

Minutes of the Ordinary Meeting of Council

Held at the Council Chambers, 86 Market Street, Mudgee
on 15 February 2017, commencing at 5.58pm and concluding at 6.22pm.

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

IN ATTENDANCE Acting General Manager (Simon Jones), Acting Director Operations (Sally Mullinger), Director Development (Julie Robertson), Chief Financial Officer (Leonie Johnson), Governance Co-ordinator (Tim Johnston) and Executive Assistant (Mette Sutton).

The Mayor noted the passing in January of well known and respected local Les Cook who was a regular attendee in the gallery at all Council meetings, and the tragic loss of Cameron Cox, a very well liked and talented young man taken tragically following a recent lighting strike on his family's farm.

A minute's silence was held for Mr Les Cook and Mr Cameron Cox.

The Mayor also thanked the RFS and volunteers for the work done to control the Kains Flat Fire and their assistance with the Sir Ivan fire, noting that our thoughts are with everyone affected by these devastating fires.

Item 1: Apologies

01/17 MOTION: Shelley / Holden

That the apology received for Cr O'Neill be accepted.

The motion was carried with the Councillors voting unanimously.

Item 2: Disclosure of Interest

Councillor Cavalier declared a significant non-pecuniary conflict of interest in item 10.1 as he lives on the road that is the subject of the report.

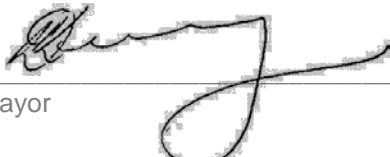
Councillor Holden declared a non-pecuniary conflict of interest in item 12.3 as his daughter has nominated for Youth Council.


Item 3: Confirmation of Minutes

02/17 MOTION: Shelley / Paine

That the Minutes of the Ordinary Meeting held on 14 December 2016 be taken as read and confirmed.

The motion was carried with the Councillors voting unanimously.


Mayor


General Manager

Item 4: Matters in Progress

Nil

Item 5: Mayoral Minute

Nil

Item 6: Notices of Motion or Rescission

Nil

Item 7: Office of the General Manager

The following recommendations 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 a separate resolution number commencing at Resolution No.03/17 and concluding with Resolution No. 05/17.

7.1 REVIEW OF HUMAN RESOURCES POLICIES

GOV400064, A0100021

03/17 MOTION: Shelley / Holden**That Council:**

1. receive the report by the Executive Manager, Human Resources on the Review of Human Resources Policies; and
2. adopt the revised Anti-Discrimination and Equal Employment Opportunity Policy, Workplace Bullying Policy and Work Health and Safety Policy.

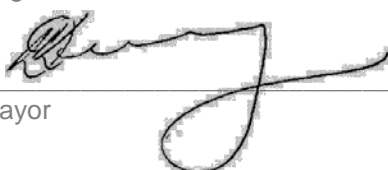
The motion was carried with the Councillors voting unanimously.


7.2 CODE OF MEETING PRACTICE

GOV400064, GOV400020

04/17 MOTION: Shelley / Holden**That Council:**

1. receive the report by the Acting General Manager on the Code of Meeting Practice for Council Meetings;
2. place the amended Code of Meeting Practice on public exhibition for a period of 28 days, but allowing a period of at least 42 days during which submissions may be made to the Council, in accordance with s.361 of the Local Government Act 1993;



Mayor

General Manager

3. adopt the amended Code of Meeting Practice if no submissions are received within the 42 day submission period.

The motion was carried with the Councillors voting unanimously.

7.3 MRTI QUARTERLY REPORT OCTOBER TO DECEMBER 2016
GOV400064, F0770077

05/17 MOTION: Shelley / Holden

That Council receive the report by the Acting General Manager on the MRTI Quarterly Report October to December 2016.

The motion was carried with the Councillors voting unanimously.

Item 8: Development

8.1 DA0135/2017 - ANIMAL BOARDING AND TRAINING ESTABLISHMENT - 120 ROCKY WATERHOLE ROAD, MOUNT FROME

GOV400064, DA0135/2017

06/17 MOTION: Shelley / Karavas

That Council:

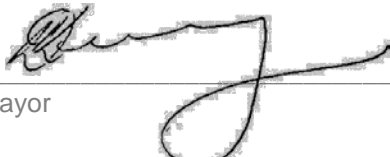
- A. Receive the report by the Town Planner on the DA0135/2017 - Animal Boarding and Training Establishment - 120 Rocky Waterhole Road, Mount Frome;
- B. Approve DA0135/2017 - Animal Boarding and Training Establishment - 120 Rocky Waterhole Road, Mount Frome subject to the following conditions:

APPROVED DEVELOPMENT

1. Development is to be carried out generally in accordance with the following stamped plans:

Plan Title	Reference No.	Date	Prepared by
Site Plan	N/A	January 2017	Unspecified
Stables	N/A	January 2017	Unspecified
Vehicle movements	N/A	January 2017	Unspecified

and the Application received by Council on 09/11/2016 and the further information submitted 19/01/2017 except as varied by the conditions listed



Mayor



General Manager

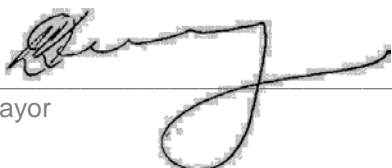
herein. Any minor modification to the approved plans will require the lodgement and consideration by Council of amended plans. Major modifications will require the lodgement of a new development application.

2. The use of the tracks is not to occur before 7:15am during June, July and August and 5:45am in all other months. No operation is to occur on Sundays.
3. Notwithstanding the approved plans the structure is to be located clear of any easements and/or any water and sewer mains in accordance with Council Policy.

PRIOR TO ISSUE OF THE CONSTRUCTION CERTIFICATE – BUILDING

The following conditions must be complied with prior to Council or an accredited Certifier issuing a Construction Certificate for the proposed building.

4. In accordance with the provisions of Section 94A of the Environmental Planning & Assessment Act 1979 and the Mid-Western Regional Council Section 94A Development Contributions Plan, a levy of 1.0% of the cost of carrying out the development shall be paid to Council prior to issue of the Construction Certificate. A cost summary report prepared by a Quantity Surveyor who is registered with the Australian Institute of Quantity Surveyors and undertaken in accordance with Clause 25J of the Environmental Planning & Assessment Regulation 2000 is to be lodged with Council to determine the cost of works to be applied.
5. Prior to release of the Construction Certificate, approval pursuant to Section 68 of the Local Government Act, 1993 to carry out water supply, stormwater and sewerage works is to be obtained from Mid-Western Regional Council.
6. Prior to the issue of a Construction Certificate the applicant is to submit a Waste Management Plan to Mid-Western Regional Council for approval, addressing the collection, storage and disposal methods for all solid and liquid waste that will be generated from the proposed development. A geotechnical engineering report and trade waste application may be required to be submitted to approve any required waste management facility.



Mayor



General Manager

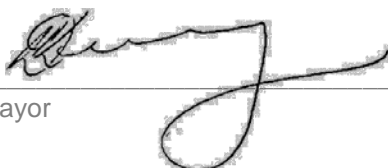
7. A schedule of existing and proposed fire safety measures is to be submitted to the Principal Certifying Authority with the application for the Construction Certificate.

PRIOR TO THE COMMENCEMENT OF WORKS – BUILDING

8. 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.

9. 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
10. A sign must be erected in a prominent position on any work site whilst 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 the building has been completed.
11. Prior to the commencement of works on site, the applicant shall advise Council's Operations Department in writing, of any existing damage to Council property.



Mayor

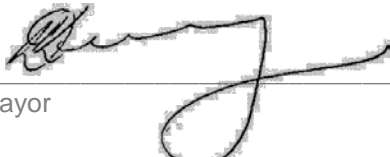


General Manager


12. 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 in place;
 - c) Construction equipment and materials shall be contained wholly within the site unless approval to use the road reserve has been obtained; and
 - d) Toilet facilities are to be provided on the work site at the rate of one toilet for every 20 persons or part of 20 persons employed at the site.
13. A landscaping plan prepared by an appropriately qualified landscape professional is to be lodged with and approved by Council prior to the issue of a Construction Certificate. The landscaping is to assist with screening to the dwellings to the west and north of the site and is to consist primarily of native endemic species.

BUILDING CONSTRUCTION

14. All building work must be carried out in accordance with the provisions of the National Construction Code, the Environmental Planning & Assessment Act 1979 and Regulations and all relevant Australian Standards.
15. All plumbing and drainage work must be carried out by a licensed plumber and drainer and must comply with the Plumbing Code of Australia.
16. Construction work noise that is audible at other premises is to be restricted to the following times:
- Monday to Saturday – 7.00am to 5.00pm
- No construction work noise is permitted on Sundays or Public Holidays.
17. All mandatory inspections required by the Environmental Planning & Assessment Act and any other inspections deemed necessary by the Principal Certifying Authority being carried out during the relevant stage of construction.



Mayor

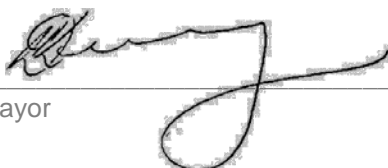


General Manager

18. The approved stables are to be installed in accordance with the manufacturer's requirements.
19. Structural members subject to attack by subterranean termites shall be protected by one of the methods outlined in AS 3660.1 and a durable notice must be permanently fixed to the building in a prominent location, such as a meter box or the like, indicating:
 - a) the method of protection;
 - b) the date of installation of the system;
 - c) where a chemical barrier is used, its life expectancy as listed on the National Registration Authority label; and
 - d) the need to maintain and inspect the system on a regular basis.
20. The strength of the concrete used for the reinforced concrete floor slab must be 25Mpa.
21. 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.
22. 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.
23. All building work is to comply with the requirements of the Access to Premises Standard.
24. In the event of any Aboriginal archaeological material being discovered during earthmoving/construction works, all work in that area shall cease immediately and the Office of Environment and Heritage (OEH) notified of the discovery as soon as practicable. Work shall only recommence upon the authorisation of the OEH.

CIVIL CONSTRUCTION

25. The existing access to Rocky Waterhole Road is to be upgraded to comply with Council's Access to Premises Policy.
26. All earthwork, filling, building, driveways or other works, are to be designed and constructed (including stormwater drainage if necessary) so



Mayor



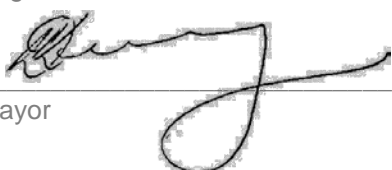
that at no time will any ponding of stormwater occur on adjoining land as a result of this development.

27. A total number of 6 car parking spaces are to be provided within the site of the development and comply with AS 2890.1:2004 and comply with the following requirements:
- a) Each parking space is to have a minimum dimension of 5.5m x 2.6m; and
 - b) One disabled car parking space is to be in accordance with the provisions of AS 2890.6:2009.

PRIOR TO ISSUE OF THE OCCUPATION CERTIFICATE

The following conditions are to be completed prior to occupation of the building and are provided to ensure that the development is consistent with the provisions of the Building Code of Australia and the relevant development consent.

28. 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.
29. All landscaping required by this consent is to be established prior to the issue of an Occupation Certificate. The landscaping is to be maintained in perpetuity for the life of the development.
30. A satisfactory final inspection report undertaken by Council's Development Engineer for the property access upgrade is to be provided prior to the issue of an interim occupation certificate.
31. A management plan for the overall facility is to be prepared to the satisfaction of Council prior to the issue of an interim occupation certificate. The plan is to include waste management (details of composting or disposal to a suitable waste facility), dust suppression management, sediment control, training schedule and noise minimisation as detailed in the application. All staff are to operate the facility in accordance with the management plan.



32. The development is to comply with the requirements of Planning for Bushfire Protection (PBP) 2006 in regard to:

- **Provision of Asset Protection Zones**
- **Sitting & design**
- **Access requirements**
- **Water & utilities**
- **Landscaping**

GENERAL

The following conditions have been applied to ensure that the use of the land and/or building is carried out in a manner that is consistent with the aims and objectives of the environmental planning instrument affecting the land.

- 33. The facility is to be operated in accordance with the NSW Animal Welfare Code of Practice No 3 – Horses in Riding Centres and Boarding Stables.**
- 34. The stables are to be cleaned daily in accordance with the NSW Animal Welfare Code of Practice No 3 and waste is to be disposed of promptly.**
- 35. All exterior and interior 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”.**

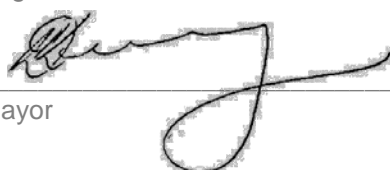
AMENDMENT: Holden/Cavalier

That Council:

- A. Receive the report by the Town Planner on the DA0135/2017 - Animal Boarding and Training Establishment - 120 Rocky Waterhole Road, Mount Frome;
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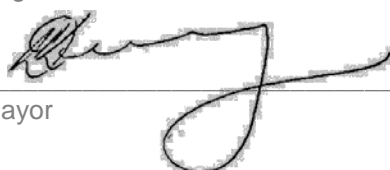
and the Application received by Council on 09/11/2016 and the further information submitted 19/01/2017 except as varied by the conditions listed herein. Any minor modification to the approved plans will require the lodgement and consideration by Council of amended plans. Major modifications will require the lodgement of a new development application.

2. The use of the tracks is not to occur before 7:15am during June, July and August and 5:45am in all other months. No operation is to occur on Sundays.
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PRIOR TO THE COMMENCEMENT OF WORKS – BUILDING

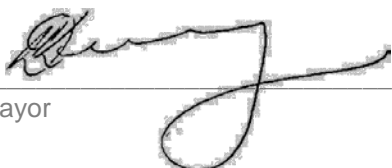
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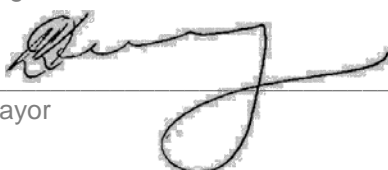
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Mayor

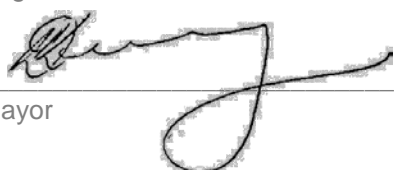


General Manager

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 - b) the date of installation of the system;
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24. In the event of any Aboriginal archaeological material being discovered during earthmoving/construction works, all work in that area shall cease immediately and the Office of Environment and Heritage (OEH) notified of the discovery as soon as practicable. Work shall only recommence upon the authorisation of the OEH.

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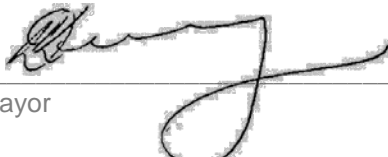


27. A total number of 6 car parking spaces are to be provided within the site of the development and comply with AS 2890.1:2004 and comply with the following requirements:
- a) Each parking space is to have a minimum dimension of 5.5m x 2.6m; and
 - b) One disabled car parking space is to be in accordance with the provisions of AS 2890.6:2009.

PRIOR TO ISSUE OF THE OCCUPATION CERTIFICATE

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28. 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.
29. All landscaping required by this consent is to be established prior to the issue of an Occupation Certificate. The landscaping is to be maintained in perpetuity for the life of the development.
30. A satisfactory final inspection report undertaken by Council's Development Engineer for the property access upgrade is to be provided prior to the issue of an interim occupation certificate.
31. A management plan for the overall facility is to be prepared to the satisfaction of Council prior to the issue of an interim occupation certificate. The plan is to include waste management (details of composting or disposal to a suitable waste facility), dust suppression management, sediment control, training schedule and noise minimisation as detailed in the application. All staff are to operate the facility in accordance with the management plan.
32. The development is to comply with the requirements of Planning for Bushfire Protection (PBP) 2006 in regard to:
- Provision of Asset Protection Zones
 - Sitting & design
 - Access requirements



Mayor



General Manager

- Water & utilities
- Landscaping

GENERAL

The following conditions have been applied to ensure that the use of the land and/or building is carried out in a manner that is consistent with the aims and objectives of the environmental planning instrument affecting the land.

33. The facility is to be operated in accordance with the NSW Animal Welfare Code of Practice No 3 – Horses in Riding Centres and Boarding Stables.
34. The stables are to be cleaned daily in accordance with the NSW Animal Welfare Code of Practice No 3 and waste is to be disposed of promptly.
35. All exterior and interior 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”.

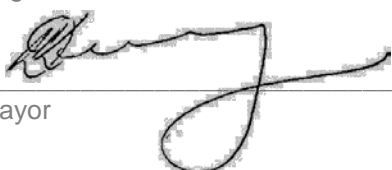
The amendment was put and lost with Councillors voting as follows:

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


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

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

The following recommendations 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



Mayor



General Manager

a separate resolution number commencing at Resolution No.07/17 and concluding with Resolution No. 09/17.

8.2 AMENDMENT TO MID-WESTERN REGIONAL COUNCIL
COMPREHENSIVE LAND USE STRATEGY - 2HA CRITERIA
FOR RURAL RESIDENTIAL DEVELOPMENT

GOV400064, LAN900070

07/17 MOTION: Shelley / Cavalier

That Council:

1. **receive the report by the Manager, Strategic Planning on the Amendment to Mid-Western Regional Council Comprehensive Land Use Strategy – 2ha Criteria for Rural Residential Development;**
2. **adopt with minor changes to the supporting sentences the Amendment to Mid-Western Regional Council Comprehensive Land Use Strategy - Criteria for Rural Residential Development with a two hectare minimum lot size; and**
3. **undertake a review of the Mid-Western Regional Council Comprehensive Land Use Strategy to strategically identify land for rural residential opportunities with a two hectare minimum lot size.**

The motion was carried with the Councillors voting unanimously.

8.3 DELIVERY PROGRAM 2014 - 2017 SIX MONTHLY
PROGRESS REPORT

GOV400064, COR400116

08/17 MOTION: Shelley / Cavalier

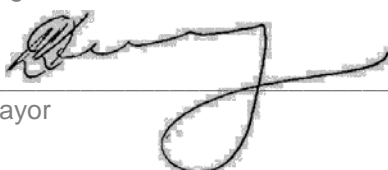
That Council receive the report by the Director Development on the Delivery Program 2014 - 2017 Six Monthly Progress Report.

The motion was carried with the Councillors voting unanimously.


8.4 MONTHLY DEVELOPMENT APPLICATIONS PROCESSING
AND DETERMINED

GOV400064, GOV400043, A100055, A100056

09/17 MOTION: Shelley / Cavalier



Mayor



General Manager

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 COMMUNITY GRANTS PROGRAM APPLICATIONS - QUARTER 3

GOV400064, FIN300122

10/17 MOTION: Holden / Martens

That Council:

- 1. receive the report by the Graduate Accountant - Grants & Contributions on the Community Grants Program Applications - Quarter 3;
- 2. provide financial assistance to the following applicants in accordance with the criteria and guidelines of the Community Grants Program Policy, subject to those requirements being met;

Mudgee Show Society	\$3,000
BreastScreen Greater Western	\$1,450
Rylstone Pony Club	\$406
Mudgee Lions Club – Plein Air Art Exhibition	\$168

- 3. do not collect a facility hire bond from the following applicant for the event details in this report;

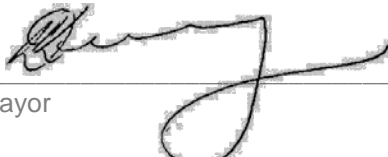
**Rylstone Pony Club
Mudgee Lions Club – Plein Air Art Exhibition**

- 4. do not support the following requests for financial assistance, for the reasons provided in the report;


**Raelene Tant “Nott So Fast”
Vision Australia Black & White Committee**

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

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



 Mayor



 General Manager

Cr Holden

✓

The following recommendations 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 a separate resolution number commencing at Resolution No.10/17 and concluding with Resolution No. 17/17.

9.2 MONTHLY STATEMENT OF INVESTMENT AND BANK
BALANCES AS AT 31 DECEMBER 2016

GOV400064, FIN300053

11/17

MOTION: Shelley / Karavas**That Council:**

1. **receive the report by the Manager, Financial Planning on the Monthly Statement of Investment and Bank Balances as at 31 December 2016; and**
2. **note the certification of the Responsible Accounting Officer.**

The motion was carried with the Councillors voting unanimously.

9.3 MONTHLY STATEMENT OF INVESTMENT AND BANK
BALANCES AS AT 31 JANUARY 2017

GOV400064, FIN300053

12/17

MOTION: Shelley / Karavas**That Council:**

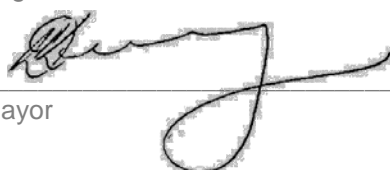
1. **receive the report by the Manager, Financial Planning on the Monthly Statement of Investment and Bank Balances as at 31 January 2017;**
2. **note the certification of the Responsible Accounting Officer.**

The motion was carried with the Councillors voting unanimously.

9.4 QUARTERLY BUDGET REVIEW STATEMENT DECEMBER
2016

GOV400064, FIN300065

13/17

MOTION: Shelley / Karavas**That Council:**

Mayor



General Manager

1. receive the report by the Manager, Financial Planning on the Quarterly Budget Review Statement December 2016;
2. amend the 2016/17 Operational Plan in accordance with the variations as listed in the Quarterly Budget Review Statement attachment to this report;
3. approve the transfer of \$4,700,000 into the Land Development reserve for future investment in Council's commercial property portfolio, as detailed in the December Quarterly Budget Review Statement; and
4. note the opinion of the Responsible Accounting Officer regarding the satisfactory financial position of Council, based upon the revised estimates of income and expenditure.

The motion was carried with the Councillors voting unanimously.

9.5 MINOR LOCALITY BOUNDARY ADJUSTMENT BETWEEN TWO MILE FLAT & PIAMBONG LOCALITIES

GOV400064, R0790121

14/17

MOTION: Shelley / Karavas

That Council:

1. receive the report by the Property Support Officer on the Minor Locality Boundary Adjustment between Two Mile Flat & Piambong Localities;
2. approve this Locality boundary adjustment, to enable Property Numbers 7675, 6178 & 6928 to be sited in the Two Mile Flat Locality.

The motion was carried with the Councillors voting unanimously.

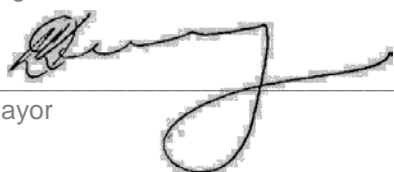
9.6 MINOR LOCALITY BOUNDARY ADJUSTMENT BETWEEN COPE & ULAN LOCALITIES

GOV400064, R0790212

15/17

MOTION: Shelley / Karavas

That Council:



Mayor



1. receive the report by the Property Support Officer on the Minor Locality Boundary Adjustment between Cope & Ulan Localities;
2. approve this Locality boundary adjustment, to enable Property Numbers 13909, 13910, 13911, 13912, 13913, 13914, 13916, 13917, 13918, 13920, 13923, 14035 & 19210 to be sited in the Cope Locality.

The motion was carried with the Councillors voting unanimously.

9.7 NAMING OF UNNAMED ROAD OFF BYLONG VALLEY WAY
UPPER GROWEE

GOV400064, R0790051

16/17 MOTION: Shelley / Karavas

That Council:

1. receive the report by the Property Support Officer on the Naming of unnamed road off Bylong Valley Way Upper Growee;
2. name this road Greenhills Swamp Lane;
3. requires cost and installation of one street sign to be met by Mr Johnston.

The motion was carried with the Councillors voting unanimously.

9.8 NAMING OF UNNAMED ROAD OFF BYLONG VALLEY WAY
UPPER GROWEE

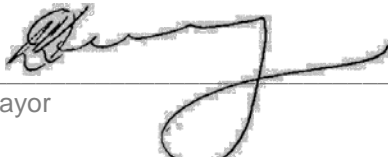
GOV400064, R0790041

17/17 MOTION: Shelley / Karavas


That Council:

1. receive the report by the Property Support Officer on the Naming of unnamed road off Bylong Valley Way Upper Growee;
2. formally approve the name of Jimmy Jimmy Road for this unnamed road.

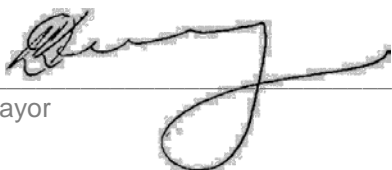
The motion was carried with the Councillors voting unanimously.



Mayor



General Manager



A handwritten signature in black ink, appearing to be 'A. King', written over a horizontal line.

Mayor



A handwritten signature in black ink, appearing to be 'B. ...', written over a horizontal line.

General Manager

9.9 NAMING OF UNNAMED ROAD OFF BYLONG VALLEY WAY
ILFORD

GOV400064, R0790041

18/17

MOTION: Shelley / Karavas**That Council:**

1. receive the report by the Property Support Officer on the Naming of unnamed road off Bylong Valley Way Ilford; and
2. formally approve the name of Cotter Lane for this unnamed road.

The motion was carried with the Councillors voting unanimously.

Item 10: Operations

Councillor Cavalier declared a significant non-pecuniary conflict of interest in item 10.1 as he lives on the road that is the subject of the report, left the room at 6.13pm and did not participate in discussion or vote in relation to this matter.

10.1 BLACK LEAD LANE EXTENSION

GOV400064, R0133002

19/17

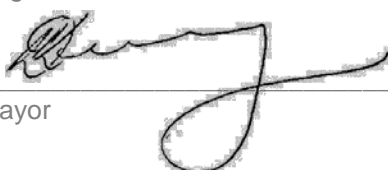
MOTION: Shelley / Thompson**That Council:**


1. receive the report by the Senior Works Engineer on the Black Lead Lane Maintenance Extension;
2. undertake the upgrade works, add Black Lead Lane to the maintained road list and Roads Asset Management Plan; and
3. amend the 2016/17 Operational Plan to allow \$10,000 for road construction funded from unrestricted cash.

The motion was carried with the Councillors voting unanimously.

Councillor Cavalier returned to the room at 6.15pm.

The following recommendations were adopted as a whole, being moved by Cr Shelley, seconded by Cr Martens and carried with Councillors voting unanimously. Each recommendation is recorded with a separate resolution number commencing at Resolution No.19/17 and concluding with Resolution No. 28/17.



Mayor

General Manager

10.2 MUDGEE COMMON PLAN OF MANAGEMENT POST EXHIBITION REPORT

GOV400064, PAR300022

20/17

MOTION: Shelley / Martens

That Council:

1. **receive the report by the Environment Officer on the Mudgee Common Plan of Management Post Exhibition Report; and**
2. **endorse the Mudgee Common Plan of Management with the minor amendments noted.**

The motion was carried with the Councillors voting unanimously.

10.3 EASEMENT CREATION FOR SEWERAGE AND STORMWATER DRAINAGE LOT122 DP1074283

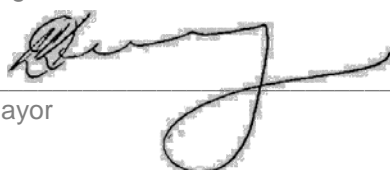
GOV400064, 2299416391

21/17

MOTION: Shelley / Martens

That Council:

1. **receive the report by the Manager, Water and Sewer and Revenue and Property Manager on the Easement creation for sewerage and stormwater drainage Lot122 DP1074283**
2. **grant a 3 metre wide easement to drain sewer and a 2 metre wide easement to drain stormwater burdening Lot 122 DP 1074283 (10-12 Burrundulla Avenue Mudgee) and benefitting Lot 1102 DP 1200514 (6A Burrundulla Avenue Mudgee);**
3. **directs that the easements run adjacent to the existing open stormwater channel and in close proximity to the northern boundary of Lot 122 DP 1074283;**
4. **not seek compensation for the grant of a 3 metre wide easement to drain sewer and a 2 metre wide easement to drain stormwater burdening Lot 122 DP 1074283 (10-12 Burrundulla Avenue Mudgee) and benefitting Lot 1102 DP 1200514 (6A Burrundulla Avenue Mudgee) from the owner of Lot 1102 DP 1200514;**
5. **authorises the General Manager to determine any other terms or conditions in relation to the details of the granting of the easements burdening Lot 122 DP 1074283 and benefitting Lot 1102 DP 1200514;**



6. **authorises the General Manager and Mayor to sign all documentation required to give effect to this resolution and**
7. **authorises the Common Seal be affixed to any documentation required to give effect to this resolution.**

The motion was carried with the Councillors voting unanimously.

10.4 RFT 2016/25 SEWER MAINS REHABILITATION PROGRAM
2016-2019

GOV400064, RFT 2016/25

22/17

MOTION: Shelley / Martens

That Council:

1. **receive the report by the Senior Water Engineer for RFT 2016/25 Sewer Main Rehabilitation Program 2016-2019;**
2. **accept the tender of Interflow Pty Ltd for tender RFT 2016/25 for Sewer Mains Rehabilitation Program 2016-2019 and that Council enter into a contract with Interflow Pty Ltd in accordance with clause 178 of the Local Government (General) Regulation 2005;**
3. **authorise the General Manager to finalise and execute the contract on behalf of Council with Interflow Pty Ltd for Sewer Mains Rehabilitation Program 2016-2019 and**
4. **notify the unsuccessful tenderers that their tenders were unsuccessful.**

The motion was carried with the Councillors voting unanimously.

10.5 RFT 2017/01 WINNING, CRUSHING AND SCREENING OF
MATERIAL FROM CURRAN'S CUTTING FOR THE WOLLAR
ROAD UPGRADE

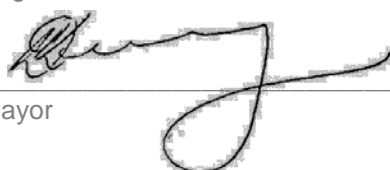
GOV400064, COR400143

23/17

MOTION: Shelley / Martens

That Council:

1. **receive the report by the Acting Director Operations on the RFT 2017/01 Winning, Crushing and Screening of Material from Curran's Cutting for the Wollar Road Upgrade; and**



Mayor



2. not accept any tenders and undertakes the work in accordance with the Local Government (General) Regulations 2005, Regulation 178 (3) f.

The motion was carried with the Councillors voting unanimously.

Item 11: Community

11.1 MID-WESTERN DISABILITY INCLUSION ACTION PLAN
GOV400064, COS300015, A0060008

24/17 MOTION: Shelley / Martens

That Council:

1. receive the report by the Manager, Community Services on the Mid-Western Disability Inclusion Action Plan;
2. endorse the Mid-Western Disability Inclusion Action Plan.

The motion was carried with the Councillors voting unanimously.

11.2 COMMONWEALTH HOME SUPPORT PROGRAM
QUARTERLY UPDATE
GOV400064, A0060030, COS300013, COS300023, COS300026,
COS300025

25/17 MOTION: Shelley / Martens

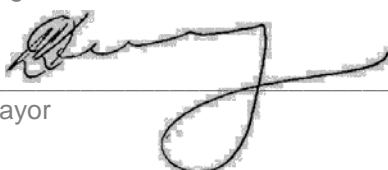
That Council:

1. receive the report by the Manager, Community Services on the Commonwealth Home Support Program Quarterly Update;
2. note the activity reports from the Commonwealth Home Support Program funded services.

The motion was carried with the Councillors voting unanimously.

11.3 LIBRARY SERVICES - QUARTERLY REPORT
GOV400064, F0620020

26/17 MOTION: Shelley / Martens



Mayor



General Manager

That Council receive and note the report by the Acting General Manager on the Library Services - Quarterly Report.

The motion was carried with the Councillors voting unanimously.

11.5 MUDGEE TOWN HALL CINEMA 2016 ACTIVITY
GOV400064, REC800016, GOV400054

27/17 MOTION: Shelley / Martens

That Council:

- 1. receive the report by the Library Services Coordinator on the Mudgee Town Hall Cinema 2016 Activity and**
- 2. note the significant community patronage, fundraising activity and Rotary volunteer contribution.**

The motion was carried with the Councillors voting unanimously.

Item 12: Reports from Committees

12.1 MUDGEE SHOWGROUND MANAGEMENT COMMITTEE
GOV400064, F0650007

28/17 MOTION: Shelley / Martens

That Council:

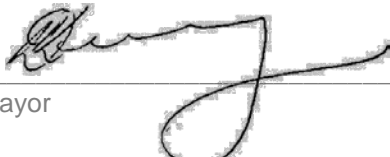
- 1. receive the report by the Manager, Plant and Facilities on the Mudgee Showground Management Committee and**
- 2. note the contents of the minutes of the Mudgee Showground Management Committee Meeting held on 8 November 2016.**

The motion was carried with the Councillors voting unanimously.


12.2 GULGONG SPORTS COUNCIL
GOV400064, A0360003

29/17 MOTION: Shelley / Martens

That Council:



Mayor



General Manager

1. receive the report by the Acting General Manager on the Gulgong Sports Council Meeting 14 November and 6 December, 2016;
2. note the minutes of the Gulgong Sports Council Meetings held on 14 November and 6 December, 2016.

The motion was carried with the Councillors voting unanimously.

11.4 NATIONAL GENERAL ASSEMBLY OF LOCAL GOVERNMENT 2017

GOV400064, A0110014

30/17

MOTION: Shelley / Holden

That Council:

1. receive the report by the Acting General Manager on the National General Assembly of Local Government 2017;
2. do not support attendance at the 2017 National Assembly of Local Government.

The motion was carried with the Councillors voting unanimously.

Councillor Holden declared a non-pecuniary conflict of interest in 12.3 as his daughter has nominated for Youth Council, left the room at 6.17pm and did not participate in discussion or vote in relation to this matter.

12.3 MID-WESTERN REGIONAL YOUTH COUNCIL

GOV400064, COS300610

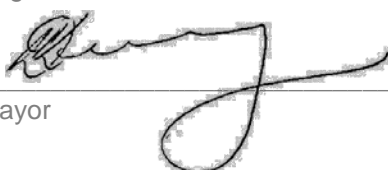
31/17

MOTION: Shelley / Karavas

That Council:

1. receive the report by the Manager, Community Services on the Youth Council;
2. Council re-confirm the appointment of continuing Youth Councillors Louise Blackwell (Youth Mayor), Brody Munday (Deputy Mayor), Angus Blackwell, Dylan Hayes Weber, Nicola Hayes Weber and Campbell Stubbs;
3. Council endorse the nominations of Andrea Holden, Chloe Staub and Daniel Trevethan as Youth Councillors.

The motion was carried with the Councillors voting unanimously.



Mayor



General Manager

Councillor Holden returned to the room at 6.18pm.

The following recommendations were adopted as a whole, being moved by Cr Shelley, seconded by Cr Martens and carried with Councillors voting unanimously. Each recommendation is recorded with a separate resolution number commencing at Resolution No.31/17 and concluding with Resolution No. 34/17.

12.4 RYLSTONE SPORTS COUNCIL

GOV400064, A0360030

32/17

MOTION: Shelley / Martens

That Council:

1. **receive the report by the Acting General Manager on the Rylstone Sports Council Meeting ;**
2. **note the minutes of the RylstoneSports Council Meeting held on 7th December, 2016;**
3. **endorse the Terms of Reference for the Rylstone Sports Council.**

The motion was carried with the Councillors voting unanimously.

12.5 CULTURAL DEVELOPMENT COMMITTEE

GOV400064, REC800019

33/17

MOTION: Shelley / Martens

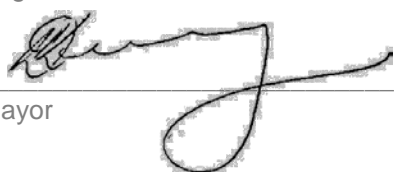
That Council:

1. **receive the report by the Manager, Community Services on the Cultural Development Committee;**
2. **note the minutes of the Cultural Development Committee meeting held on 5 December 2016;**
3. **endorse Kylie Yates and Robyn Munro as new members of the Cultural Development Committee.**

The motion was carried with the Councillors voting unanimously.

12.6 LOCAL TRAFFIC COMMITTEE MEETING MINUTES - JANUARY

GOV400064, A0100009



34/17

MOTION: Shelley / Martens**That Council:**

1. receive the report by the Manager Development Engineering on the Local Traffic Committee Meeting Minutes - January;
2. note the minutes of the Local Traffic Committee meeting held on 20 January 2017 including the items listed under General Business;
3. relocate the existing Disabled Parking Space on Market Street to Perry Street;
4. approve the use of a temporary "No Parking" Zone in connection with the Mudgee Show;
5. install a "Stop" Sign on Madeira Road at the intersection with Henry Bayly Drive and update line marking accordingly;
6. decline the request for a 15 minute time parking zone on Church Street at the front of Ironed Out and Fancy Dress to operate during business hours Monday to Friday; and
7. move the existing "Give Way Sign" on Narrango Road to the east as close as practicable to the intersection such that the face of the sign is not prominently in view of road users on Glen Alice Road, re-line mark the Give Way lines and install W2-16 on Glen Alice Road for both approaches to Narrango Road.

The motion was carried with the Councillors voting unanimously.

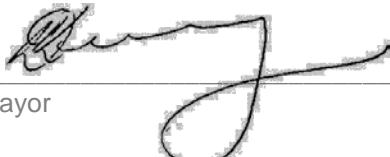
12.7 MUDGEE SPORTS COUNCIL

GOV400064, A0360013

35/17

MOTION: Shelley / Martens**That Council:**

1. receive the report by the Acting General Manager on the Mudgee Sports Council Meeting Minutes, 28th November, 2016 and 30th December, 2017;
2. note the minutes for the Mudgee Sports Council Meeting held 28th November 2016 and 30th January 2017;
3. endorse the amended Terms of Reference for the Mudgee Sports Council.



Mayor



General Manager

The motion was carried with the Councillors voting unanimously.

Item 13: Urgent Business Without Notice

Nil

Item 14: Confidential Session

36/17 MOTION: Cavalier / Holden

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 Acting General Manager announced that the following matters would be considered in confidential session and the reason why it was being dealt with in this way.

14.1 Acquisition of land known as Curran's Cutting for Wollar Road Upgrade

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 Commercial in confidence information.

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

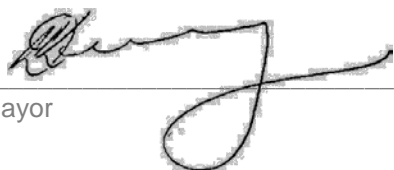
14.1 ACQUISITION OF LAND KNOWN AS CURRAN'S CUTTING
FOR WOLLAR ROAD UPGRADE

GOV400064, P1320211

37/17 MOTION: Shelley / Thompson

That Council:

- 1. receive the report by the Acting Director Operations on the Acquisition of land known as Curran's Cutting for Wollar Road Upgrade ;**
- 2. resolve to acquire by agreement 2.74Ha or Lot 232 DP 257572 (the property) by agreement with the land owner for the purpose of public road; and**



3. **confirms that upon acquisition, the property is intended to be classified as operational land and dedicated a public road.**

The motion was carried with the Councillors voting unanimously.

Item 15: Urgent Confidential Business Without Notice

Nil

Item 16: Open Council

38/17

MOTION: Cavalier / Thompson

That: Council move to Open Council.

The motion was carried with the Councillors voting unanimously.

The Acting General Manager announced the decisions taken in Confidential Session.

Item 17: Closure

There being no further business the meeting concluded at 6.22pm.

