



PUBLIC COPY

Business Papers 2022

MID-WESTERN REGIONAL COUNCIL

ORDINARY MEETING
WEDNESDAY 25 MAY 2022

*A prosperous and progressive
community we proudly call home*





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MUDGEES NSW 2850

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77 Louee Street RYLSTONE

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18 May 2022

Dear Councillor,

MEETING NOTICE
Ordinary Meeting
25 MAY 2022
Public Forum at 5.30 pm
Council Meeting commencing at conclusion of Public Forum

Notice is hereby given that the above meeting of Mid-Western Regional Council will be held in the Council Chambers, 86 Market Street, Mudgee at the time and date indicated above to deal with the business as listed on the Meeting Agenda.

The meeting will be live streamed on Council's website.

Members of the public may address Council at the Public forum, which is held at 5.30pm immediately preceding the Council meeting. Speakers who wish to address Council are invited to register by 4.00pm on the day prior to the Council Meeting by contacting the Executive Assistant to the Mayor and General Manager.

Yours faithfully

A handwritten signature in black ink, appearing to be "BRAD CAM", written over a horizontal line.

BRAD CAM
GENERAL MANAGER

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Acknowledgement of Country

I would like to acknowledge the traditional owners of the lands on which we meet, the Wiradjuri people and pay our respects to elders past, present and emerging.

Item 1: Apologies

Item 2: Disclosure of Interest

In accordance with Section 451 of the Local Government Act 1993, Councillors should declare an interest in any item on this Agenda. If an interest is declared, Councillors should leave the Chambers prior to the commencement of discussion of the item.

Item 3: Confirmation of Minutes

3.1 Minutes of Ordinary Meeting held on 18 May 2022

Council Decision:

That the Minutes of the Ordinary Meeting held on 18 May 2022 be taken as read and confirmed.

The Minutes of the Ordinary Meeting are separately attached.

Item 4: Matters in Progress

SUBJECT	RESOLUTION NO. & DATE	RESOLUTION	ACTION
Indoor Pool Feasibility Study	Res 325/19 Ordinary Meeting 16/10/2019	That Council request that a further report be brought back to Council with an option to develop an indoor swimming facility at a new location in Mudgee.	Report has gone to Council and currently awaiting Feasibility Study.
Banner Poles Gulgong	Res 308/19 Ordinary Meeting 16/10/2019	That Council modify the banner poles on the outskirts of Gulgong so that the banners are more stable and less likely to tear.	To be reported to Council at a future meeting.
Cox Street Rail crossing	Res 64/20 Ordinary Meeting 18/03/2020	Council investigate the re-opening of the crossing over the rail line on Cox Street.	To be reported to Council at a future meeting.
Investigation of Garbage collection service at Queen's Pinch Waste Transfer Station	Res. 66/20 Ordinary Meeting 18/03/2020	Staff investigate the feasibility of replacing the Waste Transfer Station on Queen's Pinch Rd with a garbage collection service.	To be reported to Council at a future meeting.
Section of Mebul Road to be Cleaned Up	347/20 Ordinary Meeting 18/11/2020	That a report be brought back to Council on the provision of additional maintenance to the area of road and roadside along the section of Mebul Road along the Cudgegong river at the old crusher site.	To be reported to Council at a future meeting.
Water Sharing Plan	Res 171/21 Ordinary Meeting 21/06/2021	That Council write to Water NSW (formerly State Water) and formally request that negotiations for a renewed Water Sharing Plan commence immediately.	To be reported to Council at a future meeting.
BMX Pump Track Investigation	14/22 Extraordinary Meeting 2/02/2022	That Council provides in principle support for the construction of a BMX Pump Track in the Mid-Western Region and investigates potential sites and costs for the construction of a BMX Pump Track across the entire region.	To be reported to Council at a future meeting.

Item 5: Mayoral Minute

Nil

Item 6: Notices of Motion or Rescission

Nil

Item 7: Office of the General Manager

Nil

Item 8: Development

8.1 Mid-Western Region Towards 2040 Community Plan

REPORT BY THE ACTING DIRECTOR DEVELOPMENT

TO 25 MAY 2022 ORDINARY MEETING

GOV400064, COR400124, GOV400098

RECOMMENDATION

That Council:

- 1. receive the report by the Acting Director Development on the Mid-Western Region Towards 2040 Community Plan; and**
 - 2. endorse the amended Mid-Western Region Towards 2040 Community Plan.**
-

Executive summary

The purpose of this report is to note a change to the Mid-Western Region Towards 2040 Community Plan and place the revised Mid-Western Region Towards 2040 Community Plan on 28 days public exhibition period.

Disclosure of Interest

Nil

Detailed report

At its April 2022 meeting, Council resolved to place the revised Mid-Western Region Towards 2040 Community Plan on public exhibition for a period of 28 days. The exhibition period ended on 20 May 2022.

The Community Plan was placed on exhibition with Council's other IP&R documents which include the Delivery Program and Operational Plan.

One staff submission was received in relation to content regarding Community Input. This refers to a previous program that is no longer run by Council, whereby Council managed a Community Directory. It is proposed to replace this item with recognition of community input to being a responsible pet owner.

The recommendation is to place the revised Mid-Western Region Towards 2040 Community Plan on exhibition, with the intent to adopt this at the June 2022 Council meeting.

Community Plan implications

Theme	Good Governance
Goal	Strong civic leadership
Strategy	Provide clear strategic direction through the Community Plan, Delivery Program and Operational Plans

Financial implications

Not applicable

ALINA AZAR
ACTING DIRECTOR DEVELOPMENT

11 May 2022

Attachments: 1. Towards 2040 Mid-Western Region Community Plan. (separately attached)

APPROVED FOR SUBMISSION:

BRAD CAM
GENERAL MANAGER

8.2 Stubbo Solar Farm Voluntary Planning Agreement

REPORT BY THE ACTING DIRECTOR DEVELOPMENT
TO 25 MAY 2022 ORDINARY MEETING
GOV400088, LAN900125

RECOMMENDATION

That Council:

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

Executive summary

The purpose of this report is to provide a copy of the draft Voluntary Planning Agreement (VPA) and Explanatory Note for the Stubbo Solar project which is to be placed on public exhibition for a period of 28 days in accordance with the requirements of the *Environmental Planning and Assessment Act 1979*.

Disclosure of Interest

Nil

Detailed report

UPC Renewables Australia Pty Ltd is the proponent for the state significant Stubbo Solar Farm project. The project has obtained development consent from NSW Department of Planning, Industry and Environment.

Council received a report in June 2021 to consider a proposal from UPC Renewables Australia to enter into a VPA for this project.

The key terms of the proposed VPA include:

- a one-off payment of \$100,000 (exclusive of GST) (**Construction Contribution**) to the Mid-Western Regional Council, paid in two equal instalments; and
- an annual contribution (**Annual Development Contribution**), being \$300 per megawatt based on the final installed capacity of the Development over the operational life of the Development. The amount of the Annual Development Contribution will be adjusted for inflation on a yearly basis.

Annual Development Contribution funds to be used for community infrastructure projects identified in Council's Delivery Program and Operational Plan where:

- the Mid-Western Regional Council will apply to the Construction Contribution and the Annual Contribution to specific community projects determined by Council:
 1. in accordance with the priorities contained in the Mid-Western Region Community Plan and Delivery Program;
 2. following consultation with Developer regarding potential projects; and
 3. with priority to be given to projects in Gulgong and within 25km of the Development.

Mid-Western Regional Council and Developer acknowledge that the Development will require the use of roads more than 25 km away from the Development and has the potential to require worker accommodation to be provided more than 25 km away from the Development. Accordingly, the Construction Contribution and Annual Development Contribution may be applied to community projects which are located more than 25km from the Development where appropriate to offset such impacts.

In June, Council provided in-principle support for the proposed VPA and resolved to commence preparation of a draft VPA and Explanatory Note on these terms. Council has now received a copy of the draft VPA and Explanatory Note (as attached to this report) to be placed on public exhibition for a period of 28 days in accordance with the *Environmental Planning and Assessment Act 1979*.

It is noted that the proposed VPA is separate to any payments required for the upgrade of local roads or construction of new roads associated with the project. Any upgrades and/or improvements to the local road network required for the project are to be undertaken by the proponent at its own expense prior to the commencement of construction and in accordance with conditions of consent.

Community Plan implications

Theme	Looking After Our Community
Goal	Vibrant towns and villages
Strategy	Maintain and promote the aesthetic appeal of the towns and villages within the Region

Strategic implications

Council Strategies

Towards 2030 Community Plan

Legislation

NSW Environmental Planning and Assessment Act 1979

Financial implications

Should Council agree to enter into a VPA with UPC Renewables Australia Pty Ltd, this would result in two upfront lump sum payments of \$50,000, and estimated annual contributions of \$120,000 per annum for the life of the project.

Budget Year	Operating Performance Ratio	Own Source Revenue	Building & Infrastructure Renewal
2021/22	-	-	-

Future Years	✓	✗	✓
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Associated Risks

If Council does not accept the VPA offer made by UPC Renewables Australia Pty Ltd, there is a risk that Council will not receive appropriate funding for the impact of this project.

ALINA AZAR
ACTING DIRECTOR DEVELOPMENT

12 May 2022

Attachments: 1. DRAFT Stubbo Solar Farm VPA. (separately attached)
2. DRAFT Stubbo Solar Farm VPA Explanatory Note. (separately attached)

APPROVED FOR SUBMISSION:

BRAD CAM
GENERAL MANAGER

Item 9: Finance

9.1 Submissions to the Draft 2022/23 Operational Plan and 2023/26 Delivery Program

REPORT BY THE FINANCIAL PLANNING COORDINATOR
TO 25 MAY 2022 ORDINARY MEETING
GOV400087, FIN300201, GOV400098

RECOMMENDATION

That Council:

1. receive the report by the Financial Planning Coordinator on the Submissions to the Draft 2022/23 Operational Plan and 2023/26 Delivery Program;
 2. receive all public submissions to the Draft 2022/23 Operational Plan and 2023/26 Delivery Program as listed below, with the General Manager required to respond to each submissions as follows:
 - 2.1 Ms Sandra Smith be thanked for her submission and Council confirms that the demand for road sealing is higher than what Council can fund;
 3. make the following amendments to the Draft 2022 Operational Plan and 2023/26 Delivery Program including Fees & Charges as exhibited;
 - 3.1 Management Submissions
 - 3.1.1 \$290,000 reduction for IT upgrades which was funded from unrestricted cash for each of the 2022/23, 2023/24, 2024/25 and 2025/26 budgets
 - 3.1.2 \$610,832 increase for Interest expense and \$198,799 reduction for principal repayments on the loan for Mudgee Valley Park total over the 2022/23, 2023/24, 2024/25 and 2025/26 budgets
 - 3.1.3 \$1,728,000 plant replacement budget transferred from 2021/22 to 2022/23, funded from plant replacement reserves
 - 3.2 March 2022 Quarterly Budget Review Statement amendments where budgets are transferred from 2021/22 to 2022/23; and
 4. make the following changes to the 2022/23 Fees and Charges as exhibited:
 - 4.1 Change Description in 2022/23 Fees and Charges for Fee FC0584 - Application Fee (non-refundable) Road Closure - Council Road Reserve Fee to "Processes include preliminary internal investigations, status search/report and report back to applicant with investigation result and may also include administration and submission of a report to Council to
-

determine if a road closure application will be accepted or refused for progression to the next Stage of the process”.

- 4.2 Change Description in 2022/23 Fees and Charges for Fee FC0585 - Application Progress Fee (non-refundable) Road Closure– Council Road Reserve to “Process includes Council administration of notification requirements under S38B of the roads act, review of submissions, and compilation of final report to Council seeking approval or rejection of the application”.**
 - 4.3 Change Description in 2022/23 Fees and Charges for Fee FC0586 - Formal Road Closure Processing Fee (non-refundable) to “Process includes Council administration, internal/external department referrals, and contractor sourcing, engagement and management. Where actual costs exceed this fee, Council will invoice for the balance. The fee does not include the costs for survey/s, valuation/s, legal fees or value of the land which is subject to negotiation in accordance with Council’s Land Acquisition Disposal Policy, valuation and any other relevant considerations”.**
 - 4.4 Remove Part of the Description under the fees subheading 'All Other MWRC Sports Complexes excluding Glen Willow' which states “The hire and use of Council community buildings is subject to the relevant terms and conditions, which covers aspects such as access, payment terms, and cancellation fees. Prior to entering into a facility hire arrangement, users should review the applicable terms and conditions. A cancellation fee of 50% of the hire fee will apply when less than 21 days’ notice is provided of cancellation.”**
 - 4.5 Change Fee amount for Fee FC0321 ‘Filing Fee - Statement Liquidated Claim \$0.01 to \$20,000 – Corp’ from \$212 to \$290**
 - 4.6 Change Fee amount for Fee FC0321 ‘Filing Fee - Statement Liquidated Claim \$20,001 to \$100,000 – Corp’ from \$518 to \$600**
 - 4.7 Add a fee unit of “Per Hour” for Fee FC0330 ‘Preparation Fees - other documents’**
- 5. note that the amended 2022/23 Operational Plan and 2023/24 Delivery Program will be brought back to Council at the June Ordinary Council Meeting for endorsement, including making of the rates.**

Executive summary

Council has been through an extensive planning process over the past few months to determine which projects and initiatives would be undertaken across the next four financial years, culminating in the Draft Delivery Program 2023/26 and Draft Operational Plan 2022/23.

Following the public exhibition period, which closes 20 May 2022, this report seeks to consider submissions and make recommended changes based on those submissions. At the time of writing this report, the exhibition period had not yet closed, therefore some submissions may be tabled at the Council Meeting.

Disclosure of Interest

Nil

Detailed report

At its meeting of 20 April 2022, Council endorsed the Draft Delivery Program 2023/26 and Draft Operational Plan 2022/23 to be placed on public exhibition for a period of 28 days. The exhibition period closes on Friday 20 May 2022, with one public submissions received to date (refer to Attachment 1). Submissions received between the finalisation of this report and closure of the exhibition period will be added as late attachments.

FROM	SUMMARY OF SUBMISSION	COUNCIL RESPONSE
2.1 Sandra Smith (Attachment 1)	Tarring of Cypress Drive, Yarrawonga which was supposed to be tarred 20 years ago.	Council is currently undertaking some seal extension work where funding is available however, unfortunately, Council has a limited amount of resources, and the demand for road sealing is higher than what Council can fund.

In addition to community submissions, management submissions are also discussed below. These include some new initiatives and also carry forward of projects deferred at the March 2022 Quarterly Budget Review.

The following submissions have been received from Council's Management Team:

3.1.1 IT Network Upgrades – Enterprise Resource Planning System Upgrade

The IT Network upgrades included budget for the Enterprise Resource Planning System, however this had already been budgeted for under the IT Operations project thus resulting in a duplication of budget. The budgets for 2022/23, 2023/24, 2024/25 and 2025/26 will need to be amended to reduce each year by \$290,000.

3.1.2 Loan Interest and Repayments

Council has received updated quotes as at 10 May 2022 with the lowest rate being 5.06%. The previous estimated rate was 2.7% and thus the Operational Plan will need to be amended as follows:

Financial Year	Original Estimated Interest	Revised Estimated Interest	Interest Change	Original Estimated Principal Repayment	Revised Estimated Principal Repayment	Principal Repayment Change
2022/23	195,416.00	369,266.20	173,850.20	653,928.00	583,163.18	-70,764.82
2023/24	177,640.00	336,317.78	158,677.78	671,704.00	616,008.59	-55,695.41
2024/25	159,382.00	305,722.32	146,340.32	689,962.00	646,604.05	-43,357.95
2025/26	140,627.00	272,590.28	131,963.28	708,717.00	679,736.09	-28,980.91
Total	673,065.00	1,283,896.58	610,831.58	2,724,311.00	2,525,511.91	-198,799.09

3.2 March Quarterly Budget Review Statement

The March Quarterly Budget Review Statement which is also presented at this Council meeting proposes to defer some budgets from 2021/22 to 2022/23. Therefore it is recommended that any budgets that are approved to be deferred are also reflected in an amended Operational Plan for 2022/23.

Once these recommendations have been approved, the changes will be incorporated into the 2022/23 Operational Plan and presented to Council at the June 2022 Ordinary Council Meeting for adoption, with the Long Term Financial Plan.

3.3 Plant Replacement Budget transferred to 2022/23

It is recognised that some plant replacement items will not be delivered this financial year and it is appropriate to transfer the budget to 2022/23. It is important to note that a number of large items are currently ordered awaiting delivery and there is uncertainty whether they will be received before financial year end. The table below lists what is currently known:

Item	Status
Hooklift Waste Truck	Ordered, will not be delivered until 22/23
Front lift Waste Truck	Ordered, will not be delivered until 22/23
Passenger cars x 2	Awaiting recruitment of staff to order
Roads maintenance trucks x 3	Building specifications for procurement
Light commercials x 2	Building specifications for procurement
Excavator	In procurement stage

CHANGES TO THE 2022/23 FEES AND CHARGES AS EXHIBITED

Recommended changes to fees and charges after exhibition are:

4.1 Change Description of Fee FC0584

The description of Fee FC0584 - Application Fee (non-refundable) Road Closure -Council Road Reserve Fee should be updated to include further details on the administration and submission of the preliminary investigations to the Council to determine whether it will accepted or refused.

Current Description: Processes include preliminary internal investigations, status search/report and report back to applicant with investigation result and whether a road closure application will be accepted.

Proposed Description: Processes include preliminary internal investigations, status search/report and report back to applicant with investigation result and may also include administration and submission of a report to Council to determine if a road closure application will be accepted or refused for progression to the next Stage of the process.

4.2 Change Description of Fee FC0585

The description of Fee FC0585 - Application Progress Fee (non-refundable) Road Closure – Council Road Reserve is should be updated to provide further information and make reference to legislation.

Current Description: If the application is accepted, Progress processes incur costs which include those revolving around Council administration and the compilation of the 1st report to Council.

Proposed Description: Process includes Council administration of notification requirements under S38B of the roads act, review of submissions, and compilation of final report to Council seeking approval or rejection of the application.

4.3 Change Description of Fee FC0586

The description of Fee FC0586 - Formal Road Closure Processing Fee (non-refundable) should be updated to simplify the existing description.

Current description: Formal Road Closure processes incur costs which include those revolving around Council administration, neighbour and notification referrals, advertising, review of submissions, dealing with any objections, the compilation of the 2nd report to Council and notice lodgements. Where actual costs exceed this fee, Council will invoice for the balance. The fee does not include the value of the land which is subject to negotiation in accordance with Council's Land Acquisition Disposal Policy, valuation and any other relevant considerations.

Proposed description: Process includes Council administration, internal/external department referrals, and contractor sourcing, engagement and management. Where actual costs exceed this fee, Council will invoice for the balance. The fee does not include the costs for survey/s, valuation/s, legal fees or value of the land which is subject to negotiation in accordance with Council's Land Acquisition Disposal Policy, valuation and any other relevant considerations.

4.4 Change Description under fees subheading 'All Other MWRC Sports Complexes excluding Glen Willow'

The Description under fees subheading 'All Other MWRC Sports Complexes excluding Glen Willow' needs to be updated to remove part of the description as this has now been covered under the fees 'Parent Heading', thus resulting in inconsistent descriptions.

Description to remove: "The hire and use of Council community buildings is subject to the relevant terms and conditions, which covers aspects such as access, payment terms, and cancellation fees. Prior to entering into a facility hire arrangement, users should review the applicable terms and conditions. A cancellation fee of 50% of the hire fee will apply when less than 21 days' notice is provided of cancellation."

4.5 Change Fee amount for Fee FC0321

The Filing fee for the Statement Liquidated Claims is a statutory charge as set by the NSW Local Court. The 'Filing Fee - Statement Liquidated Claim \$0.01 to \$20,000 – Corp' has been changed by the NSW Local Court from \$212 to \$290.

4.6 Change Fee amount for FC0322

The Filing fees for the Statement Liquidated Claims is a statutory charge are set by the NSW Local Court. The 'Filing Fee - Statement Liquidated Claim \$20,001 to \$100,000 – Corp' has been changed by the NSW Local Court from \$518 to \$600.

4.7 Add Fee unit for Fee FC0330

The Charge for the 'Preparation Fees - other documents' currently has no Fee unit. This needs to be updated to "Per Hour".

Community Plan implications

Theme	Good Governance
Goal	Strong civic leadership
Strategy	Provide clear strategic direction through the Community Plan, Delivery Program and Operational Plans

Strategic implications

Council Strategies

Relevant Integrated Planning and Reporting Strategies are taken into account during the process of developing the revised Delivery Program 2023/26 and draft Operational Plan 2022/23, including the Community Strategic Plan, and Resourcing Strategies.

Council Policies

Relevant Integrated Planning and Reporting Policies may influence the way the Delivery program and Operational Plan are developed, for example the Asset Management Policy.

Legislation

Section 405 of the Local Government Act 1993 requires that:

1. A council must have a plan (its "operational plan") that is adopted before the beginning of each year and details the activities to be engaged in by the council during the year as part of the delivery program covering that year.
2. An operational plan must include a statement of the council's revenue policy for the year covered by the operational plan. The statement of revenue policy must include the statements and particulars required by the regulations.

3. A council must prepare a draft operational plan and give public notice of the draft indicating that submissions may be made to the council at any time during the period (not less than 28 days) that the draft is to be on public exhibition. The council must publicly exhibit the draft operational plan in accordance with the notice.
4. During the period of public exhibition, the council must have for inspection at its office (and at such other places as it may determine) a map that shows those parts of its area to which each category and sub-category of the ordinary rate and each special rate included in the draft operational plan applies.
5. In deciding on the final operational plan to be adopted, a council must consider any submissions that have been made concerning the draft plan.
6. The council must post a copy of its operational plan on the council's website within 28 days after the plan is adopted.

The revised Delivery Program 2023/26 and draft Operational Plan 2022/23 documents will be brought back to Council at the June Ordinary Council Meeting for endorsement, and will then be made available on Council's website.

Financial implications

Operating Performance Ratio – this ratio will decline due to additional expenditure.

Own Source Revenue - this ratio will decline due to acceptance of external funding.

Budget Year	Operating Performance Ratio	Own Source Revenue	Building & Infrastructure Renewal
2019/20	-	-	-
Future Years	X	-	-

Associated Risks

Not applicable

AMANDA COVER
FINANCIAL PLANNING COORDINATOR

NEIL BUNGATE
ACTING CHIEF FINANCIAL OFFICER

10 May 2022

Attachments: 1. Submission - Cypress Drive Tarring - Sandra Smith.

APPROVED FOR SUBMISSION:

BRAD CAM
GENERAL MANAGER

Draft Operational Plan 2022/23



Submission date: 27 April 2022, 9:40PM
Receipt number: 4
Related form version: 3

Before you begin

Please read and accept the [privacy statement](#) and any applicable [terms and conditions](#). If a fee or charge is required, payment must be made before submitting the form.

Your Details

First name Sandra

Last name Smith

Email

A copy of your submission will be sent to this email address.

Your Submission

What section of the 2022/23 Draft Operational Plan would you like to provide feedback on? Roads

Please give a title for the section you'd like to provide feedback on Cypress Dr , Yarrawonga

Please provide a detailed description of your submission

Just wondering why my road isn't on the list to be tarred? Was removed from the list approx. 18 years ago. Should be a priority as it was on the list in the past. Now an increase in population. Wondering why Coxs Creek road will be tarred? Large properties, small population? Is there a mine going in or been applied for in the area?. As I know there has been applications for mines on the Bylong Valley way. When will the council start to look after all its community ?. There are homes in my area selling for almost \$1 million. For that people don't get a road, they don't get garbage pick up, they don't get water, or sewerage, no street lights. Surely you can tar a road that was meant to be tarred 20 years ago. I'm sure residents would be happy for a small increase in rates to cover the cost. Most people here have paid for the road 5 times over. We get minimal to nothing for our rates.

Declaration

Privacy Statement & Terms and Conditions

I have read and accept the [privacy statement](#), any above statements and applicable [terms and conditions](#) as stated on Council's website.

I have read and accept the above and any applicable terms and conditions.

Signature



Item 10: Operations

Nil

Item 11: Community

Nil

Item 12: Reports from Committees

Nil

Item 13: Urgent Business Without Notice

URGENT BUSINESS WITHOUT NOTICE

As provided by Clauses 19 & 20 of Council's Code of Meeting Practice (Clause 14 LGMR).

GIVING NOTICE OF BUSINESS

19. (1) The Council must not transact business at a meeting of the Council:
- (a) unless a Councillor has given notice of the business in writing at least two (2) days prior to the day on which the agenda and business paper is prepared and delivered to Councillors; and
 - (b) unless notice of the business has been sent to the Councillors in accordance with Clause 6 of this Code. (see Section 367 LGA & Clause 14(1) LGMR)
- (2) Subclause (1) does not apply to the consideration of business at a meeting if the business:
- (a) is already before, or directly relates to a matter that is already before the Council (see Clause 14(2)(a) LGMR); or
 - (b) is the election of a chairperson to preside at the meeting as provided by Clause 12(1) (see Clause 14(2)(b) LGMR); or
 - (c) is a matter or topic put to the meeting by the chairperson in accordance with Clause 21 (see Clause 14(2)(c) LGMR); or
 - (d) is a motion for the adoption of recommendations of a committee of the Council; (see Clause 14(2)(d) LGMR); or
 - (e) relates to reports from officers, which in the opinion of the Chairperson or the General Manager are urgent;
 - (f) relates to reports from officers placed on the business paper pursuant to a decision of a committee that additional information be provided to the Council in relation to a matter before the Committee; and
 - (g) relates to urgent administrative or procedural matters that are raised by the Mayor or General Manager.

BUSINESS WITHOUT NOTICE

20. (1) Despite Clause 19 of this Code, business may be transacted at a meeting of the Council even though due notice of the business has not been given to the Councillors. However, this can happen only if:
- (a) a motion is passed to have the business transacted at the meeting; and
 - (b) the business proposed to be brought forward is ruled by the Chairperson to be of great urgency. Such a motion can be moved without notice. (see Clause 14(3) LGMR)
- (2) Despite Clause 30 of this Code, only the mover of a motion referred to in subclause (1) can speak to the motion before it is put. (see Clause 14(4) LGMR)

Item 14: Confidential Session

LOCAL GOVERNMENT ACT, 1993

10A *WHICH PARTS OF A MEETING CAN BE CLOSED TO THE PUBLIC?*

- (1) A council, or a committee of the council of which all the members are councillors, may close to the public so much of its meeting as comprises:
 - (a) the discussion of any of the matters listed in subclause (2), or
 - (b) the receipt or discussion of any of the information so listed.
- (2) The matters and information are the following:
 - (a) personnel matters concerning particular individuals (other than councillors),
 - (b) the personal hardship of any resident or ratepayer,
 - (c) information that would, if disclosed, confer a commercial advantage on a person with whom the council is conducting (or proposes to conduct) business,
 - (d) commercial information of a confidential nature that would, if disclosed:
 - (i) prejudice the commercial position of the person who supplied it, or
 - (ii) confer a commercial advantage on a competitor of the council, or
 - (iii) reveal a trade secret,
 - (e) information that would, if disclosed, prejudice the maintenance of law,
 - (f) matters affecting the security of the council, councillors, council staff or council property,
 - (g) advice concerning litigation, or advice that would otherwise be privileged from production in legal proceedings on the ground of legal professional privilege,
 - (h) information concerning the nature and location of a place or an item of Aboriginal significance on community land,
 - (i) alleged contraventions of any code of conduct requirements applicable under section 440.
- (3) A council, or a committee of the council of which all the members are councillors, may also close to the public so much of its meeting as comprises a motion to close another part of the meeting to the public.
- (4) A council, or a committee of a council, may allow members of the public to make representations to or at a meeting, before any part of the meeting is closed to the public, as to whether that part of the meeting should be closed.

10D *GROUND FOR CLOSING PART OF MEETING TO BE SPECIFIED*

- (1) The grounds on which part of a meeting is closed must be stated in the decision to close that part of the meeting and must be recorded in the minutes of the meeting.
- (2) The grounds must specify the following:
 - (a) the relevant provision of section 10A(2)
 - (b) the matter that is to be discussed during the closed part of the meeting,
 - (c) the reasons why the part of the meeting is being closed, including (if the matter concerned is a matter other than a personnel matter concerning particular individuals, the personal hardship of a resident or ratepayer or a trade secret) an explanation of the way in which discussion of the matter in an open meeting would be, on balance, contrary to the public interest.

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DISCLOSURE AND MISUSE OF INFORMATION

- (1) A person must not disclose any information obtained in connection with the administration or execution of this Act unless that disclosure is made:
 - (a) with the consent of the person from whom the information was obtained, or
 - (b) in connection with the administration or execution of this Act, or
 - (c) for the purposes of any legal proceedings arising out of this Act or of any report of any such proceedings, or
 - (d) in accordance with a requirement imposed under the Ombudsman Act 1974 or the Freedom of Information Act 1989, or
 - (e) with other lawful excuse.

1. (1A) In particular, if part of a meeting of a council or a committee of a council is closed to the public in accordance with section 10A (1), a person must not, without the authority of the council or the committee, disclose (otherwise than to the council or a councillor of the council) information with respect to the discussion at, or the business of, the meeting.

2. (1B) Subsection (1A) does not apply to:
 - (a) the report of a committee of a council after it has been presented to the council, or
 - (b) disclosure made in any of the circumstances referred to in subsection (1) (a)-(e), or
 - (c) disclosure made in circumstances prescribed by the regulations, or
 - (d) any agenda, resolution or recommendation of a meeting that a person is entitled to inspect in accordance with section 12.

- (2) A person acting in the administration or execution of this Act must not use, either directly or indirectly, information acquired by the person in that capacity, being information that is not generally known, for the purpose of gaining either directly or indirectly a financial advantage for the person, the person's spouse or de facto partner or a relative of the person.

- (3) A person acting in the administration or execution of this Act, and being in a position to do so, must not, for the purpose of gaining either directly or indirectly an advantage for the person, the person's spouse or de facto partner or a relative of the person, influence:
 - (a) the determination of an application for an approval, or
 - (b) the giving of an order.

Maximum penalty: 50 penalty units

MOTION

I move that pursuant to the provisions of Section 10 of the Local Government Act, 1993 the meeting be closed to the public.

After a motion to close the meeting has been moved and seconded and before the vote, the Chairman will ask if there are any other matters, besides those listed on the agenda which should be considered in Confidential Session.

He will then announce those matters to be considered in Confidential Session. In doing so, the Chairman will give reasons why those matters are to be considered in Confidential Session and explain the way in which discussion of the matter in an open meeting would, on balance, be contrary to the public interest.

CHAIRMAN

The following matters have been listed for consideration in Confidential Session:

14.1 Loan Funding Mudgee Valley Caravan Park

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 Quotes and rates provided by the bank which are confidential.

The Chairman will then ask the General Manager if there are any written representations from the public on the proposed closure of the meeting.

The General Manager will read out any written representations received.

The Chairman will ask if anyone in the gallery would like to make verbal representations in regard to the matters now to be considered in Confidential Session.

The Chairman will then put the motion "to close the meeting" to the vote.

CONFIDENTIAL
SESSION

Item 15: Urgent Confidential Business Without Notice

Item 16: Open Council

Item 17: Closure