



Business Papers 2022

MID-WESTERN REGIONAL COUNCIL

ORDINARY MEETING

Wednesday 19 October 2022

MINUTES

*A prosperous and progressive
community we proudly call home*



CONFIRMATION OF MINUTES

3.1	Minutes of Ordinary Meeting held on 21 September 2022.....	3
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Minutes of the Ordinary Meeting of Council

Held at the Council Chambers, 86 Market Street, Mudgee
on 21 September 2022, commencing at 5.38pm and concluding at 5.58pm.

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

IN ATTENDANCE General Manager (Brad Cam), Director Community (Simon Jones), Director
Development (Alina Azar), Acting Chief Financial Officer (Neil Bungate),
Manager Customer Services & Governance (Richard Cushway) and
Executive Assistant (Mette Sutton).

Acknowledgement of Country

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

Item 1: Apologies

There were no apologies.

Item 2: Disclosure of Interest

There were no disclosures of interest.

Item 3: Confirmation of Minutes

264/22 MOTION: Cavalier / Stoddart

That the Minutes of the Ordinary Meeting held on 17 August 2022 be taken as read and confirmed with the following amendment:

- **Item 8.1 - note that Cr Palmer did not vote on this matter.**

The motion was carried with the Councillors voting unanimously.

Item 4: Matters in Progress

265/22 MOTION: Shelley / Palmer

That Council note the following Matters In Progress as complete:

- **Public Toilets Accessibility – Resolution no.15/22 of the ordinary meeting 2 February 2022; and**

- **Request for Additional State Government Funding for Weed Control – Resolution no.68/22 of the ordinary meeting 4 March 2022.**

The motion was carried with the Councillors voting unanimously.

Item 5: Mayoral Minute

- 5.1 MAYORAL MINUTE: ACKNOWLEDGEMENT OF THE PASSING OF HER MAJESTY QUEEN ELIZABETH II
GOV400098, GOR500019

266/22

RECOMMENDATION

That Council:

1. **acknowledge the contribution of Her Majesty Queen Elizabeth II over her 70 year reign; and**
2. **now observe a minute's silence out of respect for Her Majesty and the service that she provided to Australia and the Commonwealth.**

The motion was carried with the Councillors voting unanimously.

Councillors, staff and gallery all stood to observe a minute's silence.

The Mayor displayed an accolade recently awarded to Council as winner of the Skillset Local Government Award for 2022. The award being for Council's support of apprentices and trainees.

- 5.2 MAYORAL MINUTE: ACCOUNTING TREATMENT OF THE RURAL FIRE SERVICE ('RED FLEET') ASSETS
GOV400098, FIN300180

267/22

RECOMMENDATION

That Council:

1. **writes to the local State Members the Hon Dugald Saunders, the Hon Paul Toole, the Treasurer the Hon Matt Kean MP, Minister for Emergency Services and Resilience the Hon Stephanie Cook MP and the Minister for Local Government Wendy Tuckerman MP:**
 - (a) **Expressing Council's objection to the NSW Government's determination on ownership of Rural Fire Service assets;**
 - (b) **Advising of the impact of the Government's position on Council finances of this accounting treatment;**

- (c) Informing that Council will not carry out RFS assets stocktakes on behalf of the NSW Government and will not record RFS assets in Mid-Western Regional Council's financial statements;
 - (d) Calling on the NSW Government to take immediate action to permanently clear up inequities and inconsistencies around the accounting treatment of Rural Fire Service (RFS) assets by acknowledging that rural firefighting equipment is vested in, under the control of and the property of the RFS; and
 - (e) Amending s119 of the Rural Fires Act 1997 so that the effect is to make it clear that RFS assets are not the property of councils.
- 2. writes to the Shadow Treasurer Daniel Mookhey MLC, the Shadow Minister for Emergency Services Jihad Dib MP, the Shadow Minister for Local Government Greg Warren MP, the Greens Spokesperson for Local Government Jamie Parker MP and the leaders of the Shooters, Fishers and Farmers, Animal Justice and One Nation parties Robert Borsak MLC, Emma Hurst MLC and Mark Latham MLC:
 - (a) Advising Members of Mid-Western Regional Council's position, including providing copies of correspondence to NSW Government Ministers; and
 - (b) Seeking Members' commitments to support NSW Councils' call to amend the Rural Fires Act 1997 as set out in correspondence.
- 3. Mid-Western Regional Council writes to the Auditor General advising that notwithstanding any overtures of future qualified audits, it will not carry out RFS stocktakes on behalf of the NSW Government and will not record RFS assets in Mid-Western Regional Council's financial statements, noting that the State Government's own Local Government Accounting Code of Practice and Financial Reporting provides for councils to determine whether or not they record the RFS assets as council assets.
- 4. Council promotes these messages via its digital and social media channels and via its networks;
- 5. Re-affirms its complete support of and commitment to local RFS brigades noting that Mid-Western Regional Council's action is entirely directed towards the NSW Government's nonsensical position that rather than being owned and controlled by local brigades, RFS assets are somehow controlled by councils, which councils consider to be a cynical financial sleight of hand abdicating the NSW Government's responsibilities at the cost of local communities; and

6. That Mid-Western Regional Council affirms its support to Local Government NSW (LGNSW) and requests LGNSW continue advocating on Council's behalf to get clarification once and for all from the State Government about the accounting treatment of RFS assets.

The motion was carried with the Councillors voting unanimously.

5.3 MAYORAL MINUTE: MRI MACHINE FOR MUDGEES HOSPITAL
GOV400098, PUB600014

268/22

RECOMMENDATION

That Council:

1. write to the Federal Member for Calare, Andrew Gee and State Member for Dubbo, Dugald Saunders, seeking an MRI machine for the Mudgees Hospital; and
2. engage with our medical community to identify priorities of service needs within the LGA.

The motion was carried with the Councillors voting unanimously.

5.4 MAYORAL MINUTE: WINGS WHEELS AND WINE AIR SHOW
2023
GOV400098, F0470025, FIN300202

269/22

RECOMMENDATION

That Council:

1. approve in-principle \$2,500 (in kind) support requested for the Wings Wheels and Wine Air Show 2023 event;
2. place its intention to provide in-kind support for the Wing Wheels and Wine Air Show 2023 event on public exhibition for a period of 28 days;
3. if no public submissions are received, provide in-kind support of \$2,500 from unrestricted cash; and
4. receive a further report, if any public submissions are received.

The motion was carried with the Councillors voting unanimously.

5.5 MAYORAL MINUTE: MUDGEES SHOWGROUND CAROLS 2022
GOV400098, FIN300159

270/22

RECOMMENDATION

That Council

1. provide a fee waiver of \$1,155 for the ground hire fee to support the Mudgee Showground Carols 2022, to be funded from the Community Grants budget; and
2. provide \$2,062 support for the erection and removal of Christmas banners, to be funded from unrestricted cash.

The motion was carried with the Councillors voting unanimously.

Item 6:

Notices of Motion or Rescission

6.1 WOLLEMI PHYSICAL CULTURE

GOV400098, A100035; GOV400022

271/22

MOTION: Shelley / Cavalier

That Council:

1. supports Wollemi Physical Culture by way of granting \$6,850 through the Community grants budget, being for Kandos Hall hire fees and bond, for Tuesday and Friday use between 4pm – 7pm; and
2. transfers \$6,850 from unrestricted cash to the community grants budget.

The motion was carried with the Councillors voting unanimously.

6.2 DISABLED ACCESS AND PARKING IN GULGONG

GOV400098, A0100035, GOV400022, R2047002

272/22

MOTION: Cavalier / Paine

That Council:

1. removes Emergency Vehicle Parking Only signage from Herbert Street in Gulgong, outside of the former Gulgong Fire Station, noting that it is no longer required at this location;

2. identifies and constructs a disabled access ramp at a suitable location between the Gulgong Post Office and Gulgong Medical Centre; and
3. funds these works from unrestricted cash.

The motion was carried with the Councillors voting unanimously.

6.3 SEALING OF BACK OF CARPARK BEHIND K-MART
GOV400098, A0100035, GOV400022

Item 6.3 was withdrawn by Councillor Thompson.

6.4 POPPET HEADS AT RED HILL GOLD EXPERIENCE
GOV400098, A0100035, GOV400022

Item 6.4 was withdrawn by Councillor Thompson.

Item 7: Office of the General Manager

7.1 COUNCIL MEETING SCHEDULE 2023
GOV400098, GOV400088

273/22

MOTION: Shelley / Palmer

That Council:

1. receive the report by the Manager, Customer Services & Governance on the Council Meeting Schedule 2023; and
2. confirm the dates for Meetings of Council for 2023 as follows:
 - Wednesday 15 February 2023 – Council Meeting
 - Wednesday 15 March 2023 – Council Meeting
 - Wednesday 19 April 2023 – Council Meeting
 - Wednesday 17 May 2023 – Council Meeting
 - Wednesday 24 May 2023 – Extraordinary Council Meeting
 - Wednesday 21 June 2023 – Council Meeting
 - Wednesday 19 July 2023 – Council Meeting

- Wednesday 23 August 2023 – Council Meeting
- Wednesday 20 September 2023 – Council Meeting
- Wednesday 18 October 2023 – Council Meeting
- Wednesday 15 November 2023 – Council Meeting
- Wednesday 13 December 2023 – Council Meeting (including election of Mayor and Deputy Mayor)

The motion was carried with the Councillors voting unanimously.

Item 8: Development

8.1 DA0429/2021 - PROPOSED MIXED USE DEVELOPMENT INCLUDING DETACHED DUAL OCCUPANCY, TOURIST ACCOMMODATION AND RESTAURANT - 182 CUDGEGONG ROAD, RYLSTONE

GOV400098, DA0429/2021

274/22

MOTION: Shelley / Karavas

That Council:

- A. receive the report by the Planning Coordinator on the DA0429/2021 - Proposed Mixed Use Development including Detached Dual Occupancy, Tourist Accommodation and Restaurant - 182 Cudgegong Road, Rylstone and;
- B. approve DA0429/2021 - Proposed Mixed Use Development including Detached Dual Occupancy, Tourist Accommodation and Restaurant - 182 Cudgegong Road, Rylstone subject to the following conditions and statement of reasons:

APPROVED PLANS

1. The development is to be carried out in accordance with the following plans endorsed with Council's Stamp as well as the documentation listed below, except as varied by the conditions listed herein and/or any plan notations. 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:	Project No.:	Drawing No.:	Revision / Issue:	Date:	Prepared by:
Context / Master Plan	2108	A-001	C	May 2021	Field Office Architecture
Existing Site Plan	2108	A-000	B	June 2021	Field Office Architecture

Site Plan - Accommodation	2108	A-101	H	September 2021	Field Office Architecture
Type A – Hotel Accommodation	2108	A-200	A	May 2021	Field Office Architecture
Type A – Hotel Accommodation	2108	A-201	A	May 2021	Field Office Architecture
Type B – Staff Accommodation	2108	A-202	A	May 2021	Field Office Architecture
Type B – Staff Accommodation	2108	A-203	A	May 2021	Field Office Architecture
Type C – Owners Residence	2108	A-204	A	May 2021	Field Office Architecture
Type C – Owners Residence	2108	A-205	A	May 2021	Field Office Architecture
Type D – Accessible Accommodation	2108	A-206	A	August 2021	Field Office Architecture
Site Plan Restaurant	2108	R-100	A	May 2021	Field Office Architecture
Floor Plan	2108	R-200	A	May 2021	Field Office Architecture
Roof Plan	2108	R-210	A	May 2021	Field Office Architecture
Elevations – Eastern Northern	2108	R-300	A	May 2021	Field Office Architecture
Elevations – Western Southern	2108	R-301	A	May 2021	Field Office Architecture
Sections	2108	A-400	A	May 2021	Field Office Architecture
Existing Site Plan	-	36209-C01	B	19.08.2021	Barnson
Existing Part Site Plans	-	36209-C02	B	19.08.2021	Barnson
Proposed Part Site Plans	-	36209-C03	B	19.08.2021	Barnson
General pavement & road specifications	-	36209-C04	B	19.08.2021	Barnson
Proposed Bulk	-	36209-C05	B	19.08.2021	Barnson

Earthworks Plan					
Sediment and Erosion Control Details		36209-C08	A	19.08.2021	Barnson
Noise Impact Assessment	-	5174R00 1.LB.210 816	2	20 August 2021	Acoustic Dynamics
Bushfire Hazard Assessment	-	-	3905-1001 Version 3 Final	12/10/2021	Geolink Environmental Management and Design
Biodiversity Assessment Report	-	-	3905-1044 Version 3.2 Final	12/10/2021	Geolink Environmental Management and Design
Preliminary Site Contamination Assessment	36209 ER01	-	Final	23/06/2021	Barnson
Archaeological Survey Report	-	-	5	June 2021	Everick Heritage
Traffic Impact Assessment	20471	-	4	4 August 2022	Rytenskild Traffic Engineering

GENERAL

2. For clarity, this development consent approves the following mixed use development:

- A restaurant with 60 seats with an adjoining function room for up to a maximum of 120 persons, ancillary kitchen and bar;
- Tourist accommodation (hotel and motel accommodation) comprising sixty (60) cabins along with three (3) accessible cabins;
- Three (3) cabins for ancillary staff accommodation;
- A 3 bedroom dwelling house (forming a detached dual occupancy on the land); and
- Associated civil works including road upgrades, car parking and landscaping.

Note: This consent does not approve the 'wellness centre' shown on the site plan. Separate consent of Council is required for this proposal.

3. This consent does not permit commencement of any site works. Works are not to commence until such time as a

Construction Certificate has been obtained and the appointment of a Principal Certifier.

- 4. The General Terms of Approval issued in relation to the approved development, shall be complied with prior, during and at the completion of the development, as required.**

The General Terms of Approval include the following:

- i. General Terms of Approval, issued by NSW Rural Fire Service, for a Bush Fire Safety Authority to be issued in accordance with Section 100B of the Rural Fires Act 1997.**

A copy of the General Terms of Approval are attached to this determination notice.

- 5. All earthworks, filling, building, driveways or other works, are to be designed and constructed to ensure that at no time any ponding of stormwater occurs on the subject site or adjoining land as a result of this development. Design must also ensure that no diversion of runoff onto other adjacent properties occurs.**
- 6. Where it is proposed to import fill, the material shall be free of hazardous materials and contamination and be classified as VENM or ENM under the guidelines of the NSW Environmental Protection Authority by a 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.**
- 7. All works are to be carried out in a workmanlike manner and in accordance with technical and performance requirements of relevant and applicable Codes, Standards, Council's Development Control Plan and Aus Spec #1, Austroad guide to road design.**
- 8. A Traffic Management Plan showing proposed traffic signposting around the construction site in accordance with AS 1742.3 and RMS Manual for Traffic Control at Worksites current at the time of construction is to be provided to Council for approval prior to any works commencing on Cudgegong Road. The plan must be prepared and certified by a person holding the appropriate RMS accreditation.**
- 9. All traffic control including setup and removal of traffic control devices and/or regulation of traffic is to be carried out by persons suitably accredited by RMS. The developer/contractor must produce upon request evidence that all staff involved in the above have such accreditation.**
- 10. All disturbed surfaces that will contribute to erosion and scouring must be stabilized and turfed.**
- 11. 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.

12. 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.
13. 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.
14. The internal access driveway must be constructed and maintained at all times to provide access in all weather conditions for largest possible vehicles that can access to site. The driveway must also be of a sufficient standard to allow for access by emergency service vehicles and must have suitable passing bays in accordance to AS2890.1.
15. Access for firefighting must be available to all structures with ample turning area to allow emergency personnel to conduct firefighting operations.
16. In order to minimise noise impacts the operation of the development shall be carried out in accordance with all the recommendations set out in Section 6 of the Noise Impact Assessment by Acoustic Dynamics dated 20 August 2021. These include but are not limited to restrictions of hours of operation of certain activities, closing of openable façade components during certain activities and post- approval monitoring for 3 months after commencement of the operation.

PRIOR TO THE ISSUE OF A CONSTRUCTION CERTIFICATE

17. Prior to release of the Construction Certificate, approval pursuant to Section 68 of the Local Government Act, 1993 for the installation of an On Site Sewer Management System is to be obtained from Mid-Western Regional Council.
18. Prior to issue of the Construction Certificate, all plans and documentation to support the application must ensure that compliance with the General Terms of Approval issued by the NSW Rural Fire Service and the requirements of the Bushfire Hazard Assessment Report (Version 3 Final dated 12/10/2021) is achieved.
19. The design, construction and fit-out of the proposed kitchen, coolroom/s and associated structures must be constructed in accordance with the relevant requirements of Australian Standard 4674 - 2004 "Design, Construction and Fitout of Food

Premises". Full details are to be submitted for approval with the required Construction Certificate.

- 20. Prior to issue of the Construction Certificate for the tourist accommodation buildings, the floor plan shall be amended to include laundry facilities within each suite.**

- 21. Prior to issue of a Construction Certificate, fully detailed design plans along with the supporting report prepared by professional registered engineer must be submitted with a Section 138 application for assessment and approval of Council. The design must ensure that the intersection upgrade complies with BAL and BAR requirements as per Austroads Guide to Road Design part 4A: Un-Signalised and Signalised Intersections.**

Note: this does trigger upgrade of culvert crossing along Cudgegong road and must ensure that the widened shoulders are sealed to have a sound and even surface and the design must be upgraded as per the recommendation of Traffic Impact assessment report prepared by Rytenskild, Figure 7.2 and Figure 7.3.

- 22. Prior to the issue of the Construction Certificate, all civil engineering design works required by the development (including the internal access road, parking areas and stormwater detention measures) must comply with relevant Design Standards with cross sectional details along with longitudinal sectional details provided. All designs must be prepared and certified by registered professional engineer and must be submitted to Council.**

- 23. Prior to the issue of the Construction Certificate, the Applicant must submit to Council a manoeuvring plan to ensure that the largest possible design vehicle to access the site can safely manoeuvre the external/internal road.**

- 24. Prior to the issue of the Construction Certificate, an amended drawing of the type 2 road must be submitted to Council to ensure that two vehicles can pass safely. If not, some localised widening is required to be incorporated into the road design as a passing bay with proper sight distance included.**

- 25. Prior to issue of a Construction Certificate, a minimum of 65 car parking spaces are to be provided within the site of the development and must comply with AS 2890.1: 2004/2890.2 and 2890.6 in relation to dimension, signage, lines marking, safety/crash barriers, wheel stop and should comply with the following requirements:**

- a) Council preference is for parking spaces to be sealed and line marked to address environmental impacts. If not, as a minimum standard is to be provided with a hard standing all**

weather compacted gravel surface and must be maintained in a satisfactory condition at all times.

- b) The aisle widths, internal circulation, ramp widths and grades of the car park are to generally conform to the Roads and Maritime Services (RMS) guidelines and Australian Standard AS 2890.1 – 2004. Details of compliance are to be shown on the relevant plans and specifications.**
- c) All vehicles are required to enter and leave the site in a forward direction at all times. Signage to this effect is to be appropriately located within the site.**

26. Prior to the issue of Construction Certificate, a revised stormwater management plan must be submitted and approved by Council to provide a stormwater drainage system in accordance with the "major/minor" system concept set out in Chapter 14 of Australian Rainfall & Runoff, 1987 (ARR 1987); that is, the "major" system shall provide safe, well-defined overland flow paths for rare and extreme storm runoff events while the "minor" system shall be capable of carrying and controlling flows from frequent runoff events Design Principles. The report must demonstrate that the stormwater runoff from the site is not increased beyond the existing undeveloped state up to and including a 100-year ARI. All stormwater detention details including analysis shall be included with the drainage report.

27. A construction management plan is to be submitted along with the Construction Certificate application. The management plan shall include:

- a) Details of sedimentation and erosion control.**
- b) Details of haulage routes shall be providing to Council for approval.**

Note: All trucks and machinery must be free from all foreign material where such material is likely to cause pollution. An area must be set aside for the cleaning of concrete agitator trucks.

- c) Details of dust mitigation and access roads.**
- d) Location and phone number of the site office.**

28. Prior to the issue of Construction Certificate, a Soil and Water Management Plan and soil loss calculation must be prepared by a certified professional and is to be submitted to Council for approval. Erosion control measures are to be implemented prior to the commencement of any earthworks and shall be maintained until satisfactory completion and restoration of site earthworks, including revegetation of all exposed areas. The Soil and Water Management Plan (SWMP) for this development is to be prepared and implemented in accordance with Landcom Guidelines and requirements as outlined in the latest edition of "Soils and Construction- Managing Urban

Stormwater. The SWMP must also incorporate the change of pervious surface to compacted gravel road surface and hard standing all weather surface for parking. The overall drainage plan for the site must be included and the strategy for its disposal must be submitted to ensure that the post development discharge must not be more than the pre-development discharge.

Points to be considered include but are not limited to:

- Drainage reserves and swales and disturbed surfaces due to construction activities are to be turfed.
- Saving available topsoil for reuse in the revegetation phase of the development;
- Using erosion control measures to prevent on-site damage prior to any construction activity on site;
- Rehabilitating disturbed areas promptly;
- Maintenance of erosion and sediment control structures;
- Disturbed areas are to be seeded, fertilised and hay mulched or similar on completion of regrading works. Disturbed areas are to be progressively revegetated with exposed areas kept to a workable minimum.
- Details of scour protection devices

Note: Councils development engineer must be contacted to carry out this inspection. As a hold point, this erosion controlling measures must be inspected prior carrying out works.

29. A schedule of existing and proposed fire safety measures is to be submitted to the Principal Certifying Authority with the application for the Construction Certificate.

30. In accordance with the provisions of Section 7.12 of the Environmental Planning and Assessment Act 1979 and the Mid-Western Regional Contributions Plan 2019, a levy based on the value of works (where the value of works exceeds \$100,000) shall be paid to Council in accordance with this condition for the purpose of public facilities, prior to issue of a Construction Certificate.

The value of works is to be calculated in accordance with Table 6 and the procedure outlined in Figure 1 of the Contributions Plan. Based on the cost of works for the accommodation and restaurant provided with the application, the estimated amount payable is \$70,000.39. A report regarding the confirmed value of works and any necessary certification is to be submitted to Council. Council will then calculate and advise of the final levy amount following submission of the documents which is required to be provided prior to issue of the Construction Certificate.

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

Note: Mid-Western Regional Contributions Plan 2019 is available for perusal at Council's Administration Centre at 86 Market Street, Mudgee or on Council's.

- 31. Prior to issue of a Construction Certificate for the restaurant building, details shall be submitted to the Principal Certifying Authority of a suitable acoustic screen or barrier on the external deck. The screen/barrier shall be in accordance with Section 6.1.1 of the Noise Impact Assessment by Acoustic Dynamics dated 20 August 2021.**
- 32. Prior to issue of a Construction Certificate for the Restaurant building, details shall be submitted to the Principal Certifying Authority of a suitable acoustic screen or barrier around mechanical plant. The screen/barrier shall be in accordance with Section 6.1.2 of the Noise Impact Assessment by Acoustic Dynamics dated 20 August 2021.**
- 33. Prior to issue of a Construction Certificate for the Restaurant building, details shall be submitted to the Principal Certifying Authority of the construction materials of the restaurant/function room including sound transmission details. The details shall be in accordance with Section 6.1.5 of the Noise Impact Assessment by Acoustic Dynamics dated 20 August 2021.**

PRIOR TO THE COMMENCEMENT OF WORKS

- 34. No work shall commence until a Construction Certificate, as relevant, 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.
- 35. Prior to the commencement of works for all moveable dwellings, approval pursuant to section 68 (Part A) of the Local Government Act 1993 to install a moveable dwelling and associated structure is to be obtained from Council. A current engineer's certificate is required to be site specific and acknowledge the structure is to be relocated to the new site.**

Note: You will be required to obtain separate Section 68 (Part A) approvals for each individual dwelling.
- 36. 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

37. 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:
- stating that unauthorised entry to the work site is prohibited;
 - 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;
 - 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.
38. If the work involved in the erection/demolition of the building;
- is likely to cause pedestrian or vehicular traffic in a public place to be obstructed or rendered inconvenient; or
 - 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.
39. The development site is to be managed for the entirety of work in the following manner:
- 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;
 - Appropriate dust control measures;
 - Construction equipment and materials shall be contained wholly within the site unless approval to use the road reserve has been obtained;
 - 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.
40. 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

41. 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.
42. All plumbing and drainage work must be carried out by a licensed plumber and drainer and must comply with the Plumbing Code of Australia.
43. Construction work noise that is audible at other premises is to be restricted to the following times:
 - Monday to Saturday - 7.00am to 5.00pmNo construction work noise is permitted on Sundays or Public Holidays.
44. 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.
45. All stormwater is to discharge a minimum 3m from the building and disposed of in such a way as to not adversely affect the adjoining properties.
46. The strength of the concrete used for the reinforced concrete must be a minimum 25Mpa.
47. 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.
48. All building work is to comply with the requirements of the Access to Premises Standard.
49. 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.
50. Gravel formed internal driveways, manoeuvring and parking areas must be constructed with compacted gravel and maintained to acceptable standards and Council's satisfaction

at all times to ensure the safety of users. Measures to prevent erosion and scouring and the transport of sediment by stormwater runoff must be put in place and maintained at all times.

51. 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. (Note: A suitably qualified person is required to be present during earthworks to identify whether any artefacts were uncovered).
52. If unexpected soil contaminants are discovered during works which has the potential to alter previous conclusions regarding site contamination; work must cease and Council or NSW Environmental Protection Authority must be notified immediately.

The contaminated land situation is to be evaluated by the supervising environmental consultant and an appropriate response determined in consultation with the developer, which is agreed to by Council.

Note: Council may also request that a NSW Environmental Protection Authority accredited site auditor is involved to assist with the assessment of the contaminated land situation and review and new contamination information. The developer must also adhere to any additional conditions which may be imposed by the accredited site auditor.

FOLLOWING WORKS

53. Following the completion of intersection upgrade works, one set of Works as Executed (WAE) 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.
54. The access road must be maintained on a regular basis and manage stormwater to prevent release of stormwater to adjoining properties and cause no adverse impact to water bodies.
55. The table drain/s must be stabilised so as to ensure that it does not contribute to erosion and scouring which ultimately leads to siltation.

PRIOR TO THE ISSUE OF THE OCCUPATION CERTIFICATE

56. 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.

57. Prior to the occupation of any moveable dwelling, a Certificate of Completion is to be obtained from Council for the installation of the moveable dwelling.
58. Prior to occupation or the issue of the Occupation Certificate the owner of the building must cause the Principal Certifying Authority to be given a fire safety certificate in accordance with Clause 153 of the Environmental Planning and Assessment Regulation 2000 for each measure listed in the schedule. The certificate must only be in the form specified by Clause 174 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.
59. Prior to issue of an Occupation Certificate, the road works approved under the Section 138 application for works within Cudgegong Road must be satisfactorily completed with a final inspection report issued by Council's Development Engineering Department.
60. All stormwater, internal road / driveway and car parking works must be completed prior to issue of the Occupation Certificate for the development.
61. Prior to issue of the Occupation Certificate for each relevant building, onsite detention tanks of the required capacity in accordance with the approved stormwater management plan is to be installed for each building.
62. Prior to the issue of an Occupation Certificate, all works including but not limited to the following required for this development must be inspected and approved by Council's Development Engineer to ensure its compliance:
 - a) Internal road works,
 - b) Stormwater management, including erosion and scouring if any,
 - c) Measures to control siltation,
 - d) Access and parking upgrade works, including crash barriers, if required, as per AS2890 and signage.

DURING OPERATIONS / ONGOING USE

63. 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.
64. 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.

- 65. 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.**
- 66. All waste generated by the development is to be disposed of to an appropriately licenced waste facility. In this regard, a commercial waste contract agreement is to be established to ensure that wastes are disposed of appropriately. All fees and charges for disposal are to be borne by the developer.**
- 67. The hours of operation of the restaurant and function room is limited to the following:**
- 8am - 11pm Monday to Friday & Sundays and**
 - 8am - Midnight on Saturdays.**

Note: The operations of the restaurant and function room is limited to the requirements of the Acoustic Assessment Dated 20 August 2021.

- 68. Following commencement of operations of the restaurant, an operational noise validation report is to be conducted and submitted to Council within 3 months. The report must demonstrate and certify that noise emissions from the development satisfies the conditions of consent and the requirements of the Noise Impact Assessment prepared by Acoustic Dynamics dated 20 August 2021. Any recommendations contained in the validation report must be implemented immediately.**
- 69. All vehicles are required to enter and leave the site in a forward direction at all times.**
- 70. All loading and unloading in connection with the premises shall be carried out wholly within the site.**
- 71. 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.**
- 72. 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.**
- 73. 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”.

- 74. 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.**
- 75. The development is to be kept in a clean and tidy condition at all times.**
- 76. The food premises shall, at all times, be operated and maintained in accordance with Food Safety Standards 3.1.1, 3.2.2 and 3.2.3 prescribed in chapter 3 of the Australia and New Zealand Food Standards Code.**
- 77. A complaint handling procedure and reporting register is to be established that ensures all complaints made by neighbouring residents or visitors as a result of the operations of the development are appropriately resolved. The register is to be made available to Council at any time upon request.**
- 78. A sign must be displayed in a prominent position in the building stating the maximum number of persons, as specified in the development consent, that are permitted in the building for the following uses:**
 - (a) entertainment venue;**
 - (b) function centre;**
 - (c) pub;**
 - (d) registered club;**
 - (e) restaurant.**

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 Contractor is required to contact Dial Before You Dig to obtain details of the location of the various services in the vicinity of the subdivision to minimise the chance of disturbing utility services as well as the location of services which require to be relocated. DBYD can be contacted online <https://www.1100.com.au/> or by phone on 1100.**
- 3. The land upon which the subject building is to be constructed may be affected by restrictive covenants. This approval is issued without enquiry by Council as to whether any restrictive covenant affecting the land would be breached by the construction of the building, the subject of this approval. Persons to whom this approval is issued must rely on their own enquiries as to whether or not the building breaches any such covenant.**

4. **Division 8.2 of the Environmental Planning and Assessment Act 1979 (EP&A Act) gives you the ability to seek a review of the determination. This request is made to Council and must be made within 12 months after the date on which you receive this notice. The request must be made in writing and lodged with the required fee; please contact Council's Development Department for more information or advice.**
5. **If you are dissatisfied with this decision section 8.7 of the EP&A Act gives you the right to appeal to the Land and Environment Court within 12 months after the date on which you receive this notice, pursuant to section 8.10(1)(b).**
6. **To ascertain the extent to which the consent is liable to lapse, refer to Section 4.53 of the EP&A Act.**

STATEMENT OF REASONS

The determination decision was reached for the following reasons:

1. **The proposed development generally complies with the requirements of the applicable environmental planning instruments and Mid-Western Regional Development Control Plan 2013. Where variations have been identified, conditions of consent have been imposed.**
2. **The proposed development is considered to be satisfactory in terms of the matters identified in Section 4.15 of the Environmental Planning & Assessment Act 1979.**
3. **No submissions were received during the public exhibition period.**

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

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

The following recommendations (item 8.2 to item 12.3) were adopted as a whole, being moved by Cr Paine seconded by Cr Cavalier and carried with Councillors voting unanimously. Each recommendation is recorded with separate resolution numbers commencing at Resolution No. 275/22 and concluding at Resolution No. 300/22.

8.2 PLANNING PROPOSAL TEMPORARY WORKERS' ACCOMMODATION

GOV400098, LAN900146

275/22

MOTION: Shelley / Palmer**That Council:**

1. **receive the report by the Manager, Strategic Planning on the Planning Proposal Temporary Workers' Accommodation to amend Clause 6.11 to allow public authorities to develop beyond the 5 kilometre radius standard, include a definition in the Dictionary and in the land use tables of the Mid-Western Regional Local Environmental Plan 2012;**
2. **provide initial support for a Planning Proposal to amend the Mid-Western Regional Local Environmental Plan 2012 to the NSW Department of Planning and Environment seeking a Gateway Determination, in accordance with Section 3.34 of the Environmental Planning and Assessment Act 1979; and**
3. **undertake community consultation as outlined within any approved Gateway Determination.**

The motion was carried with the Councillors voting unanimously.

8.3 AUSTRALIA DAY AWARDS SELECTION PANEL

GOV400098, CMR200046

276/22

MOTION: Shelley / Palmer**That Council:**

1. **receive the report by the Director Community on the Australia Day Awards Selection Panel;**
2. **endorse the Mayor, Deputy Mayor and Cr Shelley to be representatives on the Australia Day Awards Selection Panel; and**
3. **delegate decisions on Award recipients to the Australia Day Awards Selection Panel.**

The motion was carried with the Councillors voting unanimously.

8.4 ACCEPTANCE OF GRANT FUNDING - FOR DEVELOPMENT OF A STRATEGY TO HELP MANAGE IMPACTS OF STATE SIGNIFICANT DEVELOPMENT (SSD) PROJECTS IN THE MID-WESTERN REGION

GOV400098, LAN900072

277/22**MOTION: Shelley / Palmer****That Council:**

1. receive the report by the Director Development on the Acceptance of Grant Funding - for development of a strategy to help manage impacts of State Significant Development (SSD) Projects in the Mid-Western Region;
2. if successful accept \$154,078 in grant funding from the NSW Government's Regional NSW Business Case and Strategy Development Fund (Stream 1 – Regional Significance);
3. if successful create a 2022/23 Budget for the strategy development project with \$154,078 grant funding; and
4. if successful authorise the General Manager to finalise and sign the funding agreement with the NSW Government.

The motion was carried with the Councillors voting unanimously.

8.5 ACCEPTANCE OF GRANT FUNDING - TRANSPORT NSW ALTERNATIVE TRANSPORT SEED PATHWAY

GOV400098, GRA600052

278/22**MOTION: Shelley / Palmer****That Council:**

1. receive the report by the Events Coordinator on the Acceptance of Grant Funding - Transport NSW Alternative Transport Seed Pathway;
2. if successful, accept the grant funding of \$1800 from the NSW Government;
3. if successful, amend the 2022/23 Flavours of Mudgee Budget to increase expenditure budget by \$1800 to be funded by grant funding; and
4. if successful, authorise the General Manager to finalise and sign the funding agreements with the NSW Government.

The motion was carried with the Councillors voting unanimously.

8.6 TEMPORARY SUSPENSION OF ALCOHOL FREE ZONES
FOR SECTIONS OF CUDGEGONG AND LOUEE STREETS,
RYLSTONE

GOV400098, A0130008

279/22

MOTION: Shelley / Palmer

That Council:

1. receive the report by the Manager Building and Development on the Temporary Suspension of Alcohol Free Zones for Sections of Cudgegong and Louee Streets, Rylstone; and
2. suspend the alcohol free zones located in Cudgegong and Louee Streets, Rylstone between the hours of 10am to 5pm on Saturday 5th November 2022 for the purposes of the Rylstone StreetFeast 2022.

The motion was carried with the Councillors voting unanimously.

8.7 MONTHLY DEVELOPMENT APPLICATIONS PROCESSING
AND DETERMINED

GOV400098, GOV400088, A0420109

280/22

MOTION: Shelley / Palmer

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

The motion was carried with the Councillors voting unanimously.

Item 9: Finance

9.1 DRAFT PLAN OF MANAGEMENT OLD GULGONG FIRE
STATION

GOV400098, COU5000102, 4532, 8586, 13084

281/22

MOTION: Shelley / Palmer

That Council:

1. receive the report by the Manager Property and Revenue on the Draft Plan of Management Old Gulgong Fire Station;
2. endorse the draft Plan of Management for the Old Gulgong Fire Station as appended as Attachment 1 to this Report;

3. **note that Native Title Manager's advice has been received for the draft Plan of Management for the Old Gulgong Fire Station as appended as Attachment 2 to this Report;**
4. **refer the draft Plan for the Old Gulgong Fire Station as appended as Attachment 1 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 Plan 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 the draft Plan by the Minister administering the Crown Land Management Act 2016;**
6. **upon written consent of the draft Plan from the Minister administering the Crown Land Management Act 2016, place the draft Plan on public exhibition, as per s38 of the Local Government Act 1993;**
7. **receive a further report at the conclusion of the public exhibition to consider any submissions received or if substantial changes are recommended for any reason:**
 - 7.1 **seek the Minister administering the Crown Land Management Act 2016 further consent if necessary, to adopt the draft Plan; or**
 - 7.2 **recommend that Council adopt the draft Plan of Management for the Old Gulgong Fire Station as appended as Attachment 1 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;**
8. **authorise Lands Advisory Services P/L to:**
 - 8.1 **act on Council's behalf to provide written advice in accordance with s39 Local Government Act 1993 to the Minister administering the Crown Land Management Act 2016, in relation to the draft Plan of Management for the Old Gulgong Fire Station; and**
 - 8.2 **receive queries and information directly from; and to send information and queries to the Minister administering the Crown Land Management Act 2016, during the course of the Minister's deliberation and assessment of the draft Plan of Management.**

The motion was carried with the Councillors voting unanimously.

9.2 POLICY REVIEW - FRAUD CONTROL

GOV400098, FIN300032

282/22

MOTION: Shelley / Palmer**That Council:**

1. receive the report by the Acting Chief Financial Officer on the Policy Review - Fraud Control;
2. place the Fraud and Corruption Control Policy on public exhibition for 28 days; and
3. adopt the Fraud and Corruption Control Policy if no submissions are received during the public exhibition period.

The motion was carried with the Councillors voting unanimously.

9.3 PURCHASE CARDS POLICY

GOV400098, FIN300032, A0140316

283/22

MOTION: Shelley / Palmer**That Council:**

1. receive the report by the Financial Operations Coordinator on the Purchase Cards Policy;
2. place the Purchase Cards Policy on public exhibition for a period of 28 days; and
3. adopt the Purchase Cards Policy for a further period of two years, if no submissions are received during the public exhibition period.

The motion was carried with the Councillors voting unanimously.

9.4 REALIGNMENT OF PART OF HENRY LAWSON DRIVE HOME RULE

GOV400098, GOV400043, R4013001

284/22

MOTION: Shelley / Palmer**That Council:**

1. receive the report by the Property Officer on the Realignment of Part of Henry Lawson Drive Home Rule be received;
2. note Council's previous report and resolution at its Ordinary Meeting on 17 June 2015 to consider the realignment of those sections of Henry Lawson Drive by the opening and dedication of a public road over allotments 1 and 2 (Plan "A") and to proceed with the formalisation procedures in relation to the closing of those parts of Henry Lawson Drive, being allotments 3 and 4, as cited in the report of 17 June 2015 and appended to this Report as Attachment 1;
3. note that there were no objections received during the notice period; and
4. authorises the closure of those parts of Henry Lawson Drive being allotments 3 and 4, as cited in the report of 17 June 2015 and appended to this Report as Attachment 1.

The motion was carried with the Councillors voting unanimously.

9.5 DRAFT LONG TERM FINANCIAL PLAN 2022-2032

GOV400098, FIN300201

285/22

MOTION: Shelley / Palmer

That Council:

1. receive the report by the Acting Chief Financial Officer on the Draft Long Term Financial Plan 2022-2032;
2. endorse the draft Long Term Financial Plan 2022-2032 to go on public exhibition for a period of 28 days;
3. request a report be returned to Council after the period of exhibition, if any submissions are received for consideration; and
4. if no submissions are received adopt the Long Term Financial Plan 2022-2032.

The motion was carried with the Councillors voting unanimously.

9.6 MONTHLY BUDGET REVIEW - AUGUST 2022

GOV400098, FIN300315

286/22

MOTION: Shelley / Palmer

That Council:

1. receive the report by the Financial Planning Coordinator on the Monthly Budget Review - August 2022; and
2. amend the 2022/23 budget in accordance with the variations as listed in the Monthly Budget Review attachment to this report.

The motion was carried with the Councillors voting unanimously.

9.7 MONTHLY STATEMENT OF INVESTMENTS AS AT 31
AUGUST 2022

GOV400098, FIN300053

287/22

MOTION: Shelley / Palmer

That Council:

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

The motion was carried with the Councillors voting unanimously.

Item 10: Operations

10.1 ACCEPTANCE OF GRANT FUNDING - WALKING AND
CYCLING PROGRAM

GOV400098, A0180023

288/22

MOTION: Shelley / Palmer

That Council:

1. receive the report by the Asset Management Coordinator on the Acceptance of Grant Funding - Walking and Cycling Program;
2. accept \$150,000 in funding from Active Transport, Transport for NSW (TfNSW) for Mid-Western Regional Council's Walking and Cycling Program Strategic Plan; and
3. provide the required co-contribution of \$37,500 from the existing Pedestrian Access Management Plan strategic review budget.

The motion was carried with the Councillors voting unanimously.

10.2 GULGONG BANNER POLES

GOV400098, A0100035, GOV400022

289/22

MOTION: Shelley / Palmer**That Council:**

1. receive the report by the Director Operations on the Gulgong Banner Poles; and
2. note the solution presented for the Gulgong Banner Poles.

The motion was carried with the Councillors voting unanimously.

10.3 MUDGEES FLOOD STUDY REVIEW

GOV400098, SEW200053

290/22

MOTION: Shelley / Palmer**That Council:**

1. receive the report by the Director Operations on the Mudgees Flood Study Review; and
2. amend the 2022/23 budget to provide \$75,000 for the technical review of the 2021 Mudgees Flood Study to be funded from unrestricted cash.

The motion was carried with the Councillors voting unanimously.

Item 11: Community

11.1 KEY WORKER HOUSING PROJECT

GOV400098, P1369111

291/22

MOTION: Shelley / Palmer**That Council:**

1. receive the report by the Director Community on the Key Worker Housing Project;
2. provide in principle support for the Key Worker Housing Project;
3. support the concept plan for Key Worker Housing on the old Bowling Club site at 10-12 Burrundulla Avenue Mudgees; and

4. **provide an initial budget of \$500,000 for the 2022/23 financial year for the Key Worker Housing Project to be funded from the Land Development Reserve.**

The motion was carried with the Councillors voting unanimously.

11.2 DISABILITY INCLUSION ACTION PLAN - POST EXHIBITION REPORT

GOV400098, COS300797

292/22

MOTION: Shelley / Palmer

That Council:

1. **receive the report by the Manager, Community & Cultural Services on the Update on Disability Inclusion Action Plan following public exhibition;**
2. **note the feedback received during the public exhibition period; and**
3. **endorse the Disability Inclusion Action Plan 2022 with the recommended changes.**

The motion was carried with the Councillors voting unanimously.

11.3 POLICY REVIEW - COUNCIL REPRESENTATION AT MEMORIAL SERVICES

GOV400098, A0310003

293/22

MOTION: Shelley / Palmer

That Council:

1. **receive the report by the Manager, Customer Services & Governance on the Policy Review - Council Representation at Memorial Services; and**
2. **adopt the revised Council Representation at Memorial Services Policy.**

The motion was carried with the Councillors voting unanimously.

11.4 POLICY REVIEW - RECORDS MANAGEMENT

GOV400098, GOV400047

294/22

MOTION: Shelley / Palmer

That Council:

1. receive the report by the Manager, Customer Services & Governance on the Policy Review - Records Management; and
2. adopt the revised Records Management Policy.

The motion was carried with the Councillors voting unanimously.

11.5 SPORTS ADVISORY GROUPS UPDATE - MEETINGS MARCH TO AUGUST 2022

GOV400098, A0360013, A0360003, A0360030

295/22

MOTION: Shelley / Palmer

That Council:

1. receive the report by the Sport and Recreation Liaison Officer on the Sports Advisory Groups Update - Meetings March to August 2022;
2. note the Meeting Notes from the Gulgong, Kandos/Rylstone and Mudgee Sports Advisory Groups;
3. approve the use of remaining previous Sports Council funds for canteen equipment upgrades (Gulgong - \$9,922.07) and lighting and security upgrades (Mudgee - \$76,403.37);
4. commit an upfront budget of \$5,000 for the purchase of perpetual trophies with an ongoing annual budget of \$2,000 to deliver the Sports Awards Program funded from Mid-Western Sports Fees; and
5. commit a budget of \$5,980 to fund four (4) 'Play Like a Girl' scholarships funded from Mid-Western Sports Fees in 2022/23.

The motion was carried with the Councillors voting unanimously.

11.6 INDOOR POOL BUSINESS CASE - INTERIM REPORT

GOV400098, GOV400088, FO640002

296/22

MOTION: Shelley / Palmer

That Council:

1. receive the report by the Manager - Recreation Services on the Indoor Pool Business Case - Interim Report;

2. note the contents in the Mudgee Indoor Pool Business Case Interim Report and the data to be used to guide future aquatic services;
3. provide in principle support for design Option 2a detailed in this report as Council's preferred design option;
4. investigate financing options and grant opportunities for the construction of an indoor swimming pool; and
5. request that a further report be brought back to Council to deliver the final Business Case document.

The motion was carried with the Councillors voting unanimously.

11.7 RFT 2022/51- KANDOS POOL LEASE AND OPERATION

GOV400098, GOV400088

297/22

MOTION: Shelley / Palmer

That Council:

1. receive the report by the Manager - Recreation Services on the RFT 2022/51- Kandos Pool Lease and Operation;
2. reject the tender offers from all tenderers for the Kandos Swimming Pool Lease and Operation as all tenders exceed budget allocation;
3. do not negotiate with any tender or re-tender as it will not yield a more beneficial outcome based on limited interest in the Tender and risk of further price inflation;
4. undertake the service requirement of the contract internally in accordance with Section 178 3F of the Local Government Regulation 2005, Part 7 Division 1; and
5. notify Tenderers in writing of the outcome of the evaluation and subsequent Council endorsement of these recommendation.

The motion was carried with the Councillors voting unanimously.

Item 12: Reports from Committees

12.1 AUDIT RISK AND IMPROVEMENT COMMITTEE MINUTES - 12 AUGUST 2022

GOV400098, COR400236

298/22

MOTION: Shelley / Palmer

That Council:

1. receive the report by the Executive Manager, People and Performance on the Audit Risk and Improvement Committee Minutes - 12 August 2022;
2. note the support provided by the Committee for additional staff resources required by the ICT team to appropriately address cyber risks as found by the cyber risk audit; and
3. endorse the minutes and recommendations of the Audit Risk and Improvement Committee meeting 12 August 2022.

The motion was carried with the Councillors voting unanimously.

12.2 LOCAL TRAFFIC COMMITTEE MEETING MINUTES - 19
AUGUST 2022

GOV400098, A0100009

299/22

MOTION: Shelley / Palmer

That Council receive the report by the Administration Assistant Infrastructure Planning Operations on the Local Traffic Committee Meeting Minutes - 19 August 2022.

The motion was carried with the Councillors voting unanimously.

12.3 BOTOBOLAR COMMUNITY COMMITTEE MINUTES - 30
AUGUST 2022

GOV400098, A0060107

300/22

MOTION: Shelley / Palmer

That Council:

1. receive the report by the Director Community on the Botobolar Community Committee Minutes - 30 August 2022;
2. endorse the minutes of the Botobolar Community Committee meeting held on 30 August 2022;
3. endorse the Memorandum of Understanding between Council, the Rural Fire Service and the Botobolar community for the use of the Botobolar Fire Shed facility; and
4. provide the Botobolar Community Committee with a budget of \$10,000 for additional maintenance and improvements to the facility in the 2022/23 financial year to be funded from the Asset Replacement Reserve.

The motion was carried with the Councillors voting unanimously.

Item 13: Urgent Business Without Notice

Nil

Item 14: Confidential Session

301/22 MOTION: Paine / Stoddart

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 Red Hill Exhibition Space - Agreement

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 information of a confidential nature that would, if disclosed, prejudice the commercial position of the person who supplied it.

Following an enquiry from the Mayor, the General Manager advised that there were no written representations in respect of this matter and that no person in the gallery wished to make verbal representations.

14.1 RED HILL EXHIBITION SPACE - AGREEMENT

GOV400098, P1114611

302/22 MOTION: Thompson / Shelley

That Council:

- 1. receive the report by the Director Community on the Red Hill Exhibition Space - Agreement;**
- 2. support in principle the agreement with Paeleorep for the exhibition of materials at the Red Hill Exhibition Space in Gulgong;**
- 3. approve an exemption from tender, in accordance with Section 55(3)(i) of the Local Government Act 1993, for the supply of the display materials on the basis that the**

collection of materials is unique and that a satisfactory result would not be achieved through a tender process; and

4. delegate to the General Manager the authority to finalise and sign the agreement.

The motion was carried with the Councillors voting unanimously.

Item 15: Urgent Confidential Business Without Notice

Nil

Item 16: Open Council

303/22 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 5.58pm.