHLY DEVELOPMENT APPLICATIONS PROCESSING AND DETERMINED

GOV400067, A100055, A100056

279/19

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 ROAD, BRIDGE AND PLACE NAMING POLICY REVIEW
GOV400067, GOV400067 A0100021 R0790141 R0790041 ROA100071
PAR300020

280/19 MOTION: Shelley / O'Neill

That Council:

1. receive the report by the Property Support Officer on the Review of the Road, Bridge and Place Naming Policy; and
2. place the revised Road, Bridge and Place Naming Policy on public exhibition for 28 days; and
3. adopt the revised Road, Bridge and Place Naming Policy if no submissions are received.

The motion was carried with the Councillors voting unanimously.

9.2 NAMING OF A BRIDGE OVER CUDGEGONG RIVER ON
BYLONG VALLEY WAY, RYLSTONE
GOV400067, GOV400067 ROA100071

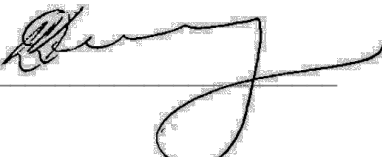
281/19 MOTION: Shelley / O'Neill

That Council:


1. receive the report by the Property Support Officer on the naming of a bridge over Cudgegong River on Bylong Valley Way, Rylstone;
2. name this bridge John Hawkins Bridge; and
3. approve Staff, Wainwright, Peggy, Kirkland, Purvis and Goody for inclusion in the Pre-Approved Names List.

AMENDMENT: Martens / Thompson

That Council:



Mayor



General Manager

1. receive the report by the Property Support Officer on the naming of a bridge over Cudgegong River on Bylong Valley Way, Rylstone; and
2. adopt one of the recommendations put forward by the historical society, and name this bridge the Bill Staff bridge.

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

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

The motion on being put and carried with Councillors voting as follows:

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

The following recommendations (item 9.3 to item 12.5) 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. 281/19 and concluding at Resolution No. 295/19.

9.3 POLICY REVIEW - PENSIONER CONCESSIONS

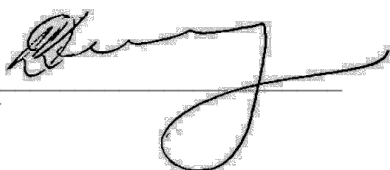
GOV400067, A0340004

282/19

MOTION: Shelley / Paine

That Council:

1. **receive the report by the Revenue and Property Manager on the Policy Review - Pensioner Concessions; and**
2. **place the revised Pensioner Concessions Policy on public exhibition for 28 days; and**
3. **adopt the revised Pensioner Concessions Policy if no**




submissions are received.

The motion was carried with the Councillors voting unanimously.

9.4 PROPOSED ROAD CLOSURE OF PART BYLONG VALLEY
WAY, BYLONG

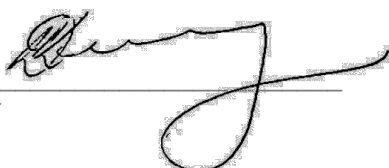
GOV400067, P1419511

283/19

MOTION: Shelley / Paine

That Council:

1. **receive the report by the Revenue and Property Manager on the Proposed Road Closure of Part Bylong Valley Way, Bylong ; and**
2. **agree to close that part of Bylong Valley Way, Bylong being the subject of NSW Rural Fire Service road closure application and as identified in Attachment 1 to this Report and progress the closure in accordance with Part 4 Division 3 Roads Act 1993, NSW Department of Industry Council road closures Fact Sheet July 2018 and Council's Land Acquisition and Disposal Policy; and**
3. **authorise the General Manager to sign all documentation, where necessary, in relation to the proposed closure of that part of Bylong Valley Way, Bylong being the subject of NSW Rural Fire Service road closure application and as identified in Attachment 1 to this Report; and**
4. **authorise the Mayor to sign any documentation, where additionally required to do so, in relation to the proposed closure of that part of Bylong Valley Way, Bylong being the subject of NSW Rural Fire Service road closure application and as identified in Attachment 1 to this Report; and**
5. **authorise the Common Seal of Council to be affixed to all documentation, where necessary, in relation to the proposed closure of that part of Bylong Valley Way, Bylong being the subject of NSW Rural Fire Service road closure application and as identified in Attachment 1 to this Report; and**
6. **require that NSW Rural Fire Service be responsible for all costs, including Council's reasonable legal costs, where incurred, associated with the proposed closure of that part of Bylong Valley Way, Bylong as identified in Attachment 1 to this Report.**



The motion was carried with the Councillors voting unanimously.

9.5 GRANTS COMMISSION FINANCIAL ASSISTANCE GRANT
2019-20

GOV400067, GRA600041

284/19 MOTION: Shelley / Paine

That Council:

1. receive the report by the Manager Financial Planning on the Grants Commission Financial Assistance Grant 2019-20;
2. note the correspondence received from the Local Government Grants Commission attached to this report;
3. amend the 2019/20 Budget to recognise a transfer from unspent grants due to the advance payment of part of the 2019/20 financial assistance grant being a general purpose component of \$2,126,327 and local roads component of \$1,259,407 and offset with an equal amount of reduction in grant income;
4. amend the 2019/20 Budget to increase grant income for the general purpose component by \$117,495 and the roads component by \$36,144; and
5. amend the 2019/20 Budget to increase the Henry Lawson Drive Rehabilitation expenditure budget by the additional roads component grant amount of \$36,144.

The motion was carried with the Councillors voting unanimously.

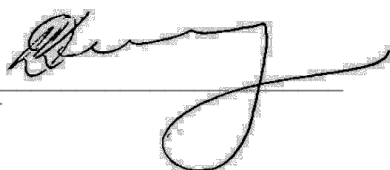
9.6 INVESTMENTS POLICY REVIEW

GOV400067, GOV400047

285/19 MOTION: Shelley / Paine

That Council:

1. receive the report by the Manager Financial Planning on the Investments Policy Review;
2. place the revised Investments Policy on public exhibition for 28 days; and
3. adopt the revised Investments Policy if no submissions are



received.

The motion was carried with the Councillors voting unanimously.

9.7 MONTHLY STATEMENT OF INVESTMENT AND BANK
BALANCES AS AT 31 AUGUST 2019

GOV400067, FIN300053

286/19 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 August 2019; and**
- 2. note the certification of the Responsible Accounting Officer.**

The motion was carried with the Councillors voting unanimously.

9.8 MONTHLY BUDGET REVIEW - AUGUST 2019

GOV400067, FIN300201

287/19 MOTION: Shelley / Paine

That Council:

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

The motion was carried with the Councillors voting unanimously.

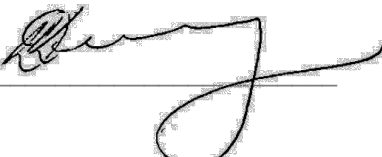
9.9 EXEMPTION FROM TENDER - LIEBHERR AUSTRALIA

GOV400067, A0419330


288/19 MOTION: Shelley / Paine

That Council:

- 1. receive the report by the Chief Financial Officer on the**



Mayor



General Manager

Exemption from Tender - Liebherr Australia;

2. note an exemption from tender exists, in accordance with section 55(3)(n) of the Local Government Act 1993, for service and repair costs of the Liebherr bulldozer at about \$172,000;
3. note that the revised Procurement Policy which has increased the tendering threshold requirement from \$150,000 to \$250,000 is currently on public exhibition until 20 September 2019; and
4. approve the exemption from tender for repair and servicing costs of the Liebherr bulldozer, for the reasons set out in the report.

The motion was carried with the Councillors voting unanimously.

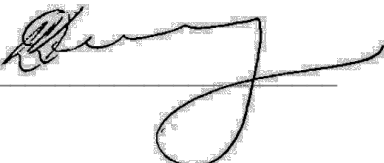
Item 10: Operations**10.1 AMENDMENT TO THE LIQUID TRADE WASTE DELIVERY PROGRAM**


GOV400067, F0740038

289/19 MOTION: Shelley / Paine**That Council:**

1. receive the report by the Acting Director Operations on the Amended Liquid Trade Waste Delivery Program ;
2. Endorse the proposed revised delivery program which includes delaying implementation of adopted 2019/20 Fees and Charges associated with Liquid Trade Waste including Category 1 Discharger without appropriate pre-treatment and Category 2 Discharger without appropriate pre-treatment, until the quarter commencing January 2020. Implement these charges based on the 2017/18 property inspections undertaken to determine Liquid Trade Waste Discharge Factor for any customers who do not have a current Approval to Discharge Liquid Trade Waste;
3. Apply a credit to 8 customers for the fees paid in 2018/19 for Liquid Trade Waste Discharger Fees; and
4. reduce the 2019/20 budget for Liquid Trade Waste Usage Charges by \$14,000, to \$14,454, funded from Sewer Fund cash.

The motion was carried with the Councillors voting unanimously.



Mayor

General Manager

Item 11: Community

11.1 GLEN WILLOW STAGE 2 FUNDING

GOV400067, PAR300584

290/19 MOTION: Shelley / Paine**That Council:**

1. receive the report by the Director Community on the Glen Willow Stage 2 Funding;
2. note that Council continues to seek funding from the State Government for Stage 2 of Glen Willow
3. amend the Glen Willow Upgrades 19/20 budget, as follows:
 - 3.1 reduce grant funding by \$10,000,000
 - 3.2 increase proceeds from new borrowings by \$3,000,000
 - 3.3 reduce contractor expenditure by \$3,450,000, and
4. amend the 2020/21, 2021/22, and 2022/23 budgets by allocating annual loan repayment amounts of \$210,000, funded from unrestricted cash.

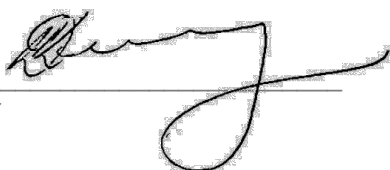
The motion was carried with the Councillors voting unanimously.

11.2 RESCISSION OF POLICIES - CONFLICTS OF INTEREST AND GIFTS & BENEFITS

GOV400067, GOV400047

291/19 MOTION: Shelley / Paine**That Council:**

1. receive the report by the Manager Governance on the Rescission of Policies - Conflicts of Interest and Gifts & Benefits;
2. endorse the proposal that the Conflicts of Interests Policy and the Gifts and Benefits Policy be rescinded, noting that these matters are covered by the adopted Code of Conduct;
3. place notice that the Conflicts of Interests Policy and the Gifts and Benefits Policy will be rescinded on public



- exhibition for 28 days; and
4. rescind the Conflicts of Interests Policy and the Gifts and Benefits Policy if no submissions are received following the public exhibition period.

The motion was carried with the Councillors voting unanimously.

Item 12: Reports from Committees

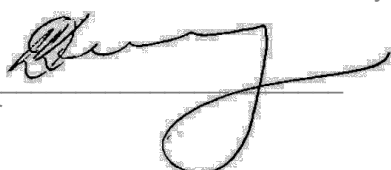
12.1 LOCAL TRAFFIC COMMITTEE- AUGUST MEETING 2019

GOV400067, A0100009

292/19 MOTION: Shelley / Paine

That Council:

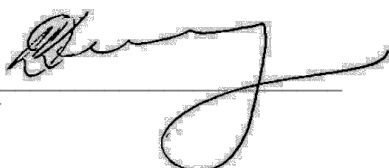
1. receive the report by the EA to Director, Operations on the Local Traffic Committee- August Meeting 2019;
2. Approve the event – Rylstone Street Feast, 2 November 2019 – classified as a Class 2 Event under the ‘Guide to Traffic and Transport Management’ for Special Events Version 3.5 with the following 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. Such a policy is to note that Council, the Roads and Maritime Service and NSW Police Force are indemnified against any possible action as the result of the event;



- f) **Controlling noise as required by the Protection Of The Environment Operations (Noise Control) Regulation 2000;**
- 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) **The organiser is to have a debrief with Council and Police with all traffic control documentation and controls tabled for review;**
- o) **Traffic Control plan to be in accordance with Roads and Maritime Services Traffic Control at Worksites Manual;**
- p) **Roads and Maritime consent request for closure and detour of Bylong Valley Way (Regional Road)'; and**

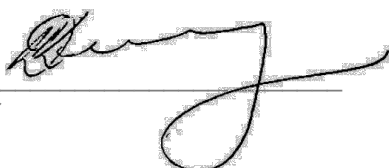
And the following special conditions:

- q) **Closure of a section of Cudgegong Street from the Rylstone Hotel to Louee Street, from 8am to 6pm on 2 November 2019;**
- r) **Closure of part of Louee Street from the intersection of Louee and Cudgegong Streets, from 8am to 6pm on 2 November 2019;**
- s) **Detours put in place to divert traffic via Dabee Street and Mudgee Street, from 8am to 6pm on 2 November 2019. Note the general business comments and**



correspondence; and

3. Approve the event – “Mudgee Triathlon Race Season 2019/20”, be classified as a Class 2 Event under the ‘Guide to Traffic and Transport Management for Special Events Version 3.5’ and proceeds with the following conditions:
- a) Events are to be undertaken in accordance with the “Guidelines for Bicycle Road Races”;
 - b) 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;
 - c) Events are to be undertaken in accordance with the requirements of the NSW Police Force with their approval documentation forwarded to Council for notation;
 - d) Controlling noise as required by the Protection of the Environment Operations (Noise Control) Regulation 2000;
 - e) Reimbursing Council for the cost of damage repairs;
 - f) Complying with any of Council’s Law Enforcement Officers reasonable directives;
 - g) Maintain areas in a clean and tidy condition. No obstructions are to be left on the roadways or footpaths;
 - h) A Traffic Control Plan (TCP) certified by a person with a ‘Select & Modify ‘or a ‘Design and Audit’ Certificate be included in the TMP;
 - i) Any person directing traffic on a public road is required to possess an appropriate traffic controller’s certificate;
 - j) Council must be provided with a current copy of a public liability insurance policy in the amount of at least \$20 million. Such a policy is to note that Council, RMS and NSW Police Force is indemnified against any possible action as the result of the event;
 - k) 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;

- l) **Maintain a four-metre wide emergency vehicle lane;**
 - m) **Advertise the proposed event in local newspapers with relevant information at least 2 weeks prior to the date;**
 - n) **The organiser is to have a debrief with Council and Police with all traffic control documentation and controls tabled for review; and**
 - o) **Roads and Maritime Services consent required for use of the State and Regional road network.**
4. **Investigate alternative crossing options for pedestrians in the CBD of Gulgong and present findings to Traffic Committee**
5. **Note the outstanding action item list.**

The motion was carried with the Councillors voting unanimously.

12.2 MUDGEE SPORTS COUNCIL MEETING MINUTES 30 JULY 2019

GOV400067, A0360013

293/19

MOTION: Shelley / Paine

That Council:

- 1. **receive the report by the Manager Recreation Services on the Mudgee Sports Council Meeting Minutes 30 July 2019; and**
- 2. **note the minutes of the Mudgee Sports Council meeting held 30 July 2019**

The motion was carried with the Councillors voting unanimously.

12.3 MID-WESTERN REGIONAL ACCESS COMMITTEE

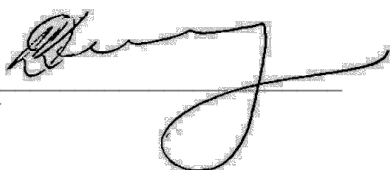
GOV400067, COS3000797

294/19

MOTION: Shelley / Paine

That Council:

- 1. **receive the report by the Manager, Community Services on the Mid-Western Regional Access Committee;**



2. **note the minutes of the Mid-Western Regional Council Access Committee held on 6 August 2019; and**
3. **note the minutes of the Mid-Western Regional Council Access Committee held on 3 September 2019.**

The motion was carried with the Councillors voting unanimously.

12.4 **AUDIT RISK AND IMPROVEMENT COMMITTEE MEETING 16 AUGUST 2019**

GOV400067, COR400236

295/19 MOTION: Shelley / Paine

That Council:

1. **receive the report by the Executive Manager, Human Resources on the Audit Risk and Improvement Committee Meeting 16 August 2019; and**
2. **note the minutes for the Audit Risk and Improvement Committee meeting 16 August 2019.**

The motion was carried with the Councillors voting unanimously.

12.5 **MID-WESTERN REGIONAL YOUTH COUNCIL**

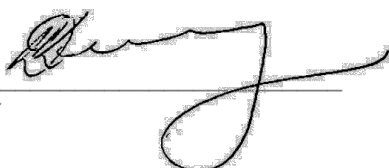
GOV400067, COS300610

296/19 MOTION: Shelley / Paine

That Council:

1. **receive the report by the Manager, Community Services on the Mid-Western Regional Youth Council;**
2. **endorse Angus Danson as the continuing Mid-Western Regional Youth Mayor;**
3. **endorse Christopher Barry as the Mid-Western Regional Deputy Youth Mayor;**
4. **endorse Courtney Boxsell, Lucah Hill, Rhiannon McPherson, Rose Mortensen, Zowee Roberts and Ayden Seis as Mid-Western Regional Youth Councillors; and**
5. **note the minutes of the Mid-Western Regional Youth Council meeting convened on 13 August 2019.**

The motion was carried with the Councillors voting unanimously.



Item 13: Urgent Business Without Notice

297/19 MOTION: O'Neill / Paine

That Council consider the Independent Planning Commission Decision on the Bylong Coal Project as Urgent Business Without Notice.

The motion was carried with the Councillors voting unanimously.

13.1 INDEPENDENT PLANNING COMMISSION DECISION ON THE BYLONG COAL PROJECT

298/19 MOTION: Shelley / Karavas

That Council:

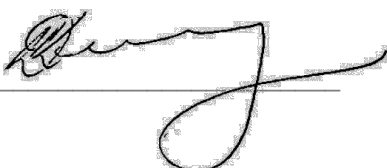
- 1. note the decision by the Independent Planning Commission on the proposed Bylong Coal Project;**
- 2. urgently seek a meeting with the NSW Premier and relevant ministers on the matter;**
- 3. express to the State Government and the Independent planning commission the anger and distress of a significant majority of the community with this decision;**
- 4. strongly represent the entire Mid-Western Regional Council community in detailing the economic and social distress that will be caused by this decision, particularly for the towns of Rylstone and Kandos;**
- 5. seek a solution from the State Government that will enable the survival of the Rylstone and Kandos communities including all legislative options to overturn the decision of the Independent Planning Commission; and**
- 5. write to the Prime Minister seeking an urgent meeting with the relevant Federal Minister seeking their intervention on the matter.**

The motion was carried with the Councillors voting unanimously.

Item 14: Confidential Session

299/19 MOTION: Martens / Karavas

That pursuant to the provisions of Section 10 of the Local



Government Act, 1993, the meeting be closed to the public.

The motion was carried with the Councillors voting unanimously.

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

14.1 Acquisition of Land for Walkway and Disposal of Land in Compensation

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 (c) 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.

14.2 General Manager's Performance Agreement 2018-2019

The reason for dealing with this report confidentially is that it relates to personnel matters concerning particular individuals (other than Councillors) in accordance with Section 10A(2)(a) 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 an individual, namely the performance of the General Manager.

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 ACQUISITION OF LAND FOR WALKWAY AND DISPOSAL OF
LAND IN COMPENSATION

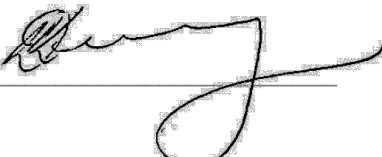
GOV400067, F0740001, F0650099

300/19


MOTION: Shelley / Paine

That Council:

1. receive the report by the Revenue and Property Manager on the Acquisition of Land for Walkway and Disposal of Land in Compensation; and
2. acquire the land identified as Site "A" on the plan as appended as Attachment 1 to this Report owned by Mr Geoffrey Woolley and; in exchange, dispose of Council owned land identified as Site "B" on the plan as appended as Attachment 1 to this Report to Mr Geoffrey Woolley. The land exchange is to be facilitated by a boundary



Mayor



General Manager

- adjustment; and**
- 3. delegate the General Manager to negotiate all terms of agreement with Mr Geoffrey Woolley in relation to the land exchange and boundary adjustment; and**
 - 4. authorise the Mayor and General Manager to sign any documentation, where necessary, to effect the completion of the acquisition and the disposal of the lands identified as Site "A" and Site "B", respectively, on the plan as appended as Attachment 1 to this Report; and**
 - 5. authorise the Common Seal of Council to be affixed to all documentation, where necessary, to effect the completion of the acquisition and the disposal of the lands identified as Site "A" and Site "B", respectively, on the plan as appended as Attachment 1 to this Report; and**
 - 6. will incur all costs to effect the acquisition and the disposal of the lands identified as Site "A" and Site "B", respectively, on the plan as appended as Attachment 1 to this Report, including Mr Woolley's reasonable legal costs; and**
 - 7. give public notice of a proposed resolution to classify that part of Allotment 1 DP1252505 identified as Site "A" on the plan as appended as Attachment 1 to this Report, as Operational Land in accordance with Chapter 6, Part 2, Division 1 Local Government Act 1993 (the Act); and**
 - 8. receive a further report after the public notice exhibition period to consider any submissions and deal with the next steps in the classification process as required by the Act.**

The motion was carried with the Councillors voting unanimously.

Staff left the room at 5.55pm (excluding the Executive Manager Human Resources, Michele George)

14.2 GENERAL MANAGER'S PERFORMANCE AGREEMENT 2018-2019

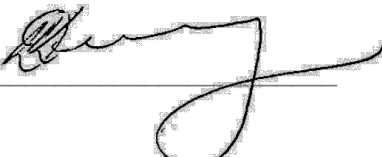
GOV400067, GOV400043, A0381418

301/19


MOTION: Shelley / Paine

That Council:

- 1. receive the report by the Executive Manager, Human Resources on the General Manager's Performance Agreement 2018-2019; and**
- 2. assess the General Manager's Performance for the year**



 Mayor



 General Manager

ending 30 June 2019 at 4 in accordance with the assessment scale included in the General Manager's Performance Agreement for the year ending 30 June 2019.

The motion was carried with the Councillors voting unanimously.

302/19 MOTION: Kennedy / Shelley

That Council increase the General Manager's total remuneration package for his current contract by \$20,000 per annum.

The motion was carried with the Councillors voting unanimously.

Council staff returned to the Chamber at 5.57pm.

Item 15: Urgent Confidential Business Without Notice

Nil

Item 16: Open Council

303/19 MOTION: Shelley / Paine

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 6.07pm.

