

# Minutes of the Ordinary Meeting of Council

Held at the Council Chambers, 86 Market Street, Mudgee  
on 04 August 2021, commencing at 5.32pm and concluding at 5.59pm.

PRESENT Cr S Paine, Cr P Cavalier, Cr R Holden, Cr A Karavas, Cr E Martens, Cr P Shelley, Cr JP Thompson.

IN ATTENDANCE General Manager (Brad Cam), Director Operations (Garry Hemsworth), Director Community (Simon Jones), Director Development (Julie Robertson), Chief Financial Officer (Leonie Johnson), Executive Manager Human Resources (Michele George), Manager Customer Services & Governance (Richard Cushway) and Executive Assistant (Mette Sutton).

Deputy Mayor, Cr Sam Paine, chaired the meeting in the absence of Mayor Des Kennedy.

## Item 1: Apologies

Apologies were received for Cr D Kennedy and Cr J O'Neill

**229/21 MOTION: Thompson / Cavalier**

**That the apologies received for Cr D Kennedy and Cr J O'Neill be accepted.**

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

## Item 2: Disclosure of Interest

Councillor Paine declared a less than significant non-pecuniary conflict of interest in item 11.1 as he has a long involvement with the Mudgee Arts organisation.

Councillor Shelley declared a pecuniary conflict of interest in item 14.2 as he is a part-time employee of Bowdens Silver.

## Item 3: Confirmation of Minutes

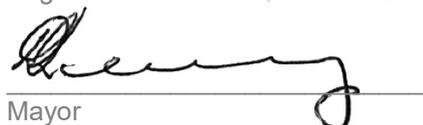
**230/21 MOTION: Thompson / Cavalier**

**That the Minutes of the Ordinary Meeting held on 21 July 2021 be taken as read and confirmed.**

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

## Item 4: Matters in Progress

Nil

  
Mayor

  
General Manager

**Item 5: Mayoral Minute**

Nil

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

6.1 TREE REMOVAL - MORTIMER STREET, MUDGEE  
GOV400088,

231/21 MOTION: Thompson / Martens

**That a report be brought back to Council through the Local Traffic Committee in regard to improving the safety, including visual aspects, of the pedestrian crossing in Mortimer Street on the northern side outside Woolworths.**

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

6.2 PEDESTRIAN CROSSINGS IN THE MUDGEE CBD  
GOV400088,

MOTION

That Council raise the three pedestrian crossings in the Mudgee CBD being; Market Street (between Church and Perry Streets), Church Street (between Market and Mortimer Streets) and Mortimer Street (between Church and Perry Streets).

Item withdrawn by Cr Thompson.

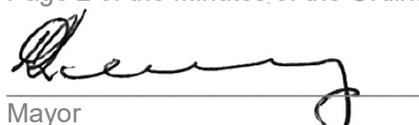
**Item 7: Office of the General Manager**

7.1 COUNCIL MEETING SCHEDULE 2021/22  
GOV400088, GOV400088

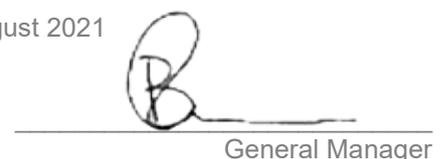
232/21 MOTION: Thompson / Cavalier

**That Council:**

1. receive the report by the Director Community on the Council Meeting Schedule 2021/22; and
2. reschedule the dates for Council Meetings due to the postponement of the Local Government Elections until 4 December 2021; and
3. endorse the following dates for Council meetings:



Mayor



General Manager

- 15 September 2021
- 13 October 2021
- 3 November 2021
- 12 January 2022
- 2 February 2022
- 16 February 2022
- 16 March 2022

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

## Item 8: Development

8.1 DA0246/2021 DUAL OCCUPANCY AT 90A LOUEE STREET,  
RYLSTONE (LOT 3 DP1239243)

GOV400088, DA0246/2021

233/21

**MOTION Shelley / Holden**

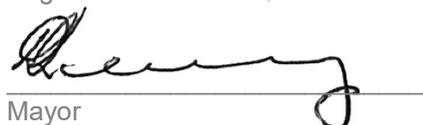
**That Council:**

- A. receive the report by the Town Planner on the DA0246/2021 Dual Occupancy at 90A Louee Street, Rylstone (Lot 3 DP1239243);**
- B. approve DA0246/2021 Dual Occupancy at 90A Louee Street, Rylstone (Lot 3 DP1239243) subject to the following conditions and statement of reason:**

### APPROVED PLANS

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

Title / Name:	Project No.	Drawn No	Date	Issue	Prepared by:
Site Plan	116.20	1	26.11.20	A	Preferred Design & Drafting
Floor Plan, Roof Plan	116.20	3	26.11.20	A	Preferred Design & Drafting
Elevations – Studio	116.20	4	26.11.20	A	Preferred

  
Mayor

  
General Manager

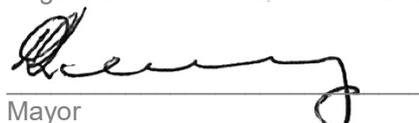
					Design & Drafting
Sections, Carpot Elevations	116.20	5	26.11.20	A	Preferred Design & Drafting
Door & Window List	116.20	6	26.11.20	A	Preferred Design & Drafting
BASIX Commitments	116.20	7	26.11.20	A	Preferred Design & Drafting
BASIX Certificate	1146045S	-	26 November 2020	-	Preferred Design & Drafting

### GENERAL

2. **For clarity, this development consent provides approval for dual occupancy (detached), only.**
3. **All earthworks, filling, building, driveways or other works, are to be designed and constructed to ensure that at no time any ponding of stormwater occurs on the subject site or adjoining land as a result of this development. Design must also ensure that no diversion of runoff onto other adjacent properties occurs. The site shall be graded so that it is free draining.**
4. **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.**
5. **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.**
6. **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.**
7. **A new sealed crossover from Cox Street is to be constructed in accordance with Council requirements and standards as per council's "Access to Property Policy". Separate approval for this work must be obtained under the provisions of Section 138 of the Roads Act 1993.**

### PRIOR TO THE ISSUE OF CONSTRUCTION CERTIFICATE

8. **Prior to the issue of a 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.**



Mayor



General Manager

9. **Prior to release of the Construction Certificate, approval pursuant to Section 138 of the Roads Act, 1993 to carry out works within the road reserve is to be lodged with Mid-Western Regional Council for assessment.**
10. **Prior to the issue of a Construction Certificate, the developer shall pay a long service levy at the prescribed rate to either the Long Service Levy Corporation or Council, for any work costing \$25,000 or more.**

**Note - The amount payable is currently based on 0.35% 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.**

11. **In accordance with the provisions of Section 7.11 of the Environmental Planning and Assessment Act 1979 and the Mid-Western Regional Contributions Plan 2019, a contribution shall be paid to Council in accordance with this conditions as detailed in the table below. The contribution shall be paid to Council prior to the issue of a Construction Certificate. Contributions are subject to increase in accordance the consumer price index and are payable at the rate applicable at the time of payment.**

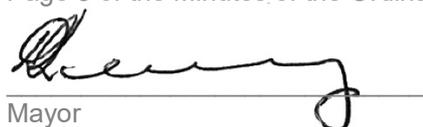
<b>Program</b>	<b>Total \$</b>
Transport facilities	\$1,439
Recreation and open space	\$ 599
Community facilities	\$ 379
Stormwater management	\$ -
Plan Administration	\$ 602
<b>TOTAL</b>	<b>\$3,019</b>

**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.**

12. **Prior to the issue of a Construction Certificate, the developer shall obtain a Certificate of Compliance under the Water Management Act 2000, from Council.**

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

13. **If the Construction Certificate is not issued, for any reason whatsoever, within twelve (12) months of the date of determination, then the**

  
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 Mayor

  
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 General Manager

charges and contributions contained in this consent, may be increased to the current rate at the time of payment.

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

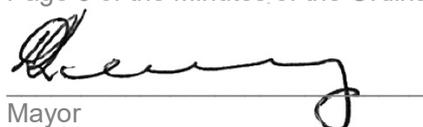
14. No work shall commence until a Construction Certificate has been issued and the applicant has notified Council of:
- a) the appointment of a Principal Certifying Authority and
  - b) the date on which work will commence.

Such notice shall include details of the Principal Certifying Authority and must be submitted to Council at least two (2) days before work commences.

15. 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**

16. 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, and
  - b) showing the name of the person in charge of the work site and a telephone number at which that person may be contacted outside working hours.
  - c) the name, address and telephone number of the principal certifying authority for the work,
  - d) The sign shall be removed when the erection or demolition of the building has been completed.
17. With the exception of work where there is in force an exemption under clause 187 and 188 of the Environmental Planning and Assessment Act 1979 all building work that involves residential building work for which the Home Building Act requires there to be a contract of insurance in force in accordance with Part 6 of that Act, such a contract of insurance is to be in force.
18. 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

  
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Mayor

  
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General Manager

**b) building involves the enclosure of a public place**

A hoarding or fence must be erected between the work site and the public place. If necessary, an awning is to be erected, sufficient to prevent any substance from, or in connection with, the work falling into the public place. Any such hoarding, fence or awning is to be removed when the work has been completed.

19. Construction must not take place until appropriate erosion control, dust control and silt collection measures are in place. These controls must be within the satisfaction of Council and to relevant engineering standards. Such erosion control, dust control and silt collection measures must remain onsite and maintained to the satisfaction of Council for the duration of the construction period.

Any soil / water retention structures are to be constructed prior to the bulk stripping of topsoil to ensure sediment from the whole site is captured.

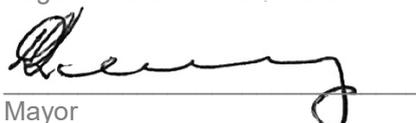
20. The development site is to be managed for the entirety of work in the following manner:
- a) Erosion and sediment controls are to be implemented to prevent sediment from leaving the site. The controls are to be maintained until the development is complete and the site stabilised with permanent vegetation;
  - b) Appropriate dust control measures;
  - c) Construction equipment and materials shall be contained wholly within the site unless approval to use the road reserve has been obtained;
  - d) Toilet facilities are to be provided on the work site at the rate of one toilet for every 20 persons or part of 20 persons employed at the site.

**BUILDING CONSTRUCTION**

21. 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.
22. All plumbing and drainage work must be carried out by a licensed plumber and drainer and must comply with the Plumbing Code of Australia.
23. 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**



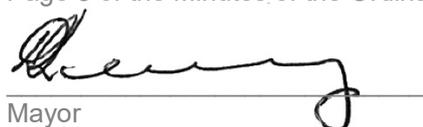
Mayor



General Manager

**Holidays.**

24. **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.**
25. **The following applicable works shall be inspected and passed by an officer of Council, irrespective of any other inspection works undertaken by an accredited certifier, prior to them being covered. In this regard, at least 24 hours notice shall be given to Council for inspection of such works. When requesting an inspection please telephone Council's Customer Counter on 6378 2850 and quote Council's DA reference number located on the front page of this consent.**
- **Internal and external sanitary plumbing and drainage.**
  - **Water plumbing.**
  - **Final inspection of the installed sanitary and water plumbing fixtures upon the building's completion prior to its occupation or use**
26. **Structural members subject to attack by subterranean termites shall be protected by one of the methods outlined in AS 3660.1 and a durable notice must be permanently fixed to the building in a prominent location, such as a meter box or the like, indicating:**
- a) **the method of protection; and**
  - b) **the date of installation of the system; and**
  - c) **where a chemical barrier is used, its life expectancy as listed on the National Registration Authority label; and**
  - d) **the need to maintain and inspect the system on a regular basis.**
27. **The requirements of BASIX Certificate number 1146045S issued on 26 November 2020 must be installed and/or completed in accordance with the commitments contained in that certificate. Any alteration to those commitments will require the submission of an amended BASIX Certificate to the Council and/or the Principal Certifying Authority prior to the commencement of the alteration/s.**
28. **All stormwater is to discharge to the street with the use of non-flexible kerb adaptors. Please note this can be achieved by connecting to existing stormwater lines.**
29. **Fill material shall not raise the existing surface level within the dedicated easement/s.**
30. **In the event of any Aboriginal archaeological material being discovered during earthmoving/construction works, all work in**

  
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Mayor  
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General Manager

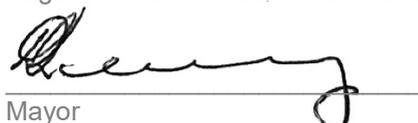
that area shall cease immediately and the Office of Environment and Heritage (OEH) notified of the discovery as soon as practicable. Work shall only recommence upon the authorisation of the OEH.

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

31. 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.
32. Prior to the issue of an Occupation Certificate the applicant must construct driveway crossovers and any internal driveways necessary to provide the necessary parking requirements. Prior to undertaking any work associated with crossover construction in the road reserve the applicant must obtain separate approval under the provisions of Section 138 of the Roads Act 1993.
33. Prior to issue of an Occupation Certificate, all approved car parking and associated driveway and stormwater drainage works are to be completed.
34. The developer shall contact Council's Property and Rating Department to ensure that the Street Addressing for each dwelling is correctly allocated in accordance with AS4819, prior to issue of the Occupation Certificate.
35. Prior to the issue of an Occupation Certificate the Developer must, where applicable, pay all relevant Development Contributions that may be levied in accordance with Council's Developer Contributions Plan/s.

#### **GENERAL / ONGOING**

36. Outdoor drying facilities and letterboxes are to be provided for each unit prior to occupation and maintained for the life of the development.
37. Fencing shall be provided for the development in accordance with the following requirements:
  - a) A 1.8 metre high screen fence is to be provided to all side and rear boundaries, behind the front building line.
  - b) A 1.8 metre high screen fence is to be provided between the private open space areas of the units.
  - c) All required fencing shall be provided prior to occupation of the dwelling unit.
  - d) All fencing shall be provided at the full cost of the developer.
  - e) All required fencing shall be maintained at all times.
  - f) Fencing provided along property boundaries and between

  
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Mayor

  
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General Manager

- courtyards must not disrupt overland flow of stormwater and floodwater.
- g) Any fencing provided forward of the front building line shall comply with the following requirements:
- (i) The fences shall be constructed of open panels or a combination of open panels and masonry columns.
  - (ii) The fences shall be of timber or masonry construction. No Colorbond is to be used in fencing located forward of the building line.
38. Switchboards for gas, electricity, etc., must not be attached to the front or street facing elevations of the buildings.
39. All parking associated with the development is to be contained wholly within the site.
40. All car parking spaces, loading and unloading areas, vehicle manoeuvring and driveway areas must not be used for the storage of any goods or materials and must be available for their intended use at all times.
41. Waste collection receptacles shall not obstruct driveways at any time.
42. 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"*.

#### STATEMENT OF REASONS

The determination decision was reached for the following reasons:

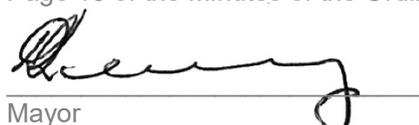
1. The proposed development complies with the requirements of the applicable environmental planning instruments and Mid-Western Regional Development Control Plan 2013.
2. The proposed development is considered to be satisfactory in terms of the matters identified in Section 4.15 of the Environmental Planning & Assessment Act 1979.

#### OTHER APPROVALS

N/A

#### ADVISORY NOTES

1. This development consent requires a Certificate of Compliance under the *Water Management Act 2000* to be obtained prior to the issue of a Construction Certificate. A person may apply to Mid-Western Regional Council, as the water supply authority, for a Certificate of Compliance pursuant to Section 305 of the *Water*

  
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Mayor

  
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General Manager

**Management Act 2000.**

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

<b>Water Headworks</b>	<b>\$ 0.00</b>
<b>Sewer Headworks</b>	<b>\$ 1,998.50</b>
<b>TOTAL HEADWORKS</b>	<b>\$ 1,998.50</b>

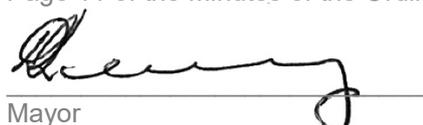
**Note – Section 64 Developer Contributions are subject to Consumer Price Index Increase at 1 July each year. Please contact Council’s Planning and Development Department regarding any adjustments.**

2. The removal of trees within any road reserve requires the separate approval of Council in accordance with the policy "Tree Removal and Pruning - Public Places".
3. The land upon which the subject building is to be constructed may be affected by restrictive covenants. This approval is issued without enquiry by Council as to whether any restrictive covenant affecting the land would be breached by the construction of the building, the subject of this approval. Persons to whom this approval is issued must rely on their own enquiries as to whether or not the building breaches any such covenant.
4. Division 8.2 of the Environmental Planning and Assessment Act (EP&A Act) gives you the ability to seek a review of the determination. This request is made to Council and must be made within 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.
5. If you are dissatisfied with this decision section 8.7 of the EP&A Act 1979 gives you the right to appeal to the Land and Environment Court within 12 months after the date on which you receive this notice.
6. To ascertain the extent to which the consent is liable to lapse, refer to Section 4.53 of the EP&A Act.

AMENDMENT: Martens / Thompson

That Council:

- A. receive the report by the Town Planner on the DA0246/2021 Dual Occupancy at 90A Louee Street, Rylstone (Lot 3



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Mayor



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General Manager

DP1239243);

B. refuse DA0246/2021 Dual Occupancy at 90A Louee Street, Rylstone (Lot 3 DP1239243) for the following reason:

A) The view corridor from Cox Street to the former Presbyterian Church will be blocked by the proposed development. This is contrary to the objectives of Section 5.10 "Heritage Conservation" of the Mid- Western Regional Local Environmental Plan 2012 in that the application does not conserve the heritage significance of the heritage conservation area or the heritage item.

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

Councillors	Ayes	Nayes
Cr Paine		✓
Cr Cavalier		✓
Cr Holden		✓
Cr Karavas		✓
Cr Martens	✓	
Cr Shelley		✓
Cr Thompson	✓	

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

Councillors	Ayes	Nayes
Cr Paine	✓	
Cr Cavalier	✓	
Cr Holden	✓	
Cr Karavas	✓	
Cr Martens		✓
Cr Shelley	✓	
Cr Thompson	✓	

The following recommendations (item 8.2 to item 8.4) were adopted as a whole, being moved by Cr Shelley, seconded by Cr Holden and carried with Councillors voting unanimously. Each recommendation is recorded with separate resolution numbers commencing at Resolution No. 234/21 and concluding at Resolution No. 236/21.

## 8.2 TOURISM WAYFINDING AND SIGNAGE STRATEGY

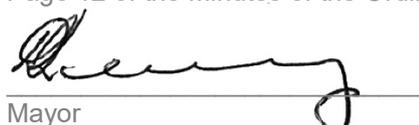
GOV400088, ROA100011

**234/21**

**MOTION: Shelley / Holden**

**That Council:**

- 1. receive the report by the Manager Economic Development on the Tourism Wayfinding and Signage Strategy;**
- 2. note the completion of the Tourism Wayfinding and**

  
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 Mayor

  
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 General Manager

**Signage Strategy; and**

3. receive a further report from Staff with suggested priorities and funding options for Council to consider in implementing any of the recommendations contained in the strategy.

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

## 8.3 SERVICE NSW FOR BUSINESS

GOV400088, ECO800004

235/21

**MOTION: Shelley / Holden****That Council:**

1. receive the report by the Manager Economic Development on the Service NSW for Business;
2. delegates authority to the General Manager to enter into an agreement with Service NSW; and
3. any necessary documents be authorised for execution under the Common Seal of Council.

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

## 8.4 COUNTRY UNIVERSITIES CENTRE MUDGEE

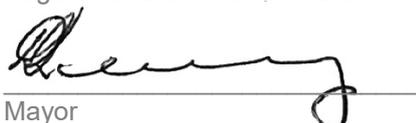
GOV400088, ECO800022

236/21

**MOTION: Shelley / Holden****That Council:**

1. receive the report by the Manager Economic Development on the Country Universities Centre Mudgee;
2. authorise the General Manager to sign a Memorandum of Understanding with Country University Centre Ltd to progress with application for funding from NSW Government; and
3. allocate \$50,000 in 2021/22 and \$400,000 in 2022/23 towards CUC Mudgee new building construction and associated fees funded from Unrestricted Cash.

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

  
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Mayor  
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General Manager

**Item 9: Finance**

## 9.1 NAMING OF ROADSIDE REST AREA IN THE LOCALITY OF CUDGEGONG

GOV400088, P23737, PAR300020

237/21

**MOTION: Shelley / Holden****That Council:**

1. receive the report by the Property Support Officer on the Naming of Roadside Rest Area in the Locality of Cudgegong; and
2. support the name of Aunty Mary Hooker Rest Area and support the proposal to honour Aunty Mary Hooker as submitted in the confidential attachment.

**AMENDMENT: Thompson / Martens****That Council:**

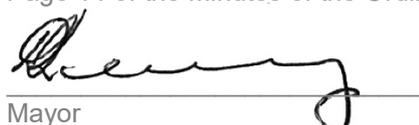
1. receive the report by the Property Support Officer on the Naming of Roadside Rest Area in the Locality of Cudgegong; and
2. support the name of Cudgegong Rest Area and that a plaque be put there to tell people of the history of the Cudgegong area.

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

Councillors	Ayes	Nayes
Cr Paine		✓
Cr Cavalier		✓
Cr Holden		✓
Cr Karavas		✓
Cr Martens		✓
Cr Shelley		✓
Cr Thompson	✓	

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

Councillors	Ayes	Nayes
Cr Paine	✓	
Cr Cavalier	✓	
Cr Holden	✓	
Cr Karavas	✓	
Cr Martens	✓	



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Mayor



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

Cr Shelley	✓
Cr Thompson	✓

The following recommendations (item 9.2 to item 12.1) 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. 238/21 and concluding at Resolution No. 252/21.

9.2 CLASSIFICATION OF LAND - LOT 63 DP618063 AT 55  
 GEORGE CAMPBELL DRIVE BOMBIRA  
 GOV400088, 24361, GOV400088

**238/21 MOTION: Shelley / Cavalier**

**That Council:**

1. receive the report by the Property Officer on the Classification of Land - Lot 63 DP618063 at 55 George Campbell Drive Bombira; and
2. classify Allotment 63 DP618063 at 55 George Campbell Drive, Bombira as Operational Land in accordance with Chapter 6 Part 2 Division 1 Local Government Act 1993.

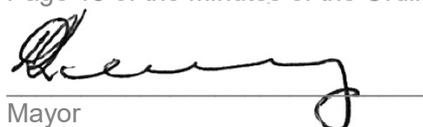
*The motion was carried with the Councillors voting unanimously.*

9.3 SALEYARDS LANE SUBDIVISION STAGE 2  
 GOV400088, P23795, P23796

**239/21 MOTION: Shelley / Cavalier**

**That Council:**

1. receive the report by the Chief Financial Officer on the Saleyards Lane Subdivision Stage 2;
2. approve the development of 25 lots as detailed in the attached concept plan for the Stage 2 subdivision of Saleyards Lane;
3. amend the Budget for 2021/22 to allocate:
  - 3.1 Stage 2 construction budget of \$2,500,000 to be funded from the Land Development Reserve;
  - 3.2 Land sales of \$1,000,000, to be transferred to the Land Development Reserve;
4. amend the Budget for 2022/23 to allocate:
  - 4.1 Land sales of \$2,400,000, to be transferred to the

  
 Mayor

  
 General Manager

**Land Development Reserve;**

5. authorise the General Manager to obtain independent valuations for the 25 lots detailed in the attached concept plans as soon as appropriate to do so; and
6. request a further report be brought back to Council to authorise any process for sale and set the sale proceed budgets.

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

## 9.4 BUDGET REVOTES FROM 2020/21 TO 2021/22

GOV400088, FIN300315

240/21

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

1. receive the report by the Manager Finance on the Budget Revotes from 2020/21 to 2021/22;
2. amend the 2021/22 budget to reflect the revote of \$7,570,285 capital expenditure as identified in the attachment to this report; and
3. amend the 2021/22 budget to reflect the revote of \$2,073,263 operating expenditure as identified in the attachment to this report.

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

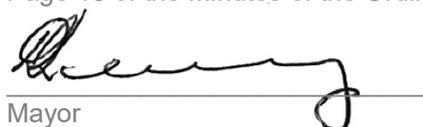
## 9.5 MONTHLY BUDGET REVIEW - JULY 2021

GOV400088, FIN300315

241/21

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

1. receive the report by the Manager Finance on the Monthly Budget Review - July 2021;
2. amend the 2020/21 budget in accordance with the variations as listed in the Monthly Budget Review attachment to this report;
3. note that the General Manager used the emergency delegation conveyed to him at 3.1 of his delegation to authorise the purchase of portable traffic control devices;
4. note that the General Manager used the emergency delegation conveyed to him at 3.1 of his delegation to authorise the hire of water carts to transfer water to

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

Clandulla reservoir in June 2021; and

5. note that the General Manager used the emergency delegation conveyed to him at 3.1 of his delegation to authorise the clean-up of roads following the snow event in June 2021.
6. amend the 2021/22 budget to allocate an additional \$15,000 to the Young Entrepreneurs Summit to be funded from grant funding; and
7. amend the 2021/22 budget to allocate an amount of \$50,000 for COVID testing clinics across the region, to be funded from grant funding.

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

## 9.6 DRAFT FINANCIAL STATEMENTS 2020/21

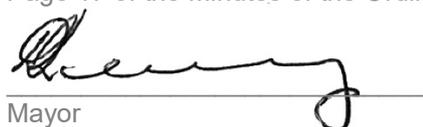
GOV400088, FIN300136

242/21

**MOTION: Shelley / Cavalier**

**That Council:**

1. receive the report by the Manager Finance on the Draft Financial Statements 2020/21;
2. resolve that in its opinion the General Purpose Financial Statements and Special Purpose Financial Statements for the year ended 30 June 2021:
  - 2.1 have been drawn up in accordance with the provisions of the Local Government Act 1993, the Local Government (General) Regulation 2005, the Australian Accounting Standards, and the Local Government Code of Accounting Practice and Financial Reporting;
  - 2.2 present fairly the Council's financial position and operating result for the year;
  - 2.3 accord with the Council's accounting and other records; and
  - 2.4 do not contain any known matter that would make the financial statements false or misleading in any way
3. authorise the Mayor, Deputy Mayor, General Manager and Responsible Accounting Officer (CFO) to sign the Statement by Councillors and Management on its opinion of the General Purpose Financial Report 2020/21 and Special Purpose Financial Report 2020/21;

  
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Mayor

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

4. **authorise the General Manager to issue the 2020/21 Financial Reports immediately upon receipt of the Auditors Report, subject to there being no material audit adjustments or audit issues; and**
5. **authorise the General Manager to finalise the date at which the Auditors Report and Financial Statements for 2020/21 are to be presented to the public.**

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

#### 9.7 QUARTERLY BUDGET REVIEW JUNE 2021

GOV400088, FIN300240

**243/21**

**MOTION: Shelley / Cavalier**

**That Council:**

1. **receive the report by the Manager Finance on the Quarterly Budget Review June 2021; and**
2. **note the opinion of the Responsible Accounting Officer regarding the satisfactory financial position of Council.**

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

### **Item 10: Operations**

#### 10.1 SPRING FLAT ROAD SEAL EXTENSION

GOV400088, R0110001

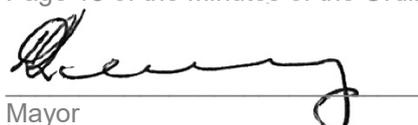
**244/21**

**MOTION: Shelley / Cavalier**

**That Council:**

1. **receive the report by the Manager Works on the Spring Flat Road Seal Extension;**
2. **approve the sealing of 1,100m of Spring Flat Road with a contribution from the applicants for the cost of the seal and a condition that payment is received prior to any works commencing; and**
3. **amend the 2020/21 Operational Plan to include the sealing of Spring Flat Road for \$250,000, funded from \$45,000 (ex gst) contribution from the applicant, and an additional \$205,000 from the Seal Extension Program Reserve.**

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

  
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Mayor

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

10.2 CONSTRUCTION OF ENTRANCES TO WILPINJONG MINE  
GOV400088, ROA100367

245/21 MOTION: Shelley / Cavalier

That Council:

1. receive the report by the Manager Works on the Construction of Entrances to Wilpinjong Mine;
2. amend the 2021/22 Operational Plan to include a budget for the construction of entrances to Wilpinjong Mine of \$535,500 funded by contributions from Peabody Energy;
3. grant delegation to the General Manager to approve variations to the contract up to an accumulative total of 20% of the original contract sum; and
4. authorise the General Manager to negotiate final terms and sign all necessary contractual documentation to formally accept the funds from Peabody Energy.

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

10.3 CONSTRUCTION OF SEWER LINE ACROSS DRAINAGE  
RESERVES

GOV400088, GOV

246/21 MOTION: Shelley / Cavalier

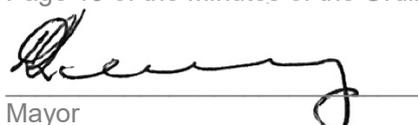
That Council:

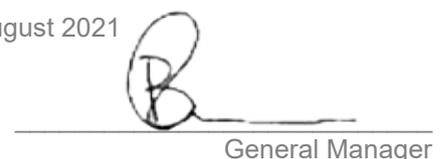
1. receive the report by the Development Engineer Coordinator and Manager Property and Revenue on the Construction of Sewer Line Across Drainage Reserves;
2. advise the applicant that a new linen plan needs to be prepared for the proposed sewerage line that removes Council from the schedule of easements in relation to Lot 8 DP122177 and Lot 35 DP 1199766; and
3. authorise the General Manager to enter into an access agreement or licence with the applicant if the need arises for construction of the sewer lines prior to finalizing the amended linen for registration.

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

**Item 11: Community**

11.1 70 COURT STREET MUDGEES - OPERATION OF A

  
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Mayor

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

## COMMUNITY EDUCATION FACILITY

GOV400088, P1122711

247/21

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

1. receive the report by the Director Community on the 70 Court Street Mudgee - operation of a community education facility;
2. endorse in principle the submission by Mudgee Arts Council Incorporated to assist Council in operating the community education facility at 70 Court Street Mudgee;
3. authorise the General Manager to finalise negotiations and establish a Memorandum of Understanding with Mudgee Arts Council Incorporated for the joint operation of the community education facility at 70 Court Street Mudgee; and
4. note that a different site will be considered for Council to provide the agreed assistance to Housing Plus for emergency accommodation support.

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

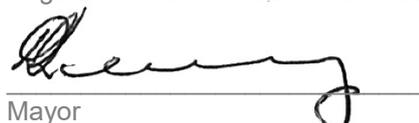
## 11.2 MUDGEE INDOOR POOL UPDATE

GOV400088, FO640002

248/21

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

1. receive the report by the Manager - Recreation Services on the Mudgee Indoor Pool Update;
2. note the comments in the project progress report on the indoor pool development;
3. resolve to approve the design options one and three to progress into business case development as summarised in the body of this report:
  - a) option 1 - new indoor 8 lane 25 metre pool and leisure play area. Retain existing outdoor facilities, with the exception of the outdoor toddler pool;
  - b) option 3 - new indoor 50 metre pool and leisure play area. Retain existing outdoor water park only and decommission existing outdoor pools to accommodate

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

**new pools; and**

- 4. resolve to approve multi-function facilities such as gym and fitness room to be considered as options in the business case development.**

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

11.3 COMMUNITY SERVICES QUARTERLY UPDATE - APRIL TO JUNE 2021

GOV400088, 30000

**249/21 MOTION: Shelley / Cavalier**

**That Council:**

- 1. receive the report by the Manager, Community & Cultural Services on the Community Services Quarterly Update - April to June 2021;**
- 2. note the recent services provided and activities coordinated by Council's Community Services Department; and**
- 3. place the amendment to the Community Transport fee on public exhibition for 28 days and, if no submissions are made, endorse the amended fee of \$5.00 for Zone 1 Single fee for community transport.**

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

11.4 LIBRARY SERVICES - QUARTERLY REPORT

GOV400088, F0620020

**250/21 MOTION: Shelley / Cavalier**

**That Council receive the report by the Manager Library Services on the Library Services - Quarterly Report.**

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

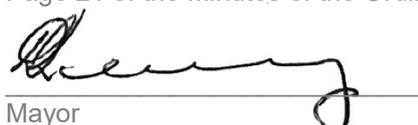
11.5 EXEMPTION FROM TENDER- SCOREBOARD RUGBY UNION

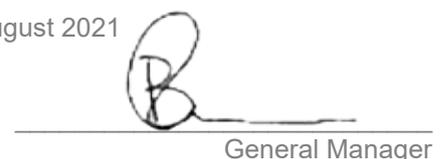
GOV400088, PAR300584

**251/21 MOTION: Shelley / Cavalier**

**That Council:**

- 1. receive the report by the Manager - Recreation Services on the Exemption from Tender- Scoreboard Rugby Union;**

  
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Mayor

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

2. approve an exemption from tender, in accordance with section 55 (3) (i) of the Local Government Act 1993, for the acquisition of a scoreboard at the Rugby Union field at Glen Willow Regional sporting complex, noting that due to extenuating circumstances, a satisfactory result would not be achieved by inviting tenders; and
3. note the reasons why a satisfactory outcome would not be achieved by inviting tenders are:
  - a) tenders were recently publically invited for the acquisition of the Glen Willow stadium scoreboard. Submissions was appropriately evaluated with a contract being awarded that provided the best value for money to Council;
  - b) a change of supplier would cause significant inconvenience and substantial duplication of costs to Council by the way of operational maintenance and supplier negotiations;
  - c) exceptionally advantageous conditions that arise from technical compatibility with existing scoreboard, particularly in user training, component familiarity and risk mitigation; and
  - d) specification could not be altered in such a way to invite other suppliers to competitively compete without impacting the desired outcome

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

## **Item 12: Reports from Committees**

12.1 LOCAL TRAFFIC COMMITTEE MEETING MINUTES - 16 JULY 2021

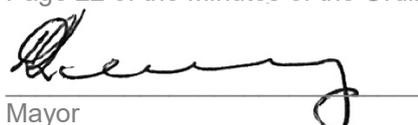
GOV400088, A0100009

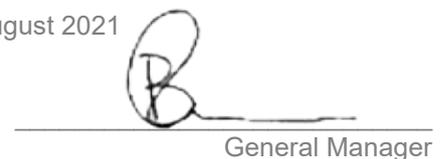
**252/21 MOTION: Shelley / Cavalier**

**That Council :**

1. receive the report by the Executive Assistant, Operations on the Local Traffic Committee Meeting Minutes - 16 July 2021; and
2. approve the event 'Flavours of Mudgee Street Festival.

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

  
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Mayor

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

**Item 13: Urgent Business Without Notice**

## 13.1 MUDGEE LOOKOUT AT CAERLEON

GOV400088,

MOTION Holden / Karavas

That the report on the Mudgee Lookout at Caerleon be accepted as Urgent Business Without Notice.

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

Councillors	Ayes	Nayes
Cr Paine		✓
Cr Cavalier		✓
Cr Holden	✓	
Cr Karavas	✓	
Cr Martens		✓
Cr Shelley		✓
Cr Thompson		✓

**Item 14: Confidential Session**

253/21 MOTION: Martens / Cavalier

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.

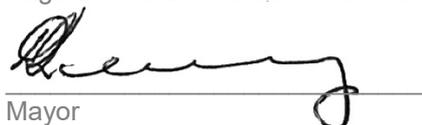
**14.1 General Manager's Performance Agreement 2020-2021**

***The reason for dealing with this report confidentially is that it relates to personnel matters concerning particular individuals (other than Councillors) in accordance with Section 10A(2)(a) 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 an individual, namely the performance of the General Manager.***

**14.2 Bowdens Silver Voluntary Planning Agreement**

***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 in accordance with Section 10A(2)(c) 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 proposal subject to Council negotiation.**

#### 14.3 Update on LEC Matter DA0077/2020

**The reason for dealing with this report confidentially is that it relates to advice concerning litigation, or advice as comprises a discussion of this matter, that would otherwise be privileged from production in legal proceedings on the ground of legal professional privilege in accordance with Section 10A(2)(g) 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 matter subject to legal proceedings.**

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 GENERAL MANAGER'S PERFORMANCE AGREEMENT 2020-2021

GOV400088, GOV400043, A0381418

**254/21 MOTION: Shelley / Cavalier**

**That Council:**

- 1. receive the report by the Executive Manager, People and Performance on the General Manager's Performance Agreement 2020-2021; and**
- 2. assess the General Manager's Performance for the year ending 30 June 2021 in accordance with the assessment scale as determined by the Council.**

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

Councillor Shelley declared a pecuniary conflict of interest in item 14.2 as he is a part-time employee of Bowdens Silver. He left the Chambers at 5:56pm and did not participate in discussion or vote in relation to the matter.

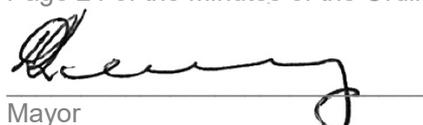
#### 14.2 BOWDENS SILVER VOLUNTARY PLANNING AGREEMENT

GOV400088, LAN900122

**255/21 MOTION: Holden / Cavalier**

**That Council:**

- 1. receive the report by the Director Development on the Bowdens Silver Voluntary Planning Agreement;**

  
Mayor

  
General Manager

2. provide in-principle support to enter into a Voluntary Planning Agreement with Bowdens Silver Pty Ltd for the Bowdens Silver Mine based on the terms outlined in the proposal dated 17 June 2021;
3. advise Bowdens Silver Pty Ltd to commence preparation of a draft Voluntary Planning Agreement and Explanatory Note based on the terms outlined; and
4. receive a further report to review the draft Voluntary Planning Agreement and Explanatory Note prior to placing it on public exhibition in accordance with the requirements of the Environmental Planning and Assessment Act 1979.

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

Councillors	Ayes	Nays
Cr Paine	✓	
Cr Cavalier	✓	
Cr Holden	✓	
Cr Karavas	✓	
Cr Martens		✓
Cr Thompson		✓

Councillor Shelley returned to the Chambers at 5:58pm.

### 14.3 UPDATE ON LEC MATTER DA0077/2020

GOV400088, DA0077/2020

#### RECOMMENDATION

That Council:

1. receive the report by the Director Development on the Update on LEC Matter DA0077/2020; and
2. adopt the recommendation contained in the confidential report to Council's 4 August 2021 meeting.

Item 14.3 was withdrawn.

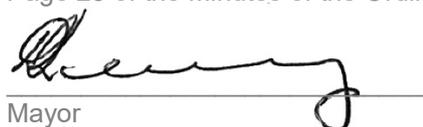
### **Item 15: Urgent Confidential Business Without Notice**

Nil

### **Item 16: Open Council**

**256/21 MOTION: Holden / Martens**

**That Council move to Open Council.**

  
Mayor

  
General Manager

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

The General Manager announced the decisions taken in Confidential Session.

**Item 17: Closure**

There being no further business the meeting concluded at 5.59pm.

  
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Mayor

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