

Minutes of the Ordinary Meeting of Council

Held at the Council Chambers, 86 Market Street, Mudgee
on 15 April 2020, commencing at 5.35pm and concluding at 6.32pm.

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

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

Item 1: Apologies

There were no apologies.

Item 2: Disclosure of Interest

Councillor Cavalier declared a significant non-pecuniary conflict of interest in item 15.1 as he is a resident and family member of some concerned parties.

Chief Financial Officer, Leonie Johnson, declared a significant non-pecuniary conflict of interest in item 15.1 as she is a resident on Black Lead Lane and the developer is known to her.

Item 3: Confirmation of Minutes

107/20 MOTION: Shelley / Cavalier

That the Minutes of the Ordinary Meeting held on 18 March 2020 be taken as read and confirmed.

The motion was carried with the Councillors voting unanimously.

Item 4: Matters in Progress

Nil

Item 5: Mayoral Minute

Nil

Item 6: Notices of Motion or Rescission

6.1 RATING RELIEF


Mayor


General Manager

GOV400087,

108/20

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

1. provide a streamlined process to allow rate payers having difficulty paying their rates to apply for an extension to pay up until 30 September 2020;
2. waive any interest charges that would normally accrue on outstanding payments, for any ratepayers that apply for the extension, for the period up until 30 September 2020;
3. cease formal debt recovery action, with no more missed instalment notices or recovery letters issued until after 31 August 2020;
4. request a report be brought back to Council at the August 2020 Council meeting, to assess whether the relief actions require extending;
5. and relevant staff hold a workshop to establish a process and the relevant criteria for assessing hardship applications, and providing rate deferrals and/or monetary relief to ratepayers who meet the criteria;
6. allocates \$720,000 to the 2019/2020 budget for the purpose of providing rate relief to those most impacted by COVID-19, funded from unrestricted cash; and
7. consider a report to be brought back to Council following the workshop being held.

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

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

6.2 LOCAL SPENDING INITIATIVE

GOV400087,

109/20

MOTION: Cavalier / Karavas



 Mayor



 General Manager

That Council:

1. review any current purchasing arrangements that are in place where goods are sourced from outside of the region, and look for opportunities to spend that money locally within existing Policies and Contract arrangements;
2. request a report be brought back to the May 2020 Council meeting, reviewing the Local Preference Policy, and implementing an interim COVID-19 Local Preference Policy which strengthens the spend on goods and services within the LGA; and
3. actively encourages, through the use of social and print media, and any other means available to them, that local businesses co-operate with each other during this crisis, and encourage consumers to shop locally wherever possible.

The motion was carried with the Councillors voting unanimously.

Item 7: Office of the General Manager

7.1 MRT QUARTERLY REPORT: OCTOBER TO DECEMBER 2019
GOV400087, F0770077

110/20 MOTION: Holden / Cavalier

That Council:

1. receive the report by the General Manager on the MRT Quarterly Report: October to December 2019; and
2. provide to MRT the full contracted amount for 2020/21 on 1 July 2020.

The motion was carried with the Councillors voting unanimously.

The following recommendations (item 8.1 to item 8.6) were adopted as a whole, being moved by Cr Shelley, seconded by Cr Karavas and carried with Councillors voting unanimously. Each recommendation is recorded with separate resolution numbers commencing at Resolution No. 111/20 and concluding at Resolution No.116/20.

Item 8: Development

8.1 PLANNING PROPOSAL LOT 2 DP 1055152 85 ROCKY
WATERHOLE ROAD, MOUNT FROME - POST EXHIBITION
GOV400087, LAN900094

111/20 MOTION: Shelley / Karavas



Mayor



General Manager

That Council:

1. receive the report by the Manager, Strategic Planning on the Planning Proposal Lot 2 DP 1055152 85 Rocky Waterhole Road, Mount Frome - Post Exhibition; and
2. exercise its delegation in the preparation of the amendment to the Mid-Western Regional Local Environmental Plan 2012 in relation to the rezoning of part of Lot 2 DP 1055152, 85 Rocky Waterhole Road, Mount Frome from RU1 Primary Production to RU4 Primary Production Small Lots and E3 Environmental Management and change the minimum lot size from 100 hectares to 20 hectares and 400 hectares for the area to be zoned RU4 Primary Production Small Lots and E3 Environmental Management respectively subject to the Opinion issued by Parliamentary Counsel.

The motion was carried with the Councillors voting unanimously.

8.2 NSW GOVERNMENT STRONGER COUNTRY COMMUNITIES
FUND (ROUND 3) GRANT FUNDING

GOV400087, GRA600041

112/20


MOTION: Shelley / Karavas

That Council:

1. receive the report by the Manager Economic Development on the NSW Government Stronger Country Communities Fund (Round 3) Grant Funding;
2. if successful, accept \$758,881 in grant funding from the NSW Government for Mid-Western Region Youth Programs, Pitts Lane Shared Pathway Lighting, Construction of New Amenities building at Billy Dunn Oval and Upgrades to Rylstone Caravan Park;
3. if successful, authorise the General Manager to finalise and sign funding agreements with NSW State Government for Mid-Western Region Youth Programs, Pitts Lane Shared Pathway Lighting, Construction of New Amenities building at Billy Dunn Oval and Upgrades to Rylstone Caravan Park; and
4. amend the 2019/20 Budget as follows:
 - 4.1 reduce grant funding received for Billy Dunn Amenities by \$122,052, reduce project expenditure by \$262,200 with the balance returning to unrestricted



Mayor



General Manager

- cash;
- 4.2 reduce project expenditure for Rylstone Caravan Park Upgrades by \$420,609 and reduce project funding by \$260,609 grant funding, \$100,000 Asset Replacement Reserve and unrestricted cash \$60,000;
5. amend the 2020/21 Budget and 2017/21 Delivery Program as follows:
- 5.1 increase grant funding received for Billy Dunn Amenities by \$122,052, allocate project expenditure of \$262,200 with the balance funded from unrestricted cash;
- 5.2 for Youth Services, reduce contributions received by \$123,000, allocate grant funding received of \$216,152, and increase project expenditure by \$93,152;
- 5.3 allocate grant funding for Pitts Lane Lighting of \$50,000, and reduce funding from Capital Reserves by \$50,000;
- 5.4 allocate an expenditure budget of \$480,000 for Rylstone Caravan Park Upgrades funded by \$154,525 grant income, \$100,000 Asset Replacement Reserve and \$225,475 Capital Program Reserve; and
6. amend the 2021/22 Budget and 2017/21 Delivery Program as follows:
- 6.1 for Youth Services, reduce contributions received by \$126,072, allocate grant funding received of \$216,152, and increase project expenditure by \$90,080.

The motion was carried with the Councillors voting unanimously.

8.3 NSW GOVERNMENT COMMUNITY BUILDING
PARTNERSHIPS GRANT FUNDING

GOV400087, GRA600041

113/20


MOTION: Shelley / Karavas

That Council:

1. receive the report by the Manager Economic Development on the NSW Government Community Building Partnerships Grant Funding;
2. if successful, accept grant funding of \$70,000 from NSW Government Community Building Partnerships Fund;



Mayor



General Manager

3. **if successful, authorise the Mayor or General Manager to finalise and sign the funding agreement with NSW Government; and**
4. **amend the 2019/20 Budget as follows:**
 - **Rylstone Hall Exterior Painting - reduce Asset Replacement Reserve funding by \$20,000 and increase grant funding by \$20,000 from Community Building Partnerships Fund;**
 - **Gulgong Hall Exterior Painting - reduce Asset Replacement Reserve funding by \$15,000 and increase grant funding by \$15,000 from Community Building Partnerships Fund; and**
 - **Gulgong Hall Roof Painting - reduce Asset Replacement Reserve funding by \$35,000 and increase grant funding by \$35,000 from Community Building Partnerships Fund.**

The motion was carried with the Councillors voting unanimously.

8.4 EVENTS ASSISTANCE APPLICATIONS

GOV400087, ECO800009; FIN300052

114/20

MOTION: Shelley / Karavas

That Council:


1. **receive the report by the Events Coordinator for approved Events Assistance funding for rescheduled or cancelled events from March – July 2020;**
2. **amend the 2019/20 Budget and 2017/21 Delivery Program to reflect a transfer of the approved Events Assistance funding to the below applicants (including cash and in-kind amounts) from the current Events Assistance budget to be used for rescheduled events to be held in the 2020 - 2021 Financial Year;**

Cadillac LaSalle Club of Australia	\$2000
Wings Wheels and Wine	\$2500
Mudgee Classic	\$4096

3. **amend the 2019/20 Budget and 2017/21 Delivery Program to reflect the transfer of multi-year Events Assistance funding allocated to the below applicants (including cash and in-kind amounts) for the period of 2020, 2021 and 2022 to now cover 2021, 2022 and 2023.**



 Mayor



 General Manager

	2021	2022	2023
Henry Lawson Society	\$2000	\$2000	\$2000
Gulgong Prince of Wales Eisteddfod	\$2500	\$2500	\$2500
Cudgegong Cruisers	\$491	\$506	\$521
Arts Council Gulgong	\$1000	\$1000	\$1000

The motion was carried with the Councillors voting unanimously.

8.5 COUNCIL SUPPORT FOR LOCAL BUSINESSES

GOV400087, ECO800023

115/20 MOTION: Shelley / Karavas

That Council note the report by the Manager Economic Development on the Council Support for Local Businesses.

The motion was carried with the Councillors voting unanimously.

8.6 MONTHLY DEVELOPMENT APPLICATIONS PROCESSING AND DETERMINED

GOV400087, DEV700023

116/20 MOTION: Shelley / Karavas

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

The motion was carried with the Councillors voting unanimously.

Item 9: Finance

9.1 CLASSIFICATION OF LAND - ALLOTMENT 2104 DP1261061, 137A ROBERTSON STREET MUDGEE

GOV400087, 25746, A0420144


117/20 MOTION: Shelley / Paine

That Council:

1. receive the report by the Revenue and Property Manager on the Classification of Land - Allotment 2104 DP1261061, 137A Robertson Street Mudgee; and
2. notify the public of its intention to classify Allotment 2104 DP1261061 as Operational Land in accordance with Chapter 6, Part 2, Division 1 Local Government Act 1993 by exhibiting the proposal for 28 days and should there be no submissions from the public, the Allotment be so classified



 Mayor



 General Manager

as Operational land.

The motion was carried with the Councillors voting unanimously.

9.2 REVISED DELIVERY PROGRAM 2017/21 AND DRAFT
OPERATIONAL PLAN 2020/21

GOV400087, FIN300201

118/20


MOTION: Holden / Cavalier

That Council:

1. receive the report by the Manager Financial Planning on the Revised Delivery Program 2017/21 and Draft Operational Plan 2020/21;
2. include all endorsed budget variations from the April Ordinary Council Meeting into the Revised Delivery Program 2017/21 and Draft Operational Plan 2020/21 before placing on public exhibition;
3. endorse the Draft Delivery Program 2017/21 and Draft Operational Plan 2020/21 to go on public exhibition for a period of 28 days commencing Friday day 17 April 2020;
4. endorse the below amendments to the Delivery Program 2017/21:
 - 4.1 For Strategy 1.2.1: Respect and enhance the historic character of our Region and heritage value of our towns, remove action Maintain the 2017/19 Mid-Western Regional Heritage Strategy
 - 4.2 For Strategy 1.2.3: Make available diverse, sustainable, adaptable and affordable housing options through effective land use planning, remove the action Regular updating of the Comprehensive Land Use Strategy and replace with Implement the Land Use Actions in the Local Strategic Planning Statement
 - 4.3 For Strategy 2.2.1: Identify and implement innovative water conservation and sustainable water usage management practices, remove the action Play an active role in the implementation of the Murray Darling Basin Plan; and
5. request a further report be presented following the exhibition period including a review of any submissions made on the Draft Delivery Program 2017/21 and Draft Operational Plan 2020/21.



Mayor



General Manager

AMENDMENT: Thompson / Martens

That Council:

1. not take up the 2.6% rate increase; and
2. ask staff to cut back on a lot of expenditure in the management plan.

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

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

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

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

The following recommendations (item 9.3 to item 12.2) were adopted as a whole, being moved by Cr Shelley, seconded by Cr Holden and carried with Councillors voting unanimously. Each recommendation is recorded with separate resolution numbers commencing at Resolution No. 118/20 and concluding at Resolution No. 134/20.


9.3 MONTHLY STATEMENT OF INVESTMENT AND BANK BALANCES AS AT 31 MARCH 2020

GOV400087, FIN300053

119/20

MOTION: Shelley / Holden


 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 31 March 2020; and
2. note the certification of the Responsible Accounting Officer.

The motion was carried with the Councillors voting unanimously.

9.4 RESCISSION OF POLICY - CATEGORISATION AS
RESIDENTIAL FOR RATING PURPOSES

GOV400087, A0340007

120/20

MOTION: Shelley / Holden

That Council:

1. receive the report by the Revenue and Property Manager on the Rescission of Policy - Categorisation As Residential For Rating Purposes;
2. endorse the proposal that the Categorisation As Residential For Rating Purposes Policy, subject to public submissions, is proposed to be rescinded, noting that the matters are covered by the Local Government Act 1993 and contemporary case law precedents;
3. place notice on public exhibition for 28 days that the Categorisation As Residential For Rating Purposes Policy is proposed to be rescinded; and
4. rescind the Categorisation As Residential For Rating Purposes Policy if no submissions are received following the public exhibition period.

The motion was carried with the Councillors voting unanimously.

9.5 MONTHLY BUDGET REVIEW - MARCH 2020

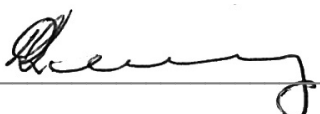
GOV400087, FIN300201

121/20

MOTION: Shelley / Holden

That Council

1. receive the report by the Manager Financial Planning on the Monthly Budget Review - March 2020; 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.

9.6 ASSET DISPOSAL POLICY REVIEW

GOV400087, GOV400047

122/20

MOTION: Shelley / Holden

That Council:

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

The motion was carried with the Councillors voting unanimously.

9.7 MOOLARBEN COAL OPERATIONS P/L APPLICATION TO CLOSE & PURCHASE CERTAIN COUNCIL ROADS

GOV400087, ROA100007

123/20

MOTION: Shelley / Holden

That Council:

1. **receive the report by the Revenue and Property Manager on the Moolarben Coal Operations P/L Application to Close & Purchase Certain Council Roads; and**
2. **agree to the terms in the Terms Sheet – Proposed Road Closure and Purchase as appended as Attachment 1 to this Report; and**
3. **authorise the General Manager to endorse the Terms Sheet – Proposed Road Closure and Purchase as appended as Attachment 1 to this Report; and**
4. **propose the closure, pursuant to Part 4 Division 3 Roads Act 1993, of the 6 roads being numbered segments 21A, 21B, 21C, 55B, 64, 506, 531, 519, 533 & 534 as cited in Annexures A and B to Moolarben Coal Operations P/L application dated 1 November 2019 of Attachment 2 appended to this Report and of which are Council Public**



Mayor




General Manager

Roads; and

5. upon endorsement of the Terms Sheet – Proposed Road Closure and Purchase, give notice, pursuant to s38B Roads Act 1993, of the proposal to close the 6 roads being numbered segments 21A, 21B, 21C, 55B, 64, 506, 531, 519, 533 & 534 as cited in Annexures A and B to Moolarben Coal Operations P/L application dated 1 November 2019 of Attachment 2 appended to this Report and of which are Council Public Roads; and
6. receive a further report after the notice period pursuant to s38B Roads Act 1993 has ended to consider any submissions received and then, pursuant to s38D Roads Act 1993 determine whether the 6 roads being numbered segments 21A, 21B, 21C, 55B, 64, 506, 531, 519, 533 & 534 as cited in Annexures A and B to Moolarben Coal Operations P/L application dated 1 November 2019 of Attachment 2 appended to this Report and of which are Council Public Roads, are to be closed; and
7. obtain valuations in accordance with the Land Acquisition and Disposal Policy for the road segments numbered 21A, 21B, 21C, 55B, 64, 506, 531, 519 as cited in Annexures A and B to Moolarben Coal Operations P/L application dated 1 November 2019 of Attachment 2 appended to this Report and of which are Council Public Roads; and
8. authorise the General Manager to negotiate sale prices for the transfer of ownership of the road segments numbered 21A, 21B, 21C, 55B, 64, 506, 531, 519 as cited in Annexures A and B to Moolarben Coal Operations P/L application dated 1 November 2019 of Attachment 2 appended to this Report and of which are Council Public Roads, and present the proposal in a further report to Council; and
9. acknowledge the proposed closure and sale of the road segments numbered 533 (Carrs Gap Road) and 534 (Murragamba Road) as cited in Annexures A and B to Moolarben Coal Operations P/L application dated 1 November 2019 of Attachment 2 appended to this Report, is to be conducted in accordance with the conditions in the Agreement with Respect to Costs dated 6/6/2014 between Moolarben and Council, as appended in the Confidential section of this Business Paper and;
10. authorise the General Manager to decide pursuant to s138 of the Roads Act, Moolarben Coal Operations P/L having early access and occupation on the road segments numbered 21A, 21B, 21C, 55B, 64, 506, 531, 519 as cited in Annexures A and B to Moolarben Coal Operations P/L application dated 1 November 2019 of Attachment 2 appended to this Report and of which are Council Public



Mayor

General Manager

Roads, and subject to such conditions as are considered appropriate; and

11. authorise the General Manager to sign all documentation, where necessary, in relation to the proposed closure and subsequent sale of the 6 roads being numbered segments 21A, 21B, 21C, 55B, 64, 506, 531, 519, 533 & 534 as cited in Annexures A and B to Moolarben Coal Operations P/L application dated 1 November 2019 of Attachment 2 appended to this Report and of which are Council Public Roads; and
12. authorise the Mayor to sign any documentation, where additionally required to do so, in relation to the proposed closure and subsequent sale of the 6 roads being numbered segments 21A, 21B, 21C, 55B, 64, 506, 531, 519, 533 & 534 as cited in Annexures A and B to Moolarben Coal Operations P/L application dated 1 November 2019 of Attachment 2 appended to this Report and of which are Council Public Roads; and
13. authorise the Common Seal of Council be affixed to all documentation, where necessary, in relation to the proposed closure and subsequent sale of the 6 roads being numbered segments 21A, 21B, 21C, 55B, 64, 506, 531, 519, 533 & 534 as cited in Annexures A and B to Moolarben Coal Operations P/L application dated 1 November 2019 of Attachment 2 appended to this Report and of which are Council Public Road; and
14. require Moolarben Coal Operations P/L be responsible for all costs, including Council's reasonable legal costs and the cost of the relevant valuation reports obtained by Council associated with the proposed closure and subsequent sale of the 6 roads being numbered segments 21A, 21B, 21C, 55B, 64, 506, 531, 519, 533 & 534 as cited in Annexures A and B to Moolarben Coal Operations P/L application dated 1 November 2019 of Attachment 2 appended to this Report.

The motion was carried with the Councillors voting unanimously.

9.8 KIDS & CARERS SUPPORT GROUP KANDOS RYLSTONE -
REQUEST FOR EXTENSION

GOV400087, P1985111

124/20

MOTION: Shelley / Holden

That Council:

1. receive the report by the Property Officer on the Kids &



Mayor



General Manager

Carers Support Group Kandos Rylstone - Request for Extension of time;

2. Council approve an 18 month extension on the requirement to have the Kids & Carers premises to be constructed and operational within 5 years, bringing the deadline to November 2021; and
3. approve financial assistance to Kids & Carers Support Group for \$15,000, funded from Financial Assistance.

The motion was carried with the Councillors voting unanimously.

9.9 BORROWING POLICY REVIEW

GOV400087, FIN300134

125/20

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

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

The motion was carried with the Councillors voting unanimously.

9.10 FINANCIAL RESERVES POLICY REVIEW

GOV400087, GOV400047

126/20

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

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

The motion was carried with the Councillors voting unanimously.



Mayor



General Manager

9.11 CLASSIFICATION AND CATEGORISATION OF CROWN RESERVES PURSUANT TO CROWN LAND MANAGEMENT ACT 2016

GOV400087, A0220005, PAR300003

127/20 MOTION: Shelley / Holden

That Council:

1. receive the report by the Revenue and Property Manager on the Classification and Categorisation of Crown Reserves Pursuant to Crown Land Management Act 2016;
2. endorse the Operational Classification applied to each of the 22 Council managed Crown land reserves as listed in Attachment 1 to this Report; and
3. endorse the Community Classification and Categorisation applied to each of the 106 Council managed Crown land reserves as listed in Attachment 2 to this Report.

The motion was carried with the Councillors voting unanimously.

Item 10: Operations

10.1 LAND PURCHASE FOR ROAD REALIGNMENT - 6166 BYLONG VALLEY WAY (PART LOT 5 DP 1175935) - MR L BRAITHWAITE

GOV400087, ROA100463

128/20 MOTION: Shelley / Holden

That Council:

1. receive the report by the Senior Works Engineer on the Land Purchase part Lot 5 DP 1175935 for road realignment - 6166 Bylong Valley Way, Budden NSW;
2. resolve to purchase the 386m² of Lot 5 DP 1175935 ('Sale Land') by agreement with the Vendor for the Sale Price of \$1000.00 for the purpose of public road;
3. agree for Council, at its own cost, to procure the preparation, lodgement and registration of an appropriate Subdivision Plan giving effect of the road realignment;
4. authorise the General Manager to complete and execute all documentation necessary to effect the subdivision and



Mayor



General Manager

- land purchase; and
5. amend the 2019/20 Budget as follows:
 - 5.1 Transfer \$4,000 from Bylong Valley Way RNSW, funded \$3,000 from grants, and \$1,000 from RMS contributions to Regional Sealed Road Land Matters.
 6. authorise the Mayor to sign any documentation, where necessary, to complete and execute the subdivision and land purchase; and
 7. authorise the common seal of Council to be affixed to documentation, where necessary, to complete and execute the subdivision and land purchase

The motion was carried with the Councillors voting unanimously.

10.2 ACCEPTANCE OF FUNDING FOR THE BRIDGE OVER THE
GOULBURN RIVER ON THE ULAN ROAD

GOV400087, R9214003

129/20

MOTION: Shelley / Holden

That Council:

1. receive the report by the Manager Works on the Acceptance of funding for the bridge over the Goulburn River on the Ulan Road;
2. if successful, accept grant funding of \$900,000 from NSW Government under the Fixing Country Roads program;
3. if successful, authorise the Mayor or General Manager to finalise and sign the funding agreement with NSW Government;
4. amend the 2020/21 Budget to include a budget of \$600,000 for the Goulburn River Bridge replacement, funded by \$450,000 grant income, \$59,380 from the Regional Road Bridge Capital budget and \$90,620 from the Asset Replacement Reserve; and
5. amend the 2021/22 Budget to include a budget of \$600,000 for the Goulburn River Bridge replacement, funded by \$450,000 grant income, \$60,863 from the Regional Road Bridge Capital budget and \$89,137 from the Rural Sealed Regional Road Capital budget

The motion was carried with the Councillors voting unanimously.



Mayor



General Manager

Item 11: Community**11.1 GLEN WILLOW STAGE TWO FUNDING - DEPARTMENT OF PLANNING, INDUSTRY AND ENVIRONMENT - REGIONAL NSW**

GOV400087, PAR300584

130/20 MOTION: Shelley / Holden**That Council:**


- 1. receive the report by the Director Community on the Glen Willow Stage Two Funding - Department of Planning, Industry and Environment - - Regional NSW;**
- 2. accept the funding from the Department of Planning, Industry and Environment - Regional NSW for Glen Willow Regional Sports Complex Stage 2;**
- 3. authorise the General Manager to negotiate any outstanding terms, and sign and finalise any required paperwork for the funding arrangement;**
- 4. amend the 2019/20 budget for Glen Willow Upgrades as follows:**
 - 4.1 increase grant funding received by \$1,400,440**
 - 4.2 with the balance of funds returning to unrestricted cash;**
- 5. amend the 2020/21 budget for Glen Willow Upgrades as follows:**
 - 5.1 increase grant funding received by \$8,599,560**
 - 5.2 reduce proceeds from new borrowings of \$3,000,000**
 - 5.3 increase expenditure by \$3,450,000**
 - 5.4 with \$2,149,560 returning to unrestricted cash**

The motion was carried with the Councillors voting unanimously.

11.2 SECTION 355 COMMITTEES OF COUNCIL

GOV400087, A0110015

131/20 MOTION: Shelley / Holden**That Council:**

Mayor

General Manager

1. receive the report by the Director Community on the Section 355 Committees of Council;
2. note that meetings of Section 355 Committees will not be held in the usual format and timeframe until September 2020;
3. note that a meeting can be called if necessary and be held by telephone conference; and
4. write to the Committees advising them of these changes.

The motion was carried with the Councillors voting unanimously.

Item 12: Reports from Committees

12.1 LOCAL TRAFFIC COMMITTEE - MARCH MEETING 2020

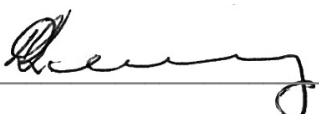
GOV400087, A0100009

132/20

MOTION: Shelley / Holden

That Council:

1. receive the report by the Executive Assistant, Operations on the Local Traffic Committee - March meeting 2020;
2. note the outstanding action item list;
3. amend and install signage in front of Mudgee Preschool on Lovejoy Street to P15 parking Mon-Fri 8:30am-6pm, Saturday 2P 8:30am-12:30pm
4. accept and install the temporary reverse angle parking zones for Meares Street adjacent to Hospital redevelopment
5. request amended plan of Meares Street with signage stating '60 degree angle rear to curb' and Centreline marking continued an additional 30m either side of the intersection
6. undertake consultation with 31 Meares Street regarding Patient Transport vehicle parking
7. approves line marking at the intersection of Lewis and Meares Street be completed with paint and any modifications are to be removed satisfactorily.
8. agrees that the Traffic committee are to review amended plan prior to Meares Street parking changes installation



9. approve the event – “Mudgee Small Farm Field Days” Friday and Saturday, 10 & 11 July 2020 – and classify as a Class 2 event under the “Guide to Traffic and Transport Management for Special Events Version 3.4” and proceed 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 3.4 and submitted to and approved by Council prior to the event;
 - b) Events are to be undertaken in accordance with the requirements of the NSW Police Force with their approval documentation forwarded to Council for notation;
 - c) Controlling noise as required by the Protection Of The Environment Operations (Noise Control) Regulation 2000;
 - d) Reimbursing Council for the cost of damage repairs;
 - e) Complying with any of Council’s Law Enforcement Officers’ reasonable directives;
 - f) Maintain areas in a clean and tidy condition. No obstructions are to be left on the roadways or footpaths;
 - g) the qualification of the person creating the Traffic Control Plan must be a holder of the Prepare a Work Zone Traffic Management Plan or superseded Select and Modify Certificate or the Design and Audit Certificate which has not expired;
 - h) Any person directing traffic on a public road is required to possess an appropriate traffic controller’s certificate;
 - i) Council must be provided with a current copy of a public liability insurance policy in the amount of at least \$20 million. Such a policy is to list Council, Transport for NSW and NSW Police as Interested Parties;
 - 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;
 - k) Maintain a four-metre wide emergency vehicle lane;
 - l) Advertise the proposed event in local newspapers with relevant information at least two weeks prior to the date;
 - m) The organiser is to have a debrief with Council and Police with all traffic control documentation and controls

tabled for review.

n) Traffic Control plans prepared in accordance with Transport for NSW Traffic Control at Worksites Manual.

And the following Special Conditions:

o) The southbound lane of Church Street, between Short Street and Market Street, be closed between the hours of 12.00pm – 6.00pm on 10 & 11 July 2020.

p) The northbound lane of Church Street at Short Street be reduced in width to permit traffic flow of northbound traffic;

q) Council to allow the following Speed Limit alterations At Henry Lawson Drive on 10 & 11 July 2020;

- Henry Lawson Drive, from the intersection of Eurunderee Lane to the Vineyard Motel driveway, be reduced to the speed limit of 80kph,

- Henry Lawson Drive from the Vineyard Motel driveway to the Ulan Road intersection be reduced to the speed limit of 60kph,

r) Council to allow the following Speed Limit alterations on Ulan Road on 10 & 11 July 2020;

- From the intersection of Buckaroo Road to George Campbell Drive it is recommended to reduce the speed limit to 80kph,

- from George Campbell Drive to just south of Mt Pleasant Lane it is recommended to reduce the speed to 60kph,

- from just south of Mt Pleasant Lane to just north of Moggs Lane it is recommended to reduce the speed limit to 40kph,

- from just north of Moggs Lane to Short Street it is recommended to reduce speed to 60kph.

s) Council to allow the following Speed Limit alterations on Putta Bucca Road on 10 & 11 July 2020;

- A 60kph speed zone be imposed from the intersection of Henry Lawson Drive to Chestnut Close.

t) All Parking is to be provided on site for the public, exhibitors and staff;

u) Provide two public/exhibitor entry points, one on Ulan Road and one on Henry Lawson Drive.



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- v) Provide disabled parking access via 269 Ulan Road Entrance
- w) the “free courtesy buses” be organised by AREC to allow public and exhibitors transport to the event, as suggested by the organiser; and
- x) The “contingency plan for wet weather” affected parking areas, be implemented as required;
10. Approve the event Rylstone Road Closure, between Monday 27 April 2020 – Friday 1 May 2020 and classify as a Class 3 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 Transport for NSW 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 any 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



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accesses will be affected at least two weeks prior to event commencement;

k. Advertise the proposed event in local newspapers and radio with relevant information at least two weeks prior to the date;

l. The organiser is to have a debrief with Council and Police with all traffic control documentation and controls tabled for review.

m. Traffic Control plan to be in accordance with Transport for NSW Traffic Control at Worksites Manual

11. Install refuge for safe crossing Lewis St along the north side of Horatio St.
12. Install refuge for safe crossing Douro Street between Inglis St & Railway Line
13. Install two pedestrian refuges at intersection - Market St and Cox St

The motion was carried with the Councillors voting unanimously.

12.2 MID-WESTERN REGIONAL YOUTH COUNCIL

GOV400087, COS300610

133/20 MOTION: Shelley / Holden

That Council:

1. receive the report by the Manager, Community Services on the Mid-Western Regional Youth Council ;
2. note the minutes of the Mid-Western Regional Youth Council meeting convened on 10 March 2020.

The motion was carried with the Councillors voting unanimously.

Item 13: Urgent Business Without Notice

134/20 MOTION: Shelley / Paine

That Council accept two items of urgent business without notice for consideration.

The motion was carried with the Councillors voting unanimously.



Mayor



General Manager

13.1 MID-WESTERN REGIONAL FAMILY DAY CARE SCHEME –
IMPACT OF CORONAVIRUS

GOV400087, COS300043

135/20

MOTION: Holden / Martens

That Council:

1. receive the report by the Manager, Community Services on the Mid-Western Regional Family Day Care Scheme – Impact of Coronavirus;
2. note the Federal Government’s announcement on 2 April 2020 regarding the release of its Early Childhood Education and Care Relief Package;
3. authorise the General Manager to waive the Carer’s Levy fee for the period 6 April 2020 to 4 October 2020; and
4. amend the 2019/20 budget to reduce Carer’s Levy fee income by \$4,000 to be funded from unrestricted cash.

The motion was carried with the Councillors voting unanimously.

13.2 SEALING OF BYRNES LANE BURRUNDULLA

GOV400087, R0030001

136/20

MOTION: Shelley / Paine

That Council:


1. receive the report by the Director Operations on the Sealing of Byrnes Lane Burrundulla;
2. approve the sealing of 220m of Byrnes Lane with a contribution from the applicants for the cost of the seal and a condition that payment is received prior to any works commencing; and
3. amend the 2019/20 Operational Plan to include the sealing of Byrnes Lane for \$17,600, funded from \$7,040 (ex gst) contribution from the applicant, and an additional \$10,560 from Seal Extension Program Reserve.

The motion was carried with the Councillors voting unanimously.

Item 14: Confidential Session



Mayor



General Manager

137/20 MOTION: Cavalier / Shelley

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 Commercial Property Rent Relief

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 details of commercial lease arrangements.

14.2 Financial Assistance - Western NSW Public Health Network

The reason for dealing with this report confidentially is that it relates to information that would, if disclosed, reveal a trade secret in accordance with Section 10A(2)(d)(iii) 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 information that would reveal confidential information, not currently authorised for release.

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 COMMERCIAL PROPERTY RENT RELIEF

GOV400087, COU500044

138/20 MOTION: Paine / Martens**That Council:**

- 1. receive the report by the Director Development on the Commercial Property Rent Relief;**
- 2. provide rent relief as a result of the COVID-19 pandemic to Council's commercial property tenants as outlined in the recommendation of this confidential report;**
- 3. amend the 2019/20 budget to reduce rental income by \$181,000 to be funded from unrestricted cash; and**
- 4. authorise the General Manager to sign any relevant**



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documentation and send letters to tenants/operators in order to facilitate the provision of rent relief.

The motion was carried with the Councillors voting unanimously.

14.2 FINANCIAL ASSISTANCE - WESTERN NSW PUBLIC HEALTH NETWORK

GOV400087, PUB600025

139/20

MOTION: Holden / Shelley

That Council:

1. receive the report by the Chief Financial Officer on the Financial Assistance - Western NSW Public Health Network;
2. provide in kind financial assistance to Western NSW Public Health Network (PHN) as set out in this report, at a value of up to \$100,000;
- 2b. provide in kind financial assistance to NSW Health to support local COVID-19 initiatives, at a value up to \$5,000;
3. amend the 2019/20 budget as follows:
 - 3.1 increase showground revenue by \$45,000;
 - 3.2 increase financial assistance expenditure by \$45,000
4. amend the 2020/21 budget as follows:
 - 4.1 increase showground revenue by \$55,000;
 - 4.2 increase financial assistance expenditure by \$55,000; and
5. authorise the General Manager to negotiate the terms of the agreement with NSW Public Health, as set out in the body of this report.

The motion was carried with the Councillors voting unanimously.

Councillor Cavalier declared a significant non-pecuniary conflict of interest in item 15.1 as he is a resident and family member of some concerned parties. He left the Chambers at 6.18pm and did not participate in discussion or vote in relation to this matter.

Chief Financial Officer, Leonie Johnson, declared a significant non-pecuniary conflict of interest in item 15.1 as she is a resident on Black Lead Lane and the developer is known to her. She left the Chambers at 6.18pm and did not participate in discussion in relation to this matter.



Mayor



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Item 15: Urgent Confidential Business Without Notice**140/20 MOTION: Holden / Paine****That Council accept for consideration the confidential urgent business without notice item.***The motion was carried with the Councillors voting unanimously.***15.1 BLACK LEAD LANE UNLAWFUL TOWN WATER CONNECTIONS
GOV400087, RIS900491****141/20 MOTION: Holden / Shelley****That Council:**

- 1. receive the report by the Manager Governance on the Black Lead Lane Unlawful Town Water Connections; and**
- 2. give notice to effected residents that the current water connections supplied by the Developer will be disconnected effective 30 June 2020 if design and construction plans are not received and approved by 24 April 2020 and implemented by 30 June 2020.**

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

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

Councillor Cavalier and the Chief Financial Officer returned to the Chambers at 6.30pm.

Item 16: Open Council**142/20 MOTION: Shelley / 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.



 Mayor



 General Manager

Item 17: Closure

There being no further business the meeting concluded at 6.32pm.



Mayor



General Manager