

# Minutes of the Ordinary Meeting of Council

Held at the Council Chambers, 86 Market Street, Mudgee  
on 20 November 2019, commencing at 5:40pm and concluding at 6:50pm.

PRESENT Cr P Shelley, Cr D Kennedy, Cr E Martens, Cr JP Thompson, Cr P Cavalier,  
Cr S Paine, Cr A Karavas, Cr J O'Neill, Cr R Holden.

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

VISITOR Luke Malone from Prosperity Advisers

The Mayor acknowledged a plaque received from John Stuart on behalf of Cudgegong Cruisers for Council support of Motorfest 2019.

The Mayor introduced auditor Luke Malone from Prosperity Advisers (Audit Service Provider for the Audit Office of NSW) to present to Councillors the audit of the Financial Statements for the year ended 30 June 2019.

## Item 1: Apologies

There were no apologies.

## Item 2: Disclosure of Interest

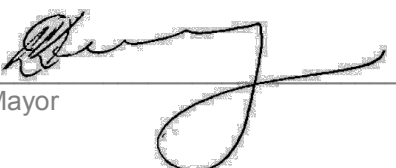
Councillor P Cavalier declared a pecuniary conflict of interest in item 5.1 as he has a business relationship with the Mudgee Race Club. He also declared a significant conflict of interest in item 9.6 as he is a Councillor representative on the Joint Regional Planning Panel that will be the determining body for the solar array.


Councillor P Shelley declared a pecuniary conflict of interest in item 7.2 as he is an employee of Bowdens Silver.

Councillor JP Thompson declared a pecuniary conflict of interest in item 8.4 as he is the President of the Gulgong Turf Club.

Councillor S Paine declared a significant conflict of interest in item 9.6 as he is the alternate Councillor representative on the Joint Regional Planning Panel that will be the determining body for the solar array.

Councillor R Holden declared a significant conflict of interest in item 9.6 as he is a Councillor representative on the Joint Regional Planning Panel that will be the determining body for the solar array.

  
Mayor

  
General Manager

Councillor D Kennedy declared a pecuniary conflict of interest in item 14.1 as he owns hotels and is in competition with the proponents of the Theatre who are also involved in the hotel industry.

### Item 3: Confirmation of Minutes

336/19 MOTION: Cavalier / Shelley

**That the Minutes of the Ordinary Meeting held on 16 October 2019 be taken as read and confirmed.**

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

### Item 4: Matters in Progress

Nil.

### Item 5: Mayoral Minute

Nil.

Councillor Cavalier declared a pecuniary conflict of interest in item 5.1 as he has a business relationship with the Mudgee Race Club, he left the Chambers at 5:50pm and did not participate or vote in relation to this matter.

#### 5.1 MAYORAL MINUTE: MUDGEE RACE CLUB FINANCIAL ASSISTANCE REQUEST

GOV400067, FIN300200, A0100035, GOV400022

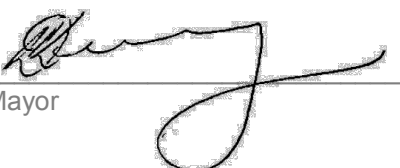
337/19 MOTION: Kennedy


**That Council support the Mudgee Race Club's request for \$2,000 for promotion of the Mudgee Cup to be funded from Events Assistance.**

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

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

Councillor Cavalier returned to the Chambers at 5:50pm.

  
Mayor

  
General Manager

**Item 6: Notices of Motion or Rescission****6.1 FUNDING FOR SENIOR PLANNING ACTIVITIES 2020/2021**  
GOV400067, A0100035, GOV400022

MOTION: Martens / Karavas

That Council:

1. amend the Delivery Program for 2020/21 to allocate a budget of \$45,000 funded from unrestricted cash, to ensure the continued delivery of seniors activities as funded through Community Development funding in previous years, and that this funding be additional to the \$7,000 currently allocated towards seniors week; and
2. lobby its three representatives in the NSW State parliament to reinstate grants for senior's activities previously provided for by the Department of Community and Justice and now totally directed to Targeted Early Intervention.

**338/19 AMENDMENT: Shelley / Paine**

That Council:

1. **lobby its three representatives in the NSW State parliament to reinstate grants for senior's activities previously provided for by the Department of Community and Justice and now totally directed to Targeted Early Intervention.**
2. **consider funding \$45,000 as part of its 20/21 budget.**

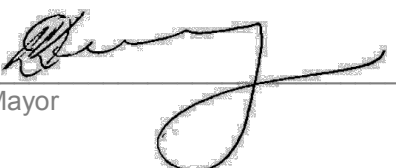

*The amendment was put and carried with Councillors voting unanimously.*

*The amendment, on becoming the motion, was put and carried with Councillors voting unanimously.*

**6.2 CODE OF MEETING PRACTICE - PUBLIC FORUM**  
GOV400067, A0100035, GOV400022

MOTION: Thompson / Karavas

That Council amend the Code of Meeting Practice to reinstate the opportunity for community members to address the Council during the

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

Public Forum on matters that are not listed in the Business Paper.

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

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

### 6.3 ROAD MAINTENANCE PROGRAM

GOV400067, A0100035, GOV400022

339/19

**MOTION: Thompson / Martens**

**That Council continues its grading road maintenance program where water is available.**

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

## Item 7: Office of the General Manager

### 7.1 WATER SECURITY OF THE MACQUARIE VALLEY

GOV400067, GOR500034

340/19

**MOTION: Holden / Cavalier**

**That Council:**

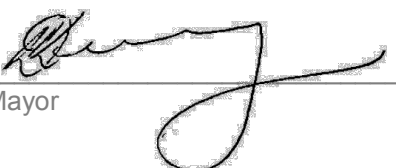
1. receive the report by the General Manager on the Water Security of the Macquarie Valley; and
2. lead a delegation with the Mayor of Mid-Western Regional Council, the Mayor of Orange City Council and the Chair of the Orana Joint Organisation to meet with the appropriate Ministers about a long term solution for water security.


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

341/19

**MOTION: Shelley / Holden**

**That Council consider item 7.2 (points 1 and 2) as one item, and item**

  
Mayor

  
General Manager

**7.2 (point 3) as a separate item.**

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

7.2 COUNCILLOR DELEGATES TO EXTERNAL COMMITTEES  
AND OTHER ORGANISATIONS

GOV400067, A0110015

**342/19 MOTION: Shelley / Cavalier**

**That Council:**

1. **receive the report by the Director Community on the Councillor Delegates to External Committees and other Organisations;**
2. **appoint Councillor Paine as alternate delegates to the Joint Regional Planning Panel for the period of November 2019 to August 2020;**

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

Councillor P Shelley declared a pecuniary conflict of interest in item 7.2 as he is an employee of Bowdens Silver, left the Chambers at 6:18pm and did not participate in discussion or vote in relation to this matter.

7.2 COUNCILLOR DELEGATES TO EXTERNAL COMMITTEES  
AND OTHER ORGANISATIONS

GOV400067, A0110015

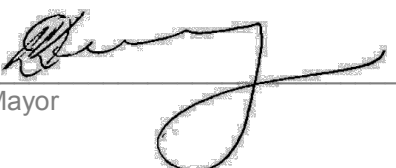
**343/19 MOTION: Paine / Holden**

**That Council appoint Councillor Karavas as the delegate to the Bowdens Silver Mine Community Consultative Committee for the period of November 2019 to August 2020.**

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

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

Councillor Shelley returned to the Chambers at 6:19pm.

  
Mayor

  
General Manager

## 7.3 COUNCIL MEETING SCHEDULE FOR 2020

GOV400067, GOV400064

344/19

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

1. receive the report by the Manager Governance on the Council Meeting Schedule for 2020; and
2. confirm the dates for Ordinary Meetings of Council for 2020 as follows:
  - Wednesday 19<sup>th</sup> February 2020
  - Wednesday 18<sup>th</sup> March 2020
  - Wednesday 15<sup>th</sup> April 2020
  - Wednesday 20<sup>th</sup> May 2020
  - Wednesday 17<sup>th</sup> June 2020
  - Wednesday 15<sup>th</sup> July 2020
  - Wednesday 19<sup>th</sup> August 2020
  - Wednesday 7<sup>th</sup> October 2020
  - Wednesday 21<sup>st</sup> October 2020
  - Wednesday 18<sup>th</sup> November 2020
  - Wednesday 16<sup>th</sup> December 2020

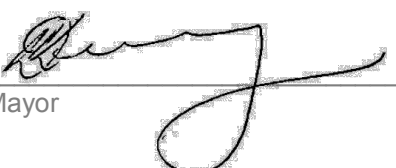

*The motion was carried with the Councillors voting unanimously.*

**Item 8: Development**

8.1 MA0017/2020 (DA0214/2014) - MODIFICATION TO SUBDIVISION AND INDUSTRIAL DEVELOPMENT - 86 DEPOT ROAD, MUDGEE

GOV400067, DA0214/2014

345/19

**MOTION: Shelley / Martens****That Council:**  
Mayor  
General Manager

- A. receive the report by the Senior Town Planner on the MA0017/2020 (DA0214/2014) - Modification to Subdivision and Industrial Development - 86 Depot Road, Mudgee;
- B. approve MA0017/2020 (DA0214/2014) - Modification to Subdivision and Industrial Development - 86 Depot Road, Mudgee to do the following:
  - I. Amend the approved plans, for the buildings on proposed Lots 1, 2, 3 and 4; and
  - II. Amend Condition 1A to refer to the amended plans; and
  - III. Amend Condition 5 to clarify fencing requirements;

Subject to the following conditions:

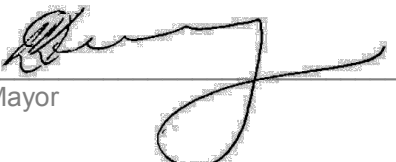
**CONDITIONS**


**PARAMETERS OF CONSENT**

**Approved Plans**

- 1. ~~Development is to be carried out generally in accordance with stamped plans 3312-A01 to 3312-A09 and BK041.dwg Pages 1 to 4 and the Application received by Council on 16 December 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.~~  
(DELETED MA0020/2017)
- 1A. The development is to be carried out in accordance with the following plans endorsed with Council’s stamp as well as the documentation listed below, except as varied by the conditions listed herein and/or any plan notations.

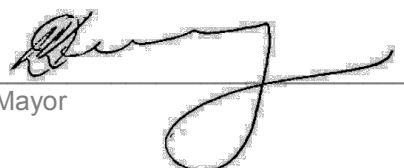
Title / Name:	Drawing No / Document Ref	Revision / Issue:	Date:	Prepared by:
Site Plan (Lot 6)	3312-A01	A	April 2013	Giselle Denley Drafting Services
Ground Floor Plan (Lot 6)	3312-A02	B	Nov 2017	Giselle Denley Drafting Services
Elevations (Lot 6)	3312-A03	B	Nov 2017	Giselle Denley Drafting

  
Mayor


  
General Manager

				<b>Services</b>
Site Plan (Lots 1-4)	3312-A04	C	Nov 2017	Giselle Denley Drafting Services
Ground Floor Plan, South East Elevation and South West Elevation (Lot 1)	3312-A03	D	Sep 2019	Giselle Denley Drafting Services
Ground Floor Plan, First Floor Plan & South East Elevation (Lots 2 and 3)	3312-A04	C	Sep 2019	Giselle Denley Drafting Services
Ground Floor Plan, First Floor Plan & South East Elevation (Lot 4)	3312-A05	C	Sep 2019	Giselle Denley Drafting Services
Master Plan	3312-A08	A	April 2013	Giselle Denley Drafting Services
Storage Shed Typical Floor Plan & Storage Shed Front Elevation	3312-A09	A	April 2013	Giselle Denley Drafting Services
Proposed subdivision Showing Existing Improvements	BK041.dwg Sheet 1 of 4	-	14/10/2013	Jabek Pty Ltd
Layout Industrial Development Lots 1-6 (Stage 2)	BK041.dwg Sheet 2 of 4	-	14/10/2013	Jabek Pty Ltd
Service Layout	BK041.dwg Sheet 3 of 4	-	14/10/2013	Jabek Pty Ltd
Detail Lot 7	BK041.dwg Sheet 4 of 4	-	14/10/2013	Jabek Pty Ltd

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



Mayor



General Manager



Title / Name:	Drawing No / Document Ref	Revision / Issue:	Date:	Prepared by:
Concept Stormwater Plan	MX-10284.01-C2.0	B	17/11/17	Triaxial Consulting
Concept Stormwater Plan Basin Details	MX-10284.01-C2.1	B	17/11/17	Triaxial Consulting
Turning Circle Plan Sheet 1 of 2	MX-10284.01-C3.0	B	17/11/17	Triaxial Consulting
Turning Circle Plan Sheet 2 of 2	MX-10284.01-C3.1	B	17/11/17	Triaxial Consulting
Landscaping Plan	MX-10284.01-C4.0	C	23/03/18	Triaxial Consulting

(ADDED MA0020/2017 AND AMENDED BY MA0017/2020)

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

2A. The following limits apply to the proportion of the building on proposed Lot 6 that may be used for industrial premises or warehouse purposes:

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

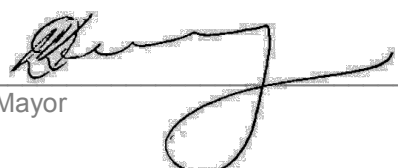
Note – this condition is applied to ensure that the use of the building matches the number of car parking spaces shown on the approved plans.


(ADDED MA0020/2017)

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

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

  
 Mayor

  
 General Manager

**AMENDMENTS TO APPROVED PLANS**

3. The maximum fill permitted to be placed on proposed Lot 1 is limited to 500mm above the existing natural ground level as shown on Plan No.BK041.dwg, Sheet 3 of 4.
4. No roller-doors are to be constructed in the north-western wall of the proposed workshop on Lot 1 in the subdivision of Lot 210 DP775001.
5. A minimum 1.8 metre high lapped and capped timber fence is to be provided along the western and southern boundaries (Golf Club land and adjoining industrial development to the south) of the development prior to the commencement of any works on the site. The timber fence is to be erected along the western boundary of proposed Lots 1 to 4. The remainder of the western boundary adjoining proposed Lot 7 may be fenced with a chain mesh fence.  
(ADDED MA0017/2020)
- 5A. All lots in the approved subdivision shall have a minimum lot size of 2,000m<sup>2</sup>.

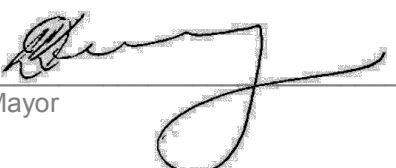
Note – Proposed Lot 5 on the approved plans has a lot size of 1,870m<sup>2</sup>. Lot 5 may be readily increased to 2,000m<sup>2</sup> by adjusting the boundary between Lots 4 and 5. Amended plans demonstrating compliance shall be provided prior to the issue of a Subdivision Certificate involving Lot 5.

(ADDED MA0020/2017)


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

**PRIOR TO ISSUE OF CONSTRUCTION CERTIFICATE - CIVIL**

6. The submission to Council of engineering design plans for any road works shall include pavement and wearing surface investigation and design, sedimentation and erosion control plans, and a detailed construction plan. These plans are to be approved by the Council prior to the issue of a Construction Certificate.
7. A detailed engineering design (including sediment and erosion control) supported by plans, and an "Autocad compatible" Plan, (in dwg format including pen-map), material samples, test reports and specifications are to be prepared in accordance with AUS-SPEC #1 (as modified by Mid Western Regional Council) and the conditions of this development consent. The



Mayor



General Manager

engineering design is to be submitted to and approved by Council or an Accredited Certifier prior to the issue of a Construction Certificate.

8. Engineering plans of the sewer mains extension are to be submitted to and approved by Council or an accredited certifier prior to the issue of a Construction Certificate.

Note 1: Council will quote on connecting any sewer or water main extension to the existing "live" main on receipt and approval of engineering plans.

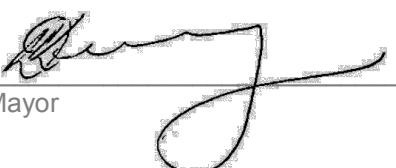
Note 2: Council does not permit other bodies to insert new junctions into 'live' sewer mains.


9. The applicant is to submit a Drainage Report prepared in accordance with the Institution of Engineers publication Australian Rainfall and Run-off to the Principal Certifying Authority for approval prior to the release of the Construction Certificate. The report must demonstrate that stormwater runoff from the site is not increased beyond the existing undeveloped state up to and including a 1.5 year ARI. All storm water detention details including analysis shall be included with the drainage report.
10. The Cul-de-sac proposed at the end of Depot road must be designed pursuant to "AUSTROADS Design Vehicles and Turning Path Templates Guide 2013" to accommodate at least a B-Double turning radius (15m) when travelling between 5-15km/hr. The turning path plan must be submitted to Council prior to the issue of the Construction Certificate.
11. All finished surface levels shall be shown on the plans submitted for the Construction Certificate. Where it is proposed to import fill, the material shall be certified as free of hazardous materials and contamination by a suitably qualified geotechnical engineer. Fill placed in residential or commercial lots shall be compacted in accordance with AS3798-2007 Guidelines on Earthworks for Commercial and Residential Developments.

#### **PRIOR TO ISSUE OF THE CONSTRUCTION CERTIFICATE - BUILDING**

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

12. Prior to release of the Construction Certificate, approval pursuant to Section 68 of the Local Government Act, 1993 to carry out water supply, stormwater and sewerage works is to be obtained from Mid-Western Regional Council.
13. A schedule of existing and proposed fire safety measures is to

  
Mayor

  
General Manager

be submitted to the Principal Certifying Authority with the application for the Construction Certificate.

**14. The developer shall obtain a Certificate of Compliance under the Water Management Act. This will require:**

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

<b>Water Headworks</b>	<b>\$55,426.00</b>
<b>Sewerage Headworks</b>	<b>\$26,959.00</b>
<b>Total Payable</b>	<b>\$82,385.00</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.**

- (b) The adjustment of existing services or installation of new services and meters, as required, in compliance with Australian Standard 3500: National Plumbing and Drainage Code. All costs associated with this work shall be borne by the developer.

**(AMENDED MA0020/2017)**

**14A. In accordance with the provisions of section 94A of the Environmental Planning and Assessment Act 1979 and the Mid-Western Regional Council Section 94A Development Contributions Plan (the Section 94A Plan), a levy based on the value of works shall be paid to Council in accordance with this condition for the purpose of public facilities, prior to the issue of a Construction Certificate.**

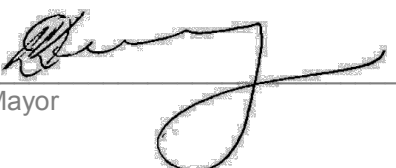
The value of the works is to be calculated in accordance with Section 9.0 and the procedure outlined in Appendix 1 of the Section 94A Plan. A report regarding value of works and any necessary certification is to be submitted to Council. Council will calculate and advise of the final levy amount following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


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

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

**(ADDED MA0020/2017)**

**14B. Prior to the issue of any Construction Certificate that includes above ground works, a landscape plan shall be submitted to and approved by Council. This landscape plan shall be prepared by**

  
Mayor

  
General Manager

an appropriately qualified and experienced professional. The landscaping plan is to show and/or achieve the following:

- a) A planting schedule (including a range of plant sizes).
- b) A maintenance schedule.
- c) Re-planting regime for any plants that are damaged, dead, or removed for any reason.
- d) Provision of landscaping adjacent to and between car parking areas to assist in visually breaking up the expanse of the car park.
- e) Provide landscaping and fencing (if to be provided) within the front boundary landscaped setback that achieves the following:
  - (i) Allows for passive surveillance between the road reserve and the internal car park and entrance to buildings. This may be achieved by using shrubs that have a maximum height of 0.8m at maturity and trees that have a minimum canopy height of 1.7m at maturity.
  - (ii) Includes a mixture of trees, shrubs and groundcovers to create mass of vegetation with an average height of 2m at maturity, within the approved landscaped areas.
- f) Utilise endemic species, where practicable, which are appropriate for the site.
- g) Details of an irrigation system connecting to the on-site rainwater tanks.

(ADDED MA0020/2017)

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

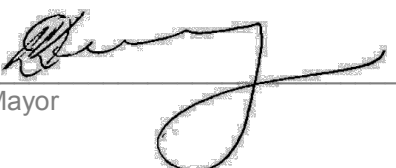
(ADDED MA0020/2017)


#### PRIOR TO THE COMMENCEMENT OF WORKS – CIVIL

15. Prior to development the applicant shall advise Council's ~~Development and Community Services Department~~ Operations Directorate, in writing, of any existing damage to Council property before commencement of works. The applicant shall repair (at their own expense) any part of Council's property damaged during the course of this development in accordance with AUS-Spec #1/2 (as modified by Mid-Western Regional Council) and any relevant Australian Standards.

(AMENDED MA0020/2017)

16. A Traffic Control Plan (TCP) completed by a "Certified Person" for implementation during works is to be submitted to Mid-Western Regional Council prior to any work commencing.

  
Mayor

  
General Manager

17. A copy of the Contractor's public liability insurance cover for a minimum of \$20,000,000 is to be provided to Mid-Western Regional Council as an interested party. All work is to be at no cost to Council.

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

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

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

19. The site shall be provided with a waste enclosure (minimum 1800mm X 1800mm X 1200mm) that has a lid or secure covering for the duration of the construction works to ensure that all wastes are contained on the site. The receptacle is to be emptied periodically to reduce the potential for rubbish to leave the site. Council encourages the separation and recycling of suitable materials.

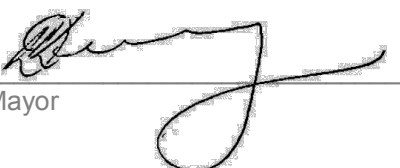
**NOTE: ALL WASTE GENERATED FROM THE CONSTRUCTION PROCESS IS TO BE CONTAINED ON-SITE**


20. A sign must be erected in a prominent position on any work site on which involved in the erection or demolition of a building is carried out;
- a) stating that unauthorised entry to the work site is prohibited;
  - b) showing the name of the person in charge of the work site and a telephone number at which that person may be contacted outside working hours;
  - c) the name, address and telephone number of the principal certifying authority for the work; and
  - d) The sign shall be removed when the erection or demolition of the building has been completed.

21. Prior to the commencement of works on site, the applicant shall advise Council's ~~Development and Community Services Department~~ Operations Directorate, in writing, of any existing damage to Council property.  
(AMENDED MA0020/2017)

#### **CIVIL CONSTRUCTION**

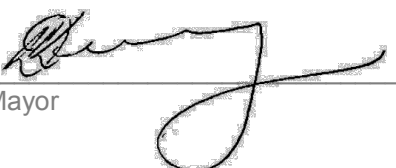
- 21A. The applicants shall, at their own expense, engage a registered surveyor to relocate any survey mark that may be disturbed by the development or any associated work. Any information regarding relocation should be supplied to the Land Titles Office and Council.  
(NUMBERED MA0020/2017)

  
Mayor


  
General Manager

22. All works are to be constructed at the full cost of the developer, in a manner consistent with Aus-Spec #1 and Council's standard drawings.
23. The developer is to grant Council (or an Accredited Certifier on behalf of Council) unrestricted access to the site at all times to enable inspections or testing of the subdivision works.
24. The subdivision works are to be inspected by the Council (or Accredited Certifier on behalf of Council) to monitor compliance with the consent and the relevant standards of construction encompassing the following stages of construction:
- a) Installation of sediment and erosion control measures.
  - b) Water and sewer line installation prior to backfilling.
  - c) Establishment of line and level for kerb and gutter placement.
  - d) Road and driveway pavement construction (including excavation, formwork and reinforcement).
  - e) Road pavement surfacing.
  - f) Practical completion.
25. The contractor/owner must arrange an inspection by contacting Council's Development and Community Services Department between 8.30am and 4.30pm Monday to Friday, giving at least twenty four (24) hours notice. Failure to have the work inspected may result in the access being removed and reconstructed at the contractors/owners expense.
26. All earthworks, filling, building, driveways or other works, are to be designed and constructed (including stormwater drainage if necessary) so that at no time will any ponding of stormwater occur on adjoining land as a result of this development.
27. Interallotment drainage is to be provided to remove stormwater from any lots that cannot discharge to the street in accordance with Aus Spec #1. Easements not less than 1m wide shall be created over interallotment drainage in favour of upstream allotments.
28. The requirements for stormwater quality, as specified in the DCP, shall be addressed in the design prior to issue of the Construction Certificate. The design shall be such that there is no increased maintenance burden on Council.
29. ~~The Developer must upgrade Depot road for the full frontage of the subdivision to the following standard:~~

Item	Requirement
Road Reserve Width	12 m
Pavement Width	2 x 3.5m travel lanes
Seal	Asphalt (Hot mix)
Drainage	To-centre median swale



Mayor



General Manager

**(DELETED MA0020/2017)**

- 29A. The developer must construct the full length of the proposed new extension of Depot Road located in Lot 210 DP775001, to the following standard:

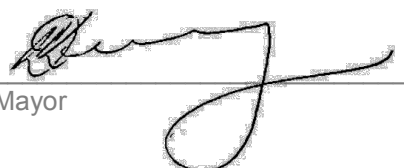
Item	Requirement
Road Reserve Width	21.6 m
Pavement Width	13m (invert to invert)
Court Bowl/ Cul-de-sac Head Seal	15m radius to invert (i) All parts of the cul-de-sac head that is wider than 18m: Asphalt (Hot mix) (ii) The remainder of the Depot Road extension: Two coat bitumen seal
Drainage	Direct stormwater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

**(ADDED MA0020/2017)**


30. Car parking for lots 1-6 must comply with the following standards:
- a) All vehicles must be provided adequate means to exit the lot in a forward direction;
  - b) Each parking space is to have minimum dimensions of 5.5m x 2.4m;
  - c) Each disabled car parking space is to be in accordance with the provisions of Clause D3.5 of the Building Code of Australia and Australian Standard as 2890.6 – 2004;
  - d) All car parking spaces are to be line-marked and sealed with a hard standing, all weather material and must be maintained in a satisfactory condition at all times; and
  - e) The aisle widths, internal circulation, ramp widths and grades of the car park are to generally conform to the Roads and Traffic Authority Guide to Traffic Generating Developments 1992 and Australian Standard AS2890.1 – 2004. Details of compliance are to be shown on the relevant plans and specifications.
31. If any aboriginal artefacts are uncovered or identified during construction earthworks, such work is to cease immediately and the local aboriginal community and National Parks and Wildlife Service are to be notified.

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

32. Runoff and erosion controls shall be installed prior to clearing



Mayor



General Manager



and incorporate:

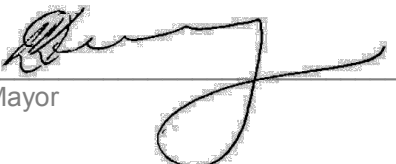
- a) diversion of uncontaminated upslope runoff around cleared and/or disturbed areas and areas to be cleared and/or disturbed;
- b) sediment control fences at the downslope perimeter of the cleared and/or disturbed area to prevent sediment and other debris escaping from the land to pollute any stream or body of water; and
- c) maintenance of all erosion control measures at maximum operational capacity until the land is effectively rehabilitated and stabilized beyond the completion of construction.


#### **WATER AND SEWER**

33. The developer is to extend and meet the full cost of water and sewerage reticulations to service the development plus the cost of connecting to existing services. All water and sewerage work is required to be carried out in accordance with the requirements of Mid-Western Regional Council (as the Water Supply Authority under the Local Government Act,1993) and in accordance with the National Specification – Water & Sewerage Codes of Australia.
34. The applicant is to provide separate water and sewer reticulation services to each lot.
35. Three metre wide easements, including associated Section 88B Instruments, are to be created in favour of Council over any existing or newly constructed water or sewerage reticulation components located within the subject property, or extended through adjoining private properties as a result of this subdivision.

#### **BUILDING CONSTRUCTION**

36. All building work must be carried out in accordance with the provisions of the National Construction Code, the Environmental Planning & Assessment Act 1979 and Regulations and all relevant Australian Standards.
37. All plumbing and drainage work must be carried out by a licensed plumber and drainer and must comply with the Plumbing Code of Australia.
38. Construction work noise that is audible at other premises is to be restricted to the following times:  
Monday to Saturday -7.00am to 5.00pm  
No construction work noise is permitted on Sundays or Public Holidays.
39. All mandatory inspections required by the Environmental Planning & Assessment Act and any other inspections deemed

  
Mayor

  
General Manager

necessary by the Principal Certifying Authority being carried out during the relevant stage of construction.

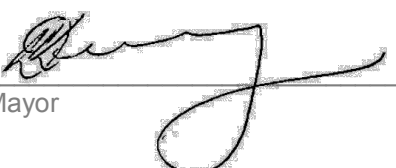
40. The strength of the concrete used for the reinforced concrete floor slab must be 25Mpa.
41. The list of measures contained in the schedule attached to the Construction Certificate are required to be installed in the building or on the land to ensure the safety of persons in the event of fire in accordance with Clause 168 of the Environmental Planning and Assessment Regulation 2000.


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

42. Under the Environmental Planning & Assessment Act, 1979, a Subdivision Certificate is required before the linen plan of subdivision can be registered with the Land Titles Office.

**Note:** The fee to issue a Subdivision Certificate is set out in Council's Fees and Charges

43. A linen plan and two (2) copies are to be submitted to Council for approval and endorsement by the General Manager.
44. If the Subdivision Certificate is not issued, for any reason whatsoever, by the end of the financial year immediately following the date of determination, then the charges and contributions contained in this consent, may be increased to the current rate at the time of payment.
45. Underground electricity, street lighting and telecommunications are to be supplied to the subdivision.
46. Prior to issue of the Subdivision Certificate, Council is to be supplied with:
  - a) A certificate from the appropriate power authority indicating that satisfactory arrangements have been made for provision of electricity supply to the subdivision;
  - b) A certificate from the appropriate telecommunications authorities indicating that satisfactory arrangements have been made for provision of telephone services to the subdivision;
  - c) All contributions must be paid to Council and all works required by the consent be completed in accordance with the consent, or an agreement be made between the developer and Council;
  - d) As to the security to be given to Council that the works will be completed or the contribution paid; and
  - e) As to when the work will be completed or the contribution paid.
47. Following completion of the subdivision works, one full set of

  
Mayor

  
General Manager

work-as-executed plans, on transparent film suitable for reproduction, and an "Autocad compatible" work-as-executed Plan, (in dwg format including pen-map), is to be submitted to Council. All work-as-executed plans shall bear the Consulting Engineer's or Consulting Surveyor's certification stating that all information shown on the plans is accurate.

48. The developer must provide Council and land purchasers with a site classification for each lot within the subdivision. The classification is to be carried out at a suitable building site on each lot and is to be carried out by a NATA registered laboratory using method (a) of Clause of AS2870 - 2011. Results are to be submitted to Council prior to issue of the Subdivision Certificate.

49. ~~In accordance with the provisions of section 94A of the Environmental Planning and Assessment Act 1979 and the Mid-Western Regional Council Section 94A Development Contributions Plan, a levy of 1% of the cost of carrying out the development shall be paid to Council in accordance with this condition for the purpose of:~~

~~The levy is: \$24,500 based on the estimated cost of development of \$ 2,450,000.00  
(DELETED MA0020/2017 – AMENDED CONDITION MOVED TO CONDITION 14A)~~

50. The developer is to provide a water service and meter for each lot in the subdivision. This can be achieved by making a payment to Council of \$1650 per lot to cover the cost of installing both the service and a 20mm meter on the water main.

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

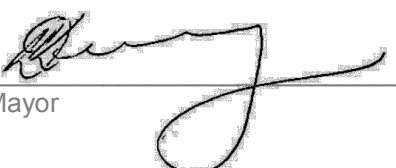
Note: Council does not permit other bodies to connect to 'live' water mains.


OR

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

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

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

  
Mayor

  
General Manager

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

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

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

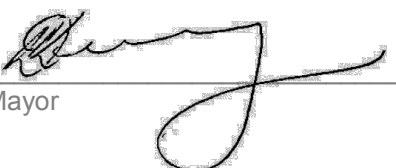
#### **PRIOR TO ISSUE OF THE OCCUPATION CERTIFICATE**


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

53. Prior to the occupation of a new building, or occupation or use of an altered portion of, or an extension to an existing building, an Occupation Certificate is to be obtained from the Principal Certifying Authority appointed for the erection of the building.
54. All car parking and associated driveway works are to be completed prior to occupation of the development.
- 54A. All plants shown on the approved landscape plan/s are to be planted and all hard landscaping (eg rocks, retaining walls, solid garden bed edging) is to be installed prior to the issue of an Occupation Certificate.  
(ADDED MA0020/2017)

#### **CONDITIONS RELATED TO THE ONGOING USE OF THE SITE**

55. All vehicles are required to enter and leave the site in a forward direction at all times. Signage to this effect is to be appropriately located within the site.
56. All loading and unloading in connection with the premises shall be carried out wholly within the site.
57. Garbage areas are to be adequately screened from public view with an opaque fence and / or adequate landscaping.
58. All waste generated by the proposed development shall be disposed of to an approved location in accordance with the Waste Minimisation & Management Act 1995.
59. All security fencing is to be pre-coloured or powder coated. Security fencing to the public road frontage is to be erected on or behind the front building line. Full details of proposed fencing is to be included on the landscaping plan.
60. All exterior lighting associated with the development shall be

  
Mayor

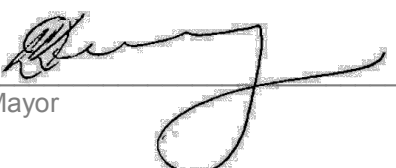
  
General Manager


designed and installed so that no obtrusive light will be cast onto any adjoining property or roadways, in accordance with Australian Standard 4282 "Control of the Obtrusive Effects of Outdoor Lighting".

61. No display or sale of goods is to take place from public areas or footpaths fronting the premises.
62. All 'Colorbond' material for the proposed sheds is to be non-reflective.
63. Hours of operation of the industrial buildings are restricted to the following times;  
Monday to Saturday 7.00am to 6.00pm  
No work is permitted on Sundays or Public Holidays
64. The combined maximum permitted noise level for all activities within the subject industrial development is 5dB(A) above the background noise level of 39dB(A) as measured at the property boundary of Lot 210 DP 775001 and the Mudgee Golf Course and the residentially zoned land.
65. Measures, such as raised kerb edges, bollards and/or fencing, are to be installed and maintained around all approved landscape areas in order to prevent vehicles driving over them.  
(ADDED MA0020/2017)
66. Landscaping is to be maintained in accordance with the approved landscape plan.  
(ADDED MA0020/2017)

#### ADVISORY NOTES

- 1 The removal of trees within any road reserve requires separate approval of Council in accordance with the policy "Tree Removal and Pruning Public Places".
- 2 The land upon which the subject building is to be constructed may be affected by restrictive covenants. This approval is issued without enquiry by Council as to whether any restrictive covenant affecting the land would be breached by the construction of the building, the subject of this approval. Persons to whom this approval is issued must rely on their own enquiries as to whether or not the building breaches any such covenant.
- 3 Section 82A of the Environmental Planning and Assessment Act (EP&A Act) provides 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 Planning and Development Department for more information or advice.

  
Mayor

  
General Manager

- 4 If you are dissatisfied with this decision, section 97 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 date upon which the consent becomes effective, refer to section 83 of the EP&A Act.
- 6 To ascertain the extent to which the consent is liable to lapse, refer to section 95 of the EP&A Act.
- 7 The development is to operate so as to not emit offensive noise, as defined in the Protection of the Environment Operations Act 1997.  
(ADDED MA0020/2017)

**STATEMENT OF REASONS**

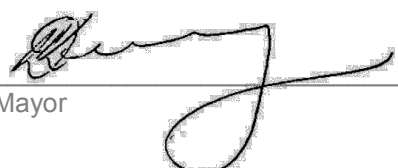
The determination decision was reached for the following reasons:


- 1. The proposed modification is considered to result in minimal environmental impact and is substantially the same development as the originally approved development – thereby satisfying the requirements of Section 4.55(1A)(a) and (b) of the Environmental Planning and Assessment Act 1979.
- 2. The proposed modification complies with the requirements of the applicable environmental planning instruments and Mid-Western Regional Development Control Plan 2013.
- 3. The proposed modification is considered satisfactory in terms of the matters identified in Section 4.15 of the Environmental Planning and Assessment Act 1979.  
(NEW STATEMENT OF REASONS MA0017/2020)

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

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

8.2 MA0014/2020 - MODIFICATION TO DA0520/2004 - TWO LOT SUBDIVISION - 11 MULGOA WAY, MUDGEES NSW 2850

  
Mayor

  
General Manager

GOV400067, P1194961

346/19

**MOTION: Holden / O'Neill****That Council:**

- A. receive the report by the Town Planner on the MA0014/2020 - MODIFICATION TO DA0520/2004 - TWO LOT SUBDIVISION - 11 MULGOA WAY, MUDGEES NSW 2850;
- B. approve MA0014/2020 - MODIFICATION TO DA0520/2004 - TWO LOT SUBDIVISION - 11 MULGOA WAY, MUDGEES NSW 2850 subject to the following conditions:

**APPROVED PLANS**

1. The subdivision is to be carried out generally in accordance with the ~~amended stamped approved subdivision plan, Plan No. SD869, Sheet 1 of 1, not dated and received by Council 2<sup>nd</sup> June 2005.~~ **Plan of Subdivision of Lot 2 DP880847 Sheet 1 of 1 prepared by Robert John Crooks, dated 1<sup>st</sup> February 2019 and reference BK556.**

**(AMENDED BY MA0014/2020)****AMENDMENTS**

2. Battleaxe handle to be divided equally between proposed Lot 21 and Lot 22 with reciprocal right of way easement created under Section 88B. Subdivision plan to be suitably amended and submitted to Council prior to the issue of the Subdivision Certificate.

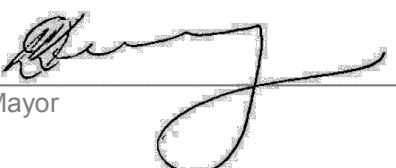
3. The sewer easement (indicated on the stamped approved plan) located in the north western corner of the building envelope is to be excluded from the building envelope, as indicated in red on the stamped approved plan.

**PRIOR TO THE ISSUE OF SUBDIVISION CERTIFICATE**


These conditions have been imposed to ensure that the proposed subdivision complies with the requirements of the Environmental Planning and Assessment Act, 1979, Council policies and the relevant standards.

4. Under the Environmental Planning & Assessment Act, 1979, a Subdivision Certificate is required before the linen plan of subdivision can be registered with the Land Titles Office.

**Note: Council's fee to issue a Subdivision Certificate is set out in Council's fees and charges and for this development, at the date of**



Mayor



General Manager

determination, is \$140).

5. A linen plan and two (2) copies are to be submitted to Council for approval and endorsement by the General Manager.
6. Prior to the issued of a 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;
    - (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.
- ~~7. In accordance with the provisions of section 94(1)(b) of the Environmental Planning and Assessment Act 1979 and the Mudge Shire Council Section 94 Contribution Plan, a contribution shall be paid to Council in accordance with this condition for the purpose of:~~

<del>Transport Improvements</del>	<del>\$536</del>
<del>Drainage</del>	<del>\$107</del>
<del>Community Facilities</del>	<del>\$629</del>
<del>Community Services</del>	<del>\$261</del>
<del>Open Space Improvements</del>	<del>\$402</del>
<del>Open Space Purchase</del>	<del>\$402</del>
<del>TOTAL PAYABLE</del>	<del>\$2337</del>

~~(DELETED BY MA0014/2020)~~

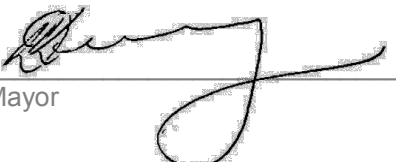
8. If the Subdivision Certificate is not issued, for any reason what so ever, within twelve (12) months of the date of determination, then the charges and contributions contained in this consent, may be increased to the current rate at the time of payment.


~~9. The developer shall obtain a Certificate of Compliance under the Water Management Act 2000. This will require:~~

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

<del>Water Headworks</del>	<del>\$2522</del>
<del>Sewerage Headworks</del>	<del>\$1847</del>
<del>TOTAL</del>	<del>\$4369</del>

- ~~(b) The adjustment of existing services or installation of~~

  
 Mayor

  
 General Manager



~~new services and meters, as required, in compliance with Australian Standard 3500: National Plumbing and Drainage Code. All costs associated with this work shall be borne by the developer.~~

**(DELETED BY MA0014/2020)**

10. The developer is to provide a sewer junction for each lot in the subdivision. This can be achieved by making a payment to Council of \$900 per new junction to cover the cost of Council installing a junction in an existing main.

**TOTAL PAYABLE            1 x \$900 = \$900**

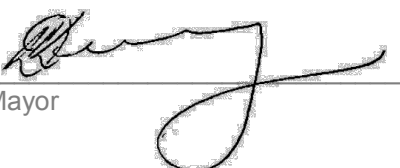
Note: Council does not permit other bodies to insert new junctions into "live" sewer mains.


11. The developer is to provide a water service and meter for each lot in the subdivision. This can be achieved by making a payment to Council of \$850 per lot to cover the cost of installing both the service and a 20mm meter on the water main.

**TOTAL PAYABLE            1 x \$850 = \$850**

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

12. Interallotment drainage is to be provided to remove stormwater from any lots that cannot discharge to the street in accordance with AusSpec #1.
13. Three metre wide easements, including associated Section 88 instruments, are to be created in favour of Council over any existing or newly constructed inter-allotment drainage, water, or sewerage reticulation components located within the subject property, or extended through adjoining private properties as a result of this subdivision.
14. Vehicular entrances are to be provided to all lots at the full cost of the developer.
15. All works are to be constructed at the full cost of the developer, in a manner consistent with Aus-Spec #1 and Council's standard drawings.
16. The applicants shall, at their own expense, engage a registered surveyor to relocate any survey mark that may be disturbed by the development or any associated work. Any information regarding relocation should be supplied to the Land Titles

  
Mayor

  
General Manager

**Office and Council.**

- 17. Prior to issue of the Subdivision Certificate, Council is to be supplied with:
  - (a) A certificate from Country Energy indicating that satisfactory arrangements have been made for provision of an underground electricity supply and street lighting to the subdivision.
  - (b) A Pre-Provisioning Confirmation Document from Telstra indicating that satisfactory arrangements have been made for the provision of telephone services to the subdivision.
  - (c) Documentary evidence of the creation of easements with associated Section 88 instruments, in favour of the lots which benefit from the utility, over any services through private property.
  
- 18. The building material, scrap metal and the like presently on the site are not appropriate “fill” and is to be removed. Please note “filling” requires the consent of Council.
  
- 19. The Plan of Subdivision submitted for Certification must be accompanied by a Surveyors Certificate that provides certification of the location of all existing infrastructure that services existing dwellings being located either within the boundaries of the allotment they are servicing or covered by appropriate easements.

**(NEW CONDITION MA0014/2020)**

**STATEMENT OF REASONS**

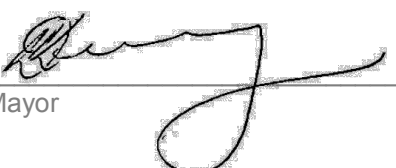
The determination decision was reached for the following reasons:

- 1. The proposed modification is considered to result in minimal environmental impact and is substantially the same development as the originally approved development – thereby satisfying the requirements of Section 4.55 (1A)(a) and (b) of the Environmental Planning and Assessment Act 1979.


**(NEW STATEMENT OF REASON MA0014/2020)**

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

Councillors	Ayes	Nayes
Cr Shelley	✓	
Cr Kennedy	✓	



\_\_\_\_\_  
Mayor



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

Cr Martens	✓
Cr Thompson	✓
Cr Cavalier	✓
Cr Paine	✓
Cr Karavas	✓
Cr O'Neill	✓
Cr Holden	✓

## 8.3 COUNTRY UNIVERSITIES CENTRE PROPOSAL

GOV400067, ECO800022

347/19

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

1. receive the report by the Manager Economic Development on the Country Universities Centre Proposal;
2. provide in principle support for the establishment of a Country Universities Centre in Mudgee;
3. authorise staff to work with Country Universities Centre to seek grant funding and to coordinate the establishment of the Country Universities Centre Mudgee Board; and
4. authorise the General Manager to hold a position of Director on the Country Universities Centre Mudgee Board.

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

Councillor Thompson declared a pecuniary conflict of interest in item 8.4 as he is the President of the Gulgong Turf Club, left the Chambers at 6:22pm and did not participate in discussion or vote in relation to this matter.

## 8.4 EVENTS ASSISTANCE APPLICATIONS

GOV400067, ECO800009; FIN300052

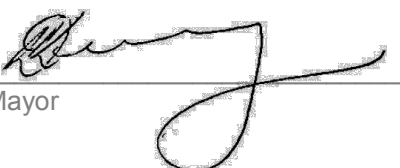
348/19

**MOTION: Holden / Karavas****That Council:**


1. receive the report by the Events Coordinator on the Events Assistance Applications;
2. provide Events Assistance to the below applicants (includes cash and in-kind amounts) for Period 1, July – December 2019;

<b>Mudgee Indoor Swimming Club</b>
------------------------------------

<b>\$583</b>
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Mayor



General Manager

<b>Rylstone Kandos and District Dog Club</b>	<b>\$1170</b>
--	---------------

3. provide Events Assistance to the below applicants (includes cash and in-kind amounts) for Period 2, January – June 2020;

<b>Gulgong Turf Club</b>	<b>\$1000</b>
<b>Cadillac LaSalle Club of Australia</b>	<b>\$2000</b>
<b>Western Schools Sports Association</b>	<b>\$2500</b>

4. provide multi-year Events Assistance funding to the below applicants (includes cash and in-kind amounts) for the period of 2020, 2021 and 2022; and

	<b>2020</b>	<b>2021</b>	<b>2022</b>
<b>Henry Lawson Society</b>	<b>\$2000</b>	<b>\$2000</b>	<b>\$2000</b>
<b>Rylstone Kandos Street Machine Club</b>	<b>\$2000</b>	<b>\$2000</b>	<b>\$2000</b>
<b>Gulgong Prince of Wales Eisteddfod</b>	<b>\$2500</b>	<b>\$2500</b>	<b>\$2500</b>
<b>Cudgegong Cruisers</b>	<b>\$491</b>	<b>\$506</b>	<b>\$521</b>
<b>Cudgegong Valley Antique Machinery Club</b>	<b>\$500</b>	<b>\$500</b>	<b>\$500</b>
<b>Arts Council Gulgong</b>	<b>\$1000</b>	<b>\$1000</b>	<b>\$1000</b>
<b>Gulgong Folk Club</b>	<b>\$1000</b>	<b>\$1000</b>	<b>\$1000</b>

5. amend the 2019/20 Budget for Events Assistance to:

- allocate \$5,000 additional funds for community run events to be funded from Unrestricted Cash.

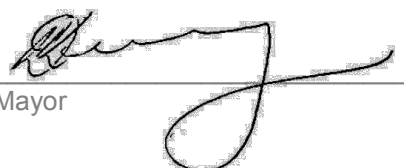
*The motion was put and carried with Councillors voting as follows:*


<b>Councillors</b>	<b>Ayes</b>	<b>Nayes</b>
Cr Shelley	✓	
Cr Kennedy	✓	
Cr Martens	✓	
Cr Cavalier	✓	
Cr Paine	✓	
Cr Karavas	✓	
Cr O'Neill	✓	
Cr Holden	✓	

Councillor Thompson returned to the Chambers at 6:23pm.

## 8.5 MONTHLY DEVELOPMENT APPLICATIONS PROCESSING AND DETERMINED

GOV400067, A100055, A100056

  
Mayor

  
General Manager

**349/19 MOTION: Paine / Martens**

**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 PRESENTATION OF THE 2018/19 FINANCIAL STATEMENTS  
GOV400067, FIN300161

**350/19 MOTION: Cavalier / Shelley**

**That Council receive the report by the Financial Accountant on the Presentation of the 2018/19 Financial Statements.**

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

9.2 ANNUAL REPORT 2018/19  
GOV400067, COR400008

**351/19 MOTION: Paine / O'Neill**

**That Council:**

- 1. receive the report by the Financial Accountant on the Annual Report 2018/19; and**
- 2. endorse the Annual Report 2018/19.**

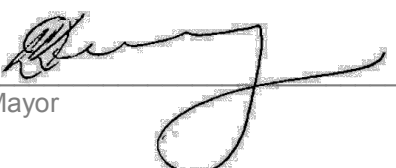
*The motion was carried with the Councillors voting unanimously.*


9.3 POLICY REVIEW - CREDIT POLICY  
GOV400067, A0140326

**352/19 MOTION: O'Neill / Paine**

**That Council:**

- 1. receive the report by the Revenue and Property Manager on the Policy Review - Credit Policy;**
- 2. place the revised Credit Policy on public exhibition for 28 days; and**
- 3. adopt the revised Credit Policy if no submissions are**

  
\_\_\_\_\_  
Mayor

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

**received.**

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

9.4 CLASSIFICATION OF LAND - PART ALLOTMENT 1  
DP1252505 PITTS LANE PUTTA BUCCA  
GOV400067, GOV400067, F0740001, F0650099

**353/19 MOTION: Martens / Karavas**

**That Council:**

1. **receive the report by the Revenue and Property Manager on the Classification of Land - Part Allotment 1 DP1252505 Pitts Lane Putta Bucca; and**
2. **classify that part of Allotment 1 DP1252505, identified as the site coloured red on the plan as appended as Attachment 1 to this Report, 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.*

9.5 NAMING OF A NEW STREET IN A SUBDIVISION OFF  
ROBERTSON ROAD, MUDGEE  
GOV400067, GOV400067 R0790141

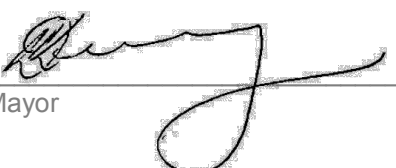
**354/19 MOTION: Cavalier / Paine**


**That Council:**

1. **receive the report by the Property Support Officer on the naming of a new street in a subdivision off Robertson Road, Mudgee; and**
2. **formally approve the name of Orth Court for this new street.**

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

Councillors Cavalier and Holden declared a significant conflict of interest in item 9.6 as they are Councillor representatives on the Joint Regional Planning Panel that will be the determining body for the solar array.

  
Mayor

  
General Manager

Councillor Paine declared a significant conflict of interest in item 9.6 as he is an alternate Councillor representative on the Joint Regional Planning Panel that will be the determining body for the solar array.

Councillors Cavalier, Holden and Paine all left the Chambers at 6:26pm and did not participate in discussion or vote in relation to this matter.

9.6 SOLAR ARRAY INITIATIVE

GOV400067, A000000

355/19

**MOTION: Shelley / O'Neill**

**That Council:**

1. receive the report by the Chief Financial Officer on the Solar Array Initiative;
2. endorse the proposed model of a 5 MW (battery ready) solar array;
3. approve progressing the Solar Array Initiative through Stage 1, including concept design, community consultation, capital expenditure reporting, Development Application, and engineering and grid connection approval;
4. support the proposal that the model includes the benefit of providing lower energy pricing options to local business; and
5. amend the 2019/20 budget to increase the solar array initiative by \$25,000 for Stage 1 costs, funded from unrestricted cash.

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

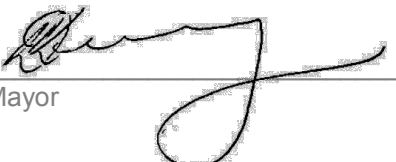
Councillors	Ayes	Nayes
Cr Shelley	✓	
Cr Kennedy	✓	
Cr Thompson		✓
Cr Karavas	✓	
Cr O'Neill	✓	
Cr Martens		✓


Cr Martens abstained from voting and in accordance with the Code of Meeting Practice, this has been recorded as a vote against the motion.

Councillors Cavalier, Holden and Paine returned to the Chambers at 6:30pm.

9.7 QUARTERLY BUDGET REVIEW STATEMENT SEPTEMBER 2019

GOV400067, FIN300201

  
Mayor

  
General Manager

**356/19**                    **MOTION:**     **Shelley / O'Neill**

**That Council:**

1.            **receive the report by the Manager Financial Planning on the Quarterly Budget Review Statement September 2019;**
2.            **amend the 2019/20 Budget in accordance with the proposed variations as listed in the Quarterly Budget Review Statement attachment to this report; and**
3.            **note the opinion of the responsible Accounting Officer regarding the satisfactory financial position of Council, based upon the revised estimates of income and expenditure.**

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

9.8     MONTHLY BUDGET REVIEW - OCTOBER 2019

GOV400067, FIN300201

**357/19**                    **MOTION:**     **Cavalier / Paine**

**That Council receive the report by the Manager Financial Planning on the Monthly Budget Review - October 2019.**

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

9.9     MONTHLY STATEMENT OF INVESTMENT AND BANK  
BALANCES AS AT 31 OCTOBER 2019

GOV400067, FIN300053

**358/19**                    **MOTION:**     **Shelley / Holden**

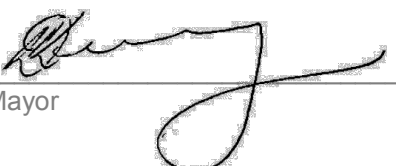
**That Council:**


1.            **receive the report by the Manager Financial Planning on the Monthly Statement of Investment and Bank Balances as at 31 October 2019; and**
2.            **note the certification of the Responsible Accounting Officer.**

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

**Item 10:                Operations**

10.1    LOCAL GOVERNMENT ROAD SAFETY PROGRAM

  
\_\_\_\_\_  
Mayor

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



GOV400067, R0790090

**359/19 MOTION: Shelley / Karavas****That Council:**

1. receive the report by the Senior Works Engineer on the Local Government Road Safety Program;
2. agree to participate in Transport for NSW and Roads and Maritime Services (RMS) Local Government Road Safety Program (LGRSP) and employ a suitably qualified person in a part time position as Road Safety Officer (RSO) if successful;
3. amend the 2019/20 budget to increase employee costs by \$18,500 (including salary plus on-costs) for the part time position employment of a Road Safety Officer, commencing from January 2020, to be funded from unrestricted cash; and
4. amend the Delivery Program by \$37,000 for 2020/21 to establish an expenditure budget (including salary plus on-costs) for the employment of a RSO, to be funded from unrestricted cash.

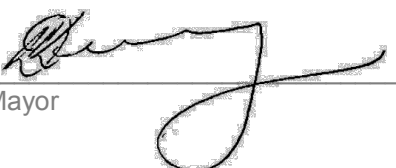
*The motion was carried with the Councillors voting unanimously.*

## 10.2 RFT 2019/36 SUPPLY AND DELIVERY OF READYMIX CONCRETE TENDER


GOV400067, COR400251

**360/19 MOTION: Cavalier / Paine****That Council:**

1. receive the report by the Tendering and Contracts Officer on the RFT 2019/36 Supply and Delivery of Readymix Concrete Tender;
2. accept the list of prequalified suppliers for tender RFT 2019/36 Supply and Delivery of Readymix Concrete, in accordance with Clause 178(1)(b) of Local Government (General) Regulations 2005;
  - Boral Resources (Country) Pty Ltd
  - J & SK Kuchta Pty Ltd
  - Mudgee Mini Mix & Landscaping Pty Ltd
3. accept the term of this contract is for a period of 3 years, commencing 1 December 2019, expiring 30 November 2022; and



Mayor



General Manager

4. **delegate the authority to the General Manager to approve any additional service providers, seeking application during the term of this contract.**

AMENDMENT: Holden / Thompson

That Council:

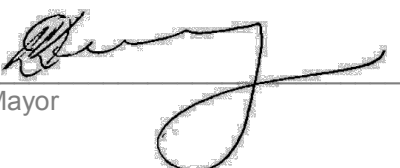
1. receive the report by the Tendering and Contracts Officer on the RFT 2019/36 Supply and Delivery of Readymix Concrete Tender;
2. accept the list of prequalified suppliers for tender RFT 2019/36 Supply and Delivery of Readymix Concrete, in accordance with Clause 178(1)(b) of Local Government (General) Regulations 2005;
  - Boral Resources (Country) Pty Ltd
  - J & SK Kuchta Pty Ltd
3. accept the term of this contract is for a period of 3 years, commencing 1 December 2019, expiring 30 November 2022; and
4. delegate the authority to the General Manager to approve any additional service providers, seeking application during the term of this contract.


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

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

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

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

  
Mayor

  
General Manager

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Cr O'Neill	✓
Cr Holden	✓

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10.3 POLICY REVIEW - UNMAINTAINED AND UNFORMED ROADS  
GOV400067, A0100021

**361/19 MOTION: Cavalier / Paine**

**That Council:**

1. receive the report by the Manager Works on the Policy Review - Unmaintained and Unformed Roads;
2. place the revised Unmaintained and Unformed Roads Policy on public exhibition for 28 days; and
3. adopt the revised Unmaintained and Unformed Roads Policy if no submissions are received.

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

10.4 MUDGEE WATER FILTRATION HEADWORKS AND PUMP  
UPGRADE

GOV400067, WAT500004

**362/19 MOTION: Martens / Holden**

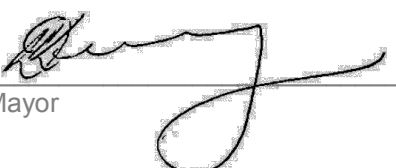
**That Council:**


1. receive the report by the Manager, Water & Sewer on the Mudgee Water Filtration Headworks and Pump Upgrade;
2. Accept grant funding in the amount of \$1,147,500 from Restart NSW Safe and Secure Funding grant;
3. authorise the General Manager to finalise and sign the funding agreement with NSW State Government; and
4. amend the 2019/20 Budget to replace water fund developer reserve funding with grant income of \$1,147,500 in the Water Augmentation – Mudgee Headworks Project.

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

**Item 11: Community**

11.1 RFT 2019/32 PROVISION OF CLEANING SERVICES

  
Mayor

  
General Manager

GOV400067, COR400247

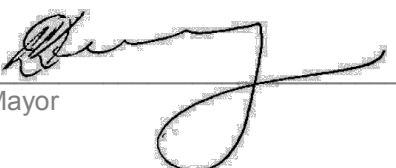
363/19

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


1. receive the report by the Building Services Officer on the Provision of Cleaning Services Tender;
2. increase the 2019/20 budget allocation for cleaning services by \$9,000, funded from unrestricted cash;
3. increase the cleaning services budget allocation within the Delivery Program for the years 2020/21, 2021/22, 2022/23 by \$18,000 per annum, funded from unrestricted cash;
4. accept the tender submitted by Mudgee Contract Cleaners for schedules 1 and 3 for the provision of cleaning services, tender documentation in accordance with clause 178 of the Local Government (General) Regulations 2005 at a tendered price of \$234,552.24 including GST per annum;
5. accept the tender submitted by Absolute Cleaning for schedules 2, 4, 5, 6 and 7 for the provision of cleaning services, tender documentation in accordance with clause 178 of the Local Government (General) Regulations 2005 at a tendered price of \$262,946.77 including GST per annum;
6. authorise the General Manager to finalise and execute the contracts with Mudgee Contract Cleaners and Absolute Cleaning for the Provision of Cleaning Services;
7. grant delegation to the General Manager to approve variations to these contracts of up to a total of 10% of each original contract sum; and
8. notify the unsuccessful tenderers in writing.

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

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



Mayor



General Manager

## 11.2 EXEMPTION FROM TENDERING - TELEPHONY AND NETWORK SOLUTION

GOV400067, INT800008

364/19

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

1. receive the report by the Manager, Information and Communications Technology on the Exemption from Tendering - Telephony and Network Solution;
2. approve an exemption from tendering, in accordance with section 55(3)(i) of the Local Government Act 1993, 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:
  - (i) the current telephony and network solution is embedded into the operations of all departments; and
  - (ii) there is no indication of the solution being end of life;
  - (iii) the additional time, costs and training required to implement a new solution is not considered value for money.

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

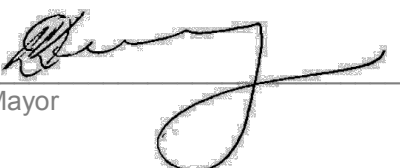
## 11.3 ACCEPTANCE OF SENIORS CARDS - SWIMMING POOLS AND TOWN HALL CINEMA

GOV400067, FIN300040


365/19

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

1. receive the report by the Director Community on the Acceptance of Seniors Cards - Swimming Pools and Town Hall Cinema;
2. place on public exhibition for 28 days the proposal for a change to Council's Fees and Charges to allow for the acceptance of Seniors Cards for concession fees for entry to Swimming Pools and for entry to the Mudgee Town Hall



Mayor



General Manager

**Cinema; and**

3. **adopt this change to fees and charges with the change coming into effect from January 1, 2020, if no submissions are received.**

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

The following recommendations (item 11.4 to item 11.8) were adopted as a whole, being moved by Cr Cavalier, seconded by Cr O'Neill and carried with Councillors voting unanimously. Each recommendation is recorded with separate resolution numbers commencing at Resolution No. 366/19 and concluding at Resolution No. 370/19.

**11.4 DRAFT ICT STRATEGIC PLAN 2020-2023**

GOV400067, INT800010

**366/19****MOTION: Cavalier / O'Neill****That Council:**

1. **receive the report by the Manager, Information and Communications Technology on the Draft ICT Strategic Plan 2020-2023;**
2. **place the Draft ICT Strategic Plan 2020-2023 on public exhibition for 28 days; and**
3. **adopt the revised ICT Strategic Plan 2020-2023 if no submissions are received.**

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

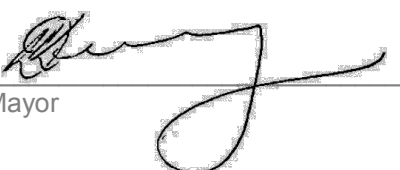

**11.5 POLICY REVIEW - BUSINESS USE OF FOOTPATHS**

GOV400067, GOV400047

**367/19****MOTION: Cavalier / O'Neill****That Council:**

1. **receive the report by the Manager Governance on the Policy review - Business Use of Footpaths;**
2. **place the Business Use of Footpaths Policy on public exhibition for 28 days; and**
3. **adopt the Business Use of Footpaths Policy if no submissions are received.**

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

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

## 11.6 OUT OF SCHOOL HOURS CARE SUPPORT

GOV400067, COS300722

368/19

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

1. receive the report by the Manager, Community Services on the Out of School Hours Care Support; and
2. provide in-principle support for the application for an Out of School Hours Care Service licence in the event that a feasible opportunity arises.

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

## 11.7 COMMUNITY SERVICES QUARTERLY UPDATE - JULY TO SEPTEMBER 2019

GOV400067, COS300015

369/19

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

1. receive the report by the Manager, Community Services on the Community Services Quarterly Update - July to September 2019; and
2. note the recent services provided and activities coordinated by Council's Community Services Department.

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

## 11.8 LIBRARY SERVICES - QUARTERLY REPORT

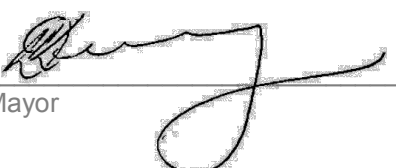
GOV400067, F0620020

370/19


**MOTION: Cavalier / O'Neill****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.*

The following recommendations (item 12.1 to item 12.6) were adopted as a whole, being moved by Cr O'Neill, seconded by Cr Cavalier and carried with Councillors voting unanimously. Each



Mayor



General Manager

recommendation is recorded with separate resolution numbers commencing at Resolution No. 371/19 and concluding at Resolution No. 376/19.

## Item 12: Reports from Committees

### 12.1 HERITAGE COMMITTEE MEETING MINUTES 20 AUGUST 2019

GOV400067, DEV700020

**371/19 MOTION: O'Neill / Cavalier**

**That Council:**

- 1. receive the report by the Manager, Strategic Planning on the Heritage Committee Meeting Minutes 20 August 2019; and**
- 2. note the minutes of the 20 August 2019 Heritage Committee Meeting.**

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

### 12.2 GULGONG MEMORIAL HALL COMMITTEE

GOV400067, A0100024

**372/19 MOTION: O'Neill / Cavalier**

**That Council:**

- 1. receive the report by the Manager, Customer Services on the Gulgong Memorial Hall Committee; and**
- 2. note the minutes from the Gulgong Memorial Hall Committee meeting held 8 October 2019.**

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

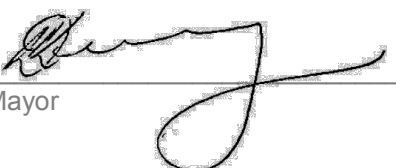
### 12.3 GULGONG SPORTS COUNCIL ORDINARY MEETING MINUTES - 9 SEPTEMBER & AGM MINUTES - 9 SEPTEMBER 2019


GOV400067, A0360003

**373/19 MOTION: O'Neill / Cavalier**

**That Council:**

- 1. receive the report by the Manager Recreation Services on the Gulgong Sports Council Ordinary Meeting Minutes - 9**

  
Mayor

  
General Manager



**September & AGM Minutes - 9 September 2019; and**

2. **note the minutes of the Gulgong Sports Council Ordinary Meeting Minutes and the AGM minutes both of 9 September 2019.**

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

12.4 MID-WESTERN REGIONAL COUNCIL ACCESS COMMITTEE  
GOV400067, COS300797

**374/19 MOTION: O'Neill / Cavalier**

**That Council:**

1. **receive the report by the Manager, Community Services on the Mid-Western Regional Council Access Committee; and**
2. **note the minutes of the Mid-Western Regional Council Access Committee held on 1 October 2019.**

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

12.5 MID-WESTERN REGIONAL YOUTH COUNCIL  
GOV400067, COS300610

**375/19 MOTION: O'Neill / Cavalier**

**That Council:**

1. **receive the report by the Manager, Community Services on the Mid-Western Regional Youth Council; and**
2. **note the minutes of the Mid-Western Regional Youth Council meetings convened on 10 September 2019 and 8 October 2019.**

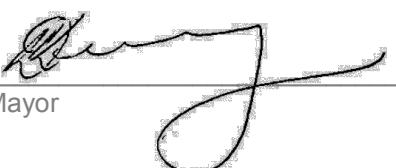
*The motion was carried with the Councillors voting unanimously.*


12.6 GULGONG SPORTS COUNCIL MEETING MINUTES 14TH  
OCTOBER 2019  
GOV400067, A0360003

**376/19 MOTION: O'Neill / Cavalier**

**That Council:**

1. **receive the report by the Manager Recreation Services on the Gulgong Sports Council Meeting Minutes 14th October**

  
Mayor

  
General Manager

**2019; and**

- 2. note the minutes for the Sports Council Meeting held 14<sup>th</sup> October 2019**

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

**Item 13: Urgent Business Without Notice**

Nil

**Item 14: Confidential Session**

**377/19 MOTION: Cavalier / O'Neill**

**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 Update on LEC Matter DA0081/2018**

***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.

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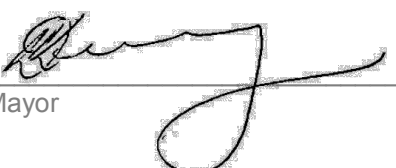
Councillor Kennedy declared a pecuniary conflict of interest in item 14.1 as he owns hotels and is in competition with the proponents of the Theatre who are also involved in the hotel industry. He left the Chambers at 6:39pm and did not participate in discussion or vote in relation to this matter. He did not return to the Chambers.


**14.1 UPDATE ON LEC MATTER DA0081/2018**

GOV400067, DA0081/2018

**378/19 MOTION: Holden / Thompson**

**That Council:**

  
Mayor

  
General Manager

1. receive the report by the Director Development on the Update on LEC Matter DA0081/2018; and
2. adopt the recommendation contained in the confidential report to Council's 20 November 2019 meeting, being point 1, point 2a and point 2b.

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

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

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

Nil.

**Item 16: Open Council**

379/19 MOTION: Cavalier / Holden

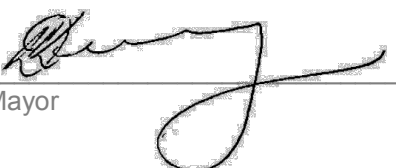
**That: Council move to Open Council.**


*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 6:50pm.

  
Mayor

  
General Manager