

# Minutes of the Ordinary Meeting of Council

Held at the Council Chambers, 86 Market Street, Mudgee  
on 03 November 2021, commencing at 5.46pm and concluding at 6.35pm

**PRESENT** Cr D Kennedy, Cr S Paine, Cr P Cavalier, Cr A Karavas, Cr E Martens, Cr J O'Neill, Cr P Shelley and Cr JP Thompson.

**IN ATTENDANCE** General Manager (Brad Cam), Director Community (Simon Jones), Director Development (Julie Robertson), Director Operations (Julian Geddes), Chief Financial Officer (Leonie Johnson), Executive Manager Human Resources (Michele George), Manager Governance (Tim Johnston), Manager Customer Services and Governance (Richard Cushway), and Executive Assistant (Mette Sutton).

Mayor Kennedy thanked all Councillors for their contribution and commitment during their 5 year 3 month term as Mid-Western Regional Council Councillors, and wished them all the best in the upcoming local government election.

## Item 1: Apologies

An apology was received for Councillor Holden.

**314/21 MOTION: Shelley / Martens**

**That the apology received for Councillor Holden be accepted.**

*The motion was carried with the Councillors voting unanimously.*

The Mayor introduced Unaib Jeffrey from Council's Audit Service Provider to present the Audit of the Financial Statements for the year ended 30 June 2021 (by Microsoft Teams). Unaib noted that key partner Luke Malone was unavailable due to personal reasons therefore Unaib would be delivering the presentation to Council.

At the conclusion of the presentation Unaib thanked Leonie, Neil and the finance team for their work completing the audit.

## Item 2: Disclosure of Interest


Councillor Shelley declared a pecuniary conflict of interest in item 8.3 as he is an employee of Bowdens Silver.

Councillor Thompson declared a less than significant non-pecuniary conflict of interest in item 8.8 as he is president of the Gulgong Turf Club.

## Item 3: Confirmation of Minutes

**315/21 MOTION: Shelley / Paine**

**That the Minutes of the Ordinary Meeting held on 13 October 2021 be**

  
Mayor  
General Manager

**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 POLICE IN GULGONG**

GOV400088, GOV400062, EME900013

**316/21 MOTION: Thompson / Martens**

**That Council request that the General Manager contact the NSW Minister for Police and the Police Superintendent to ask for an increase in Police in Gulgong.**

*The motion was carried with the Councillors voting unanimously.*

**6.2 MAINTENANCE IN GULGONG**

GOV400088, GOV400062, WAS400018, A0160001

**317/21 MOTION: Thompson / Martens**

**That Council immediately straighten the sign posts, signs and garbage bins in Gulgong and surrounding outskirts of Gulgong.**

*The motion was carried with the Councillors voting unanimously.*

The following recommendations (item 7.1 and item 7.2 were adopted as a whole, being moved by Cr Shelley seconded by Cr O'Neill and carried with Councillors voting unanimously. Each recommendation is recorded with separate resolution numbers commencing at Resolution No. 318/21 and concluding at Resolution No. 319/21

**Item 7: Office of the General Manager**

**7.1 DISASTER RECOVERY FUNDING UPDATE**

GOV400088, A0060009; GRA600016

**318/21 MOTION: Shelley / O'Neill**

**That Council receive the report by the Bushfire Liaison Officer on the Disaster Recovery Funding Update.**



Mayor



General Manager

*The motion was carried with the Councillors voting unanimously.*

7.2 DELEGATION OF AUTHORITY GENERAL MANAGER /  
COUNCILLOR ELECTION 4 DECEMBER 2021

GOV400088, A0230005

**319/21 MOTION: Shelley / O'Neill**

**That Council:**

1. receive the report by the Governance Coordinator on the Delegation of Authority General Manager / Councillor Election 4 December 2021;
2. suspend the operation of the exclusions listed in Part 4 of the General Manager's Delegations of Authority for the period 5<sup>th</sup> November 2021 to 12<sup>th</sup> January 2022; and
3. amend Part 3 limitations of the General Manager's Delegations of Authority increasing emergency expenditure 3.1a from \$100,000 to \$250,000 and 3.2 accepting Council tenders from \$1,000,000 to \$3,000,000 for the period 5<sup>th</sup> November 2021 to 12<sup>th</sup> January 2022.

*The motion was carried with the Councillors voting unanimously.*

**Item 8: Development**

- 8.1 ME0001/2022 - PROPOSED MODIFICATION TO DA0428/2013 FOR RESIDENTIAL SUBDIVISION AT 26 HONE CREEK ROAD, CAERLEON (ORIGINALLY 38 HILL END ROAD, CAERLEON LOT 2 DP1181749, LOT 1 DP1146227, LOT 1 DP32086 AND LOT 136 DP 756894)

GOV400088, P1939562

**320/21 MOTION: Shelley / Cavalier**

**That Council:**

- A. receive the report by the Town Planner and Manager Statutory Planning on the ME0001/2022 - Proposed Modification to DA0428/2013 for Residential Subdivision at 26 Hone Creek Road, Caerleon (originally 38 Hill End Road, Caerleon Lot 2 DP1181749, Lot 1 DP1146227, Lot 1 DP32086 and Lot 136 DP 756894); and
- B. approve ME0001/2022 - Proposed Modification to DA0428/2013 for Residential Subdivision at 26 Hone Creek Road, Caerleon (originally 38 Hill End Road, Caerleon Lot 2

  
Mayor

  
General Manager

DP1181749, Lot 1 DP1146227, Lot 1 DP32086 and Lot 136 DP 756894) subject to the following conditions and statement of reasons:

Conditions of consent (AMENDMENTS IN BLUE)

CONDITIONS

1. Development is to be carried out generally in accordance with stamped plans:

Masterplan

- Staging Plan, Proposed Subdivision "Caerleon" - Lot Layout; Job Code 319171\_08; Sheet No. TP01 Rev B-3; dated 23/06/2021 and prepared by Premise.

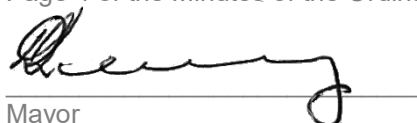
Detailed Stage Plans

- Stage 4 – Drawing Title - Sale Plan Stage 4, Project No. MX10286.11-SALE, Issue A, dated 28.10.20 and prepared by Triaxial Consulting
- Stage 5 - Drawing Title - Sale Plan Stage 5, Project No. MX10286.11-SALE5, Issue A, dated 28.10.20 and prepared by Triaxial Consulting
- Stage 6 - Sheet Name: Sale Plan – Stage 6, Sheet No. TP01, Rev C, Job Code 319171\_10, dated 05/03/2021 and prepared by Premise
- Stage 7A - Sheet Name: Sale Plan – Stage 7A, Sheet No. TP01, Rev D, Job Code 319171\_11, dated 18/03/2021 and prepared by Premise
- Stage 8 Sheet Name: Sale Plan – Stage 8, Sheet No. TP01, Rev D, Job Code 319171\_17, dated 27/04/2021 and prepared by Premise
- Stage 9 – Sheet Name: Sale Plan – Stage 9, Sheet No. TP01, Rev A, Job Code 319171\_18, dated 14/04/2021 and prepared by Premise
- Stage 10 – Sheet Name: Sale Plan – Stage 10, Sheet No. TP01, Rev C Dated 14/05/2021 Job Code 319171\_19 and prepared by Premise.
- Stage 11 – Sheet Name: Sale Plan – Stage 11, Sheet No. TP01, Rev A, Job Code 319171\_22, dated 14/05/2021 and prepared by Premise.

Landscaping

- Landscape Masterplan Neighbourhood 1, Site Image Landscape Architects, Plan No SS13-2563 C102, Issue B, Drawn 11/03/2013.
- Supplementary Landscape Report – Caerleon Mudgee, Site Image Landscape Architects, Issue A, Drawn 13/03/2013.

and the Application received by Council on 26/04/2013 except as varied by the conditions listed herein. Any minor modification to the approved plans will require the lodgement



Mayor



General Manager

and consideration by Council of amended plans. Major modifications will require the lodgement of a new development application.

(Amended by MA0042/2021)

#### **OPERATIONAL CONDITIONS**

2. In accordance with S 93I of the Environmental Planning and Assessment Act 1979 the development is to be undertaken in accordance with the executed Voluntary Planning Agreement.

#### **GENERAL TERMS OF APPROVAL – WATER MANAGEMENT ACT**

3. Pursuant to Section 91 A of the Environmental Planning and Assessment Act 1979, the development is to comply with the General Terms of Approval obtained from the NSW Office of Water: 80 ERM2013/0313.

#### **BUSHFIRE SAFETY AUTHORITY CONDITIONS**

##### **Asset Protection Zones**

The intent of measures is to minimise the risk of bush fire attack and provide protection for emergency services personnel, residents and others assisting firefighting activities. To achieve this, the following conditions shall apply:

4. At the issue of a subdivision certificate, and in perpetuity to ensure ongoing protection from the impact of bush fires, the entirety of the proposed residential lots must be managed as an inner protection area (IPA) in accordance with the requirements of Appendix 4 of Planning for Bush Fire Protection 2019. When establishing and maintaining an IPA the following requirements apply:
  - tree canopy cover should be less than 15% at maturity;
  - trees at maturity should not touch or overhang the building;
  - lower limbs should be removed up to a height of 2m above the ground;
  - tree canopies should be separated by 2 to 5m;
  - preference should be given to smooth barked and evergreen trees;
  - large discontinuities or gaps in vegetation should be provided to slow down or break the progress of fire towards buildings;
  - shrubs should not be located under trees;
  - shrubs should not form more than 10% ground cover; and
  - clumps of shrubs should be separated from exposed windows and doors by a distance of at least twice the height of the vegetation.
  - grass should be kept mown (as a guide grass should be kept to no more than 100mm in height); and



Mayor



General Manager

- leaves and vegetation debris should be removed.

(Amended by MA0042/2021)

5. A restriction to the land use pursuant to section 88B of the Conveyancing Act 1919 shall be placed on all land to the south of stage 9 for a distance of 10 metres within Lot 201, DP 1269473 for the purpose of a temporary asset protection zone (APZ) in accordance with Appendix 4 of Planning for Bush Fire Protection 2019. The restriction to land use for the purpose of a temporary asset protection zone may be extinguished upon commencement of future development over the affected areas. The name of authority empowered to release, vary or modify any instrument shall be Mid-Western Regional Council.

When establishing and maintaining an IPA the following requirements apply:

- tree canopy cover should be less than 15% at maturity;
- trees at maturity should not touch or overhang the building;
- lower limbs should be removed up to a height of 2m above the ground;
- tree canopies should be separated by 2 to 5m;
- preference should be given to smooth barked and evergreen trees;
- large discontinuities or gaps in vegetation should be provided to slow down or break the progress of fire towards buildings;
- shrubs should not be located under trees;
- shrubs should not form more than 10% ground cover; and
- clumps of shrubs should be separated from exposed windows and doors by a distance of at least twice the height of the vegetation.
- grass should be kept mown (as a guide grass should be kept to no more than 100mm in height); and
- leaves and vegetation debris should be removed.

(Amended by MA0042/2021)

#### Access – Public Roads

The intent of measures is to provide safe operational access to structures and water supply for emergency services, while residents are seeking to evacuate from an area. To achieve this, the following conditions shall apply:

6. Access roads must comply with the following general requirements of Table 5.3b of Planning for Bush Fire Protection 2019 and the following:
  - traffic management devices are constructed to not prohibit access by emergency services vehicles;
  - maximum grades for sealed roads do not exceed 15



Mayor



General Manager

degrees and an average grade of not more than 10 degrees or other gradient specified by road design standards, whichever is the lesser gradient;

- all roads are through roads;
- dead end roads are not recommended, but if unavoidable, are not more than 200 metres in length, incorporate a minimum 12 metres outer radius turning circle, and are
- clearly sign posted as a dead end;
- non-perimeter roads are a 5.5 metre minimum carriageway width kerb to kerb;
- perimeter roads are an 8 metre minimum carriageway width kerb to kerb;
- where kerb and guttering is provided on perimeter roads, roll top kerbing should be used to the hazard side of the road;
- where access/egress can only be achieved through forest, woodland and heath vegetation, secondary access shall be provided to an alternate point on the existing public road system;
- one way only public access roads are no less than 3.5 metres wide and have designated parking bays with hydrants located outside of these areas to ensure accessibility to reticulated water for fire suppression;
- the capacity of perimeter and non-perimeter road surfaces and any bridges/causeways is sufficient to carry fully loaded firefighting vehicles (up to 23 tonnes); bridges/causeways are to clearly indicate load rating.
- hydrants are located outside of parking reserves and road carriageways to ensure accessibility to reticulated water for fire suppression;
- hydrants are provided in accordance with the relevant clauses of AS 2419.1:2005 - Fire hydrant installations System design, installation and commissioning; and
- there is suitable access for a Category 1 fire appliance to within 4m of the static water supply where no reticulated supply is available.

(Amended by MA0042/2021)

#### **Water and Utility Services**

The intent of measures is to provide adequate services of water for the protection of buildings during and after the passage of a bush fire, and to locate gas and electricity so as not to contribute to the risk of fire to a building. To achieve this, the following conditions shall apply:

7. The provision of water, electricity and gas must comply with Table 6.8c of Planning for Bush Fire Protection 2019.

(Amended by MA0042/2021)

  
Mayor

  
General Manager

## Landscaping Assessment

**Intent of measures:** to minimise the risk of bush fire attack and provide protection for emergency services personnel, residents and others assisting firefighting activities.

**7a.** Landscaping within the required asset protection zone must comply with Appendix 4 of Planning for Bush Fire Protection 2019. In this regard, the following principles are to be incorporated:

- A minimum 1 metre wide area, suitable for pedestrian traffic, must be provided around the immediate curtilage of the building;
- Planting is limited in the immediate vicinity of the building;
- Planting does not provide a continuous canopy to the building (i.e. trees or shrubs are isolated or located in small clusters);
- Landscape species are chosen to ensure tree canopy cover is less than 15% (IPA), and less than 30% (OPA) at maturity and trees do not touch or overhang buildings;
- Avoid species with rough fibrous bark, or which retain/shed bark in long strips or retain dead material in their canopies;
- Use smooth bark species of trees species which generally do not carry a fire up the bark into the crown;
- Avoid planting of deciduous species that may increase fuel at surface/ ground level (i.e. leaf litter);
- Avoid climbing species to walls and pergolas;
- Locate combustible materials such as woodchips/mulch, flammable fuel stores away from the building;
- Locate combustible structures such as garden sheds, pergolas and materials such as timber garden furniture away from the building; and
- Low flammability vegetation species are used.

(Added by MA0042/2021)

## SECT. 138 – ROAD ACT – ROADS & MARITIME SERVICES CONCURRENCE

**8.** Conditions required by the RMS in their Concurrence dated 01 July 2013 and 08 October 2021 have been incorporated into the general conditions related to roadworks.

(Amended by ME0001/2022)

## LEP AMENDMENT

**9.** Prior to the release of the subdivision certificate for lots 047-052 inclusive, an amendment rezoning the lots to be completely R1 General Residential (i.e. not split zoned) under the Mid-Western Regional Council Local Environmental Plan



Mayor



General Manager



2012 will be approved by relevant bodies.

**PRIOR TO ISSUE OF CONSTRUCTION CERTIFICATE**

10. Prior to the release of any Subdivision Works Certificate a detailed contamination investigation will be undertaken in accordance with the recommendations made in Preliminary Contamination Assessment prepared by Envirowest Consulting dated 20 July 2012 Ref:12258c.

(Amended by MA0042/2021)

11. Prior to the release of any Subdivision Works Certificate a detailed aboriginal cultural investigation will be undertaken in accordance with recommendations of the Aboriginal Heritage Due Diligence Assessment Preliminary Investigations prepared by Kelleher Nightingale Consulting Pty Ltd dated June 2012 Ref: 1120.

Note: If any aboriginal artefacts are uncovered or identified during construction earthworks, such work is to cease immediately and the local aboriginal community and National Parks and Wildlife Service are to be notified.

A suitably qualified person is required to be present during earthworks to identify whether any artefacts were uncovered.

(Amended by MA0042/2021)

12. The development in general and plans submitted for any Subdivision Works Certificate shall be designed in accordance with the recommendations made in the Preliminary Soil Salinity Assessment prepared by Minespex dated May 2012.

(Amended by MA0042/2021)

13. All finished surface levels shall be shown on the plans submitted for the Construction Certificate. Where it is proposed to import fill, the material shall be certified as free of hazardous materials and contamination by a suitably qualified geotechnical engineer. Fill placed in residential or commercial lots shall be compacted in accordance with AS3798-2007 Guidelines on Earthworks for Commercial and residential Developments.

Note: Council will quote on connecting any sewer or water main extension to the existing "live" main on receipt and approval of engineering plans.

Note: Council does not permit other bodies to insert new junctions into "live" sewer mains.

14. No construction is to commence before a Subdivision Works

  
Mayor

  
General Manager

**Certificate is issued for the subdivision works. The works are to be constructed in accordance with the plans and specifications referred to in the Subdivision Works Certificate.**

**Note: The Subdivision Works Certificate may be issued by Council. Council's fee for this service is set out in Council's fees and charges.**

**(Amended by MA0042/2021)**

- 15. A detailed engineering design with plans, and "AutoCAD compatible" Plan, (in dwg format including pen-map), material samples, test reports and specifications are to be prepared in accordance with current AUS-SPEC specifications (as modified by Mid-Western Regional Council) and the conditions of this development consent. The engineering design is to be submitted to and approved by Council prior to the issue of a Subdivision Works Certificate.**

**(Amended by MA0042/2021)**

- 16. A site supervisor is to be nominated by the applicant prior to the issue of the Subdivision Works Certificate.**

**(Amended by MA0042/2021)**

- 17. A Traffic Guidance Scheme (TGS) completed by the "Certified Person" for implementing during works is to be submitted to Mid-Western Regional Council prior to any work commencing.**

**(Amended by MA0042/2021)**


- 18. Contractor's insurance cover for a minimum of \$20,000,000 is to be sighted and to be shown to Mid-Western Regional Council as an interested party.**

- 19. Existing and proposed contours are to be shown on detailed engineering plans.**

- 20. Prior to the issue of a Subdivision Works Certificate, all details relating to decommissioning the farm dam in preparation for a residential site, including methods, materials and equipment shall be provided to Council.**

**(Amended by MA0042/2021)**

- 20a Prior to the issue of a Subdivision Works Certificate or any further works relating to Stage 6 the applicant must provide evidence to demonstrate stormwater runoff from the development can be directed to an existing or proposed basin as shown on "Dwg 319171\_08 TP01 Rev B-3". Any application for a Subdivision Works Certificate must be accompanied by detailed calculations for all contributing upstream catchments**

  
Mayor

  
General Manager

to ensure the area set aside for the basin can accommodate a basin of sufficient capacity to capture all runoff generated by a fully developed upstream catchment.

(Added by MA0042/2021)

- 20b Prior to the issue of a Subdivision Works Certificate or any further works relating to Stage 6 or Basin 3, the approved landscape plans identified in condition 1 are to be updated to reflect the amended location of Basin 3 identified in the approved staging plan. The amended landscape plan must also provide for open space within the basin in the form of passive recreation and a picnic and BBQ area.

(Added by MA0042/2021)

## INFRASTRUCTURE

### Stormwater Drainage

21. The applicant is to submit a Drainage Report prepared in accordance with the current published version of Australian Rainfall and Runoff for approval prior to the release of the Subdivision Works Certificate. The report must demonstrate that stormwater runoff from the site is not increased beyond the existing undeveloped state up to and including a 100-year ARI. All storm water detention details including analysis shall be included with the drainage report.

(Amended by MA0042/2021)


22. The trunk drainage system must be designed such that discharge from the subdivision satisfies the following water quality targets:

Post Development Stormwater Pollution Reduction Targets
<ul style="list-style-type: none"><li>• Total Suspended Solids (TSS) – 85% reduction of the typical annual load</li><li>• Total Phosphorus (TP) – 65% reduction of the typical annual load</li><li>• Total Nitrogen (TN) – 45% reduction of the typical annual load</li><li>• 90% of gross pollutant loads, oil and grease retained on-site</li></ul>

**Note:** Results from MUSIC modelling or equivalent shall be supplied with Construction Certificate Issue plans demonstrating that the design meets the above criteria.

23. All internal roads shall comprise roll back concrete kerb and gutter. Sub-surface drainage is required where gutter flows exceed 2.5m width during minor events (1 in 5yr ARI). If

  
Mayor

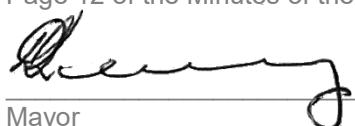
  
General Manager


required, sub-surface drainage shall be located behind the kerb.

24. Interallotment drainage is to be provided to remove stormwater from any lots that cannot discharge to the street in accordance with AusSpec #1. An easement not less than 1.0m shall be created in favour of the upstream allotments for any interallotment drainage.
25. One (1) roof-water outlet per allotment is to be provided in the kerb and gutter 2m from the downhill boundary at the time of the installation of the kerb and gutter.
26. An 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:
  - drainage reserves are to be turfed;
  - single strip of turf to be laid behind kerb and gutter;
  - saving available topsoil for reuse in the revegetation phase of subdivision;
  - using erosion control measure to prevent on-site damage;
  - rehabilitating disturbed areas quickly;
  - maintenance of erosion and sediment control structures;
  - a schedule of operations is to be submitted to ensure all appropriate works are undertaken at the correct stage.
27. 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.
28. All earthworks, filling, building, driveways or other works, are to be designed and constructed (including stormwater drainage if necessary) so that no time will any ponding of stormwater occur on adjoining land as a result of this development.

#### Roads works

29. Internal road pavements shall be designed by a suitably qualified engineer in accordance with Austroads procedures. Materials and testing requirements shall comply with those set out in AUSPEC Construction Specification C242 with sample locations selected as per RMS Specification Q4. All flexible pavements to be sealed with a two coat Class C170 bitumen flush seal (14/7mm double/double).
30. Internal road reserve and pavement widths are to conform to those shown on the approved plans.

  
Mayor

  
General Manager

(Amended by MA0042/2021)


- 30a. Prior to the release of a subdivision certificate for Stage 10, Hosking Street and Knox Crescent is to be constructed and bitumen sealed and formed with kerb and channel from the existing constructed pavement for the full extent of stage 10 of the subdivision.

(Added by MA0042/2021)

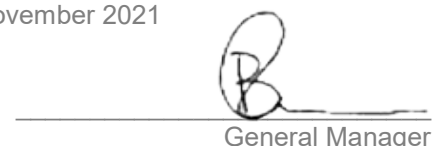
31. All utility crossings are to be perpendicular to the road centreline and performed prior to the addition of the basecourse.
32. The internal road adjacent to the Hill End Rd shall be screened from the Hill End Rd and include physical barriers between the two roads. Details of the proposed screening and barriers are to be provided to Council for approval prior to issue of the Subdivision Works Certificate.

(Amended by MA0042/2021)

33. Internal cross road intersections are to be designed to have
- Give Way signs, and
  - Blisters
- On the lesser priority road for pedestrian and cycle safety in accordance with Figure 2.1(a) of AS1742.2-2009 Manual of uniform traffic control devices, part 2 Traffic control devices for general use.
34. The intersection of the Hill End Road and the proposed Spine Road is to be designed and constructed with the following;
- A Basic Right Turn treatment (BAR) in accordance with Figure 7.5, Austroads Guide to Road Design 2010 – Part 4A: Unsignalised and Signalised Intersections and RMS Supplements
  - A Rural Auxiliary Left Turn treatment – Short Turn Lane (AUL(S)) in accordance with Figure 8.3 of Austroads Guide to Road Design 2010 – Part 4A: Unsignalised and Signalised Intersections and RMS Supplements;
  - The width of the Spine Road at the approach and connection to Hill End Road shall be wide enough to accommodate left and right turning vehicles, side-by-side waiting to enter Hill End Road.
  - The intersection shall be formed as to provide lay-bys on the departure sides for use as a school bus stop shelter, unless a bus stop is constructed by the developer within stage 1 of the subdivision.
35. Prior to the issue of the Subdivision Certificate for the 135<sup>th</sup> 180<sup>th</sup> lot, the intersection of the Hill End Road and the Castlereagh Highway is to be designed and constructed to



Mayor



General Manager

comprise;

- A full length Rural Channelised T-junction – Full length (CHR) is to be provided in accordance with Figure 7.7 of Austroads Guide to Road Design 2010 – Part 4A: Guide to Unsignalled and Signalled Intersections and RMS Supplements;
- A Rural Auxiliary Left Turn Lane Treatment (AUL) on the major road is to be provided in accordance with Figure 8.4 of Austroads Guide to Road Design 2010 – Part 4A: Guide to Unsignalled and Signalled Intersections and RMS Supplements;
- The width of the Hill End Road at the approach and connection to the Castlereagh Highway shall be wide enough to accommodate left and right turning vehicles, side by side waiting to enter the Castlereagh Highway,
- All existing and proposed utility services shall be located clear of existing road pavements,
- The developer is required to enter into a formal agreement with ~~the~~ **RMS Transport for NSW (TfNSW)** in the form of a Works Authorisation Deed (WAD) prior to works commencing at the intersection,
- A Road Occupancy License is required prior to any works commencing within 3m of the Castlereagh Highway.

Notwithstanding the above, the final completion of this intersection upgrade, of the Hill End Road and the Castlereagh Highway, may be deferred until after the issue of the Subdivision Certificate for the 180<sup>th</sup> lot subject to agreement and written consent being provided from Transport for NSW (TfNSW).


For clarity, the intersection upgrade must then be undertaken prior to the issue of the Subdivision Certificate for the release of the revised number of lots, prescribed by Transport for NSW (TfNSW) and the written approval of Council (Note: this does not require a modification application under Section 4.55 of the Environmental Planning and Assessment Act 1979 to be made).

(Amended by ME0001/2022)

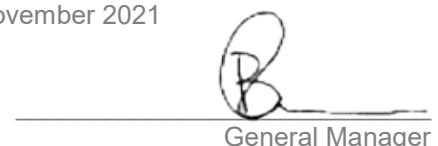
36. Street signs necessitated by the subdivision are to be installed in accordance with Aus-Spec #1 council conditions.

#### Water and Sewer

37. The developer is to meet the full cost of water and sewerage reticulations to service the new lots prior to the release of the Subdivision Certificate. Each lot must be provided with separate water and sewer services. All water and sewerage work is required to be carried out in accordance with the requirements of Mid-Western Regional Council (as the Water Supply Authority under the Local Government Act, 1993) and in



Mayor



General Manager

accordance with the National Specification – Water & Sewerage Codes of Australia.

38. (Deleted under MI0017/2016)

38(a) Where infrastructure services cross through private land three metre wide easements, including associated Section 88B of the Conveyancing Act 1919 instruments, are to be created in favour of Council over any existing or newly constructed water, or sewerage reticulation components located within the subject property, or extended through adjoining private properties as a result of this subdivision.

Notwithstanding the above, two metre wide easements will be permitted adjacent to Public Roads for the 56 lots approved under Construction Certificate 0131/2014, only.

(Amended under MI0017/2016)

39. Water reticulation shall connect to the trunk main at four points: two where the trunk main enters the development (from the south) and two near its terminal point (in the north). The connections are required to be staggered (i.e. not through cross tee fittings) and the cost of the connections borne by the developer. The developer shall obtain a private works quotation from Council when ready to connect reticulation to the trunk main. All works are to be completed prior to the issue of a Subdivision Certificate.

Note: Council does not permit other bodies to connect into 'live' water mains.

40. Water services are to be located on alternate property boundaries to Telstra/Electricity. The developer will construct the water service to the water meter and then pay the water meter assembly only fee (\$370 in 2013-14 Fees & Charges) for council to supply a meter only for each lot in the subdivision.

#### Earthworks

41. All finished surface levels shall be shown on the plans submitted for the Subdivision Works Certificate. Where it is proposed to import fill, the material shall be certified as free of hazardous materials and contamination by a suitably qualified geotechnical engineer. Fill placed in residential or commercial lots shall be compacted in accordance with AS3798-2007 Guidelines on Earthworks for Commercial and Residential Developments.

(Amended by MA0042/2021)

#### Footpaths and Cycle Ways

**42. (Deleted under MI0015/2016)**

- 42(a) Pedestrian and cycle paths are to be designed and constructed with the alignment as shown in Figure 8 of the Caerleon Subdivision Application Neighbourhood 1: Statement of Environmental Effects, dated March 2013. Foot and cycle ways shall be 1.2m and 2.0m widths respectively and be consistent with grades, depths and reinforcement detail as shown in MWRC Access to Properties Policy (Standard Dwg No. M524B). The paths are to be completed within 3 months of the completion of the full and final form of the Spine Road.**

**(Amended under MI0015/2016)**

**PRIOR TO THE ISSUE OF THE SUBDIVISION CERTIFICATE**

- 43. ~~A restriction prohibiting dual-occupancy development being constructed on all lots greater than 600m<sup>2</sup>, including associated Section 88B instruments, is to be created in favour of Council over the subdivision.~~**

**(Deleted by ME0001/2022)**

- 44. A linen plan and two (2) copies are to be submitted to Council for approval and endorsement by the General Manager prior to the release of each stage of the development.**

**NOTE: Under the Environmental Planning & Assessment Act, 1979, a Subdivision Certificate is required before the linen plan of subdivision can be registered with the Land Titles Office. Council's fee to issue a Subdivision Certificate is set out in Council's fees and charges.**


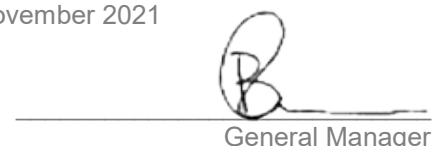
- 45. Following the completion of subdivision works, one set of Works As Executed Drawings in PDF format, AutoCAD compatible files in DWG format, MapInfo files (MGA GDA94 Zone 55/56) and completed Asset Data Template spreadsheets in MS Excel format, are to be submitted to Council. All Works As Executed plans shall bear the consulting engineer's or consulting surveyor's certification stating that all information shown in the plans are accurate.**

**A) COVERSHEET**

- Project Address.
- Client/Developer.
- DA Number.
- Lot Numbers.
- Subdivision Stage Number (If Applicable).

**B) INDEX**

- Section Numbers.

  
Mayor  
General Manager



**C) CONTRACTOR DETAILS**

- Contractor Representative.
- Contractor Contact Details.

**D) SCOPE OF WORKS**

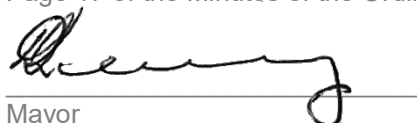
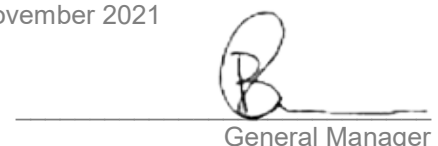
- Enter description outlining scope of works completed.

**Records to be included as applicable**

- Material Certification and Material Test Reports (Sub base, Base course, Water, Sewer, Stormwater, Bitumen etc. for supplied materials).
- Concrete mix Details (Concrete Register/ Concrete Test Results required).
- Bitumen Sealing Reports/Records.
- Earthworks/Civil Test Reports e.g. compaction tests - (Coordinates and RL required for each test required to be shown on a dwg).
- Dimensional and Tolerance Records (Survey Conformance Reports)
- Inspection Documentation (Development Engineer Inspections, ITPs, Lot Identification).
- Non-conformance reports (Major non-conformances not detailed on council inspections).
- Work As Executed Drawings and completed Asset Data spreadsheet (Council to provide at the request of the applicant) (Provide document register of all dwgs and Engineering Stamp required in AutoCAD, DWG, Map Info, Excel and PDF format).
- Copy of final inspection report from Council's Development Engineer.

(Amended by MA0042/2021)

46. If the Subdivision Certificate is not issued, for any reason, within twelve (12) months of the date of determination, then the charges and contributions contained in this consent will be increased to the current rate at the time of payment.
47. Prior to issue of the Subdivision Certificate
- (a) All contributions must be paid to Council and all works required by the consent be completed in accordance with the consent, or
- (b) An agreement be made between the developer and Council; be paid to Council in accordance with this condition for the purpose of:
- i) As to the security to be given to Council that the works will be completed or the contribution paid and
- ii) As to when the work will be completed or the contribution paid.
48. Following completion of all engineering works, a defect liability

  
Mayor  
General Manager

bond of 5% of the value of such works (not carried out by Council) shall be lodged with Council to ensure that any defects in such works are remedied by the developer.

49. The developer is to ensure that all defects in the works that become apparent within twelve (12) months of Council accepting the works on maintenance are remedied to Council's satisfaction. If these defects are not satisfactorily remedied, Council may use bond money to carry rectification.

Note - Any unspent bond money will be returned to the developer at the end of the twelve (12) months period, less the estimated cost of any outstanding works.

50. The subdivision works are to be inspected by Council (or an Accredited Certifier on behalf of Council) to monitor compliance with the consent and the relevant standards of construction, encompassing the following stages of construction:

- installation of sediment and erosion control measures;
- water and sewer line installation prior to backfilling;
- stormwater pipes installation prior to backfilling;
- water and sewer lines pressure testing;
- sewer manholes vacuum testing;
- establishment of line and level for kerb and gutter replacement;
- road pavement construction;
- road pavement compaction testing;
- road pavement surfacing;
- practical completion.


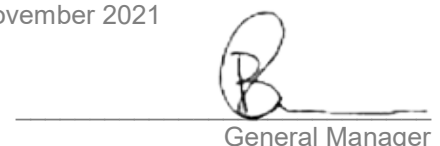
51. Upon completion of each stage of construction, the Council is also required to ensure that adequate provisions are made for the following

- Sediment and erosion control measures;
- Traffic control measures;
- Maintenance of public areas free from unauthorised materials, waste or other obstructions.

52. The applicants shall, at their own expense, engage a registered surveyor to relocate any survey marks that may be distributed by the development or any associated work. Any information regarding location should be supplied to the Land Titles Office and Council.

53. Underground electricity, street lighting and telecommunication are to be supplied to the subdivision. Prior to issue of the Subdivision Certificate, Council is to be supplied with:

- a) A certificate from the appropriate power authority indicating that satisfactory arrangements have been made for provision of electricity supply to the subdivision.

  
Mayor  
General Manager

- b) A certificate from the appropriate telecommunications authorities indicating that satisfactory arrangements have been made for provision of telephone and internet services to the subdivision that are NBN compliant.
54. The development is to be provided with completed drainage and open space areas as detailed in the approved landscape plans for each stage of the development. Any drainage or open space area within or adjacent to a stage is to be completed prior to the release of the Subdivision certificate for that stage.
55. All roadworks and other associated traffic control measures are to be completed with each stage of the development and prior to the release of the Subdivision Certificate.
56. The applicant shall repair in accordance with Aus-Spec#1 and Council Standard Drawings any part of Council's property damaged during the course of the development.
57. The developer must provide Council and land purchasers with a site classification for each lots within the subdivision. The classification is to be carried out at a suitable building site on each lot and is to be carried out by a NATA registered laboratory using method (a) of Clause 2.2.3 of AS2870-1996. Results are to be submitted to Council prior to the issued of the Subdivision Certificate.

#### 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 (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 6 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 1979 gives you the right to appeal to the Land and Environment Court within 6 months after the date on which you

  
Mayor  
General Manager

receive this notice.

- 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

1. The proposed modification is substantially the same development as that approved and will have minimal environmental impacts.
2. The proposed modification complies with all the relevant matters required to be taken into consideration in accordance with sections 4.15 and 4.55 of the Environmental Planning and Assessment Act 1979.

(ADDED BY ME0001/2022)

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

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

#### 8.2 PLANNING PROPOSAL LOT 2 DP 1079362, 134 LIONS DRIVE, BURRUNDULLA - POST EXHIBITION


GOV400088, LAN900104

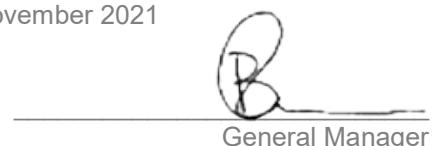
321/21

**MOTION: Shelley / Cavalier**

**That Council:**

- A. receive the report by the Manager, Strategic Planning on the Planning Proposal Lot 2 DP 1079362, 134 Lions Drive, Burrundulla - Post Exhibition;
- B. exercise its delegation in the preparation of the amendment to the Mid-Western Regional Local Environmental Plan 2012 in relation to rezoning to B5 Business Development, change the minimum lot size to 2000 square metres and map / overlay a 25 metre 'no development' buffer area fronting the Castlereagh Highway subject to the Opinion issued by Parliamentary Counsel; and
- C. note, drainage, landscaped areas, earthworks and roads

  
Mayor

  
General Manager

**will be permissible with consent in the 'no development' area.**

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

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

Councillor Shelley declared a pecuniary conflict of interest in item 8.3 as he is an employee of Bowdens Silver. He left the Chambers at 6:08pm and did not participate in discussion or vote in relation to this matter.

### 8.3 BOWDENS SILVER VOLUNTARY PLANNING AGREEMENT GOV400088, LAN900122

**322/21 MOTION: Cavalier / Paine**

**That Council:**

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

*The motion was carried with the Councillors voting unanimously.*


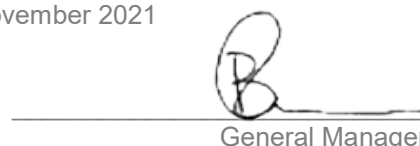
Councillor Shelley returned to the Chambers at 6:09pm.

### 8.4 ACCEPTANCE OF GRANT FUNDING - BUILDING BETTER REGIONS FUND ROUND 5 GOV400088, GRA600044

**323/21 MOTION: Shelley / Cavalier**

**That Council:**

1. receive the report by the Manager Economic Development on

**the Acceptance of Grant Funding - Building Better Regions Fund Round 5;**

- 2. accept \$20,000 in grant funding from the Commonwealth Government's Building Better Regions Fund – Round 5;**
- 3. amend the 2021/22 Budget by allocating a Project Budget of \$10,000 to Regional Energy Zone Economic opportunities identification, to be funded by Grants;**
- 4. amend the 2022/23 Budget by allocating a Project Budget of \$10,000 to Regional Energy Zone Economic opportunities identification, to be funded by Grants; and**
- 5. authorise the General Manager to finalise and sign the funding agreements with the Commonwealth Government.**

*The motion was carried with the Councillors voting unanimously.*

The following recommendations (item 8.5 and item 8.6) were adopted as a whole, being moved by Cr Shelley seconded by Cr Cavalier and carried with Councillors voting unanimously. Each recommendation is recorded with separate resolution numbers commencing at Resolution No. 324/21 and concluding at Resolution No. 325/21.

**8.5 ACCEPTANCE OF GRANT FUNDING - NSW GOVERNMENT (COMMUNITY BUILDING PARTNERSHIPS PROGRAM, EVERYONE CAN PLAY IN NSW, CLUBGRANTS INFRASTRUCTURE, REGIONAL TOURISM ACTIVATION FUND, REGIONAL SPORTS FACILITY FUND) AND COMMONWEALTH GOVERNMENT (BLACK SUMMER BUSHFIRE RECOVERY FUND)**

GOV400088, GRA600044


**324/21**

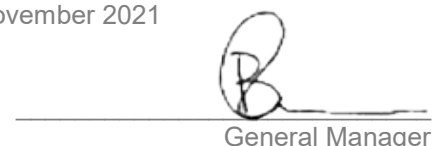
**MOTION: Shelley / Cavalier**

**That Council:**

- 1. receive the report by the Manager Economic Development on the Acceptance of Grant Funding - NSW Government (Community Building Partnerships Program, Everyone Can Play in NSW, ClubGrants Infrastructure, Regional Tourism Activation Fund, Regional Sports Facility Fund) and Commonwealth Government (Black Summer Bushfire Recovery Fund);**
- 2. if successful, accept the following grant funding from the below Government grant funding bodies:**

Funding Body	Project	Amount
--------------	---------	--------

  
Mayor

  
General Manager

Community Building Partnerships Program	Kandos Library – Construction of a disabled toilet	\$30,000
Community Building Partnerships Program	Kandos Public Swimming Pool - Shade Sail infrastructure	\$22,500
Everyone Can Play in NSW Fund	Rylstone Inclusive Playspace	\$146,000
ClubGrants Infrastructure Fund	Gulgong Public Swimming Pool – Replacement of pool heaters	\$52,500
Regional Tourism Activation Fund	Flirtation Hill Mudgee Activation Development	\$375,000
Regional Tourism Activation Fund	Glen Willow Accessible Amenities Building	\$103,000
Regional Sports Facility Fund	Glen Willow PA and Internet Upgrade	\$400,000
Black Summer Bushfire Recovery Fund	Putta Bucca Training Camp Facility – Stage 3	\$2,080,000

3. amend the 2021/22, 2022/23 and 2023/24 Budgets in accordance with the adjustments listed in the financial implications section of this report; and
4. if successful, authorise the General Manager to finalise and sign the funding agreements with the NSW and Commonwealth Government.


*The motion was carried with the Councillors voting unanimously.*

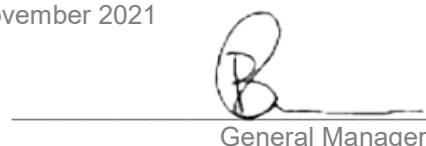
8.6 ACCEPTANCE OF GRANT FUNDING FROM  
COMMONWEALTH GOVERNMENT LOCAL ROADS AND  
COMMUNITY INFRASTRUCTURE PROGRAM - PHASE 3  
GOV400088, GRA600044

**325/21 MOTION: Shelley / Cavalier**

**That Council:**

1. receive the report by the Manager Economic Development on the Acceptance of Grant Funding from Commonwealth Government Local Roads and Community Infrastructure

  
Mayor

  
General Manager

**Program - Phase 3;**

2. accept \$3,051,864 in grant funding from the Local Roads and Community Infrastructure Program – Phase 3;
3. amend the 2021/22 and 2022/23 Budgets in accordance with the adjustments listed in the financial implications section of this report; and
4. authorise the General Manager to finalise and sign the funding agreement with the Commonwealth Government.

*The motion was carried with the Councillors voting unanimously.*

**8.7 2021-22 LOCAL HERITAGE GRANT ALLOCATION**


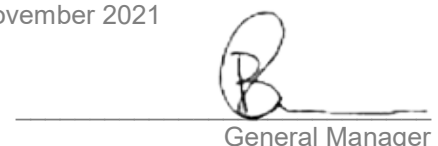
GOV400088, GRA600050

**326/21****MOTION: Shelley / Thompson****That Council:**

1. receive the report by the Manager, Strategic Planning on the 2021-22 Local Heritage Grant Allocation; and
2. provide a Local Heritage Grant to the following projects:
  - a) \$2,000 for roof restoration at 29 Belmore Street, Gulgong;
  - b) \$2,000 for fence replacement at 73 Belmore Street, Gulgong;
  - c) \$2,000 for external painting at 2 Canadian Street, Gulgong;
  - d) \$2,000 for restoration works and external painting at 101-103 Herbert Street, Gulgong;
  - e) \$3,000 for verandah restoration at 104-106 Mayne Street, Gulgong.
  - f) \$2,000 for entry restoration at 7647 Bylong Valley way
3. amend the 2021/2022 budget to increase Local Heritage Grants by \$2,000 funded from unrestricted cash.

*The motion was carried with the Councillors voting unanimously.*

Councillor Thompson declared a less than significant non-pecuniary conflict of interest in item 8.8 as he is president of the Gulgong Turf Club. He left the Chambers at 6.10pm and did not participate in discussion or vote in relation to this matter.

  
Mayor  
General Manager



## 8.8 EVENTS ASSISTANCE PERIOD 2 - 2021/22

GOV400088, ECO800009

327/21

**MOTION: Paine / Cavalier****That Council:**

1. receive the report by the Manager Economic Development on the Events Assistance Period 2 - 2021/22;
2. provide Events Assistance to the below applicants (includes cash and in-kind amounts) for Period 2, January – June 2022;

<b>Gulgong Show Society</b>	<b>\$481</b>
<b>Gem &amp; Lapidary Council of NSW</b>	<b>\$2,000</b>

3. provide multi-year Events Assistance funding to the below applicants (includes cash and in-kind amounts) for the period 2 of 2021, 2022 and 2023;


	<b>2021</b>	<b>2022</b>	<b>2023</b>
<b>Kandos Museum</b>	<b>\$500</b>	<b>\$500</b>	<b>\$500</b>
<b>Mudgee Endurance Riders</b>	<b>\$1000</b>	<b>\$1000</b>	<b>\$1000</b>
<b>Gulgong Turf Club</b>	<b>\$1000</b>	<b>\$1000</b>	<b>\$1000</b>

4. approve the transfer of allocated funds for the below events from Period 1 2021/22 to Period 1 2022/23, if the same event is to be held in 2022/23, due to the cancellation of these events impacted by COVID-19;

	<b>Cash</b>	<b>In-Kind</b>
<b>Gulgong Swap Meet</b>	<b>\$2,000</b>	<b>-</b>
<b>NSWPSSA</b>	<b>-</b>	<b>\$2,500</b>
<b>Mudgee Junior Rugby League</b>	<b>-</b>	<b>\$1,174</b>

5. approve the transfer of allocated funds for the below events who have received multi-year funding, from Period 1 2021/22 to extend funding by 1 additional year, if the same event is to be held in subsequent years, due to the cancellation of these events impacted by COVID-19;

	<b>Cash</b>	<b>In-Kind</b>
<b>Gulgong Polocrosse Carnival</b>	<b>\$672</b>	<b>\$328</b>
<b>Mudgee Triathlon Club</b>	<b>-</b>	<b>\$2,500</b>
<b>Rylstone Street Feast</b>	<b>\$741</b>	<b>\$1,759</b>
<b>Cudgegong Cruisers</b>	<b>\$1,000</b>	<b>\$1,500</b>
<b>AREC</b>	<b>\$2,500</b>	<b>-</b>



Mayor



General Manager

6. note Rotary Club of Mudgee have spent \$1,000 of funds provided by Council towards Gardens of Mudgee event, however the event did not take place.

*The motion was carried with the Councillors voting unanimously.*

Councillor Thompson returned to the Chambers at 6:11pm.

The following recommendations (item 8.9 to item 12.1) were adopted as a whole, being moved by Cr Shelley seconded by Cr Cavalier and carried with Councillors voting unanimously. Each recommendation is recorded with separate resolution numbers commencing at Resolution No. 328/21 and concluding at Resolution No. 349/21.

#### 8.9 END OF TERM REPORT 2021

GOV400088, COR400124

**328/21 MOTION: Shelley / Cavalier**

**That Council:**

1. receive the report by the Director Development on the End of Term Report 2021; and
2. endorse the End of Term Report to be included as an attachment to the 2020-21 Annual Report.

*The motion was carried with the Councillors voting unanimously.*

#### 8.10 INTEGRATED PLANNING & REPORTING UPDATE

GOV400088, COR400124

**329/21 MOTION: Shelley / Cavalier**

**That Council receive the report by the Director Development on the Integrated Planning & Reporting Update.**

*The motion was carried with the Councillors voting unanimously.*

### **Item 9: Finance**

#### 9.1 APPLICATION TO CLOSE A COUNCIL ROAD IN GULGONG

GOV400088, DA0159/2021, 10249

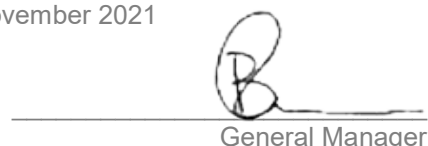
**330/21 MOTION: Shelley / Cavalier**

**That Council:**

1. receive the report by the Property Officer on the



Mayor



General Manager

**Application to Close a Council Road in Gulgong;**

2. consent to a proposed road closure of a maintained Council Public Road. The road proposed to be closed is indicated on Attachment 1 appended to this Report;
3. give notice, pursuant to s38B Roads Act 1993, of the proposal to close the Council Public Road as outlined in Attachment 1 appended to this Report;
4. receive a further report after the notice period has ended to:
  - 4.1 consider any submissions received; and
  - 4.2 determine whether the Council Public Road as outlined in Attachment 1 appended to this Report, is to be closed, pursuant to s38D Roads Act 1993;
5. authorise the General Manager to sign all documentation, where necessary, in relation to the proposed closure and subsequent transfer of the Council Public Road to Council;
6. authorise the Mayor to sign any documentation, where additionally required to do so, in relation to the proposed closure and subsequent transfer of the Council Public Road to Council; and
7. authorise the Common Seal of Council be affixed to all documentation, where necessary, in relation to the proposed closure and subsequent transfer of the Council Public Road to Council.

*The motion was carried with the Councillors voting unanimously.*

9.2 FUTURE USE OF LOT 7013 DP1026085 AT RED HILL  
GULGONG


GOV400088, F0590004

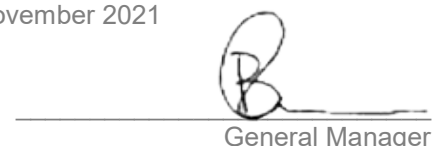
**331/21 MOTION: Shelley / Cavalier**

**That Council:**

1. receive the report by the Property Officer on the Future Use of Lot 7013 DP1026085 at Red Hill Gulgong; and
2. allow the Department of Education to licence Lot 7013 DP1026085 for development and use in the school curriculum for student biodiversity studies at Red Hill Environmental Education Centre.

*The motion was carried with the Councillors voting unanimously.*

  
Mayor

  
General Manager

### 9.3 OPTION TO RENEW LEASE - GULGONG PRESCHOOL INCORPORATED

GOV400088, P233550

332/21

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

1. receive the report by the Property Officer on the Option to Renew Lease - Gulgong Preschool Incorporated; and
2. delegate authority to the General Manager to negotiate with Gulgong Preschool Incorporated to determine the basis for calculating rent for the period 1 November 2020 to 31 October 2025.

*The motion was carried with the Councillors voting unanimously.*

### 9.4 MANAGEMENT OF COUNCIL OWNED LAND AT 55 GEORGE CAMPBELL DRIVE BOMBIRA

GOV400088, Lan900050, 24361, 19876


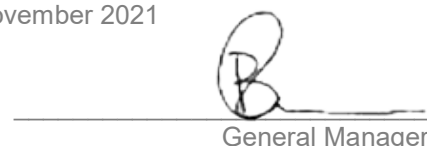
333/21

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

1. receive the report by the Manager Property and Revenue on the Management of Council Owned Land at 55 George Campbell Drive Bombira;
2. delegate authority to the General Manager to determine, after the planning advice regarding permissible use has been received, the most suitable option from those options listed 1-3 in the body of this Report for the management of the land;
3. authorise the General Manager to proceed with the necessary steps, undertakings and negotiations, where necessary, to achieve the favoured Option's outcomes;
4. authorise the General Manager, to sign any documentation necessary to give effect to this resolution; and
5. amend the 2021/22 Budget to allocate a maintenance and operational budget for 55 George Campbell Drive of \$3,000 funded from unrestricted cash.

*The motion was carried with the Councillors voting unanimously.*

### 9.5 CUDGEGONG COMMUNITY EDUCATION AND FIRE

  
Mayor  
General Manager

## CONTROL CENTRE

GOV400088, A0150068

334/21

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

1. receive the report by the Chief Financial Officer on the Cudgegong Community Education and Fire Control Centre;
2. authorise the General Manager to negotiate terms, finalise and sign the Heads of agreement – Cudgegong Community Education and Fire Control Centre (FCC) Project;
3. amend the 2021/22 Budget to include \$3,500,000 for construction of the FCC, funded by reimbursement through the Rural Fire Fighting Fund; and
4. amend the 2022/23 Budget to include \$5,500,000 for construction of the FCC, funded by reimbursement through the Rural Fire Fighting Fund.

*The motion was carried with the Councillors voting unanimously.*


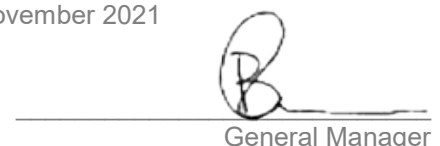
## 9.6 NSW TELCO AUTHORITY RENTAL SUBMISSION FOR MOUNT MISERY

GOV400088, 20422

335/21

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

1. receive the report by the Manager Property and Revenue on the NSW Telco Authority rental submission for Mount Misery;
2. agree to enter into a suitable agreement with the NSW Telco Authority for a lease and licence within Lot 332 DP1141487 for the purpose of the Permitted Use as cited in Attachment 4 to this Report;
3. reject the NSW Telco Authority's offer of an annual rental fee for the amount as cited in Attachment 2 to this Report for the proposed lease and licence within Lot 332 DP1141487;
4. authorise the General Manager to negotiate an annual rental fee for the proposed lease and licence within Lot 332 DP1141487 to NSW Telco Authority for no more than 10% less than the amount returned in the rental Valuation dated 26/7/2021 (plus GST) as cited in Attachment 1 to this

  
Mayor  
General Manager

**Report;**

5. authorise the General Manger to negotiate the terms and conditions of the proposed lease and licence agreement with NSW Telco Authority;
6. authorise the General Manager and the Mayor, if additionally required to do so, to sign any documentation necessary to give effect to this resolution; and
7. authorise the affixing of the Common Seal of Council to all documents required to be sealed to give effect to this resolution.

*The motion was carried with the Councillors voting unanimously.*

**9.7 DRAFT PLANS OF MANAGEMENT**


GOV400088, COU500102, 11146, 10249, 2109

**336/21**

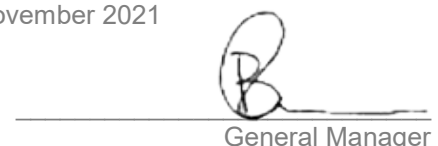
**MOTION: Shelley / Cavalier**

**That Council:**

1. receive the report by the Manager Property and Revenue on the Draft Plans of Management;
2. endorse the draft Plans of Management appended as Attachment 1, 2 and 3 to this Report;
3. note that Native Title advice has been received for the draft Plans of Management appended as Attachment 1, 2 and 3 to this Report;
4. refer the draft Plans of Management appended as Attachment 1, 2 and 3 to this Report to the Minister administering the Crown Land Management Act 2016 for consideration in accordance with s39 Local Government Act 1993 to seek written consent to adopt the draft Plans in accordance with s3.23(6) Crown Land Management Act 2016;
5. require a further report for consideration if any significant changes are made to a draft Plan/s by the Minister administering the Crown Land Management Act 2016;
6. upon written consent of the draft Plans from the Minister administering the Crown Land Management Act 2016, place the draft Plans on public exhibition, as per s38 of the Local Government Act 1993 and conduct a public hearing, if required, in accordance with s40A Local Government Act 1993; and



Mayor



General Manager

7. receive a further report at the conclusion of the public exhibition and public hearing period to consider any submissions received or if substantial changes are recommended for any reason to:
  - 7.1 seek the Minister administering the Crown Land Management Act 2016 further consent if necessary, to adopt the draft Plan/s; or
  - 7.2 recommend that Council adopt the draft Plans of Management appended as Attachment 1, 2 and 3 to this Report pursuant to s40 Local Government Act 1993 in accordance with s3.23(6) Crown Land Management Act 2016, if there are no submissions or substantial changes.

*The motion was carried with the Councillors voting unanimously.*

## 9.8 COMMUNITY GRANTS PROGRAM - NOVEMBER 2021

GOV400088, FIN3000159

**337/21 MOTION: Shelley / Cavalier**

**That Council:**

1. receive the report by the Financial Planning Coordinator on the Community Grants Program - November 2021; and
2. provide financial assistance to the following applications in accordance with the criteria and guidelines of the Community Grants Policy:

Mudgee High School	\$600
Canobolas Cottage Incorporated t/a Ronald McDonald House Charities Orange	\$1,380
Gulgong Memorial Hall Committee	\$3,000

*The motion was carried with the Councillors voting unanimously.*


## 9.9 PRESENTATION OF THE 2020/21 FINANCIAL STATEMENTS

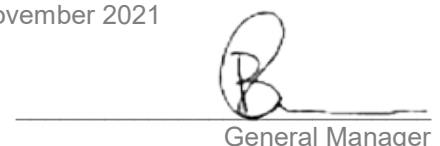
GOV400088, FIN300163

**338/21 MOTION: Shelley / Cavalier**

**That Council receive the report by the Financial Operations Coordinator on the Presentation of the 2020/21 Financial Statements.**

*The motion was carried with the Councillors voting unanimously.*

  
Mayor

  
General Manager

## 9.10 QUARTERLY BUDGET REVIEW SEPTEMBER 2021

GOV400088, FIN300240

339/21

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

1. receive the report by the Financial Planning Coordinator on the Quarterly Budget Review September 2021;
2. amend the 2021/22 Budget in accordance with the proposed variations as listed in the Quarterly Budget Review Statement attachment to this report;
3. note the opinion of the Responsible Accounting Officer regarding the satisfactory financial position of Council; and
4. amend the 2021/22 budget to allocate \$15,000 to refurbish the Airport Cottage funded by the asset replacement reserve.

*The motion was carried with the Councillors voting unanimously.*

## 9.11 MONTHLY BUDGET REVIEW - OCTOBER 2021

GOV400088, FIN300315

340/21

**MOTION: Shelley / Cavalier**

**That Council receive the report by the Financial Planning Coordinator on the Monthly Budget Review - October 2021.**

*The motion was carried with the Councillors voting unanimously.*

## 9.12 NEW AND AMENDED FEES AND CHARGES 2021/22

GOV400088, FIN300117

341/21

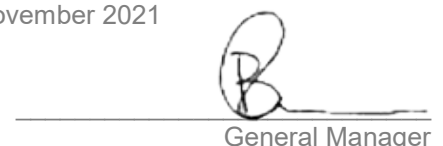
**MOTION: Shelley / Cavalier****That Council:**

1. receive the report by the Financial Planning Coordinator on the New and Amended Fees and Charges 2021/22;
2. add the following fees, as written, and place on public exhibition for 28 days; and

Service Type	Fee	Fee (\$ Inclusive of GST.)	GS T.	Price Policy
Caravan Parks – Mudgee Valley Park -	Washing Fee	5 per wash	Yes	REF.



Mayor



General Manager



**Amenities****Caravan Parks –  
Mudgee Valley Park -  
Amenities****Drying Fee****5 per 45  
min dry****Yes REF.**

3. endorse the fees following the 28 day public exhibition period if no submissions are received.

*The motion was carried with the Councillors voting unanimously.*

**9.13 ANNUAL REPORT 2020/21**

GOV400088, GOV400087

**342/21****MOTION: Shelley / Cavalier****That Council:**

1. receive the report by the Financial Operations Coordinator on the Annual Report 2020/21; and
2. endorse the Annual Report 2020/21.

*The motion was carried with the Councillors voting unanimously.*

**9.14 CONTRACTOR MANAGEMENT POLICY REVIEW**

GOV400088, COR4000019


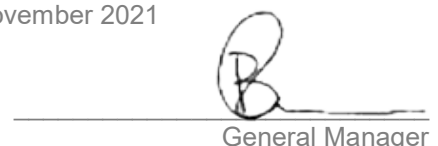
**343/21****MOTION: Shelley / Cavalier****That Council:**

1. receive the report by the Chief Financial Officer on the Contractor Management Policy Review;
2. place the revised Contractor Management Policy on exhibition for 28 days; and
3. adopt the policy if no submissions are received after the exhibition period.

*The motion was carried with the Councillors voting unanimously.*

**Item 10: Operations****10.1 DAM SAFETY - RYLSTONE DAM POLICY**

GOV400088, WAT500007

**344/21****MOTION: Shelley / Cavalier**  
Mayor  
General Manager

**That Council:**

1. receive the report by the Water Quality officer on the Dam Safety - Rylstone Dam Policy;
2. endorse public exhibition of the Dam Safety - Rylstone Dam Policy for a period of twenty eight (28) days; and
3. adopt the Dam Safety - Rylstone Dam Policy, if no submissions are received after the exhibition period.

*The motion was carried with the Councillors voting unanimously.*

10.2 RFT AB21/001 - BRIDGE #18 GOODIMAN CK ON SPRING  
RIDGE RD

GOV400088, COR400175

345/21

**MOTION:** Shelley / Cavalier

**That Council:**

1. receive the report by the Manager Works on the RFT AB21/001 - Bridge #18 Goodman Ck on Spring Ridge Rd;
2. note the details provided in the attached confidential report and accept the tender submission for the Design and Construct of Bridge #18 Goodman Ck on Spring Ridge Rd RFT AB21/001 in accordance with Clause 178 of the Local Government (General) Regulations 2005 at the tendered price of \$836,000 inclusive of GST;
3. authorise the General Manager to finalise and execute the contract on behalf of Council with Waeger Constructions PTY LTD for the Design and Construction of Bridge #18 Goodman Ck on Spring Ridge Rd RFT AB21/001;
4. grant delegation to the General Manager to approve variations to the contract up to an accumulative total of 20% of the original contract sum; and
5. notify other tenderers that their tenders were unsuccessful.


*The motion was carried with the Councillors voting unanimously.*

10.3 EXEMPTION FROM TENDER - SMART WATER METERING  
SOFTWARE AND DATA STORAGE

GOV400088, A000000

346/21

**MOTION:** Shelley / Cavalier

  
Mayor

  
General Manager

**That Council:**

1. receive the report by the Manager Water and Sewer and Chief Financial Officer on the Exemption from Tender - Smart Water Metering software and data storage;
2. approve an exemption from tender, in accordance with Section 55(3)(i) of the Local Government Act 1993, for the provision of Smart Water Metering management software and data services, noting that a satisfactory result would not be achieved by inviting tenders;
3. note the reason why a satisfactory outcome would not be achieved by inviting tenders is that:
  - 3.1 the smart water meters were procured through an open tender process and included assessment of operating/management systems, however approval to enter into a long term agreement was not obtained at the time of procurement; and
  - 3.2 the software and data storage is the only fit for purpose solution for the Taggle system and receivers;
4. authorise the General Manager to engage Taggle Pty Ltd to provide the Smart Water Metering management software and associated data services for an estimated contract sum of \$1,172,273 excluding gst and to negotiate the terms of:
  - 4.1 the Software as a Service agreement; and
  - 4.2 the Data Services agreement;to ensure appropriate probity, risk management and data security, term of data retention, location of data storage
5. authorise the General Manager to approve contract variations up to a cumulative total of 15% of the original contract sum.

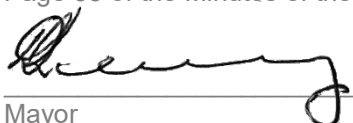
*The motion was carried with the Councillors voting unanimously.*


10.4 ACCEPTANCE OF ROAD SAFETY PROGRAM, SCHOOL  
ZONE INFRASTRUCTURE SUB PROGRAM ROUND 2 OFFER  
OF FUNDING

GOV400088, PAR300584

347/21

**MOTION:** Shelley / Cavalier

  
Mayor

  
General Manager

**That Council:**

1. receive the report by the Manager - Infrastructure Planning on the Acceptance of Road Safety Program, School Zone Infrastructure Sub Program Round 2 Offer Funding;
2. accept a total of \$196,000 in grant funding from the Federal and State Government's Stimulus Commitment Road Safety Program, School Zone Infrastructure Program Round 2 for pedestrian refuge, kerb extension and/or linemarking works in six school zones across Mid-Western Region LGA;
3. amend the 2021/22 Budget to allocate \$180,000 to upgrade school zone infrastructure at Mudgee Public School zebra crossing at Perry Street to be funded from grant funding;
4. amend the 2021/22 Budget to allocate \$16,000 to repaint existing linemarking in school zones at Kandos Public School, Rylstone Public School, Ilford Public School, Lue Public School and Ulan Public School to be funded from grant funding; and
5. authorise the General Manager to finalise and sign the funding agreement with Transport for NSW.

*The motion was carried with the Councillors voting unanimously.*


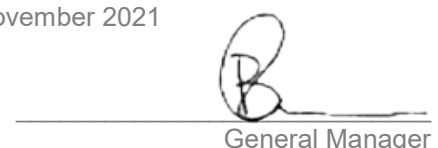
**Item 11: Community****11.1 GLEN WILLOW MASTER PLAN UPDATE**

GOV400088, PAR300584

**348/21 MOTION: Shelley / Cavalier****That Council:**

1. receive the report by the Director Community on the Glen Willow Master Plan Update;
2. endorse the updated Glen Willow Master Plan to be used for consultation with sporting groups and as part of a new Recreation Strategy; and
3. endorse the Capital Expenditure Review for the proposed Training Camp Facility to be forwarded to the Office of Local Government.

*The motion was carried with the Councillors voting unanimously.*

  
Mayor  
General Manager

**Item 12: Reports from Committees****12.1 LOCAL TRAFFIC COMMITTEE MEETING MINUTES - 15  
OCTOBER 2021**

GOV400088, A0100009

**349/21 MOTION: Shelley / Cavalier**

**That Council receive the report by the Executive Assistant, Operations on the Local Traffic Committee Meeting Minutes - 15 October 2021.**

*The motion was carried with the Councillors voting unanimously.*

**Item 13: Urgent Business Without Notice****350/21 MOTION: Cavalier / Martens**

**That Council accept the Louisa Lawson Sculpture matter as urgent business without notice.**


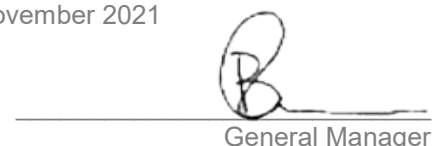
*The motion was carried with the Councillors voting unanimously.*

**13.1 LOUISA LAWSON SCULPTURE**

GOV400088, A0100009

**351/21 MOTION: Cavalier / Martens****That Council:**

- 1. receive the report by the Chief Financial Officer on the Louisa Lawson Statue;**
- 2. acknowledge the positive work that the Rotary Club of Mudgee has accomplished towards the Louisa Lawson bronze statue installation outside the Mudgee Library;**
- 3. purchase a Louisa Lawson maquette for installation at the Art Gallery;**
- 4. contribute \$40,000 towards the production and installation costs of the Louisa Lawson bronze statue project;**
- 5. amend the 2021/22 Budget to allocate an additional \$10,000 to the Art Gallery Operations budget to be funded from unrestricted cash; and**
- 6. amend the 2022/23 Budget to allocate an additional \$40,000**

  
Mayor  
General Manager

to the Sculptures across the Region project, to be funded from unrestricted cash.

*The motion was carried with the Councillors voting unanimously.*

## **Item 14: Confidential Session**

**352/21 MOTION: Cavalier / Paine**

**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 Mudgee Golf Club P/L - Consideration of Raw Water Charges**

***The reason for dealing with this report confidentially is that it relates to discussion in relation to the personal hardship of a resident or ratepayer in accordance with Section 10A(2)(b) 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 (b) discussion in relation to the personal hardship of a resident or ratepayer.***

### **14.2 FlyPelican Regional Service Subsidy**

***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 FlyPelican's business operations and financial position.***

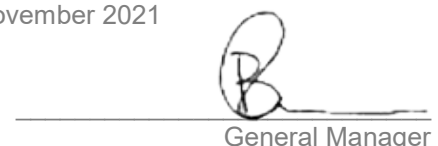
### **14.3 Major Events Glen Willow Update and Exemption from Tender**

***The reason for dealing with this report confidentially is that it relates to commercial information of a confidential nature that would, if disclosed prejudice the commercial position of the person who supplied it in accordance with Section 10A(2)(d)(i) of the Local Government Act, 1993.***

***Discussion of this matter in an open meeting would be, on balance, contrary to the public interest as it involves discussion of commercial negotiations.***

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.

  
Mayor

  
General Manager

# 14.1 MUDGEE GOLF CLUB P/L - CONSIDERATION OF RAW WATER CHARGES

GOV400088, 21527

353/21

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

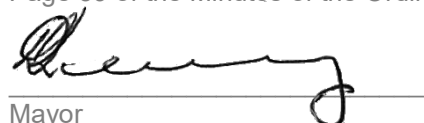
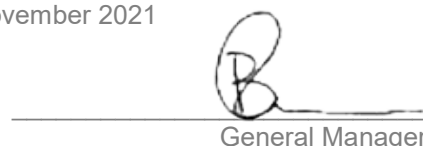
1. receive the report by the Manager Property and Revenue on the Mudgee Golf Club P/L - Consideration of Raw Water Charges;
2. note that the total amount of raw water charges as cited in the body of this Report will be raised as outstanding;
3. reject The Mudgee Golf Club Pty Ltd request for financial assistance as cited in the correspondence dated 12 October 2021 to Council;
4. place its intention to provide financial assistance of \$106,196 to The Mudgee Golf Club Pty Ltd for raw water usage charges on public exhibition for a period of 28 days;
5. provide financial assistance to The Mudgee Golf Club Pty Ltd as above; if no objections are received during the public exhibition period;
6. receive a further report, if any objections are received during the public exhibition period;
7. amend the 2021/22 Budget to:
  - 7.1 increase raw water usage revenue by \$120,000 funded to Water Fund cash;
  - 7.2 increase the Financial Assistance amount by \$106,196 to be funded from Unrestricted Cash; and
8. authorise the General Manager to negotiate an arrangement with the Mudgee Golf Club for the payment of the balance of raw water charges in accordance with Council's relevant policies.

**AMENDMENT: Kennedy / O'Neill**

That Council accept The Mudgee Golf Club Pty Ltd request for financial assistance for the full amount as cited in the correspondence dated 12 October 2021 to Council.

*The amendment was put and lost with Councillors voting as follows:*

Councillors	Ayes	Nayes
Cr Kennedy	✓	

  
Mayor  
General Manager

Cr Paine		✓
Cr Cavalier		✓
Cr Karavas	✓	
Cr Martens		✓
Cr O'Neill	✓	
Cr Shelley		✓
Cr Thompson		✓

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

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

The following recommendations (item 14.2 and item 14.3) were adopted as a whole, being moved by Cr Shelley seconded by Cr Cavalier and carried with Councillors voting unanimously. Each recommendation is recorded with separate resolution numbers commencing at Resolution No. 354/21 and concluding at Resolution No. 355/21.

#### 14.2 FLYPELICAN REGIONAL SERVICE SUBSIDY

GOV400088, ECO0800028

**354/21**

**MOTION: Shelley / Cavalier**

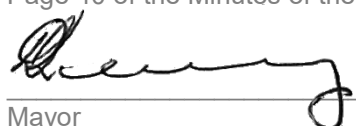
**That Council:**


1. receive the report by the Director Development on the FlyPelican Regional Service Subsidy;
2. approve the request from FlyPelican to transfer funds previously allocated to conduct a 6 week ramp-up schedule on the Mudgee to Sydney air service commencing 31 January 2022 and extend the current subsidy for 1 return flight per week through to 31 December 2021; and
3. authorise the General Manager to negotiate and sign an extension of the air service subsidy agreement.

*The motion was carried with the Councillors voting unanimously.*

#### 14.3 MAJOR EVENTS GLEN WILLOW UPDATE AND EXEMPTION FROM TENDER

GOV400088, ECO800009

  
Mayor

  
General Manager



**355/21**                      **MOTION:     Shelley / Cavalier**

**That Council:**

1.            receive the report by the Manager Economic Development on the Major Events Glen Willow Update and Exemption from Tender;
2.            approve an exemption from tender, in accordance with Section 55(3)(i) of the Local Government Act 1993, for the provision of NRL Entertainment at Glen Willow Regional Stadium, noting that the NSW Government NRL Taskforce allocate NRL teams to host Council;
3.            authorise the General Manager to engage the allocated NRL Team to provide NRL Premiership entertainment services for the 2021/22 budgeted amount;
4.            authorise the General Manager to sign an Agreement with the allocated NRL Team;
5.            authorise the General Manager to accept Grant Funding from the NSW Government Regional Events Acceleration Fund towards NRL Team Fees and event management costs and sign a funding agreement with the NSW Government; and
6.            amend the 2021/22 budget to increase Major Events Glen Willow expenditure by \$170,000, with \$50,000 to be funded by grant income and \$120,000 to be funded by sales income.

*The motion was carried with the Councillors voting unanimously.*

**Item 15:                      Urgent Confidential Business Without Notice**

Nil

**Item 16:                      Open Council**

**356/21                      MOTION:     Cavalier / Martens**


**That Council move to Open Council.**

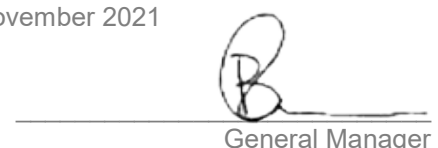
*The motion was carried with the Councillors voting unanimously.*

The General Manager announced the decisions taken in Confidential Session.

**Item 17:                      Closure**

There being no further business the meeting concluded at 6.35pm.

  
Mayor

  
General Manager