



Business Papers 2022

MID-WESTERN REGIONAL COUNCIL

ORDINARY MEETING

Wednesday 16 November 2022

MINUTES

*A prosperous and progressive
community we proudly call home*



CONFIRMATION OF MINUTES

3.1 Minutes of Ordinary Meeting held on 19 October 20223

Minutes of the Ordinary Meeting of Council

Held at the Council Chambers, 86 Market Street, Mudgee
on 19 October 2022, commencing at 5.41pm and concluding at 6.02pm.

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 (by phone).

IN ATTENDANCE General Manager (Brad Cam), Director Community (Simon Jones), Director Development (Alina Azar), Director Operations (Julian Geddes), Executive Manager People and Performance (Michele George), 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

Councillor Kennedy declared a significant non-pecuniary conflict of interest in item 8.5 as he is a hotel owner.

Councillor Cavalier declared a significant non-pecuniary conflict of interest in item 8.5 as he holds an officers position with the organisation who have drafted the report.

General Manager, Brad Cam, declared a significant non-pecuniary conflict of interest in item 14.1 as he is the Chair of Housing Plus.

Mayor Kennedy tabled the Disclosure of Pecuniary Interest and other matters 1 July 2021 to 30 June 2022.

Item 3: Confirmation of Minutes

304/22 MOTION: Cavalier / Palmer

That the Minutes of the Ordinary Meeting held on 21 September 2022 be taken as read and confirmed.

The motion was carried with the Councillors voting unanimously.

Item 4: Matters in Progress

305/22 MOTION: Shelley / Cavalier

That Council note the following Matters in Progress as complete:

- **Indoor Pool Feasibility Study – Resolution no.325/19 of the ordinary meeting 16 October 2019;**
- **Banner Poles Gulgong – Resolution no.308/19 of the ordinary meeting 16 October 2019; and**
- **Accommodation Investigation within the Local Government Area – Resolution no.101/22 of the ordinary meeting 20 April 2022.**

The motion was carried with the Councillors voting unanimously.

Item 5: Mayoral Minute

Nil

Item 6: Notices of Motion or Rescission

Item 6.1 was withdrawn by Cr Thompson.

6.1 RETAINING JUBILEE OVAL
GOV400098, A0100035, GOV400022

6.2 PUBLIC TOILETS IN CENTRELINK/SERVICES AUSTRALIA
BUILDING
GOV400098, A0100035, GOV400022

MOTION: Thompson /

That Council:

1. investigate to see if the Centrelink building where they are doing up the building, is still going to have a public toilet for the public to use; and
2. contact the appropriate minister to see if it's OK to not have a public toilet if the proposed new fit out of the building is not going to provide public amenities.

The motion was lost for want of a seconder.

Item 7: Office of the General Manager

Nil

Item 8: Development

8.1 ME0008/2023 - MODIFICATION TO DA0333/2022 - TORRENS TITLE SUBDIVISION OF LAND (1 INTO 41 LOTS) AT 1-5 RAILWAY STREET, GULGONG

GOV400098, DA0333/2022

306/22

MOTION: Shelley / Paine

That Council:

- A.** receive the report by the Planning Coordinator and Manager, Planning on ME0008/2023 - Modification to DA0333/2022 - Torrens Title Subdivision of Land (1 into 41 Lots) at 1-5 Railway Street, Gulgong; and
- B.** approve ME0008/2023 - Modification to DA0333/2022 - Torrens Title Subdivision of Land (1 into 41 Lots) at 1-5 Railway Street, Gulgong be approved subject to the following amended conditions and Statement of Reasons:

Conditions

APPROVED PLANS

- 1. The development is to be carried out generally in accordance with the following stamped plans, except where amended as required by following conditions. Approved documentation may include any Planning or Engineering reports submitted with and in support of the Application as detailed below.**

Drawing No.	Sheet	Plan Title	Rev	Date	Prepared by
322037_02 Sheet TP01	1 of 1	Proposed Subdivision Plan - Overall Plan	F G	03-03-2022 11.08.2022	Premise

Any minor modification to the approved plans other than as required by following conditions will require the lodgement and consideration by Council of amended plans. Amended plans will need to be accompanied with supporting documentation and calculations where necessary. Major modifications will require the lodgement of a new development application.

AMENDED BY ME0008/2023

GENERAL

- 2. This consent is for the subdivision of land only. No physical works are approved under this consent. A Subdivision Works Certificate is required to be obtained for all physical works associated with this consent.**
- 3. No structures or earthworks are permitted to encroach within any easements for the purposes of utility infrastructure as specified in Council's Development Control Plan.**
- 4. All road crossings for services and utilities are to cross perpendicular to the road alignment and must be installed prior to the commencement of construction of base course and kerb and channel.**
- 5. The finished surface of all nature strips and verges must be graded to fall toward the kerb and channel and formed with a minimum 100 mm thick layer of clean topsoil free of stones and other impurities. Nature strips and verges are to be seeded or hydro-mulched with an approved grass prior to the issue of a Certificate of Practical Completion.**
- 6. Any fill placed in residential lots shall be compacted in accordance with AS3798-2007 Guidelines on Earthworks for Commercial and Residential Developments.**
- 7. The only waste derived fill material that may be received at the development site must be:**
 - a) Virgin excavated natural material, within the meaning of the Protection of the Environment Operations Act 1997; and**
 - b) Any other waste-derived material the subject of a resource recovery exemption under cl.91 of the Protection of the Environment Operations (Waste) Regulation 2014 that is permitted to be used as fill material.**
- 8. All earthworks, filling, building, driveways or other works are to be designed and constructed (including stormwater drainage if necessary) 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.**
- 9. 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.**

10. All costs associated with preparation of Survey Plan and associated easement documentation are to be borne by the developer.
11. Any damage to Councils infrastructure that occurs as a result of the proposed development must be prepared immediately to Councils satisfaction and at no cost to council.

ROADS AND FOOTPATHS

12. The Developer is required to provide for the construction of new road and road upgrades that includes, but may not be limited to:
 - Construction of kerb and channel for the full road abutments of all Lots created by this Subdivision;
 - The construction of pavement widening, extension of kerb and channel and bitumen sealing of those parts of Railway Street that abut the development; and
 - The construction of concrete footpaths 1.35 metres wide for the full abuttal of Railway Street and new internal road.

The new internal road must provide for a trafficable court bowl no less than 10 metres radius. Road pavements must be designed and constructed in accordance with the technical and performance requirements of Council's Development Control Plan and the Standards referenced within Appendix B and D of that document and relevant parts of AUS-SPEC specifications.

13. All earthworks for the roads associated with the development must have compaction testing compliance with EMS Q4 and AUS-SPEC CQS-A.

STORMWATER

14. The Developer must provide for the design and construction of all stormwater drainage infrastructure to service the development. The extent of stormwater drainage works will include, but is not limited to:
 - construction of inter-allotment drainage along the southern boundary to intercept and control surface runoff from upstream catchments; and
 - construction of a stormwater drainage system generally in accordance with the Plan Set provided with the application.
15. Prior to the issue of a Subdivision Works Certificate the Applicant must provide a fully detailed Stormwater Drainage Report and Design for approval by Council that provides for control and treatment of stormwater runoff generated by future residential development of the land. The report must demonstrate that proposed detention arrangements do not increase the rate of discharge of stormwater runoff from the site beyond the existing undeveloped state for a storm event up to and including a 1:100 year ARI event. Methods of stormwater

detention must be included in the design to ensure that the rate of stormwater runoff flows from the development do not exceed the volume and rates generated by a 1:5 year ARI storm event from the undeveloped site.

16. Drainage design must ensure that no stormwater runoff is permitted to discharge over adjoining properties other than at approved locations and methods of disposal. Discharge of runoff onto adjoining properties and any works associated with the control of stormwater discharge over any adjoining property must not occur without the consent of the owner of any affected property.
17. Inter-allotment drainage is to be provided to remove stormwater from any lots that cannot discharge to the street in accordance with relevant parts of AUS-SPEC specifications. Easements shall be created over inter-allotment drainage in favour of upstream allotments.

WATER AND SEWER SERVICES

18. The applicant is to provide separate water reticulation services to each allotment within the subdivision.
19. The developer is to extend and meet the full cost of water reticulation to service the development plus the cost of connecting to existing services. All water supply 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 accordance with the National Specification – Water Supply Code of Australia (WSAA).
20. The extent of water main extension to provide adequate and satisfactory supply will require a new main constructed from the 100 mm diameter main in Railway Street, along the new internal road and extending through the proposed drainage reserve to connect with other 100 mm diameter main in Homer Street.
21. The developer is to provide a water service and meter for each lot in the subdivision. Where the provision of a service connection for a proposed new lot is undertaken during the installation of new water mains by the Developer, and prior to any 'live' connection, the Developer can achieve this by making a payment to Council by payment for one meter per lot or dwelling as specified in Council's Schedule of Fees and Charges, noting that this amount is indexed to increase each financial year.

Note: Council does not permit other bodies to insert new connections into 'live' water mains. The cost referenced above is for the supply of meter only and is subject to CPI increases.

22. In the case of any lots that will not be serviced by a water main constructed by the developer, a full water service will be

required. The developer will be required to pay for full Water Service Connection for a 20 mm water supply, for an amount of \$2,150.00 per lot as specified in Council's Schedule of fees and Charges, noting that this amount is indexed to increase each financial year.

23. The developer is to extend and meet the full cost of sewer reticulation to service the development plus the cost of connecting to existing services.
24. All 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 accordance with the National Specification – Sewerage Code of Australia.
25. In the case of any lots that will be serviced by a sewer main constructed by the developer the sewer junctions required to service the proposed lots must be installed by the developer.

TELECOMMUNICATIONS AND ELECTRICITY SUPPLY

26. Underground electricity, street lighting and telecommunications are to be supplied to the Subdivision in accordance with the relevant authorities' standards. Each allotment is to be provided with a service point / connection to an underground electricity supply. Prior to the issue of the Subdivision Works Certificate, Council is to be provided with the certified copies of the Electrical and Telecommunications distribution network design for the subdivision.

CULTURAL HERITAGE

27. 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.

PRIOR TO ISSUE OF A SUBDIVISION WORKS CERTIFICATE

28. A Subdivision Works Certificate is required for but not limited to the following civil works;
 - Water and sewer main extensions,
 - Roads, including concrete kerb, pavement and bitumen seal,
 - Stormwater drainage such as inter-allotment drainage, detention basins, culverts, pits and table drains,
 - Footpath (concrete paths, 1.35 metres wide and with crossfall and kerb ramps where necessary in accordance with AS 1428 and DDA requirements),

- **Landscaping of public reserves and nature strips / verges.**

No works can commence prior to the issue of the Subdivision Works Certificate.

Note: Additional permits and approvals may also be required under other legislation, e.g. Plumbing and Drainage Act 2011, and Plumbing and Drainage Regulation 2017 for water and sewer infrastructure works.

- 29. Prior to the issue of a Subdivision Works Certificate a detailed engineering design, specifications, supporting documentation / reports and calculations, and schedules are to be submitted to and approved by Council. The engineering design is to comply with the technical and performance requirements of Council's Development Control Plan and the Standards referenced within Appendix B and D of that document. Detailed documentation including, but not limited to the following matters, must be submitted with the detailed design.**

These documents include:

- **Runoff calculations**

- 30. Prior to issue of a Subdivision Works Certificate, a detailed design is to be submitted and approved by Council which provides information on all proposed playground, landscaping and irrigation works within each Reserve nominated in the development. Where the detention basin is to be located adjacent to playground equipment, suitable fencing / child protection measures are to be included in the design for approval by Council.**

- 31. Prior to issue of a Subdivision Works Certificate, an updated street tree planting plan and schedule is to be provided and approved by Council which is to include at least 2 street tree per lot (excluding the battle axe lot) and is to specify trees of not less than 1.2 metres in height are to be installed. Protection measures and irrigation lines are also to be detailed accordingly. The planting schedule is to ensure allowance is made for future driveways in accordance with Council's Access to Properties Policy.**

- 32. All finished surface levels and contours to Australian Height Datum (AHD) shall be shown on the plans submitted for the Subdivision Works Certificate. 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.**

33. Prior to the issue of a Subdivision Works Certificate a Traffic Guidance Scheme (TGS) completed by a "Certified Person" for implementation during works is to be submitted to Mid-Western Regional Council. All requirements of the TGS must be put in place and implemented prior to any work commencing.
34. Prior to the issue of the Subdivision Works Certificate, Council is to be provided with certified copies of the Electrical and Telecommunications Design for the subdivision including a layout design complying with the allocations determined by the Streets Opening Conference Guideline 2009 Section 6.2.
35. An Erosion and Sediment Control Plan (ESCP)/ Soil and Water Management Plan (SWMP) for the development is to be prepared and submitted with the Subdivision Works Certificate. All measures shall be implemented in accordance with Landcom Guidelines and requirements as outlined in the latest edition of "Soils and Construction - Managing Urban Stormwater".

Points to be considered include but are not limited to:

- a) Saving available topsoil for reuse in the revegetation phase of the development;
- b) Using erosion control measures to prevent on-site damage prior to any construction activity on site;
- c) Rehabilitating disturbed areas promptly;
- d) Maintenance of erosion and sediment control structures.

Note: Details required to prepare both ESCP and SWMP's are provided in the above Landcom Document referred.

PRIOR TO COMMENCEMENT OF WORKS

36. Prior to commencement of any works, a Subdivision Works Certificate shall be obtained.
37. The development site is to be managed for the entirety of work in the following manner:
 - a) Erosion and sediment controls are to be implemented to prevent sediment from leaving the site. The controls are to be maintained until the development is complete and the site stabilised with permanent vegetation;
 - b) Appropriate dust control measures;
 - c) Construction equipment and materials shall be contained wholly within the site unless approval to use the road reserve has been obtained;
 - d) Toilet facilities are to be provided on the work site at the rate of one toilet for every 20 persons or part of 20 persons employed at the site.
38. Prior to the commencement of subdivision works, the following actions are to be carried out:
 - a) A site supervisor is to be nominated by the applicant;

- b) Council is to be provided with two (2) days' notice of works commencing; and
- c) Council is to be notified in writing of any existing damage to Council's infrastructure.

Note: Failure to comply with these conditions may result in damage to Council's infrastructure. Any damage will be rectified at the applicant's cost.

- 39. Prior to the commencement of any works a copy of the Contractor's public liability insurance cover for a minimum of \$20,000,000 (Twenty million dollars) is to be provided to Mid-Western Regional Council. Mid-Western Regional Council is to be indemnified against any works carried out by the Contractor.
- 40. Runoff and erosion controls shall be installed prior to clearing and incorporate:-
 - a) diversion of uncontaminated onsite runoff around cleared and/or disturbed areas and areas to be cleared and/or disturbed;
 - b) sediment control fences at the downslope perimeter of the cleared and/or disturbed area to prevent sediment and other debris escaping from the land to pollute any stream or body of water; and
 - c) maintenance of all erosion control measures at maximum operational capacity until the land is effectively rehabilitated and stabilized beyond the completion of construction.

DURING WORKS

- 41. Construction work noise that is audible at other premises is to be restricted to the following times:

- Monday to Saturday - 7.00am to 5.00pm

No construction work noise is permitted on Sundays or Public Holidays.

- 42. The subdivision works are to be inspected by the 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.
- Vacuum / pressure testing of all water and sewer mains.
- Stormwater drainage pipe installation prior to backfilling.
- CCTV inspection of all sewer mains and stormwater drainage.

- **Proof roll inspection of sub-grade prior to placement and compaction of sub-base.**
- **Proof roll inspection of sub-base prior to installation of concrete kerb.**
- **Proof roll inspection of compacted sub-base prior to placement of base course.**
- **Proof roll inspection of compacted base prior to sealing.**
- **CCTV inspection of all sewer mains and stormwater drainage once final earthworks have been completed to finished surface levels.**
- **Practical Completion.**
- **At completion of the Defects Liability Period a further CCTV inspection of all sewer mains and stormwater drainage is to be undertaken prior to the issue of a certificate of Final Completion and the release of Defects Liability bond monies.**

In addition to proof roll inspection compaction testing may also be required.

43. **The footpath and driveway levels are not to be altered outside the property boundary without Council's permission.**
44. **The applicants shall, at their own expense, engage a registered surveyor to relocate any survey mark that may be disturbed by the development or any associated work. Any information regarding relocation should be supplied to the Land Titles Office and Council.**
45. **All works are to be constructed at the full cost of the developer, in a manner consistent with relevant parts of AUS-SPEC specifications and Council's standard drawings.**
46. **All public footways, foot paving, kerbs, gutters and road pavement damaged during the works are to be restored to match existing conditions at the Developer's / Demolisher's expense.**
47. **The developer is to grant Council unrestricted access to the site at all times to enable inspections or testing of the subdivision works.**
48. **Where necessary the adjustment of existing services, infrastructure or installation of new services and meters, as required, in compliance with Australian Standard 3500: National Plumbing and Drainage Code. All costs associated with this work shall be borne by the developer.**
49. **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.

PRIOR TO THE ISSUE OF THE SUBDIVISION CERTIFICATE

50. Prior to issue of a Subdivision Certificate, the creation of Lot 5 approved under DA0154/2022 shall be registered with NSW Land Registry Services.

51. **Prior to issue of a Subdivision Certificate for stages 1 and 2, all works associated the proposed Reserves are to be completed to the satisfaction of Council with a satisfactory completion report issued.**

Note: This must include playground equipment within the Reserve associated with stage 2 which must comply with all relevant Australian Standards, and approved safety or protection measures installed to prevent direct access to the detention basin from the playground.

AMENDED BY ME0008/2023

52. Prior to issue of a Subdivision Certificate, two (2) Street Trees per lot released are to be installed.

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

Note: The fee to issue a Subdivision Certificate is set out in Council's Fees and Charges.

54. The linen plan and associated documents are to be submitted to Council for approval via the NSW Planning Portal with the application for a Subdivision Certificate.

Note: Council's fee to issue a Subdivision Certificate is set out in Council's fees and charges.

55. Prior to the issue of a Subdivision Certificate all required infrastructure works are to be constructed at the full cost of the Developer, in a manner consistent with relevant parts of the AUS-SPEC Specification and Council's standard drawings. A final satisfactory inspection report is to be provided with the application for a Subdivision Certificate.

56. Prior to the issue of a Subdivision Certificate and following completion of all engineering works, a Defects Liability bond in a form acceptable to Council to the value of 5% of the value of all works must be lodged with Council to be held for a period of twenty-four (24) months to ensure any defects that become apparent during that time are remedied by the developer.

57. Three metre wide easements, including associated Section 88B 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.
58. To ensure that increased runoff from the future development of dwellings does not adversely affect the flood risk to downstream properties suitably worded Section 88B documentation placing a restrictive covenant on each allotment requiring detention devices to be included for all building works. Detention devices must provide a minimum 2,000 litres detention storage to be discharged to empty after each rain event through an orifice no greater than 19 mm diameter. Detention devices are to be maintained by the owner to the satisfaction of Council at all times.
59. Easements including associated Section 88B instruments, are to be created in favour of:
- Any upstream lots to drain water (width variable)
 - Any proposed lots to be serviced by water or sewer reticulation components (width of 3m)
60. Prior to issue of the Subdivision Certificate, the developer shall contact Council's Property and Rating Department to ensure that the Street Addressing for each lot is correctly allocated in accordance with AS4819 and the correct addressing is included with the submitted Subdivision Certificate Application documentation.
61. Prior to the issue of a Subdivision Certificate all services must be located as necessary to lie entirely within the proposed new Lot boundaries. Alternatively, appropriate easements may be created.
62. All existing easements and newly created easements are to be shown on the Plan of Subdivision submitted prior to the issue of a Subdivision Certificate.
63. The applicants shall, at their own expense, engage a registered surveyor to relocate any survey mark that may be disturbed by the development or any associated work. Any information regarding relocation should be supplied to the Land Titles Office and Council.
64. At the completion of construction and prior to the issue of a Subdivision Certificate, Council requires lodgement of a Quality Register in electronic format on a CD or Flash Drive with all of the QA documentation in accordance with AusSpec and the requirements outlined below:
- A) COVERSHEET**
- (i) Project Address

- (ii) Client/Developer
- (iii) DA Number
- (iv) Lot Numbers
- (v) Subdivision Stage Number (If Applicable)

B) INDEX

- i) Section Numbers

C) CONTRACTOR DETAILS

- i) Contractor Representative
- ii) Contractor Contact Details

D) SCOPE OF WORKS

- i) 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 .dwg's and Engineering Stamp required in AutoCad, DWG, Map Info, Excel and PDF format)
 - Copy of final inspection report from Council's Development Engineer

65. In accordance with the provisions of Section 7.11 of the Environmental Planning and Assessment Act 1979 and the Council's Mid-Western Regional Contributions Plan 2019, a contribution shall be paid to Council in accordance with this condition as detailed in the table below. The contribution shall be paid to Council prior to the issue of a Subdivision Certificate for each residential lot to be released ~~within each stage~~. Contributions are subject to increase in accordance the consumer price index and are payable at the rate applicable at the time of payment.

Section 7.11 Contributions		
'Outside Mudgee' Catchment	Per 2 or more bed dwelling / separate house / lot	38 Residential Lots (2 Reserves and credit for existing lot)
Public Amenity or Service		
Transport facilities	-\$ 2,399.00 \$2,471.00	\$ 91,162.00 \$93,898.00
Recreation and Open Space	-\$ 997.00 \$1,027.00	\$ 37,886.00 \$39,026.00
Community Facilities	-\$ 630.00 \$649.00	\$ 23,940.00 \$24,662.00
Stormwater Management	\$ -	\$ -
Plan Administration	-\$ 1,003.00 \$1,034.00	\$ 38,114.00 \$39,292.00
Total Payable	\$ 5,029.00 \$5,181.00/ Lot	\$ 191,102.00 \$196,878.00

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

AMENDED BY ME0008/2023

- 66. The developer shall obtain a Certificate of Compliance under the Water Management Act 2000, from Council, prior to issue of a Subdivision Certificate for each relevant stage.**

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

AMENDED BY ME0008/2023

- 67. The developer must provide Council and land purchasers with a site classification for each vacant lot 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 Australian Standard AS 2870 – 2011: Residential Slabs and Footings. Results are to be submitted to Council prior to issue of the Subdivision Certificate.**
- 68. If the Subdivision Certificate is not issued in the financial year that the Development Consent was issued, then the charges and contributions contained in this consent, may be increased to the current rate at the time of payment.**
- 69. Prior to the issue of a 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;
 - 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.

70. Prior to issue of the Subdivision Certificate, Council is to be supplied with:

- a) A certificate of acceptance from the appropriate power authority indicating that satisfactory arrangements have been made for provision of electricity supply to the subdivision; and
- b) Satisfactory evidence (usually by way of an agreement with a carrier) that arrangements have been made for the provision of fixed-line telecommunications infrastructure in the fibre-ready facilities to all individual lots.

71. Underground electricity, street lighting and telecommunications are to be supplied to the Subdivision in accordance with the relevant authority’s standards.

COUNCIL ADVISORY NOTES

1. This development consent requires a Certificate of Compliance under the Water Management Act 2000 to be obtained prior to the issue of a Subdivision Certificate.

A person may apply to Mid-Western Regional Council, as the water supply authority, for a Certificate of Compliance pursuant to section 305 of the Water Management Act 2000.

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

Stage 1

Section 64	7 Lots @ 1ET and 7 Lots @ 0.75ET less 1 credit for existing large lot
Water Headworks	\$ 94,127.00
Sewer Headworks	\$ 44,766.40
Total Headworks	\$ 138,893.40

Stage 2

Section 64	Road and Drainage Lot only
Water Headworks	Nil

Sewer Headworks	Nil
Total Headworks	Nil

Stage 3

Section 64 64	12 Lots @1 ET less 1 credit for existing large lot
Contributions	
Water Headworks	\$ 91,938.00
Sewer Headworks	\$ 43,767.15
Total Headworks	\$ 135,705.15

Stage 4

Section 64 64	2 Lots @0.75ET and 11 Lots @ 1 ET less 1 credit for existing large lot
Contributions	
Water Headworks	\$ 96,316.00
Sewer Headworks	\$ 45,765.65
Total Headworks	\$ 142,081.65

Section 64	30 Lots @ 1ET and 9 Lots @ 0.75ET less 1 credit for existing large lot (1ET Water / 1.05ET Sewer)
Contributions	
Water Headworks	\$ 318,060.75
Sewer Headworks	\$ 147,048.30
Total Headworks	\$ 465,109.05

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

2. The removal of trees within any road reserve requires the separate approval of Council in accordance with the policy "Tree Removal and Pruning - Public Places".
3. The land upon which the subject building is to be constructed may be affected by restrictive covenants. This approval is issued without enquiry by Council as to whether any restrictive covenant affecting the land would be breached by the construction of the building, the subject of this approval. Persons to whom this approval is issued must rely on their own enquiries as to whether or not the building breaches any such covenant.

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.

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).

4. To ascertain the extent to which the consent is liable to lapse, refer to Section 4.53 of the EP&A Act.

ESSENTIAL ENERGY ADVISORY NOTES

1. If the proposed development changes, there may be potential safety risks and it is recommended that Essential Energy is consulted for further comment.
2. Any existing encumbrances/easements in favour of Essential Energy (or its predecessors) noted on the title of the above property should be complied with.
As part of the subdivision, easement/s are to be created for any existing electrical infrastructure, using Essential Energy's standard easement terms current at the time of registration of the plan of subdivision. Refer Essential Energy's Contestable Works Team for requirements via email contestableworks@essentialenergy.com.au.
3. Council should ensure that a Notification of Arrangement (confirming satisfactory arrangements have been made for the provision of power) is issued by Essential Energy with respect to all proposed lots which will form part of the subdivision, prior to Council releasing the Subdivision Certificate. It is the Applicant's responsibility to make the appropriate application with Essential Energy for the supply of electricity to the subdivision, which may include the payment of fees and contributions. Despite Essential Energy not having any safety concerns, there may be issues with respect to the subdivision layout, which will require Essential Energy's approval.
4. In addition, Essential Energy's records indicate there is electricity infrastructure located within the property and within close proximity to the property. Any activities within these locations must be undertaken in accordance with the latest industry guideline currently known as ISSC 20 Guideline for the Management of Activities within Electricity Easements and Close to Infrastructure. Approval may be required from Essential Energy should activities within the property encroach on the electricity infrastructure.
5. Prior to carrying out any works, a "Dial Before You Dig" enquiry should be undertaken in accordance with the requirements of Part 5E (Protection of Underground Electricity Power Lines) of the Electricity Supply Act 1995 (NSW).
6. Given there is electricity infrastructure in the area, it is the responsibility of the person/s completing any works around powerlines to understand their safety responsibilities. SafeWork NSW (www.safework.nsw.gov.au) has publications that provide guidance when working close to electricity infrastructure. These include the Code of Practice – Work near Overhead Power Lines and Code of Practice – Work near Underground Assets.

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.
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.
4. The proposed development is considered to be satisfactory in terms of the matters identified in Section 4.55 of the Environmental Planning & Assessment Act 1979.

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 8.4) were adopted as a whole, being moved by Cr Shelley, seconded by Cr Paine and carried with Councillors voting unanimously. Each recommendation is recorded with separate resolution numbers commencing at Resolution No. 307/22 and concluding at Resolution No. 309/22.

8.2 PLANNING PROPOSAL HOUSEKEEPING AMENDMENT 2022/23

GOV400098, LAN900146

307/22

MOTION: Shelley / Paine

That Council:

1. receive the report by the Manager, Strategic Planning on the Planning Proposal Housekeeping Amendment 2022/23 to map Lot 1 and Lot 2 DP 1278320 AB4 40 hectares of the Mid-Western Regional Local Environmental Plan 2012;
2. provide initial support for a Planning Proposal to amend the mapping of 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 2022-23 LOCAL HERITAGE GRANT ALLOCATION GOV400098, GOV400087, GRA600055

308/22 MOTION: Shelley / Paine

That Council:

1. Receive the report by the Manager, Strategic Planning on the 2022-23 Local Heritage Grant Allocation; and
2. provide a Local Heritage Grant to the following projects:
 - a) \$3,500 for repainting of façade at 19-41 Church Street, Mudgee;
 - b) \$4,000 for conservations works at 105 Mortimer Street, Mudgee;
 - c) \$3,500 for the reproduction of period specific tiles at 56 and 60 Church Street, Mudgee.

The motion was carried with the Councillors voting unanimously.

8.4 ACCEPTANCE OF NSW GOVERNMENT GRANTS GOV400098, GRA600058

309/22 MOTION: Shelley / Paine

That Council:

1. receive the report by the Director Development on the Acceptance of NSW Government Grants;
2. if successful, accept the following grant funding from the below NSW Government grant funding bodies:

Grant Fund	Project Applied For	Grant Amount Requested
Fixing Local Roads Program Round 4	Coricudgy Rd seal extension 4.65km	\$1,890,900
Fixing Local Roads Program Round 4	Bocoble Rd seal extension 6.4km	\$2,213,200
Stronger Country Communities Fund (SCCF) - Round 5	Kandos Inclusive Adventure Playspace	\$450,000
Stronger Country Communities Fund (SCCF) - Round 5	Victoria Park Gulgong Amenities Upgrade	\$446,599

Stronger Country Communities Fund (SCCF) - Round 5	Glen Willow Netball Precinct Upgrade	\$280,000
Regional Tourism Activation Fund - Round 2	Glen Willow Stadium lighting upgrade	\$2,257,500
Regional Tourism Activation Fund - Round 2	Gulgong Natural History Museum	\$3,000,000
Regional Housing Strategic Planning Fund	Master Planning of Urban Release Areas	\$80,000
Resources For Regions - Round 9	MWRC Solar Array	\$4,500,000
Resources For Regions - Round 9	Glen Willow Centre of Excellence	\$5,500,000
Resources For Regions - Round 9	Glen Willow Stadium lighting upgrade	\$3,010,000

3. amend the 2023/24 and 2024/25 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 Government.

The motion was carried with the Councillors voting unanimously.

Councillor Kennedy declared a significant non-pecuniary conflict of interest in item 8.5 as he is a hotel owner. Councillor Cavalier declared a significant non-pecuniary conflict of interest in item 8.5 as he holds an officers position with the organisation who have drafted the report. Both Councillors left the room at 5.46pm and did not participate in discussion or vote in relation to this matter.

8.5 FIRE AND RESCUE NSW FIRE SAFETY INSPECTION REPORT

GOV400098, P0020611

310/22

MOTION: Karavas / Palmer

That Council:

1. table the report by the Manager Building and Development on the Fire and Rescue NSW Fire Safety Inspection Report of 49-51 Church Street, Mudgee;
2. proceed to exercise Council's powers to give Order No 1 in Schedule 5, Part 2 of the Environmental Planning and Assessment Act 1979; and
3. give notice of Council's determination under Schedule 5, Part 8, Section 17(4), of the Environmental Planning and Assessment Act 1979 to the Commissioner of Fire and Rescue NSW.

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

Councillors	Ayes	Nayes
Cr Paine	✓	

Cr Dicker	✓
Cr Karavas	✓
Cr Palmer	✓
Cr Shelley	✓
Cr Stoddart	✓
Cr Thompson	✓

Councillor Cavalier and Councillor Kennedy returned to the Chambers at 5:47pm.

8.6 MONTHLY DEVELOPMENT APPLICATIONS PROCESSING AND DETERMINED

GOV400098, A0420109

311/22 MOTION: Shelley / Karavas

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 NAMING OF A NEW STREET IN A SUBDIVISION OFF RAILWAY STREET, GULGONG

GOV400098, R0790141, P04862

312/22 MOTION: Shelley / Karavas

That Council:

- 1. receive the report by the Revenue Officer on the naming of a new street in a subdivision off Railway Street, Gulgong;**
- 2. formally approve the name of Millennium Court; and**
- 3. advertise the approved name and submit the name to the Government Gazette.**

The motion was carried with the Councillors voting unanimously.

9.2 COMMUNITY GRANTS PROGRAM - OCTOBER 2022

GOV400098, FIN3000159

313/22 MOTION: Shelley / Cavalier

That Council:

- 1. receive the report by the Financial Planning Coordinator on the Community Grants Program - October 2022; and**

2. provide financial assistance to the following applications in accordance with the criteria and guidelines of the Community Grants Policy:

Mudgee Lions Club	2,500
Running Stream Recreation Reserve Trust	1,459
Mudgee Fine Foods Incorporated	5,000
Mudgee Region MTB Incorporated (MRMTB)	1,500
Gulgong Memorial Hall Committee	3,000
Kandos Rylstone Men's Shed Inc	1,182
Rotary Club of Mudgee Sunrise Inc	410
Country Women's Association Kandos Branch	3,400
Molly Hensley	1,000

3. decline to provide financial assistance to Business Mudgee; and

4. decline to provide financial assistance to the following Mudgee Sports Advisory Group applicant, for the reasons provided in the report:

- Sophie Perini

AMENDMENT: Kennedy /

That Council:

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

Mudgee Lions Club	2,500
Running Stream Recreation Reserve Trust	1,459
Mudgee Fine Foods Incorporated	5,000
Mudgee Region MTB Incorporated (MRMTB)	1,500
Gulgong Memorial Hall Committee	3,000
Kandos Rylstone Men's Shed Inc	1,182
Rotary Club of Mudgee Sunrise Inc	410
Business Mudgee	1,500
Country Women's Association Kandos Branch	1,700

3. decline to provide financial assistance to the following Mudgee Sports Advisory Group applicant, for the reasons provided in the report:

- Molly Hensley
- Sophie Perini

The amendment was lost for want of a seconder.

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 9.3 to item 9.5) were adopted as a whole, being moved by Cr Shelley, seconded by Cr Paine and carried with Councillors voting unanimously. Each recommendation is recorded with separate resolution numbers commencing at Resolution No. 314/22 and concluding at Resolution No. 316/22.

9.3 NEW AND AMENDED FEES AND CHARGES 2022/23

GOV400098, FIN300117

314/22

MOTION: Shelley / Cavalier

That Council:

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

Service Type	New Fee	Fee (Inclusive of GST)	GST	Price Policy
Construction Certificate & Complying Development Certificates – Building – All Classes	For development in respect of which Council does not employ staff that are registered to the extent required to determine a construction certificate or complying development certificate application	MWRC Construction Certificate / Complying Development Certificate Fee relevant to the development + Direct costs of all third parties engaged by Council to process the application	Yes	Direct Cost Recovery

3. amend the following fee amounts, as written;

Service Type	Amended Fee	Current Fee amount (\$)	Amended fee amount (\$)
Development Applications Based on Estimated Cost of Development	All development valued up to \$5,000	\$110	\$129
	All development valued between \$5,001 and	\$170 plus \$3.00 for each \$1,000 (or part of	\$198 plus \$3.00 for each \$1,000

	\$50,000 excluding Class 1 dwelling with value d" \$100,000	\$1,000) of the estimated cost	(or part of \$1,000) of the estimated cost
	All development valued \$50,001 to \$250,000	\$352 plus \$3.64 for each \$1,000 or part thereof over \$50,000	\$412 plus \$3.64 for each \$1,000 or part thereof over \$50,000
	All development valued \$250,001 to \$500,000	\$1,160 plus \$2.34 for each \$1,000 or part thereof over \$250,000	\$1,356 plus \$2.34 for each \$1,000 or part thereof over \$250,000
	All development valued \$500,001 to \$1,000,000	\$1,745 plus \$1.64 for each \$1,000 or part thereof over \$500,000	\$2,041 plus \$1.64 for each \$1,000 or part thereof over \$500,000
	All development valued \$1,000,001 to \$10,000,000	\$2,615 plus \$1.44 for each \$1,000 or part thereof over \$1,000,000	\$3,058 plus \$1.44 for each \$1,000 or part thereof over \$1,000,000
	All development valued over \$10,000,000	\$15,875 plus \$1.19 for each \$1,000 or part thereof over \$10,000,000	\$18,565 plus \$1.19 for each \$1,000 or part thereof over \$10,000,000

Service Type	Amended Fee	Current Fee amount (\$)	Amended fee amount (\$)
Development Applications Based on Estimated Cost of Development	No building, carrying out of work, subdivision or demolition	\$285	\$333
	Application for Designated Development	\$920 plus Development. Application fee will be calculated on the estimated cost of development using the above table	\$1,076 plus Development. Application fee will be calculated on the estimated cost of development using the above table
Development Applications for Advertisements	Advertisements	\$285 plus \$93 for each additional advertisement	\$333 plus \$93 for each additional advertisement
Development Applications	Class 1 dwelling valued up to \$100,000	\$455	\$532

	Integrated Development – Fees when an application for development requires approval of a public / statutory authority under the integrated approvals of the EPA Act	\$320 Per approval authority plus \$140 administration fee	\$374 Per approval authority plus \$164 administration fee
Subdivision Applications - Subdivision Development application under Environmental Planning & Assessment Act	Subdivision involving opening of a public road	\$665.00 Plus \$65 per additional lot	\$777 Plus \$65 per additional lot
	Subdivision not involving opening of a public road	\$330 Plus \$53 per additional lot	\$386 Plus \$53 per additional lot
	Strata Subdivision	\$330 Plus \$53 per additional lot	\$386 Plus \$53 per additional lot
Public Notification (Advertising) - Statutory Advertising	Designated Development	\$2,220	\$2,596
	Nominated integrated development, threatened species development or Class 1 aquaculture development	\$1,105	\$1,292
	Prohibited Development	\$1,105	\$1,292
	Community Participation Plan Requirement	\$1,105	\$1,292
Development Consent Modifications - Modifications involving minor error, misdescription or miscalculation	Modification of consent under s4.55 (1) Environmental Planning & Assessment Act – minor error by applicant, miscalculation, incorrect description	\$71	\$83

Service Type	Amended Fee	Current Fee amount (\$)	Amended fee amount (\$)
Development Consent Modifications - Modification of Consent under 4.55 (1A) or under 4.56 (1) of Environmental	Modification of Consent under s4.55 (1A) or under s4.56(1)(Consent originally approved by court) of the Environmental	\$645 or 50% of original fee or whichever is the lesser	\$754 or 50% of original fee or whichever is the lesser

Planning & Assessment Act 1979	Planning and Assessment Act, if the modification is of minimal environmental impact		
Development Consent Modifications If the modification is not of minimal environmental impact under Section 4.55(2) or 4.56(1) of Environmental Planning & Assessment Act 1979	Original fee was for the erection of dwelling house with estimated cost ≤ \$100,000	\$190	\$222
	Estimated cost of development up to \$5,000	\$55	\$64
	Estimated cost of development \$5,001 – \$250,000	\$85 plus \$1.50 for each \$1,000 or part thereof of the estimated cost, plus \$101 Advertising if required	\$99 plus \$1.50 for each \$1,000 or part thereof of the estimated cost, plus \$101 Advertising if required
	Estimated cost of development \$250,001 – \$500,000	\$500 plus \$0.85 for each \$1,000 or part thereof over \$250,000, plus \$101 Advertising if required	\$585 plus \$0.85 for each \$1,000 or part thereof over \$250,000, plus \$101 Advertising if required
	Estimated cost of development \$500,001 – \$1,000,000	\$712 plus \$0.50 for each \$1,000 or part thereof over \$500,000, plus \$101 Advertising if required	\$833 plus \$0.50 for each \$1,000 or part thereof over \$500,000, plus \$101 Advertising if required
	Estimated cost of development \$1,000,001 – \$10,000,000	\$987 plus \$0.40 for each \$1,000 or part thereof over \$1,000,000, plus \$101 Advertising if required	\$1,154 plus \$0.40 for each \$1,000 or part thereof over \$1,000,000, plus \$101 Advertising if required
	Estimated cost of development more than \$10,000,001	\$4,737 plus \$0.27 for each \$1,000 or part thereof over \$10,000,000, plus \$101 Advertising if required	\$5,540 plus \$0.27 for each \$1,000 or part thereof over \$10,000,000, plus \$101 Advertising if required
Fees of reviews and appeals under	Review under the Act, section 8.3 that relates to a	50% fee for original	50% fee for original

Division 8.2 of the Environmental Planning & Assessment Act 1979	development application not involving the erection of a building, the carrying out of a work or the demolition of a work or building	development application	development application
	Original fee was for the erection of dwelling house with estimated cost ≤ \$100,000	\$190	\$222
	Estimated cost of development up to \$5,000	\$55	\$64
	Estimated cost of development \$5,001 – \$250,000	\$85 plus \$1.50 for each \$1,000 or part thereof of the estimated cost, plus S101 Advertising if required	\$100 plus \$1.50 for each \$1,000 or part thereof of the estimated cost, plus S101 Advertising if required
	Estimated cost of development \$250,001 – \$500,000	\$500 plus \$0.85 for each \$1,000 or part thereof over \$250,000, plus S101 Advertising if required	\$585 plus \$0.85 for each \$1,000 or part thereof over \$250,000, plus S101 Advertising if required
	Estimated cost of development \$500,001 – \$1,000,000	\$712 plus \$0.50 for each \$1,000 or part thereof over \$500,000, plus S101 Advertising if required	\$833 plus \$0.50 for each \$1,000 or part thereof over \$500,000, plus S101 Advertising if required
	Estimated cost of development \$1,000,001 – \$10,000,000	\$987 plus \$0.40 for each \$1,000 or part thereof over \$1,000,000, plus S101 Advertising if required	\$1,154 plus \$0.40 for each \$1,000 or part thereof over \$1,000,000, plus S101 Advertising if required
	Estimated cost of development more than \$10,000,001	\$4,737 plus \$0.27 for each \$1,000 or part thereof over \$10,000,000, plus S101 Advertising if required	\$5,540 plus \$0.27 for each \$1,000 or part thereof over \$10,000,000, plus S101 Advertising if required

Planning Enquiries & Documents - Section 10.7 Certificates	Section 10.7 (2) Certificate	\$53	\$62
	Section 10.7 (2) Certificate with Section 10.7 (5) Advice	\$133	\$156
Planning Enquiries & Documents - Maps & Documents	Certified copy of a plan or document	\$53	\$62

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

Service Type	Amended Fee	Current Fee amount (\$)	Amended fee amount (\$)
Other Building Approvals & Certificates - Application and Inspection Fees for Plumbing & Drainage	Residential Dwellings	\$312	\$580
	Dual Occupancies	\$312	\$580
	Units	\$312	\$580
	Alterations and garages	\$312	\$580

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

The motion was carried with the Councillors voting unanimously.

9.4 MONTHLY BUDGET REVIEW - SEPTEMBER 2022

GOV400098, FIN300315

315/22

MOTION: Shelley / Cavalier

That Council:

1. receive the report by the Accountant Reporting & Analysis on the Monthly Budget Review - September 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.

9.5 MONTHLY STATEMENT OF INVESTMENTS AS AT 30 SEPTEMBER 2022

GOV400098, FIN300053

316/22

MOTION: Shelley / Cavalier

That Council:

1. receive the report by the Financial Planning Coordinator on the Monthly Statement of Investments as at 30 September 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 - DRRF LOCAL & REGIONAL RISK REDUCTION STREAM

GOV400098, RIS900010

317/22

MOTION: Shelley / Karavas

That Council:

1. receive the report by the Manager, Infrastructure Planning;
2. accept \$130,000 in grant funding from Resilience NSW for the employment of a Resilience & Risk Reduction Officer within the organisation to assist with the planning and preparation for natural disasters;
3. allocate the allocate the following Budgets, fully funded by grant funding, as follows:
 - 3.1 amend the 2022/23 Budget to allocate \$43,333;
 - 3.2 amend the 2023/24 Budget to allocate \$86,667; and
4. authorise the General Manager to finalise and sign the funding agreement.

The motion was carried with the Councillors voting unanimously.

10.2 RURAL CUSTOMER WATER FILL STATION - INTRODUCTORY PERIOD REVIEW

GOV400098, WAT500087

318/22

MOTION: Karavas / Paine

That Council:

1. receive the report by the Project Officer, Water and Sewer and Manager Water and Sewer on the Rural Customer Water Fill Station - Introductory Period Review;
2. add the new \$3.42 per KL fee to Rural Water Filling Stations for all users (registered and nomads);

3. **place new fee on public exhibition for 28 days; and**
4. **endorse commencement of the new fee from 1 January 2023 following the 28 days public exhibition period if no submissions are received.**

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	✓	

Item 11: **Community**

11.1 PUBLIC SPACES VANDALISM

GOV400098, F0650008

319/22

MOTION: Karavas / Dicker

That Council:

1. **receive the report by the Manager - Recreation Services on the Public Spaces Vandalism;**
2. **note the recent increase in vandalism and graffiti incidents in public spaces; and**
3. **amend the 2022-23 budget to include \$60,000 from unrestricted cash for the installation of camera surveillance and security lighting in public spaces where vandalism is a proven concern.**

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	✓	

It is noted that Cr Shelley abstained from voting in regard to item 11.1, which is recorded as a vote against the motion.

The following recommendations (item 11.2 to item 12.1) were adopted as a whole, being moved by Cr Shelley, seconded by Cr Paine and carried with Councillors voting unanimously. Each recommendation is recorded with separate resolution numbers commencing at Resolution No. 320/22 and concluding at Resolution No. 325/22.

11.2 MUDGEES ARTS PRECINCT STRATEGIC PLAN 2022-2028
GOV400098, REC800038

320/22

MOTION: Shelley / Karavas

That Council:

1. receive the report by the Manager, Community & Cultural Services on the Mudgee Arts Precinct Strategic Plan;
2. place the Mudgee Arts Precinct Strategic Plan on public exhibition for 28 days; and
3. adopt the Mudgee Arts Precinct Strategic Plan if no submissions are received.

The motion was carried with the Councillors voting unanimously.

11.3 FAMILY DAY CARE POLICY
GOV400098, COS300043

321/22

MOTION: Shelley / Karavas

That Council:

1. receive the report by the Manager, Community & Cultural Services on the Family Day Care Policy;
2. place the draft updated portions of the Family Day Care Policy on public exhibition for 28 days to seek any additional public comment; and
3. endorse the Family Day Care Policy if no further submissions are received through the public exhibition process.

The motion was carried with the Councillors voting unanimously.

11.4 REQUEST FOR SPONSORSHIP - MACQUARIE HOME STAY
GOV400098, COS3000010

322/22

MOTION: Shelley / Karavas

That Council:

1. receive the report by the Director Community on the Macquarie Home Stay Sponsorship Request;
2. note the positive contribution made by Macquarie Home Stay to residents of the Mid-Western Region; and
3. provide financial assistance of \$55,000 (including GST) to Macquarie Home Stay for the fit out of the 'lounge area' to be funded from unrestricted cash.

The motion was carried with the Councillors voting unanimously.

11.5 RFT2022/16 AIRPORT HANGAR - DESIGN AND CONSTRUCT
GOV400098, COR400499

323/22

MOTION: Shelley / Karavas

That Council:

1. receive the report by the Director Community on the RFT2022/16 Airport Hangar - Design and Construct;
2. decline all tenders for the Mudgee Airport Hangar – Design and Construct as all tenders are non-conforming;
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. review the scope with the aim to undertake part of the service requirement internally in accordance with Section 178 3F of the Local Government Regulation 2021, 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.

11.6 REQUEST FOR EXEMPTION FROM TENDER - BOARDS FOR
CABINS AT MUDGE VALLEY PARK
GOV400098, FIN300365

324/22

MOTION: Shelley / Karavas

That Council:

1. receive the report by the Director Community on the Request for Exemption from Tender - Boards for Cabins at Mudgee Valley Park;
2. approve an exemption from tender, in accordance with section 55 (3)(i) of the Local Government Act 1993, for the installation of boards for cabins at Mudgee Valley Park, noting that due to the unavailability of competitive or reliable tenders, a satisfactory result would not be achieved by inviting tenders;
3. note the reasons why a satisfactory outcome would not be achieved by inviting tenders are:
 - a) the market has already been tested appropriately, via public marketplace on VendorPanel – 96 suppliers selected with 3 response received; and
 - b) the same organisations would be targeted if we had tendered (via VendorPanel) so there is no benefit in re-advertising as a tender;
4. delegate authority to the Director Community to negotiations with the suppliers who provided responses; and
5. delegate authority to the Director Community to then finalise the contract with the successful supplier and approve variations up to an accumulative total of 20% of the original contract sum.

The motion was carried with the Councillors voting unanimously.

Item 12: Reports from Committees

12.1 LOCAL TRAFFIC COMMITTEE MEETING MINUTES -
SEPTEMBER 2022

GOV400098, A0100009

325/22

MOTION: Shelley / Karavas

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

The motion was carried with the Councillors voting unanimously.

Item 13: Urgent Business Without Notice

Nil

Item 14: Confidential Session**326/22 MOTION: Cavalier / Palmer**

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 Financial Agreement with Housing Plus

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.

General Manager, Brad Cam, declared a significant non-pecuniary conflict of interest in item 14.1 as he is the Chair of Housing Plus. He left the meeting at 5.58pm and did not participate in discussion in relation to this matter.

14.1 FINANCIAL AGREEMENT WITH HOUSING PLUS

GOV400098, A0420252

327/22 MOTION: Shelley / Stoddart**That Council:**

- 1. receive the report by the Director Community on the Financial Agreement with Housing Plus;**
- 2. support the proposal to provide additional financial assistance to Housing Plus to assist in the provision of domestic family violence accommodation;**
- 3. amend the operational plan and delivery program for financial assistance for the provision of domestic family violence accommodation to be funded from unrestricted cash as follows:**
 - 3.1 increase expenditure in the 2022/23 financial year by \$625,000;**

- 3.2 decrease expenditure in the 2023/24 financial year by \$99,870;
- 3.3 decrease expenditure in the 2024/25 financial year by \$102,368;
- 3.4 decrease expenditure in the 2025/26 financial year by \$104,924; and
4. authorise the Directory Community to finalise a new financial agreement with Housing Plus to provide this funding.

The motion was carried with the Councillors voting unanimously.

Item 15: Urgent Confidential Business Without Notice

Nil

Item 16: Open Council

328/22

MOTION: Karavas / Shelley

That Council move to Open Council.

The motion was carried with the Councillors voting unanimously.

General Manager, Brad Cam, returned to the Chambers at 6.01pm.

Simon Jones announced the decisions taken in Confidential Session.

Item 17: Closure

There being no further business the meeting concluded at 6.02pm.