



Business Papers 2022

MID-WESTERN REGIONAL COUNCIL

ORDINARY MEETING

Wednesday 17 August 2022

MINUTES

*A prosperous and progressive
community we proudly call home*



CONFIRMATION OF MINUTES

3.1 Minutes of Ordinary Meeting held on 20 July 2022.....3

Minutes of the Ordinary Meeting of Council

Held at the Council Chambers, 86 Market Street, Mudgee
on 20 July 2022, commencing at 6.02pm and concluding at 6.36pm.

PRESENT Cr D Kennedy, Cr S Paine, Cr K Dicker, Cr A Karavas, Cr R Palmer, Cr P Shelley, Cr P Stoddart, Cr JP Thompson.

IN ATTENDANCE General Manager (Brad Cam), Director Community (Simon Jones), Director Operations (Julian Geddes), Executive Manager People and Performance (Michele George), Acting Chief Financial Officer (Neil Bungate), Manager Customer Services & Governance (Richard Cushway), Executive Administrative Assistant (Kate Newbould) and Director Development (Alina Azar).

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

An apology was received for Cr P Cavalier.

196/22 MOTION: Paine / Karavas

That the apology received for Councillor Paul Cavalier be accepted.

The motion was carried with the Councillors voting unanimously.

Item 2: Disclosure of Interest

There were no disclosures of interest.

Item 3: Confirmation of Minutes

197/22 MOTION: Shelley / Thompson

That the Minutes of the Ordinary Meeting held on 15 June 2022 be taken as read and confirmed.

The motion was carried with the Councillors voting unanimously.

Item 4: Matters in Progress

Nil

Item 5: Mayoral Minute

Nil

Item 6: Notices of Motion or Rescission**6.1 UPDATE ON BELLS LINE OF ROAD EXPRESSWAY PROJECT**

GOV400098, A0100035, GOV400022

MOTION: Thompson

That Council get a report from Central Region of Councils (CENTROC) to get an update on the opening up a freeway on the Bells Line of Road, between Lithgow and Windsor.

The motion was lost for want of a seconder.

6.2 PURCHASE OF ADDITIONAL PLANT FOR ROAD PATCHING

GOV400098, A0100035, GOV400022

MOTION: Thompson

That Council look into purchasing another road patcher.

The motion was lost for want of a seconder.

198/22 MOTION: Shelley / Thompson

That Council receive a report for any or all opportunities to improve road network maintenance.

The motion was carried with the Councillors voting unanimously.

6.3 RESHEETING OF STREETS THROUGHOUT GULGONG

GOV400098, A0100035, GOV400022

MOTION: Thompson

That Council receive a report on the resheeting of streets throughout Gulgong. There are a number of affected streets that need resheeting repairs.

The motion was lost for want of a seconder.

Item 7: Office of the General Manager

The following recommendations (item 7.1 to item 7.2) were adopted as a whole, being moved by Cr Shelley seconded by Cr Karavas and carried with Councillors voting unanimously. Each recommendation is recorded with separate resolution numbers commencing at Resolution No. 199/22 and concluding at Resolution No. 200/22.

7.1 2022 CHRISTMAS SHUT DOWN

GOV400098, A0260003

199/22 MOTION: Shelley / Karavas**That Council:**

1. receive the report by the Director Community on the 2022 Christmas Shut Down; and
2. note that administrative centres, works depots and libraries will close for the Christmas holidays from 12 noon on Thursday 22 December 2022, returning on Wednesday 4 January 2023.

The motion was carried with the Councillors voting unanimously.

7.2 CODE OF MEETING PRACTICE

GOV400098, GOV400009

200/22 MOTION: Shelley / Karavas**That Council:**

1. receive the report by the Manager, Customer Services & Governance on the Code of Meeting Practice;
2. note the one (1) submission received during the public exhibition period; and
3. adopt the Code of Meeting Practice.

The motion was carried with the Councillors voting unanimously.

Item 8: Development

8.1 DEVELOPMENT APPLICATION DA0350/2022 FOR
SUBDIVISION OF LAND (1 INTO 2 LOTS) AT 74 INGLIS
STREET, MUDGEES NSW 2850 LOT 2 DP817235

GOV400098, DA0350/2022

201/22 MOTION: Shelley / Paine**That Council:**

- A. receive the report by the Town Planner and Manager, Planning on the Development Application DA0350/2022 for Subdivision of Land (1 into 2 lots) at 74 Inglis Street, Mudgee NSW 2850 Lot 2 DP817235; and

- B. approve Development Application DA0350/2022 for Subdivision of Land (1 into 2 lots) at 74 Inglis Street, Mudgee NSW 2850 Lot 2 DP817235 subject to the following conditions:**

APPROVED PLANS

- 1. The development is to be carried out in accordance with the following plans endorsed with Council's Stamp as well as the documentation listed below, except as varied by the conditions listed herein and/or any plan notations:**

Title / Name:	Drawing No / Document Ref	Revision / Issue	Date:	Prepared by:
Proposed Subdivision Over Lot 2 DP817235, known as 74 Inglis Street Mudgee	Job No. 22-930 Sheet 1 of 1	0	14/12/2021	Oryan Geospatial

GENERAL

- 2. This consent approves a Torrens Title Subdivision – 1 into 2 lots.**
- 3. New lot boundaries are to be located at least 900mm away from the side and rear of any existing structure to meet the minimum setback requirements.**

PRIOR TO THE ISSUE OF SUBDIVISION CERTIFICATE

- 4. Under the Environmental Planning & Assessment Act 1979, a Subdivision Certificate is required before the linen plan of subdivision can be registered with the NSW Land Registry Services;**

Note: The fee to issue a Subdivision Certificate is set out in Council's Fees and Charges and the application is to be made by way of submission via the NSW Planning Portal.

- 5. A linen plan and associated documentation is to be submitted to Council for approval and endorsement by the General Manager, or an appropriate delegate via the NSW Planning Portal;**
- 6. Prior to the issue of Subdivision Certificate, the applicant is to provide separate water and sewer reticulation services to each allotment within the subdivision. The connection point to ensure that the connection is within the lot must be shown on the plan and must be submitted along with subdivision certificate;**

Note: Council does not permit any other bodies to insert new junctions into 'live' sewer/water mains

- 7. Prior to the issue of a subdivision certificate, a survey drawing is to be submitted to Council, demonstrating that all private water, stormwater and sewer services are located wholly within the lot that they serve;**
- 8. Prior to issue of Subdivision Certificate, applicant must carry out appropriate investigation to confirm the location of the sewer main. The sewer main must be protected by an easement of no less than 3m in width which will be minimum 1.5m on the either side of the sewer main;**
- 9. Sewer easements of minimum 3m in width, including associated Section 88B instruments, are to be created in favour of council over any existing sewerage reticulation components located within the subject property;**
- 10. Prior to issue of the Subdivision Certificate, Council is to be supplied with:**
 - a) A certificate of acceptance from the appropriate power authority indicating that satisfactory arrangements have been made for provision of electricity supply to the subdivision; and**
 - b) Satisfactory evidence that arrangements have been for the installation of fibre-ready facilities to all individual lots so as to enable fibre to be readily connected to any premises that may be constructed on those lots. This will need to include confirmation in writing from the carrier that they are satisfied that the fibre ready facilities are fit for purpose; and**
 - c) Satisfactory evidence (usually by way of an agreement with a carrier) that arrangements have been made for the provision of fixed-line telecommunications infrastructure in the fibre-ready facilities to all individual lots.**
- 11. Electricity and telecommunications are to be supplied to the Subdivision in accordance with the relevant authority's standards;**
- 12. The adjustment of existing services or installation of new services and meters, as required, in compliance with Australian Standard 3500: National Plumbing and Drainage Code. All costs associated with this work shall be borne by the developer;**
- 13. In accordance with the provisions of section 7.11 of the Environmental Planning and Assessment Act 1979 and the Mid-Western Regional Contributions Plan 2019, a contribution shall be paid to Council in accordance with this condition as detailed in the table below. The contribution shall be paid to Council prior to the issue of a Subdivision Certificate for the relevant**

stage or number of lots to be created. Contributions are subject to increase in accordance the consumer price index and are payable at the rate applicable at the time of payment.

	2 New Lots (1 x credit for existing Lot)
Transport facilities	\$4,511.00
Recreation and open space	\$2,266.00
Community facilities	\$660.00
Stormwater management	\$476.00
Plan administration	\$1,034.00
Total	\$8,947.00

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

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

14. The developer shall obtain a Certificate of Compliance under the Water Management Act 2000, from Council;

Note – Refer to Advisory Notes in relation to payment of contributions to obtain a Certificate of Compliance.

15. Any unpaid Contributions or charges nominated in the development consent will be indexed to CPI at the beginning of each new financial year.

ADVISORY NOTES

- This development consent requires a Certificate of Compliance under the Water Management Act 2000 to be obtained prior to the issue of a Subdivision Certificate.
A person may apply to Mid-Western Regional Council, as the water supply authority, for a Certificate of Compliance pursuant to section 305 of the Water Management Act 2000.

Please be advised that as a precondition to the granting of a Compliance Certificate, a monetary contribution in accordance with the following Schedule of Contributions must be paid in full (including indexation, where applicable).

Section 64 Contributions

2 x residential allotments (small) at 0.75 ET/units each and credit for existing lot (1 x residential allotment (medium) at 1.0 ET/unit)	
Water Headworks	\$4,511.50
Sewer Headworks	\$2,059.50
Total Headworks	\$6,571.00

Note - Section 64 Developer Contributions are subject to Consumer Price Index increase at 1 July each year. Please contact Council's Planning and Development Department regarding any adjustments.

- 2. The removal of trees within any road reserve requires the separate approval of Council in accordance with the policy "Tree Removal and Pruning - Public Places";**
- 3. The land upon which the subject building is to be constructed may be affected by restrictive covenants. This approval is issued without enquiry by Council as to whether any restrictive covenant affecting the land would be breached by the construction of the building, the subject of this approval. Persons to whom this approval is issued must rely on their own enquiries as to whether or not the building breaches any such covenant;**
- 4. Division 8.2 of the Environmental Planning and Assessment Act 1979 (EP&A Act) gives you the ability to seek a review of the determination. This request is made to Council and must be made within 12 months after the date on which you receive this notice. The request must be made in writing and lodged with the required fee; please contact Council's Development Department for more information or advice;**
- 5. If you are dissatisfied with this decision section 8.7 of the EP&A Act gives you the right to appeal to the Land and Environment Court within 12 months after the date on which you receive this notice, pursuant to section 8.10(1)(b); and**
- 6. To ascertain the extent to which the consent is liable to lapse, refer to Section 4.53 of the EP&A Act.**

STATEMENT OF REASONS

The determination decision was reached for the following reasons:

- 1. The proposed development complies with the requirements of the applicable environmental planning instruments and Mid-Western Regional Development Control Plan 2013;**

2. The proposed development is considered to be satisfactory in terms of the matters identified in Section 4.15 of the Environmental Planning & Assessment Act 1979; and
3. No submissions were received during notification of the application.

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

Councillors	Ayes	Nayes
Cr Kennedy	✓	
Cr Paine	✓	
Cr Dicker	✓	
Cr Karavas	✓	
Cr Palmer	✓	
Cr Shelley	✓	
Cr Stoddart	✓	
Cr Thompson	✓	

The following recommendations (item 8.2 to item 8.8) were adopted as a whole, being moved by Cr Shelley seconded by Cr Dicker and carried with Councillors voting unanimously. Each recommendation is recorded with separate resolution numbers commencing at Resolution No. 202/22 and concluding at Resolution No. 208/22.

- 8.2 PLANNING PROPOSAL 540 BUCKAROO ROAD, BUCKAROO,
LOT 2 DP 1227923 - POST EXHIBITION
GOV400098, LAN900136

202/22

MOTION: Shelley / Dicker

That Council:

- A. receive the report by the Manager, Strategic Planning on the Planning Proposal 540 Buckaroo Road, Buckaroo, Lot 2 DP 1227923 - Post Exhibition; and
- B. exercise its delegation in the preparation of the amendment to the Mid-Western Regional Local Environmental Plan 2012 to list bulk storage and reload facility in Schedule 1 Additional Permitted Uses and prepare corresponding mapping subject to the Opinion issued by Parliamentary Counsel.

The motion was carried with the Councillors voting unanimously.

- 8.3 LAND AND HOUSING SUPPLY MONITOR 1 JANUARY 2022 -
30 JUNE 2022

GOV400098, LAN900042

203/22

MOTION: Shelley / Dicker

That Council receive the report by the Manager, Strategic Planning on the Land and Housing Supply Monitor 1 January 2022 - 30 June 2022.

The motion was carried with the Councillors voting unanimously.

8.4 NSW GOVERNMENT EV DESTINATION CHARGING GRANT
GOV400098, GRA600052

204/22

MOTION: Shelley / Dicker

That Council:

1. **receive the report by the Acting Director Development on the NSW Government EV Destination Charging Grant;**
2. **support the application for 5 additional EV Destination Charging units in the region;**
3. **if grant application successful, accept the grant funding of up to \$37,500;**
4. **if grant application successful, amend the Budget and Operational Plan as follows:**
 - **in 2022/23 set an capital expenditure budget of \$50,000 to be funded by grant funding of \$37,500 and Capital Program Reserve of \$12,500;**
 - **in 2022/23 and 2023/24 set an operational expense budget of \$6,000 p.a. from Unrestricted cash; and**
5. **authorise the Mayor or General Manager to finalise and sign the funding agreement with the NSW Government for the EV Destination Charging Grant if the funding application is successful.**

The motion was carried with the Councillors voting unanimously.

8.5 NSW PLANNING PORTAL INTEGRATION
GOV400098, GRA800006

205/22

MOTION: Shelley / Dicker

That Council:

1. **receive the report by the Acting Director Development on the NSW Planning Portal Integration;**
2. **accept grant funding of \$80,000 from NSW Government Planning Portal API integration grant;**

3. **amend the 2022/23 Budget and Operational Plan as follows:**
 - **In 2022/23 set an expenditure budget of \$185,000 to be funded by grant funding of \$80,000 and unrestricted cash of \$105,000;**
 - **In 2023/24 and 2024/25 set an expenditure budget of \$60,000 p.a. for licensing expense for ongoing integration between Technology One and the NSW Planning Portal; and**
4. **authorise the General Manager to finalise and sign the funding agreement with the NSW Government.**

The motion was carried with the Councillors voting unanimously.

8.6 SERVICE NSW FOR BUSINESS

GOV400098, ECO800004

206/22

MOTION: Shelley / Dicker

That Council:

1. **receive the report by the Manager Economic Development on the Service NSW for Business;**
2. **delegates authority to the General Manager to enter into an agreement with Service NSW; and**
3. **any necessary documents be authorised for execution under the Common Seal of Council.**

The motion was carried with the Councillors voting unanimously.

8.7 ACCEPTANCE OF GRANT FUNDING - NSW GOVERNMENT (RECONNECTING REGIONAL NSW – COMMUNITY EVENTS PROGRAM)

GOV400098, GRA600052

207/22

MOTION: Shelley / Dicker

That Council:

1. **receive the report by the Events Coordinator on the Acceptance of Grant Funding - NSW Government (Reconnecting Regional NSW – Community Events Program);**
2. **if successful, accept the following grant funding of \$239,651 from the NSW Government:**

Project	Amount
Mudgee Arts Precinct Culture Workshop	\$20,000
Kildallon Education Centre Opening Celebrations	\$19,651
Lights Up Community Event	\$200,000

3. amend the 2022/23 Event Operations Budget to set an expenditure budget of \$239,651 funded by grant funding; and
43. if successful, authorise the General Manager to finalise and sign the funding agreements with the NSW Government.

The motion was carried with the Councillors voting unanimously.

8.8 MONTHLY DEVELOPMENT APPLICATIONS PROCESSING AND DETERMINED

GOV400098, GOV400088, A0420109

208/22

MOTION: Shelley / Dicker

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

The motion was carried with the Councillors voting unanimously.

Item 9: Finance

The following recommendations (item 9.1 to item 9.6) were adopted as a whole, being moved by Cr Shelley seconded by Cr Stoddart and carried with Councillors voting unanimously. Each recommendation is recorded with separate resolution numbers commencing at Resolution No. 209/22 and concluding at Resolution No. 214/22.

9.1 NAMING OF AN UNNAMED LANE OFF DABEE STREET, RYLSTONE

GOV400098, R0790141

209/22

MOTION: Shelley / Stoddart

That Council:

1. receive the report by the Revenue Officer on the naming of an unnamed lane off Dabee Street, Rylstone; and
2. formally approve the name of Kirkland Lane.

The motion was carried with the Councillors voting unanimously.

9.2 MONTHLY STATEMENT OF INVESTMENTS AS AT 30 JUNE
2022

GOV400098, FIN300053

210/22 MOTION: Shelley / Stoddart

That Council:

1. **receive the report by the Financial Planning Coordinator on the Monthly Statement of Investments as at 30 June 2022; and**
2. **note the certification of the Responsible Accounting Officer.**

The motion was carried with the Councillors voting unanimously.

9.3 MONTHLY BUDGET REVIEW - JULY 2022 BUDGET
VARIATIONS

GOV400098, FIN300315

211/22 MOTION: Shelley / Stoddart

That Council:

1. **receive the report by the Financial Planning Coordinator on the Monthly Budget Review - July 2022 Budget Variations; and**
2. **amend the 2021/2022 budget in accordance with the variations listed in the Monthly Budget Review attachment to this report.**

The motion was carried with the Councillors voting unanimously.

9.4 NEW AND AMENDED FEES AND CHARGES 2022/23

GOV400098, FIN300117

212/22 MOTION: Shelley / Stoddart

That Council:

1. **receive the report by the Financial Planning Coordinator on the New and Amended Fees and Charges 2022/23;**
2. **add the following new fees, as written, and place on public exhibition for 28 days;**

Service Type	New Fee	Fee (Inclusive of GST)	GST.	Price Policy
Community Transport – Car Transport –	Wellness Centre Program	\$ 4.00	No	Subsidised/Partial Cost Recovery

within MWRC region	Participants (5km radius)			
Library – Other Library Fees	Disposable Headphones	\$ 1.00	Yes	Direct Cost Recovery
Library – Other Library Fees	USB Sticks 8G	\$ 8.00	Yes	Direct Cost Recovery
Glen Willow Sports Complex – Facility Hire	Glen Willow Rugby Union Fields 1 and 2	\$ 254.00	Yes	Subsidised/Partial Cost Recovery
Glen Willow Sports Complex – Facility Hire	Glen Willow Junior League Fields 1, 2 and 3	\$ 127.00	Yes	Subsidised/Partial Cost Recovery
Showground – Hire fees	Pony Club Rally Day – Rylstone	\$ 55.00	Yes	Subsidised/Partial Cost Recovery

3. amend the following fee amount, as written, and place on public exhibition for 28 days; and

Service Type	Amended Fee	Current Fee amount (\$)	Amended fee amount (\$)
Debt Recovery – Process Filing and Issue Fees	Filing Fee – Statement Liquidated Claim – \$0.01 to \$20,000 – Corp	\$ 290.00	\$ 298.00
Debt Recovery – Process Filing and Issue Fees	Filing Fee – Statement Liquidated Claim – \$20,000.01 to \$100,000 – Corp	\$ 600.00	\$ 618.00
Debt Recovery – Process Filing and Issue Fees	Filing Fee – Examination Order – \$0.01 to \$100,000	\$ 184.00	\$ 190.00

4. endorse the new and amended fees following 28 days public exhibition period if no submissions are received.

The motion was carried with the Councillors voting unanimously.

9.5 MWRC SOLAR ARRAY - UPDATE AND REQUEST FOR EXEMPTION FROM TENDER

GOV400098, ENE100032

213/22

MOTION: Shelley / Stoddart

That Council:

1. receive the report by the Chief Financial Officer on the MWRC Solar Array - Stage 2;
2. note that the contracted construction manager Engie Electrical and Communications Pty Ltd (Engie) are undergoing a corporate restructure and have chosen to

- exercise their option to exit the contract at the completion of Stage 2;
3. note that Council have approved an early exit of the contract, resulting in Council changing the method of project and construction management as recommended in the report;
 4. approve an exemption from tender, in accordance with Section 55(3)(l) of the Local Government Act 1993, for the provision of project management and construction management services;
 5. note the reason why a satisfactory outcome would not be achieved by inviting tenders is that:
 - 5.1 the project is part way through stage 2 – design and tender package development and it would be difficult to get a new construction manager to pick up mid-project; and
 - 5.2 the existing project managers have already been contracted to oversee the entire solar array project, amending their contract to also include construction management is the most cost effective solution for the project, saving on rework and familiarisation for a new construction manager;
 6. authorise the General Manager to engage Constructive Energy Pty Ltd (CE) to provide the project and construction management services for an estimated contract sum of \$512,000 excluding GST; and
 7. authorise the General Manager to approve contract variations within the approved budget for the Solar Array project.

The motion was carried with the Councillors voting unanimously.

9.6 COMMUNITY GRANTS PROGRAM - JULY 2022

GOV400098, FIN3000159

214/22

MOTION: Shelley / Stoddart

That Council:

1. receive the report by the Financial Planning Coordinator on the Community Grants Program - July 2022; and
2. provide financial assistance to the following applications in accordance with the criteria and guidelines of the Community Grants Policy:

Kandos Rylstone Community Radio Inc.	\$12,000
Rotary Club of Mudgee Inc. and Rotary Club of Mudgee Sunrise Inc.	\$5,000
Western Region Academy of Sport Inc. (WRAS)	\$1,512
Business Mudgee	\$5,690
Mudgee North-West Division of Sydney Legacy	\$893

The motion was carried with the Councillors voting unanimously.

Item 10: Operations

Nil

Item 11: Community

11.1 ARCHITECTURAL SERVICES FOR MUDGEE
ADMINISTRATION BUILDING UPGRADE

GOV400098, FIN300374

215/22

MOTION: Paine / Karavas

That Council:

1. receive the report by the Director Community on the Architectural Services for Mudgee Administration Building Upgrade;
2. note the preliminary concept plans for the Mudgee Administration Building Upgrade;
3. support the further development of these plans to allow for the submission of a Development Application;
4. approve an exemption from tender, in accordance with section 55 (3) (i) of the Local Government Act 1993, for the architectural services for the Mudgee Administration Building upgrade, noting that due to the extenuating circumstances a satisfactory result would not be achieved by inviting tenders;
5. note the reasons why a satisfactory outcome would not be achieved by inviting tenders are:
 - a) the market has already been tested appropriately, via public marketplace on VendorPanel;
 - b) the same organisations would be targeted if we had tendered (via VendorPanel which picks from the marketplace) so there is no benefit in readvertising as a tender;

- c) intellectual property rights are held over the concept design and cannot be used by another supplier to further develop the design, therefore inviting tenders would not be able to interface with the existing concept design;
6. accept Collins and Turner for the architectural services for the Mudgee Administration Building in accordance with Clause 178 of the Local Government (General) Regulation 2005 – Part 7; and
7. delegate authority to the General Manager to negotiate and finalise the contract with Collins and Turner.

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

Councillors	Ayes	Nayes
Cr Kennedy	✓	
Cr Paine	✓	
Cr Dicker	✓	
Cr Karavas	✓	
Cr Palmer	✓	
Cr Shelley	✓	
Cr Stoddart	✓	
Cr Thompson		✓

11.2 BUSINESS USE OF THE FOOTPATH POLICY REVIEW

GOV400098, A0420120

216/22

MOTION: Shelley / Paine

That Council:

1. receive the report by the Manager, Customer Services & Governance on the Business Use of the Footpath Policy Review;
2. note that no submissions were received during the exhibition period; and
3. adopt the revised Business Use of the Footpath Policy with the following amendments:
 - That point 2 regarding streets with parallel parking will have the pedestrian clearway 1.8 metres from the gutter and goods/table & chairs against the building apply only to the Mudgee CBD and preclude Kandos, Rylstone and Gulgong CBD's.
 - That point 4 regarding barricades are required to define dining areas of the footpath, in the same way licenced areas are barricaded apply only to the Mudgee CBD and preclude Kandos, Rylstone and Gulgong CBD's.

- **That point 7 regarding amplified music will be approved using mobile amplifiers (no power cables) up to a maximum of 72dB apply only to the Mudgee CBD and preclude Kandos, Rylstone and Gulgong CBD's.**

AMENDMENT: Karavas

That Council:

1. receive the report by the Manager, Customer Services & Governance on the Business Use of the Footpath Policy Review;
2. note that no submissions were received during the exhibition period; and
3. adopt the revised Business Use of the Footpath Policy with the following.

The amendment was lost for a want of a seconder.

The motion was carried with the Councillors voting unanimously.

The following recommendations (item 11.3 to item 12.2) were adopted as a whole, being moved by Cr Shelley seconded by Cr Thompson and carried with Councillors voting unanimously. Each recommendation is recorded with separate resolution numbers commencing at Resolution No. 217/22 and concluding at Resolution No. 221/22.

11.3 DISABILITY INCLUSION ACTION PLAN 2022

GOV400098, COS300797

217/22

MOTION: Shelley / Thompson

That Council:

1. **receive the report by the Manager, Community & Cultural Services on the Disability Inclusion Action Plan 2022;**
2. **place the draft Disability Inclusion Action Plan 2022 on public exhibition for 28 days to seek any additional public comment; and**
3. **endorse the Disability Inclusion Action Plan 2022 if no further submissions are received through the public exhibition process.**

The motion was carried with the Councillors voting unanimously.

11.4 SYNTHETIC CRICKET WICKET- CAHILL PARK MUDGEE
GOV400098, PAR300627

218/22 MOTION: Shelley / Thompson

That Council:

1. receive the report by the Sport and Recreation Liaison Officer on the Synthetic Cricket Wicket- Cahill Park Mudgee;
2. accept \$10,000 in grant funding from Cricket Australia's Australian Cricket Infrastructure Fund (Round 2);
3. amend the 2022/23 budget to include \$30,000 for construction of synthetic cricket wicket at Cahill Park Mudgee, \$10,000 from grant funding and \$20,000 funded from the Asset Replacement Reserve; and
4. authorise the General Manager to finalise and sign the funding agreement with the NSW Cricket Association.

The motion was carried with the Councillors voting unanimously.

11.5 ACCEPTANCE OF PUMP TRACK GRANT FUNDING
GOV400098, GOV400098, A0100035, GOV400022

219/22 MOTION: Shelley / Thompson

That Council:

1. receive the report by the Manager - Recreation Services on the Acceptance of Pump Track Grant Funding;
2. amend the 2022-23 budget to include \$700,000 for construction of a Pump Track, with \$350,000 from grant funding and \$350,000 from Council Voluntary Planning Agreement funds;
3. accept \$145,000 in grant funding from the Australian Trade and Investment Commission (Austrade);
4. authorise the General Manager to finalise and sign the funding agreement with the funding body Austrade.
5. accept, if successful, \$205,000 in grant funding from the Clubs NSW ClubGrants program;
6. authorise the General Manager to finalise and sign the funding agreement with ClubGrants; and
7. amend the 2022-23 budget to remove the Clandulla Mountain Bike Project.

The motion was carried with the Councillors voting unanimously.

Item 12: Reports from Committees**12.1 BOTOBOLAR COMMUNITY COMMITTEE MEETING MINUTES
- 24 MAY 2022**

GOV400098, A0060107

220/22**MOTION: Shelley / Thompson****That Council:**

- 1. receive the report by the Director Community on the Botobolar Community Committee Meeting Minutes - 24 May 2022;**
- 2. endorse the minutes and recommendations of the Botobolar Community Committee meeting 24 May 2022; and**
- 3. endorse the Terms of Reference for the Botobolar Community Committee.**

The motion was carried with the Councillors voting unanimously.

MOTION: Thompson

That Council contact other villages in the area to give them the opportunity to voice opinions to the Council like the Botobolar Community Committee.

The motion was lost for want of a seconder.

**12.2 LOCAL TRAFFIC COMMITTEE MEETING MINUTES - JUNE
2022**

GOV400098, A0100009

221/22**MOTION: Shelley / Thompson****That Council:**

- 1. receive additional information regarding the speed limit on Barneys Reef Road, and**
- 2. receive a report from the Local Traffic Committee requesting more information on the speed limit on Barneys Reef Road.**

The motion was carried with the Councillors voting unanimously.

Item 13: Urgent Business Without Notice

Nil

Item 14: Confidential Session

222/22

MOTION: Shelley / Dicker

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

The motion was carried with the Councillors voting unanimously.

Following the motion to close the meeting being moved and seconded, the General Manager announced that the following matters would be considered in confidential session and the reason why it was being dealt with in this way.

14.1 General Manager's Performance Agreement 2022-2023

The reason for dealing with this report confidentially is that it relates to personnel matters concerning particular individuals (other than Councillors) in accordance with Section 10A(2)(a) 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 an individual, namely the performance of the General Manager.

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 GENERAL MANAGER'S PERFORMANCE AGREEMENT 2022-2023

GOV400098, A0381418

223/22

MOTION: Paine / Stoddart**That Council:**

- 1. receive the report by the Executive Manager, People and Performance on the General Manager's Performance Agreement 2022-2023; and**
- 2. adopt the attached General Manager's Performance Agreement for the Financial Year 2022-2023.**

The motion was carried with the Councillors voting unanimously.

Item 15: Urgent Confidential Business Without Notice

Nil

Item 16: Open Council

224/22

MOTION: Shelley / Paine

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 6.36pm.

UNCONFIRMED