

Minutes of the Ordinary Meeting of Council

Held at the Council Chambers, 86 Market Street, Mudgee
on 21 July 2021, commencing at 5.44pm and concluding at 6.44pm.

PRESENT Cr D Kennedy, Cr S Paine, Cr P Cavalier, Cr R Holden, Cr A Karavas, Cr E Martens, Cr J O'Neill, 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), Governance Coordinator (Tim Johnston) and Executive Assistant (Mette Sutton).

Item 1: Apologies

An apology was received for Cr P Shelley.

201/21 MOTION: Holden / Thompson

That the apology received for Cr P Shelley be accepted.

The motion was carried with the Councillors voting unanimously.

Item 2: Disclosure of Interest

Councillor JP Thompson declared a non-pecuniary insignificant conflict of interest in item 3.6 as he is President of the Gulgong Turf Club that adjoins the Gulgong Polocross grounds.

Item 3: Confirmation of Minutes

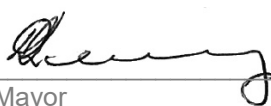
202/21 MOTION: Cavalier / Paine

That the Minutes of the Ordinary Meeting held on 16 June 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 MUDGEE 200 CELEBRATION

GOV400088,

MOTION: Thompson / Martens

That Council:

1. support the Mudgee 200 celebration event with traffic and coordination for a parade and markets to help in conjunction with the event; and
2. provide \$3000 financial support from the events assistance fund to the organisers of the event.

The motion was put and lost on the casting vote of the Mayor, with Councillors voting as follows:

Councillors	Ayes	Nayes
Cr Kennedy		✓
Cr Paine		✓
Cr Cavalier		✓
Cr Holden	✓	
Cr Karavas	✓	
Cr Martens	✓	
Cr O'Neill		✓
Cr Thompson	✓	

6.2 IDENTIFYING LAND FOR AFFORDABLE HOUSING

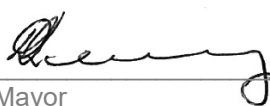
GOV400088,

MOTION: Thompson / Martens


That Council identify land for affordable housing in our Shire.

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

Councillors	Ayes	Nayes
Cr Kennedy		✓
Cr Paine		✓
Cr Cavalier		✓
Cr Holden	✓	
Cr Karavas		✓
Cr Martens	✓	
Cr O'Neill		✓
Cr Thompson	✓	



 Mayor



 General Manager

6.3 OLD MUDGEES BOWLING CLUB SITE

GOV400088,

MOTION

That the old Mudgee Bowling Club site be considered for a housing proposal.

Notice of Motion 6.3 was withdrawn by Cr Thompson

6.4 LAND FOR GULGONG RETIREMENT VILLAGE

GOV400088,

MOTION: Thompson / Martens

That Council identify land around Gulgong where a retirement village could be built.

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

Councillors	Ayes	Nayes
Cr Kennedy		✓
Cr Paine		✓
Cr Cavalier	✓	
Cr Holden		✓
Cr Karavas		✓
Cr Martens	✓	
Cr O'Neill		✓
Cr Thompson	✓	

6.5 KANDOS LOOKOUT

GOV400088,

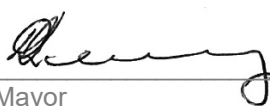
203/21

MOTION: Thompson / Martens


That Council do further investigation into the ownership of the site of the lookout at Kandos on the Bylong Valley Way with the possibility of developing it for a lookout again.

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

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



Mayor



General Manager

Cr O'Neill	✓
Cr Thompson	✓

Item 7: Office of the General Manager

7.1 2021 CHRISTMAS SHUT DOWN

GOV400088, A0260003

204/21 MOTION: Holden / Paine

That Council:

1. receive the report by the Director Community on the 2021 Christmas Shut Down; and
2. note that administrative centres, works depots and libraries will close for the Christmas holidays from 12 noon on Thursday 23 December 2021, returning on Wednesday 5 January 2022.

The motion was carried with the Councillors voting unanimously.

Item 8: Development

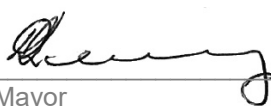
8.1 DA0309/2021 - PROPOSED EXTENSION TO TRADING HOURS FOR EXISTING DRIVE-THRU AT MCDONALDS RESTAURANT - 91-93 HORATIO STREET MUDGEE


GOV400088, DA0309/2021

205/21 MOTION: Karavas / Martens

That Council:

- A. receive the report by the Town Planner on the DA0309/2021 - Proposed Extension to Trading Hours for Existing Drive-thru at McDonalds Restaurant - 91-93 Horatio Street Mudgee;
- B. approve DA0309/2021 - Proposed Extension to Trading Hours for Existing Drive-thru at McDonalds Restaurant - 91-93 Horatio Street Mudgee subject to the following conditions:

CONDITIONS

Mayor

General Manager

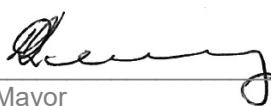
PARAMETERS OF CONSENT

1. This development consent provides approval for the 24 hour operation of the existing drive-thru only. No persons, other than staff are permitted in the restaurant building, outside the regular 6am to 12am trading hours.
2. The development must comply with all previous development consents, except where expressly conditioned by this consent.
3. No customers are permitted to use the drive-thru between the hours of 12am and 6am the following morning, unless they are in a vehicle or on a motorcycle.
4. To limit anti-social behaviour and to reduce impacts to adjoining residential properties, access to the car park is to be restricted between the hours of 12 midnight and 6am - whilst the drive-thru is operational. During this time, the carpark is to be cordoned off with suitable barriers that prevent the public from parking in the car park. No food and/ or drink is to be consumed from within the car park.

Note – Designated waiting bays, where cars can wait while food is cooked/prepared and made available, is permitted. Once meals are received, vehicles are to depart the site.

NOISE CONDITIONS

5. The development must comply with the following controls from the Noise Assessment Report submitted with the application.
 - (a) the mechanical cooling plant is located in the refuse coral of the operation and is blocked to surrounding receivers by the coral wall which extends a height of 2.5m above relative ground level;
 - (b) the existing 2.0m boundary fences are retained;
 - (c) the operation extractor fans are located on the rooftop of the operation and are shielded by the deck parapet which extends 300mm above the top of the highest plant;
 - (d) the Customer Ordering Displays must be set at the lowest volume setting between the hours of 12am and 6am the following morning;
 - (e) the exhaust fans on the rooftop of the operation are serviced, repaired or replaced to ensure they are operating at their specified noise level of 71dBA;
 - (f) signage is to be installed at the collection window of the drive-thru and within the carpark to discourage antisocial behaviour such as shouting, music, alcohol consumption and engine revving;
 - (g) the car park is to be regularly patrolled by the restaurant shift manager to discourage and manage



Mayor

General Manager

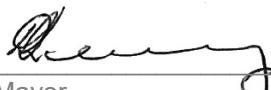
antisocial behaviour.

6. **The restaurant shift manager must be available on-site at all times during the night time and early morning trade periods to ensure the development complies with the Crime Prevention Through Environmental Design Statement, Operational Management Plan and mitigation measures contained within the Noise Assessment Report.**
7. **All loading and unloading of delivery vehicles must be carried out on-site and is not permitted between the hours of 7pm and 6am.**


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.**
3. **The matters raised within submissions have been addressed in the following manner:**
 - a) **Sufficient detail has been provided to enable an assessment of the application.**
 - b) **The proposed development will not have an adverse noise impact, subject to conditions recommended by the Noise Assessment Report.**
 - c) **The traffic and parking impacts of the development are acceptable, the development has been conditioned to minimise noise impact.**
 - d) **The proposed development will not have an adverse impact on the visual amenity of the area.**
 - e) **The proposed development will not have an adverse social impact on the amenity of the area, subject to conditions requiring compliance with the Crime Prevention Through Environmental Design Statement, Operational Management Plan and mitigation measures contained within the Noise Assessment Report.**
 - f) **The proposed development is suitable for the site.**



Mayor



General Manager

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

Councillors	Ayes	Nayes
Cr Kennedy	✓	
Cr Paine	✓	
Cr Cavalier	✓	
Cr Holden	✓	
Cr Karavas	✓	
Cr Martens	✓	
Cr O'Neill	✓	
Cr Thompson	✓	

- 8.2 MA0042/2021 - PROPOSED MODIFICATION TO DA0428/2013 FOR RESIDENTIAL SUBDIVISION AT 38 HILL END ROAD, CAERLEON (ORIGINALLY LOT 2 DP1181749, LOT 1 DP1146227, LOT 1 DP32086 AND LOT 136 DP 756894)
GOV400088, P1939562

206/21

MOTION: Holden / Paine

That Council:

- A. receive the report by the Manager, Planning and Town Planner on the MA0042/2021 - Proposed Modification to DA0428/2013 for Residential Subdivision at 38 Hill End Road, Caerleon (originally Lot 2 DP1181749, Lot 1 DP1146227, Lot 1 DP32086 and Lot 136 DP 756894);**
- B. approve MA0042/2021 - Proposed Modification to DA0428/2013 for Residential Subdivision at 38 Hill End Road, Caerleon (originally Lot 2 DP1181749, Lot 1 DP1146227, Lot 1 DP32086 and Lot 136 DP 756894) subject to the following conditions and statement of reasons:**

Conditions of consent (AMENDMENTS IN BLUE)


- 1. Development is to be carried out generally in accordance with stamped plans :**

Masterplan

- **Staging Plan, Proposed Subdivision "Caerleon" - Lot Layout; Job Code 319171_08; Sheet No. TP01 Rev B-3; dated 23/06/2021 and prepared by Premise.**

Detailed Stage Plans

- **Stage 4 – Drawing Title - Sale Plan Stage 4, Project No. MX10286.11-SALE, Issue A, dated 28.10.20 and prepared by Triaxial Consulting**



Mayor



General Manager

- **Stage 5 - Drawing Title - Sale Plan Stage 5, Project No. MX10286.11-SALE5, Issue A, dated 28.10.20 and prepared by Triaxial Consulting**
- **Stage 6 - Sheet Name: Sale Plan – Stage 6, Sheet No. TP01, Rev C, Job Code 319171_10, dated 05/03/2021 and prepared by Premise**
- **Stage 7A - Sheet Name: Sale Plan – Stage 7A, Sheet No. TP01, Rev D, Job Code 319171_11, dated 18/03/2021 and prepared by Premise**
- **Stage 8 Sheet Name: Sale Plan – Stage 8, Sheet No. TP01, Rev D, Job Code 319171_17, dated 27/04/2021 and prepared by Premise**
- **Stage 9 – Sheet Name: Sale Plan – Stage 9, Sheet No. TP01, Rev A, Job Code 319171_18, dated 14/04/2021 and prepared by Premise**
- **Stage 10 – Sheet Name: Sale Plan – Stage 10, Sheet No. TP01, Rev C Dated 14/05/2021 Job Code 319171_19 and prepared by Premise.**
- **Stage 11 – Sheet Name: Sale Plan – Stage 11, Sheet No. TP01, Rev A, Job Code 319171_22, dated 14/05/2021 and prepared by Premise.**

Landscaping

- **Landscape Masterplan Neighbourhood 1, Site Image Landscape Architects, Plan No SS13-2563 C102, Issue B, Drawn 11/03/2013.**
- **Supplementary Landscape Report – Caerleon Mudgee, Site Image Landscape Architects, Issue A, Drawn 13/03/2013.**

and the Application received by Council on 26/04/2013 except as varied by the conditions listed herein. Any minor modification to the approved plans will require the lodgement and consideration by Council of amended plans. Major modifications will require the lodgement of a new development application.

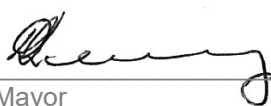
(Amended by MA0042/2021)

OPERATIONAL CONDITIONS

2. **In accordance with S 93I of the Environmental Planning and Assessment Act 1979 the development is to be undertaken in accordance with the executed Voluntary Planning Agreement.**

GENERAL TERMS OF APPROVAL – WATER MANAGEMENT ACT

3. **Pursuant to Section 91 A of the Environmental Planning and Assessment Act 1979, the development is to comply with the General Terms of Approval obtained from the NSW Office of Water: 80 ERM2013/0313.**



Mayor



General Manager

BUSHFIRE SAFETY AUTHORITY CONDITIONS

Asset Protection Zones

The intent of measures is to minimise the risk of bush fire attack and provide protection for emergency services personnel, residents and others assisting fire fighting activities. To achieve this, the following conditions shall apply:

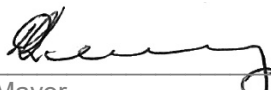
4. At the issue of a subdivision certificate, and in perpetuity to ensure ongoing protection from the impact of bush fires, the entirety of the proposed residential lots must be managed as an inner protection area (IPA) in accordance with the requirements of Appendix 4 of Planning for Bush Fire Protection 2019. When establishing and maintaining an IPA the following requirements apply:
 - tree canopy cover should be less than 15% at maturity;
 - trees at maturity should not touch or overhang the building;
 - lower limbs should be removed up to a height of 2m above the ground;
 - tree canopies should be separated by 2 to 5m;
 - preference should be given to smooth barked and evergreen trees;
 - large discontinuities or gaps in vegetation should be provided to slow down or break the progress of fire towards buildings;
 - shrubs should not be located under trees;
 - shrubs should not form more than 10% ground cover; and
 - clumps of shrubs should be separated from exposed windows and doors by a distance of at least twice the height of the vegetation.
 - grass should be kept mown (as a guide grass should be kept to no more than 100mm in height); and
 - leaves and vegetation debris should be removed.

(Amended by MA0042/2021)

5. A restriction to the land use pursuant to section 88B of the Conveyancing Act 1919 shall be placed on all land to the south of stage 9 for a distance of 10 metres within Lot 201, DP 1269473 for the purpose of a temporary asset protection zone (APZ) in accordance with Appendix 4 of Planning for Bush Fire Protection 2019. The restriction to land use for the purpose of a temporary asset protection zone may be extinguished upon commencement of future development over the affected areas. The name of authority empowered to release, vary or modify any instrument shall be Mid-Western Regional Council.

When establishing and maintaining an IPA the following requirements apply:

- tree canopy cover should be less than 15% at maturity;



Mayor



General Manager

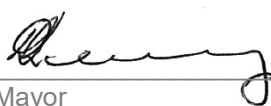
- trees at maturity should not touch or overhang the building;
- lower limbs should be removed up to a height of 2m above the ground;
- tree canopies should be separated by 2 to 5m;
- preference should be given to smooth barked and evergreen trees;
- large discontinuities or gaps in vegetation should be provided to slow down or break the progress of fire towards buildings;
- shrubs should not be located under trees;
- shrubs should not form more than 10% ground cover; and
- clumps of shrubs should be separated from exposed windows and doors by a distance of at least twice the height of the vegetation.
- grass should be kept mown (as a guide grass should be kept to no more than 100mm in height); and
- leaves and vegetation debris should be removed.

(Amended by MA0042/2021)

Access – Public Roads

The intent of measures is to provide safe operational access to structures and water supply for emergency services, while residents are seeking to evacuate from an area. To achieve this, the following conditions shall apply:

6. Access roads must comply with the following general requirements of Table 5.3b of Planning for Bush Fire Protection 2019 and the following:
 - traffic management devices are constructed to not prohibit access by emergency services vehicles;
 - maximum grades for sealed roads do not exceed 15 degrees and an average grade of not more than 10 degrees or other gradient specified by road design standards, whichever is the lesser gradient;
 - all roads are through roads;
 - dead end roads are not recommended, but if unavoidable, are not more than 200 metres in length, incorporate a minimum 12 metres outer radius turning circle, and are
 - clearly sign posted as a dead end;
 - non-perimeter roads are a 5.5 metre minimum carriageway width kerb to kerb;
 - perimeter roads are an 8 metre minimum carriageway width kerb to kerb;
 - where kerb and guttering is provided on perimeter roads, roll top kerbing should be used to the hazard side of the road;
 - where access/egress can only be achieved through forest, woodland and heath vegetation, secondary access shall be provided to an alternate point on the existing public road system;



Mayor



General Manager

- one way only public access roads are no less than 3.5 metres wide and have designated parking bays with hydrants located outside of these areas to ensure accessibility to reticulated water for fire suppression;
- the capacity of perimeter and non-perimeter road surfaces and any bridges/causeways is sufficient to carry fully loaded firefighting vehicles (up to 23 tonnes); bridges/causeways are to clearly indicate load rating.
- hydrants are located outside of parking reserves and road carriageways to ensure accessibility to reticulated water for fire suppression;
- hydrants are provided in accordance with the relevant clauses of AS 2419.1:2005 - Fire hydrant installations System design, installation and commissioning; and
- there is suitable access for a Category 1 fire appliance to within 4m of the static water supply where no reticulated supply is available.

(Amended by MA0042/2021)

Water and Utility Services

The intent of measures is to provide adequate services of water for the protection of buildings during and after the passage of a bush fire, and to locate gas and electricity so as not to contribute to the risk of fire to a building. To achieve this, the following conditions shall apply:

7. The provision of water, electricity and gas must comply with Table 6.8c of Planning for Bush Fire Protection 2019.

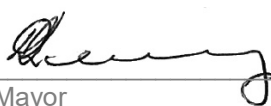
(Amended by MA0042/2021)

Landscaping Assessment


Intent of measures: to minimise the risk of bush fire attack and provide protection for emergency services personnel, residents and others assisting firefighting activities.

- 7a. Landscaping within the required asset protection zone must comply with Appendix 4 of Planning for Bush Fire Protection 2019. In this regard, the following principles are to be incorporated:

- A minimum 1 metre wide area, suitable for pedestrian traffic, must be provided around the immediate curtilage of the building;
- Planting is limited in the immediate vicinity of the building;
- Planting does not provide a continuous canopy to the building (i.e. trees or shrubs are isolated or located in small clusters);
- Landscape species are chosen to ensure tree canopy cover is less than 15% (IPA), and less than 30% (OPA) at maturity and



Mayor



General Manager

- trees do not touch or overhang buildings;
- Avoid species with rough fibrous bark, or which retain/shed bark in long strips or retain dead material in their canopies;
 - Use smooth bark species of trees species which generally do not carry a fire up the bark into the crown;
 - Avoid planting of deciduous species that may increase fuel at surface/ ground level (i.e. leaf litter);
 - Avoid climbing species to walls and pergolas;
 - Locate combustible materials such as woodchips/mulch, flammable fuel stores away from the building;
 - Locate combustible structures such as garden sheds, pergolas and materials such as timber garden furniture away from the building; and
 - Low flammability vegetation species are used.

(Added by MA0042/2021)

SECT. 138 – ROAD ACT – ROADS & MARITIME SERVICES CONCURRENCE

8. Conditions required by the RMS in their Concurrence dated 01 July 2013 have been incorporated into the general conditions related to roadworks.

LEP AMENDMENT

9. Prior to the release of the subdivision certificate for lots 047-052 inclusive, an amendment rezoning the lots to be completely R1 General Residential (i.e. not split zoned) under the Mid-Western Regional Council Local Environmental Plan 2012 will be approved by relevant bodies.


PRIOR TO ISSUE OF CONSTRUCTION CERTIFICATE

10. Prior to the release of any **Subdivision Works Certificate** a detailed contamination investigation will be undertaken in accordance with the recommendations made in Preliminary Contamination Assessment prepared by Envirowest Consulting dated 20 July 2012 Ref:12258c.


(Amended by MA0042/2021)

11. Prior to the release of any **Subdivision Works Certificate** a detailed aboriginal cultural investigation will be undertaken in accordance with recommendations of the Aboriginal Heritage Due Diligence Assessment Preliminary Investigations prepared by Kelleher Nightingale Consulting Pty Ltd dated June 2012 Ref: 1120.

Note: If any aboriginal artefacts are uncovered or identified during construction earthworks, such work is to cease immediately and the local aboriginal community and National



Mayor



General Manager

Parks and Wildlife Service are to be notified.

A suitably qualified person is required to be present during earthworks to identify whether any artefacts were uncovered.

(Amended by MA0042/2021)

- 12. The development in general and plans submitted for any [Subdivision Works Certificate](#) shall be designed in accordance with the recommendations made in the Preliminary Soil Salinity Assessment prepared by Minespex dated May 2012.**

(Amended by MA0042/2021)

- 13. All finished surface levels shall be shown on the plans submitted for the Construction Certificate. Where it is proposed to import fill, the material shall be certified as free of hazardous materials and contamination by a suitably qualified geotechnical engineer. Fill placed in residential or commercial lots shall be compacted in accordance with AS3798-2007 Guidelines on Earthworks for Commercial and residential Developments.**

Note: Council will quote on connecting any sewer or water main extension to the existing “live” main on receipt and approval of engineering plans.

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

- 14. No construction is to commence before a [Subdivision Works Certificate](#) is issued for the subdivision works. The works are to be constructed in accordance with the plans and specifications referred to in the [Subdivision Works Certificate](#).**


Note: The [Subdivision Works Certificate](#) may be issued by Council. Council’s fee for this service is set out in Council’s fees and charges.

(Amended by MA0042/2021)


- 15. A detailed engineering design with plans, and “AutoCAD compatible” Plan, (in dwg format including pen-map), material samples, test reports and specifications are to be prepared in accordance with [current AUS-SPEC specifications](#) (as modified by Mid-Western Regional Council) and the conditions of this development consent. The engineering design is to be submitted to and approved by Council prior to the issue of a [Subdivision Works Certificate](#).**

(Amended by MA0042/2021)

- 16. A site supervisor is to be nominated by the applicant prior to the issue of the [Subdivision Works Certificate](#).**



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General Manager

(Amended by MA0042/2021)

17. A **Traffic Guidance Scheme (TGS)** completed by the “Certified Person” for implementing during works is to be submitted to Mid-Western Regional Council prior to any work commencing.

(Amended by MA0042/2021)

18. Contractor’s insurance cover for a minimum of \$20,000,000 is to be sighted and to be shown to Mid-Western Regional Council as an interested party.
19. Existing and proposed contours are to be shown on detailed engineering plans.
20. Prior to the issue of a **Subdivision Works Certificate**, all details relating to decommissioning the farm dam in preparation for a residential site, including methods, materials and equipment shall be provided to Council.

(Amended by MA0042/2021)

- 20a Prior to the issue of a **Subdivision Works Certificate** or any further works relating to Stage 6 the applicant must provide evidence to demonstrate stormwater runoff from the development can be directed to an existing or proposed basin as shown on “Dwg 319171_08 TP01 Rev B-3”. Any application for a **Subdivision Works Certificate** must be accompanied by detailed calculations for all contributing upstream catchments to ensure the area set aside for the basin can accommodate a basin of sufficient capacity to capture all runoff generated by a fully developed upstream catchment.

(Added by MA0042/2021)

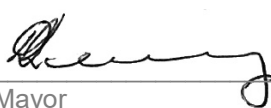
- 20b Prior to the issue of a **Subdivision Works Certificate** or any further works relating to Stage 6 or Basin 3, the approved landscape plans identified in condition 1 are to be updated to reflect the amended location of Basin 3 identified in the approved staging plan. The amended landscape plan must also provide for open space within the basin in the form of passive recreation and a picnic and BBQ area.

(Added by MA0042/2021)


INFRASTRUCTURE

Stormwater Drainage

21. The applicant is to submit a **Drainage Report** prepared in accordance with the **current published version of Australian Rainfall and Runoff** for approval prior to the release of the



Mayor



General Manager

Subdivision Works Certificate. The report must demonstrate that stormwater runoff from the site is not increased beyond the existing undeveloped state up to and including a 100-year ARI. All storm water detention details including analysis shall be included with the drainage report.


(Amended by MA0042/2021)

22. The trunk drainage system must be designed such that discharge from the subdivision satisfies the following water quality targets:


Post Development Stormwater Pollution Reduction Targets
<ul style="list-style-type: none"> • Total Suspended Solids (TSS) – 85% reduction of the typical annual load • Total Phosphorus (TP) – 65% reduction of the typical annual load • Total Nitrogen (TN) – 45% reduction of the typical annual load • 90% of gross pollutant loads, oil and grease retained on-site

Note: Results from MUSIC modelling or equivalent shall be supplied with Construction Certificate Issue plans demonstrating that the design meets the above criteria.

23. All internal roads shall comprise roll back concrete kerb and gutter. Sub-surface drainage is required where gutter flows exceed 2.5m width during minor events (1 in 5yr ARI). If required, sub-surface drainage shall be located behind the kerb.
24. Interallotment drainage is to be provided to remove stormwater from any lots that cannot discharge to the street in accordance with AusSpec #1. An easement not less than 1.0m shall be created in favour of the upstream allotments for any interallotment drainage.
25. One (1) roof-water outlet per allotment is to be provided in the kerb and gutter 2m from the downhill boundary at the time of the installation of the kerb and gutter.
26. An Erosion and Sediment Control Plan or 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 :
- drainage reserves are to be turfed;
 - single strip of turf to be laid behind kerb and gutter;
 - saving available topsoil for reuse in the revegetation phase of subdivision;
 - using erosion control measure to prevent on-site damage;
 - rehabilitating disturbed areas quickly;
 - maintenance of erosion and sediment control structures;



 Mayor



 General Manager

- a schedule of operations is to be submitted to ensure all appropriate works are undertaken at the correct stage.
27. 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.
28. All earthworks, filling, building, driveways or other works, are to be designed and constructed (including stormwater drainage if necessary) so that no time will any ponding of stormwater occur on adjoining land as a result of this development.

Roads works

29. Internal road pavements shall be designed by a suitably qualified engineer in accordance with Austroads procedures. Materials and testing requirements shall comply with those set out in AUSPEC Construction Specification C242 with sample locations selected as per RMS Specification Q4. All flexible pavements to be sealed with a two coat Class C170 bitumen flush seal (14/7mm double/double).
30. Internal road reserve and pavement widths are to conform to those shown [on the approved plans](#).

[\(Amended by MA0042/2021\)](#)

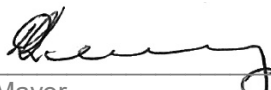
- 30a. [Prior to the release of a subdivision certificate for Stage 10, Hosking Street and Knox Crescent is to be constructed and bitumen sealed and formed with kerb and channel from the existing constructed pavement for the full extent of stage 10 of the subdivision.](#)

[\(Added by MA0042/2021\)](#)


31. All utility crossings are to be perpendicular to the road centreline and performed prior to the addition of the basecourse.
32. The internal road adjacent to the Hill End Rd shall be screened from the Hill End Rd and include physical barriers between the two roads. Details of the proposed screening and barriers are to be provided to Council for approval prior to issue of the [Subdivision Works Certificate](#).

[\(Amended by MA0042/2021\)](#)

33. Internal cross road intersections are to be designed to have
- Give Way signs, and
 - Blisters
- On the lesser priority road for pedestrian and cycle safety in accordance with Figure 2.1(a) of AS1742.2-2009 Manual of uniform traffic control devices, part 2 Traffic control devices for



Mayor




General Manager

general use.

34. The intersection of the Hill End Road and the proposed Spine Road is to be designed and constructed with the following;
- A Basic Right Turn treatment (BAR) in accordance with Figure 7.5, Austroads Guide to Road Design 2010 – Part 4A: Unsignalised and Signalised Intersections and RMS Supplements
 - A Rural Auxiliary Left Turn treatment – Short Turn Lane (AUL(S)) in accordance with Figure 8.3 of Austroads Guide to Road Design 2010 – Part 4A: Unsignalised and Signalised Intersections and RMS Supplements;
 - The width of the Spine Road at the approach and connection to Hill End Road shall be wide enough to accommodate left and right turning vehicles, side-by-side waiting to enter Hill End Road.
 - The intersection shall be formed as to provide lay-bys on the departure sides for use as a school bus stop shelter, unless a bus stop is constructed by the developer within stage 1 of the subdivision.
35. Prior to the issue of the Subdivision Certificate for the 135th lot, the intersection of the Hill End Road and the Castlereagh Highway is to be designed and constructed to comprise;
- A full length Rural Channelised T-junction – Full length (CHR) is to be provided in accordance with Figure 7.7 of Austroads Guide to Road Design 2010 – Part 4A: Guide to Unsignalised and Signalised Intersections and RMS Supplements;
 - A Rural Auxiliary Left Turn Lane Treatment (AUL) on the major road is to be provided in accordance with Figure 8.4 of Austroads Guide to Road Design 2010 – Part 4A: Guide to Unsignalised and Signalised Intersections and RMS Supplements;
 - The width of the Hill End Road at the approach and connection to the Castlereagh Highway shall be wide enough to accommodate left and right turning vehicles, side by side waiting to enter the Castlereagh Highway,
 - All existing and proposed utility services shall be located clear of existing road pavements,
 - The developer is required to enter into a formal agreement with the RMS in the form of a Works Authorisation Deed (WAD) prior to works commencing at the intersection,
 - A Road Occupancy License is required prior to any works commencing within 3m of the Castlereagh Highway.
36. Street signs necessitated by the subdivision are to be installed in accordance with Aus-Spec #1 council conditions.

Water and Sewer



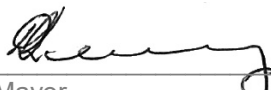
Mayor



General Manager

37. The developer is to meet the full cost of water and sewerage reticulations to service the new lots prior to the release of the Subdivision Certificate. Each lot must be provided with separate water and sewer services. All water and sewerage work is required to be carried out in accordance with the requirements of Mid-Western Regional Council (as the Water Supply Authority under the Local Government Act, 1993) and in accordance with the National Specification – Water & Sewerage Codes of Australia.
38. ~~Where infrastructure services cross through private land three metre wide easements, including associated Section 88B of the Conveyancing Act 1919 instruments, are to be created in favour of Council over any existing or newly constructed water, or sewerage reticulation components located within the subject property, or extended through adjoining private properties as a result of this subdivision.~~
(Amended under MI0017/2016)
- 38(a) Where infrastructure services cross through private land three metre wide easements, including associated Section 88B of the Conveyancing Act 1919 instruments, are to be created in favour of Council over any existing or newly constructed water, or sewerage reticulation components located within the subject property, or extended through adjoining private properties as a result of this subdivision.
- Notwithstanding the above, two metre wide easements will be permitted adjacent to Public Roads for the 56 lots approved under Construction Certificate 0131/2014, only.
(Amended under MI0017/2016)
39. Water reticulation shall connect to the trunk main at four points: two where the trunk main enters the development (from the south) and two near its terminal point (in the north). The connections are required to be staggered (i.e. not through cross tee fittings) and the cost of the connections borne by the developer. The developer shall obtain a private works quotation from Council when ready to connect reticulation to the trunk main. All works are to be completed prior to the issue of a Subdivision Certificate.
- Note: Council does not permit other bodies to connect into 'live' water mains.
40. Water services are to be located on alternate property boundaries to Telstra/Electricity. The developer will construct the water service to the water meter and then pay the water meter assembly only fee (\$370 in 2013-14 Fees & Charges) for council to supply a meter only for each lot in the subdivision.

Earthworks



Mayor



General Manager

41. All finished surface levels shall be shown on the plans submitted for the **Subdivision Works Certificate**. Where it is proposed to import fill, the material shall be certified as free of hazardous materials and contamination by a suitably qualified geotechnical engineer. Fill placed in residential or commercial lots shall be compacted in accordance with AS3798-2007 Guidelines on Earthworks for Commercial and Residential Developments.

(Amended by MA0042/2021)

Footpaths and Cycle Ways

42. ~~Pedestrian and cycle paths are to be designed and constructed with the alignment as shown in Figure 8 of the Caerleon Subdivision Application Neighbourhood 1: Statement of Environmental Effects, dated March 2013. Foot and cycle ways shall be 1.2m and 2.0m widths respectively and be consistent with grades, depths and reinforcement detail as shown in MWRC Access to Properties Policy (Standard Dwg No. M524B). The path is to be completed prior to the issue of a Subdivision Certificate for the first (1st) Stage.~~

(Amended under MI0015/2016)


- 42(a) Pedestrian and cycle paths are to be designed and constructed with the alignment as shown in Figure 8 of the Caerleon Subdivision Application Neighbourhood 1: Statement of Environmental Effects, dated March 2013. Foot and cycle ways shall be 1.2m and 2.0m widths respectively and be consistent with grades, depths and reinforcement detail as shown in MWRC Access to Properties Policy (Standard Dwg No. M524B). The paths are to be completed within 3 months of the completion of the full and final form of the Spine Road.

(Amended under MI0015/2016)


PRIOR TO THE ISSUE OF THE SUBDIVISION CERTIFICATE

43. A restriction prohibiting dual-occupancy development being constructed on all lots greater than 600m², including associated Section 88B instruments, is to be created in favour of Council over the subdivision.
44. A linen plan and two (2) copies are to be submitted to Council for approval and endorsement by the General Manager prior to the release of each stage of the development.

NOTE: Under the Environmental Planning & Assessment Act, 1979, a Subdivision Certificate is required before the linen plan of subdivision can be registered with the Land Titles Office. Council's fee to issue a Subdivision Certificate is set out in Council's fees and charges.



Mayor



General Manager

45. Following the completion of subdivision works, one set of Works As Executed Drawings in PDF format, AutoCAD compatible files in DWG format, MapInfo files (MGA GDA94 Zone 55/56) and completed Asset Data Template spreadsheets in MS Excel format, are to be submitted to Council. All Works As Executed plans shall bear the consulting engineer's or consulting surveyor's certification stating that all information shown in the plans are accurate.

A) COVERSHEET

- Project Address
- Client/Developer
- DA Number
- Lot Numbers
- Subdivision Stage Number(If Applicable)

B) INDEX

- Section Numbers

C) CONTRACTOR DETAILS

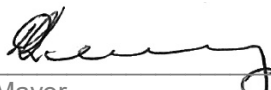
- Contractor Representative
- Contractor Contact Details

D) SCOPE OF WORKS

- Enter description outlining scope of works completed

Records to be included as applicable

- Material Certification and Material Test Reports(Sub base, Base course, Water, Sewer, Stormwater, Bitumen etc for supplied materials)
- Concrete mix Details (Concrete Register/ Concrete Test Results required)
- Bitumen Sealing Reports/Records
- Earthworks/Civil Test Reports e.g. compaction tests - (Coordinates and RL required for each test required to be shown on a dwg)
- Dimensional and Tolerance Records(Survey Conformance Reports)
- Inspection Documentation(Development Engineer Inspections, ITPs, Lot Identification)
- Non-conformance reports(Major non-conformances not detailed on council inspections)
- Work As Executed Drawings and completed Asset Data spreadsheet (Council to provide at the request of the applicant) (Provide document register of all dwgs and Engineering Stamp required in Autocad, DWG, Map Info, Excel and PDF format)
- Copy of final inspection report from Council's Development Engineer



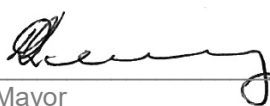
Mayor




General Manager

(Amended by MA0042/2021)

45. If the Subdivision Certificate is not issued, for any reason, 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.
46. Prior to issue of the Subdivision Certificate
- (a) All contributions must be paid to Council and all works required by the consent be completed in accordance with the consent, or
- (b) An agreement be made between the developer and Council; be paid to Council in accordance with this condition for the purpose of:
- i) As to the security to be given to Council that the works will be completed or the contribution paid and
- ii) As to when the work will be completed or the contribution paid.
47. Following completion of all engineering works, a defect liability bond of 5% of the value of such works (not carried out by Council) shall be lodged with Council to ensure that any defects in such works are remedied by the developer.
48. The developer is to ensure that all defects in the works that become apparent within twelve (12) months of Council accepting the works on maintenance are remedied to Council's satisfaction. If these defects are not satisfactorily remedied, Council may use bond money to carry rectification.
- Note - Any unspent bond money will be returned to the developer at the end of the twelve (12) months period, less the estimated cost of any outstanding works.
49. The subdivision works are to be inspected by Council (or an Accredited Certifier on behalf of Council) to monitor compliance with the consent and the relevant standards of construction, encompassing the following stages of construction:
- installation of sediment and erosion control measures;
 - water and sewer line installation prior to backfilling;
 - stormwater pipes installation prior to backfilling;
 - water and sewer lines pressure testing;
 - sewer manholes vacuum testing;
 - establishment of line and level for kerb and gutter replacement;
 - road pavement construction;
 - road pavement compaction testing;
 - road pavement surfacing;
 - practical completion

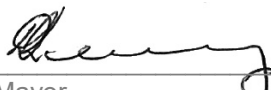


Mayor

General Manager

50. Upon completion of each stage of construction, the Council is also required to ensure that adequate provisions are made for the following
- Sediment and erosion control measures;
 - Traffic control measures;
 - Maintenance of public areas free from unauthorised materials, waster or other obstructions.
51. The applicants shall, at their own expense, engage a registered surveyor to relocate any survey marks that may be distributed by the development or any associated work. Any information regarding location should be supplied to the Land Titles Office and Council.
52. Underground electricity, street lighting and telecommunication are to be supplied to the subdivision. Prior to issue of the Subdivision Certificate, Council is to be supplied with :
- a) A certificate from the appropriate power authority indicating that satisfactory arrangements have been made for provision of electricity supply to the subdivision.
 - b) A certificate from the appropriate telecommunications authorities indicating that satisfactory arrangements have been made for provision of telephone and internet services to the subdivision that are NBN compliant.
53. The development is to be provided with completed drainage and open space areas as detailed in the approved landscape plans for each stage of the development. Any drainage or open space area within or adjacent to a stage is to be completed prior to the release of the Subdivision certificate for that stage.
54. All roadworks and other associated traffic control measures are to be completed with each stage of the development and prior to the release of the Subdivision Certificate.
55. The applicant shall repair in accordance with Aus-Spec#1 and Council Standard Drawings any part of Council's property damaged during the course of the development.
56. The developer must provide Council and land purchasers with a site classification for each lots within the subdivision. The classification is to be carried out at a suitable building site on each lot and is to be carried out by a NATA registered laboratory using method (a) of Clause 2.2.3 of AS2870-1996. Results are to be submitted to Council prior to the issued of the Subdivision Certificate.

ADVISORY NOTES



Mayor



General Manager

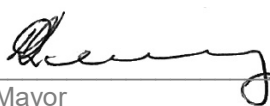
- 1 The removal of trees within any road reserve requires the separate approval of Council in accordance with the policy "Tree Removal and Pruning – Public Places".
- 2 The land upon which the subject building is to be constructed may be affected by restrictive covenants. This approval is issued without enquiry by Council as to whether any restrictive covenant affecting the land would be breached by the construction of the building, the subject of this approval. Persons to whom this approval is issued must rely on their own enquiries as to whether or not the building breaches any such covenant.
- 3 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.
- 4 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 6 months after the date on which you receive this notice.
- 5 To ascertain the extent to which the consent is liable to lapse, refer to Section 4.53 of the EP&A Act.

STATEMENT OF REASONS


1. The proposed modification is substantially the same development as that approved and will have minimal environmental impacts.
2. The issues raised in the submission did not raise any planning issues which necessitated the inclusion of any additional or amended conditions.
3. The proposed modification complies with all the relevant matters required to be taken into consideration in accordance with sections 4.15 and 4.55 of the Environmental Planning and Assessment Act 1979.

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

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



 Mayor



 General Manager

Cr Martens	✓
Cr O'Neill	✓
Cr Thompson	✓

8.3 VOLUNTARY PLANNING AGREEMENT - NOVATION DEED
(TRANSFER OF AGREEMENT TO NEW LANDOWNER) -
40 NORMAN ROAD, MUDGEE

GOV400088, P13384

207/21

MOTION: O'Neill / Cavalier

That Council:

1. **receive the report by the Planning Coordinator on the Voluntary Planning Agreement - Deed of Novation (Transfer of Agreement to New Landowner) for 40 Norman Road, Mudgee; and**
2. **authorise the Mayor and the General Manager to execute the Voluntary Planning Agreement - Deed of Novation (Transfer of Agreement to New Landowner) applying to the subject site.**

The motion was carried with the Councillors voting unanimously.

8.4 ACCEPTANCE OF GRANT FUNDING - NSW GOVERNMENT
REGIONAL SPORTS FACILITY FUND AND
COMMONWEALTH GOVERNMENT DRIVER REVIVER SITE
UPGRADES PROGRAM


GOV400088, GRA600044

208/21


MOTION: Paine / Cavalier

That Council:

1. **receive the report by the Manager Economic Development on the Acceptance of Grant Funding - NSW Government Regional Sports Facility Fund and Commonwealth Government Driver Reviver Site Upgrades Program;**
2. **accept \$350,000 in grant funding from the NSW Government Regional Sport Facility Fund 2020/21;**
3. **accept \$150,000 in grant funding from the Commonwealth Government Driver Reviver Site Upgrades Program - Round Two;**
4. **amend the 2021/22 Budget by allocating a Project Budget**



Mayor



General Manager

of \$350,000 to Glen Willow Stormwater Recirculation System, to be funded by Grants and note that a Project Budget of \$150,000 for Percy Nott Rest Area Upgrades has already been approved in the Operational Plan; and

5. authorise the General Manager to finalise and sign the funding agreements with the NSW Government and Commonwealth Government.

The motion was carried with the Councillors voting unanimously.

8.5 ACCEPTANCE OF GRANT FUNDING - NSW GOVERNMENT
(RESOURCES FOR REGIONS, STRONGER COUNTRY
COMMUNITIES, CROWN RESERVES)

GOV400088, GRA600044

209/21


MOTION: Holden / Cavalier

That Council:

1. receive the report by the Manager Economic Development on the Acceptance of Grant Funding - NSW Government (Resources for Regions, Stronger Country Communities, Crown Reserves);
2. if successful, accept the following grant funding from the below NSW Government grant funding bodies:

Grant Fund	Project	Amount
Stronger Country Communities Round 4	Rugby Union Scoreboard	\$348,116
Stronger Country Communities Round 4	Recreation Parks and Paths Upgrades	\$566,000
Resources for Regions	Vehicle & Pedestrian Bridge to Putta Bucca Road	\$3,108,000
Resources for Regions	Training Camp Facility – Stage 1	\$1,046,288
Crown Reserves Improvement Fund	Cudgegong Waters Toilet Block	\$380,000

3. amend the 2021/22, 2022/23 and 2023/24 Budgets in accordance with the adjustments listed in the Financial



Mayor



General Manager

Implications section of this report; and

4. **if successful, authorise the General Manager to finalise and sign the funding agreements with the NSW Government.**

The motion was carried with the Councillors voting unanimously.

Councillor JP Thompson declared a non-pecuniary insignificant conflict of interest in item 3.6 as he is President of the Gulgong Turf Club which adjoins the Gulgong Polocrosse grounds, and remained in the room.

8.6 EVENTS ASSISTANCE - LATE APPLICATIONS FOR PERIOD
1, 2021-2022

GOV400088, ECO800009

210/21

MOTION: Cavalier / O'Neill

That Council:

1. **receive the report by the Manager Economic Development on the Events Assistance - Late Applications for Period 1, 2021-2022;**
2. **provide in-kind Events Assistance to NSW Combined Independent Schools of \$2,500 to host the NSW PSSA Boys Rugby Union Championships; and**
3. **provide in-kind and cash Events Assistance to Gulgong Polocrosse of \$1,000 per annum to host the Gulgong Polocrosse Carnival in 2021, 2022 and 2023.**

The motion was carried with the Councillors voting unanimously.

8.7 LAND & HOUSING SUPPLY MONITOR 1 JANUARY 2021 - 30
JUNE 2021

GOV400088, LAN900042

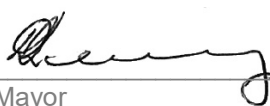
211/21

MOTION: Cavalier / O'Neill


That Council receive the report by the Manager, Strategic Planning on the Land & Housing Supply Monitor 1 January 2021 - 30 June 2021.

The motion was carried with the Councillors voting unanimously.

8.8 MONTHLY DEVELOPMENT APPLICATIONS PROCESSING
AND DETERMINED



Mayor



General Manager

GOV400088, A0420109

212/21

MOTION: Cavalier / O'Neill

That Council receive the report by the Director Development on the Monthly Development Applications Processing and Determined.

The motion was carried with the Councillors voting unanimously.

Item 9:**Finance**9.1 MINOR LOCALITY BOUNDARY ADJUSTMENT BETWEEN
SPRING FLAT & BURRUNDULLA LOCALITIES

GOV400088, R0790121 P19766

213/21

MOTION: Cavalier / Holden**That Council:**

1. receive the report by the Property Support Officer on a minor locality boundary adjustment between Spring Flat & Burrundulla localities; and
2. approve the locality boundary adjustment, to enable Lots 3 and 4 DP 1069441 to be located entirely in the Burrundulla locality.

The motion was carried with the Councillors voting unanimously.

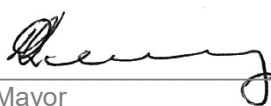
9.2 CLASSIFICATION OF LAND FOR INFRASTRUCTURE - LOT
112 DP616484 AT 412 HENRY LAWSON DRIVE,
EURUNDEREE

GOV400088, GOV400088, P24361

214/21

MOTION: Martens / Paine**That Council:**

1. receive the report by the Property Officer on the Acquisition and Classification of Land for Infrastructure - Lot 112 DP616484 at 412 Henry Lawson Drive, Eurunderee;
2. note the acquisition of Lot 112 DP616484 under the reasons and circumstances as outlined in this Report;
3. authorise the General Manager and the Mayor, where additionally required to do so, to sign all documentation necessary in relation to the execution of the Deed of Agreement for Water Supply;



Mayor

General Manager

4. **authorise the Common Seal of Council to be affixed, where necessary, in relation to the execution of the Deed of Agreement for Water Supply; and**
5. **notify the public of its intention to classify Lot 112 DP 616484 as Operational land in accordance with Chapter 6, Part 2, Division 1 Local Government Act 1993 by exhibiting the proposal for 28 days and should there be no submissions from the public, the land be so classified as Operational.**

The motion was carried with the Councillors voting unanimously.

9.3 COMMUNITY GRANTS PROGRAM - JULY 2021

GOV400088, FIN3000159

MOTION: Paine / Cavalier

That Council:

1. receive the report by the Manager Finance on the Community Grants Program - July 2021;
2. provide financial assistance to the following applications in accordance with the criteria and guidelines of the Community Grants Policy; and


Kandos Rylstone Community Radio Inc.	\$6,000
The Business Concierge LTD	\$1,875
Western Region Academy of Sport Inc (WRAS)	\$751
Rotary Club of Mudgee Inc and Rotary Club of Mudgee Sunrise Inc	\$5,000
Little Wings	\$1,200
Cementa Inc	\$90,000

3. decline to provide financial assistance to the following applicants, for the reasons provided in the report;
 - Mudgee 200 Years

AMENDMENT: Martens / Thompson

That Council:

1. receive the report by the Manager Finance on the Community



 Mayor



 General Manager

Grants Program - July 2021;

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

Kandos Rylstone Community Radio Inc.	\$10,000
The Business Concierge LTD	\$1,875
Western Region Academy of Sport Inc (WRAS)	\$751
Rotary Club of Mudgee Inc and Rotary Club of Mudgee Sunrise Inc	\$5,000
Little Wings	\$1,200
Mudgee 200 Years	\$5,000

3. decline to provide financial assistance to the following applicant;

- CEMENTA Inc

The amendment was put and lost on the casting vote of the Mayor, with Councillors voting as follows:


Councillors	Ayes	Nayes
Cr Kennedy		✓
Cr Paine		✓
Cr Cavalier		✓
Cr Holden	✓	
Cr Karavas	✓	
Cr Martens	✓	
Cr O'Neill		✓
Cr Thompson	✓	

FORESHADOWED AMENDMENT: Kennedy / O'Neill


That Council:

1. receive the report by the Manager Finance on the Community Grants Program - July 2021;
2. provide financial assistance to the following applications in accordance with the criteria and guidelines of the Community Grants Policy; and

Kandos Rylstone Community Radio Inc.	\$10,000
The Business Concierge LTD	\$1,875



 Mayor



 General Manager

Western Region Academy of Sport Inc (WRAS)	\$751
Rotary Club of Mudgee Inc and Rotary Club of Mudgee Sunrise Inc	\$5,000
Little Wings	\$1,200
Cementa Inc	\$12,500

The foreshadowed amendment was withdrawn.

215/21

FORESHADOWED AMENDMENT – Holden / O’Neill

That Council:

1. receive the report by the Manager Finance on the Community Grants Program - July 2021;
2. provide financial assistance to the following applications in accordance with the criteria and guidelines of the Community Grants Policy; and


Kandos Rylstone Community Radio Inc.	\$10,000
The Business Concierge LTD	\$1,875
Western Region Academy of Sport Inc (WRAS)	\$751
Rotary Club of Mudgee Inc and Rotary Club of Mudgee Sunrise Inc	\$5,000
Little Wings	\$1,200
Cementa Inc	nil

4. investigate the purchase of the Angus Avenue building and potential long term lease to Cementa, and bring a report back to a future Council meeting.

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

Councillors	Ayes	Nayes
Cr Kennedy	✓	
Cr Paine		✓
Cr Cavalier		✓
Cr Holden	✓	
Cr Karavas	✓	
Cr Martens	✓	
Cr O'Neill	✓	
Cr Thompson	✓	

The foreshadowed amendment, on becoming the motion, was carried with Councillors voting unanimously.



 Mayor



 General Manager

9.4 MONTHLY STATEMENT OF INVESTMENTS AS AT 30 JUNE
2021

GOV400088, FIN300053

216/21 MOTION: Cavalier / Holden**That Council:**

1. receive the report by the Financial Planning Coordinator on the Monthly Statement of Investments as at 30 June 2021; and
2. note the certification of the Responsible Accounting Officer.

The motion was carried with the Councillors voting unanimously.

Item 10: Operations

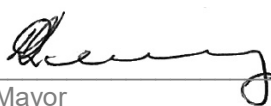
10.1 HIGH PEDESTRIAN ACTIVITY AREA - MUDGEE CBD

GOV400088, R0790087

217/21 MOTION: Holden / Cavalier**That Council:**

1. receive the report by the Manager - Infrastructure Planning on the High Pedestrian Activity Area - Mudgee CBD;
2. resolve to implement the High Pedestrian Activity Area - Mudgee CBD;
3. authorise the General Manager to:
 - a) accept funding from Transport for NSW (note works are fully funded by Transport for NSW);
 - b) negotiate, sign and finalise funding agreement to progress the works; and
4. amend the 2021/22 budget to include expenditure of \$70,000 fully funded by Transport for NSW.

The motion was carried with the Councillors voting unanimously.



Mayor

General Manager

Item 11: Community

11.1 RIVERSIDE CARAVAN PARK FIRE SERVICES

GOV400088, COR400360

218/21 MOTION: Cavalier / Paine**That Council:**

1. receive the report by the Building Services Coordinator on the Riverside Caravan Park Fire Services;
2. increase the current unspent budget of \$75,615 by \$20,000 bringing the total budget for the 2021/2022 financial year to \$95,615 and the total project cost over 2020/2021 and 2021/2022 financial years to \$122,757; and
3. acknowledge the unspent 2020/2021 budget of \$75,615 will be included in the revote report to August Council meeting.

The motion was carried with the Councillors voting unanimously.

The following recommendations (item 12.1 to item 12.5) were adopted as a whole, being moved by Cr O'Neill, seconded by Cr Cavalier and carried with Councillors voting unanimously. Each recommendation is recorded with separate resolution numbers commencing at Resolution No.219/21 and concluding at Resolution No. 223/21.

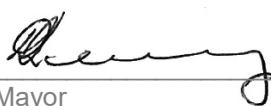
Item 12 Reports from Committees12.1 GULGONG SPORTS COUNCIL MEETING MINUTES - 13
APRIL 2021 AND 18 MAY 2021

GOV400088, A0360003

219/21 MOTION: O'Neill / Cavalier**That Council:**

1. receive the report by the Manager - Recreation Services on the Gulgong Sports Council Meeting Minutes - 13 April 2021 and 18 May 2021; and
2. note the minutes for the Gulgong Sports Council Meeting held 13 April 2021 and 18 May 2021.

The motion was carried with the Councillors voting unanimously.



Mayor

General Manager

12.2 MUDGEES SPORTS COUNCIL MEETING MINUTES - 24 MAY
2021

GOV400088, A360013

220/21 MOTION: O'Neill / Cavalier**That Council:**

1. **receive the report by the Manager - Recreation Services on the Mudgee Sports Council Meeting Minutes - 24 May 2021; and**
2. **note the minutes for the Sports Council Meeting 24 May 2021.**

The motion was carried with the Councillors voting unanimously.

12.3 LOCAL TRAFFIC COMMITTEE MEETING MINUTES - 18 JUNE
2021

GOV400088, A0100009

221/21 MOTION: O'Neill / Cavalier**That Council :**

1. **receive the report by the Executive Assistant, Operations on the Local Traffic Committee Meeting Minutes - 18 June 2021;**
2. **approve the event 'Mudgee High School Rainbow Day';**
3. **approve to extend the High Pedestrian Activity Area to Perry Street between Market Street and Mortimer Street; and**
4. **approve the amended Traffic Control Plans for the Small Farm Field Days.**

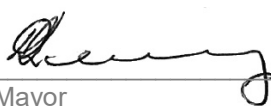
The motion was carried with the Councillors voting unanimously.

12.4 GULGONG MEMORIAL HALL COMMITTEE - 13 APRIL AND 11
MAY 2021

GOV400088, A0100024

222/21 MOTION: O'Neill / Cavalier**That Council:**

1. **receive the report by the Manager, Customer Services & Governance on the Gulgong Memorial Hall Committee - 13**



Mayor

General Manager

April and 11 May 2021; and

2. **note the minutes from the Gulgong Memorial Hall Committee meetings held on 13 April 2021 and 11 May 2021.**

The motion was carried with the Councillors voting unanimously.

12.5 RED HILL COMMITTEE MEETING MINUTES - 5 MAY 2021

GOV400088, A0190002

223/21 MOTION: O'Neill / Cavalier

That Council:

1. **receive the report by the Manager, Customer Services & Governance on the Red Hill Committee Meeting Minutes - 5 May 2021; and**
2. **note the minutes of the Red Hill Committee Meeting held on 5 May 2021.**

The motion was carried with the Councillors voting unanimously.

Item 13: Urgent Business Without Notice

Nil

Item 14: Confidential Session

224/21 MOTION: Cavalier / Holden

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 2021-2022

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.



Mayor



General Manager

14.2 Mudgee Valley Park Expansion

The reason for dealing with this report confidentially is that it relates to information that would, if disclosed, confer a commercial advantage on a competitor of the council in accordance with Section 10A(2)(d)(ii) of the Local Government Act, 1993.

Discussion of this matter in an open meeting would be, on balance, contrary to the public interest as it involves discussion of a commercial opportunity being considered by Council.

14.3 RFT 2020/99 Goulburn River Bridge

The reason for dealing with this report confidentially is that it relates to information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business and commercial information of a confidential nature that would, if disclosed prejudice the commercial position of the person who supplied it in accordance with Section 10A(2)(c) and (d)(i) of the Local Government Act, 1993.

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

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

14.1 GENERAL MANAGER'S PERFORMANCE AGREEMENT 2021-2022

GOV400088, A0381418

225/21 MOTION: Thompson / O'Neill

That Council:

- 1. receive the report by the Executive Manager, People and Performance on the General Manager's Performance Agreement 2021-2022; and**
- 2. adopt the attached General Manager's Performance Agreement for the Financial Year 2021-2022.**

The motion was carried with the Councillors voting unanimously.

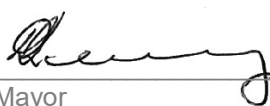
14.2 MUDGEE VALLEY PARK EXPANSION

GOV400088, COM100011

226/21 MOTION: Holden / Karavas

That Council:

- 1. receive the report by the Director Development on the Mudgee Valley Park Expansion;**



Mayor

General Manager

2. approve the proposed expansion of the Mudgee Valley Park;
3. allocate a \$7.4 million expenditure budget for the 2021/22 year to be fully loan funded; and
4. forward a copy of the capital expenditure review to the Office of Local Government as required under Section 23A of the Local Government Act 1993.

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

Councillors	Ayes	Nayes
Cr Kennedy	✓	
Cr Paine	✓	
Cr Cavalier	✓	
Cr Holden	✓	
Cr Karavas	✓	
Cr Martens	✓	
Cr O'Neill	✓	
Cr Thompson		✓

14.3 RFT 2020/99 GOULBURN RIVER BRIDGE


GOV400088, COR400389

227/21

MOTION: Holden / Cavalier

That Council:

1. receive the report by the Manager Works on the RFT 2020/99 Goulburn River Bridge;
2. note that Council resolved to enter a contract with Kenpass PTY LTD as the successful tenderer of RFT 2020/99 in March 2021;
3. note that Council officers are negotiating variations to the Contract with Kenpass PTY LTD;
4. authorise an increase to the 2021/22 budget allocation as detailed in this Council Report;
5. authorise the General Manager to vary the contract within approved budget limits;
6. authorise the General Manager to terminate the contract, should negotiations for a successful outcome for Council fail;
7. approve an exemption from tender, if contract negotiations with Kenpass fail, in accordance with section 55(3)(i) of the



 Mayor



 General Manager

Local Government Act 1993 for the Goulburn River Bridge noting that a satisfactory result would not be achieved by inviting tenders;

8. **note the reason why a satisfactory result would not be achieved by inviting tenders is that:**
 - 8.1 **a successful tender was previously carried out, and a number of suitable tenderers were assessed providing a pool of applicants;**
 - 8.2 **market testing has already been carried out through the previous tender 2020/99, and the likely tenderers have already provided all tender information making re-tender inefficient and costly for the tenderers;**
 - 8.3 **the Goulburn Bridge is grant funded and funding is available until the end of this financial year only, unnecessary tendering will cause delays which will result in the project not meeting funding deadlines; and**
9. **authorise the General Manager to negotiate with alternate construction companies, including those from Tender 2020/99, to enter a new contract for construction of the Goulburn River Bridge.**

The motion was carried with the Councillors voting unanimously.

Item 15: Urgent Confidential Business Without Notice

Nil

Item 16: Open Council

228/21 **MOTION: Cavalier / O'Neill**


That: Council move to Open Council.

The motion was carried with the Councillors voting unanimously.

The General Manager announced the decisions taken in Confidential Session.

Item 17: Closure

There being no further business the meeting concluded at 6.44pm.



Mayor



General Manager