

# Minutes of the Ordinary Meeting of Council

Held at the Council Chambers, 86 Market Street, Mudgee  
on 19 March 2025, commencing at 5.54pm and concluding at 8.00pm.

**PRESENT** Cr D Kennedy, Cr M Cornish, Cr K Dicker, Cr A Karavas, Cr E Lang, Cr R Palmer, Cr R Pryor (via TEAMS), Cr P Shelley and Cr JP Thompson.

**IN ATTENDANCE** General Manager (Brad Cam), Director Development (Alina Azar), Director Operations (Julian Geddes), Director Corporate Services (Leonie Van Oosterum), Acting Director Corporate (Rachel Gill), Manager Customer Services and Governance (Richard Cushway) and Executive Assistant (Mette Sutton).

Council accepted the request from Cr Pryor to attend the meeting via audio visual link.

## Acknowledgement of Country

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

### Item 1: Apologies

There were no apologies.

### Item 2: Disclosure of Interest

Cr Kennedy declared a non-pecuniary and non-significant conflict of interest in Item 8.2 as he lives 500m from the group home in question and has judged he has no concern in being able to make a fair decision.

### Item 3: Confirmation of Minutes

**51/25 MOTION: Shelley / Dicker**

**That the Minutes of the Ordinary Meeting held on 19 February 2025 be taken as read and confirmed.**

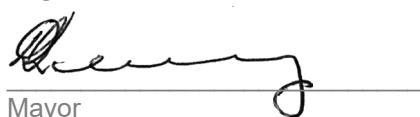

*The motion was carried with the Councillors voting unanimously.*

### Item 4: Matters in Progress

Nil

### Item 5: Mayoral Minute

Nil

  
Mayor  
General Manager

52/25

**MOTION: Palmer / Cornish**

**That items 8.1 and 8.2 on the agenda be brought forward for consideration.**

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

- 8.1 RVA0002/2025 REVIEW OF DETERMINATION (DA0198/2024)  
- FOUR (4) SERVICED APARTMENTS, ONE (1) NEW SHED  
WITH TOILET, USE OF EXISTING BUILDING AS  
SECONDARY DWELLING AND ANCILLARY WORKS - 106  
SCHOOL LANE, BUDGE BUDGE  
GOV400113, GOV400113, DA0198/2024

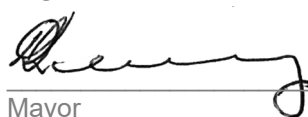

**MOTION: Palmer / Cornish**

**That Council:**

- A. receive the report by the Planning Coordinator on RVA0002/2025 Review of Determination (DA0198/2024) DA0198/2024 - Four (4) Serviced Apartments, One (1) New Shed with Toilet, Use of Existing Building as Secondary Dwelling and Ancillary Works - 106 School Lane, Budgee Budgee; and
- B. change Council's determination from the 16 October 2024 and approve RVA0002/2025 Review of Determination (DA0198/2024) DA0198/2024 - Four (4) Serviced Apartments, One (1) New Shed with Toilet, Use of Existing Building as Secondary Dwelling and Ancillary Works - 106 School Lane, Budgee Budgee subject to the following conditions and statement of reasons:

**PART A - DEFERRED COMMENCEMENT**

1. This is a deferred commencement condition in accordance with Section 4.16(3) of the Environmental Planning and Assessment Act 1979 and this consent shall not operate until the following matters have been completed, to the satisfaction of Council.
  - a) A Building Information Certificate for all unauthorised building work carried out on the premises that is the subject of this development consent, issued by Council in accordance with Division 6.7 of the Environmental Planning and Assessment Act 1979, is to be obtained.
  - b) The floor plan for the use of the existing building as a secondary dwelling is to provide for laundry facilities compliant with the National Construction Code, that is, a wash tub and space for a washing machine.

  
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Evidence that will sufficiently enable Council to be satisfied as to the compliance with the above matters must be submitted to Council within twenty-four (24) months of the date of determination.

If sufficient evidence of the satisfaction of the above matters is not received by Council within this timeframe, the consent will lapse pursuant to Section 4.53(6) of the Environmental Planning and Assessment Act 1979.

If sufficient evidence of the satisfaction of the above matters is received by Council within the above nominated timeframe, Council will notify the applicant/developer in writing of the date the development consent becomes operative. This consent will become operative subject to the following conditions of consent.

Note – the development consent will lapse 5 years after it becomes operative, in accordance with Section 4.53 of the Environmental Planning and Assessment Act 1979.

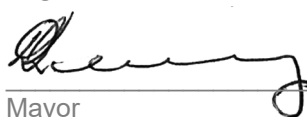
Note – Please contact Council's Building Surveyors prior to lodging an application for a Building Information Certificate to determine what information will be required to support an application for a Building Information Certificate.

Reason – a portion of the works approved under this development consent were carried out without a prior Construction Certificate in a case where a prior Construction Certificate was required to be obtained.


## PART B - APPROVED PLANS

1. Development must be carried out in accordance with the following approved plans and documents, except where the conditions of this consent expressly require otherwise.

Title/Name:	Drawing No/ Document Ref	Revision /Issue	Date:	Prepared by:
Site Survey	A001	7	28.02.2025	Play Design Studio
Site Analysis	A002	7	28.02.2025	Play Design Studio
Waste Management Plan	A003	7	28.02.2025	Play Design Studio
Earthworks and Sediment Control Plan	A004	7	28.02.2025	Play Design Studio
Landscape Plan	A005	7	28.02.2025	Play Design Studio
Site Plan	A100	7	28.02.2025	Play Design Studio
Roof Plan	A101	7	28.02.2025	Play Design Studio
Granny Flat Plans	A102	7	28.02.2025	Play Design Studio
Shed Plans	A103	7	28.02.2025	Play Design Studio



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General Manager


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Apartment 01 Plan	A104	7	28.02.2025	Play Design Studio
Apartment 02 Plan	A105	7	28.02.2025	Play Design Studio
Apartment 03 Plan	A106	7	28.02.2025	Play Design Studio
Apartment 04 Plan	A107	7	28.02.2025	Play Design Studio
Existing Residence Plan	A108	7	28.02.2025	Play Design Studio
Apartment Elevations 01	A300	7	28.02.2025	Play Design Studio
Apartment Elevations 02	A301	7	28.02.2025	Play Design Studio
Apartment Elevations 03	A302	7	28.02.2025	Play Design Studio
Apartment Elevations 04	A303	7	28.02.2025	Play Design Studio
Ex. Granny Flat and Elevations Sections	A310	7	28.02.2025	Play Design Studio
Shed Elevations and Sections	A311	7	28.02.2025	Play Design Studio
Typical Apartment Sections	A400	7	28.02.2025	Play Design Studio
Apartment 3DS	A500	7	28.02.2025	Play Design Studio
Apartment 3DS	A501	7	28.02.2025	Play Design Studio
Apartment 3DS	A502	7	28.02.2025	Play Design Studio
Granny Flat 3DS	A503	7	28.02.2025	Play Design Studio
Shed 3DS	A504	7	28.02.2025	Play Design Studio
BASIX Certificates	1779410S, 1779412S, 1779415S, 1779417S 1779431S	-	8 January 2025	Play Design Studio
Access and Driveway Assessment	-	-	July 2024	NK Traffic Consulting Traffic and Transport Engineers
Management Plan – Short term accommodation	-	V2.0	February 2025	Play Design Studio

In the event of any inconsistency with the approved plans and a condition of this consent, the condition prevails.


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.

#### GENERAL

2. This development consent provides approval for four (4) serviced apartments, use of the existing building as a secondary dwelling,



Mayor



General Manager

use of the modular shed with bathroom and ancillary works, only.

3. This development consent does not include approval for any signage for the approved development. A separate Development Consent or Complying Development Certificate may be required for signage, if the signage is not exempt development.
4. This consent does not permit commencement of any site works. Works to proposed are not to commence until such time as a Construction Certificate has been obtained and the appointment of a Principal Certifier.
5. Fill placed in residential or commercial lots shall be compacted in accordance with AS3798-2007 Guidelines on Earthworks for Commercial and Residential Developments.
6. All building work must be carried out in accordance with the Building Code of Australia.

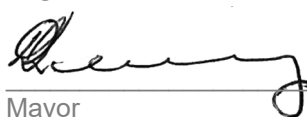
Note: Prescribed condition pursuant to section 4.17(11) of the Environmental Planning and Assessment Act 1979.


7. A minimum tank storage capacity of 40,000 litres is required on the site, of which a minimum of 20,000 litres is to be retained for firefighting purposes at all times.

A minimum tank storage capacity of 40,000 litres is required on the site at all times.

In addition to the 160,000 litre tank provided for potable water, a separate standalone tank with a minimum storage capacity of 60,000-litres is required on site, which is to be reserved and retained for the purposes of firefighting at all times.

8. Metal roof/wall cladding shall be provided in a non-reflective/non-glary colour scheme such as "Colourbond" steel sheeting.
9. The internal access driveway must be constructed and maintained at all times to provide access in all weather conditions. The driveway must also be of a sufficient standard to allow for access by emergency service vehicles.
10. The only waste derived fill material that may be received at the development site must be:
  - a) Virgin excavated natural material, within the meaning of the Protection of the Environment Operations Act 1997; and
  - b) Any other waste-derived material the subject of a resource recovery exemption under cl.91 of the Protection of the Environment Operations (Waste) Regulation 2014 that is permitted to be used as fill material.
11. All earthworks, filling, building, driveways or other works, are to be designed and constructed to ensure that at no time any ponding of

  
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stormwater occurs on the subject site or adjoining land as a result of this development. Design must also ensure that no diversion of runoff onto other adjacent properties occurs.

12. All stormwater runoff from roof and developed surfaces is to be controlled in such a manner so as not to flow or discharge over adjacent properties. Methods of disposal of excess stormwater including overflow from tank must also include adequate provision for prevention of erosion and scouring.
13. 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 Certifier appointed for the erection of the building.
14. Costs associated with all development works including any necessary alteration, relocation of services, public utility mains or installations must be met by the developer. The developer is responsible to accurately locate all existing services before any development works commence to satisfy this condition. The developer is responsible to accurately locate all existing services before any development works commence to satisfy this condition.

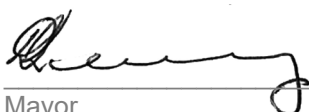
If any alteration is required to existing utilities or assets due to this proposed development, then relevant authorities are to be contacted prior to carrying out any activities that impacts upon existing assets.

15. Any damage which is caused to Council's infrastructure as a result of the proposed development must be repaired immediately to Council's satisfaction and at no cost to Council.
16. It is a condition of a development consent for development that involves building work that the work must be carried out in accordance with the requirements of the Building Code of Australia.

It is a condition of a development consent for development that involves residential building work for which a contract of insurance is required under the Home Building Act 198, Part 6 that a contract of insurance is in force before building work authorised to be carried out by the consent commences.

It is a condition of a development consent for a temporary structure used as an entertainment venue that the temporary structure must comply with Part B1 and NSW Part H102 in Volume 1 of the Building Code of Australia.

In subsection (1), a reference to the Building Code of Australia is a reference to the Building Code of Australia as in force on the day on which the application for the construction certificate was made.

  
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In subsection (3), a reference to the Building Code of Australia is a reference to the Building Code of Australia as in force on the day on which the application for development consent was made.

This section does not apply—

- a) to the extent to which an exemption from a provision of the Building Code of Australia or a fire safety standard is in force under the Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021, or
- b) to the erection of a temporary building, other than a temporary structure to which subsection (3) applies.

17. This section applies to a development consent for development involving building work, subdivision work or demolition work.

It is a condition of the development consent that a sign must be erected in a prominent position on a site on which building work, subdivision work or demolition work is being carried out—

- a) showing the name, address and telephone number of the principal certifier for the work, and
- b) showing the name of the principal contractor, if any, for the building work and a telephone number on which the principal contractor may be contacted outside working hours, and
- c) stating that unauthorised entry to the work site is prohibited.

The sign must be—

- a) maintained while the building work, subdivision work or demolition work is being carried out, and
- b) removed when the work has been completed.

This section does not apply in relation to—

- a) building work, subdivision work or demolition work carried out inside an existing building, if the work does not affect the external walls of the building, or
- b) Crown building work certified to comply with the Building Code of Australia under the Act, Part 6.

18. This section applies to a development consent for development involving residential building work if the principal certifier is not the council.

It is a condition of the development consent that residential building work must not be carried out unless the principal certifier for the development to which the work relates has given the council written notice of the following—

- a) for work that requires a principal contractor to be appointed—
  - i. the name and licence number of the principal contractor, and
  - ii. the name of the insurer of the work under the Home Building Act 1989, Part 6,
- b) for work to be carried out by an owner-builder—
  - i. the name of the owner-builder, and
  - ii. if the owner-builder is required to hold an owner-builder permit under the Home Building Act 1989—the number of the owner-builder permit.

If the information notified under subsection (2) is no longer correct, it is a condition of the development consent that further work must not be carried out unless the principal certifier has given the council written notice of the updated information.

This section does not apply in relation to Crown building work certified to comply with the Building Code of Australia under the Act, Part 6.

- 19. For every 12-month period after the issue of the Final Fire Safety Certificate the owner/agent of the building must provide the Council and the Commissioner of Fire and Rescue NSW with a copy of an Annual Fire Safety Statement certifying that each specified fire safety measure is capable of performing to its specification.

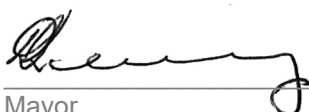
#### PRIOR TO ISSUE OF A CONSTRUCTION CERTIFICATE

- 20. Application shall be made to Council under Part C, Section 68 of the Local Government Act 1993 to Install, construct or alter a waste treatment device or human waste storage facility. The application shall contain details demonstrating compliance with the Environmental Health Protection Guidelines, Australian Standard AS1547, the Plumbing and Drainage Act 2011 and/or the Plumbing Code of Australia.

The Section 68 application shall be considered and approved by Council prior to the release of any Construction Certificate for the development.

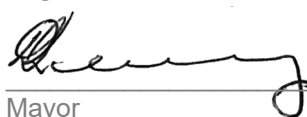

- 21. A detailed engineering design and design report/certificate is to be prepared by a suitably qualified registered professional engineer and approved by the registered Certifier (i.e. Council or a private Certifier) prior to the issue of a Construction Certificate.

A detailed engineering design is required for but not limited to the following civil works:

  
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General Manager



- a) Stormwater absorption trench.
  - b) Erosion and sedimentation control plan.
  - c) Signage along School Lane – The location of the signage to install warning and advisory signage e.g. drive slow, concealed driveway, speed sign and all other signs required by Council and recommended by a traffic engineer is to be submitted to Council as a part of the S.138 for approval.
  - d) All internal roads and other paved areas shall be designed to provide continuous drainage flow path to the designed point of discharge.
22. The existing access must be upgraded and sealed with bitumen and signage must be installed along the School Lane. To carry out this works consent from Council must be obtained for all works within the road reserve pursuant to Section 138 of the Roads Act 1993, prior to the issue of any Construction Certificate.
23. Consent from Council must be obtained for all works within the road reserve pursuant to Section 138 of the Roads Act 1993, prior to the issue of a Construction Certificate. The access is to be designed and constructed in accordance with Council's Access to Properties Policy.
24. Prior to the issue of a Construction Certificate, the runoff from the developed surface shall be disposed of by discharging to a suitable quantity management system (rain garden/infiltration trench or similar). The system designed is to be prepared by a geotechnical engineer or suitably qualified registered professional engineer in accordance with Stormwater to Smartwater (S2S Supporting Technical Guidelines) adopted by the Mid-Western Regional Council.
25. A Traffic Guidance Scheme (TGS) completed by a "Certified Person" for implementation during work is to be submitted to the Council prior to the commencement of works. This is to be submitted along with the S138 application.
26. An Erosion and Sediment Control Plan is to be submitted and approved by the registered Certifier (i.e. Council or a private Certifier) prior to the issue of a Construction Certificate. The Erosion and Sediment Control Plan for the development is to be prepared and implemented in accordance with the LANDCOM guidelines and requirements as outlined in the latest edition of "Soils and Construction – Managing Urban Stormwater". Points to be considered include, but are not limited to:
- a) Saving available topsoil for reuse in the revegetation phase of the development;
  - b) Using erosion control measures to prevent on-site damage;
  - c) Rehabilitating disturbed areas quickly; and
  - d) Maintenance of erosion and sediment control structures.
27. Prior to the issue of a Construction Certificate, the developer shall

  
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pay a Long Service Levy at the prescribed rate to either the Long Service Levy Corporation or Council, for any work costing \$250,000 or more.

Note - The amount payable is currently based on 0.25% of the cost of work. This is a State Government Levy and is subject to change.

Note – Council can only accept payment of the Long Service Levy as part of the fees for a Construction Certificate application lodged with Council. If the Construction Certificate is to be issued by a Private Certifier, the Long Service Levy must be paid directly to the Long Service Levy Corporation or paid to the Private Certifier.

28. In accordance with the provisions of Section 7.12 of the Environmental Planning and Assessment Act 1979 and the Mid-Western Regional Contributions Plan 2019, a levy based on the value of works shall be paid to Council in accordance with this condition for the purpose of local infrastructure, prior to issue of a Construction Certificate.

A cost estimate report is to be provided to Council, confirming the total cost of the development prior to issue of the Construction Certificate. Following submission of the full cost estimate report, Council will confirm and provide the required contribution amount, payable prior to issue of the Construction Certificate.

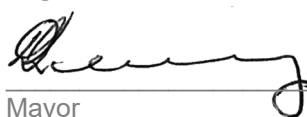

Note: The contribution amount will be adjusted by the Consumer Price Index, if not paid in the same financial year the development consent was issued.

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

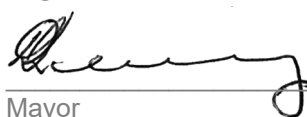

29. If the Construction Certificate is not issued, for any reason whatsoever, within twelve (12) months of the date of determination, then the charges and contributions contained in this consent, will be increased to the current rate at the time of payment.

#### PRIOR TO COMMENCEMENT OF WORKS – BUILDING

30. In accordance with the provisions of the Environmental Planning and Assessment Act 1979 construction works approved by this consent must not commence until:
- a) A Construction Certificate has been issued by the Certifier (i.e. Council or an accredited certifier); and
  - b) A Principal Certifier has been appointed by the person having benefit of the development consent in accordance with the Environmental Planning and Assessment Act 1979; and
  - c) If Council is not the Principal Certifier, notify Council no later than two (2) days before building work commences as to who

  
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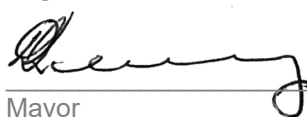

- is the appointed Principal Certifier; and
- d) At least two (2) days before commencement of building work, the person having benefit of the development consent is to notify Council as to the intention to commence building work.
31. The site shall be provided with a waste enclosure (minimum 1800mm X 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
32. If the work involved in the erection/demolition of the building;
- a) is likely to cause pedestrian or vehicular traffic in a public place to be obstructed or rendered inconvenient, or
- b) involves the enclosure of a public place, then 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.
33. Prior to the commencement of works on site, the applicant shall advise Council's Operations Department in writing, of any existing damage to Council property.
34. The developer shall be responsible for all costs incurred in the necessary relocation of any services affected by the required construction works. Council and other service authorities should be contacted for specific requirements prior to commencement of any works.
35. Sediment erosion controls shall be installed within the development site, to the satisfaction of the Certifier (i.e. Council or the Principal Certifier), prior to the commencement of works.
36. The development site is to be managed for the entirety of work in the following manner:
- a) Erosion and sediment controls are to be implemented to prevent sediment from leaving the site. The controls are to be maintained until the development is complete and the site stabilised with permanent vegetation;
- b) Appropriate dust control measures;
- c) Construction equipment and materials shall be contained

  
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- wholly within the site unless approval to use the road reserve has been obtained;
- d) Toilet facilities are to be provided on the work site at the rate of one toilet for every 20 persons or part of 20 persons employed at the site.
37. Runoff and erosion controls shall be installed prior to clearing and incorporate:-
- a) diversion of uncontaminated up-site runoff around cleared and/or disturbed areas and areas to be cleared and/or disturbed;
  - b) sediment control fences at the downslope perimeter of the cleared and/or disturbed area to prevent sediment and other debris escaping from the land to pollute any stream or body of water; and
  - c) maintenance of all erosion control measures at maximum operational capacity until the land is effectively rehabilitated and stabilized beyond the completion of construction.

#### DURING BUILDING WORKS

38. 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.
39. All plumbing and drainage work must be carried out by a licensed plumber and drainer and must comply with the requirements of the Plumbing & Drainage Act 2011 and the Plumbing Code of Australia.
40. A total of 8 car parking spaces are to be provided within the site of the development and comply with AS 2890.1: 2004 – Parking facilities – Part 1: Off-street car parking and the following requirements:
- a) Each parking space is to have minimum dimensions as per AS 2890.1: 2004 – Parking facilities.
  - b) Each disabled car parking space is to be in accordance with the provisions of AS 2890.6: 2022 – Parking facilities – Part 6: Off-street parking for people with disabilities.
  - c) All car parking spaces are to be provided with a hard-standing, all-weather surface and must be maintained in satisfactory condition at all times.
  - d) Signage must be provided for the car park which has been designated for visitors and disabled.
41. The aisle widths, internal circulation, ramp widths and grades of the car park are to generally conform to the Roads and Maritime Services (RMS) guidelines and Australian Standard AS 2890.1: 2004 – Parking facilities – Part 1: Off-street car parking. Details of compliance are to be shown on the relevant plans and

  
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specifications.

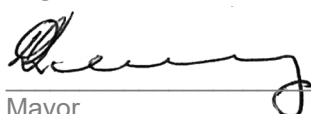
42. The existing access from School Lane is to be upgraded and sealed with bitumen and is to be designed and constructed in accordance with the Council's Access to Properties Policy and the Council approved section 138.
43. Construction work noise that is audible at other premises is to be restricted to the following times:
  - a) Monday to Saturday - 7.00am to 5.00pm

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

Site work is not to be carried out outside of these times except where there is an emergency, or for urgent work directed by a police officer or a public authority.

44. All mandatory inspections required by the Environmental Planning and Assessment Act 1979 and any other inspections deemed necessary by the Principal Certifier being carried out during the relevant stage of construction.
45. Commitments listed in BASIX Certificate number(s) 1779410S, 1779412S, 1779415S, 1779417S, 1779431S issued on 8 January 2025 must be installed and/or completed in accordance with the requirements contained in that certificate.
46. 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 Section 78 of the Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021.
47. In the event of any Aboriginal archaeological material being discovered during earthmoving/construction works, all work in that area shall cease immediately and the Office of Environment and Heritage (OEH) notified of the discovery as soon as practicable. Work shall only recommence upon the authorisation of the OEH.
48. Should any contaminated, scheduled, hazardous or asbestos material be discovered before or during construction works, the applicant and contractor shall ensure the appropriate regulatory authority (e.g. Heritage NSW, SafeWork NSW, Council, Fire and Rescue NSW etc.) is notified, and that such material is contained, encapsulated, sealed, handled or otherwise disposed of to the requirements of such Authority.

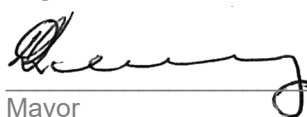

Note - such materials cannot be disposed of to landfill unless the facility is specifically licensed by the EPA to receive that type of waste.

  
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49. All roof stormwater is to discharge to a water storage tank/s and overflow from the tank/s disposed to the approved stormwater management system, clear of any effluent disposal areas and in such a manner as to not create any erosion or scouring and not adversely affect adjoining properties.
50. This approval does not provide any indemnity to the owner or applicant under the Disability Discrimination Act 1992 with respect to the provision of access and facilities for people with disabilities.

#### PRIOR TO THE ISSUE OF AN OCCUPATION CERTIFICATE

51. 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 Certifier appointed for the erection of the building.
52. Prior to the issue of an Occupation Certificate a satisfactory final inspection report from the Council must be received by the Certifier, verifying that all works have been completed in accordance with the relevant Section 68 (Local Government Act 1993) approval/s.
53. Prior to the commencement of use of the development and/or issue of an Occupation Certificate, all approved car parking, associated driveway and stormwater works are to be completed and a satisfactory completion report from the registered professional engineer is to be provided to the certifier (i.e. Council or a private Certifier) verifying that the construction has been completed as per the approved plan.
54. Prior to the commencement of use of the development and/or issue of an Occupation Certificate, a compliance letter from the Council's Development Engineer is to be provided to the certifier verifying that the construction has been completed as per the approved plan.
55. Prior to occupation or the issue of the Occupation Certificate the owner of the building must cause the Principal Certifier to be given a fire safety certificate (or interim fire safety certificate in the case of a building or part of a building occupied before completion) in accordance with Section 41 of the Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021 for each measure listed in the schedule. The certificate must only be in the form specified by Section 86 of the Regulation. A copy of the certificate is to be given to the Commissioner of the New South Wales Fire Brigade and a copy is to be prominently displayed in the building.
56. Prior to use of the development and/or issue of an Occupation Certificate, excavated and/or filled areas of the site are to be stabilised and drained, to prevent scouring onto adjacent private

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

- or public property. The finished ground around the perimeter of the building is to be graded to prevent ponding of water, and to ensure the free flow of water away from the building and adjoining properties.
57. Prior to use of the development and/or issue of an Occupation Certificate, roof water from the building and any rainwater tank overflow shall be piped clear of the building, without creating any nuisance on the property or to adjoining properties.
  58. Before the issue of an Occupation Certificate, the principal certifier must be satisfied all landscape and tree-works have been completed in accordance with approved plans and documents and any relevant conditions of this consent.
  59. Prior to use of the development and/or issue of an Occupation Certificate, all requirements of BASIX Certificate number(s) 1779410S, 1779412S, 1779415S, 1779417S, 1779431S issued on 8 January 2025 and the associated plans and specifications approved as part of the Construction Certificate, shall be completed in full.
  60. Prior to use of the development and/or issue of an Occupation Certificate, the Plan of Management (V2.0 dated February 2025) shall be updated to ensure that the conditions of this consent are complied with to the satisfaction of Council.
  61. Under section 88B of the Conveyancing Act 1919, a positive covenant for the "Maintenance and repairs of Infiltration trench/raingarden (stormwater management system)" is to be registered in favour of the Mid-Western Regional Council.

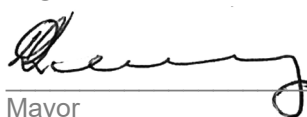

Restrictions and positive covenants on titles over the stormwater quantity management system must be endorsed by the Mid-Western Regional Council and lodged with NSW Land Registry Services.

Restrictions and positive covenants created as a part of this consent shall contain a provision that they cannot be extinguished or altered without the consent of the Mid-Western Regional Council.

#### ONGOING USE

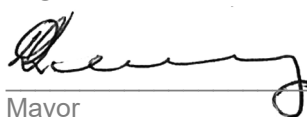

The following conditions have been applied to ensure that the use of the land and/or building is carried out in a manner that is consistent with the aims and objectives of the environmental planning instrument affecting the land.

62. For every 12-month period after the issue of the Final Fire Safety Certificate the owner/agent of the building must provide the Council and the Commissioner of NSW Fire Brigades with a copy of an Annual Fire Safety Statement Certifying that each specified fire safety measure is capable of performing to its specification.

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

63. Where any essential services are installed in the building a copy of the final Fire Safety Certificate (together with a copy of the current fire safety schedule) is to be given to the Commissioner of NSW Fire Brigades and Council. A further copy of the Certificate (together with a copy of the current fire safety schedule) is to be prominently displayed in the building/s.
  64. The development must operate in accordance with the Council approved Plan of Management prepared by Play Design Studios for the life of operations.
  65. All parking associated with the use is to be contained wholly within the site.
  66. The development is to be operated in such a manner that will not interfere with the residential amenity of the adjoining and nearby residents, due to emission of noise, lighting or other nuisances.
  67. All exterior lighting associated with the development shall be designed and installed so that no obtrusive light will be cast onto any adjoining property, into Airspace or roadways, in accordance with Australian Standard 4282 "Control of the Obtrusive Effects of Outdoor Lighting".
  68. There is to be no interference with the amenity of the neighbourhood by reason of the emission of any "offensive noise", vibration, lighting, smell, fumes, smoke, vapour, steam, soot, ash or dust, or otherwise as a result of the proposed development.
  69. The approved use of the development is for the purposes of serviced apartments which is defined as:

serviced apartment means a building (or part of a building) providing self-contained accommodation to tourists or visitors on a commercial basis and that is regularly serviced or cleaned by the owner or manager of the building or part of the building or the owner's or manager's agents.
- Any use contrary to the above is unlawful and requires the development consent of Council.
70. The development is to be maintained in a clean and tidy manner, at all times.
  71. Arrangements are to be made for the regular removal and disposal of all waste to a licenced waste facility.
  72. Dogs that are accommodated on the site in conjunction with a guest's stay are to be managed so that they do not wander on to adjoining properties.
  73. Guests staying at the accommodation are not to trespass on to

  
Mayor  
General Manager



adjoining private property.

74. The accommodation shall be regularly cleaned or serviced by the owner or manager of the building, or their agents.
75. The sites operators are to maintain and operate the private water supply in accordance with a 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 Council or the NSW Public Health Unit.
76. In the event of any complaints being lodged relating to the site or the operations of the development, a log book must be kept by the operators of the facility clearly recording any information and reasons for the complaint/s. The log book must be made available to Council at any time on request.

The log book is to record the following information:

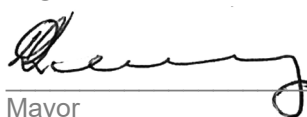
- a) Name, address and contact details of the complainant;
- b) Description of complaint (e.g. character and volume);
- c) Frequency and duration of complaint;
- d) Meteorological conditions during complaint; and
- e) Any actions taken to resolve complaint.


#### REASONS FOR APPROVAL

1. The proposed development complies with the requirements of the applicable environmental planning instruments and Mid-Western Regional Development Control Plan 2013.
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.
3. The submissions received during the public notification period have been addressed via conditions of consent, including provision of a Plan of Management and operational conditions that are enforceable on the developer during the life of the operations.

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

Councillors	Ayes	Nayes
Cr Kennedy		✓
Cr Cornish	✓	
Cr Dicker	✓	
Cr Karavas		✓
Cr Lang		✓
Cr Palmer	✓	
Cr Pryor	✓	
Cr Shelley		✓
Cr Thompson		✓

  
Mayor

  
General Manager

Councillor Kennedy declared a non-pecuniary and non-significant conflict of interest in item 8.2 as he lives 500m from the group home in question and has judged he has no concern in being able to make a fair decision.

**8.2 DA0068/2025 - CHANGE OF USE - DWELLING TO A GROUP HOME (TRANSITIONAL) AT 162 ULAN ROAD BOMBIRA**  
GOV400113, DA0068/2025

**53/25**

**MOTION: Shelley / Karavas**

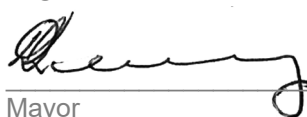
**That Council:**


- A. Receive the report by the Town Planner on Change of Use - Dwelling to a Group Home (Transitional);**
- B. That Change of Use - Dwelling to a Group Home (Transitional) be refused subject to the following statement of reasons:**

**STATEMENT OF REASONS**

**The determination decision was reached for the following reasons:**

- 1. Pursuant to Section 4.15(1)(a)(iv) of the Environmental Planning and Assessment Act 1979, the proposal is unsatisfactory in terms of the Environmental Planning and Assessment Regulation 2021 as follows:**
  - Pursuant to Section 62(1) of Environmental Planning and Assessment Regulations, 2021 (EPA Regs 2021), Council is not satisfied the fire protection and structural capacity of the building will be appropriate to the building's proposed use; and**
  - Pursuant to Section 62(2) of Environmental Planning and Assessment Regulations, 2021 (EPA Regs 2021), the Council cannot grant consent as it is not satisfied that the building complies, or will, when the development is completed, with the Category 1 fire safety provisions that are applicable to the building's proposed use.**
- 2. Pursuant to Section 4.15(1)(a)(i) of the Environmental Planning and Assessment Act 1979, the proposal is contrary to the R2 Zone objectives of the Mid-Western Regional Local Environmental Plan 2012.**
- 3. Pursuant to Section 4.15(1)(b) of the Environmental Planning and Assessment Act 1979, the proposal would have unacceptable impacts on both the natural and built environments, and social and economic impacts in the locality.**

  
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Mayor

  
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General Manager

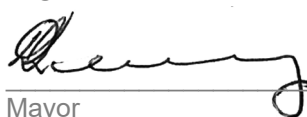
4. Pursuant to Section 4.15(1)(c) of the Environmental Planning and Assessment Act 1979, the proposal is unsatisfactory in terms of the suitability of the site for the development.
5. Pursuant to Section 4.15(1)(e) of the Environmental Planning and Assessment Act 1979, in the circumstances of the case, approval of the application would not be in the public interest.
6. The public submissions made during the notification period have raised the following key concerns which remain unresolved:
  - Impacts of safety and security,
  - potential adverse effects on the neighbourhood
  - Incompatibility with the locality and zone objectives.
  - Impact on local services


#### VISORY NOTES

1. 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 6 months after the date on which you receive this notice. The request must be made in writing and lodged with the required fee; please contact Council's Development Department for more information or advice.
2. 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 6 months after the date on which you receive this notice, pursuant to section 8.10(1)(b).

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

Councillors	Ayes	Nayes
Cr Kennedy	✓	
Cr Cornish	✓	
Cr Dicker	✓	
Cr Karavas	✓	
Cr Lang	✓	
Cr Palmer	✓	
Cr Pryor	✓	
Cr Shelley	✓	
Cr Thompson	✓	

  
Mayor

  
General Manager

**Item 6: Notices of Motion or Rescission****6.1 NEW YEARS EVE FIREWORKS DISPLAY**

GOV400113,

**MOTION:** Cornish / Thompson

1. that Mid-Western Regional Council stage a New Years Eve fireworks display and celebration on the 31<sup>st</sup> December at 9pm with entertainment prior to the fireworks;
2. that this event be funded in the 2025-2026 budget and be allowed for in future budgets as a yearly event;
3. that a suitable venue be identified, possibly Glen Willow, the show ground etc; and
4. that local people businesses be able to participate with stalls and displays.

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

Councillors	Ayes	Nayes
Cr Kennedy		✓
Cr Cornish	✓	
Cr Dicker		✓
Cr Karavas	✓	
Cr Lang	✓	
Cr Palmer		✓
Cr Pryor		✓
Cr Shelley		✓
Cr Thompson	✓	

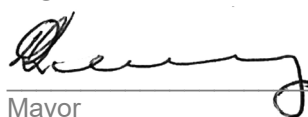
**6.2 BRIDGE NAMING**


GOV400113, GOV400113

**MOTION:** Cornish / Palmer

That Council:

1. commence the naming of the bridge on Pyramul Road over Clarkes Creek, Windeyer;
2. include a submission for the name of Ivan Croake Bridge;
3. advertise and call for further submissions in accordance with the Road, Bridge & Place Naming Policy; and
4. request a report be brought back to Council with the results of


  
 Mayor


  
 General Manager

the consultation.

54/25

**AMENDMENT: Shelley / Karavas**

**That Council:**

1. **commence the naming of the bridge on Pyramul Road over Clarkes Creek, Windeyer;**
2. **advertise and call for further submissions in accordance with the Road, Bridge & Place Naming Policy; and**
3. **request a report be brought back to Council with the results of the consultation.**

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

Councillors	Ayes	Nayes
Cr Kennedy	✓	
Cr Cornish		✓
Cr Dicker	✓	
Cr Karavas	✓	
Cr Lang	✓	
Cr Palmer	✓	
Cr Pryor	✓	
Cr Shelley	✓	
Cr Thompson		✓

*The amendment, on becoming the motion, was put and carried with Councillors voting as follows:*

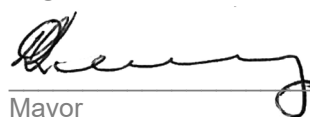
Councillors	Ayes	Nayes
Cr Kennedy	✓	
Cr Cornish		✓
Cr Dicker	✓	
Cr Karavas	✓	
Cr Lang	✓	
Cr Palmer	✓	
Cr Pryor	✓	
Cr Shelley	✓	
Cr Thompson	✓	

### 6.3 RE-OPENING OF COX STREET RAILWAY CROSSING

GOV400113,

**MOTION: Lang / Thompson**

That Council re-open Cox Street railway crossing to allow motor vehicles to pass over a line that is currently closed to traffic.

  
Mayor

  
General Manager

55/25

**AMENDMENT: Shelley / Cornish****That Council:**

1. commence the review of the 2014 Mudgee Traffic Study with specific consideration of the closed railway crossings and potential for re-opening;
2. consult UGL rail of the nature and type of crossing permissible under the circumstances;
3. undertake community consultation on the concept of reopening rail crossings as part of the Mudgee Traffic Study Project;
4. adjust the 2025/26 budget to include \$80,000 for the Mudgee Traffic Study project funded from Developer Contributions Reserve – Transport Facilities; and
5. lobby TfNSW to undertake a detailed assessment of the intersection of Douro Street and Horatio Street.

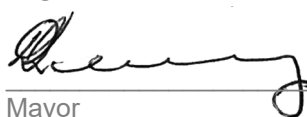
*The amendment was put and carried with Councillors voting as follows:*

Councillors	Ayes	Nayes
Cr Kennedy	✓	
Cr Cornish	✓	
Cr Dicker	✓	
Cr Karavas	✓	
Cr Lang	✓	
Cr Palmer	✓	
Cr Pryor		✓
Cr Shelley	✓	
Cr Thompson	✓	


*The amendment, on becoming the motion, was put and carried with Councillors voting as follows:*

Councillors	Ayes	Nayes
Cr Kennedy	✓	
Cr Cornish	✓	
Cr Dicker	✓	
Cr Karavas	✓	
Cr Lang	✓	
Cr Palmer	✓	
Cr Pryor	✓	
Cr Shelley	✓	
Cr Thompson	✓	

Cr Cornish left the room at 6.47pm and returned at 6.48pm.



Mayor



General Manager

## 6.4 KOALA MANAGEMENT PLAN

GOV400113, GOV400113,

MOTION: Pryor / Thompson

That Council seeks funding from the Office of Environment and Heritage NSW Koala Strategy for the purpose of establishing a Koala Plan of Management.

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

Councillors	Ayes	Nayes
Cr Kennedy		✓
Cr Cornish		✓
Cr Dicker		✓
Cr Karavas	✓	
Cr Lang		✓
Cr Palmer		✓
Cr Pryor	✓	
Cr Shelley		✓
Cr Thompson	✓	

## 6.5 PUBLIC FORUM LIVE STREAMING

GOV400113, GOV400113

MOTION: Pryor / Cornish

That Council Live stream and records the Public Forum at the start of Council meetings.

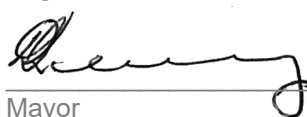
*The motion was put and lost with Councillors voting as follows:*


Councillors	Ayes	Nayes
Cr Kennedy		✓
Cr Cornish		✓
Cr Dicker		✓
Cr Karavas		✓
Cr Lang		✓
Cr Palmer		✓
Cr Pryor	✓	
Cr Shelley		✓
Cr Thompson	✓	

## 6.6 NEW SIGNIFICANT TREE REGISTER

GOV400113, GOV400113

MOTION: Pryor / Cornish


  
 Mayor


  
 General Manager

That Council create a new Significant tree register.

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

Councillors	Ayes	Nayes
Cr Kennedy		✓
Cr Cornish	✓	
Cr Dicker		✓
Cr Karavas		✓
Cr Lang		✓
Cr Palmer		✓
Cr Pryor	✓	
Cr Shelley		✓
Cr Thompson	✓	

## 6.7 GULGONG DOG PARK

GOV400113, GOV400113,

56/25

**MOTION:** Thompson / Cornish

**That Gulgong Dog Park off leash section be brought up to standard, on par with Mudgee Dog Park, including a watering system and soft grass.**

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

Councillors	Ayes	Nayes
Cr Kennedy	✓	
Cr Cornish	✓	
Cr Dicker	✓	
Cr Karavas	✓	
Cr Lang	✓	
Cr Palmer	✓	
Cr Pryor	✓	
Cr Shelley	✓	
Cr Thompson	✓	

## 6.8 SAFETY CHECK AT MUDGEES AIRPORT

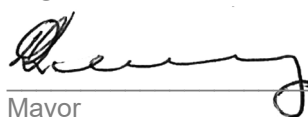
GOV400113, GOV400113


**MOTION:** Thompson / Cornish

Council should perform a safety check at Mudgee Airport.

Item 6.8 was withdrawn by Councillor Thompson.

Cr Shelley left the room at 7.26pm and returned at 7.27pm.

  
Mayor

  
General Manager



## 6.9 ROAD MAINTENANCE JUSTIFICATION

GOV400113, GOV400113

MOTION: Thompson / Cornish

Council consider changing its rules on maintenance of roads to number of traffic movements on the road, rather than number of houses.

AMENDMENT: Cornish / Pryor

That Council amend the Unmaintained and Unformed Roads Policy to include maintenance of roads where there are seven rate payers in the street.

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

Councillors	Ayes	Nayes
Cr Kennedy		✓
Cr Cornish	✓	
Cr Dicker		✓
Cr Karavas		✓
Cr Lang		✓
Cr Palmer		✓
Cr Pryor		✓
Cr Shelley		✓
Cr Thompson		✓

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

Councillors	Ayes	Nayes
Cr Kennedy		✓
Cr Cornish		✓
Cr Dicker		✓
Cr Karavas		✓
Cr Lang		✓
Cr Palmer		✓
Cr Pryor	✓	
Cr Shelley		✓
Cr Thompson	✓	

## Item 7: Office of the General Manager

## 7.1 COUNCIL ADVISORY COMMITTEES

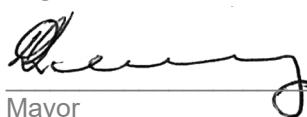
GOV400113, GOV400113, A0100024, A0100034


57/25

MOTION: Shelley / Lang

That Council:

1. receive the report by the Acting Director Community on the


  
 Mayor


  
 General Manager

**Council Advisory Committees;**

2. endorse Cheryl Vassel, Toni Morrison, Peta Stamford, Ray Thackeray, Shane Holz, and Stephanie and Garry Barrett to be members of the Gulgong Memorial Hall Committee;
3. endorse Carol Hayward, Jenny Conlon, Rebecca Redfern, Wendy Owen, Delma Smith, Jill Baggett, Annie Denley, Gary Owe, Jenny Deville and Ray Deville to be members of the Mid-Western Regional Seniors Committee;
4. endorse Les Leighton, and Pamela Morris to be members of the Mid-Western Regional Access Committee; and
5. endorse Michael Sweeney, John Bentley, John Wood, Andrew Stein, and Scott McGregor to be community members of the Rail Committee.

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

**7.2 COUNCIL ORGANISATIONAL STRUCTURE**

GOV400113, COR400025, A0270001

**58/25****MOTION: Lang / Palmer****That Council:**

1. receive the report by the People & Performance Manager on the Council Organisational Structure ; and
2. re-determine the existing Organisational Structure for Mid-Western Regional Council as documented in this report.

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

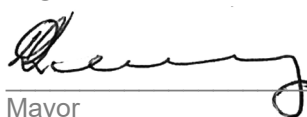

**Item 8: Development**

Items 8.1 and 8.2 were moved to the beginning of the meeting.

The following recommendations (item 8.3 to item 8.7) were adopted as a whole, being moved by Cr Shelley seconded by Cr Cornish and carried with Councillors voting unanimously. Each recommendation is recorded with separate resolution numbers commencing at Resolution No.59/25 and concluding at Resolution No.63/25.

**8.3 ACCEPTANCE OF NSW GRANT FUNDING**

GOV400113, GRA600020


**59/25****MOTION: Shelley / Cornish****That Council:**  
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Mayor  
\_\_\_\_\_  
General Manager

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


Grant Fund	Project	Grant Amount
Regional Economic Development and Community Investment Program – Infrastructure project grants	Enabling infrastructure to support the delivery of the Mudgee Key Worker Housing	\$3,277,954
Regional Economic Development and Community Investment Program – Services and program delivery grants	Delivery of a New Resident Concierge Service in the Mid-Western Regional and Warrumbungle Shire Councils	\$500,000
Community Building Partnership Program 2025	Preservation of the Hargraves Courthouse	\$43,000

3. if successful, amend the budgets as follows:
  - 3.1 2025/26 set an expenditure budget of \$3,945,686 for Key Worker Housing Construction (project 75316). \$3,277,954 to be funded by grants and \$667,732 to be funded from land development reserve;
  - 3.2 2025/26 and 2026/27 increase the expenditure budget by \$150,000 for the delivery of a new Resident Concierge Service in the Mid-Western Region and Warrumbungle Shire (project 75315). \$100,000 to be funded by grants, \$25,000 to be funded from unrestricted cash, and \$25,000 to be funded by Warrumbungle Shire Council;
  - 3.3 2025/26 set an expenditure budget of \$43,000 for the preservation of the Hargraves Courthouse (project 50167) to be funded by grants;
4. 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

## 8.4 POLICY REVIEW - SOCIAL MEDIA POLICY

GOV400113, ECO800001

60/25

**MOTION: Shelley / Cornish****That Council:**

1. receive the report by the Manager Economic Development on the Policy Review - Social Media Policy;
2. place the revised Social Media Policy on public exhibition for 28 days; and
3. adopt the revised Social Media Policy if no submissions are received during the exhibition period.

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

## 8.5 2024-25 LOCAL HERITAGE GRANT REALLOCATION

GOV400113, GOV400113, GOV400087, GRA600063

61/25

**MOTION: Shelley / Cornish****That Council:**

1. receive the report by the Manager Strategic Planning on the 2024-25 Local Heritage Grant Reallocation; and
2. reallocate the Local Heritage Grants for \$3,000 from 45 Louee Street, Rylstone to 19-41 Church Street, Mudgee for the repair and repainting of the building façade.

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

## 8.6 COMMUNITY ENGAGEMENT OUTCOMES

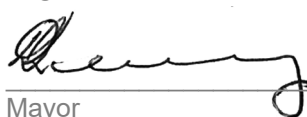

GOV400113, COR400811

62/25

**MOTION: Shelley / Cornish****That Council:**

1. receive the report by the Manager Economic Development on the Community Engagement Outcomes; and
2. note the Community Engagement Outcomes Report, as this will inform the draft Community Strategic Plan.

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

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

## 8.7 2025 MONTHLY DEVELOPMENT APPLICATIONS PROCESSING AND DETERMINED

GOV400113, A0420109, GOV400113

**63/25 MOTION: Shelley / Cornish**

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

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

## **Item 9: Corporate Services**

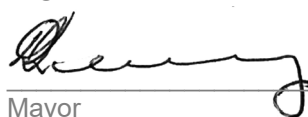

### 9.1 MWRC BATTERY ENERGY STORAGE SYSTEM

GOV400113, GOV400113, COR400722

**64/25 MOTION: Palmer / Lang**

**That Council:**

1. receive the report by the Commercial Accountant (Sustainability) on the MWRC Battery Energy Storage System;
2. endorse the installation of 4 smaller Battery Energy Storage System (BESS) across high energy usage and critical infrastructure sites;
3. defer the proposed installation of a large 'mother' 3MW/ 6.7MWh BESS at the constructed solar array at 33 Blains Road, Caerleon until a further opportunity for funding can be sought;
4. amend the budget allocation for BESS installation as follows:
  - 4.1 2024/25: reduce by \$3,545,000 to \$100,000, to be funded by \$50,000 grant funding and \$50,000 unrestricted cash;
  - 4.2 2025/26: reduce by \$29,000 to \$2,130,000, to be funded by \$1,050,000 grant funding, \$854,000 Capital Program Reserve and \$226,000 from unrestricted cash;
5. amend the budget allocation for BESS operating as follows, with the surplus for each year returning to unrestricted cash:
  - 5.1 2026/27 allocate revenue of \$187,000, and operating costs of \$17,500;

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

**5.2 2027/28 allocate revenue of \$184,000, and operating costs of \$18,000;**

- 6. note that a capital expenditure review is not required for the progression of the smaller distributed BESS proposed for installation as the cost of the proposal is below the guideline value requirement; and**
- 7. continue to explore the feasibility of additional smaller site-specific BESS's for community support and critical infrastructure locations to provide disaster resilience.**

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

**9.2 RFT 2024/102 - WET AND DRY PLANT HIRE TENDER**

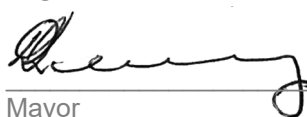
GOV400113, COR400804


**65/25**

**MOTION: Karavas / Palmer**

**That Council:**

- 1. receive the report by the Procurement Officer on the RFT 2024/102 - Wet and Dry Plant Hire Tender;**
- 2. accept the panel for the provision of Wet and Dry Plant Hire for 3 years, in accordance with Clause 178 1(a) of the Local Government (General) Regulation 2005;**
- 3. delegate the authority to Manager, Procurement and Fleet to accept any additional suppliers seeking inclusion to the tender RFT 2024/102 – Wet and Dry Plant Hire during the term of the contract;**
- 4. accept the following suppliers to provide services under RFT 2024/102 – Wet and Dry Plant Hire:**
  - Adrian Ingram Plant Hire Pty Ltd;**
  - B&J Grading Services Pty Ltd;**
  - B&R Earthworks Pty Ltd;**
  - Coates Hire Operations Pty Ltd;**
  - Conplant Pty Ltd;**
  - Cutting Edge Earthmoving and Excavation Pty Ltd;**
  - Dependable Trade Solutions Pty Ltd;**
  - GJL Excavation Pty Ltd;**
  - Hammond Steve Guy t/as Little Red Digger;**
  - J&A Rural Contracting Pty Ltd;**

  
Mayor

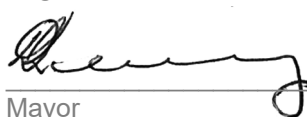

  
General Manager

- J A Bennett and O J Bennett t/as Bennetts Towing;
- J M Andrews and R R Andrews t/as R&J Engineering Bobcat and Tipper Hire;
- J R & E G Richards (NSW) Pty Ltd;
- Evans John H & Carol t/as JH & C Evans Contracting;
- Kennards Hire Pty Ltd;
- Kurtz, Troy;
- Lilley Earthmoving Pty Ltd;
- M Comer and P J Comer;
- M&K Cresham Pty Ltd;
- Mark Peters Pty Ltd t/as Peters Plumbing and Civil;
- Max Walker Earthmoving Pty Ltd;
- McWhelan Pty Ltd t/as Vacsafe;
- Miskle Transport Pty Ltd;
- Murkins Earthmoving Pty Ltd;
- The trustee for PJJ Constructions Complete Mine Services and Solutions;
- Redmack Hire Group Pty Ltd;
- Smith, Corey Ronald t/as Corey's Clean-up and Removals Pty Ltd;
- Sutton Brothers Contracting Pty Ltd;
- The trustee for B&E Orr Family Trust t/as Orr Contracting and Maintenance;
- Turner, Andrew James t/as Andrew Turner Excavations;
- Walker Civil Pty Ltd; and
- WTC Group Australia Pty Ltd.

5. accept the following suppliers as part of the panel for RFT 2024/102 – Wet and Dry Plant Hire, only upon receipt of their compliance information that was noted in their original submission:

- Colley, Ian Harvey t/as ICE Earthmoving;
- Hudson Built Pty Ltd;
- Mid-West Equipment Pty Ltd; and
- Ulan Water Pty Ltd.

6. allow the Procurement Officer or nominated representative

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

**to inform the suppliers of the outcome of their submissions to the Wet and Dry Plant Hire tender.**

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

**9.3 POLICY REVIEW - ELECTRONIC TELECOMMUNICATIONS -  
ACCEPTABLE USE POLICY**

GOV400113, INT800022, GOV400113

**66/25**

**MOTION: Dicker / Cornish**

**That Council:**

- 1. receive the report by the Manager, Information Technology on the Policy Review - Electronic Telecommunications - Acceptable Use Policy;**
- 2. place the Draft Electronic Telecommunications – Acceptable Use policy on public exhibition for 28 days; and**
- 3. adopt the Electronic Telecommunications – Acceptable Use policy if no submissions are received.**

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

The following recommendations (item 9.4 to item 9.8) were adopted as a whole, being moved by Cr Shelley seconded by Cr Cornish and carried with Councillors voting unanimously. Each recommendation is recorded with separate resolution numbers commencing at Resolution No.67/25 and concluding at Resolution No.71/25.

**9.4 CLASSIFICATION OF LAND - LOT 31 DP 1074415 - BONNY  
VIEW SEWER PUMP STATION**

GOV400113, P1373711

**67/25**

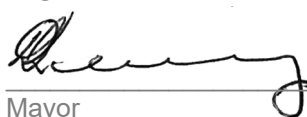
**MOTION: Shelley / Cornish**


**That Council:**

- 1. receive the report by the Property Officer on the Classification of Land - Lot 31 DP 1074415 - Bonny View Sewer Pump Station; and**
- 2. classify Lot 31 DP 1074415, being 41A Robert Hoddle Grove, Bombira as Operational Land in accordance with Section 31 of the Local Government Act 1993.**

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

**9.5 POLICY REVIEW - ASBESTOS MANAGEMENT POLICY**

  
\_\_\_\_\_  
Mayor

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



GOV400113,

**68/25                    MOTION:     Shelley / Cornish****That Council:**

- 1.            receive the report by the People & Performance Manager on the Policy Review - Asbestos Management Policy ;**
- 2.            place the revised Policy - Asbestos Management Policy on public exhibition for 28 days; and**
- 3.            adopt the revised Policy - Asbestos Management Policy if no submissions are received.**

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

**9.6     MONTHLY STATEMENT OF INVESTMENTS AS AT 28  
FEBRUARY 2025**

GOV400113, FIN300053, GOV400113

**69/25                    MOTION:     Shelley / Cornish****That Council:**

- 1.            receive the report by the Financial Planning Coordinator and Chief Financial Officer on the Monthly Statement of Investments as at 28 February 2025; and**
- 2.            note the certification of the Responsible Accounting Officer.**

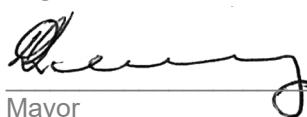

*The motion was carried with the Councillors voting unanimously.*

**9.7     MONTHLY BUDGET REVIEW - FEBRUARY 2025 BUDGET  
VARIATIONS**

GOV400113, FIN300315

**70/25                    MOTION:     Shelley / Cornish****That Council:**

- 1.            receive the report by the Financial Planning Coordinator on the Monthly Budget Review - February 2025 Budget Variations; and**
- 2.            amend the 2024/25, 2025/26, 2026/27 and 2027/28 year budgets 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.*  
\_\_\_\_\_  
Mayor  
\_\_\_\_\_  
General Manager

## 9.8 DELIVERY PROGRAM 2022/26 SIX MONTHLY PROGRESS REPORT

GOV400113, GOV400113, COR400116

**71/25 MOTION: Shelley / Cornish**

**That Council receive the report by People and Performance Manager on the Delivery Program 2022/26 Six Monthly Progress Report.**

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

## 9.9 FINANCIAL ASSISTANCE CONSIDERATIONS

GOV400113, PUB600025

**72/25 MOTION: Palmer / Dicker**

**That Council:**

- 1. receive the report by the Chief Financial Officer on the Financial Assistance Considerations;**
- 2. amend the 2024/25 budget to increase expenditure by \$500 to be funded from unrestricted cash;**
- 3. waiver the fee of \$140 for Blooms the Chemist Mudjee for Community Hire for the menopause education event;**
- 4. give 28 days' public notice of the proposal to provide financial assistance to the following organisations and individuals:**

Requestor	Recommended Amount
• Gulgong Hostel Association Inc (t/a Wenonah Lodge)	Fee waiver of \$11,360.90
• Cooper Crowe	\$500

and

- 5. if there are no public submissions against, approve the financial assistance.**

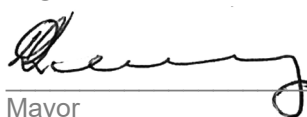

*The motion was carried with the Councillors voting unanimously.*

## 9.10 ENTERPRISE RESOURCE PLANNING ROADMAP 2025-2028

GOV400113,

**73/25 MOTION: Palmer / Lang**

**That Council:**

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

1. receive the report by the Director Corporate Services on the Enterprise Resource Planning Roadmap 2025-2028;
2. endorse the implementation of the ERP Roadmap 2025-2028; and
3. amend the 2025/26, 2026/27, 2027/28 and 2028/29 budgets, as set out in this report.

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

## **Item 10: Operations**

### 10.1 DRINKING WATER ANNUAL REPORT AND FACTSHEET

GOV400113, GOV400103 GOV400098 WAT500075

**74/25 MOTION: Shelley / Dicker**

**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.*

### 10.2 RESCIND POLICY: TEMPORARY ROAD CLOSURE

GOV400113, ROA100072

**75/25 MOTION: Cornish / Palmer**

**That Council:**

1. receive the report by the Executive Assistant Operations on the Rescind Policy: Temporary Road Closure;
2. place on public exhibition for 28 days the notice to rescind the Temporary Road Closures Policy; and
3. rescind the Temporary Road Closures Policy if no submissions are received during the public exhibition period.

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

### 10.3 NEW POLICY - WATER CARTING POLICY

GOV400113, GOV400113

**76/25                    MOTION:      Lang / Palmer****That Council:**

- 1.            receive the report by the Strategic Engineering Coordinator on the New Policy - Water Carting Policy;**
- 2.            place the Water Carting Policy on public exhibition for 28 days; and**
- 3.            adopt the Water Carting Policy if no submissions are received during the public exhibition period.**

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

#### 10.4    WALKING & CYCLING ACTION PLAN

GOV400113, ROA100587

**77/25                    MOTION:      Karavas / Palmer****That Council:**

- 1.            receive the report by the Asset Management Coordinator on the Adopting Walking & Cycling Action Plan; and**
- 2.            place the Walking & Cycling Action Plan on public exhibition for 28 days; and**
- 3.            adopt the Walking & Cycling Action Plan if no submissions are received.**

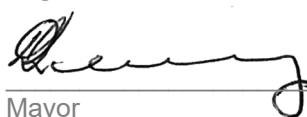

*The motion was carried with the Councillors voting unanimously.*

#### 10.5    EPA BIN TRIM FUNDING FOR EXPANDED POLYSTYRENE PROCESSING MACHINE

GOV400113, F0570008

**78/25                    MOTION:      Palmer / Cornish****That Council:**

- 1.            receive the report by the Manager Waste and Environmental Services on the Polystyrene Processing Equipment Funding;**
- 2.            accept the \$50,000 in grant funding from the EPA Bin trim program for towards the purchase or the GreenMaxx Polystyrene Recycling Machine; and**

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

3. approve the co-contribution of \$87,000 from waste fund reserves towards the purchase of the polystyrene processing machine.

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

## Item 11: Community

### 11.1 SIMPKINS PARK AMENITIES

GOV400113, GRA600020, GOV400113

79/25

**MOTION: Shelley / Lang**

**That Council:**

1. receive the report by the Acting Director Community on the Simpkins Park Amenities; and
2. provide an amount of up to \$400k from unrestricted cash towards the amenities block at Simpkins Park, subject to a report from Council staff.

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

Councillors	Ayes	Nayes
Cr Kennedy	✓	
Cr Cornish	✓	
Cr Dicker	✓	
Cr Karavas	✓	
Cr Lang	✓	
Cr Palmer	✓	
Cr Pryor		✓
Cr Shelley	✓	
Cr Thompson	✓	

### 11.2 GULGONG GOLD EXPERIENCE AND MINER'S COTTAGE 6 MONTHLY REPORT: JULY - DECEMBER 2024

GOV400113, FIN300096, P1114611, GOV400113

80/25

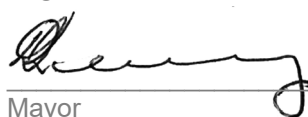
**MOTION: Lang / Palmer**


**That Council receive the report by the Acting Director Community on the Gulgong Gold Experience and Miner's Cottage 6 monthly report: July - December 2024.**

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

### 11.3 POLICY REVIEW - BUSINESS USE OF FOOTPATH

GOV400113, A0420120, GOV400047

  
Mayor

  
General Manager

**81/25                    MOTION:      Cornish / Palmer****That Council:**

- 1.            receive the report by the Governance Co-ordinator on the Policy Review - Business Use of Footpath;**
- 2.            place the revised Business Use of Footpath policy on public exhibition for 28 days; and**
- 3.            adopt the revised Business Use of Footpath policy if no submissions are received after 42 days**

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

**11.4    POLICY REVIEW - COUNCILLOR EXPENSES AND FACILITIES**

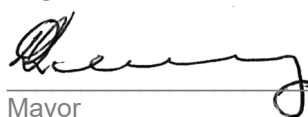

GOV400113, GOV400047

**82/25                    MOTION:      Shelley / Palmer****That Council:**

- 1.            receive the report by the Governance Co-ordinator on the Policy Review - Councillor Expenses and Facilities;**
- 2.            place the revised Councillor Expenses and Facilities Policy on public exhibition for 28 days; and**
- 3.            adopt the revised Councillor Expenses and Facilities Policy if no submissions are received.**

**AMENDMENT:          Cornish / Thompson****That Council:**

- 1.            receive the report by the Governance Co-ordinator on the Policy Review - Councillor Expenses and Facilities;**
- 2.            place the revised Councillor Expenses and Facilities Policy on public exhibition for 28 days; and**
- 3.            adopt the revised Councillor Expenses and Facilities Policy if no submissions are received.**
- 4.            amend the Policy as follows:**  
**Point 4.8 - remove**  
**Point 4.5 – Councillors who attend the meetings of committees and community groups that they have not been appointed to as Council’s representatives are entitled to be reimbursed for travel expenses.**

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

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

Councillors	Ayes	Nayes
Cr Kennedy		✓
Cr Cornish	✓	
Cr Dicker		✓
Cr Karavas		✓
Cr Lang		✓
Cr Palmer		✓
Cr Pryor		✓
Cr Shelley		✓
Cr Thompson	✓	

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

Councillors	Ayes	Nayes
Cr Kennedy	✓	
Cr Cornish		✓
Cr Dicker	✓	
Cr Karavas	✓	
Cr Lang	✓	
Cr Palmer	✓	
Cr Pryor	✓	
Cr Shelley	✓	
Cr Thompson		✓

#### 11.5 MUDGE TEAM TRAINING VILLAGE ACCEPTANCE OF TRANSFER OF UNSPENT FUNDS FROM RESOURCES FOR REGION ROUND 8 AND BUDGET UPDATE

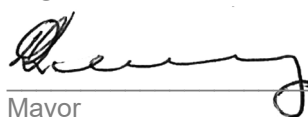
GOV400113, EME900027, GOV400113


83/25

**MOTION: Shelley / Lang**

**That Council:**

1. receive the report by the Acting Director Community on the Mudgee Team Training Village Acceptance of Transfer of Unspent Funds from Resources for Region Round 8 and Budget Update;
2. accept transfer of \$1,138,753.02 in funding from the Resources for Region Round 8 (Glen Willow to Putta Bucca Vehicle and Pedestrian Bridge) to the Mudgee Team Training Village project;
3. amend the 2024/25 budget for the Mudgee Team Training Village project to increase the grant revenue by \$1,138,753, increase the expenditure by \$180,000 and reduce Council's unrestricted cash contribution by \$958,753;

  
Mayor

  
General Manager

4. **authorise the General Manager to finalise and execute the funding agreement; and**
5. **amend the 2024/25 budget for the Putta Bucca Property Upgrade to increase the expenditure by \$434,500, funded from \$76,500 insurance reimbursement and \$358,000 unrestricted cash.**

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

Councillors	Ayes	Nayes
Cr Kennedy	✓	
Cr Cornish	✓	
Cr Dicker	✓	
Cr Karavas	✓	
Cr Lang	✓	
Cr Palmer	✓	
Cr Pryor	✓	
Cr Shelley	✓	
Cr Thompson		✓

#### 11.6 LIFELINE MUDGEES HUB - LONG-TERM TENANCY AT MUDGEES ARTS PRECINCT

GOV400113, FIN300368, GOV400113

84/25

**MOTION: Shelley / Palmer**

**That Council:**

1. **receive the report by the Acting Director Community on the Lifeline Mudgees Hub - Long-Term Tenancy at Mudgees Arts Precinct; and**
2. **amend the 2024/25 Budget for Art Galleries to increase expenditure by \$10,000 funded from unrestricted cash.**

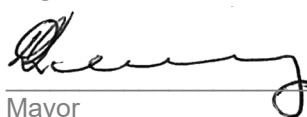
*The motion was carried with the Councillors voting unanimously.*


## Item 12: Reports from Committees

Nil

The following recommendations (item 12.1 to item 12.1) 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.85/25 and concluding at Resolution No.86/25.

#### 12.1 AUDIT RISK AND IMPROVEMENT COMMITTEE MINUTES - 21 FEBRUARY 2025

  
Mayor

  
General Manager



GOV400113, GOV400113, COR400236

**85/25                      MOTION:       Shelley / Dicker****That Council:**

- 1.                receive the report by the Acting Director Community on the Audit Risk and Improvement Committee Minutes - 21 February 2025; and**
- 2.                endorse the minutes and recommendations of the Audit Risk and Improvement Committee meeting held on 22 November 2024.**

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

## **12.2    LOCAL TRAFFIC COMMITTEE MEETING MINUTES - FEBRUARY 2025**

GOV400113, A0100009, GOV400113

**86/25                      MOTION:       Shelley / Dicker**

**That Council receive the report by the Administration Assistant - Infrastructure Planning on the Local Traffic Committee Meeting Minutes - February 2025.**

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

## **Item 13:                Urgent Business Without Notice**

Nil

## **Item 14:                Confidential Session**

**87/25                      MOTION:       Palmer / Cornish**

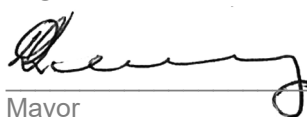

**That pursuant to the provisions of Section 10 of the Local Government Act, 1993, the meeting be closed to the public.**

*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    Acceptance of Grant Funding**

***The reason for dealing with this report confidentially is that it relates to information that would, if disclosed, reveal a trade secret in accordance with Section 10A(2)(d)(iii) of the***

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

**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 Contract obligations requiring commercial confidentiality.**

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 ACCEPTANCE OF GRANT FUNDING**

GOV400113, LAN900113

**88/25****MOTION: Shelley / Cornish****That Council:**

1. receive the report by the Economic Development Coordinator on the Acceptance of Grant Funding;
2. 2024/2025 set an additional expenditure budget of \$50,000 to assist in managing the impacts of the CWOREZ funded by grant funding;
3. 2025/2026 set an additional expenditure budget of \$200,000 to assist in managing the impacts of the CWOREZ funded by grant funding;
4. 2026/2027 set an additional expenditure budget of \$150,000 to assist in managing the impacts of the CWOREZ funded by grant funding and
5. authorise the General Manager to finalise and execute the funding agreement.

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

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

Nil

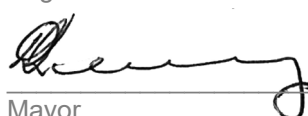

**Item 16: Open Council****89/25****MOTION: Shelley / Dicker****That Council move to Open Council.**

*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 8.00pm.

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