



Business Papers 2023

MID-WESTERN REGIONAL COUNCIL

ORDINARY MEETING

Wednesday 19 July 2023

MINUTES

*A prosperous and progressive
community we proudly call home*



CONFIRMATION OF MINUTES

3.1 Minutes of Ordinary Meeting held on 21 June 20233

Minutes of the Ordinary Meeting of Council

Held at the Council Chambers, 86 Market Street, Mudgee
on 21 June 2023, commencing at 5.31pm and concluding at 5.39pm.

PRESENT Cr S Paine (Chair), 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).

In the absence of Mayor Kennedy, the meeting was chaired by the Deputy Mayor, Cr Sam Paine.

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 Kennedy.

120/23 MOTION: Cavalier / Karavas

That Council accept the apology received for Cr Kennedy.

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

121/23 MOTION: Cavalier / Palmer

That the Minutes of the Ordinary Meeting held on 17 May 2023 be taken as read and confirmed.

The motion was carried with the Councillors voting unanimously.

122/23 MOTION: Karavas / Dicker

That the minutes of the Extraordinary Meeting held on 24 May 2023 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

Nil

Item 7: Office of the General Manager

7.1 FIXING OF ANNUAL FEES FOR COUNCILLORS AND THE
MAYOR

GOV400103, GOV400010

123/23 **MOTION: Shelley / Cavalier**

That Council:

1. receive the report by the Manager, Customer Services & Governance on the Fixing of Annual Fees for Councillor and the Mayor;
2. fix fees for Councillors and the Mayor for the period of July 2023 to June 2024 at \$21,730 for Councillors and an additional \$47,420 for the Mayor; and
 - 2.1 Council pay the Deputy Mayor a fee, to be deducted from the additional fee payable to the Mayor, for periods of 7 days or more, where the Mayor is unable to carry out the duties of Mayor, such fee to be for the period that the Deputy Mayor acts in the role of the Mayor; and
 - 2.2 the calculation of this fee to be determined at a pro rata rate of the Mayor's additional fee.

The motion was carried with the Councillors voting unanimously.

Item 8: Development

8.1 MA0007/2023 - SECTION 4.55(1A) MODIFICATION TO
DA0393/2022 - EDUCATION FACILITY AT KILDALLON - LOT 1
DP 739918 - 70-76 COURT STREET MUDGEES NSW 2850

GOV400103, DA0393/2022

124/23 **MOTION: Paine / Karavas**

That Council:

- A. receive the report by the Town Planner on the MA0007/2023 - Section 4.55(1A) Modification to DA0393/2022 - Education Facility at Kildallon - Lot 1 DP 739918 - 70-76 Court Street MUDGEE NSW 2850; and
- B. approve MA0007/2023 - Section 4.55(1A) Modification to DA0393/2022 - Education Facility at Kildallon - Lot 1 DP 739918 - 70-76 Court Street MUDGEE NSW 2850 subject to the amended conditions shown in **blue, and amended statement of reasons:**

CONDITIONS

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. Any modification otherwise required to the approved plans will require the submission of a modification application under Section 4.55 of the Environmental Planning and Assessment Act.

Title / Name:	Drawing / Ref. No.:	Revision / Issue:	Date:	Prepared by:
Site Plan	3750-A01	H	MAR 2023	Giselle Denley Drafting Services
Floor Plan	3750-A02	F	JAN 2023	Giselle Denley Drafting Services
Elevations	3750-A03	E F	AUG 2023 MAR 2023	Giselle Denley Drafting Services
Section	3750-A04	D	AUG 2022	Giselle Denley Drafting Services
Hardscape Plan	LPDA 23 – 66, sheet 01	F	11.11.22	Conzept Landscape Architects
Landscape Plan 1	LPDA 23 – 66, sheet 02	F	11.11.22	Conzept Landscape Architects
Landscape Plan 2	LPDA 23 – 66, sheet 03	F	11.11.22	Conzept Landscape Architects
Design Intent Images	LPDA 23 – 66, sheet 04	F	11.11.22	Conzept Landscape Architects
Detail + Specification	LPDA 23 – 66, sheet 05	F	11.11.22	Conzept Landscape Architects

Statement of Environmental Effects	-	-	16 October 2022	Navigate Planning
Traffic & Parking Assessment	22025	B	August 2022	Transport and Traffic Planning Associates

[MODIFIED MA0007/2023]

GENERAL

2. For clarity, this development consent approves an educational establishment (Country University Building) and associated signage only.
3. 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.
4. 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/s must also include adequate provision for prevention of erosion and scouring. All stormwater is to be discharge by connecting to the existing stormwater network system.
5. 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.
6. 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.
7. In accordance with Council's Development Control Plan, Council does not permit the following types of development over an existing sewer main or easement for sewer/stormwater drainage;
 - a) Erection of permanent structures,
 - b) Cut or fill of land,
 - c) The planting of trees, or
 - d) Concrete structures

Footing design must ensure that footing extended below the zone of influence to ensure that no load is placed on existing infrastructure.

PRIOR TO THE ISSUE OF A CONSTRUCTION CERTIFICATE

8. Prior to release of the Construction Certificate, approval pursuant to Section 68 of the Local Government Act, 1993 to carry out water supply, stormwater and sewerage works is to be obtained from Mid-Western Regional Council.
9. All finished surface levels shall be shown on the plans submitted for the Construction Certificate.
10. Consent from Council must be obtained for all works within the road reserve pursuant to Section 138 of the Roads Act 1993, prior to the issue of a Construction Certificate. In this respect, the development must provide for a new accessible pedestrian pathway from the development to the existing Court Street footpath. Further, the new access crossover is to be designed and constructed in accordance with Council's Access to Properties Policy.
11. An Erosion and Sediment Control Plan is to be submitted to an approved by the Certifier (i.e. Council or a private Certifier) prior to the issue of a Construction Certificate. the Erosion and Sediment Control Plan for the development is to be prepared and implemented in accordance with the LANDCOM guidelines and requirements as outlined in the latest edition of "Soils and Construction – Managing Urban Stormwater". Points to be considered include, but are not limited to:
 - a) Saving available topsoil for reuse in the revegetation phase of the development;
 - b) Using erosion control measures to prevent on-site damage;
 - c) Rehabilitating disturbed areas quickly; and
 - d) Maintenance of erosion and sediment control structures.

PRIOR TO THE COMMENCEMENT OF WORKS – BUILDING

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

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

13. A registered Surveyor's Certificate showing the boundaries of the site and the proposed building plotted thereon being

submitted to the Principal Certifier before construction is commenced.

14. 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

15. A sign must be erected in a prominent position on any work site on which 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

the sign shall be removed when the erection or demolition of the building has been completed.

16. If the work involved in the erection/demolition of the building;
 - a) is likely to cause pedestrian or vehicular traffic in a public place to be obstructed or rendered inconvenient; or
 - b) building involves the enclosure of a public place.

A hoarding or fence must be erected between the work site and the public place. If necessary, an awning is to be erected, sufficient to prevent any substance from, or in connection with, the work falling into the public place. Any such hoarding, fence or awning is to be removed when the work has been completed.

17. 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 and not impact on any residential property unless approval to use the road reserve has been obtained;

- 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.
18. Construction must not take place until appropriate erosion control, dust control and silt collection measures are in place. These controls must be within the satisfaction of Council and to relevant engineering standards. Such erosion control, dust control and silt collection measures must remain onsite and maintained to the satisfaction of Council for the duration of the construction period.
- Any soil / water retention structures are to be constructed prior to the bulk stripping of topsoil to ensure sediment from the whole site is captured.

BUILDING CONSTRUCTION

19. All building work must be carried out in accordance with the provisions of the National Construction Code, the Environmental Planning & Assessment Act 1979 and Regulations and all relevant Australian Standards.
20. All plumbing and drainage work must be carried out by a licensed plumber and drainer and must comply with the Plumbing Code of Australia.
21. Construction work noise that is audible at other premises is to be restricted to the following times:
- Monday to Saturday - 7.00am to 5.00pm
- No construction work noise is permitted on Sundays or Public Holidays.
22. 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.
23. All stormwater is to discharge to the street gutter with the use of non-flexible kerb adaptors. Alternatively, stormwater is to be connected to the approved inter-allotment drainage system.
24. Metal roof/wall cladding shall be provided in a non-reflective colour scheme such as "Colorbond" steel sheeting.
25. The strength of the concrete used for the reinforced concrete must be a minimum 25Mpa.
26. 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.

27. All building work is to comply with the requirements of the Access to Premises Standard.
28. The list of measures contained in the schedule attached to the Construction Certificate are required to be installed in the building or on the land to ensure the safety of persons in the event of fire in accordance with Section 78 of the Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021.

PRIOR TO THE ISSUE OF THE OCCUPATION CERTIFICATE

29. Prior to the occupation of a new building, or occupation or use of an altered portion of, or an extension to an existing building, an Occupation Certificate is to be obtained from the Principal Certifying Authority appointed for the erection of the building.
30. Prior to occupation or the issue of the Occupation Certificate the owner of the building must cause the Principal Certifier to be given a fire safety certificate (or interim fire safety certificate in the case of a building or part of a building occupied before completion) in accordance with Section 41 of the Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021 for each measure listed in the schedule. The certificate must only be in the form specified by Section 86 of the Regulation. A copy of the certificate is to be given to the Commissioner of the New South Wales Fire Brigade and a copy is to be prominently displayed in the building.
31. All stormwater, road, driveway and car parking works must be completed prior to issue of the Occupation Certificate for the development.

ONGOING

32. For every 12-month period after the issue of the Final Fire Safety Certificate the owner/agent of the building must provide the Council and the Commissioner of NSW Fire Brigades with a copy of an Annual Fire Safety Statement Certifying that each specified fire safety measure is capable of performing to its specification.
33. Where any essential services are installed in the building a copy of the final Fire Safety Certificate (together with a copy of the current fire safety schedule) is to be given to the Commissioner of NSW Fire Brigades and Council. A further copy of the Certificate (together with a copy of the current fire safety schedule) is to be prominently displayed in the building.
34. There is to be no interference with the amenity of the neighbourhood by reason of the emission of any "offensive noise", vibration, smell, fumes, smoke, vapour, steam, soot, ash or dust, or otherwise as a result of the proposed development.
35. All vehicles are required to enter and leave the site in a forward direction at all times.

36. All loading and unloading in connection with the premises shall be carried out wholly within the site.
37. All car parking areas, loading and unloading areas, vehicle manoeuvring and driveway areas must not be used for the storage of any goods or materials and must be available for their intended use at all times.
38. All waste generated by the development is to be disposed of to a Council approved waste facility. All fees and charges for disposal are to be borne by the developer.
39. All exterior lighting associated with the development shall be designed and installed so that no obtrusive light will be cast onto adjoining property or roadways, in accordance with Australian Standard 4282 "Control of the Obtrusive Effects of Outdoor Lighting".
40. Measures, such as raised kerb edges, bollards and/or fencing, are to be installed and maintained around all approved landscaped areas in order to prevent vehicles driving over them.
41. The development is to be kept in a clean and tidy condition at all times.
42. All signage is to be maintained in good condition at all times.
43. The signage is to be securely affixed and is not to flash, move or be objectionably glaring.
44. Any further signage proposed on the site is subject to a separate Development Application.
45. The air conditioning unit/s must be operated in accordance with the requirements of the Protection of the Environmental Operations Act (Noise Control) Regulations 2000.
46. The hours of operation of the development are limited to the following:
 - 7 am to 12 midnight, daily.

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 is considered satisfactory in terms of the matters identified in Section 4.55(1A) of the Environmental Planning and Assessment Act 1979.
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. The matters raised within the submission have been assessed and addressed, with Councils Heritage Advisor having reviewed and supported the amendment to the colour schedule.

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

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

The following recommendations (item 8.2 to item 12.4, excluding item 11.4) were adopted as a whole, being moved by Cr Shelley seconded by Cr Cavalier and carried with Councillors voting as indicated. Each recommendation is recorded with separate resolution numbers commencing at Resolution No. 125/23 and concluding at Resolution No. 144/23.

8.2 PLANNING PROPOSAL TEMPORARY WORKERS' ACCOMMODATION - POST EXHIBITION

GOV400103, LAN900146

125/23

MOTION: Shelley / Cavalier

That Council:

1. receive the report by the Manager, Strategic Planning on the Planning Proposal Temporary Workers' Accommodation - Post Exhibition; and
2. exercise its delegation in the preparation of the amendment Clause 6.11 Temporary workers' accommodation of the Mid-Western Regional Local Environmental Plan 2012 to:
 - i) allow persons, as detailed in the clause to be accommodated in temporary workers' accommodation beyond the 5-kilometre radius requirement;
 - ii) allow public authorities to develop beyond the 5-kilometre radius subject to the Opinion issued by Parliamentary Counsel.

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

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

8.3 COMMUNITY ENGAGEMENT POLICY

GOV400103, ECO800001

126/23

MOTION: Shelley / Cavalier**That Council:**

1. receive the report by the Manager - Economic Development on the Community Engagement Policy;
2. place the Community Engagement Policy on exhibition for 28 days to seek feedback from the community; and
3. adopt the reviewed Community Engagement Policy if no submissions are received during the exhibition period.

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

Councillors	Ayes	Nayes
Cr Paine	✓	
Cr Cavalier	✓	
Cr Dicker	✓	
Cr Karavas	✓	

Cr Palmer	✓	
Cr Shelley	✓	
Cr Stoddart	✓	
Cr Thompson		✓

8.4 POLICY REVIEW - EVENTS ASSISTANCE

GOV400103, GOV4000087

127/23

MOTION: Shelley / Cavalier**That Council:**

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

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

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

8.5 MONTHLY DEVELOPMENT APPLICATIONS PROCESSING AND DETERMINED

GOV400103, A0420109

128/23

MOTION: Shelley / Cavalier**That Council receive the report by the Manager Planning on the Monthly Development Applications Processing and Determined.***The motion was put and carried with Councillors voting as follows:*

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

Cr Thompson

✓

Item 9: Finance

9.1 NAMING OF A ROAD TO PROVIDE ACCESS TO A
SUBDIVISION OFF WHITE ROCK ROAD, PINNACLE SWAMP
GOV400103, P26899, R0790041

129/23

MOTION: Shelley / Cavalier**That Council:**

1. receive the report by the Revenue Officer on the naming of a road to provide access to a subdivision off White Rock Road, Pinnacle Swamp;
2. formally approve the name of River Station Road; and
3. publish formal declaration of the approved name in the NSW Government Gazette, and notify the naming in accordance with Councils Road, Bridge and Place Naming Policy.

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

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

9.2 CLASSIFICATION OF LAND - LOT 24 DP1293812 AT 9
PALERMO ROAD, MUDGEE
GOV400103, PAR300003, 27049

130/23

MOTION: Shelley / Cavalier**That Council:**

1. receive the report by the Property Officer on the Classification of Land - Lot 24 DP1293812 at 9 Palermo Road, Mudgee; and
2. classify allotment Lot 24 DP1293812 located at 9 Palermo Road, Mudgee as Operational lands in accordance with Section 31 of the Local Government Act 1993.

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

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

9.3 CLASSIFICATION OF LAND - LOT 11 DP1277513 DRAINAGE RESERVE AT 1 KNOTT PLACE CAERLEON

GOV400103, P27071

131/23

MOTION: Shelley / Cavalier

That Council:

1. receive the report by the Property Officer on the Classification of Land - Lot 11 DP1277513 Drainage Reserve at 1 Knott Place Caerleon; and
2. give public notice of its intention to classify Lot 11 DP 1277513 as Operational land in accordance with Chapter 6, Part 2, Division 1 Local Government Act, by exhibiting the proposal for 28 days and should there be no submissions from the public, the land be so classified as Operational.

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

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

9.4 WRITE-OFF OF DEBTS - PERIOD 28/5/2022 TO 17/5/2023

GOV400103, A0140197

132/23

MOTION: Shelley / Cavalier

That Council:

1. receive the report by the Revenue Coordinator on the Write-off of Debts - Period 28/5/2022 to 17/5/2023;

2. **note the write-offs totalling \$3,831.78 made under delegated authority as stipulated in the confidential Attachment 1 to this Report for the period 28/5/2022 to 17/5/2023; and**
3. **authorise the write-off of those debts greater than \$2,500 and totalling \$23,537.13 as stipulated in Attachment 1 to this Report for the period 28/5/2022 to 17/5/2023.**

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

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

9.5 MONTHLY STATEMENT OF INVESTMENTS AS AT 31 MAY 2023

GOV400103, FIN300053

133/23

MOTION: Shelley / Cavalier

That Council:

1. **receive the report by the Manager Finance on the Monthly Statement of Investments as at 31 May 2023; and**
2. **note the certification of the Responsible Accounting Officer.**

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

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

9.6 MONTHLY BUDGET REVIEW - MAY 2023

GOV400103, FIN300315

134/23

MOTION: Shelley / Cavalier

That Council:

1. receive the report by the Accountant Reporting & Analysis on the Monthly Budget Review - May 2023; and
2. amend the 2022/23 budget in accordance with the variations as listed in the Monthly Budget Review attachment to this report; and
3. allocate \$85,000 for the Rylstone Caravan Park from the Asset Renewal Reserve for the year 2022/23.

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

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

9.7 2023/24 OPERATIONAL PLAN AND 2023/27 DELIVERY PROGRAM

GOV400103, A0000000, FIN300202, GOV400098

135/23

MOTION: Shelley / Cavalier

That Council:

1. receive the report by the Manager Finance on the 2023/24 Operational Plan and 2023/27 Delivery Program;
2. amend the transfer to the Waste Fund financial reserve in 2024/25 to \$3,100,000, to ensure the financial reserve has sufficient funds for upcoming large capital projects;
3. adopt the Operational Plan for 2023/24 and Delivery Program for 2024-2027, including the Fees & Charges Schedule;
4. makes the following rates and charges for the 2023/24 financial year:
 - 4.1 A Residential Rural Rate of 0.324440 cents in the dollar on the land value as at 1 July 2023 of all land so categorised as Residential, with a minimum rate of \$742.29;
 - 4.2 A Residential Urban Rate of 0.324440 cents in the dollar on the land value as at 1 July 2023 of all land so categorised as Residential and further subcategorised as Residential Urban, with a minimum rate of \$742.29;

- 4.3 A Farmland Rate of 0.246498 cents in the dollar on the land value as at 1 July 2023 of all land so categorised as Farmland, with a minimum rate of \$742.29;**
- 4.4 A Business Rate of 0.548190 cents in the dollar on the land value as at 1 July 2023 of all land so categorised as Business, with a minimum rate of \$742.29;**
- 4.5 A Business Rylstone Aeropark Rate of 0.189277 cents in the dollar on the land value as at 1 July 2023 of all land so categorised as Business and further subcategorised as Business Rylstone Aeropark, with a minimum rate of \$243.67;**
- 4.6 A Mining Rate of 0.972172 cents in the dollar on the land value as at 1 July 2023 of all land so categorised as Mining, with a minimum rate of \$742.29;**
- 4.7 A Hunter Valley Catchment Contribution Rate of 0.01046 cents in the dollar on the land value as at 1 July 2023 of all land within the catchment contribution area that has a land value in excess of \$300 and is rateable for the time being under the Local Government Act 1993. Council contributes to the provision of watercourse management in the area controlled by Hunter Local Land Services. A Hunter Valley Catchment Special Rate, which is determined by the authority, is to be applied for the purposes of the Local Land Services Regulation 2014.**
- 4.8 The interest to be charged on overdue rates and charges shall be calculated at a rate of 9% per annum for the 2023/24 financial year, on a daily simple interest basis;**
- 4.9 A Domestic Waste Management Charge of \$331 for all rateable and non-rateable properties within the service areas. Where there is more than one service the annual charge will be multiplied by the number of services;**
- 4.10 A General Waste Disposal Charge of \$250 for all rateable and non-rateable properties with the exception of certain Farmland properties that can identify in the manner required by Council that they have a landholding comprised of multiple assessments with a lesser number of residences than assessments; they will be charged for the number of residences. Where there is more than one service the annual charge will be multiplied by the number of services;**
- 4.11 A Business Waste Management Charge of \$256 for all rateable and non-rateable Business category properties where a service is rendered. Where there is more than one service the annual charge will be multiplied by the number of services;**

4.12 Water charges for rateable and non-rateable properties within the water supply area of:

Charge Type	Detail	Amount
Service Availability	20mm meter	\$177
	25mm meter	\$277
	32mm meter	\$453
	40mm meter	\$708
	50mm meter	\$1,106
	80mm meter	\$2,832
	100mm meter	\$4,425
	150mm meter	\$9,956
Usage - per kL	Residential	\$3.59
	Business	\$3.59
	Raw Water	\$1.48
	Standpipe	\$6.54

In relation to any multi-unit residential development, including any strata development, each unit will be levied a 20mm service availability charge. In relation to vacant land where a water meter is not connected, each property will be levied with a 20mm service availability charge.

4.13 Sewer charges for rateable and non-rateable properties within the sewer service area of:

Charge Type	Detail	Amount
Service availability	Residential	\$982
	Non-Residential	\$548
Usage - Non Residential	Based on kLs of water that would reasonably be deemed to enter MWRC sewer schemes	\$3.14
Liquid Trade Waste - Annual Charge	Category 1 Discharger	\$108
	Category 2 Discharger	\$215
	Large Discharger	\$715
	Industrial Discharger	\$215-\$705
	Re-inspection Fee	\$105
Liquid Trade Waste - Category 1	Per kilolitre	\$2.06

without appropriate equipment		
Liquid Trade Waste - Category 2 with appropriate equipment	Per kilolitre	\$2.06
Liquid Trade Waste - Category 2 without appropriate equipment	Per kilolitre	\$18.00

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

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

Item 10: Operations

Nil

Item 11: Community

11.1 MUDGEES ARTS PRECINCT CONSTRUCTION - FINAL REPORT

GOV400103, COR400301, REC800038

136/23

MOTION: Shelley / Cavalier

That Council receive and note the report by the Director Community on the Final Report for the Mudgee Arts Precinct Construction.

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

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

Cr Stoddart	✓	
Cr Thompson		✓

11.2 GLEN WILLOW STAGE 2 - FINAL REPORT

GOV400103, COR40030003, COR400277, COR400332, PAR3000585,
COR400273

137/23

MOTION: Shelley / Cavalier

That Council receive and note the report by the Director Community on the Final Report for Glen Willow Stage 2.

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

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

11.3 MUDGEY VALLEY PARK EXPANSION PROJECT - PROGRESS REPORT

GOV400103, FIN300365, COR400446

138/23

MOTION: Shelley / Cavalier

That Council receive the report by the Director Community on the Mudgee Valley Park Expansion Project - Progress Report.

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

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

Item 11.4 - Public Art Policy – see after item 12.4

11.5 ART COLLECTION POLICY

GOV400103, REC800049

139/23

MOTION: Shelley / Cavalier

That Council:

1. receive the report by the Manager, Community & Cultural Services on the Art Collection Policy;
2. place the Art Collection Policy on exhibition for 28 days to seek feedback from the community; and
3. adopt the reviewed Art Collection Policy if no submissions are received during the exhibition period.

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

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

11.6 FIREARMS POLICY

GOV400103, GOV400047

140/23

MOTION: Shelley / Cavalier**That Council:**

1. receive the report by the Manager, Customer Services & Governance on the Firearms Policy;
2. place the Firearms Policy (to be rescinded) on public exhibition for 28 days; and
3. rescind the Firearms Policy if no submissions are received and remove from the Policy register.

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

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

Item 12: Reports from Committees**12.1 AUDIT RISK AND IMPROVEMENT COMMITTEE MINUTES -
26 MAY 2023**

GOV400103, COR400236

141/23

MOTION: Shelley / Cavalier**That Council:**

- 1. receive the report by the General Manager on the Audit Risk and Improvement Committee Minutes - 26 May 2023; and**
- 2. endorse the minutes and recommendations of the Audit Risk and Improvement Committee meeting 26 May 2023.**

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

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

**12.2 GULGONG MEMORIAL HALL COMMITTEE MEETING - MAY
2023**

GOV400103, A0100024

142/23

MOTION: Shelley / Cavalier**That Council:**

- 1. receive the report by the Director Community on the Gulgong Memorial Hall Committee Meeting - May 2023; and**
- 2. note the minutes from the Gulgong Memorial Hall Committee meetings held on 31 May 2023.**

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

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

Cr Thompson	✓
-------------	---

12.3 SPORTS ADVISORY GROUPS UPDATE - MEETINGS FEBRUARY - JUNE 2023

GOV400103, A0360013, A036003, A0360030

143/23

MOTION: Shelley / Cavalier

That Council:

1. receive the report by the Sport and Recreation Liaison Officer on the Sports Advisory Groups Update - Meetings February - June 2023; and
2. note the Meeting Notes from the Gulgong, and Mudgee Sports Advisory Groups.

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

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

12.4 LOCAL TRAFFIC COMMITTEE MEETING MINUTES - MAY 2023

GOV400103, A0100009

144/23

MOTION: Shelley / Cavalier

That Council receive the report by the Operations Administration Assistant on the Local Traffic Committee Meeting Minutes for May 2023.

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

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

11.4 PUBLIC ART POLICY

GOV400103, REC800021

145/23 MOTION: Karavas / Dicker**That Council:**

1. receive the report by the Manager, Community & Cultural Services on the Public Art Policy;
2. amend the draft Public Art Policy to include the requirement for the de-accessioning of works from the Public Art Collection to be approved by resolution of Council;
3. place the Public Art Policy on exhibition for 28 days to seek feedback from the community; and
4. adopt the reviewed Public Art Policy if no submissions are received during the exhibition period.

The motion was carried with the Councillors voting unanimously.

Item 13: Urgent Business Without Notice

Nil

Item 14: Confidential Session**146/23 MOTION: Cavalier / Karavas**

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.

Item 15: Urgent Confidential Business Without Notice**147/23 MOTION: Cavalier / Palmer**

That Council accept the Urgent Confidential Business Without Notice Item 15.1 - Gulgong and Mudgee Water Security Projects.

The motion was carried with the Councillors voting unanimously.

Following the motion to close the meeting and the acceptance of the Urgent Confidential Business Without Notice being moved and seconded, the General Manager announced that the following matter would be considered in confidential session and the reason why it was being dealt with in this way.

15.1 *Gulgong and Mudgee Water Security Projects*

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 NSW Government requests that this information be kept confidential.

Following an enquiry from the Deputy 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.

15.1 GULGONG AND MUDGEE WATER SECURITY PROJECTS GOV400103, WAT500004

148/23

MOTION: Cavalier / Palmer

That Council:

1. receive the report by the Manager Water and Sewer on the Gulgong and Mudgee Water Security Projects;
2. amend the 2023/24 Budget in accordance with the adjustments lists in the Financial implications section of this report; and
3. maintain confidentiality of the contents of this report until such time as specified by this report, after which this report will be made publicly available.

The motion was carried with the Councillors voting unanimously.

Item 16: Open Council

149/23

MOTION: Cavalier / 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 5.39pm.