



Business Papers 2022

MID-WESTERN REGIONAL COUNCIL

ORDINARY MEETING

Wednesday 14 December 2022

MINUTES

*A prosperous and progressive
community we proudly call home*



CONFIRMATION OF MINUTES

3.1 Minutes of Ordinary Meeting held on 16 November 2022.....3

Minutes of the Ordinary Meeting of Council

Held at the Council Chambers, 86 Market Street, Mudgee
on 16 November 2022, commencing at 5.54pm and concluding at 6.26pm.

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

IN ATTENDANCE General Manager (Brad Cam), Director Community (Simon Jones), Director Development (Alina Azar) Director Operations (Julian Geddes), Chief Financial Officer (Leonie Johnson), Manager Customer Services & Governance (Richard Cushway) and Executive Assistant (Mette Sutton).

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

There were no apologies.

Item 2: Disclosure of Interest

Councillor Cavalier declared a significant non-pecuniary conflict of interest in item 8.6 as he holds a position of rank with Fire and Rescue NSW.

Councillor Kennedy declared a significant non-pecuniary conflict of interest in item 8.6 as he is the owner of an establishment noted in the report.

Director Development, Alina Azar, declared a pecuniary conflict of interest in item 8.1 as she is the owner of the property that is subject to the development application. She also declared a significant non-pecuniary conflict of interest in item 11.1 as she is the Board Director for the Not-for-profit Mid-Western Mentoring who have applied for grant funding. Alina al

Item 3: Confirmation of Minutes

329/22 MOTION: Cavalier / Palmer

That the Minutes of the Ordinary Meeting held on 19 October 2022 be taken as read and confirmed.

The motion was carried with the Councillors voting unanimously.

Presentation of Financial Statements by Luke Malone (via Microsoft Teams). Luke thanked Neil Bungate and the finance team for all their hardwork, noting that the audit process went well and that Council is in a strong financial position.

The Mayor also thanked the financial team for their hardwork.

Luke Malone left the meeting at 6.02pm.

Item 4: Matters in Progress

Nil

Item 5: Mayoral Minute

5.1 MAYORAL MINUTE: LAKE WINDAMERE CAMPING INC.
GOV400098, F0650111

330/22 MOTION: Kennedy

That Council provide \$2,500 in financial assistance for materials required for the upgrade of the access road to the Lake Windamere campsite, to be funded from the Community Grants budget.

The motion was carried with the Councillors voting unanimously.

Item 6: Notices of Motion or Rescission

6.1 RETAINING JUBILEE OVAL
GOV400098, A0100035, GOV400022

MOTION Thompson

That Council reconsider retaining jubilee oval and the netball courts for sporting fields

The motion was lost for want of a seconder.

6.2 INVESTIGATION OF FLOOD MITIGATION ACTIONS FOR
LAWSON CREEK
GOV400098, A0100035, GOV400022

MOTION: Thompson

That Council investigate what actions can be undertaken to mitigate flooding on Glen Willow Sports fields and the Mudgee Race Course.

The motion was lost for want of a seconder.

Item 7: Office of the General Manager

7.1 MRT QUARTERLY REPORT: JULY TO SEPTEMBER 2022
GOV400098, F0770077

331/22 MOTION: Shelley / Cavalier

That Council receive the report by the General Manager on the MRT Quarterly Report, July to September 2022.

The motion was carried with the Councillors voting unanimously.

Item 8: Development

Director Development, Alina Azar, declared a pecuniary conflict of interest in item 8.1 as she is the owner of the property that is subject to the development application. She left the room at 6.05pm and did not participate in discussion on this matter.

8.1 DA0450/2022 - TWO (2) ADDITIONAL FARM STAY ACCOMMODATION BUILDINGS AT 344 CASTLEREAGH HIGHWAY, BURRUNDULLA

GOV400098, DA0450/2022

332/22

MOTION: Shelley / Paine

That Council:

- A. receive the report by the Planning Coordinator on DA0450/2022 - Two (2) Additional Farm Stay Accommodation Buildings at 344 Castlereagh Highway, Burrundulla; and
- B. approve DA0450/2022 - Two (2) Additional Farm Stay Accommodation Buildings at 344 Castlereagh Highway, Burrundulla subject to the following conditions and statement of reasons:

CONDITIONS

1. 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 herein.

Title/Name	Plan No.	Rev	Dated	Prepared by
Overall Site Plan	-	-	-	Applicant
Floor Plan	Sheet 2 of 6	A	16/10/2020	Avallon Building Design
Elevations	Sheet 3 of 6	A	16/10/2020	Avallon Building Design
Elevations	Sheet 4 of 6	A	16/10/2020	Avallon Building Design

Section	Sheet 5 of 6	A	16/10/2020	Avallon Building Design
Floor Plan	Sheet 2 of 6	A	31/5/2022	Avallon Building Design
Elevations	Sheet 3 of 6	A	31/5/2022	Avallon Building Design
Elevations	Sheet 4 of 6	A	31/5/2022	Avallon Building Design
Section	Sheet 5 of 6	A	31/5/2022	Avallon Building Design
BASIX Certificate	1315549S	-	23 June 2022	Sunrai Designs

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

GENERAL

2. For clarity, this development consent provides approval for two (2) manufactured homes for use as farm stay accommodation with external decks.
3. Notwithstanding the approved plans, the structure is to be located clear of any easements.
4. All building work must be carried out in accordance with the Building Code of Australia.

Note: Prescribed condition pursuant to section 4.17(11) of the Environmental Planning and Assessment Act 1979.

5. All earthworks, filling, building, driveways or other works, are to be designed and constructed to ensure that at no time any ponding of stormwater occurs on the subject site or adjoining land as a result of this development. Design must also ensure that no diversion of runoff onto other adjacent properties occurs.
6. All stormwater runoff from roof and developed surfaces is to be controlled in such a manner so as not to flow or discharge over adjacent properties. Methods of disposal of excess stormwater including overflow from tank must also include adequate provision for prevention of erosion and scouring.
7. The internal access driveway must be constructed and maintained at all times to provide access in all weather

conditions. The driveway must also be of a sufficient standard to allow for access by emergency service vehicles.

8. Costs associated with all development works including any necessary alteration, relocation of services, public utility mains or installations must be met by the developer. The developer is responsible to accurately locate all existing services before any development works commence to satisfy this condition.
9. Any damage which is caused to Council's infrastructure as a result of the proposed development must be repaired immediately to Council's satisfaction and at no cost to Council.
10. The applicant must ensure that an adequate potable water supply is available for use by occupants and for firefighting purposes to service the development.
11. Minimum tank storage capacity of 100,000 litres is required on the site, of which a minimum of 40,000 litres is to be retained for firefighting purposes.
12. A minimum of three (3) car parking spaces are to be provided within the site of the development and comply with AS 2890.1: 2004 and the following requirements:
 - a. Each parking space is to have minimum dimensions of 5.5m x 2.4m; and
 - b. All car parking and manoeuvring areas are to be provided with an all-weather surface suitable for 2WD vehicles (e.g. compacted gravel or road base material).

PRIOR TO THE APPROVAL OF A SECTION 68 (PART A) APPLICATION TO INSTALL A MOVEABLE DWELLING

13. Details are to be submitted to Mid-Western Regional Council confirming that each relocatable building is designed, constructed and will be installed in accordance with the requirements of Division 4 of the Local Government (Manufactured Home Estates, Caravan Parks, Camping Grounds and Moveable Dwellings) Regulation 2005. A current engineer's certificate is required to be site specific and acknowledge each structure is to be relocated to the new site.
14. Prior to release of the Section 68 approval for the placement of the building/s, an approval pursuant to Section 68 of the Local Government Act, 1993 for the installation of an On Site Sewer Management System is to be obtained from Mid-Western Regional Council.
15. In accordance with the provisions of Section 7.12 of the Environmental Planning and Assessment Act 1979 and the Mid-Western Regional Contributions Plan 2019, a levy based on the value of works shall be paid to Council in accordance with this condition for the purpose of local infrastructure, prior to issue of

any Section 68 approval for the placement of the transportable building.

A cost estimate report is to be provided to Council, confirming the cost of the development prior to issue of the Section 68 approval. Following submission of the cost estimate report, Council will provide the required amount, payable prior to issue of the Section 68 approval.

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

Note: 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.

PRIOR TO THE COMMENCEMENT OF WORKS

16. No work shall commence on the deck component of the development until a Construction Certificate has been issued and the applicant has notified Council of:
- a. the appointment of a Principal Certifying Authority; and
 - b. the date on which work will commence.

Such notice shall include details of the Principal Certifying Authority and must be submitted to Council at least two (2) days before work commences.

17. Prior to the commencement of any works, approval pursuant to Section 68 (Part A) of the Local Government Act 1993 to install a moveable dwelling and associated structure on land shall be obtained from Mid-Western Regional Council.

18. The site shall be provided with a waste enclosure (minimum 1800mm X 1800mm X 1200mm) that has a lid or secure covering for the duration of the construction works to ensure that all wastes are contained on the site. The receptacle is to be emptied periodically to reduce the potential for rubbish to leave the site. Council encourages the separation and recycling of suitable materials.

NOTE: ALL WASTE GENERATED FROM THE CONSTRUCTION PROCESS IS TO BE CONTAINED ON-SITE.

19. A sign must be erected in a prominent position on any work site on which involved in the erection or demolition of a building is carried out:
- a. stating that unauthorised entry to the work site is prohibited;

- b. showing the name of the person in charge of the work site and a telephone number at which that person may be contacted outside working hours;
 - c. the name, address and telephone number of the principal certifying authority for the work; and
 - d. The sign shall be removed when the erection or demolition of the building has been completed.
20. Prior to works commencing on residential building work within the meaning of the Home Building Act 1989, the Principal Certifier of the development to which the work relates has given the Council written notice of the following information:
- a. in the case of work for which a principal contractor is required to be appointed:
 - i. the name and licence number of the principal contractor; and
 - ii. the name of the insurer by which the work is insured under Part 6 of the Home Building Act 1989, unless an exemption is in force in accordance with Clauses 187 and 188 of the Environmental Planning and Assessment Regulation 2000
 - b. in the case of work to be done by an owner-builder:
 - i. the name of the owner-builder; and
 - ii. if the owner-builder is required to hold an owner-builder permit under that Act, the number of the owner-builder permit.

If arrangements for doing the residential building work are changed while the work is in progress so that the information required by (a) or (b) becomes out of date, further work must not be carried out unless the Principal Certifier for the development to which the work relates has given Council written notice of the updated information.

This condition does not apply in relation to Crown building work that is certified, in accordance with Section 6.28 of the Act, to comply with the technical provisions of the Building Code of Australia.

21. The development site is to be managed for the entirety of work in the following manner:
- a. Erosion and sediment controls are to be implemented to prevent sediment from leaving the site. The controls are to be maintained until the development is complete and the site stabilised with permanent vegetation.
 - b. Appropriate dust control measures.

- c. Construction equipment and materials shall be contained wholly within the site unless approval to use the road reserve has been obtained; and
- d. Toilet facilities are to be provided on the work site at the rate of one toilet for every 20 persons or part of 20 persons employed at the site.

DURING WORKS

22. All building / installation work must be carried out in accordance with the provisions of the National Construction Code, the Environmental Planning & Assessment Act 1979 and Regulations and all relevant Australian Standards.
23. All plumbing and drainage work must be carried out by a licensed plumber and drainer and must comply with the Plumbing & Drainage Act 2011 and Plumbing Code of Australia.
24. Construction work noise that is audible at other premises is to be restricted to the following times:
 - Monday to Saturday – 7.00am to 5.00pmNo construction work noise is permitted on Sundays or Public Holidays.
25. All mandatory inspections required by the Environmental Planning & Assessment Act 1979 and any other inspections deemed necessary by the Principal Certifying Authority being carried out during the relevant stage of construction for the deck.
26. The strength of the concrete used for the reinforced concrete floor slab must be a minimum 25Mpa.
27. In the event of any Aboriginal archaeological material being discovered during earthmoving/construction works, all work in that area shall cease immediately and the Office of Environment and Heritage (OEH) notified of the discovery as soon as practicable. Work shall only recommence upon the authorisation of the OEH.
28. The requirements of BASIX Certificate number(s) 1315549S issued on 23 June 2022 must be installed and/or completed in accordance with the commitments contained in that certificate. Any alteration to those commitments will require the submission of an amended BASIX Certificate to the Council and/or the Principal Certifying Authority prior to the commencement of the alteration/s.
29. All roof stormwater is to discharge to a water storage tank/s and overflow from the tank/s disposed a minimum 3 metres from the building, clear of any effluent disposal areas and in such a

manner as to not create any erosion or scouring and not adversely affect adjoining properties.

30. This approval does not provide any indemnity to the owner or applicant under the Disability Discrimination Act 1992 with respect to the provision of access and facilities for people with disabilities.
31. The relocatable building shall be installed in accordance with the approved structural engineer's specifications.

PRIOR TO OCCUPATION OF THE BUILDING

32. Prior to the occupation of the building, a Certificate of Completion is to be obtained from the Mid-Western Regional Council for the installation of the building.
33. Prior to occupation or use of the deck, an Occupation Certificate is to be obtained from Mid-Western Regional Council.
34. Prior to use of the development and/or issue of an Occupation Certificate, a satisfactory final inspection report from the Council must be received by the Certifier, verifying that all works have been completed in accordance with the relevant Section 68 (Local Government Act 1993) approval/s.
35. Prior to use of the development and/or issue of an Occupation Certificate, the excavated and/or filled areas of the site are to be stabilised and drained, to prevent scouring onto adjacent private or public property. The finished ground around the perimeter of the building is to be graded to prevent ponding of water, and to ensure the free flow of water away from the building and adjoining properties.

ONGOING USE

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

36. All parking associated with the use is to be contained wholly within the site.
37. The development is to be operated in such a manner that will not interfere with the residential amenity of the adjoining and nearby residents, due to emission of noise, lighting or other nuisances.
38. The development is to be used for short stay visitor accommodation only.
39. The development is to be maintained in a clean and tidy manner, at all times.

40. Arrangements are to be made for the regular removal and disposal of all waste to a licenced waste facility.

ADVISORY NOTES

1. 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".
2. 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.
3. 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.
4. 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).
5. 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.
3. No submissions were received during the public exhibition period.

The Director Development returned to the Chambers at 6.06pm.

The following recommendations (item 8.2 to item 8.5) 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. 333/22 and concluding at Resolution No. 336/22.

8.2 COMMUNITY ENGAGEMENT STRATEGY

GOV400098, COR400003

333/22

MOTION: Shelley / Karavas

That Council:

1. receive the report by the Manager - Economic Development on the Community Engagement Strategy;
2. place the revised Community Engagement Strategy on public exhibition for 28 days; and
3. receive a further report following conclusion of the public exhibition period to consider any submissions received, or if at the end of the public exhibition period, if no submissions are received, adopt the Community Engagement Strategy as proposed.

The motion was carried with the Councillors voting unanimously.

8.3 EVENTS ASSISTANCE APPLICATIONS

GOV400098, ECO800009, FIN300052

334/22

MOTION: Shelley / Karavas

That Council:

1. receive the report by the Events Coordinator on the Events Assistance Applications;
2. provide Events Assistance to the below applicant (includes cash and in-kind amounts) for Period 2, January – June 2023; and

Cudgegong Valley Antique Machinery Association	\$2500
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3. provide multi-year Events Assistance funding to the below applicants (includes cash and in-kind amounts) for the period of 2023, 2024 and 2025;

	2023	2024	2025
Rylstone Kandos Street Machine Club	\$2000	\$2000	\$2000
Gulgong Eisteddfod	\$2500	\$2500	\$2500

The motion was carried with the Councillors voting unanimously.

8.4 ACCEPTANCE OF FUNDING - NSW GOVERNMENT
REGIONAL EVENTS ACCELERATION FUND A-LEAGUE
GOV400098, GRA600048

335/22 MOTION: Shelley / Karavas

That Council:

- 1. receive the report by the Events Coordinator on the Acceptance of Funding - NSW Government Regional Events Acceleration Fund;**
- 2. if successful, accept \$130,000 in grant funding from the NSW Government Regional Events Acceleration Fund;**
- 3. if successful, amend the 2022/23 budget to increase grant funding by \$130,000 and increase expenditure by \$130,000; and**
- 4. if successful, authorise the General Manager to finalise and sign the funding agreement with the NSW Government.**

The motion was carried with the Councillors voting unanimously.

8.5 POLICY REVIEW - OCCUPATION OF CARAVANS, MOBILE
HOMES AND TEMPORARY RESIDENTIAL STRUCTURES ON
PRIVATE LAND

GOV400098, A0100021

336/22 MOTION: Shelley / Karavas

That Council:

- 1. receive the report by the Manager Building and Development on the Policy Review - Occupation of Caravans, Mobile Homes and Temporary Residential Structures on Private Land;**
- 2. place the revised Occupation of Caravans, Mobile Homes and Temporary Residential Structures Policy on public exhibition for 28 days; and**
- 3. adopt the revised Occupation of Caravans, Mobile Homes and Temporary Residential Structures Policy if no submissions are received.**

The motion was carried with the Councillors voting unanimously.

Councillor Cavalier declared a significant non-pecuniary conflict of interest in item 8.6 as he holds a position of rank with Fire and Rescue NSW.

Councillor Kennedy declared a significant non-pecuniary conflict of interest in item 8.6 as he is the owner of an establishment noted in the report.

Both Councillors left the Chambers at 6.06pm and did not participate in discussion or vote in relation to this matter.

Deputy Mayor, Councillor Paine proceeded to Chair the meeting.

8.6 FIRE AND RESCUE NSW FIRE SAFETY INSPECTION REPORTS

GOV400098, P0020611

337/22

MOTION: Shelley / Karavas

That Council:

1. **table the report by the Manager Building and Development on the Fire and Rescue NSW Fire Safety Inspection Reports of 6 Lewis Street, Mudgee, 67 Market Street, Mudgee, and 141-143 Mayne Street Gulgong;**
2. **proceed to exercise Council's powers to give Order No 1 in Schedule 5, Part 2 of the Environmental Planning and Assessment Act 1979 regarding these properties; and**
3. **give notice of Council's determination under Schedule 5, Part 8, Section 17(4), of the Environmental Planning and Assessment Act 1979 to the Commissioner of Fire and Rescue NSW.**

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

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

Councillors Cavalier and Kennedy returned to the Chambers at 6:07pm and Cr Kennedy continued to Chair the meeting.

The following recommendations (item 8.7 to item 9.6) were adopted as a whole, being moved by Cr Shelley, seconded by Cr Palmer and carried with Councillors voting unanimously. Each recommendation is recorded with separate resolution numbers commencing at Resolution No. 338/22 and concluding at Resolution No. 344/22.

8.7 MONTHLY DEVELOPMENT APPLICATIONS PROCESSING AND DETERMINED

GOV400098, A0420109

338/22 MOTION: Shelley / Palmer

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

9.1 PRESENTATION OF THE 2021/22 FINANCIAL STATEMENTS
GOV400098, FIN300347

339/22 MOTION: Shelley / Palmer

That Council receive the report by the Financial Operations Coordinator on the Presentation of the 2021/22 Financial Statements.

The motion was carried with the Councillors voting unanimously.

9.2 ANNUAL REPORT 2021/22
GOV400098, GOV400088

340/22 MOTION: Shelley / Palmer

That Council:

- 1. receive the report by the Financial Operations Coordinator on the Annual Report 2021/22;**
- 2. endorse the Annual Report 2021/22; and**
- 3. post a copy of the Annual Report 2021/22 to Council's website and provide to the Minister for Local Government.**

The motion was carried with the Councillors voting unanimously.

9.3 MONTHLY BUDGET REVIEW - OCTOBER 2022
GOV400098, FIN300315

341/22 MOTION: Shelley / Palmer

That Council receive the report by the Accountant Reporting & Analysis on the Monthly Budget Review - October 2022.

The motion was carried with the Councillors voting unanimously.

9.4 QUARTERLY BUDGET REVIEW - SEPTEMBER 2022
GOV400098, FIN300240

342/22 MOTION: Shelley / Palmer

That Council:

- 1. receive the report by the Financial Planning Coordinator on the Quarterly Budget Review - September 2022;**
- 2. amend the 2022/23 Budget in accordance with the proposed variations as listed in the Quarterly Budget Review Statement attachment to this report; and**
- 3. note the opinion of the Responsible Accounting Officer regarding the satisfactory financial position of Council.**

The motion was carried with the Councillors voting unanimously.

9.5 POLICY REVIEW - INVESTMENTS

GOV400098, GOV400047

343/22 MOTION: Shelley / Palmer

That Council:

- 1. receive the report by the Financial Planning Coordinator on the Policy Review - Investments;**
- 2. place the revised Investment Policy on public exhibition for 28 days; and**
- 3. adopt the revised Investment Policy if no submissions are received.**

The motion was carried with the Councillors voting unanimously.

9.6 MONTHLY STATEMENT OF INVESTMENTS AS AT 31 OCTOBER 2022

GOV400098, FIN300053

344/22 MOTION: Shelley / Palmer

That Council:

- 1. receive the report by the Financial Planning Coordinator on the Monthly Statement of Investments as at 31 October 2022; and**
- 2. note the certification of the Responsible Accounting Officer.**

The motion was carried with the Councillors voting unanimously.

Item 10: Operations

Nil

Item 11: Community

The Director Development, Alina Azar, declared a significant non-pecuniary conflict of interest in item 11.1 as she is the Board Director for the Not-for-profit Mid-Western Mentoring who have applied for grant funding. She left the room at 6.08pm and did not participate in discussion in relation to this matter.

11.1 BUSHFIRE COMMUNITY RECOVERY AND RESILIENCE FUND GRANTS

GOV400098, A0060009, RIS900010, GRA600048, FIN300379

345/22**MOTION: Shelley / Dicker****That Council:**

- 1. receive the report by the Manager, Community & Cultural Services on the Bushfire Community Recovery and Resilience Fund Grants; and**
- 2. provide financial assistance to the following applications in accordance with the criteria and guidelines of the Community Grants Policy:**
 - Hargraves Bush Fire Brigade \$27,670**
 - Mid-Western Mentoring \$10,000**
 - Lawson Bush Fire Brigade \$12,415**
 - Rylstone & District Historical Society \$12,415**
- 3. decline to provide financial assistance to the following applicants, for the reasons provided in the report:**
 - NSW RFS Heritage; and**
 - North Balgowlah Earthmoving Pty Ltd.**

The motion was carried with the Councillors voting unanimously.

The Director Development returned to the Chambers at 6.09pm.

The following recommendations (item 11.2 to item 12.3) were adopted as a whole, being moved by Cr Shelley, seconded by Cr Paine and carried with Councillors voting unanimously. Each recommendation is recorded with separate resolution numbers commencing at Resolution No. 345/22 and concluding at Resolution No. 354/22.

11.2 POLICY REVIEW - ELECTORAL MATTER IN PUBLIC PLACES
GOV400098, GOV400047**346/22****MOTION: Shelley / Paine**

That Council:

1. receive the report by the Manager, Customer Services & Governance on the Policy Review - Electoral Matter in Public Places;
2. place the Electoral Matter in Public Places Policy on exhibition for 28 days to seek feedback from the community; and
3. adopt the Electoral Matter in Public Places Policy if no submissions are received during the exhibition period.

The motion was carried with the Councillors voting unanimously.

11.3 POLICY REVIEW - COMPLAINTS

GOV400098, GOV400047

347/22

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

1. receive the report by the Manager, Customer Services & Governance on the Policy Review - Complaints;
2. place the Complaints Policy on exhibition for 28 days to seek feedback from the community; and
3. adopt the revised Complaints Policy if no submissions are received during the exhibition period.

The motion was carried with the Councillors voting unanimously.

11.4 POLICY REVIEW - DELEGATIONS AND AUTHORISATIONS

GOV400098, GOV400047

348/22

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

1. receive the report by the Manager, Customer Services & Governance on the Policy Review - Delegations and Authorisations;
2. place the Delegations and Authorisations Policy on exhibition for 28 days to seek feedback from the community; and
3. adopt the Delegations and Authorisations Policy if no submissions are received during the exhibition period.

The motion was carried with the Councillors voting unanimously.

11.5 POLICY REVIEW - UNREASONABLE COMPLAINANT
CONDUCT POLICY

GOV400098, GOV400047

349/22

MOTION: Shelley / Paine

That Council:

1. receive the report by the Manager, Customer Services & Governance on the Policy Review - Unreasonable Complainant Conduct Policy;
2. place the Unreasonable Complainant Conduct Policy on exhibition for 28 days to seek feedback from the community; and
3. adopt the Unreasonable Complainant Conduct Policy if no submissions are received during the exhibition period.

The motion was carried with the Councillors voting unanimously.

11.6 MUDGEES ARTS PRECINCT CONSTRUCTION - PROGRESS
UPDATE

GOV400098, COR400301, REC800038

350/22

MOTION: Shelley / Paine

That Council receive and note the report by the Director Community on the Mudgee Arts Precinct Construction - Progress Update.

The motion was carried with the Councillors voting unanimously.

11.7 GLEN WILLOW STAGE 2 - PROGRESS UPDATE

GOV400098, COR4003003, COR400277, COR400332, PAR3000585,
COR400273

351/22

MOTION: Shelley / Paine

That Council receive and note the report by the Director Community on the Glen Willow Stage 2 - Progress Update.

The motion was carried with the Councillors voting unanimously.

11.8 MUDGEES VALLEY PARK STAGE 2 - PROGRESS UPDATE

GOV400098, FIN300365, COR400446

352/22 MOTION: Shelley / Paine

That Council receive and note the report by the Director Community on the Mudgee Valley Park Stage 2 Progress Report.

The motion was carried with the Councillors voting unanimously.

Item 12: Reports from Committees

12.1 AUDIT RISK AND IMPROVEMENT COMMITTEE MINUTES -
14 OCTOBER 2022

GOV400098, COR400236

353/22 MOTION: Shelley / Paine

That Council:

- 1. receive the report by the Executive Manager, People and Performance on the Audit Risk and Improvement Committee Minutes - 14 October 2022; and**
- 2. endorse the minutes and recommendations of the Audit Risk and Improvement Committee meeting 14 October 2022.**

The motion was carried with the Councillors voting unanimously.

12.2 AUDIT RISK AND IMPROVEMENT COMMITTEE'S 21/22
ANNUAL REPORT

GOV400098, COR400236

354/22 MOTION: Shelley / Paine

That Council:

- 1. receive the report by the Executive Manager, People and Performance and Chair on the Audit Risk and Improvement Committee's 21/22 Annual Report; and**
- 2. note the Audit Risk and Improvement Committee 20/21 Annual Report.**

The motion was carried with the Councillors voting unanimously.

12.3 LOCAL TRAFFIC COMMITTEE MEETING MINUTES -
OCTOBER 2022

GOV400098, A0100009

355/22 MOTION: Shelley / Paine

That Council receive the report by the Administration Assistant Infrastructure Planning Operations on the Local Traffic Committee Meeting Minutes for October 2022.

The motion was carried with the Councillors voting unanimously.

Item 13: Urgent Business Without Notice

356/22 MOTION: Shelley / Cavalier

That Council accept the Urgent Business Without Notice in regard to Declaration of a Statewide Road Emergency.

The motion was carried with the Councillors voting unanimously.

13.1 DECLARATION OF STATEWIDE ROAD EMERGENCY

GOV400098,

356/22 (a) MOTION Shelley / Cavalier

That Council

- 1. joins with Local Government NSW and Country Mayors Association of NSW in declaring a Statewide Road Emergency;**
- 2. writes to the Hon Anthony Albanese MP, Prime Minister of Australia, and the Hon Dominic Perrottet MP, Premier of New South Wales, seeking immediate action for:**
 - an acceleration and significant increase in funding for the \$1.1 billion Fixing Local Roads and Fixing Country Bridges program from the New South Wales Government;**
 - a boost to Road Block Grant funding to compensate for the damage to the regional road network from the Federal Government; and**
 - new funding to provide councils with plant machinery and skilled workers to expedite road repairs from the Federal Government.**

The motion was carried with the Councillors voting unanimously.

356/22 (b) MOTION: Shelley / Cavalier

That Council accept the Urgent Business Without Notice in regard to the NOTAM at the Mudgee Airport.

The motion was carried with the Councillors voting unanimously.

13.2 NOTAM AT MUDGEES AIRPORT

GOV400098,

356/22 (c) MOTION Shelley / Cavalier

That Council seek to urgently remove the NOTAM preventing use of grass verges on runway 04/22 at Mudgee Airport in the interest of safety, liaise with CASA as to what would be required in order to have this included in the ERSA, and have a report brought back to Council outlining what is required in order to make that runway surface usable for pilots.

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

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

Councillor Thompson left the Chambers at 6.22pm and indicated that he would not be returning.

Item 14: Confidential Session

357/22 MOTION: Stoddart / 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 Contract of Employment

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 personnel matters concerning individuals (other than Councillors).

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.

The General Manager, Executive and staff left the Chambers at 6.23pm.

14.1 GENERAL MANAGER'S CONTRACT OF EMPLOYMENT

GOV400098, A0381418

358/22

MOTION: Shelley / Stoddart

That Council:

1. **receive the report by the Mayor on the General Manager's Contract of Employment;**
2. **authorises the Mayor (and/or other designated person/s) to negotiate in relation to the General Manager's contract of employment (including any variation to the TRP) and the execution of a new contract of employment to commence on 1 December 2022 and end on 30 June 2026; and**
3. **in furtherance of 2 above and the execution of a new contract, the Mayor (and/or other designated person/s) may seek the assistance of the Executive Manager People and Performance.**

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

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

The General Manager, Executive and staff returned to the Chambers at 6.25pm.

Item 15: Urgent Confidential Business Without Notice

Nil

Item 16: Open Council

359/22

MOTION: Stoddart / Palmer

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 6.26pm.

Unconfirmed