

# Minutes of the Ordinary Meeting of Council

Held at the Council Chambers, 86 Market Street, Mudgee  
on 15 March 2023, commencing at 5.57pm and concluding at 6.16pm.

**PRESENT** Cr D Kennedy, Cr S Paine, Cr P Cavalier (audio/visual link), Cr K Dicker, Cr A Karavas, Cr R Palmer, Cr P Shelley, Cr P Stoddart and Cr JP Thompson.

**IN ATTENDANCE** General Manager (Brad Cam), Director Community (Simon Jones), Director Development (Alina Azar), Director Operations (Julian Geddes), Chief Financial Officer (Leonie Johnson), Executive Manager People and Performance (Michele George), 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.

**25/23** **MOTION:** Kennedy / Shelley

**That Council supports the request from Cr Cavalier to the General Manager to attend tonight's Council Meeting via Audio / Visual link on the grounds that he is away from the region on other work commitments.**

*The motion was carried with the Councillors voting unanimously*

**26/23** **MOTION:** Thompson / Stoddart

**That Council expresses its thanks to all the fire fighters and volunteers fighting fires.**

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

**Item 1: Apologies**

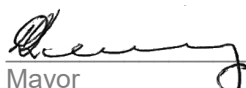
There were no apologies.

**Item 2: Disclosure of Interest**

There were no disclosures of interest.

**Item 3: Confirmation of Minutes**

**27/23** **MOTION:** Shelley / Dicker

  
Mayor

  
General Manager

**That the Minutes of the Ordinary Meeting held on 15 February 2023 be taken as read and confirmed.**

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

**Item 4: Matters in Progress**

DECLARATION OF STATEWIDE EMERGENCY

**28/23 MOTION: Shelley / Thompson**

**The Council note the matter in progress – Declaration of Statewide Emergency, Res 356/22(a) of the Ordinary meeting held 16/11/22 as being complete.**

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

**Item 5: Mayoral Minute**

Nil

**Item 6: Notices of Motion or Rescission**

6.1 STATE GOVERNMENT FUNDING TO FIGHT YOUTH CRIME  
GOV400103, GOV400022, COS300028

MOTION Thompson /

That Council investigate the possibility of obtaining State Government funding to do something about youth crime in our region, in particular Gulgong.

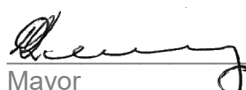
*The motion was lost by want of a seconder.*

6.2 COUNCIL SUPPORT OF MUDGEES GUARDIAN  
GOV400103, GOV400022, A0310019

MOTION Thompson /

That Council consider doing further advertising in the Mudgee Guardian instead of producing the printed *Community News* circular.

*The motion was lost by want of a seconder.*

  
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Mayor

  
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General Manager

## 6.3 SUPPORT FOR NSW RFS CAMPAIGN

GOV400103, GOV400022, EME900015, A0120006

MOTION: Thompson / Stoddart

That Council support the NSW Rural Fire Service Association campaign for candidates in the NSW election to sign a pledge of support for volunteer firefighters.

*The motion was put and lost 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	✓	

## 6.4 SEEK FINANCIAL ASSISTANCE TO MITIGATE FERAL DEER PROBLEM

GOV400103, GOV400022

MOTION Thompson /

That Council contact the Local Member Parliament to request financial support to try and do something about the feral deer.

*The motion was lost for want of a seconder.*

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

## 7.1 BUSINESS IMPROVEMENT POLICY

GOV400103, COR400065, GOV400066

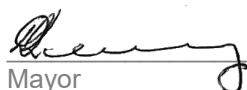
29/23

MOTION: Paine / Dicker

That Council:

1. receive the report by the Executive Manager, People and Performance on the Business Improvement Policy; and
2. adopt the Business Improvement Policy.

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



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Mayor



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General Manager

## 7.2 POLICY REVIEW - RISK MANAGEMENT

GOV400103, RIS900011

30/23

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

1. receive the report by the WHS and Risk Coordinator on the Policy Review - Risk Management; and
2. adopt the Risk Management Policy.

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

**Item 8: Development**

- 8.1 ME0024/2023 - SECTION 4.55(1A) MODIFICATION TO DA0135/2012 – TEMPORARY WORKERS ACCOMMODATION – LOT 32 DP 750773 – 94 MAIN STREET, ULAN  
GOV400103, P1411461 - Part 4

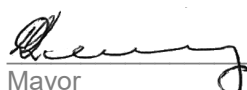
31/23

**MOTION: Paine / Karavas****That Council:**

- A. receive the report by the Planning Coordinator on ME0024/2023 - Section 4.55(1A) Modification to DA0135/2012 – Temporary Workers Accommodation – Lot 32 DP 750773 – 94 Main Street, Ulan; and
- B. approve ME0024/2023 - Section 4.55(1A) Modification to DA0135/2012 – Temporary Workers Accommodation – Lot 32 DP 750773 – 94 Main Street, Ulan subject to the following amended conditions and Statement of Reasons shown in blue:

**CONDITIONS****APPROVED PLANS**

1. Development is to be carried out generally in accordance with stamped plans (~~Drawing No. 17239\_L01, 17239\_A01, Revision E, 17239\_A02, Revision C, 17239\_A03, Revision C and 17239\_A04~~ Revision C, dated 18 October 2011, drawn by Barnson, [Site Plan - Dining Room Extension, Drawing No. 17239-A200, Revision B, Dated 07.12.2022, Floor Layout - Dining Room Extension, Drawing No. 17239-A201, Revision B, Dated 07.12.2022, Elevations - Dining Room Extension, Drawing No. 17239-A202, Revision B, Dated 07.12.2022, 40' Ablutions Laundry, Sheets 1 to](#)

  
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General Manager

**6 of 6, REV 3, DWG: RWT-NMD-HS777-001) and Statement of Environmental Effects prepared by Barnson, received by Council on 21 October 2011, the Water Supply Quality Assurance Program dated 14 March 2019, except as varied by the conditions listed herein. Any minor modification to the approved plans will require the lodgement and consideration by Council of amended plans. Major modifications will require the lodgement of a new development application.**

**[Modified MA0036/2019]**

**[Modified ME0024/2023]**

- 2. Accessible units are to be provided within the development site in accordance with AS 1428.1 2009, the Building Code of Australia and the Access to Premises Code.**
- 3. Communal facilities are to be provided with accessible features in accordance with the AS 1428.1 2009, the Building Code of Australia and the Access to Premises Code.**

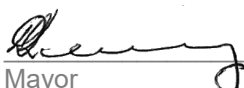
**PRIOR TO ISSUE OF THE CONSTRUCTION CERTIFICATE**

The following conditions must be complied with prior to the Principal Certifying Authority (PCA) issuing a Construction Certificate. The conditions are required to satisfy the PCA that the proposal is consistent with the applicable development consent, the Building Code of Australia and any Australian Standards that are relevant.

- ~~**4. The applicant is to demonstrate that there is the ability to provide a water supply to the development from roof storm water. This assessment is to be undertaken by a professional engineer report and is to indicate the harvest potential available, the likely water supply demand for the development and alternate supplies should the demand exceed the harvest potential.**~~

~~**[Deleted MA0036/2019]**~~

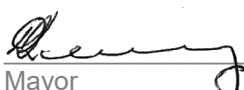
- 5. Separate written application must be made under Section 68 of the Local Government Act 1993, as amended, to Council for all water supply, sewerage and drainage work associated with the development. Full details of the method of disposal of the sewerage/grey water must be submitted to the Council for approval prior to the issue of the Construction Certificate.**
- 6. The proposed sewerage treatment system and irrigation areas are to comply with the Environmental Guidelines - Use of Effluent for Irrigation by the Department of Environment and Conservation. A report shall be prepared and submitted to Council for approval with the application under Section 68 of the Local Government Act for an onsite sewage management system. Note: The lid level of the Sewerage Treatment Plan shall be 418.5 416.0m AHD.**

  
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**[Modified MA0036/2019]**

- 7. A registered Surveyors Certificate showing the boundaries of the site and the proposed building plotted thereon being submitted to the Principal Certifying Authority before construction is commenced.**
- 8. Details of the engineered designed reinforced concrete slab/sand the wall and roof framing structural components of the building must be submitted with the required Construction Certificate.**
- 9. In accordance with the provisions of section 94A of the Environmental Planning and Assessment Act 1979 and the Mid-Western Regional Council Section 94A Development Contributions Plan, a levy of 1% of the cost of carrying out the development shall be paid to Council in accordance with this condition for the purpose of:  
  
The levy is: \$28,000.00 based on the estimated cost of development of \$ 2,800,000.00.**
- 10. Prior to the issue of the Construction Certificate, the Principal Certifying Authority (PCA) is to be supplied with certificates from telecommunications and energy service providers stating that suitable arrangements have been made for provision of underground telephone and electricity supplies for the proposed development.**
- 11. The Principal Certifying Authority (PCA) is to be provided with details regarding the provision of essential fire safety services in accordance with the BCA and relevant Australian Standards.**
- 12. If the Construction Certificate is not issued, for any reason whatsoever, within twelve (12) months of the date of determination, then the charges and contributions contained in this consent, may be increased to the current rate at the time of payment.  
  
A site supervisor is to be nominated by the applicant prior to issue of the Construction Certificate.**
- 13. A Traffic Control Plan (TCP) completed by a "Certified Person" for implementation during works is to be submitted to Mid-Western Regional Council prior to any work commencing. Contractor's insurance cover for a minimum of \$10,000,000 (Ten million dollars) is to be sighted and to be shown to Mid-Western Regional Council as an interested party.**
- 14. Complete landscaping plans are to be submitted to Council for approval prior to issue of a Construction Certificate. All**

  
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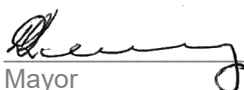
landscaping is to be established prior to occupation of the development and consist of advanced trees and shrubs. Tree and shrub species should be endemic to the Mid-Western Regional Local government Area, require minimal watering and be salt resistant.

15. The applicant is to submit a Drainage Report prepared in accordance with the Institution of Engineers publication Australian Rainfall and Run-off to the Principal Certifying Authority for approval prior to the release of the Construction Certificate. The report must demonstrate that stormwater runoff from the site is not increased beyond the existing undeveloped state up to and including a 100-year ARI. All storm water detention details including analysis shall be included with the drainage report.

#### **PRIOR TO THE COMMENCEMENT OF WORKS**

These conditions are required to ensure that the site is ready for construction works to commence and satisfy the provisions of the Environmental Planning and Assessment Act 1979 and the Building Code of Australia.

16. A sign must be erected in a prominent position on any work site on which the erection of a building is being carried out;
  - a) stating that unauthorised entry to the work site is prohibited, and
  - b) showing the name of the person in charge of the work site and a telephone number at which that person may be contacted outside working hours.
17. Prior to the commencement of any construction works, the following provisions of the Environmental Planning and Assessment Act 1979 (the Act) are to be complied with:
  - a) A Construction Certificate is to be obtained in accordance with Section 81A(2)(a) of the Act.
  - b) A Principal Certifying Authority is to be appointed and Council is to be notified of the appointment in accordance with Section 81A(2)(b) of the Act.
  - c) Council is to be given at least 2 days' notice of the date intended for commencement of
  - d) building works, in accordance with Section 81A(2)(c) of the Act.
18. Run-off and erosion controls must be installed prior to clearing the site and incorporate:
  - a) diversion of uncontaminated upsite run-off around cleared and/or disturbed areas and areas to be cleared or disturbed.
  - b) sediment fences at the downslope perimeter of the cleared or disturbed areas to prevent sediment and

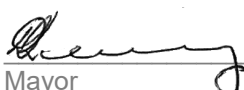
  
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General Manager

- other debris escaping from the land to pollute water ways and collection areas.
- c) maintenance of all erosion control measures at maximum operational capacity until the land is effectively rehabilitated and stabilised.
19. During construction temporary toilet facilities are to be provided at or in the vicinity of the nominated work site and for this purpose provide either a standard flushing toilet or an approved sewage management facility.
20. 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.
21. The proposed method(s) of compliance with the Building Code of Australia are to be clarified by documentation to be submitted with the Construction Certificate Application. In this regard, it appears that the Development Application plans do not comply with the following deemed-to-satisfy provisions of the BCA;
- a) Section F2.4 -Facilities for people with disabilities.
  - b) Part D3 -Access for people with disabilities.
  - c) Section E- in particular, E1 Firefighting equipment, specifically the provision of fire hydrants and fire hose reels compatible to on-site water storage for firefighting.
  - d) E4 Emergency lighting and exit signs.
  - e) Section J - Energy efficiency (offices)
  - f) Section C- Fire resistance, in particular Type C Fire Resisting Construction of walls within 3 metres of the boundary (including front & rear return walls)
22. The developer is to make arrangements with an archaeologist or indigenous group representing the locality to have people available onsite during any works that require disturbance to the surface or sub surface of the site. This is required to ensure that no indigenous objects are disturbed or destroyed during construction activities.
23. A construction management plan is to be prepared for the development that has considered the impact of the construction phase of the project on adjoining properties.

#### **BUILDING CONSTRUCTION**

**These conditions are provided to ensure that adequate standards**

  
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General Manager



are being observed during the construction phase of the development.

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

Monday to Friday	7.00am to 6.00pm
Saturday	8.00am to 1.00pm

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

25. All building work must comply with the requirements of the Building Code of Australia 2011, Volume One, together with the relevant Australian standards and also the Environmental Planning and Assessment Act, 1979, as amended, and Regulations.

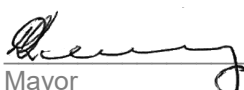
26. All mandatory inspections required by the Environmental Planning and Assessment Act and any other inspections deemed necessary by the Principal Certifying Authority must be carried out during the relevant stages of construction.

27. All plumbing and drainage work must be carried out by a licensed plumber and drainer and must comply with the requirements of AS 3500 (National Plumbing & Drainage Code) and the NSW Code of Practice- Plumbing & Drainage. The selected plumber/drainer must provide Council with a drainage diagram detailing the location of the drainage system and the relevant connections. All plumbing and drainage inspections must be carried out by Council prior to the covering of any trenches or wall/ceiling linings.

28. The development must be provided with car parking spaces and with adequate means of access for persons with disabilities in order to comply with Australian Standard 2809.6 - 2009 (Parking facilities- Off street parking for people with disabilities) the Building Code of Australia and the Access to Premises Code. Full details must be provided with the Construction Certificate.

29. The development must be provided with sanitary facilities for people with disabilities in order to comply with Australian Standard 1428 2009 (Design for access and mobility), the Building Code of Australia and the Access to Premises Code. Full details must be provided with the required Construction Certificate.

30. All areas not provided with natural ventilation in accordance with the provisions of the Building Code of Australia being provided with an approved mechanical ventilation and/or air conditioning system complying with Australian Standard

  
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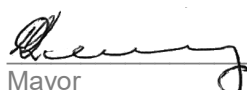
  
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**1668, Parts 1 and 2.**

31. The ~~rainwater~~ water storage tanks used as a potable water supply for human consumption, in particular, the supply to the amenities within the building, must be protected from contamination from industrial and urban traffic emissions, dead animals, mosquitoes, dust, pesticides, bushfires and any other form of contamination.  
[Modified MA0036/2019]
- ~~32. Details of the method of protection of the water supply from contamination and the method of the subsequent implementation of a testing regime of the water supply must be designed by an approved hydraulic engineer and submitted to Council's Health & Building section prior to the issue of an Occupation Certificate.  
[Deleted MA0036/2019]~~
33. A copy of the Final Fire Safety Certificate is to be provided to the Commissioner of NSW Fire Brigades and a further copy of the Certificate is to be prominently displayed in the building.
34. For every 12 month period after the issue of the Final Fire Safety Certificate the owner/agent of the building must provide the Council with a copy of an Annual Fire Safety Statement certifying that specified fire safety measure is capable of performing to its specification.
35. Smoke detector units are to be installed in accordance with the requirements of the Building Code of Australia. The smoke detectors are to be interconnected and connected to a permanent 240 volt power supply and provided with battery backup to activate the alarm units in the event of power failure. A detail of the system is to be submitted to Council for approval prior to installation.
36. All building work must be carried out in accordance with the requirements of the Building Code of Australia. This includes but is not limited to the following:
- Part C1 Fire Resistance and Stability
  - Part D3 Access for People with Disabilities
  - Part F2 Sanitary and Other Facilities
  - Part F2.4 Facilities for people with disabilities
  - Part F5 Sound Transmission and Insulation
  - Section J Energy efficiency

**ENGINEERING CONSTRUCTION**

37. All earthworks, filling, building, driveways or other works, are to be designed and constructed (including stormwater drainage if necessary) so that at no time will any ponding of storm water occur on adjoining land as a result of this

  
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General Manager

development.

38. Vehicular entrances comprising concrete driveways and footway crossings are to be provided to the development. These should be constructed in accordance with Aus-Spec #1 and Council standard drawing M525-Rural Access, as outlined in Council's "Access to Properties Policy".

Concrete must not be poured until the excavation, formwork and reinforcing has been inspected by Council. The contractor/owner must arrange an inspection by contacting Council's Development Engineer between 8.00am and 4.30pm Monday to Friday, giving at least twenty four (24) hours' notice. Failure to have the work inspected may result in the access being removed and reconstructed at the contractors/owners expense.

39. A total of 154 car parking spaces are to be provided within the site of the development and comply with the following requirements:

- a) Each parking space is to have minimum dimensions of 5.5m x 2.6m;
- b) Each disabled car parking space is to be in accordance with the provisions of Councils Development Control Plan - Design for Accessibility.
- c) All car parking spaces are to be line-marked and provided with a two coat bitumen seal and must be maintained in a satisfactory condition at all times;
- d) Off street parking is to be encouraged by the placement of prominent signs indicating the available of parking.

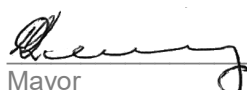
40. The aisle widths, internal circulation, ramp widths and grades of the car park are to generally conform to the Roads and Traffic Authority (RTA) guidelines and Australian Standard AS 2890.1 -1993. Details of compliance are to be shown on the relevant plans and specifications.

41. The developer is to upgrade the school zone signage of the Ulan Public school such that it is provided with flashing lights during designated school zone times. All installation and approval requirements through the Local Traffic Committee shall be carried out by the developer sat full cost to the developer.

42. The developer is to upgrade Main Street for the full frontage of the proposed development, such that it has the following characteristics:

**Requirement**

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 Mayor

  
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 General Manager

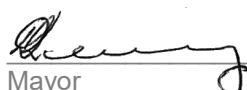
Half Road Pavement Width	6.5 metres (6.5 metre seal)
Concrete Footpaths Seal	N/A Two-coat flush seal-14/7 mm (Double/ Double) as required
Table Drains	Austrroads
Subsoil Drainage	N/A
Underground Drainage	N/A

43. ~~The Developer shall provide a 1.2 metre wide concrete footpath from the development site to the centre of the Ulan village. Full details are to be provided with the application for Construction Certificate.~~
44. Internal Roads shall be sealed with a minimum of 6 metres for two way traffic and 3.5 for one way. Turning heads shall be a minimum radius of 8.5 m. Provision of Kerb and Gutter is optional for internal access roads, but if provided shall comply with Council's Residential Standards.
45. Internal roads shall be designed to a 40km/h minimum speed. Actual speed limits within the development should be limited to 10km/hr for shared zones and signposted accordingly. Traffic regulatory, warning and guide signs throughout the development should be in accordance with AS1742.

#### PRIOR TO ISSUE OF THE OCCUPATION CERTIFICATE

The following conditions are to be completed prior to occupation of the building and are provided to ensure that the development is consistent with the provisions of the Building Code of Australia and the relevant development consent.

46. 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. An application for an Occupation Certificate must be set out in the form of the relevant part of Form 12 of the Environmental Planning and Assessment Regulations and must be accompanied by the relevant information required by Form 12.
- 46a. Prior to the issue of an Occupation Certificate, the applicant is required to arrange for a final inspection of the private water supply and obtain a satisfactory final inspection from Mid-Western Regional Council for the operation of the private water supply work.  
[New Condition MA0036/2019]
- 46b. Prior to the issue of an Occupation Certificate, an Approval to Operate the On-Site Sewage Management System granted under

  
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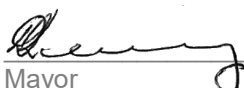
Section 68 of the Local Government Act 1993 is to be obtained.  
[New Condition MA0036/2019]

47. On completion of the building work, the owner/agent of the building must cause the Council to be provided with a Final Fire Safety Certificate from a competent person with respect to each essential service nominated in the Fire Safety Schedule issued with the Construction Certificate.
48. All building or site works or other written undertaking or obligation indicated in the submitted plans and supporting documentation or otherwise required under the terms of this consent being carried out or implemented prior to the occupation of the premises.
49. The developer and landowner (Crown) shall enter into a Mine Impact Agreement with Ulan Coal Mine Limited prior to the occupation of the development due to the location of the site potentially exceeding noise criterion.
- 49a. Prior to issue of an Occupation Certificate, Building Information Certificate and/or use of the development, an application shall be lodged and approved by Council pursuant to Section 68 of the Local Government Act, 1993 for the installation of an On Site Sewer Management System. The application shall be supported by amended Hydraulic Design Plans and supporting calculations including the dining room extension and laundry building.  
[Modified ME0024/2023]

#### GENERAL

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

50. This approval is limited to twenty-five (25) years from the issue of the Occupation Certificate and the facility shall be decommissioned in accordance with the approved Decommissioning Plan within six (6) months of the closure of the facility.  
[Modified ME0024/2023]
- ~~51. The proposed development is not to rely on any other water supply other than treated water from the onsite sewerage treatment facility and capturing roof water. Should the development run out of water, then it will close down until water supplies have been supplemented by further rain fall. The proposed development has provided that the water supply will be gained by capturing roof water for a potable water supply and can also be supplemented by treated water for toilets and laundry water supplies.~~

  
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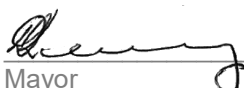
  
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[Deleted MA0036/2019]

- 51a. ~~MA0037/2012 permits the use of piped water from the adjacent property of Ulan water to the facility for use in periods of low rainfall to supplement the onsite water supply. The use of water from Ulan Water is only permitted where the water can be piped from the Ulan water due to the location of a bore on the Ulan water site. The trucking in of water is not permitted either to the development site or the adjacent Ulan Water site.~~

[Deleted MA0036/2019]

52. A Decommissioning Plan in accordance with Council's Temporary Workers Accommodation DCP is to be prepared and approved by Council prior to the issue of the Occupation Certificate for the development.
53. A Management Plan, including the identification of social impacts, in accordance with Council's Temporary Workers Accommodation DCP is to be prepared and approved by Council prior to the issue of the Occupation Certificate for the development.
54. 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.
55. All loading and unloading in connection with the premises shall be carried out wholly within the site.
56. All exterior lighting associated with the development shall be designed and installed so that no obtrusive light will be cast onto any adjoining property or roadways, in accordance with Australian Standard 4282 "Control of the Obtrusive Effects of Outdoor Lighting".
57. All waste generated by the proposed development shall be disposed of to an approved location in accordance with the Waste Minimization & Management Act 1995.
58. Security fencing is to be provided to the site and is to be a maximum of 2.1 metres in height and of pre coloured steel fencing. Full details of proposed fencing are to be included on the landscaping plan.
59. Adequate facilities being provided in a screened location within the premises for the storage of garbage, discarded or returnable packaging or other forms of trade wastes and arrangements being made for the regular removal and disposal of same.
60. There being no interference with the amenity of the

  
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Mayor

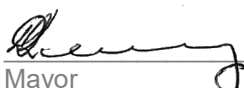
  
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General Manager

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.

61. A public address system or sound amplifying equipment shall not, without the consent of Council, be installed in or upon the premises so as to cause or permit the emission of sound onto any public place or nearby residential area.
62. The proposed sewerage treatment plant is to be located at least 100 metres from the Goulburn River to ensure compliance with the Environmental Planning and Assessment Regulations 2000.
63. 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 would be required to be present during earthworks to identify whether any artefacts were uncovered).
64. The existing community facilities (tennis court, grandstand and community building) are to be made available to the local community for community events at no cost for the life of the development.
65. The private water supply for the site is to be designed, installed and maintained in accordance with the Public Health Act 2010 and the Public Health Regulations 2012 at all times.  
[New Condition MA0036/2019]
66. The sites operators are to maintain and operate the private water supply in accordance with the quality assurance program (QAP) and which complies with the Public Health Regulations 2012. A Copy of the QAP is to be provided to the NSW Public Health Unit and records relating to managing the safety of the drinking water supply are to be kept onsite and made available on request of the Local Council or the NSW Public Health Unit.  
[New Condition MA0036/2019]
67. Any truck movements associated with supplying potable water to the site are to occur during normal business hours only and are limited to no more than two (2) movements per day.  
[New Condition MA0036/2019]

#### STATEMENT OF REASONS

1. The proposed development is considered satisfactory in terms of the matters identified in Section 4.55(1A) of the Environmental Planning and Assessment Act 1979.
2. The proposed development is considered satisfactory in terms of the matters identified in Section 4.15 of the Environmental Planning and Assessment Act 1979.

  
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Mayor

  
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General Manager

3. **No submissions were received during the public exhibition period.**

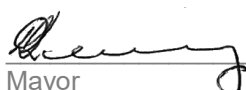
#### **OTHER APPROVALS**

- (DA0135/2012)
- (MA0037/2012)
- (MA0036/2019)

#### **ADVISORY NOTES**

1. **The removal of trees within any road reserve requires the separate approval of Council in accordance with the policy "Tree Removal and Pruning- Public Places".**
2. **The land upon which the subject building is to be constructed may be affected by restrictive covenants. This approval is issued without enquiry by Council as to whether any restrictive covenant affecting the land would be breached by the construction of the building, the subject of this approval. Persons to whom this approval is issued must rely on their own enquiries as to whether or not the building breaches any such covenant.**
3. **Any development in proximity to Essential Energy's infrastructure should comply with the latest industry guideline currently known as ISSC 20 Guideline for the Management of Activities within Electricity Easements and Close to Infrastructure. A copy of this guideline can be located at [www.resourcesandenergy.nsw.gov.au](http://www.resourcesandenergy.nsw.gov.au).**
4. **The development is subject to the requirements of the Rural Fires Act 1997 and separate approvals shall be obtained from the NSW Rural Fire Service, as relevant.**
5. **Section 8.3 of the Environmental Planning and Assessment Act (EP&A Act) gives you the ability to seek a review of the determination. This request is made to Council and must be made within 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 Planning and Development Department for more information or advice.**
6. **If you are dissatisfied with this decision section 8.7 of the EP&A Act 1979 gives you the right to appeal to the Land and Environment Court within 12 months after the date on which you receive this notice.**
7. **To ascertain the date upon which the consent becomes effective, refer to Section 4.20 of the EP&AAct.**
8. **To ascertain the extent to which the consent is liable to lapse, refer to Section 4.53 of the EP&AAct.**

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

  
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Mayor

  
\_\_\_\_\_  
General Manager



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

## 8.2 ACCEPTANCE OF NSW GOVERNMENT GRANTS

GOV400103, GRA600052

32/23

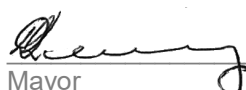
**MOTION: Palmer / Karavas****That Council:**

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

Grant Fund	Project	Grant Amount Requested
Smart Places Acceleration Program 2023	Mid-Western Region and Surrounds Flooded Roads Smart Warning System – 1 Location Trial	\$55,000
Arts and Cultural Funding Program – Round 2	Mudgee Arts Precinct Exhibition Program	\$198,050
Sheep and Goat Electronic Identification – Phase 1 Funding	Mudgee Saleyards – Planning and Design of Sheep and Goat Electronic Identification	\$5,000

3. if successful, amend the 2022/23 and 2023/24 budgets in accordance with the adjustments listed on the Financial Implication section of this report and authorise the General Manager to finalise and sign the funding agreements.

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

  
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 Mayor

  
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 General Manager

### 8.3 MONTHLY DEVELOPMENT APPLICATIONS PROCESSING AND DETERMINED

GOV400103, A0420109

**33/23 MOTION: Stoddart / Dicker**

**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.*

The following recommendations (item 9.1 to item 9.6) were adopted as a whole, being moved by Cr Shelley, seconded by Cr Karavas and carried with Councillors voting unanimously. Each recommendation is recorded with separate resolution numbers commencing at Resolution No. 34/23 and concluding at Resolution No. 39/23.

#### **Item 9: Finance**

##### 9.1 MONTHLY BUDGET REVIEW - FEBRUARY 2023

GOV400103, FIN300315

**34/23 MOTION: Shelley / Karavas**

**That Council:**

- 1. receive the report by the Accountant Reporting & Analysis on the Monthly Budget Review - February 2023; and**
- 2. amend the 2022/23, 2023/24, 2024/25 & 2025/26 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.*

##### 9.2 MONTHLY STATEMENT OF INVESTMENTS AS AT 28 FEBRUARY 2023

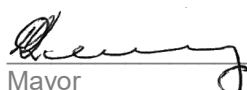
GOV400103, FIN300053

**35/23 MOTION: Shelley / Karavas**

**That Council:**

- 1. receive the report by the Financial Planning Coordinator on the Monthly Statement of Investments as at 28 February 2023; and**
- 2. note the certification of the Responsible Accounting Officer.**

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

  
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Mayor

  
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General Manager

9.3 MUDGEE COMMON PLAN OF MANAGEMENT - ADOPTION  
GOV400103, COU500102, P2210411

36/23

**MOTION:** Shelley / Karavas

**That Council:**

1. receive the report by the Manager Property and Revenue on the Mudgee Common Plan of Management - Adoption;
2. note the changes advocated by Crown in Table 1 of this Report and the submissions received during the exhibition period as cited in Attachment 2 to this Report and accept the recommendations proposed by staff;
3. note that further Native Title Manager advice as cited in Attachment 3 to this Report has been considered in relation to the Plan of Management for the Mudgee Common, Crown Reserve 120019, Lot 7304 DP1151583;
4. adopt the Mudgee Common Plan of Management as cited in Attachment 4 to this Report, in accordance with Section 40 of the Local Government Act 1993 and in accordance with Section 3.23(6) of the Crown Land Management Act 2016;
5. authorise the General Manager to make minor editorial modifications in the finalisation of the Mudgee Common Plan of Management if necessary; and
6. forward the adopted Mudgee Common Plan of Management to the NSW Department of Planning and Environment – NSW Crown Lands for information.

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

9.4 MUDGEE SHOWGROUND PLAN OF MANAGEMENT -  
ADOPTION

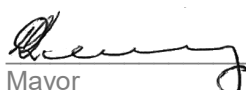
GOV400103, COU500102, P0210911

37/23

**MOTION:** Shelley / Karavas

**That Council:**

1. receive the report by the Manager Property and Revenue on the Mudgee Showground Plan of Management - Adoption;
2. note the changes advocated by Crown in Table 1 of this Report and the submissions received during the exhibition period as cited in Attachment 2 to this Report and accept

  
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Mayor

  
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General Manager

the recommendations proposed by staff;

3. note that further Native Title Manager advice as cited in Attachment 3 to this Report has been considered in relation to the Plan of Management for the Mudgee Showground, Crown Reserves 520010, 1001140 and 1000252;
4. adopt the Mudgee Showground Plan of Management as cited in Attachment 4 to this Report, in accordance with Section 40 of the Local Government Act 1993 and in accordance with Section 3.23(6) of the Crown Land Management Act 2016;
5. authorise the General Manager to make minor editorial modifications in the finalisation of the Mudgee Showground Plan of Management if necessary; and
6. forward the adopted Mudgee Showground Plan of Management to the NSW Department of Planning and Environment – NSW Crown Lands for information.

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

#### 9.5 CUDGEGONG WATERS PARK PLAN OF MANAGEMENT - ADOPTION

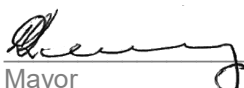
GOV400103, COU500102, P2044711

38/23

**MOTION: Shelley / Karavas**

**That Council:**

1. receive the report by the Manager Property and Revenue on the Cudgegong Waters Park Plan of Management - Adoption;
2. note the changes advocated by Crown in Attachment 2 to this Report and accept the recommendations proposed by staff; and
3. note that no submissions were received during the exhibition period; and
4. note that further Native Title Manager advice as cited in Attachment 3 to this Report has been considered in relation to the Plan of Management for the Cudgegong Waters Park, Crown Reserve 190025, Lots 1-3 DP737266; and
5. adopt the Cudgegong Waters Park Plan of Management as cited in Attachment 4 to this Report, in accordance with Section 40 of the Local Government Act 1993 and in accordance with Section 3.23(6) of the Crown Land

  
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Mayor

  
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General Manager

**Management Act 2016; and**

6. **authorise the General Manager to make minor editorial modifications in the finalisation of the Cudgegong Waters Park Plan of Management if necessary; and**
7. **forward the adopted Cudgegong Waters Park Plan of Management to the NSW Department of Planning and Environment – NSW Crown Lands for information.**

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

9.6 MWRC SOLAR ARRAY - MARKET PARTICIPATION UPDATE  
GOV400103, ENE100032

**39/23 MOTION: Shelley / Karavas**

**That Council:**

1. **receive the report by the Chief Financial Officer on the MWRC Solar Array - Market Participation Update; and**
2. **approve going to tender for a less restrictive market participation model, instead of limiting Council to a Revolving Offtake Agreement.**

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

**Item 10: Operations**

10.1 DRINKING WATER ANNUAL REPORT AND FACTSHEET  
GOV400103, GOV400098, WAT500075

**40/23 MOTION: Paine / Karavas**

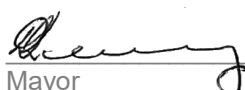
**That Council:**

1. **receive the report by the Water Quality Officer on the Drinking Water Annual Report and Factsheet; and**
2. **note that the Drinking Water Annual Report and Factsheet will be publicly available and updated yearly.**

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

**Item 11: Community**

11.1 PRIVACY MANAGEMENT PLAN  
GOV400103, GOV400047

  
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Mayor

  
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General Manager

**41/23 MOTION: Paine / Stoddart**

**That Council:**

- 1. receive the report by the Governance Co-ordinator on the Review - Privacy Management Plan;**
- 2. place the Draft Privacy Management Plan on exhibition for 28 days to seek feedback from the community; and**
- 3. adopt the Privacy Management Plan if no submissions are received during the exhibition period.**

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

## 11.2 LEGISLATIVE COMPLIANCE POLICY

GOV400103, GOV400047

**42/23 MOTION: Karavas / Palmer**

**That Council:**

- 1. receive the report by the Governance Co-ordinator on the Legislative Compliance Policy; and**
- 2. adopt the revised Legislative Compliance Policy.**

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

## 11.3 LIBRARY COLLECTION DEVELOPMENT POLICY

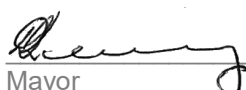
GOV400103, F0620008

**43/23 MOTION: Thompson / Paine**

**That Council:**

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

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

  
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Mayor

  
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General Manager

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

GOV400103, COR400236

**44/23 MOTION: Karavas / Dicker****That Council:**

- 1. receive the report by the Executive Manager, People and Performance on the Audit Risk and Improvement Committee Minutes - 17 February 2023;**
- 2. endorse the minutes and recommendations of the Audit Risk and Improvement Committee meeting 17 February 2023; and**
- 3. endorse the following ARIC meeting schedule for the next twelve months:**
  - 26 May 2023**
  - 15 August 2023**
  - 24 November 2023**
  - 23 February 2023**
- 4. endorse the following internal audit plan for 2023/2024:**
  - Development Applications Fund Management**
  - Monitoring of the Delivery Program and Operational Plan.**

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

**12.2 LOCAL TRAFFIC COMMITTEE MEETING MINUTES -  
FEBRUARY 2023**

GOV400103, A0100009

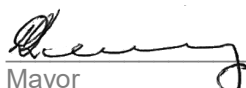
**45/23 MOTION: Thompson / Dicker**

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

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

**Item 13: Urgent Business Without Notice**

Nil

  
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Mayor  
\_\_\_\_\_  
General Manager

**Item 14: Confidential Session****46/23 MOTION: Shelley / Karavas**

**That pursuant to the provisions of Section 10 of the Local Government Act, 1993, the meeting be closed to the public.**

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

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 Major Events Glen Willow Exemption from Tender**

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

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

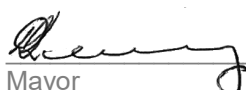
Following an enquiry from the Mayor, the General Manager advised that there were no written representations in respect of this matter and that no person in the gallery wished to make verbal representations.

**14.1 MAJOR EVENTS GLEN WILLOW EXEMPTION FROM TENDER**

GOV400103, ECO800009

**47/23 MOTION: Shelley / Palmer****That Council:**

- 1. receive the report by the Manager - Economic Development on the Major Events Glen Willow Exemption from Tender;**
- 2. approve an exemption from tender, in accordance with Section 55(3)(i) of the Local Government Act 1993, for the provision of NRL Entertainment at Glen Willow Regional Stadium, noting that the relationships developed with specific teams deem Mudgee attractive to a select number of NRL teams;**
- 3. authorise the General Manager to engage with NRL Teams to provide NRL Premiership and Charity Shield football entertainment services for the 2023/24 and 2024/25 budgeted amounts; and**
- 4. authorise the General Manager to sign an Agreement with**

  
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Mayor  
\_\_\_\_\_  
General Manager



**the NRL Teams.**

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

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

**48/23 MOTION: Shelley / Palmer**

**That Council accept the Urgent Business Without Notice Report 15.1 – RFT 2022/46 – Design and Construction of a Training Camp Facility.**

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

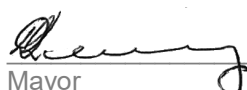
### 15.1 RFT2022/46 – DESIGN AND CONSTRUCTION OF A TRAINING CAMP FACILITY

GOV400103, COR400537

**49/23 MOTION: Shelley / Palmer**

**That Council:**

1. **receive the report by the Director Community and Executive Assistant, Operations on the RFT 2022/46 – Design and Construction of a Training Camp Facility;**
2. **decline to accept any of the tenders with respect to RFT 2022/46 – Design and Construction of a Training Camp Facility in accordance with Clause 178 of the Local Government (General) Regulation 2021 – Part 7 Rendering ;**
3. **authorise the General Manager to enter into negotiations with Norths Constructions in accordance with Clause 178(3)(e) of the Local Government (General) Regulation 2021;**
4. **note that the reason Council should decline all tenders and enter into negotiations is that all tender responses were substantially outside of the allocated budget;**
5. **decline to call fresh tenders at this stage assuming that a satisfactory outcome can be negotiated**
6. **delegate authority to the General Manager to accept a negotiated contract value aligning with the current budget; and**
7. **delegate authority to the Manager Procurement and Fleet or their nominated Council representative to notify tenderers of their submission outcome.**

  
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Mayor

  
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General Manager

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

**Item 16: Open Council**

**50/23 MOTION: Dicker / Stoddard**

**That Council move to Open Council.**

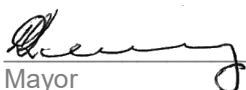
*The motion was carried with the Councillors voting unanimously.*

The General Manager announced the decisions taken in Confidential Session.

**Item 17: Closure**

There being no further business the meeting concluded at 6.16pm.

Confirmed

  
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Mayor

  
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General Manager