

Minutes of the Ordinary Meeting of Council

Held at the Council Chambers, 86 Market Street, Mudgee
on 21 October 2020, commencing at 5.35pm and concluding at 6.12pm.

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 phone).

IN ATTENDANCE General Manager (Brad Cam), Executive Manager Human Resources
(Michele George), Director Operations (Garry Hemsworth), Chief Financial
Officer (Leonie Johnson), Acting General Manager (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 9.8 as he is a member of the Regional Planning Panel that will consider the project in the future.

Councillor Holden declared a significant non-pecuniary conflict of interest in item 9.8 as he is a member of the Regional Planning Panel that will consider the project in the future.

General Manager, Brad Cam, declared a significant non-pecuniary conflict of interest in item 14.2 as he is the Chair of Housing Plus.

Item 3: Confirmation of Minutes

316/20 MOTION: Shelley / Martens

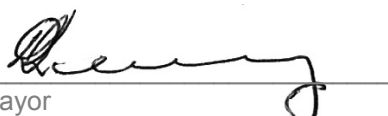
That the Minutes of the Ordinary Meeting held on 16 September 2020 be taken as read and confirmed.

The motion was carried with the Councillors voting unanimously.

Item 4: Matters in Progress

317/20 MOTION: Shelley / Cavalier

That the Matter in Progress Clandulla Recreational Ground Toilet Construction Res 215/20 Ordinary Meeting 15/7/20 be noted as complete.


Mayor


General Manager

The motion was carried with the Councillors voting unanimously.

Item 5: Mayoral Minute

Nil

Item 6: Notices of Motion or Rescission

6.1 GULGONG MPS

GOV400087, A0100035; GOV400022

318/20 MOTION: Cavalier / Shelley

That Council:

- 1. organise a delegation via a zoom meeting to meet with the Federal Minister for Health and the NSW Health Minister to discuss an immediate resolution to the situation that leaves Gulgong MPS without a VMO;**
- 2. makes continual presentations to NSW Health, Western NSW Local Health District and the relevant Ministers and MPS until such time as the situation is resolved;**
- 3. makes contact with other councils across the remote and western areas of NSW to gauge whether they are experiencing similar situations within their LGAs; and**
- 4. consider a further report to be brought back to Council with the outcomes of these discussions.**

The motion was carried with the Councillors voting unanimously.

The following recommendations (item 7.1 to item 9.7) 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.319/20 and concluding at resolution No.329/20.

Item 7: Office of the General Manager


7.1 GENERAL MANAGER DELEGATION

GOV400087, A0230005

319/20 MOTION: Shelley / Martens

That Council:

- 1. receive the report by the Manager Governance on the**



Mayor



General Manager

General Manager Delegation;

2. amend the Instrument of Delegation of Authority of the General Manager as resolved by Council 19th February 2020 motion 12/20 part 10 Bushfire Recovery Budgetary Requirements and Financial Relief for Affected Residents and Council 16th September 2020 motion 272/20 Reporting on Number of DCP Variations; and
3. adopt the updated Instrument of Delegation of Authority of the General Manager including amending delegation 4.5 to read '5 working days and 2 Councillors'.

The motion was carried with the Councillors voting unanimously.

Item 8: Development**8.1 WOLLAR SOLAR FARM VOLUNTARY PLANNING AGREEMENT**

GOV400087, LAN900086

320/20 MOTION: Shelley / Martens**That Council:**

1. receive the report by the Director Development on the Wollar Solar Farm Voluntary Planning Agreement;
2. place the draft Voluntary Planning Agreement and Explanatory Note on public exhibition for 28 days;
3. if no submissions are received during public exhibition, endorse and authorise the Mayor to finalise and execute the Voluntary Planning Agreement; and
4. if submissions are received during public exhibition receive a further report following the exhibition period.


The motion was carried with the Councillors voting unanimously.

8.2 2020-21 LOCAL HERITAGE GRANT ALLOCATION

GOV400087, GRA600042

321/20 MOTION: Shelley / Martens**That Council:**

1. receive the report by the Manager, Strategic Planning on



Mayor

General Manager

- the 2020-21 Local Heritage Grant Allocation; and
2. provide a Local Heritage Grant to the following projects:
- a) \$4000 for re-painting of roof at Henry Lawson Museum 147 Mayne Street, Gulgong;
 - b) \$3,500 for repairs to existing roof at Cottage Museum 28-30 Louee Street, Rylstone;
 - c) \$3,500 for repainting of façade and signage at Opera House 101 Mayne Street, Gulgong.

The motion was carried with the Councillors voting unanimously.

8.3 MONTHLY DEVELOPMENT APPLICATIONS PROCESSING
AND DETERMINED

GOV400087, A0420109

322/20 MOTION: Shelley / Martens

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

The motion was carried with the Councillors voting unanimously.

Item 9: Finance

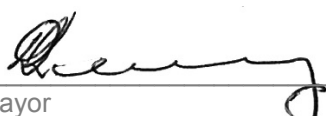
9.1 DRAFT LONG TERM FINANCIAL PLAN 2020-2030

GOV400087, FIN300201

323/20 MOTION: Shelley / Martens

That Council:

1. receive the report by the Manager Financial Planning on the Draft Long Term Financial Plan 2020-2030;
2. endorse the draft Long Term Financial Plan 2020-2030 to go on public exhibition for a period of 28 days;
3. request a report be returned to Council after the period of exhibition, if any submissions are received for consideration; and
4. if no submissions are received adopt the Long Term Financial Plan 2020-2030.



Mayor



General Manager

The motion was carried with the Councillors voting unanimously.

9.2 MONTHLY STATEMENT OF INVESTMENTS AND BANK
BALANCES AS AT 30 SEPTEMBER 2020

GOV400087, FIN300053

324/20 MOTION: Shelley / Martens

That Council:

1. receive the report by the Manager Financial Planning on the Monthly Statement of Investments and Bank Balances as at 30 September 2020; and
2. note the certification of the Responsible Accounting Officer.

The motion was carried with the Councillors voting unanimously.

9.3 MONTHLY BUDGET REVIEW - SEPTEMBER 2020

GOV400087, FIN300240

325/20 MOTION: Shelley / Martens

That Council:

1. receive the report by the Manager Financial Planning on the Monthly Budget Review - September 2020; and
2. amend the 2020/21 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.

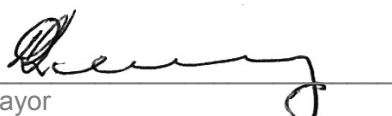
9.4 COMMUNITY GRANTS PROGRAM - OCTOBER 2020

GOV400087, FIN300159

326/20 MOTION: Shelley / Martens

That Council:

1. receive the report by the Manager Financial Planning on the Community Grants Program - October 2020;
2. provide financial assistance to the following applications in accordance with the criteria and guidelines of the Community Grants Policy;


Mayor


General Manager

Kandos Rylstone Men's Shed	\$1,112
Rotary District 9670	\$1,000

3. **decline to provide financial assistance to the following applications in accordance with the criteria and guidelines of the Community Grants Policy;**

Mudgee & District Motorcycle Club

The motion was carried with the Councillors voting unanimously.

9.5 REVIEW OF DEBT MANAGEMENT AND RECOVERY PROCEDURES

GOV400087, A0340005

327/20

MOTION: Shelley / Martens


That Council:

1. **receive the report by the Revenue and Property Manager on the Review of Debt Management and Recovery Procedures;**
2. **note the variation to the Local Government (General) Regulation 2005 to extend the period during which the special COVID-19 pandemic provisions apply to s747AB of the Local Government Act 1993 to end on 25 March 2021;**
3. **determine to approve, as an addition to the current provisions of the Debt Management and Recovery Policy, the issue of a new notification outlining the provisions of the extended s747AB considerations to ratepayers where debts remain outstanding after the due date/s for payment; and**
4. **note a review of the effectiveness of the new notification will be conducted in February 2021 and the results will be reported to the General Manager for consideration as to formalising this extra step in the Debt Management and Recovery Policy.**

The motion was carried with the Councillors voting unanimously.

9.6 RE-NAMING OF A NEW ROAD IN A SUBDIVISION OFF ADAMS LEAD ROAD GULGONG.

GOV400087, R0790041 P25207



Mayor



General Manager

328/20 **MOTION:** **Shelley / Martens**

That Council:

1. **receive the report by the Property Support Officer and Revenue Officer on the re-naming of a new road in a subdivision off Adams Lead Road Gulgong; and**
2. **name this road Peru Road.**

The motion was carried with the Councillors voting unanimously.

9.7 **NAMING OF A DOG EXERCISE AREA IN THE LOCALITY OF PUTTA BUCCA**

GOV400087, PAR300020 P0309411

329/20 **MOTION:** **Shelley / Martens**

That Council:

1. **receive the report by the Property Support Officer and Revenue Officer on the naming of a dog exercise area in the locality of Putta Bucca; and**
2. **support the name of Jennie Blackman Park.**

The motion was carried with the Councillors voting unanimously.

Councillors Cavalier and Holden declared a significant non-pecuniary conflict of interest in item 9.8 as they are both members of the Regional Planning Panel that will consider the project in the future. They left the Chambers at 6:10pm and did not participate in discussion or vote in relation to this matter.


9.8 **MWRC SOLAR ARRAY - STAGE 2**

GOV400087, ENE100032

330/20 **RECOMMENDATION** **Shelley / Karavas**

That Council:

1. **receive the report by the Chief Financial Officer on the MWRC Solar Array - Stage 2;**
2. **note the result of the Solar Array business case is that the payback period for the investment is 11 years, and provides a positive Return on Investment supporting continuation of the project;**
3. **note that the Capital expenditure review is complete;**



Mayor



General Manager

4. **approve progression of the MWRC Solar Array to Stage 2 – detailed design and construction trade package tender process;**
5. **approve proceeding with the biodiversity corridor and civil construction works as detailed in the report;**
6. **amend the 2019/20 Budget to allocate an additional \$665,000 towards the MWRC Solar Array, funded from the capital reserve; and**
7. **request a report be brought back to Council with the detailed design and revised construction cost estimates for Stage 3.**

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

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

Councillors Cavalier and Holden returned to the Chambers at 6:01pm.

The following recommendations (item 10.1 to item 12.3) 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.331/20 and concluding at resolution No.338/20.

Item 10: Operations

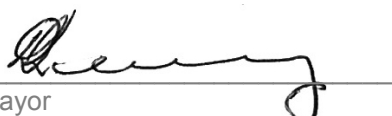
10.1 PARKING STUDY - MUDGEES CBD

GOV400087, COR400215

331/20 MOTION: Shelley / Martens

That Council:

1. **receive the report by the Director Operations on the Parking Study - Mudgee CBD;**
2. **endorse the draft Parking Study – Mudgee CBD with the following amendments:**
 - **remove Short Street from point 4 of the Parking Management Changes;**
 - **remove point 5 of the Parking Management Changes in**


Mayor


General Manager

- regard to the taxi rank zone Mortimer Street;
3. place the draft parking Study – Mudgee CBD on public exhibition for a period of 28 days;
 4. if there are no submissions received;
 - 4.1 adopt the study;
 - 4.2 implement the ‘Parking Management Changes’ outlined in the body of the report; plus changes
 - 4.3 amend the 2020/21 budget to include an expenditure budget for Mudgee CBD Parking Improvements in the amount of \$30,000 funded from unrestricted cash; and
 5. if submissions are received, a further report will be brought back to Council to consider the submissions and seek to endorse next steps.

The motion was carried with the Councillors voting unanimously.

Item 11: Community

11.1 DRAFT POLICY - CAMERA SURVEILLANCE

GOV400087, GOV400047

332/20 MOTION: Shelley / Martens

That Council:


1. receive the report by the Manager Governance on the Draft Camera Surveillance Policy;
2. place the draft Camera Surveillance policy on exhibition for 28 days; and
3. adopt the Camera Surveillance policy if no submissions are received.

The motion was carried with the Councillors voting unanimously.

11.2 AMENDMENT TO THE 2020-21 FEES AND CHARGES - CASUAL POOL ENTRY

GOV400087, FIN300240; F0640002

333/20 MOTION: Shelley / Martens



Mayor



General Manager

That Council:

1. receive the report by the Manager - Recreation Services on the Amendment to the 2020-21 Fees and Charges - Casual Pool Entry;
2. approve the casual pool admission fees, as follows:
 - 2.1 Adult reduced to \$5.00; and
 - 2.2 Child reduced to \$3.00.

The motion was carried with the Councillors voting unanimously.

11.3 2019-20 POOL SEASON PASS REFUND

GOV400087, FIN300240; F0640002

334/20

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

1. receive the report by the Manager - Recreation Services on the 2019-20 Pool Season Pass Refund; and
2. approve a percentage refund for eligible 2019-20 season pass applicants as a result of an early pool closure due to COVID-19 pandemic, as follows:
 - 2.1 Full season pass – 16% refund
 - 2.2 Half season pass – 30% refund

The motion was carried with the Councillors voting unanimously.

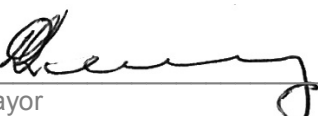
11.4 ADJUSTMENTS TO COMMUNITY DEVELOPMENT FUNDING ARRANGEMENTS

GOV400087, COS300816

335/20

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

1. receive the report by the Manager, Community Services on the Adjustments to Community Development Funding Arrangements; and
2. authorise the General Manager to execute the funding agreement presented by Department of Communities and Justice on targeted early intervention.



Mayor



General Manager

The motion was carried with the Councillors voting unanimously.


Item 12: Reports from Committees

12.1 LOCAL TRAFFIC COMMITTEE - SEPTEMBER MEETING 2020 GOV400087, A0100009

336/20 MOTION: Shelley / Martens

That Council:

1. receive the report by the Administration Officer, Operations on the Local Traffic Committee - September Meeting 2020; and
2. Approve the amendment – “Mudgee Triathlon Race Season 2020/21”, be classified as a class 2 Event under the ‘Guide to Traffic and Transport Management for Special Events Version 3.5’ and proceeds with the following conditions:
 - a) Events are to be undertaken in accordance with the “Guidelines for Bicycle Road Races”;
 - b) A Special Events Transport Management Plan (TMP), is to be prepared in accordance with the “Guide to Traffic and Transport Management for Special Events Version 3.5 and submitted to and approved by Council prior to the event;
 - c) Events are to be undertaken in accordance with the requirements of the NSW Police Force with their approval documentation forwarded to Council for notation;
 - d) Controlling noise as required by the Protection of the Environment Operations (Noise Control) Regulation 2000;
 - e) Reimbursing Council for the cost of damage repairs;
 - f) Complying with any of Council’s Law Enforcement Officers reasonable directives;
 - g) Maintain areas in a clean and tidy condition. No obstructions are to be left on the roadways or footpaths;
 - h) A Traffic Control Plan (TCP) certified by a person with a ‘Select & Modify ‘or a ‘Design and Audit’ Certificate be included in the TMP;
 - i) Any person directing traffic on a public road is required to possess an appropriate traffic controller’s certificate;
 - j) Council must be provided with a current copy of a public liability insurance policy in the amount of at least \$20 million. Such a policy is to note that Council, Transport for NSW and NSW Police Force is indemnified against any possible action as the result of the event;
 - k) The event convener is to notify all affected businesses and residents adjacent to the proposed closure indicating the period during which their accesses will be affected. Such notification is to be in writing;



Mayor



General Manager

- l) Maintain a four-metre wide emergency vehicle lane;
- m) Advertise the proposed event in local newspapers with relevant information at least 2 weeks prior to the date;
- n) The organiser is to have a debrief with Council and Police with all traffic control documentation and controls tabled for review; and
- o) Transport for NSW consent required for use of the State and Regional road network

The motion was carried with the Councillors voting unanimously.

12.2 MID-WESTERN REGIONAL COUNCIL ACCESS COMMITTEE
GOV400087, COS300797

337/20 MOTION: Shelley / Martens

That Council:

1. receive the report by the Manager, Community Services on the Mid-Western Regional Council Access Committee; and
2. note the minutes of the Mid-Western Regional Council Access Committee convened on 6 October 2020.

The motion was carried with the Councillors voting unanimously.

12.3 MID-WESTERN REGIONAL YOUTH COUNCIL
GOV400087, COS300610

338/20 MOTION: Shelley / Martens

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 meetings convened on 11 August 2020 and 8 September 2020; and
3. endorse Joshua Smith as a Youth Councillor.

The motion was carried with the Councillors voting unanimously.

339/20 MOTION: Shelley / Paine

That Council accept the Urgent Business Without Notice.

The motion was carried with the Councillors voting unanimously.

Item 13: Urgent Business Without Notice**13.1 NSW GOVERNMENT SHOWGROUND STIMULUS FUNDING - PHASE 2**

GOV400087, GRA600002

340/20 MOTION: Shelley / Martens**That Council:**

- 1. receive the report by the Director Community on the NSW Government Showground Stimulus Funding - Phase 2 ;**
- 2. accept \$73,000 (Inc. GST) grant funding from Phase 2 of the NSW Government Showground Stimulus funding and authorise the Mayor or General Manager to finalise and sign the funding agreement with NSW Government; and**
- 3. amend the 2020/21 Budget as follows:**
 - Rylstone Showground Accessibility improvements and amenities building upgrade – allocate \$75,000 (ex GST) with \$ 66,363 funded from grants and \$8,637 funded from Capital Reserve.**

The motion was carried with the Councillors voting unanimously.

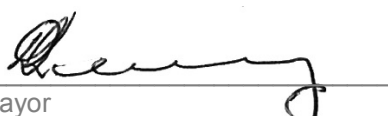
Item 14: Confidential Session**341/20 MOTION: Shelley / Cavalier****That pursuant to the provisions of Section 10 of the Local Government Act, 1993, the meeting be closed to the public.**

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 Proposed Acquisition of 70 Court Street, Mudgee

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 and information that would, if disclosed, confer a commercial advantage on a competitor of the Council in accordance with Section 10A(2)(c) and (d)(ii) of the Local Government Act, 1993.

Discussion of this matter in an open meeting would be, on balance, contrary to the public



Mayor

General Manager

interest as it involves discussion of financial information.

14.2 Safe Places Grant

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 information of a confidential nature that would, if disclosed, prejudice the commercial position of the person who supplied it.

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

14.1 PROPOSED ACQUISITION OF 70 COURT STREET, MUDGEE GOV400087, P1122711

342/20

MOTION: Shelley / Cavalier

That Council:


- 1. receive the report by the Director Community on the Proposed Acquisition of 70 Court Street, Mudgee;**
- 2. purchase 70 Court Street, Mudgee from TAFE NSW following the requirements of the NSW Government's Community Use Policy for the disposal of assets;**
- 3. authorise the Mayor and General Manager to negotiate and execute the completion of the property purchase, including signing of a purchase contract and any relevant documents;**
- 4. amend the 2020/21 budget allocating \$615,000 for the purchase of 70 Court Street, Mudgee to be funded from the capital reserve; and**
- 5. write to TAFE NSW advising them of the intent of Council to accept the offer presented.**

The motion was carried with the Councillors voting unanimously.

General Manager, Brad Cam, declared a significant non-pecuniary conflict of interest in item 14.2 as he is the Chair of Housing Plus, he left the room at 6.10pm and did not participate in discussion on this matter.

14.2 SAFE PLACES GRANT

GOV400087, COS300024



Mayor



General Manager

343/20 **MOTION: Holden / Paine**

That Council:

- 1. receive the report by the Director Community on the Safe Places Grant;**
- 2. agree to provide support to Housing Plus to deliver the Safe Places Emergency Accommodation Program;**
- 3. delegate authority to the Director Community to negotiate an agreement for Council's contribution to the Safe Places Emergency Accommodation Program; and**
- 4. request a report be brought back to Council to endorse the agreement.**

The motion was carried with the Councillors voting unanimously.

The General Manager returned to the Chambers at 6.11pm.

Item 15: Urgent Confidential Business Without Notice

Nil

Item 16: Open Council

344/20 **MOTION: Martens / Cavalier**

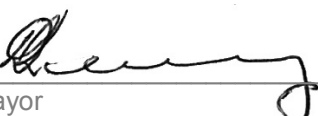
That Council move to Open Council.

The motion was carried with the Councillors voting unanimously.

The General Manager announced the decisions taken in Confidential Session.

Item 17: Closure

There being no further business the meeting concluded at 6.12pm.



Mayor



General Manager