

Minutes of the Ordinary Meeting of Council

Held at the Council Chambers, 86 Market Street, Mudgee
on 16 October 2019, commencing at 5:59pm and concluding at 6.42pm.

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

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

The Councillor and Designated Persons Annual Disclosures were tabled at the meeting in
accordance with section 4.25 of the Code of Conduct adopted in accordance s440 of the Local
Government Act 1993 No 30.

Item 1: Apologies

Apologies were received from Cr Holden and Cr Karavas.

304/19 MOTION: Thompson / Cavalier

**That the apologies received for Cr Holden and Cr Karavas be
accepted.**

The motion was carried with the Councillors voting unanimously.

Item 2: Disclosure of Interest

Councillor Kennedy declared a significant pecuniary conflict of interest in item 8.1 as he has a
personal and business relationship with one of the objectors of the DA.

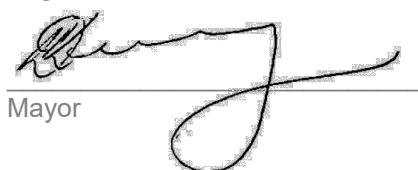
Councillor Cavalier declared a pecuniary conflict of interest in item 8.1 as he has a commercial
relationship with family of the applicant.

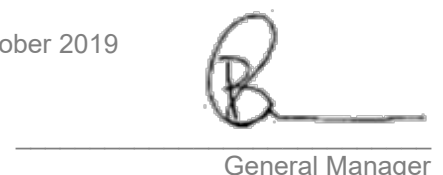
Item 3: Confirmation of Minutes

305/19 MOTION: Shelley / Paine

**That the Minutes of the Ordinary Meeting held on 18 September 2019
be taken as read and confirmed.**

The motion was carried with the Councillors voting unanimously.


Mayor


General Manager

Item 4: Matters in Progress

306/19 MOTION: Thompson / Cavalier

That Glen Willow Stage 2 – Acceptance of Funding Res. 16/19 Ordinary Meeting 20/2/2019 be noted as complete.

The motion was carried with the Councillors voting unanimously.

Item 5: Mayoral Minute

Nil

Item 6: Notices of Motion or Rescission

6.1 INCREASE FUNDING FOR GRAVELLING AND SEAL
EXTENSION PROGRAMS

GOV400067,

307/19 MOTION: Thompson / Martens

That Council consider increasing funding for the gravelling program and seal extension program at the next quarterly budget review.

The motion was carried with the Councillors voting unanimously.

6.2 BANNER POLES - GULGONG

GOV400067,

308/19 MOTION: Thompson / Cavalier

That Council modify the banner poles on the outskirts of Gulgong so that the banners are more stable and less likely to tear.

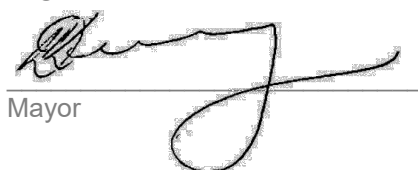
The motion was carried with the Councillors voting unanimously.

Item 7: Office of the General Manager

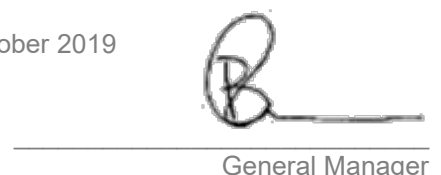
7.1 REQUEST FOR SPONSORSHIP - GULGONG HOLTERMANN
MUSEUM

GOV400067, A0230002/REC800024

309/19 MOTION: Thompson / Paine



Mayor

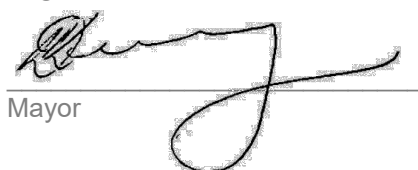


General Manager

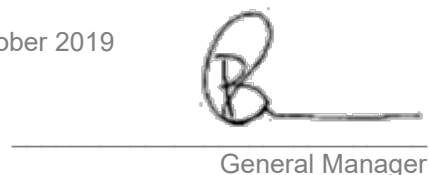
That Council:

1. receive the report by the General Manager on the Request for a donation - Gulgong Holtermann Museum;
2. accepts the request from Gulgong Holtermann Museum to become a major donator of the Holtermann Museum at Gulgong;
3. waives the \$123,438.30 outstanding balance of loan funding owed to Council from Gulgong Holtermann Museum Inc, by way of a donation to the Gulgong Holtermann Museum;
4. delegates authority to the General Manager to action and sign all documentation required to cancel the remaining loan to Gulgong Holtermann Museum, including the release of mortgage deeds over the Holtermann Museum property;
5. authorises the Mayor to sign any related documentation, if additionally required to do so, to cancel the remaining loan to Gulgong Holtermann Museum, including the release of mortgage deeds over the Holtermann Museum property;
6. authorises the use of the official Council seal on any documentation, if required, to cancel the remaining loan to Gulgong Holtermann Museum, including the release of mortgage deeds over the Holtermann Museum property;
7. pay any associated legal costs or duties required to release the mortgage deeds over the Holtermann Museum property and action the legal documentation, as required, to be funded from corporate legal costs already budgeted in the 2019/20 budget;
8. amend the 2019/20 budget to include payment of the outstanding loan to Council of \$123,438.30 by way of a contribution to Gulgong Holtermann Museum Inc; and
9. amend the 2017/21 Delivery Program to remove associated future loan repayments and interest income as follows:
 - 9.1 2020/21 – reduce interest income by \$3,392; reduce loan repayments by \$13,881;
 - 9.2 2021/22 – reduce interest income by \$2,967; reduce loan repayments by \$14,297;
 - 9.3 2022/23 – reduce interest income by \$2,528; reduce loan repayments by \$14,726;

The motion was carried with the Councillors voting unanimously.



Mayor



General Manager

Councillor Kennedy declared a significant pecuniary conflict of interest in item 8.1 as he has a personal and business relationship with one of the objectors of the DA. He left the chambers at 6.10pm and did not participate in discussion or vote in relation to this matter.

Councillor Cavalier declared a pecuniary conflict of interest in item 8.1 as he has a commercial relationship with family of the applicant. He left the chambers at 6.10pm and did not participate in discussion or vote in relation to this matter.

Cr Paine proceeded to chair the meeting.

Item 8: Development

8.1 DA0146/2018 FUNCTION CENTRE AND BUSINESS IDENTIFICATION SIGNAGE

GOV400067, DA0146/2018

MOTION: Thompson / Martens

That Council:

- receive the report by the Town Planner on DA0146/2018 Function Centre and Business Identification Signage;
- approve DA0146/2018 Function Centre and Business Identification Signage subject to the following conditions:

APPROVED PLANS

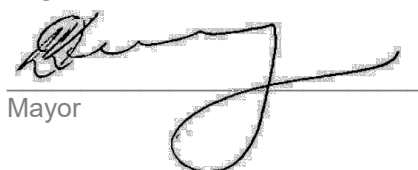
1. Development is to be carried out in accordance with the following plans endorsed with Council's Stamp as well as the documentation listed below except as varied by the conditions herein.

Title/Name	Plan No.	Rev	Dated	Prepared by
Site & Landscaping Plan	3538-A01	E	Sept 2019	Giselle Denley Drafting Services
Lodge Floor Plan	3538-A08	C	Sept 2019	Giselle Denley Drafting Services
Training Room/Lodge East & South Elevation	3538-A09	C	Sept 2019	Giselle Denley Drafting Services
Training Room Lodge West & North Elevation	3538-A10	C	Sept 2019	Giselle Denley Drafting Services
Advertising Sign	3538-A12	A	June 2018	Giselle Denley Drafting Services

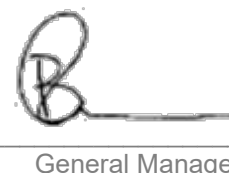
GENERAL

2. This development consent provides approval for a function centre and business identification signage, only.
3. At least 1 month prior to staging the first event, an Operations Management Plan is to be submitted to and approved by Council. The Operations Management Plan is to be reviewed and modified as appropriate by the proponent, and submitted to Council on an annual basis.

The Operations Management Plan is to address, but not be limited to, the following:



Mayor



General Manager

- a) telephone and email contact details for the on-site manager.
 - b) Details of a complaints contact, and format for a complaints register.
 - c) A methodology for recording the number of guests to the site.
 - d) Procedures for weddings or party events, including location and timings of ceremonies, reception, the conclusion of the event, and prompt and orderly direction of guests to their transport.
 - e) Hazard, fire and emergency management.
 - f) Lighting to and within the event.
 - g) Waste management.
 - h) Liquor licencing and alcohol management.
 - i) Specific measures to ensure the safety of guests from the on-site quarry, including appropriate fencing.
 - j) Dust control.
4. 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.
 5. Any damage which is caused to Council's infrastructure as a result of the proposed development must be repaired immediately to Council's satisfaction and at no cost to Council.

NOISE REGULATION

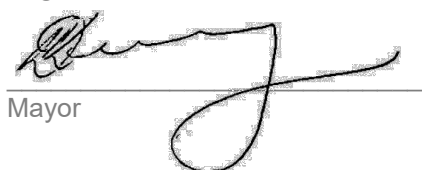
6. The proponent shall ensure that the noise generated from the function centre does not exceed the criteria in the Table at any residence on privately owned land. The allowable noise limits are applicable to the function centre.

Table – Maximum Allowable Noise Limits dB(A)

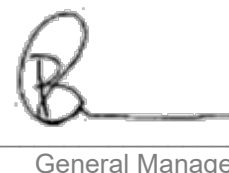
Location	Day/Evening and Night
	$L_{Aeq}(15 \text{ minute})$
Private residence	35

Noise generated by the Development is to be measured in accordance with the relevant procedures and exemptions (including certain meteorological conditions) of the Noise Policy for Industry 2017.

7. An acoustic assessment report is to be prepared by a suitably qualified acoustic engineer, and submitted to Council prior to the release of the Construction Certificate for the Function Centre. The report is required to specify a Maximum Allowable Noise Limit within the function centre, that will ensure the Maximum Allowable Noise Limits can be achieved at the sensitive receptors, as specified in condition 6.



Mayor



General Manager

8. An onsite, suitably and regularly calibrated noise monitoring device is required to be used in the function centre, during all functions. The monitoring device is to be used to measure and monitor sound pressure levels within the function centre, to ensure all noise is kept below the Maximum Allowable Noise Limit, established in the acoustic assessment report, required by condition 7.

The data shall be made available to Council upon request, and will be used to demonstrate compliance with the required noise parameters, should complaints be received.

9. The proponent shall undertake verification testing of not less than 1 week's duration, and shall be undertaken by suitably qualified acoustic engineer, to verify compliance with Condition 6. The testing is to be undertaken within 6 months of occupation of the function centre, and where there are a minimum of 2 wedding or party events within the week. Results of the testing shall be submitted to Council.

Where verification testing indicates that the facility is not compliant, additional acoustic treatments are to be implemented within 2 months of the non-compliance being identified, with details being provided to Council.

Further verification testing will be required within 6 months of the implementation of any additional acoustic treatments, to confirm compliance with Condition 6, and the results submitted to Council.

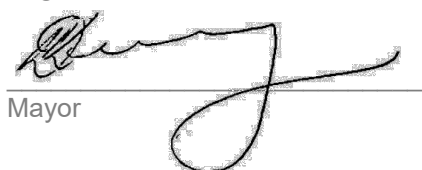
10. The '4m Wide Glass Wall/Door' located at the western end of the 'Lodge', as shown on the approved Lodge Floor Plan 3538-A08, shall be kept closed at all times whilst a function is occurring.

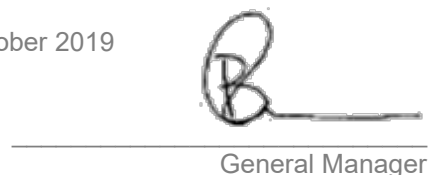
11. The doorway between the 'Lodge' and 'Timber Deck', labelled on the approved Lodge Floor Plan DWG No. 3538-A08 as 'Bifold 2700h x 3200w', shall be fitted with an automatic sliding door. The doors shall automatically close, and are not to be left in the open position, whilst a function is occurring.

Details of the sliding door shall be documented, and form part of the detailed acoustic assessment required by condition 7.

12. The proponent shall provide to all adjoining, adjacent and nearby residents a contact number that can be used by a complainant to contact the manager of the function centre in the event of a noise complaint. A complaints management plan, forming part of Condition 3, is to be established to include the following:

- a. The manager will record all verbal and telephone complaints


Mayor


General Manager

- in writing including details of the circumstance leading to the complaint and all subsequent actions.
- b. The manager and owner will investigate the complaint in order to determine whether a criterion exceedance has occurred or whether noise has occurred unnecessarily.
 - c. If excessive or unnecessary noise has been caused, corrective action will be planned and implemented by the project manager.
 - d. Complainants will be informed by the manager that their complaints are being addressed, and (if appropriate) that corrective action is being taken.

The complaints management plan is to be implemented and the record of complaints and subsequent actions is to be made available for inspection by Council upon request.

13. For functions carried out at the 'Lodge', all food must be served and consumed within the building. No outdoor dining is permitted.

This condition has been imposed, in the absence of the noise report addressing the external preparation, serving and consumption of food.

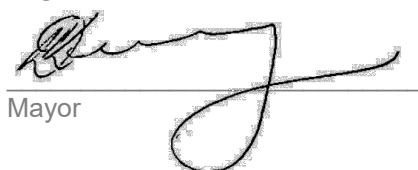
PRIOR TO ISSUE OF THE CONSTRUCTION CERTIFICATE

14. Prior to release of the Construction Certificate, approval pursuant to Section 68 of the Local Government Act 1993 for the installation of an On-Site Sewer Management System is to be obtained from Mid-Western Regional Council.
15. In accordance with the provisions of Section 7.12 of the Environmental Planning and Assessment Act 1979 and the Mid-Western Regional Contributions Plan 2019 (the Section 94A Plan), a levy based on the value of works shall be paid to Council in accordance with this condition for the purpose of public facilities, prior to issue of a Construction Certificate.

The value of works is to be calculated in accordance with Table 6 and the procedure outlined in Figure 1 of the Contributions Plan. A report regarding value of works and any necessary certification is to be submitted to Council. Council will calculate and advise of the levy amount following submission of the documents.

The contribution amount will be adjusted by the Consumer Price Index, if not paid in the same financial year the development consent was issued.

Note – Mid-Western Regional Contributions Plan 2019 is available for perusal at Council's Administration Centre at 86 Market Street, Mudgee or on Council's website www.midwestern.nsw.gov.au under


Mayor


General Manager

Council Documents/Strategies and Plans.

16. Prior to the issue of any Construction Certificate that includes above ground works, a landscape plan shall be submitted to and approved by the Certifier (i.e. Council or a private Certifier). This landscape plan shall be prepared by an appropriately qualified and experienced professional. The landscaping plan is to show and/or achieve the following:
 - a) A planting schedule (including a range of plant sizes).
 - b) A maintenance schedule.
 - c) Re-planting regime for any plants that are damaged, dead, or removed for any reason.
 - d) Utilise endemic species, where practicable, which are appropriate for the site.
17. Prior to issue of a Construction Certificate, details of a designated catering/servicing area shall be provided to Council, in a suitable location that limits disturbance to the amenity of the area.

PRIOR TO THE COMMENCEMENT OF WORKS

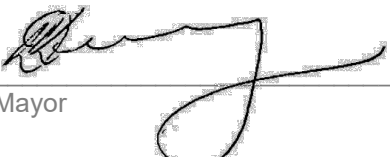
18. No work shall commence until a Construction Certificate has been issued and the applicant has notified Council of:
 - a) the appointment of a Principal Certifying Authority and
 - b) the date on which work will commence.

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

19. The site shall be provided with a waste enclosure (minimum 1800mm X 1800mm X 1200mm) that has a lid or secure covering for the duration of the construction works to ensure that all wastes are contained on the site. The receptacle is to be emptied periodically to reduce the potential for rubbish to leave the site. Council encourages the separation and recycling of suitable materials.

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

20. A sign must be erected in a prominent position on any work site on which the erection or demolition of a building is carried out:
 - a) stating that unauthorised entry to the work site is prohibited;
 - b) showing the name of the person in charge of the work site and a telephone number at which that person may be contacted outside working hours;
 - c) the name, address and telephone number of the Principal Certifying Authority for the work; and
 - d) the sign shall be removed when the erection or demolition of



Mayor



General Manager

the building has been completed.

21. With the exception of work where there is in force an exemption under clause 187 and 188 of the Environmental Planning and Assessment Act 1979, all building work that involves residential building work for which the Home Building Act 1989 requires there to be a contract of insurance in force in accordance with Part 6 of that Act, such a contract of insurance is to be in force.
22. 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;
 - d) Toilet facilities are to be provided on the work site at the rate of one toilet for every 20 persons or part of 20 persons employed at the site.

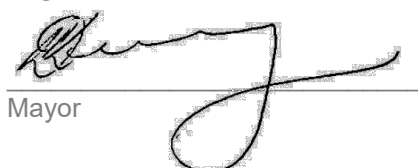
BUILDING CONSTRUCTION

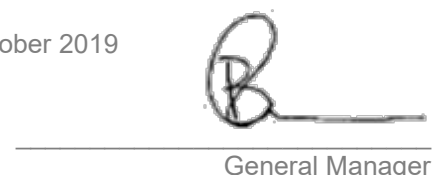
23. If unexpected soil contaminants are discovered during works, which has the potential to alter previous conclusions regarding site contamination; work must cease and Council or NSW Environmental Protection Authority must be notified immediately.

The site is to be inspected by a suitably qualified person to identify any contaminated or hazardous material present. A proposal for remediation is to be prepared, which may include preparation of a Remedial Action Plan, and remediation is to be carried out in accordance with the proposal. A Validation Report, prepared in accordance with Environment Protection Authority requirements, is to be obtained from a qualified expert on completion of the remediation work to verify that the site is suitable for the intended use. A copy of the Validation Report is to be provided to Council on completion of the remediation works.

Note – Council may also request that a NSW Environmental Protection Authority accredited site auditor is involved to assist with the assessment of the contaminated land situation and review any new contamination information. The developer must also adhere to any additional conditions which may be imposed by the accredited site auditor.

24. All building work must be carried out in accordance with the provisions of the National Construction Code, the Environmental


Mayor

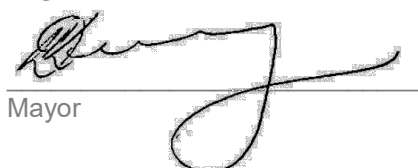

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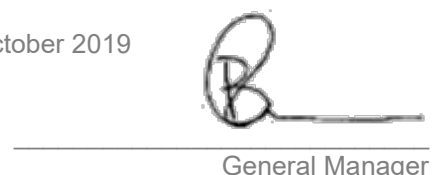
Planning & Assessment Act 1979 and Regulations and all relevant Australian Standards.

25. All plumbing and drainage work must be carried out by a licensed plumber and drainer and must comply with the Plumbing Code of Australia.
26. Construction work noise that is audible at other premises is to be restricted to the following times:
 - Monday to Saturday - 7.00am to 5.00pmNo construction work noise is permitted on Sundays or Public Holidays.
27. All mandatory inspections required by the Environmental Planning & Assessment Act 1979 and any other inspections deemed necessary by the Principal Certifying Authority being carried out during the relevant stage of construction.
28. All stormwater is to discharge a minimum 3m from the building and disposed of in such a way as to not adversely affect the adjoining properties.
29. All building work is to comply with the requirements of the Access to Premises Standard.
30. The list of measures contained in the schedule attached to the Construction Certificate are required to be installed in the building or on the land to ensure the safety of persons in the event of fire in accordance with Clause 168 of the Environmental Planning and Assessment Regulation 2000.

ENGINEERING CONDITIONS

31. All earthworks, filling, building, driveways or other works, are to be designed and constructed (including stormwater drainage if necessary) to ensure that at no time any ponding of stormwater occurs on the subject site or adjoining land as a result of this development. Design must also ensure that no diversion of runoff onto other adjacent properties occurs.
32. All stormwater runoff from roof surfaces is to be directed to rainwater tanks for storage and re-use. All runoff from rainwater tank overflow and other developed surfaces is to be 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.
33. Prior to the commencement of construction of the internal driveway a design showing appropriate grades and alignment must be submitted to Council for assessment and approval. The design must provide an alignment with level or flat grades to ensure headlight spill from exiting vehicles does not create nuisance for nearby


Mayor


General Manager

housing.

34. Sealed access crossovers and driveways must be constructed from Rocky Waterhole Road to provide access to the proposed development. Consent from Council must be obtained for all works within the road reserve pursuant to Section 138 of the Roads Act 1993. Construction must be in accordance with the requirements of Council's "Access to Properties". Access to the development (crossovers and internal driveways), should require double lane access, and are to be maintained and upgraded as necessary to provide an all-weather trafficable surface to the satisfaction of Council at all times.

The access crossover must also provide turning lanes for entering and exiting vehicles with localised shoulder widening to provide for a 'slip lane' for south bound traffic in the event of a queued vehicle waiting to enter.

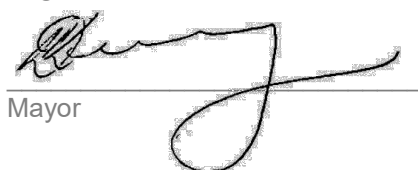
35. A total of 55 car parking spaces are to be provided within the site of the development and comply with AS 2890.1: 2004 and the following requirements:
- Each parking space is to have minimum dimensions of 5.5m x 2.4m;
 - Each disabled car parking space is to be in accordance with the provisions of AS 2890.6: 2009.
 - Line marking, wheel stop and signage has to be installed as per the relevant Australian Standard

The car parking area must be constructed and sealed with an all-weather surface with provision made for the control of surface runoff. The layout should also provide for a suitably sized bus turning and parking area. Pavements and line marking must be maintained to the satisfaction of Council at all times.

PRIOR TO ISSUE OF THE OCCUPATION CERTIFICATE

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

ONGOING / OPERATIONAL


Mayor


General Manager

38. Leadership and business functions to be carried out in the proposed Lodge must operate in accordance with the following:

- a. Be for a maximum of 50 people,
- b. Not have any amplified music at any time.
- c. The approved hours of operation are:
8am – 10pm Monday – Saturday;
8am – 6pm Sunday.

39. Weddings, party events or the like shall operate in accordance with the following:

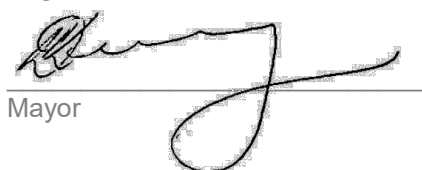
- Be for a maximum of 100 people, at any time.
- No more than 20 events are permitted in each calendar year.
- The 20 allowable wedding or party events shall be limited to Fridays and Saturdays, between the hours of 8am-10pm.
- The proponent shall keep a record of frequency of events and attendance numbers for each wedding or party event, and shall be made available to Council upon request.
- A site manager, employed by the site operators, shall be on the site at all times during events.
- Amplified music is permitted during the 20 allowable events only.
- All amplified noise will cease at 9:45pm, and all weddings and party events shall conclude no later than 10pm.
- Any proposed bar, that is to serve liquor, must be located within the function centre building only. No beverages shall be served outside.

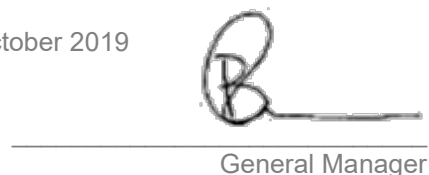
Note - Any function with over 50 attendees will be classed as a wedding or party event, and be included in the 20 allowable party events.

40. The functions shall be conducted in the function centre/lodge and curtilage, as shown in the approved site plan. The layout of the function centre/lodge shall be arranged such that the amplification equipment is orientated away from residences on neighbouring properties, and angled downwards to reduce noise spillage.

41. At the conclusion of any function or event, guests shall be ushered to their transport in a prompt and orderly fashion, to avoid neighbourhood disturbance.

42. Guests shall utilise the nominated driveway entry/exit point only.


Mayor


General Manager

The Right of Carriageway traversing the site is only to be used by guests in emergency situations.

43. All food that is served ancillary to a function, in accordance with Condition 13, is to be either:
- a) prepared off site by a registered food premises, transported and stored onsite in accordance with the NSW Food Act 2003 and the Food Standards Code, or
 - b) prepared and stored onsite in a temporary food stall or mobile food vending vehicle, in accordance with NSW Food Authorities 'Guidelines for Mobile Food Vending Vehicles and Food Businesses at Temporary Events'

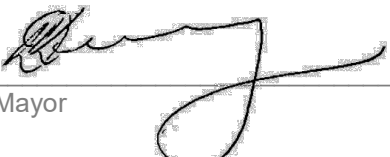
There shall be no preparation or storage of food within the proposed building unless separate consent is granted for such activities.

44. 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".
45. All waste generated by the development is to be disposed of to an appropriately licenced waste facility. All fees and charges for disposal are to be borne by the developer.
46. The development is to be maintained in a clean and tidy manner, at all times.
47. Landscaping is to be maintained in perpetuity, in accordance with the approved landscape plan.
48. There being no interference with the amenity of the neighbourhood by reason of the emission of any "offensive noise", vibration, smell, fumes, smoke, vapour, steam, soot, ash or dust, or otherwise as a result of the proposed development.
49. All loading and unloading in connection with the premises shall be carried out wholly within the site.
50. 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.


Signage

51. The sign is to be erected and sited in accordance with the plans submitted with the application, and in accordance with the following requirements:

Pylon Sign Display Area



Mayor



General Manager

Maximum length/width 2m
Maximum height 1.1m

Pylon Sign Overall

Maximum Height 2.2m

52. The approved Business Identification Sign is to only display the name of the business carried out at the premises or the nature of the business carried out at the premises. The signage may include the address of the premises and/or a business logo.
53. The sign must not be illuminated at any time, and shall not include the use of bright or fluorescent colours, or highly reflective materials.
54. The approved signage and related components are to be maintained in a clean, tidy and structurally sound manner, at all times.
55. Any graffiti attacks on the approved signage and related components are to be removed and cleaned as soon as practicable, in order to deter future attacks.

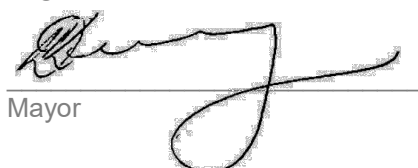
STATEMENT OF REASONS

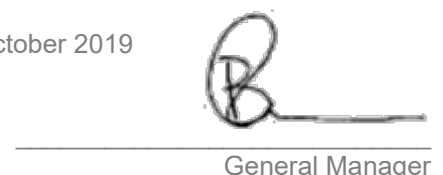
The determination decision was reached for the following reasons:

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.
3. The issues raised in submissions received in response to public notification of the development have been sufficiently addressed as follows:
 - Conditions 6-13, 38-41, 44, 46-48, have been imposed in relation to noise management, hours of operation and impacts to the amenity of the area;
 - Conditions 33-35, 42, 49, 50 have been imposed in relation to traffic and access;
 - Conditions 3, 12, 38-50 have been imposed to regulate the operational management of the site.

ADVISORY NOTE

- The development is to operate so as to not emit offensive noise, as defined in the Protection of the Environment Operations Act 1997.


Mayor


General Manager

FURTHER APPROVALS REQUIRED

- Section 138 Driveway Crossover for work in Road Reserve

AMENDMENT: O'Neill / Shelley

That Council defer the matter to enable:

1. further information on vehicle access to be provided showing access into the site can be safely achieved in both directions; and
2. an independent noise assessment to be completed as per the objectors request.

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

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

310/19

FORESHADOWED AMENDMENT: Shelley / O'Neill

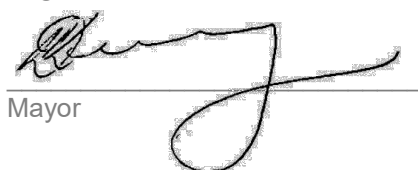
That Council defer the matter until the December Council meeting to enable:

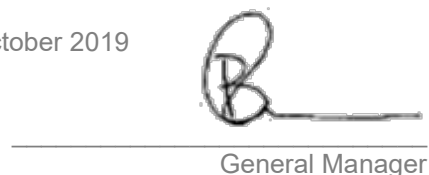
1. **further information on vehicle access to be provided showing access into the site can be safely achieved in both directions; and**
2. **an independent noise assessment to be completed as per the objectors request.**

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

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

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


Mayor


General Manager

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

Councillors Kennedy and Cavalier returned to the Chambers at 6:29pm.

Councillor Kennedy proceeded to chair the meeting.

The following recommendations (item 8.2 to item 10.3) were adopted as a whole, being moved by Cr Shelley, seconded by Cr O'Neill and carried with Councillors voting unanimously. Each recommendation is recorded with separate resolution numbers commencing at Resolution No. 311/19 and concluding at Resolution No. 323/19.

8.2 UNSW PLANNING PROGRAM 2020

GOV400067, A0383069

311/19

MOTION: Shelley / O'Neill

That Council:

1. receive the report by the Director Development on the UNSW Planning Program 2020;
2. agree to participate in the UNSW Planning Program in 2020 if a suitable candidate is identified;
3. amend the 2019/20 budget to increase employee costs by \$27,750 (including salary plus on-costs) for the employment of a student planner, commencing from February 2020, to be funded from unrestricted cash; and
4. amend the Delivery Program by \$38,850 for 2020/21 to establish an expenditure budget (including salary plus on-costs) for the employment of a student planner for a 12 month period, to be funded from unrestricted cash.

The motion was carried with the Councillors voting unanimously.

8.3 DRAFT COMMUNITY PARTICIPATION PLAN

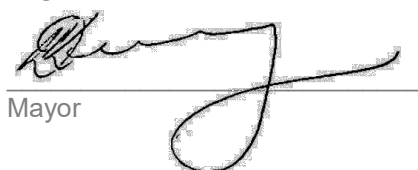
GOV400067, LAN900106

312/19

MOTION: Shelley / O'Neill

That Council:

1. receive the report by the Director Development on the Draft



Mayor



Community Participation Plan;

2. **authorise the Draft Community Participation Plan to be placed on exhibition for a period of 28 days; and**
3. **adopt the Draft Community Participation Plan if no submissions are received.**

The motion was carried with the Councillors voting unanimously.

8.4 LOCAL HERITAGE GRANTS POLICY REVIEW

GOV400067, GRA600012

313/19**MOTION: Shelley / O'Neill****That Council:**

1. **receive the report by the Manager, Strategic Planning on the Local Heritage Grants Policy Review;**
2. **place the draft Local Heritage Grants Policy on public exhibition for 28 days to receive any community feedback; and**
3. **adopt the draft Local Heritage Grants Policy if no submissions are received.**

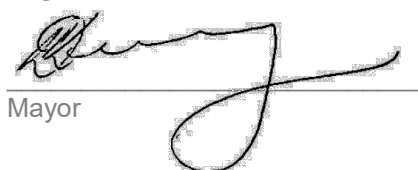
The motion was carried with the Councillors voting unanimously.

8.5 2019-20 LOCAL HERITAGE GRANT ALLOCATION

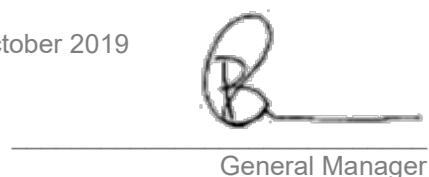
GOV400067, GRA600037

314/19**MOTION: Shelley / O'Neill****That Council:**

1. **receive the report by the Manager, Strategic Planning on the 2019-20 Local Heritage Grant Allocation;**
2. **provide a Local Heritage Grant to the following projects:**
 - a) **\$2,000 for external painting at 15 Cudgegong Street, Rylstone;**
 - b) **\$2,000 for external painting and restoration works at 103 Gladstone Street, Mudgee;**
 - c) **\$3,000 for verandah restoration at 106 Gladstone Street,**



Mayor



General Manager

Mudgee;

- d) **\$1,500 for restoration works at 1932 Lue Road, Havilah;**
- e) **\$500 for awning repair and external painting at 91 Mayne Street, Gulgong;**
- f) **\$2,000 for external painting at 10 Smith Street, Mudgee.**

The motion was carried with the Councillors voting unanimously.

8.6 MONTHLY DEVELOPMENT APPLICATIONS PROCESSING AND DETERMINED

GOV400067, A100055, A100056

315/19 MOTION: Shelley / O'Neill

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

The motion was carried with the Councillors voting unanimously.

Item 9: Finance

9.1 DRAFT LONG TERM FINANCIAL PLAN 2019-2029

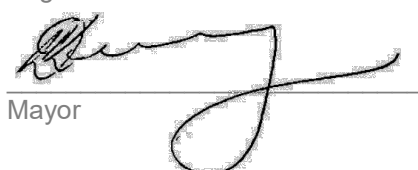
GOV400067, FIN300201

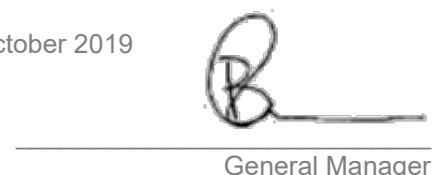
316/19 MOTION: Shelley / O'Neill

That Council:

1. **receive the report by the Manager Financial Planning on the Draft Long Term Financial Plan 2019-2029;**
2. **endorse the draft Long Term Financial Plan 2019/2029 to go on public exhibition for a period of 28 days, to inform the community on the full anticipated financial impact of the draft Delivery Program 2017/21 and Operational Plan 2019/20; and**
3. **request a report be returned to Council after the period of exhibition, with any changes recommended, through submissions received, for the Delivery Program 2017/21 and 2019/20 budget appropriately modelled in the revised Long Term Financial Plan 2019/29.**

The motion was carried with the Councillors voting unanimously.


Mayor


General Manager

9.2 COMMUNITY GRANTS PROGRAM - OCTOBER 2019

GOV400067, FIN300159

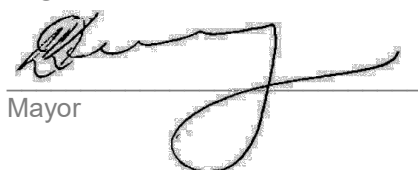
317/19

MOTION: Shelley / O'Neill**That Council:**

1. receive the report by the Manager Financial Planning on the Community Grants Program - October 2019;
2. provide financial assistance to the following applications in accordance with the criteria and guidelines of the Community Grants Policy; and

Kandos High School	\$1,100
Gulgong Show Society	\$3,000
Mudgee Chamber of Commerce – Mudgee Money Gift Cards Project	\$3,103
Gulgong Golf Club	\$1,500
Kandos Museum	\$900
Mudgee Day View Club	\$2,000
Cementa Inc - Transcript	\$362
Rotary Club of Mudgee Inc. and Rotary Club of Mudgee Sunrise Inc.	\$7,000
Mudgee Lions Club	\$2,500
Mudgee Chamber of Commerce – Pink Up Mudgee	\$1,200
Cancer Council NSW – Mudgee & District Relay for Life	\$1,200
Rylstone Kandos Show Society	\$5,000
Kandos Rylstone Men's Shed Inc.	\$1,100
The Rotary Club of Rylstone - Kandos	\$3,000
Kanandah Retirement Ltd Auxiliary	\$460
Mudgee District U3A Inc.	\$184
Gulgong Memorial Hall Committee	\$3,000

3. decline to provide financial assistance to the following applicants, for the reasons provided in the report;

Kandos Public School


Mayor



**Cementa Inc. – Swimming Pool by PYT
Rylstone Public School Parents and Citizens Association
Powerhouse Youth Theatre Inc.**

The motion was carried with the Councillors voting unanimously.

9.3 MUDGEE WASHBAY UPGRADE - ADDITIONAL BUDGET
GOV400067, PLA500003

318/19 MOTION: Shelley / O'Neill

That Council:

1. receive the report by the Procurement Manager on the Mudgee Washbay Upgrade; and
2. amend the 2019/20 budget to allocate additional expenditure of \$60,000 for the Mudgee Washbay Upgrade project, funded from the asset replacement reserve.

The motion was carried with the Councillors voting unanimously.

9.4 MONTHLY BUDGET REVIEW - SEPTEMBER 2019
GOV400067, FIN300201

319/19 MOTION: Shelley / O'Neill

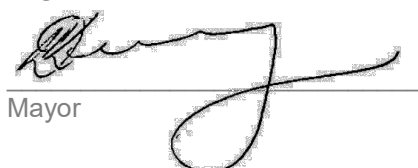
That Council:

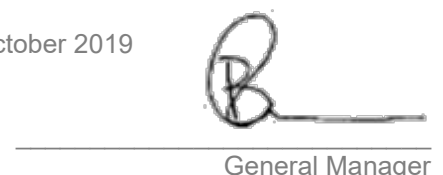
1. receive the report by the Manager Financial Planning on the Monthly Budget Review - September 2019; and
2. amend the 2019/20 Budget in accordance with the variations as listed in the Monthly Budget Review attachment to this report.

The motion was carried with the Councillors voting unanimously.

9.5 MONTHLY STATEMENT OF INVESTMENT AND BANK
BALANCES AS AT 30 SEPTEMBER 2019
GOV400067, FIN300053

320/19 MOTION: Shelley / O'Neill


Mayor


General Manager

That Council:

1. receive the report by the Manager Financial Planning on the Monthly Statement of Investment and Bank Balances as at 30 September 2019; and
2. note the certification of the Responsible Accounting Officer.

The motion was carried with the Councillors voting unanimously.

Item 10: Operations

10.1 LICENCE AGREEMENT - 48 DEPOT ROAD MUDGEE
GOV400067, 8344

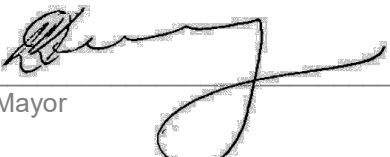
321/19 MOTION: Shelley / O'Neill

That Council:


1. receive the report by Director Operations on the Licence Agreement - 48 Depot Road Mudgee; and
2. enter into a licence agreement with NSW Department of Primary Industries to lease 48 Depot Road for a further 24 month period from 31 October 2019;
3. authorise the General Manager to finalise all documentation necessary to finalise the licence agreement;
4. authorise the General Manager to sign additional 24 month licence agreement following the conclusion of the 24 month period if operationally required;
5. amend the 2019/20 budget to increase rent expenditure by \$15,000, funded from unrestricted cash; and
6. amend the 2017/21 Delivery Program budgets for 2020/21, 2021/22, 2022/23 to include an annual rental budget of \$25,000, CPI indexed each year for the duration of the licence agreement and to cover the additional 24 month period where required, funded from unrestricted cash.

The motion was carried with the Councillors voting unanimously.

10.2 EXEMPTION FROM TENDERING - WATER CART HIRE
GOV400067, FIN400012



Mayor



General Manager

322/19

MOTION: Shelley / O'Neill**That Council:**

1. receive the report by the Tendering and Contracts Officer on the Exemption from Tendering - Water Cart Hire;
2. authorise exemption from tendering to form an interim prequalified panel of water cart operators, in accordance with Clause 55(3)(i) of Local Government Act 1993, due to extenuating circumstances around implementation of water restrictions and drought conditions within the region which does not allow a suitable timeframe to undertake a tender;
3. use the existing preferred supplier list, RFT 2016/12 Wet and Dry Plant Hire, to seek quotes to form a prequalified panel of water cart operators; and
4. note that the Wet & Dry Plant Hire contract currently out to tender will include water cart operators, and this contract will replace the interim panel, on completion of the contract.

The motion was carried with the Councillors voting unanimously.

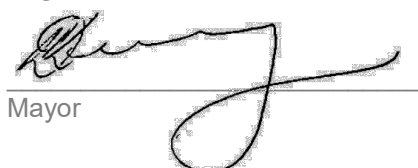
10.3 ESTABLISHMENT OF A RECYCLED WATER FACILITY AND MANAGEMENT SYSTEM

GOV400067, WAT500004

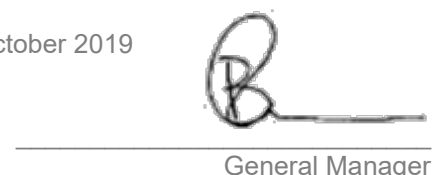
323/19

MOTION: Shelley / O'Neill**That Council:**

1. receive the report by the Manager, Water & Sewer on the Establishment of a recycled water facility and management system;
2. seek Section 60 approval to use recycled effluent and to formulate a Recycled Water Management System (RWMS)
3. amend the 2019/20 budget to allocate capital expenditure of \$90,000 on the RWMS, construct and install recycled effluent infrastructure, to be funded from Sewer Reserves;
4. increase the 2019/20 budget for Mudgee Sewer Treatment Plant operating expenses by \$14,500, to be funded from Sewer Fund cash;
5. increase the 2019/20 budget for Sewer user charges by \$22,500 to cover the estimated Recycled Water Usage



Mayor



General Manager

income, to increase Sewer Fund cash;

6. amend the 2017/21 Delivery Program for 2020/21 and 2021/22 by \$45,000 per annum for estimated Recycled Water Usage income, to increase Sewer Fund cash;
7. place the draft Recycled Water Management Policy on public exhibition for 28 days to receive any public submissions;
8. adopt the Recycled Water Management Policy if no submissions are received; and
9. place on public exhibition for 28 days, the following new Fees and Charges. If no submissions are received following public exhibition Council adopt the Fees and Charges below and include them in the Fees and Charges Schedule:

6.1 Recycled Water Usage Fee - \$1.00/KL

The motion was carried with the Councillors voting unanimously.

Item 11: Community

11.1 MUDGEE GALLERY UPDATE

GOV400067, REC800038

324/19 MOTION: Shelley / Paine

That Council:

1. receive the report by the Manager, Community Services on the Mudgee Gallery Update; and
2. note the update of the Mudgee gallery design and construction process.

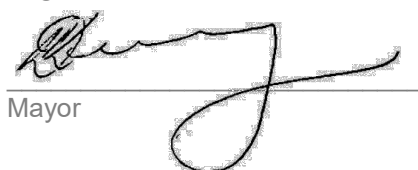
The motion was carried with the Councillors voting unanimously.

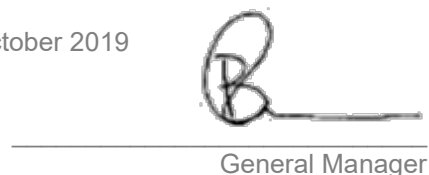
The following recommendations (item 11.2 to item 12.6) were adopted as a whole, being moved by Cr Shelley, seconded by Cr Cavalier and carried with Councillors voting unanimously. Each recommendation is recorded with separate resolution numbers commencing at Resolution No. 325/19 and concluding at Resolution No. 332/19.

11.2 INDOOR POOL FEASIBILITY STUDY

GOV400067, COU500075

325/19 MOTION: Shelley / Cavalier


Mayor


General Manager

That Council:

1. receive the report by the Director Community on the Indoor Pool Feasibility Study;
2. note the submissions received during the public exhibition period seeking community feedback on the Indoor Pool Feasibility Study;
3. support the construction of an indoor swimming pool facility in Mudgee; and
4. request that a further report be brought back to Council with an option to develop an indoor swimming facility at a new location in Mudgee.

The motion was carried with the Councillors voting unanimously.

11.3 CONSTITUTIONAL REFERENDUM OR POLL CONDUCTED
DURING THE 2020 LOCAL GOVERNMENT ELECTION
GOV400067, A0120013

326/19

MOTION: Shelley / Cavalier

That Council:

1. receive the report by the Manager Governance on the Constitutional Referendum or Poll conducted during the 2020 Local Government Election; and
2. notes the report on the Constitutional Referendum or Poll conducted during the 2020 Local Government Election.

The motion was carried with the Councillors voting unanimously.

Item 12: Reports from Committees

12.1 GULGONG SPORTS COUNCIL MEETING MINUTES 8 JULY
2019

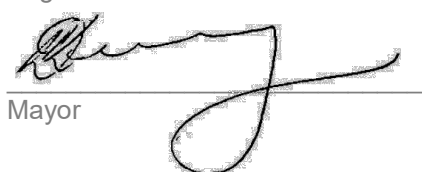
GOV400067, A0360013

327/19

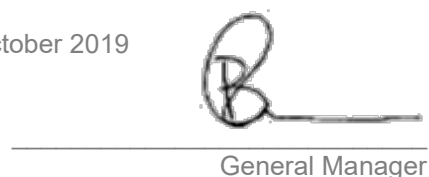
MOTION: Shelley / Cavalier

That Council:

1. receive the report by the Manager Recreation Services on



Mayor



General Manager

**the Gulgong Sports Council Meeting Minutes 8 July 2019;
and**

- 2. note the minutes for the Gulgong Sports Council held 8 July 2019**

The motion was carried with the Councillors voting unanimously.

12.2 MUDGEE SPORTS COUNCIL MEETING MINUTES 28
AUGUST 2019

GOV400067, A0360013

328/19 MOTION: Shelley / Cavalier

That Council:

- 1. receive the report by the Manager Recreation Services on the Mudgee Sports Council Meeting Minutes 28 August 2019; and**
- 2. note the minutes for the Mudgee Sports Council Meeting held 28 August 2019**

The motion was carried with the Councillors voting unanimously.

12.3 MID-WESTERN REGIONAL YOUTH COUNCIL

GOV400067, COS300610

329/19 MOTION: Shelley / Cavalier

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 10 September 2019.**

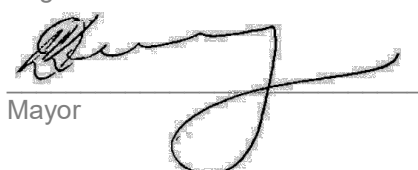
The motion was carried with the Councillors voting unanimously.

12.4 LOCAL TRAFFIC COMMITTEE - SEPTEMBER MEETING 2019

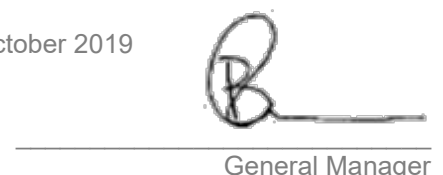
GOV400067, A0100009

330/19 MOTION: Shelley / Cavalier

That Council:



Mayor



General Manager

1. receive the report by the EA to Director, Operations on the Local Traffic Committee - September Meeting 2019;
2. Approve the recommendations for 'no stopping signage' for on street parking by Oporto Road Medical Centre:
 - a) Consult with nearby affected parties regarding reduction of two on street carparks
 - b) Approve the installation of 'No Stopping' signs between Driveway of 7/9 Oporto Road and entry to South Mudgee Surgery
 - c) Council investigate line marking between Lisbon Road and Burgandy Road and present recommendations to the traffic committee;
3. Note the outstanding action item list; and
4. Note the general business items discussed.

The motion was carried with the Councillors voting unanimously.

12.5 RED HILL COMMITTEE MEETING 7 AUGUST & 2 OCTOBER 2019

GOV400067, A0190002

331/19 MOTION: Shelley / Cavalier

That Council:

1. receive the report by the Manager, Customer Services on the Red Hill Committee Meeting 7 August & 2 October 2019;
2. note the minutes of the Red Hill Committee meeting held on 7 August & 2 October 2019; and
3. endorse the proposed updated Red Hill Masterplan.

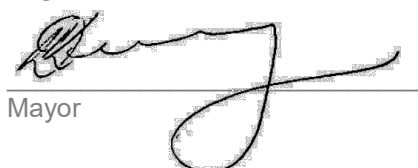
The motion was carried with the Councillors voting unanimously.

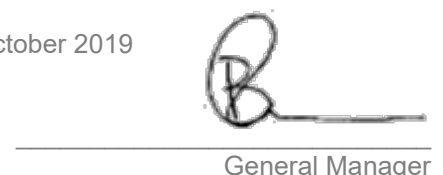
12.6 GULGONG MEMORIAL HALL COMMITTEE MEETING

GOV400067, A0100024

332/19 MOTION: Shelley / Cavalier

That Council:


Mayor


General Manager

1. receive the report by the Manager, Customer Services on the Gulgong Memorial Hall Committee Meeting; and
2. note the minutes from the Gulgong Memorial Hall Committee meetings held 15 June, 13 August and 10 September 2019.

The motion was carried with the Councillors voting unanimously.

Item 13: Urgent Business Without Notice

Nil

Item 14: Confidential Session

333/19 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 why it was being dealt with in this way.

14.1 Classification of Land - Chapter 6, Part 2, Division 1 Local Government Act 1993

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

Discussion of this matter in an open meeting would be, on balance, contrary to the public interest as it involves discussion of (d) (i) commercial information of a confidential nature that would, if disclosed prejudice the commercial position of the person who supplied it.

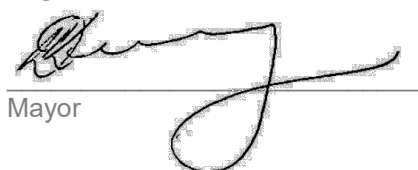
Following an enquiry from the Mayor, the General Manager advised that there were no written representations in respect of this matter and that no person in the gallery wished to make verbal representations.

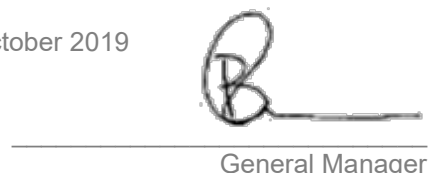
14.1 CLASSIFICATION OF LAND - CHAPTER 6, PART 2, DIVISION
1 LOCAL GOVERNMENT ACT 1993

GOV400067, P0595211

334/19 MOTION: Martens / Paine

That Council:


Mayor


General Manager

1. receive the report by the Revenue and Property Manager on the Classification of Land - Chapter 6, Part 2, Division 1 Local Government Act 1993;
2. upon ownership of the allotment as identified in Attachment 1 to this Report, give public notice of a proposed resolution to classify that allotment as Operational Land in accordance with Chapter 6, Part 2, Division 1 Local Government Act 1993 (the Act); and
3. 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.

Item 15: Urgent Confidential Business Without Notice

Nil

Item 16: Open Council

335/19

MOTION: Cavalier / Martens

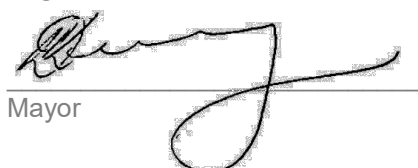
That Council move to Open Council.

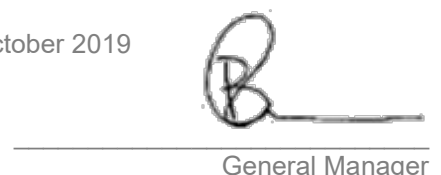
The motion was carried with the Councillors voting unanimously.

The General Manager announced the decisions taken in Confidential Session.

Item 17: Closure

There being no further business the meeting concluded at 6.42pm.


Mayor


General Manager