

Minutes of the Ordinary Meeting of Council

Held at the Council Chambers, 86 Market Street, Mudgee
on 19 April 2023, commencing at 5.48pm and concluding at 6.20pm.

PRESENT

Cr D Kennedy, Cr S Paine, Cr P Cavalier, Cr K Dicker, Cr A Karavas (Council Representative), Cr R Palmer, Cr P Shelley, Cr P Stoddart, Cr JP Thompson.

IN ATTENDANCE

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

56/23**MOTION: Thompson / Cavalier**

That Council supports the request from Cr Karavas 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 commitments.

The motion was carried with the Councillors voting unanimously.

Item 1:**Apologies**

There were no apologies.

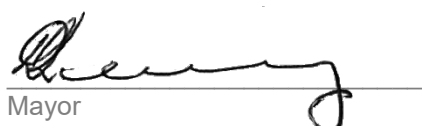
Item 2:**Disclosure of Interest**

There were no disclosures of interest.

Item 3:**Confirmation of Minutes****57/23****MOTION: Shelley / Cavalier**

That the Minutes of the Extraordinary Meeting held on 4 April 2023 be taken as read and confirmed.

The motion was carried with the Councillors voting unanimously.


Mayor
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Item 4: Matters in Progress

Nil

Item 5: Mayoral Minute

Nil

Item 6: Notices of Motion or Rescission**6.1 COUNCILLOR EXPENSES AND FACILITIES POLICY**

GOV400103, GOV400022

58/23**MOTION: Shelley / Cavalier****That Council:**

1. amends the Councillor Expenses and Facilities Policy to the following;

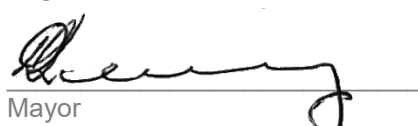
Where its states on Page 3, under Policy subheading:
“Councillors must provide claims for reimbursement within three months of an expense being incurred. Claims made after this time cannot be approved”. This is to be amended to state “Councillors must provide claims for reimbursement within six months of an expense being incurred. Claims made after this time cannot be approved”; and
2. note that the proposed change is not substantial as per clause 253(3) of the Local Government Act 1993 and therefore no public exhibition period is required.

*The motion was carried with the Councillors voting unanimously.***Item 7: Office of the General Manager****7.1 MRI MACHINE FOR MUDGEES HOSPITAL**

GOV400103, PUB600014

59/23**MOTION: Shelley / Cavalier****That Council:**

1. receive the report by the General Manager on the MRI Machine for Mudgees Hospital; and
2. acknowledge the meeting held with members of the local medical community and re-affirm our commitment to lobby


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the Federal and State members of Parliament for a MRI machine.

The motion was carried with the Councillors voting unanimously.

7.2 MRT QUARTERLY REPORT: OCTOBER TO DECEMBER 2022
GOV400103, F0770077

60/23 MOTION: Shelley / Cavalier

That Council receive the report by the General Manager on the MRT Quarterly Report: October to December 2022.

The motion was carried with the Councillors voting unanimously.

Item 8: Development

8.1 MA0009/2022 - MODIFICATION TO DA0214/2014 - 7 LOT
SUBDIVISION AND INDUSTRIAL DEVELOPMENT - 86 DEPOT
ROAD, MUDGEESDALE
GOV400103, DA0214/2014 - Part B

61/23 MOTION: Shelley / Palmer

That Council:

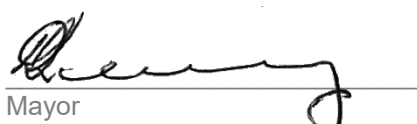
- A. receive the report by the Planning Coordinator on Application MA0009/2022 - Modification to DA0214/2014 - Subdivision and Industrial Development - 86 Depot Road, Mudgee; and
- B. approve MA0009/2022 - Modification to DA0214/2014 - Subdivision and Industrial Development - 86 Depot Road, Mudgee subject to the following amended conditions and statement of reasons (in blue):

PARAMETERS OF CONSENT

APPROVED PLANS

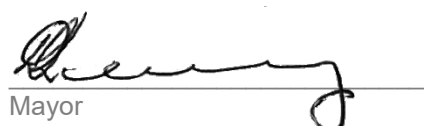
- 1A. The development is to be carried out in accordance with the following plans endorsed with Council's stamp as well as the documentation listed below, except as varied by the conditions listed herein and/or any plan notations.

Title / Name:	Drawing No / Document Ref:	Revision / Issue:	Date:	Prepared by:
Master Plan	3312-A01	A	April 2013	Giselle Denley Drafting Services


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Site Plan (Lot 6)	3312-A01	A	April 2013	Giselle Denley Drafting Services
Ground Floor Plan (Lot 6)	3312-A02	B	Nov 2017	Giselle Denley Drafting Services
Elevations (Lot 6)	3312-A03	B	Nov 2017	Giselle Denley Drafting Services
Site Plan (Lots 1-4)	3312-A02	D-F	Feb 2021 MAR 2022	Giselle Denley Drafting Services
Ground Floor Plan, South East Elevation and South West Elevation (Lot 1)	3312-A03	D	Sep 2019	Giselle Denley Drafting Services
Lot 2 Ground Floor Plan, First Floor Plan & Elevations (Lots 2 and 3)	3312-A04	E-G	Feb 2021 MAR 2022	Giselle Denley Drafting Services
Shed 2 Elevations	3312-A15	A	MAR 2022	Giselle Denley Drafting Services
Lot 3 Site Plan	3312-A13	A	March 2021	Giselle Denley Drafting Services
Lot 3 Ground Floor Plan, Elevations & First Floor Plan	3312-A16	F	MAR 2021	Giselle Denley Drafting Services
Lot 4 Site Plan	3312-A12	A	OCT 2022	Giselle Denley Drafting Services
Lot 4 Ground Floor Plan, First Floor Plan & South East Elevation (Lot 4)	3312-A05	D-G	Feb 2021 DEC 2022	Giselle Denley Drafting Services
Shed 4 South West, North East & North West Elevations	3312-A14	A-D	May 2021 DEC 2022	Giselle Denley Drafting Services
Lot 6 Site Plan	3312-A08	B	MAR 2022	Giselle Denley Drafting Services
Shed 6 Ground Floor Plan	3312-A09	C	MAR 2022	Giselle Denley Drafting Services
Shed 6 Elevations	3312-A10	D	MAR 2022	Giselle Denley Drafting Services



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Storage Shed Typical Floor Plan & Storage Shed Front Elevation	3312-A09	A	April 2013	Giselle Denley Drafting Services
Proposed subdivision Showing Existing Improvements	BK041.dwg Sheet 1 of 4	-	14/10/2 013	Jabek Pty Ltd
Layout Industrial Development Lots 1-6 (Stage 2)	BK041.dwg Sheet 2 of 4	-	14/10/2 013	Jabek Pty Ltd
Service Layout	BK041.dwg Sheet 3 of 4	-	14/10/2 013	Jabek Pty Ltd
Detail Lot 7	BK041.dwg Sheet 4 of 4	-	14/10/2 013	Jabek Pty Ltd

The following plans/drawings supersede the above listed plans/drawings in relation to the road layout, stormwater drainage concept, proposed lot boundaries, boundary setbacks, car parking layout and landscaping.

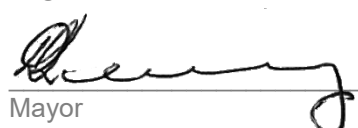
Title / Name:	Drawing No / Document Ref	Revision / Issue:	Date:	Prepared by:
Concept Stormwater Plan	MX- 10284.01- C2.0	B	17/11/1 7	Triaxial Consulting
Concept Stormwater Plan Basin Details	MX- 10284.01- C2.1	B	17/11/1 7	Triaxial Consulting
Turning Circle Plan Sheet 1 of 2	MX- 10284.01- C3.0	B	17/11/1 7	Triaxial Consulting
Turning Circle Plan Sheet 2 of 2	MX- 10284.01- C3.1	B	17/11/1 7	Triaxial Consulting
Landscaping Plan	MX- 10284.01- C4.0	C	23/03/1 8	Triaxial Consulting

(AMENDED MA0043/2021)

(AMENDED MA0009/2022)

2. Notwithstanding the approved plans the structure is to be located clear of any easements and/or any water and sewer mains in accordance with Council Policy.

- 2A. The following limits apply to the proportion of the building on


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proposed Lot 6 that may be used for industrial premises or warehouse purposes:

- a) A maximum of 2,000m² of the building on proposed Lot 6 may be used as industrial premises, with the remainder able to be used for warehouse/storage purposes; or
- b) Any amount of the building less than the cumulative total of 2,000m² may be used as industrial premises, with the remainder able to be used for warehouse/storage purposes; or
- c) The total floor area of the building on proposed Lot 6 may be used for warehouse/storage purposes.

Note: this condition is applied to ensure that the use of the building matches the number of car parking spaces shown on the approved plans.

(ADDED MA0020/2017)

- 2C. Landscaping is to be provided in all areas identified as landscaping within the following plan:

Landscaping Plan	MX-10284.01-C4.0	C	23/03/18	Triaxial Consulting
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(ADDED MA0020/2017)

AMENDMENTS TO APPROVED PLANS

3. The maximum fill permitted to be placed on proposed Lot 1 is limited to 500mm above the existing natural ground level as shown on Plan No.BK041.dwg, Sheet 3 of 4.

- ~~4. No roller doors are to be constructed in the north-western wall of the proposed sheds on Lots 1 – 4, that adjoin the golf course and residential area at the north-eastern end of Inverness Avenue.~~

~~(AMENDED MA0043/2021)~~

~~(DELETED MA0001/2022)~~

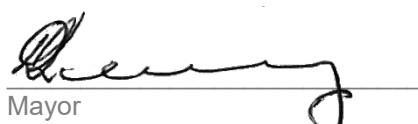
5. ~~A minimum 1.8 2.5 metre high lapped and capped timber fence with minimum 12mm palings and 25% overlap each side along the full western boundary of the site is to be provided along the western boundary (residential land, Golf Club land) of the development prior to the commencement of any works on the site. The timber fence is to be erected along the western boundary of proposed Lots 1 to 4. The remainder of the western boundary adjoining proposed Lot 7 may be fenced with a chain mesh fence.~~

~~(ADDED MA0017/2020)~~

~~(AMENDED MA0001/2022)~~

~~(DELETED MA0009/2022)~~

- 5A. All lots in the approved subdivision shall have a minimum lot


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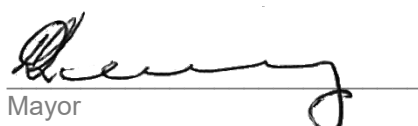
size of 2,000m².

Note: Proposed Lot 5 on the approved plans has a lot size of 1,870m². Lot 5 may be readily increased to 2,000m² by adjusting the boundary between Lots 4 and 5. Amended plans demonstrating compliance shall be provided prior to the issue of a Subdivision Certificate involving Lot 5.
(ADDED MA0020/2017)

- 5B.** Amended plans are to be submitted to and approved by Council, indicating that a minimum of 16 parking spaces are provided on proposed Lot 4. Such plans are to be approved by Council prior to the issue of a Construction Certificate for any development on proposed Lot 4.
(ADDED MA0020/2017)

PRIOR TO ISSUE OF CONSTRUCTION CERTIFICATE - CIVIL

- 6.** The submission to Council of engineering design plans for any road works shall include pavement and wearing surface investigation and design, sedimentation and erosion control plans, and a detailed construction plan. These plans are to be approved by the Council prior to the issue of a Construction Certificate.
- 7.** A detailed engineering design (including sediment and erosion control) supported by plans, and an "AutoCAD compatible" Plan, (in dwg format including pen-map), material samples, test reports and specifications are to be prepared in accordance with AUS-SPEC #1 (as modified by Mid-Western Regional Council) and the conditions of this development consent. The engineering design is to be submitted to and approved by Council or an Accredited Certifier prior to the issue of a Construction Certificate.
- 8.** Engineering plans of the sewer mains extension are to be submitted to and approved by Council or an accredited certifier prior to the issue of a Construction Certificate.
- Note 1:** Council will quote on connecting any sewer or water main extension to the existing "live" main on receipt and approval of engineering plans.
- Note 2:** Council does not permit other bodies to insert new junctions into 'live' sewer mains.
- 9.** 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 1.5 year ARI. All storm water detention details including analysis shall be included with the drainage report.


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10. The Cul-de-sac proposed at the end of Depot road must be designed pursuant to "AUSTROADS Design Vehicles and Turning Path Templates Guide 2013" to accommodate at least a B-Double turning radius (15m) when travelling between 5-15km/hr. The turning path plan must be submitted to Council prior to the issue of the Construction Certificate.
11. All finished surface levels shall be shown on the plans submitted for the Construction Certificate. Where it is proposed to import fill, the material shall be certified as free of hazardous materials and contamination by a suitably qualified geotechnical engineer. Fill placed in residential or commercial lots shall be compacted in accordance with AS3798-2007 Guidelines on Earthworks for Commercial and Residential Developments.

PRIOR TO ISSUE OF THE CONSTRUCTION CERTIFICATE - BUILDING

The following conditions must be compiled with prior to Council or an accredited Certifier issuing a Construction certificate for the proposed building:

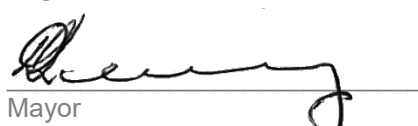
12. Prior to release of the Construction Certificate, approval pursuant to Section 68 of the Local Government Act, 1993 to carry out water supply, stormwater and sewerage works is to be obtained from Mid-Western Regional Council.
- 12A. Prior to issue of any Construction Certificate for Shed 4, application must be made and approval obtained for a Liquid Trade Waste permit to discharge waste water runoff from the proposed wash bay to Councils sewer system.
(AMENDED MA0009/2022)
13. A schedule of existing and proposed fire safety measures is to be submitted to the Principal Certifying Authority with the application for the Construction Certificate.
14. The developer shall obtain a Certificate of Compliance under the Water Management Act. This will require:

- a) Payment of a contribution for water and sewerage headworks at the following rate:

Water Headworks	\$55,426.00
Sewerage Headworks	\$26,959.00
Total Payable	\$82,385.00

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.

- b) The adjustment of existing services 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.


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(AMENDED MA0020/2017)

- 14A. 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 (the Section 94A Plan), a levy based on the value of works shall be paid to Council in accordance with this condition for the purpose of public facilities, prior to the issue of a Construction Certificate.**

The value of the works is to be calculated in accordance with Section 9.0 and the procedure outlined in Appendix 1 of the Section 94A Plan. A report regarding value of works and any necessary certification is to be submitted to Council. Council will calculate and advise of the final levy amount following submission of the documents.

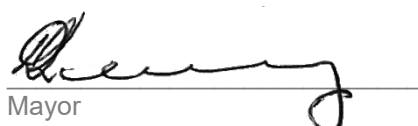
Note: the levy amount will be adjusted by the Consumer Price Index, if not paid in the same financial year it was calculated. Based on the cost of the proposed development submitted with the DA (\$2,450,000), an indicative total levy of \$24,500 is payable.

A pro-rata portion of the Section 94A contribution may be paid prior to the issue of a Construction Certificate for only part of the total development.

(ADDED MA0020/2017)

- 14B. Prior to the issue of any Construction Certificate that includes above ground works, a landscape plan shall be submitted to and approved by Council. This landscape plan shall be prepared by an appropriately qualified and experienced professional. The landscaping plan is to show and/or achieve the following:**

- a) A planting schedule (including a range of plant sizes).**
- b) A maintenance schedule.**
- c) Re-planting regime for any plants that are damaged, dead, or removed for any reason.**
- d) Provision of landscaping adjacent to and between car parking areas to assist in visually breaking up the expanse of the car park.**
- e) Provide landscaping and fencing (if to be provided) within the front boundary landscaped setback that achieves the following:**
 - (i) Allows for passive surveillance between the road reserve and the internal car park and entrance to buildings. This may be achieved by using shrubs that have a maximum height of 0.8m at maturity and trees that have a minimum canopy height of 1.7m at maturity.**
 - (ii) Includes a mixture of trees, shrubs and groundcovers to create mass of vegetation with**



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an average height of 2m at maturity, within the approved landscaped areas.

- f) Utilise endemic species, where practicable, which are appropriate for the site.
- g) Details of an irrigation system connecting to the on-site rainwater tanks.

(ADDED MA0020/2017)

14C. A landscaping bond of \$1,500 is to be paid to Council prior to the issue of a Construction Certificate for above ground building works. Such bond is to be refunded upon satisfactory completion of the landscaping in accordance with the approved landscaping plan.

(ADDED MA0020/2017)

14D. Prior to issue of a Construction Certificate for Sheds 1 to 4, and where it is proposed to operate the premise in the evening and night-time periods (6pm to 6am) each shed must include the following acoustic measures, also in accordance with the report prepared by Spectrum Acoustics:

- Lining the internal walls (or parts of the walls where workshop equipment or work benches are to be located) with acoustic shielding on the southern and/or western walls;
- Isolating particularly noisy plant, equipment or activities and acoustically shielding these;
- Locating noisy plant or activities “behind” internal partitions or offices relative to receivers; or
- Sourcing noise attenuation equipment specific to a particular plant item, e.g. mufflers, attenuator guards, cowlings etc.

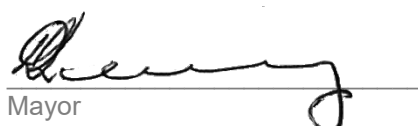
(ADDED MA0001/2022)

14E. Prior to the issue of a Construction Certificate for Sheds 1, 2 and 3, and in accordance with the acoustic report addendum prepared by Spectrum Acoustics dated September 2022 (and additional response dated 17 March 2023):

- a) A 5.6m high acoustic barrier is required along the boundary adjacent to Shed 1.
- b) A 5m high acoustic barrier is required along the western boundary adjacent to Shed 2.
- c) A 4.2m high acoustic barrier is required along the western boundary adjacent to Shed 3.
- d) An acoustic barrier is one which is constructed of material with a minimum surface density of 15kg/m³ and is impervious from the ground to the required height with no gaps for the passage of sound.

(AMENDED MA0009/2022)

14F. Prior to the issue of a Construction Certificate for Shed 2 as shown on the endorsed plans, a detailed drainage design


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showing no less than 60% of all roof runoff is directed to stormwater tank or tanks to provide no less than 20,000 litres of detention storage which is to be discharged using a restricted orifice at a rate no greater than 5 litres per second. The capacity of the tank may be increased to also provide storage for re-use.
(AMENDED MA0009/2022)

- 14G. Prior to the issue of a Construction Certificate for Shed 4 as shown on the endorsed plans, a detailed drainage design showing no less than 60% of all roof runoff is directed to stormwater tank or tanks to provide no less than 20,000 litres of detention storage which is to be discharged using a restricted orifice at a rate no greater than 5 litres per second. The capacity of the tank may be increased to also provide storage for re-use.
(AMENDED MA0009/2022)

PRIOR TO THE COMMENCEMENT OF WORKS – CIVIL

15. Prior to development the applicant shall advise Council's Operations Directorate, in writing, of any existing damage to Council property before commencement of works. The applicant shall repair (at their own expense) any part of Council's property damaged during the course of this development in accordance with AUS-Spec #1/2 (as modified by Mid-Western Regional Council) and any relevant Australian Standards.
(AMENDED MA0020/2017)
16. 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.
17. A copy of the Contractor's public liability insurance cover for a minimum of \$20,000,000 is to be provided to Mid-Western Regional Council as an interested party. All work is to be at no cost to Council.

PRIOR TO THE COMMENCEMENT OF WORKS – BUILDING

18. No work shall commence until a Construction Certificate has been issued and the applicant has notified Council of:
- a) the appointment of a Principal Certifying Authority; and
 - b) the date on which work will commence; and
 - c) Such notice shall include details of the Principal Certifying Authority and must be submitted to Council at least two (2) days before work commences.
19. The site shall be provided with a waste enclosure (minimum 1800mm X 1800mm X 1200mm) that has a lid or secure covering for the duration of the construction works to ensure that all wastes are contained on the site. The receptacle is to be emptied periodically to reduce the potential for rubbish to leave the site. Council encourages the separation and recycling of

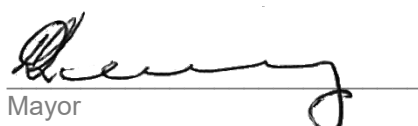
suitable materials.

NOTE: ALL WASTE GENERATED FROM THE CONSTRUCTION PROCESS IS TO BE CONTAINED ON-SITE.

20. A sign must be erected in a prominent position on any work site on which involved in the erection or demolition of a building is carried out;
- a) stating that unauthorised entry to the work site is prohibited;
 - b) showing the name of the person in charge of the work site and a telephone number at which that person may be contacted outside working hours;
 - c) the name, address and telephone number of the principal certifying authority for the work; and
 - d) The sign shall be removed when the erection or demolition of the building has been completed.
21. Prior to the commencement of works on site, the applicant shall advise Council's Operations Directorate, in writing, of any existing damage to Council property.
(AMENDED MA0020/2017)

CIVIL CONSTRUCTION

- 21A. 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.
(NUMBERED MA0020/2017)
22. All works are to be constructed at the full cost of the developer, in a manner consistent with Aus-Spec #1 and Council's standard drawings.
23. The developer is to grant Council (or an Accredited Certifier on behalf of Council) unrestricted access to the site at all times to enable inspections or testing of the subdivision works.
24. The subdivision works are to be inspected by the Council (or Accredited Certifier on behalf of Council) to monitor compliance with the consent and the relevant standards of construction encompassing the following stages of construction:
- a) Installation of sediment and erosion control measures;
 - b) Water and sewer line installation prior to backfilling;
 - c) Establishment of line and level for kerb and gutter placement;
 - d) Road and driveway pavement construction (including excavation, formwork and reinforcement) ;


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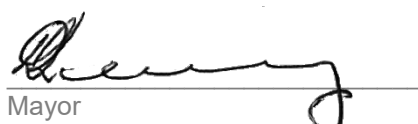
- e) Road pavement surfacing; and
- f) Practical completion.

25. The contractor/owner must arrange an inspection by contacting Council's Development and Community Services Department between 8.30am 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.
26. 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 stormwater occur on adjoining land as a result of this development.
27. Interallotment drainage is to be provided to remove stormwater from any lots that cannot discharge to the street in accordance with Aus Spec #1. Easements not less than 1m wide shall be created over interallotment drainage in favour of upstream allotments.
28. The requirements for stormwater quality, as specified in the DCP, shall be addressed in the design prior to issue of the Construction Certificate. The design shall be such that there is no increased maintenance burden on Council.
- 29A. The developer must construct the full length of the proposed new extension of Depot Road located in Lot 210 DP775001, to the following standard:

Item	Requirement
Road Reserve Width	21.6 m
Pavement Width	13m (invert to invert)
Court Bowl/ Cul-de-sac Head	15m radius to invert
Seal	(i) All parts of the cul-de-sac head that is wider than 18m: Asphalt (Hot mix) (ii) The remainder of the Depot Road extension: Two coat bitumen seal
Drainage	Direct stormwater runoff to subdivision drainage design in accordance with Section 5.3 of the Development Control Plan.

(ADDED MA0020/2017)

30. Car parking for lots 1-6 must comply with the following standards:
 - a) All vehicles must be provided adequate means to exit the lot in a forward direction;
 - b) Each parking space is to have minimum dimensions of 5.5m x 2.4m;
 - c) Each disabled car parking space is to be in accordance with the provisions of Clause D3.5 of the Building Code



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of Australia and Australian Standard as 2890.6 – 2004;

- d) All car parking spaces are to be line-marked and sealed with a hard standing, all weather material and must be maintained in a satisfactory condition at all times; and
- e) The aisle widths, internal circulation, ramp widths and grades of the car park are to generally conform to the Roads and Traffic Authority Guide to Traffic Generating Developments 1992 and Australian Standard AS2890.1 – 2004. Details of compliance are to be shown on the relevant plans and specifications.

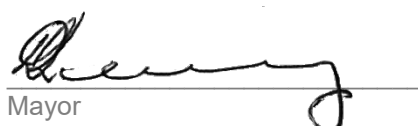
31. If any aboriginal artefacts are uncovered or identified during construction earthworks, such work is to cease immediately and the local aboriginal community and National Parks and Wildlife Service are to be notified.

Note: The applicant should contact the Aboriginal Land Council and consult a suitably qualified individual to determine if artefacts were uncovered.

32. Runoff and erosion controls shall be installed prior to clearing and incorporate:
- a) diversion of uncontaminated upslope 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.

WATER AND SEWER

33. The developer is to extend and meet the full cost of water and sewerage reticulations to service the development plus the cost of connecting to existing services. All water and sewerage work is required to be carried out in accordance with the requirements of Mid-Western Regional Council (as the Water Supply Authority under the Local Government Act, 1993) and in accordance with the National Specification – Water & Sewerage Codes of Australia.
34. The applicant is to provide separate water and sewer reticulation services to each lot.
35. 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


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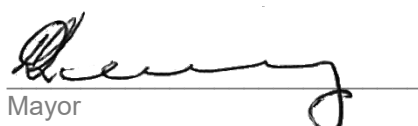
through adjoining private properties as a result of this subdivision.

BUILDING CONSTRUCTION

36. All building work must be carried out in accordance with the provisions of the National Construction Code, the Environmental Planning & Assessment Act 1979 and Regulations and all relevant Australian Standards.
37. All plumbing and drainage work must be carried out by a licensed plumber and drainer and must comply with the Plumbing Code of Australia.
38. 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.
39. All mandatory inspections required by the Environmental Planning & Assessment Act and any other inspections deemed necessary by the Principal Certifying Authority being carried out during the relevant stage of construction.
40. The strength of the concrete used for the reinforced concrete floor slab must be 25Mpa.
41. The list of measures contained in the schedule attached to the Construction Certificate are required to be installed in the building or on the land to ensure the safety of persons in the event of fire in accordance with Clause 168 of the Environmental Planning and Assessment Regulation 2000.

PRIOR TO THE ISSUE OF THE SUBDIVISION CERTIFICATE

42. Under the Environmental Planning & Assessment Act, 1979, a Subdivision Certificate is required before the linen plan of subdivision can be registered with the Land Titles Office.
Note: The fee to issue a Subdivision Certificate is set out in Council's Fees and Charges.
43. A linen plan and two (2) copies are to be submitted to Council for approval and endorsement by the General Manager.
44. If the Subdivision Certificate is not issued, for any reason whatsoever, by the end of the financial year immediately following 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.
45. Underground electricity, street lighting and telecommunications are to be supplied to the subdivision.



Mayor
General Manager

46. Prior to issue of the Subdivision Certificate, Council is to be supplied with:
- a) A certificate from the appropriate power authority indicating that satisfactory arrangements have been made for provision of electricity supply to the subdivision;
 - b) A certificate from the appropriate telecommunications authorities indicating that satisfactory arrangements have been made for provision of telephone services to the subdivision;
 - c) All contributions must be paid to Council and all works required by the consent be completed in accordance with the consent, or an agreement be made between the developer and Council;
 - d) As to the security to be given to Council that the works will be completed or the contribution paid; and
 - e) As to when the work will be completed or the contribution paid.
47. Following completion of the subdivision works, one full set of work-as-executed plans, on transparent film suitable for reproduction, and an "AutoCAD compatible" work-as-executed Plan, (in dwg format including pen-map), is to be submitted to Council. All work-as-executed plans shall bear the Consulting Engineer's or Consulting Surveyor's certification stating that all information shown on the plans is accurate.
48. The developer must provide Council and land purchasers with a site classification for each 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 of AS2870 - 2011. Results are to be submitted to Council prior to issue of the Subdivision Certificate.
49. (DELETED MA0020/2017 – AMENDED CONDITION MOVED TO CONDITION 14A)
50. The developer is to provide a water service and meter for each lot in the subdivision. This can be achieved by making a payment to Council of \$1650 per lot to cover the cost of installing both the service and a 20mm meter on the water main.

TOTAL PAYABLE 6 x \$1650 = \$9,900

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

OR


Mayor


General Manager

51. Where the water service has been provided by the developer. The developer is to provide a water meter for each lot in the subdivision. This can be achieved through providing a water service ending with a lockable ball valve to each lot and make a payment to Council of \$370.00 per lot to cover the cost of a 20mm meter and installation.

TOTAL PAYABLE 6 x \$370 = \$2,220

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

52. The developer is to provide a sewer junction for each dwelling in the subdivision. This can be achieved by making a payment to Council of \$1,450.00 per new junction to cover the cost of Council installing a junction in an existing main.

TOTAL PAYABLE 6 x \$1,450.00 = \$8,700

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

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.

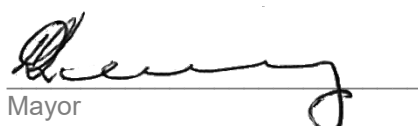
53. Prior to the occupation of a new building, or occupation or use of an altered portion of, or an extension to an existing building, an Occupation Certificate is to be obtained from the Principal Certifying Authority appointed for the erection of the building.

54. All car parking and associated driveway works are to be completed prior to occupation of the development.

- 54A. All plants shown on the approved landscape plan/s are to be planted and all hard landscaping (e.g. rocks, retaining walls, solid garden bed edging) is to be installed prior to the issue of an Occupation Certificate.
(ADDED MA0020/2017)

- 4B. ~~The 2.5 metre high timber acoustic fencing along the western boundary of the site shall be completed prior to issue of an Occupation Certificate for Sheds 1 to 4, in accordance with the recommendations of the Noise Impact Assessment Report prepared by Spectrum Acoustics dated July 2021.~~
(ADDED MA0001/2022)
(DELETED MA0009/2022)

- 54C. Prior to issue of an Occupation Certificate for Sheds 1 to 4 and where operations are proposed between 6pm and 6am (evening and night time periods), all acoustic measures required by this consent shall be installed within the building to the satisfaction of the Principal Certifying Authority.


Mayor


General Manager

(ADDED MA0001/2022)

54E. Prior to issue of any Occupation Certificate for Sheds 1, 2, and 3, the acoustic barrier must be installed in accordance with the acoustic report addendum prepared by Spectrum Acoustics dated September 2022 (and additional response dated 27 February 2022) as follows:

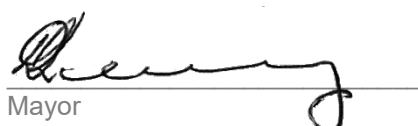
- a) A 5.6m high acoustic barrier is required along the boundary adjacent to Shed 1.**
- b) A 5.0m high acoustic barrier is required along the western boundary adjacent to Shed 2.**
- c) A 4.2m high acoustic barrier is required along the western boundary adjacent to Shed 3.**
- d) An acoustic barrier is one which is constructed of material with a minimum surface density of 15kg/m³ and is impervious from the ground to the required height with no gaps for the passage of sound.**

(AMENDED MA0009/2022)

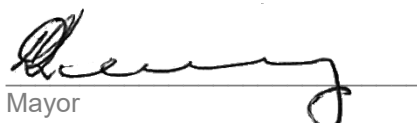
54F. Prior to issue of any Occupation Certificate for Sheds 1, 2, and 3 Council is to be provided with a verification report prepared by a suitably qualified acoustic consultant which certifies that the acoustic barrier installed along the western boundary of the site has been installed in accordance with the acoustic report addendum prepared by Spectrum Acoustics dated September 2022 (and additional response dated 17 March 2023) and the conditions of this consent No. 14E and 54F.

(AMENDED MA0009/2022)**CONDITIONS RELATED TO THE ONGOING USE OF THE SITE**

- 55. 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.**
- 56. All loading and unloading in connection with the premises shall be carried out wholly within the site.**
- 57. Garbage areas are to be adequately screened from public view with an opaque fence and / or adequate landscaping.**
- 58. All waste generated by the proposed development shall be disposed of to an approved location in accordance with the Waste Minimisation & Management Act 1995.**
- 59. All security fencing (excluding the western boundary adjoining the Golf Course land – currently identified as Lot 27 DP1165146) is to be pre-coloured or powder coated. Security fencing to the public road frontage is to be erected on or behind the front building line. Full details of proposed fencing is to be included on the landscaping plan.**

(AMENDED MA0001/2022)
Mayor
General Manager

60. 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".
61. No display or sale of goods is to take place from public areas or footpaths fronting the premises.
62. All 'Colorbond' material for the proposed sheds is to be non-reflective.
63. Hours of operation of the industrial buildings are restricted to the following times and conditions:
~~Monday to Saturday 7.00am to 6.00pm~~
~~No work is permitted on Sundays or Public Holidays~~
Monday to Sunday - 6.00am to 10.00pm; however, all doors and windows must be kept closed from 6.00pm daily; and
- a) Operations from within the industrial buildings are permitted Monday to Sunday- 10.00pm to 6.00am subject to the following conditions;
- i. Any deliveries that must occur during the hours of Monday to Sunday - 10.00pm to 6.00am must be undertaken within the building frontages to Depot Road only; and
- ii. All roller doors and windows are to be kept fully closed (other than for the entry or exiting the building by staff);
- iii. Any mechanical plant or equipment installed on the buildings must ensure that suitable acoustic covers / shielding devices are installed by a suitably qualified person and maintained for the life of the development.
- (AMENDED MA0001/2022)
- 63A Where operations during the hours of 6.00pm to 6.00am creates excessive noise or inconvenience to the amenity of the area, the operations are to cease immediately during the evening and night time periods. The operations are to be managed so there is no interference with the amenity of the neighbourhood by reason of the emission of any "offensive noise", vibration, smell, fumes, smoke, vapour, steam, soot, ash or dust, or otherwise as a result of the proposed development.
(ADDED MA0001/2022)
- 63B The applicant is responsible for the preparation and management of a complaints register for the life of operations which must record the following information:
- a) Name, address and contact details of the complainant;


Mayor
General Manager

- b) Description of complaint (e.g. type/character and volume);
- c) Frequency and duration of complaint; and
- d) Any actions taken to resolve complaint.

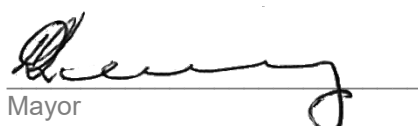
The complaints register must be made available to Council at any time on request.

(ADDED MA0001/2022)

- 64. The combined maximum permitted noise level for all activities within the subject industrial development is 5dB(A) above the background noise level of 39dB(A) as measured at the property boundary of Lot 210 DP 775001 and the Mudgee Golf Course and the residentially zoned land.
- 65. Measures, such as raised kerb edges, bollards and/or fencing, are to be installed and maintained around all approved landscape areas in order to prevent vehicles driving over them.
(ADDED MA0020/2017)
- 66. Landscaping is to be maintained in accordance with the approved landscape plan.
(ADDED MA0020/2017)

ADVISORY NOTES

- 1. The removal of trees within any road reserve requires separate approval of Council in accordance with the policy "Tree Removal and Pruning Public Places".
- 2. The land upon which the subject building is to be constructed may be affected by restrictive covenants. This approval is issued without enquiry by Council as to whether any restrictive covenant affecting the land would be breached by the construction of the building, the subject of this approval. Persons to whom this approval is issued must rely on their own enquiries as to whether or not the building breaches any such covenant.
- 3. Division 8.2 of the Environmental Planning and Assessment Act 1979 (EP&A Act) gives you the ability to seek a review of the determination. This request is made to Council and must be made within 12 months after the date on which you receive this notice. The request must be made in writing and lodged with the required fee; please contact Council's Development Department for more information or advice.
(MODIFIED MA0043/2021)
- 4. If you are dissatisfied with this decision section 8.7 of the EP&A Act gives you the right to appeal to the Land and Environment Court within 12 months after the date on which you receive this notice, pursuant to section 8.10(1)(b).
(MODIFIED MA0043/2021)



Mayor



General Manager

5. To ascertain the date upon which the consent becomes effective, refer to section 83 of the EP&A Act.
6. To ascertain the extent to which the consent is liable to lapse, refer to section 95 of the EP&A Act.
7. The development is to operate so as to not emit offensive noise, as defined in the Protection of the Environment Operations Act 1997.
(ADDED MA0020/2017)

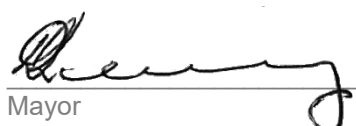
STATEMENT OF REASONS

The determination decision was reached for the following reasons:

1. The proposed modification is considered to result in minimal environmental impact and is substantially the same development as the originally approved development – thereby satisfying the requirements of Section 4.55(1A)(a) and (b) of the Environmental Planning and Assessment Act 1979.
2. The proposed modification complies with the requirements of the applicable environmental planning instruments and Mid-Western Regional Development Control Plan 2013.
3. The proposed modification is considered satisfactory in terms of the matters identified in Section 4.15 of the Environmental Planning and Assessment Act 1979.
(NEW STATEMENT OF REASONS MA0043/2021)
4. The proposed development satisfactorily addresses the issues raised in the objections received in response to public notification of the development, as follows:
 - a) The proposed development will not have an adverse noise or amenity impact, subject to compliance with the amended conditions of consent and this includes construction of a 2.5m (increasing to a maximum of 5.6m, 5m and 4.2m behind sheds 1, 2 and 3 in accordance with the amended acoustic report dated September 2022) timber acoustic fence along the western boundary of the site, closing all roller doors and windows during the evening and night periods of operation along with upgrade of the buildings with acoustic measures such as shielding and lining of the walls.
(ADDED MA0001/2022)
(AMENDED MA0009/2022)

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

Councillors	Ayes	Nayes
Cr Kennedy	✓	


Mayor


General Manager

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

8.2 MUDGEY VALLEY PARK EXPANSION

GOV400103, COM100023

62/23

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

1. receive the report by the Manager - Economic Development on the Mudgee Valley Park Expansion;
2. approve the proposed expansion of the Mudgee Valley Park;
3. allocate a \$6.76 million expenditure budget for the 2023/24 year to be fully loan funded; and
4. forward a copy of the capital expenditure review to the Office of Local Government as required under Section 23A of the Local Government Act 1993.

The motion was carried with the Councillors voting unanimously.

The following recommendations (item 8.3 to item 9.1) were adopted as a whole, being moved by Cr Shelley, seconded by Cr Cavalier and carried with Councillors voting unanimously. Each recommendation is recorded with separate resolution numbers commencing at Resolution No. 63/23 and concluding at Resolution No. 68/23.

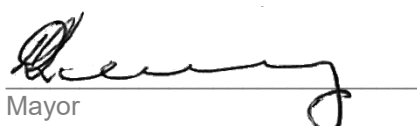

8.3 RENEWABLE ENERGY PLANNING AGREEMENT POLICY

GOV400103, LAN900113

63/23

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

1. receive the report by the Economic Development Co-ordinator. on the Renewable Energy Planning Agreement Policy;
2. place the Renewable Planning Agreement Policy on exhibition for 28 days to seek feedback from the community; and
3. adopt the Renewable Planning Agreement Policy if no


Mayor
General Manager

submissions are received during the exhibition period.

The motion was carried with the Councillors voting unanimously.

8.4 ECONOMIC DEVELOPMENT STRATEGY REVIEWS

GOV400103, COR400003

64/23

MOTION: Shelley / Cavalier

That Council:

- 1. receive the report by the Manager - Economic Development on Strategy Reviews;**
- 2. rescind the Industry Closure Strategy and Mid-Western Region Economic Development Strategy; and**
- 3. endorse the Regional Economic Development Strategy (REDS) 2023.**

The motion was carried with the Councillors voting unanimously.

8.5 ACCEPTANCE OF NSW GOVERNMENT GRANTS

GOV400103, GRA600052

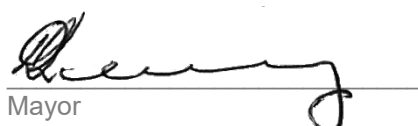
65/23

MOTION: Shelley / Cavalier

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
2024/25 Multi-Year Funding for Arts & Cultural Organisations	Mudgee Arts Precinct Exhibition and Education Program	\$338,000
NSW Regional Business Event Development Fund	Central West Young Entrepreneur Summit 2023 - speakers and social marketing	\$15,000
2023/24 Regional Event Fund: Flagship Event Fund	Flavours of Mudgee 2023 marketing	\$30,000pa for 3 years


Mayor


General Manager

3. if successful, amend the 2023/24, 2024/25, 2025/26, 2026/27 and 2027/28 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.

8.6 RE-ESTABLISHMENT OF ALCOHOL FREE ZONES

GOV400103, A0130008

66/23

MOTION: Shelley / Cavalier

That Council:

1. receive the report by the Manager Building and Development on the Re-Establishment of Alcohol Free Zones; and
2. support the re-establishment of Alcohol Free Zones to April 2027 within the Central Business Districts of Kandos, Rylstone, Mudgee and Gulgong in order to:
 - a) Improve community safety by preventing disorderly behaviour caused by the consumption of alcohol in a public place.
 - b) Contribute to and foster, accessible and safe areas, community confidence and pride in local identity.
 - c) Assist in preventing damage to business premises and infrastructure by creating safe areas adjacent to those business premises with the Central Business Districts.

The motion was carried with the Councillors voting unanimously.

8.7 MONTHLY DEVELOPMENT APPLICATIONS PROCESSING AND DETERMINED

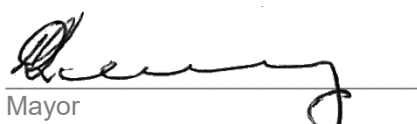
GOV400103, A0420109

67/23

MOTION: Shelley / Cavalier

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.


Mayor


General Manager

Item 9: Finance

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

68/23 MOTION: Shelley / Cavalier

That Council:

1. receive the report by the Property Support Officer on the naming of a road providing access to a subdivision off White Rock Road, Pinnacle Swamp;
2. name this road River Station Road; and
3. advertise proposed name and receive a further report at the end of the exhibition period to formalise the name of the road.

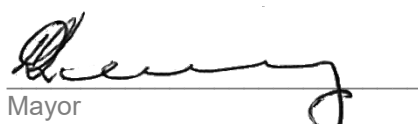
The motion was carried with the Councillors voting unanimously.


- 9.2 RESCISSION OF BUILDING UPGRADE FINANCE (USING
ENVIRONMENTAL UPGRADE AGREEMENTS) POLICY
GOV400103, EN200067

69/23 MOTION: Palmer / Cavalier

That Council:

1. receive the report by the Manager Property and Revenue on the Rescission of Building Upgrade Finance (using Environmental Upgrade Agreements) Policy;
2. cease to offer Environmental Upgrade Agreements as provided for in accordance with the Local Government Act 1993;
3. endorse the proposal that the Building Upgrade Finance (using Environmental Upgrade Agreements) Policy, is proposed to be rescinded;
4. place notice on public exhibition for 28 days that the Building Upgrade Finance (using Environmental Upgrade Agreements) Policy, is proposed to be rescinded; and
5. rescind the Building Upgrade Finance (using Environmental Upgrade Agreements) Policy, if no submissions are received following the public exhibition period.


Mayor


General Manager

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

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

It is noted that Cr Peter Shelley abstained from voting..

9.3 SOLAR ARRAY - STAGE 3 APPROVAL

GOV400103, ENE100032

70/23

MOTION: Paine / Cavalier

That Council:

1. receive the report by the Chief Financial Officer on the Solar Array - Stage 3 Approval;
2. note the Stage 2 Business Case Update outcomes;
3. approve progression of the MWRC Solar Array to Stage 3 – onsite construction, commissioning and energisation; and
4. amend the following budgets:
 - 4.1 2022/23 – Solar Array Stage 2 – increase by \$65,000 to be funded from unrestricted cash
 - 4.2 2023/24 – Solar Array Stage 3 – increase by \$278,000 to be funded from unrestricted cash

The motion was carried with the Councillors voting unanimously.

9.4 RFT 2022/103 MUDGEES SOLAR FARM CIVIL AND LANDSCAPE

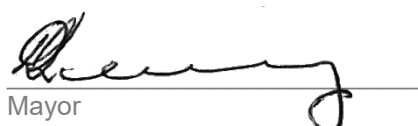
GOV400103, COR400594

71/23

MOTION: Paine / Dicker

That Council:

1. receive the report by the Chief Financial Officer on the RFT 2022/103 Mudgee Solar Farm Civil and Landscape;


Mayor


General Manager

2. decline to accept any of the tenders with respect to RFT 2022/103 Mudgee Solar Farm Civil and Landscape in accordance with Clause 178 of the Local Government (General) Regulation 2021 – Part 7 Tendering;
3. authorise the Director Community to enter into negotiations with Sunset Group Australia Pty Ltd 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 Council will need to clarify and negotiate contract terms offered by the preferred tenderer/s;
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.

The motion was carried with the Councillors voting unanimously.

9.5 RFT 2022/105 MUDGEES SOLAR FARM HV INSTALL

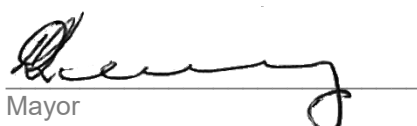
GOV400103, COR400596

72/23

MOTION: Shelley / Cavalier

That Council:

1. receive the report by the Chief Financial Officer on the RFT 2022/105 Mudgee Solar Farm HV Install;
2. decline to accept any of the tenders with respect to RFT 2022/105 Mudgee Solar Farm HV Install in accordance with Clause 178 of the Local Government (General) Regulation 2021 – Part 7 Tendering;
3. authorise the Director Community to enter into negotiations with D & C Powerline Constructions Pty Ltd 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 Council will need to clarify and negotiate contract terms offered by the preferred


Mayor


General Manager

tenderer/s;

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.

The motion was carried with the Councillors voting unanimously.

9.6 RFT 2022/104 MUDGEE SOLAR FARM DC INSTALL
GOV400103, COR400595

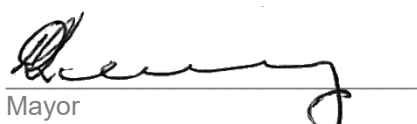
73/23

MOTION: Shelley / Cavalier

That Council:

1. receive the report by the Chief Financial Officer on the RFT 2022/104 Mudgee Solar Farm DC Install;
2. decline to accept any of the tenders with respect to RFT 2022/104 Mudgee Solar Farm DC Install in accordance with Clause 178 of the Local Government (General) Regulation 2021 – Part 7 Tendering;
3. authorise the Director Community to enter into negotiations with any of the responding 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 Council will need to clarify and negotiate contract terms offered by the preferred tenderer/s;
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.

The motion was carried with the Councillors voting unanimously.


Mayor


General Manager

9.7 RIVERSIDE CARAVAN PARK

GOV400103, COM100008, 233911

74/23

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

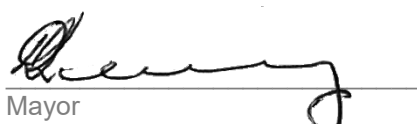
1. receive the report by the Chief Financial Officer on the Riverside Caravan Park;
2. agree to purchase the chattels identified in Attachment 2 to this report for \$1,300,000 and ensure completion of the purchase occurs before the expiration of the current lease on 27 September 2023;
3. agree to undertake the operation of the business as a going concern from the settlement date of the contract;
4. authorise the General Manager to finalise negotiations and execute the completion of the purchase, including signing all relevant documents; and
5. amend the 2022/23 budget as follows:
 - 5.1 allocate \$1,400,000 to the purchase of Riverside Caravan Park, including legals and minor repairs, to be funded from unrestricted cash;
 - 5.2 allocate an operating budget, as detailed in the report with a net operating surplus of \$50,000 (unrestricted cash)
 - 5.3 reduce rental income by \$22,500 (unrestricted cash)
6. amend the 2023/24, 2024/25 and 2025/26 budget as follows:
 - 6.1 allocate an operating budget, as detailed in the report and attachment 1, with a net operating surplus of \$508,000 per annum (unrestricted cash)
 - 6.2 reduce rental income by \$110,000 net per annum (unrestricted cash)

The motion was carried with the Councillors voting unanimously.

9.8 DRAFT DELIVERY PROGRAM 2023/27 AND DRAFT OPERATIONAL PLAN 2023/24

GOV400103, FIN300417

75/23

MOTION: Cavalier / Palmer**That Council:**
Mayor
General Manager

1. receive the report by the Manager Finance on the Draft Delivery Program 2023/27 and Draft Operational Plan 2023/24;
2. update pages 13-15 to revise revenue policy figures with decimal point figures (replacing rounded values) before exhibiting;
3. endorse the Draft Delivery Program 2023/27 and Draft Operational Plan 2023/24 to go on public exhibition for a period of 28 days commencing Thursday 20 April; and
4. request a further report be presented following the exhibition period including a review of any submissions made on the Draft Delivery Program 2023/27 and Draft Operational Plan 2023/24.

The motion was carried with the Councillors voting unanimously.

The following recommendations (item 9.9 to item 9.10) were adopted as a whole, being moved by Cr Shelley, seconded by Cr Dicker and carried with Councillors voting unanimously. Each recommendation is recorded with separate resolution numbers commencing at Resolution No. 76/23 and concluding at Resolution No. 77/23.

9.9 MONTHLY STATEMENT OF INVESTMENTS AS AT 31
MARCH 2023

GOV400103, FIN300053

76/23

MOTION: Shelley / Dicker

That Council:

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

The motion was carried with the Councillors voting unanimously.

9.10 MONTHLY BUDGET REVIEW - MARCH 2023

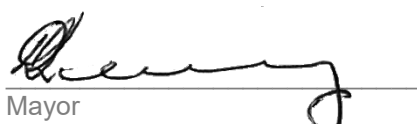
GOV400103, FIN300315

77/23

MOTION: Shelley / Dicker

That Council:

1. receive the report by the Accountant Reporting & Analysis


Mayor


General Manager

on the Monthly Budget Review - March 2023;

2. amend the 2022/23 budget in accordance with the variations as listed in the Monthly Budget Review attachment to this report; and
3. note that the General Manager used the emergency delegation conveyed to him at 3.1 of his delegation to authorise the budget to cover the cost of S44 fire event in March 2023.

The motion was carried with the Councillors voting unanimously.

Item 10: Operations

10.1 LAND ACQUISITION FOR DRAINAGE EASEMENT - PART
LOT 5 DP1181765, LOT 61 DP1181768 AND LOTS 1-2
DP1062660 BOMBIRA

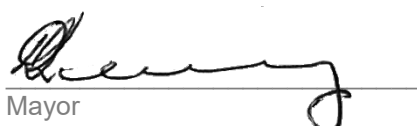
GOV400103, COU500013

78/23

MOTION: Shelley / Cavalier

That Council:

1. receive the report by the Manager, Infrastructure Planning and Manager Property and Revenue on the land acquisition for drainage easement servicing new land subdivisions at Bombira;
2. resolve to acquire easement rights over approximately 3.4ha of land traversing Lot 5 DP1181765, Lot 61 DP1181768 and Lots 1-2 DP1062660 for the purpose of drainage by agreement with the land owner at a compensation price determined by appropriate independent valuation plus or minus 20 percent;
3. arrange the preparation, lodgement and registration of appropriate subdivision plans related to the easement on Lot 5 DP1181765, Lot 61 DP1181768 and Lots 1-2 DP1062660;
4. construct a drain within the easement to direct the flows through Lot 5 DP1181765, Lot 61 DP1181768 and Lots 1-2 DP1062660 to discharge at the downstream natural water course, including the demolition and re-establishment of boundary fencing to make stock-proof;
5. amend the budget to allocate amounts for the purchase of easement rights and construction of drainage channels to service Bombira, funded from unrestricted cash, as follows:


Mayor

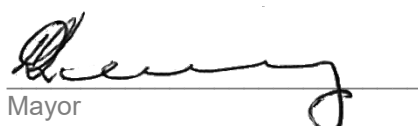

General Manager

- 2022/23 - \$300,000
- 2023/24 - \$1,100,000

6. approve an exemption from tender, in accordance with Section 55(3)(i) of the Local Government Act 1993, for the drainage channel construction works, noting that a satisfactory result would not be achieved by inviting tenders;
7. note the reason why a satisfactory outcome would not be achieved by inviting tenders is that the land owner requires that their company complete the works on land they own;
8. authorise the General Manager to finalise negotiations with the land owner, including the construction contract price and contract terms;
9. authorise the General Manager to finalise negotiation terms with the land owner to create the easement and subsequently enter into a Heads of Agreement with the land owner to record the parties' agreement in respect to the terms on all relevant matters concerning the easement and the compensation to be paid;
10. authorise the General Manager to finalise negotiations with the land owner the terms of a construction licence and enter into a licence deed with the land owner to construct the drain ahead of registration of the easement;
11. authorise the General Manager and the Mayor, if required, to complete and execute all documentation, in relation to the registration of the drainage easement on the plan of subdivision and Certificates of Title for Lot 5 DP1181765, Lot 61 DP1181768 and Lots 1-2 DP1062660; and
12. authorise the Common Seal of Council be affixed to all documentation, where necessary, in relation to the registration of the drainage easement on the plan of subdivision.

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

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



Mayor



General Manager

It is noted that Cr Thompson abstained from voting.

Item 11: Community

11.1 REVISED MEMORANDUM OF UNDERSTANDING - MWRC & MANOR ENTERPRISES PTY LTD - RED HILL PRECINCT

GOV400103, FIN300096

79/23

MOTION: Shelley / Cavalier
That Council:

1. receive the report by the Manager, Customer Services & Governance on the Revised Memorandum of Understanding - MWRC & Manor Enterprises Pty Ltd - Red Hill Precinct;
2. endorse the proposed changes to the Memorandum of Understanding with Manor Enterprises Pty Ltd for the operation of the Red Hill Precinct which includes the Gulgong Gold Experience and Red Hill Cottage; and
3. authorise the General Manager to sign the Memorandum of Understanding with Manor Enterprises Pty Ltd for the operation of the Red Hill Precinct on behalf of Council.

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

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

It is noted that Cr Thompson abstained from voting.

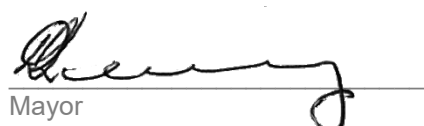
The following recommendations (item 11.2 to item 12.2) were adopted as a whole, being moved by Cr Shelley, seconded by Cr Cavalier and carried with Councillors voting unanimously. Each recommendation is recorded with separate resolution numbers commencing at Resolution No. 63/23 and concluding at Resolution No. 68/23.

11.2 REQUEST FOR EXEMPTION FROM TENDER - GLEN WILLOW STADIUM LIGHTING UPGRADE PROJECT

GOV400103, FIN300254

80/23

MOTION: Shelley / Cavalier


Mayor


General Manager

That Council:

1. receive the report by the Director Community on the Request for Exemption from Tender - Glen Willow Stadium Lighting Upgrade Project;
2. approve an exemption from tender, in accordance with section 55 (3)(i) of the Local Government Act 1993, for the Glen Willow Stadium Lighting Upgrade Project;
3. note the reasons why a satisfactory outcome would not be achieved by inviting tenders are:
 - a) the market has been recently tested via public marketplace on VendorPanel for other lighting as part of the Glen Willow Stage Two project we have recently been to market, via public marketplace on VendorPanel –with seven responses received and a contract being awarded to Rees Electrical;
 - b) the same organisations would be targeted if we tendered for this project (via VendorPanel) and the view is a different result will not be achieved by inviting fresh tenders; and
 - c) that with a significant amount of existing lighting infrastructure at Glen Willow already being provided by Rees Electrical, efficiencies in ongoing maintenance can be achieved by working with the same supplier;
4. delegate authority to the General Manager or their delegate to enter negotiations with Rees Electrical; and
5. delegate authority to the General Manager or their delegate to then finalise the contract for the Glen Willow Lighting Project and approve contract variations within the approved budget for the project, provided a satisfactory outcome can be negotiated with Rees Electrical.

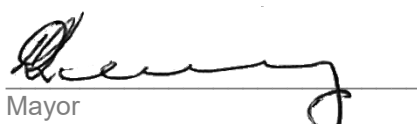
The motion was carried with the Councillors voting unanimously.

11.3 MUDGEES COMMUNITY TRANSPORT POLICY

GOV400103, COS300184

81/23**MOTION: Shelley / Cavalier****That Council:**

1. receive the report by the Manager, Community & Cultural Services on the Mudgee Community Transport Policy;


Mayor
General Manager

2. place the Mudgee Community Transport Policy on exhibition for 28 days to seek feedback from the community; and
3. adopt the reviewed Mudgee Community Transport Policy if no submissions are received during the exhibition period.

The motion was carried with the Councillors voting unanimously.

Item 12: Reports from Committees

12.1 LOCAL TRAFFIC COMMITTEE MEETING MINUTES - MARCH 2023

GOV400103, A0100009

82/23 MOTION: Shelley / Cavalier

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

The motion was carried with the Councillors voting unanimously.

12.2 BOTOBOLAR COMMUNITY COMMITTEE MEETING MINUTES - 7 MARCH 2023

GOV400103, A0060107

83/23 MOTION: Shelley / Cavalier

That Council:

1. receive the report by the Director Community on the Botobolar Community Committee Meeting Minutes - 7 March 2023; and
2. endorse the minutes of the Botobolar Community Committee meeting held on 7 March 2023.

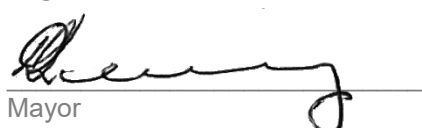
The motion was carried with the Councillors voting unanimously.

Item 13: Urgent Business Without Notice

Nil

Item 14: Confidential Session

84/23 MOTION: Shelley / Cavalier


Mayor


General Manager

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 RFT 2022/92 Construction of Landfill Cell Extension Stage 2A Mudgee Solid Waste Facility

The reason for dealing with this report confidentially is that it relates to information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business, commercial information of a confidential nature that would, if disclosed prejudice the commercial position of the person who supplied it, information that would, if disclosed, confer a commercial advantage on a competitor of the Council and information that would, if disclosed, reveal a trade secret in accordance with Section 10A(2)(c); (d)(i); (d)(ii) and (d)(iii) 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 a report that contains confidential financial information.

14.2 Agreement with Mudgee Rugby Union Club

The reason for dealing with this report confidentially is that it relates to information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business and information that would, if disclosed, confer a commercial advantage on a competitor of the Council in accordance with Section 10A(2)(c) and (d)(ii) 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 information that would, if disclosed, confer a commercial advantage on a competitor of the Council.

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.

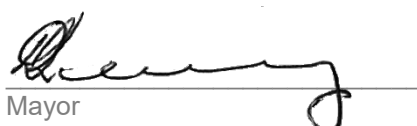
14.1 RFT 2022/92 CONSTRUCTION OF LANDFILL CELL
EXTENSION STAGE 2A MUDGEES SOLID WASTE FACILITY
GOV400103, F0570008

85/23

MOTION: Shelley / Stoddart

That Council:

- 1. receive the report by the Director Operations on the Tenders for Construction of New Landfill Cell;**
- 2. decline all tenders with respect to RFT 2022/92 Construction of Landfill Cell Extension Stage 2A Mudgee**


Mayor


General Manager

Solid Waste Facility in accordance with Clause 178 of the Local Government (General) Regulation 2021 – Part 7 Tendering;

- 3. amend the 23/24 Budget to increase the Landfill extension project by \$1,296,903.90 funded from Waste Fund Reserves;**
 - 4. authorise the General Manager, or their delegate, to enter into negotiations with A1 Earthworx Mining and Civil Pty Ltd in accordance with Clause 178(3)(e) of the Local Government (General) Regulation 2021;**
 - 5. 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;**
 - 6. decline to call fresh tenders at this stage assuming that a satisfactory outcome can be negotiated;**
 - 7. delegate authority to the General Manager to accept and finalise a contract within the amended allocated budget; and**
 - 8. delegate authority to the Manager, Procurement and Fleet or their nominated Council representative to notify tenderers of their submission outcome.**
-

14.2 AGREEMENT WITH MUDGEES RUGBY UNION CLUB

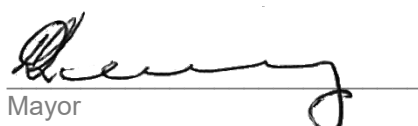
GOV400103, COU500015

86/23

MOTION: Shelley / Paine

That Council:

- 1. receive the report by the Director Community on the Agreement with Mudgee Rugby Union Club;**
 - 2. note the proposed changes to the agreement with Mudgee Rugby Union Club in relation to the use of the clubhouse and grounds at Glen Willow;**
 - 3. authorise the General Manager to finalise any agreement between Council and Mudgee Rugby Union Club over the use of the Council facilities at Glen Willow;**
 - 4. agree to purchase the property identified in this report as Lot 1 DP 710321 (191 Denison Street, Mudgee);**
 - 5. require that any agreement related to the purchase of property or the finalisation of the use of Council facilities at Glen Willow is dependent on the shed constructed by**
-


Mayor


General Manager

Mudgee Rugby Union Club at Glen Willow being completed within two months;

6. authorise the Mayor and General Manager to negotiate and execute the completion of the property purchase, including signing of a purchase contract and any relevant documents, up to the value specified in this report;
7. amend the 2022/2023 Budget to allocate a budget amount as specified in this report for the purchase of land identified in this report, to be funded from Unrestricted Cash;
8. note that the details around this property purchase are to remain confidential until the purchase is confirmed or until the opportunity passes;
9. affix the Council Seal, if necessary, to all documents related to the property purchase; and
10. after 2 years, charge fees for the use of the ground as per the fees and charges that apply at that time.

The motion was carried with the Councillors voting unanimously.

Item 15: Urgent Confidential Business Without Notice

Nil

Item 16: Open Council

87/23 MOTION: Cavalier / Shelley

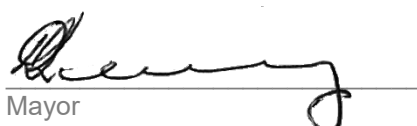
That Council move to Open Council.

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 6.20pm.


Mayor


General Manager