

Minutes of the Ordinary Meeting of Council

Held at the Council Chambers, 86 Market Street, Mudgee
on 18 November 2020, commencing at 5:30pm and concluding at 6.05pm.

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

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

Item 1: Apologies

There were no apologies.

Item 2: Disclosure of Interest

General Manager, Brad Cam, declared a significant non-pecuniary conflict of interest in item 8.4 as he is Acting Chairman of Regional Development Australia Orana.

Director Development, Julie Robertson, declared a significant non-pecuniary conflict of interest in item 8.1 as she is a joint owner of a property within close proximity of the site.

The Mayor introduced Luke Malone (remote by phone link) 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 2020. He thanked Leonie and the team for their hard work, particularly due to COVID and them not being on site as much as they would normally be.

Item 3: Confirmation of Minutes

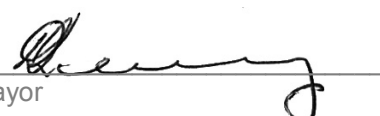
345/20 MOTION: Shelley / Paine

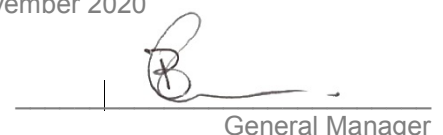
That the Minutes of the Ordinary Meeting held on 21 October 2020 be taken as read and confirmed.

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 PASSING LANE – INTERSECTION OF GOOLMA ROAD AND LOWER PIAMBONG ROAD

GOV400087, A0100035; GOV400022

346/20 MOTION: Thompson / Martens

That Council approach the RMS about a passing lane to be put at the intersection of Goolma Road and Lower Piambong Road.

The motion was carried with the Councillors voting unanimously.

6.2 SECTION OF MEBUL ROAD TO BE CLEANED UP

GOV400087, A0100035; GOV400022

MOTION:

That Council provide additional maintenance to the area of road and roadside along the section of Mebul Road along the Cudgegong river at the old crusher site.

Withdrawn by Councillor Thompson.

347/20 AMENDMENT Holden / Shelley

That a report be brought back to Council on the provision of additional maintenance to the area of road and roadside along the section of Mebul Road along the Cudgegong river at the old crusher site.

The amendment was carried with the Councillors voting unanimously.

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

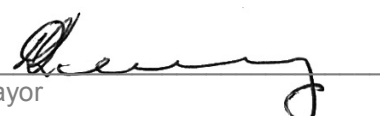
6.3 TELSTRA TOWER AT MT JACK

GOV400087,

348/20 MOTION: Thompson / Shelley

That Council

- 1. investigate the installation of a second Telstra tower to better service the Goolma area and a new tower on the**


Mayor


General Manager

corner of the Castlereagh Highway and the Cudgegong Road.

2. write to the Federal Member requesting that they be more diligent in their location of towers to improve service.

The motion was carried with the Councillors voting unanimously.

6.4 MUDGEES SPORTS COUNCIL LIFE MEMBERSHIP
GOV400087, A0100035; GOV400022

349/20 MOTION: O'Neill / Shelley

That Council endorses the recommendation that Peter Mitchell be made a life member of the Mudgee Sports Council.

The motion was carried with the Councillors voting unanimously.

The following recommendations (item 7.1 to item 7.2) were adopted as a whole, being moved by Cr Shelley, seconded by Cr Cavalier and carried with Councillors voting unanimously. Each recommendation is recorded with separate resolution numbers commencing at Resolution No. 350/20 and concluding at Resolution No. 351/20.

Item 7: Office of the General Manager

7.1 DISASTER RECOVERY FUNDING UPDATE
GOV400087, A0060009; GRA600016

350/20 MOTION: Shelley / Cavalier

That Council receive the report by the Bushfire Liaison Officer on the Disaster Recovery Funding Update.

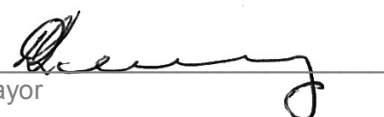
The motion was carried with the Councillors voting unanimously.

7.2 MRT QUARTERLY REPORT: JULY - SEPTEMBER 2020
GOV400087, F0770077

351/20 MOTION: Shelley / Cavalier

That Council receive the report by the General Manager on the MRT Quarterly Report July to September 2020.

The motion was carried with the Councillors voting unanimously.



Mayor



General Manager

Item 8: Development

Director Development, Julie Robertson, declared a significant non-pecuniary conflict of interest in item 8.1 as she is a joint owner of a property within close proximity of the site. She did not participate in discussion and left the Chambers at 5.47pm.

8.1 DA0154/2020 - SUBDIVISION - TORRENS TITLE AND COMMUNITY TITLE - 4 INTO 27 LOTS - 3B SYDNEY ROAD, BURRUNDULLA

GOV400087, DA0154/2020

352/20

MOTION: Holden / Shelley

That Council:

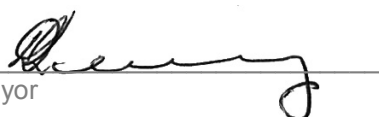
- A. Receive the report by the Senior Town Planner regarding Development Application DA0154/2020 - Subdivision - Torrens Title and Community Title - 4 into 27 Lots - 3B Sydney Road, Burrundulla; and**
- B. Approve Development Application DA0154/2020 - Subdivision - Torrens Title and Community Title - 4 into 27 Lots - 3B Sydney Road, Burrundulla subject to the following conditions and Statement of Reasons:**

CONDITIONS

PARAMETERS OF CONSENT

- 1. 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 herein.**

Title/Name	Drawing No/ Document Ref	Revision /Issue	Dated	Prepared by
Stage 1	BK564 Sheet 1 of 2	-	28/01/2020	Robert John Crooks
Stage 2	BK564 Sheet 2 of 2	-	20/01/2020	Robert John Crooks
Cover Sheet	MX10560.00- C1.0	B	11/12/19	Triaxial Consulting
Subdivision Plan	MX10560.00 - C2.0	B	11/12/19	Triaxial Consulting
Subdivision Plan Lots 1 to 24	MX10560.00 - C3.0	B	11/12/19	Triaxial Consulting


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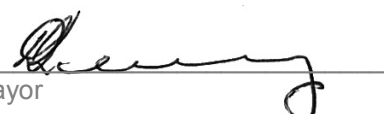

General Manager

Servicing Plan	MX10560.00 – C4.0	B	11/12/19	Triaxial Consulting
Water Servicing Plan	MX10560.00 – C4.1	B	11/12/19	Triaxial Consulting
Proposed Roads	MX10560.00 – C5.0	B	11/12/19	Triaxial Consulting
Statement of Environmental Effects	-	-	December 2019	Atlas Environmental and Planning

2. This consent does not permit commencement of any site works. Works are not to commence until such time as a Subdivision Works Certificate has been obtained.

GENERAL

3. Proposed Lots 2 to 25 in Stage 2 are to have a minimum area of 2 hectares.
4. Proposed Lots 2 to 25 in Stage 2 are to be supplied with a minimum of 0.200 mega litres of non-potable water per year from the existing well located on Lot 1 DP810562.
5. No more than 0.006 hectares of trees are to be removed from the site.
6. The development is to be constructed in two (2) stages, as outlined below:
- a) Stage 1 – Torrens Title Subdivision – 4 into 3 lots.
- (i) Creation of proposed Lot 25;
 - (ii) Creation of proposed Lot 26;
 - (iii) Creation of proposed Lot 27;
 - (iv) Creation of easements over shared water supply from existing well located on Lot 1 DP810562. Easement to burden Lot 1 DP810562, Lot 11 DP1051504, proposed Lot 26 and proposed Lot 27. Easement to benefit proposed Lot 25; and
 - (v) Dedicate existing Lot 6 DP215505 as road reserve.
- b) Stage 2 – Community Title Subdivision – 1 lot into 25 lots.
- (i) Subdivide proposed Lot 25 (Stage 1) into 24 community development lots (proposed Lots 2 to 25) and 1 community association lot (proposed Lot 1);
 - (ii) Proposed Lot 1 to be provided in 3 parts as per the approved plans;
 - (iii) Construction of shared reticulated water supply from well on Lot 1 DP810562, via under-boring of Burrundulla Road and Castlereagh Highway, to proposed lots 1 to


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- 25;
- (iv) Creation of easements or restrictions on title for drainage, natural watercourses and associated vegetated riparian zones;
 - (v) Provision of electricity infrastructure to the subdivision;
 - (vi) Construction of 2 new roads; and
 - (vii) Creation of temporary turning area at the end of the proposed new road within proposed Lot 26 (from Stage 1).

All servicing is to be undertaken in accordance with the staging.


- 7. The strength of the concrete used for any concrete components in the development must be a minimum 25 Mpa.
- 8. 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.
- 9. Any damage to Council infrastructure caused as a result of this development must be repaired or re-instated to Council satisfaction with all costs borne by the developer.
- 10. All costs associated with preparation of the Survey Plan and associated easement documentation are to be borne by the developer.
- 11. The developer is responsible for all costs associated with the design and construction of all access and servicing requirements.
- 12. The contractor is required to contact Dial Before You Dig (DBYD) to obtain details of the location of the various services in the vicinity of the subdivision to minimise the chance of disturbing utility services as well as the location of services which are required to be relocated. DBYD can be contacted online <https://www.1100.com.au> or by phone on 1100.
- 13. All General Terms of Approval issued in relation to the approved development, shall be complied with prior, during and at the completion of the development, as required.

The General Terms of Approval include the following:

- a) General Terms of Approval, issued by the Natural Resources Access Regulator, for a Controlled Activity Approval in accordance with Section 91 of the Water Management Act 2000.
14. The developer is to ensure that any defects in the works that



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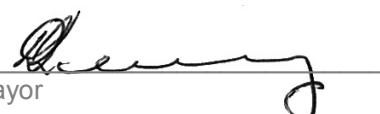
become apparent within the 24 months following the issue of a Subdivision Certificate, are remedied to Council's satisfaction. If these defects are not satisfactorily remedied, Council may use bond money to carry out rectification works.

Any unspent bond money will be returned to the developer at the end of the 24 month period, less the cost of any rectification works carried out by Council.

15. All earthworks, filling, building, driveways or other works, are to be designed and constructed (including stormwater drainage if necessary) to ensure that at no time any ponding of stormwater occurs on the subject site or adjoining land as a result of this development. Design must also ensure that no diversion of runoff onto other adjacent properties occurs.
16. Costs associated with all development works including any necessary alteration, relocation of services, public utility mains or installations must be met by the developer. The developer is responsible to accurately locate all existing services before any development works commence to satisfy this condition.
17. The only waste derived material that may be received at the development site must be:
 - a) Virgin excavated natural material, within the meaning of Protection of the Environment Operations Act 1997; and
 - b) Any other waste-derived material the subject of a resource recovery exemption under cl.91 of the Protection of the Environment Operations (Waste) Regulation 2014 that is permitted to be used as fill material.

Bushfire

18. The existing dwelling must be upgraded to improve ember protection by enclosing all openings (excluding roof tile spaces) or covering openings with a non-corrosive metal screen mesh with a maximum aperture of 2mm. Where applicable, this includes any sub floor areas, openable windows, vents, weepholes and eaves. External doors are to be fitted with draft excluders.
19. Non-perimeter roads must comply with the general requirements of Table 5.3b of Planning for Bush Fire Protection 2019 and the following:
 - a) Minimum 5.5m carriageway width kerb to kerb;
 - b) All parking provided outside of the carriageway width;
 - c) Curves of roads have a minimum inner radius of 6m;
 - d) The road crossfall does not exceed 3 degrees; and
 - e) Temporary turning heads must be provided to temporary dead end roads incorporating either a minimum 12 metre radius turning circle or turning head compliant with A3.3 –



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Vehicle Turning Head Requirements of Planning for Bush Fire Protection 2019. The turning areas may be removed upon opening of future proposed through roads.

Stormwater

20. The Developer must provide for the design and construction of all stormwater drainage infrastructure to service the development.
21. Inter-allotment drainage is to be provided to remove stormwater from any lots that cannot discharge to the street in accordance with Aus Spec #1.
22. Scour protection at culvert or pipe system outlets shall be constructed in accordance with guidelines set down in The Blue Book – Managing Urban Stormwater: Soils and Construction unless outlet conditions dictate the use of more substantial energy dissipation arrangements.

Water Services

23. The developer is to provide separate water reticulation services to Lots 2 to 25 in Stage 2 of the subdivision. This includes the provision of a water service and meter to Lots 2 to 25 in Stage 2 within the subdivision.
24. The developer is to extend and meet the full cost of water reticulation to service the development. All water supply work is required to be carried out in accordance with the requirements of the National Specification – Water Supply Code of Australia.

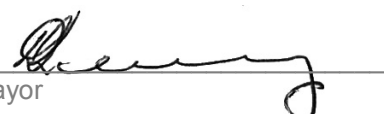
Electricity Supply

25. Above-ground electricity is to be supplied to Stage 2 of the subdivision in accordance with the relevant authority's standards. Each allotment is to be provided with a service point / connection to an electricity supply.

Roads

26. For Stage 2 of the proposed development, the developer is to construct and widen the pavement of Spring Flat Road for the full frontage of the proposed subdivision, protecting any existing trees, such that it complies with the following requirements.

Item	Requirement
Spring Flat Road shoulder upgrade	1.2m sealed shoulder for full abuttal to property
Footpath Width	N/A


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Concrete Footpaths	Nil
Seal	Two-coat flush seal -14/7 mm (Double/ Double) as required
Kerb & Gutter	Not required, roadside drainage using suitably sized table or V-drains.
Subsoil Drainage	N/A

27. For Stage 2 of the development, the proposed new roads within the subdivision are to be constructed in accordance with the following:

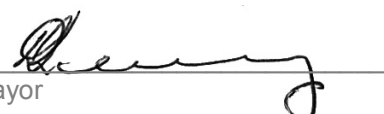
Item	Requirement
Full Road Pavement Width	8m seal on 10m wide constructed pavement
Nature Strip	2 x 5m
Concrete Footpaths	Nil
Seal	Two-coat flush seal -14/7 mm (Double/ Double) as required
Kerb & Gutter	Not required, roadside drainage using suitably sized table or V-drains.
Subsoil Drainage	N/A

Access

28. The only access to the Castlereagh Highway is from proposed Lot 27.
29. Safe Intersection Sight Distance (SISD) requirements outlined in Austroads Guide to Road Design is to be provided and maintained in both directions at each vehicular access point from Spring Flat Road.

PRIOR TO ISSUE OF THE SUBDIVISION WORKS CERTIFICATE

30. All documentation supporting the application for the Subdivision Works Certificate must be submitted in electronic format with a hard copy covering letter and a completed Subdivision Works Certificate Application Form to Council.
31. Engineering drawings are to be submitted in triplicate with a covering letter by the applicant. One set will be returned stamped 'Approved Plans'.
32. One (1) A1 size set of plans shall be accompanied by the Water Reticulation Plans assessed as part of the application for the Subdivision Works Certificate for examination by Council and the three (3) A1 sized sets forwarded for approval. Specific inclusions required in the drawings are provided in the Guidelines with checklists to ensure all information is provided. All drawings shall be signed by the consultant



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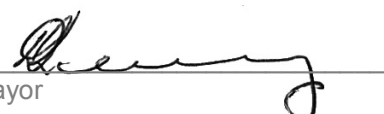
engaged by the developer.

33. The developer shall submit a report outlining the proposals to provide a water supply service to proposed lots 2 to 25 in Stage 2 of the proposed subdivision. The report is to be prepared in accordance with the Water Supply Code of Australia WSA 03-2011.
34. Prior to the issue of a Subdivision Works Certificate, a Traffic Control Plan (TCP) completed by a "Certified Person" for implementation during works is to be submitted to Mid-Western Regional Council. All requirements of the Traffic Control Plan must be put in place and implemented prior to any work commencing.
35. Where required, the detailed design plans submitted for the issue of a Subdivision Works Certificate must show all finished surface levels and contours to Australian Height Datum (AHD).
36. An Erosion and Sediment Control Plan (ESCP)/ Soil and Water Management Plan (SWMP) for the development is to be prepared and implemented in accordance with the LANDCOM guidelines and requirements as outlined in the latest edition of "Soils and Construction – Managing Urban Stormwater". Points to be considered include, but are not limited to:
 - a) Saving available topsoil for reuse in the revegetation phase of the development;
 - b) Using erosion control measures to prevent on-site damage;
 - c) Rehabilitating disturbed areas quickly; and
 - d) Maintenance of erosion and sediment control structures.

Note – Details requires to prepare both ESCP and SWMP's are provided in the above Landcom document referred to as the Blue Book. Treatment methods to combat salinity are to be provided.
37. The submission to Council of engineering design plans for any road works shall include pavement and wearing surface investigation and design.

Stage 1

38. Prior to the issue of a Subdivision Works Certificate for Stage 2 of the development, the developer must submit a full and detailed design prepared and certified by a suitably qualified engineer for:
 - a) Pavement widening and bitumen sealing of Spring Flat Road for the full abuttal of the property.
39. Prior to the issue of a Subdivision Works Certificate for Stage 1



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of the development, an approval pursuant to Section 138 of the Roads Act 1993 must be obtained for all new works within the road reserve including:

- a) Upgrade to the existing driveway access for proposed Lot 27 on the Castlereagh Highway; and
- b) Any new property access to Spring Flat Road for proposed Lots 25 and 26.

Note – the concurrence of Transport for NSW will be required for these works affecting the Castlereagh Highway.

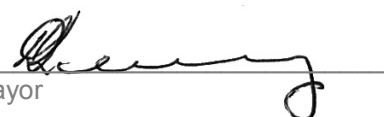
40. Prior to the issue of a Subdivision Works Certificate for Stage 1 of the development, details of the upgrade to the access to proposed Lot 27 are to be submitted to and approved by Council. These access upgrade details are to demonstrate compliance with the following requirements:

- a) **Safe Intersection Sight Distance (SISD) requirements outlined in the Austroads Guide to Road Design – Part 4A and relevant TfNSW supplements is to be provided and maintained in both directions at the access to the Castlereagh Highway via proposed Lot 27. For a 100 km/h speed zone, the minimum SISD is 262 metres.**
- b) **To provide suitable storage capacity for the largest class of vehicle accessing the land, any gate, grid or similar structure installed in the access is to be set back appropriately (20m for a single articulated vehicle and 30m for a B Double) from the edge of the pavement of the Castlereagh Highway.**
- c) **The vehicular access servicing the proposed Lot 27 is to be constructed and maintained in accordance with Austroad Guide to Road Design: Part 4, Figure 7.4 ‘standard rural property accesses.**
- d) **The vehicular access is to be sealed with bitumen or concrete for a minimum length of twenty (20) metres from the edge of the travel lane in the Castlereagh Highway.**

Stage 2

41. A Subdivision Works Certificate for Stage 2 of the development is required for but not limited to the following civil works:

- a) **Stormwater drainage such as inter-allotment drainage, detention basins and bio-retention devices;**
- b) **The construction of all water supply infrastructure for the development; and**
- c) **Road construction;**
- d) **Appropriate intersection designs associated with the proposed new road;**



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- e) Earthworks for subdivision; and
- f) Landscaping of road verges.

NOTE: Additional permits and approvals may also be required under other legislation, eg. Plumbing and Drainage Act 2011, and Plumbing and Drainage Regulation 2017 for water infrastructure works.

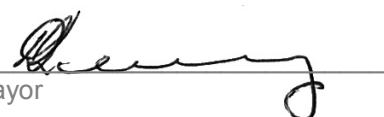
42. Prior to the issue of a Subdivision Works Certificate for Stage 2 of the development, an approval pursuant to Section 138 of the Roads Act 1993 must be obtained for all new works within the road reserve including:
- a) Any new property accesses to Spring Flat Road for proposed Lots 4, 5 and 6;
 - b) The widening of Spring Flat Road for the full abuttal of the property;
 - c) Underbore of the Castlereagh Highway for the water supply pipeline; and
 - d) Underbore of Burrundulla Road for the water supply pipeline.

Note – the concurrence of Transport for NSW will be required for these works affecting the Castlereagh Highway.


43. Prior to the issue of a Subdivision Works Certificate for Stage 2 of the development, the developer must prepare a detailed drainage design which must be submitted to and approved by Council. Drainage design must include suitably sized detention devices to limit the rate of runoff to existing undeveloped levels for a 1:100 year ARI storm event. Design must be prepared and certified by a suitably qualified engineer and supported by full and detailed calculations.
44. Prior to the issue of a Subdivision Works Certificate for Stage 2 of the development, Council is to be provided with certified copies of the electrical design for the subdivision including a layout design complying with the allocations determined by the Streets Opening Conference Guideline 2009, Section 6.2.

PRIOR TO THE COMMENCEMENT OF WORKS

45. Prior to the commencement of construction of infrastructure, the Developer must obtain a Subdivision Works Certificate.
46. Prior to the commencement of works, the submission of three possible street/road names in order of preference, for the proposed new road within the subdivision, are to be submitted to Council for approval.
47. Prior to the commencement of any works within 40 metres of a prescribed waterway or creek (as defined in the Water Management Act 2000), the proponent shall obtain a Section 91



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Controlled Activity Approval under the Water Management Act 2000 to carry out those works.

Note: Please contact the Natural Resources Access Regulator for more information in relation to this matter.

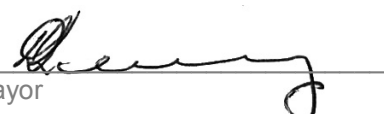
- 48. Prior to the commencement of subdivision works, the following actions are to be carried out:**
- a) A site supervisor is to be nominated by the applicant;**
 - b) Council is to be provided with two (2) days' notice of works commencing; and**
 - c) Council is to be notified in writing of any existing damage to Council's infrastructure.**

NOTE: Failure to comply with these conditions may result in damage to Council's infrastructure. Any damage will be rectified at the applicant's cost.


- 49. Runoff and erosion controls shall be installed prior to clearing and incorporate:**
- a) Diversion of uncontaminated on-site runoff around cleared and/or disturbed areas and areas to be cleared and/or disturbed;**
 - b) Sediment control fences on 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.**
 - c) Maintenance of all erosion control measures at maximum operational capacity until the land is effectively rehabilitated and stabilised beyond the completion of construction.**
- 50. Prior to the commencement of any works a copy of the Contractor's public liability insurance cover for a minimum of \$20,000,000 (Twenty million dollars) is to be provided to Mid-Western Regional Council. Mid-Western Regional Council is to be indemnified against any works carried out by the contractor.**
- 51. Prior to the commencement of construction work, the proponent is to contact TfNSW Field Traffic Manager on 1300 656 371 to determine if a Road Occupancy Licence (ROL) is required. In the event that an ROL is required, the proponent is to obtain the ROL prior to works commencing within three (3) metres of the travel lanes of the Castlereagh Highway.**

DURING CONSTRUCTION

- 52. The subdivision works are to be inspected by a Certifier (i.e. Council or a private certifier) to monitor compliance with the consent and the relevant standards of construction, encompassing the following stages of construction:**



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- a) Installation of sediment and erosion control measures;
 - b) Water line installation prior to backfilling;
 - c) Road pavement construction (proof roll and compaction testing of all pavement layers, sub-grade, sub-base, and base prior to sealing);
 - d) Road pavement surfacing;
 - e) Stormwater culvert and drainage pipe installation prior to backfilling; and
 - f) Practical Completion.
53. Street signs necessitated by the subdivision are to be installed in accordance with Aus-Spec #1 and Council's standards. Street signs are to be installed at the developer's expense.
54. The development site is to be managed for the entirety of work in the following manner:
- a) Erosion and sediment controls are to be implemented to prevent sediment from leaving the site. The controls are to be maintained until the development is complete and the site stabilised with permanent vegetation;
 - b) Appropriate dust control measures;
 - c) Construction equipment and materials shall be contained wholly within the site unless approval to use the road reserve has been obtained; and
 - d) Toilet facilities are to be provided on the work site at the rate of one toilet for every 20 persons or part of 20 persons employed at the site.
55. The developer 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 NSW Land Registry Services and Council.
56. All required earthworks for roads associated with the subdivision must have compaction testing in compliance with RMS Q4 and AUS-SPEC CQS-A.
57. In the event of any Aboriginal archaeological material being discovered during earthmoving/construction works, all work in that area shall cease immediately and the Office of Environment and Heritage (OEH) notified of the discovery as soon as practicable. Work shall only recommence upon the authorisation of the OEH.
58. All plumbing and drainage work must be carried out by a licensed plumber and drainer and must comply with the Plumbing Code of Australia.
59. The developer is to provide a water service and meter for proposed Lots 2 to 25 in Stage 2 of the development.



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60. All road crossings for services and utilities are to cross perpendicular to the road alignment and must be installed prior to the commencement of construction of the base course.
61. Construction work noise that is audible at other premises is to be restricted to the following times:

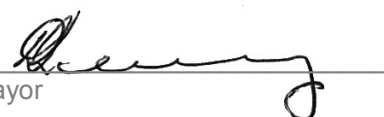
a) Monday to Saturday - 7.00am to 5.00pm

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


62. Where it is proposed to import fill, the material shall be certified as free of hazardous materials and contamination and be classified as VENM or ENM under the guidelines of the NSW Environmental Protection Authority by a 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.
63. Any necessary alterations to, or relocations of, public utility services to be carried out at no cost to council and in accordance with the requirements of the relevant authority including the provision of easements over existing and proposed public infrastructure.
64. The developer is to grant Council unrestricted access to the site at all times to enable inspections to enable inspections or testing of the subdivision works.
65. Following completion of the works, Works as Executed (WAE) drawings are to be submitted to Council. The WAE drawings are certified plans showing details of the works actually constructed. The drawings are to show:
- a) Notation that all works have been completed in accordance with the approved plans and specifications including approved variations and amendments;
 - b) Any departure from the approved plans;
 - c) Any additional work that has been undertaken;
 - d) WAE locations of stop valve;
 - e) Certification of the WAE plans by a registered surveyor; and
 - f) Registered surveyor is to supply a signed certificate that all pipes and associated pits are located wholly within the respective easements.

PRIOR TO ISSUE OF THE SUBDIVISION CERTIFICATE

66. An application for a Subdivision Certificate, application fee and two (2) copies of the linen plans are to be submitted to Council for approval and endorsement by the General Manager (or their



Mayor



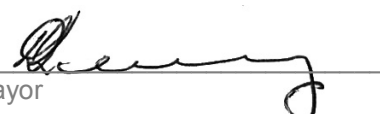
General Manager

delegate).


67. Prior to the Subdivision Certificate for Stage 1 of the subdivision, the following works are to be completed:
- a) Access upgrade works to proposed Lot 27;
 - b) Provision of accesses to proposed Lots 25 and 26; and
 - c) Upgrade ember protection for the existing dwelling on proposed Lot 27, as required by another condition of this development consent.
68. Prior to the issue of a Subdivision Certificate for Stage 2 of the development, the developer must provide for the construction of all of the following works. Such works are to be completed to the satisfaction of Council.
- a) Road construction and sealing within the new roads;
 - b) Shoulder widening of Spring Flat Road for the full abuttal of the subdivision;
 - c) Provision of stormwater drainage infrastructure for the development;
 - d) Construction of the water pumping arrangement and main water line for the whole subdivision;
 - e) Connection of water (including meters) and electricity services to provide for individual connection to proposed lots 2 to 25;
 - f) Provision of a gravelled or bitumen sealed cul-de-sac within Lot 26; and
 - g) Construction of overhead electricity lines and connections to proposed Lots 2 to 25 in Stage 2 of the proposed subdivision.
69. Prior to the issue of a Subdivision Certificate for Stage 2, a survey drawing is to be submitted to Council, demonstrating that all private water services and water meters are located wholly within the lot that they serve.
70. Following completion of the subdivision works, work-as-executed plans (WAE) are to be provided to Council in the following formats:
- a) PDF; and
 - b) Dwg format or "Autocad compatible"
- 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.

Defects Liability Bond

71. Prior to the release of the Subdivision Certificate, a defects liability bond of 5% of the construction costs for all civil engineering work (not carried out by Council), shall be lodged



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with Council.

The defects liability bond will be held by Council for a period of 24 months from the completion of the works, to ensure that any defects that become apparent during the time are remedied by the developer.

For the purposes of defining the defects liability period, the works are considered to be completed when the Subdivision Certificate is registered with NSW Land Registry Services.

The bond may be provided by way of a monetary deposit with the Council or a bank guarantee to the satisfaction of Council. The bank guarantee must not specify and time limitations on the operation of the guarantee.

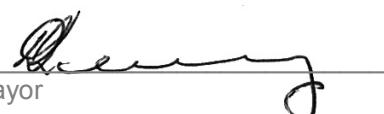
Developer Contributions


72. Prior to the issue of a Subdivision Certificate for Stage 2 of the development, in accordance with the provisions of section 7.11 of the Environmental Planning and Assessment Act 1979 and the Mid-Western Regional Council Contributions Plan 2019, a contribution shall be paid to Council in accordance with this condition as detailed in the table below. The contribution shall be paid to Council prior to the issue of a Subdivision Certificate for the relevant stage or number of lots to be created. Contributions are subject to the consumer price index and are payable at the rate applicable at the time of payment.

Section 94 Contributions		
24 additional lots (minus credit for existing)		
Mudgee Catchment	Per Lot	23 Lots
Public Amenity or Service		
Transport facilities	\$4,347.00	\$99,981.00
Recreation and Open Space	\$2,182.00	\$50,186.00
Community Facilities	\$635.00	\$14,605.00
Stormwater Management	\$458.00	\$10,534.00
Plan Administration	\$995.00	\$22,885.00
Total	\$8,617.00	\$198,191.00

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

Note – Council's Mid-Western Regional Contributions Plan 2019 is available for perusal at Council's Administration Centre at 86 Market Street, Mudgee or on Council's website www.midwestern.nsw.gov.au under Council


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Documents/Strategies and Plans.**Restrictions on Title**

- 73. Prior to the issue of a Subdivision Certificate for Stage 1 of the development, easements, including associated Section 88B instruments, are to be created in favour of benefitted properties or bodies over any existing or newly constructed water reticulation components located within the subject property, or extended through adjoining private properties as a result of this development. The easements are to comply with the following requirements:**
- a) A suitably sized easement, is to be created over the well for water supply and associated pumps.**
 - b) Easement to burden Lot 1 DP810562, Lot 11 DP1051504, proposed Lot 26 and proposed Lot 27.**
 - c) Easement to benefit proposed Lot 25.**
- 74. Prior to the issue of a Subdivision Certificate for Stage 1, the linen plans and associated documents are to show that that part of Lot 6 DP215505 located within the confines of the road reserve is to be dedicated as road reserve. The part of Lot 6 DP215505 not located within the confines of the road reserve is to be incorporated into proposed Lot 26.**
- 75. Prior to the issue of a Subdivision Certificate for Stage 2, three (3) metre wide easements, including associated Section 88B instruments, are to be created in favour of the Community/Neighbourhood Association over any existing or newly constructed water reticulation components located within proposed Lots 2 to 25, or extended through adjoining private properties as a result of this subdivision, where necessary.**
- a) The 3m wide easements are to be located within proposed Lots 2 to 25, to the greatest extent possible. The length of water line within the road reserve for the new roads is to be minimised.**
- 76. Prior to the issue of a Subdivision Certificate for Stage 2 of the approved subdivision, a Section 88B instrument providing a right of carriageway over the temporary turning area/ cul-de-sac located at the end of the new internal road and located within proposed Lot 26, is to be submitted to and approved by Council.**
- 77. Prior to the issue of a Subdivision Certificate for Stage 2, easements of variable width shall be created over any inter-allotment drainage in favour of upstream allotments. The Section 88B instrument and linen plans submitted with the application are to include details of any required inter-allotment stormwater easements. Drainage easements are to**



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extend over Lot 27 to the extent necessary.

78. Prior to the issue of a Subdivision Certificate for Stage 2 of the development, a Neighbourhood Management Statement is to be submitted to and approved by Council. The Neighbourhood Management Statement is to:

- a) Be generally consistent with the Neighbourhood Management Statement provided in the approved Statement of Environmental Effects; and
- b) Include a clause to define one (1) unit of water as being 0.2ML/year minimum.

79. Easements for electricity purposes, as required by the electricity supply authority, shall be created. The Section 88B instrument and linen plans submitted with the application are to include details of any electricity easements or restrictions on title required to be imposed by the electricity authorities/suppliers.

Note – Refer to Essential Energy’s Contestable Works team for requirements via email contestableworks@essentialenergy.com.au.

Electricity and Telecommunication Certificates

80. Prior to issue of the Subdivision Certificate, Council is to be supplied with:

- a) A certificate of acceptance from the appropriate power authority indicating that satisfactory arrangements have been made for provision of electricity supply to the subdivision; and
- b) All works required by the consent be completed in accordance with the consent.

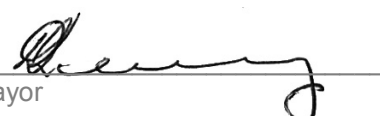
81. Above ground electricity is to be supplied to the Subdivision in accordance with the relevant authority’s standards.

Road Dedication


82. The proposed new roads within the subdivision shall be dedicated as public road at no cost to Council. The public road shall be delineated on the final plan of subdivision submitted with the application for a Subdivision Certificate.

STATEMENT OF REASONS

1. The proposed development complies with the requirements of the applicable environmental planning instruments and Mid-



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Western Regional Development Control Plan 2013.

2. The proposed development is considered satisfactory in terms of the matters identified in Section 4.15 of the Environmental Planning and Assessment Act 1979.
3. The proposed development satisfactorily addresses the issues raised in objections received in response to public notification of the development, as follows:
 - a) It is considered that there is insufficient justification or benefit for the provision of a 10m wide landscape buffer along the southern boundary of the subdivision.
 - b) There is no empirical evidence to demonstrate that the proposed subdivision will have an adverse impact on property values in the area.
 - c) The 40m rear setback requirement contained in the draft Neighbourhood Management Statement will provide for a sufficient buffer between the dwellings with the proposed subdivision and neighbouring dwellings.

OTHER APPROVALS**General Terms of Approval**

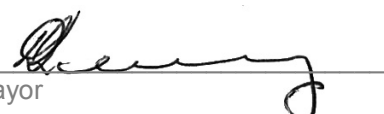
A copy of the NSW Natural Resources Access Regulator's General Terms of Approval are attached.

A copy of WaterNSW's General Terms of Approval are attached.

A copy of Transport for NSW's referral response are attached.

ADVISORY NOTES**Mid-Western Regional Council**

- 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 Sections 8.2, 8.3, 8.4 and 8.5 of the Environmental Planning and Assessment Act 1979 (EP&A Act) gives you the ability to seek a review of the determination. This request is made to Council and must be made within 6 months after the date on



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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.

- 4 If you are dissatisfied with this decision Sections 8.7 and 8.10 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 Sections 4.20 and 8.13 of the EP&A Act.
- 6 To ascertain the extent to which the consent is liable to lapse, refer to Section 4.53 of the EP&A Act.
- 7 The attached General Terms of Approval issued by NSW's Natural Resources Access Regulator (NRAR) do not constitute an approval under the Water Management Act 2000. The development consent holder must apply to NRAR for a Controlled Activity approval after consent has been issued by Council and before the commencement of any work or activity.

A completed application form must be submitted to NRAR together with any required plans, documents, application fee, security deposit or bank guarantee (if required) and proof of Council's Development Consent. Finalisation of an approval can take up to eight (8) weeks from the date the application and all required supporting documentation is received.

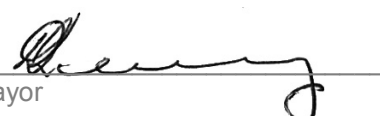
Application forms are available from the NRAR's website at: www.water.nsw.gov.au > Water Licensing > Approvals.

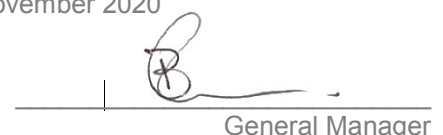
- 8 Certain subdivisions/developments will be exempt from the requirement to provide fibre-ready telecommunication infrastructure to each new lot.

To be exempt, the subdivision/development must meet the following requirements:

- a) No new networks utilities (ie water, sewer, etc) or only above ground electricity lines will be installed to the building lots; and
- b) No new kerb and channelling/guttering will be constructed; and
- c) The average length of the street frontages of the building lots within the project is 60m or greater; and
- d) No part of the project area is located within an NBN Co fixed-line network rollout area.

Developers of land that meet the exemptions are required to notify the Secretary of the Department of Communication and the Arts by completing and submitting the form available from


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the Department of Communications and Arts website.

Advice from Essential Energy

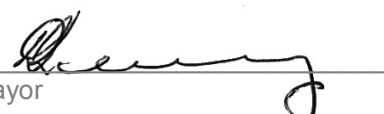
- 9 If the proposed development changes, there may be potential safety risks and it is recommended that Essential Energy is consulted for further comment.
- 10 Essential Energy's records indicate there is electricity infrastructure located within the property and within close proximity to the property. Any activities within these locations must be undertaken in accordance with the latest industry guideline currently known as ISSC 20 Guideline for the Management of Activities within Electricity Easements and Close to Infrastructure. Approval may be required from Essential Energy should activities within the properties encroach on the electricity infrastructure.
- 11 Prior to carrying out any works, a "Dial Before You Dig" enquiry should be undertaken in accordance with the requirements of Part 5E (Protection of Underground Electricity Power Lines) of the Electricity Supply Act 1995 (NSW).
- 12 Given there is electricity infrastructure in the area, it is the responsibility of the person/s completing any works around power lines to understand their safety responsibilities. SafeWork NSW (www.safework.nsw.gov.au) has publications that provide guidance when working close to electricity infrastructure. These include the Code of Practice – Work near Overhead Power Lines and Code of Practice – Work near Underground Assets.

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

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

Director Development, Julie Robertson, returned to the Chambers at 5.49pm.

- 8.2 PLANNING PROPOSAL 313 MAGPIE LANE, GALAMBINE LOT 1 DP 174385 AND LOT 1 DP 1003242, REZONE TO R5 LARGE LOT RESIDENTIAL AND CHANGE THE MINIMUM LOT SIZE TO 2 HECTARES


Mayor


General Manager

GOV400087, LAN900117

353/20 MOTION: Shelley / Holden**That report 8.2 be withdrawn at the request of the applicant.***The motion was carried with the Councillors voting unanimously.*

8.3 PLANNING PROPOSAL 157-159 CRAIGMOOR ROAD, LOT 1
DP 591181 AND LOT 2 DP 594499, HOTEL OR MOTEL
ACCOMMODATION

GOV400087, LAN900116

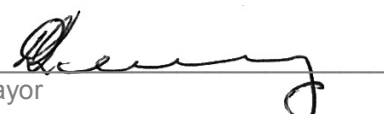
354/20 MOTION: Shelley / Cavalier**That Council:**


1. receive the report by the Manager, Strategic Planning on the Planning Proposal 157-159 Craigmoor Road, Lot 1 DP 591181 and Lot 2 DP 594499, hotel or motel accommodation;
2. provide initial support for a Planning Proposal to enable the future land use of large scale, resort-style accommodation;
3. forward the Planning Proposal to amend the Mid-Western Regional Local Environmental Plan 2012 to the NSW Department of Planning Industry and Environment seeking a Gateway Determination, in accordance with Section 3.34 of the Environmental Planning and Assessment Act 1979; and
4. undertake community consultation as outlined within any approved Gateway Determination.

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 Shelley	✓	
Cr Thompson	✓	

General Manager, Brad Cam, declared a significant non-pecuniary conflict of interest in item 8.4 as he is Acting Chairman of Regional Development Australia Orana. He left the room at 5.49pm and did not participate in discussion in relation to this matter.


Mayor


General Manager

8.4 RDA ORANA SPONSORSHIP PROPOSAL

GOV400087, ECO800023

355/20

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

1. receive the report by the Manager Economic Development on the RDA Orana Sponsorship Proposal;
2. accept the RDA Orana Sponsorship Proposal; and
3. amend the 2020/21 Budget to increase the membership's allocation in Members Expenses by \$10,000, to be funded from unrestricted cash.

The motion was carried with the Councillors voting unanimously.

The General Manager returned to the Chambers at 5.50pm.

The following recommendations (item 8.5 to item 12.1) were adopted as a whole, being moved by Cr Shelley, seconded by Cr Cavalier and carried with Councillors voting unanimously. Each recommendation is recorded with separate resolution numbers commencing at Resolution No. 356/20 and concluding at Resolution No. 379/20.

8.5 ACCEPTANCE OF GRANT FUNDING FOR FLAVOURS OF MUDGEES 2021

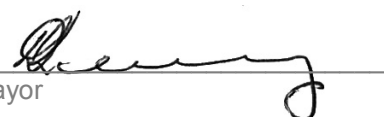
GOV400087, GRA600044

356/20

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

1. receive the report by the Manager Economic Development on the Acceptance of Grant Funding for Flavours of Mudgee 2021;
2. accept \$20,000 in grant funding from the NSW Government Flagship Event Fund;
3. amend the 2020/21 Budget to increase grant funding received by \$20,000 and increase expenditure by \$20,000 for Flavours of Mudgee 2021; and
4. authorise the General Manager to finalise and sign the funding agreement with the NSW Government.

The motion was carried with the Councillors voting unanimously.



Mayor



General Manager

8.6 ACCEPTANCE OF GRANT FUNDING FOR AUSTRALIA DAY
2021

GOV400087, GRA600044

357/20 MOTION: Shelley / Cavalier**That Council:**

1. receive the report by the Manager Economic Development on the Acceptance of Grant Funding for Australia Day 2021;
2. accept \$1,000 in grant funding from the Australia Day Branding Grant Australia Day 2021; and
3. amend the 2020/21 Budget to include grant funding received of \$1,000 and increase expenditure by \$1,000.

The motion was carried with the Councillors voting unanimously.

8.7 MONTHLY DEVELOPMENT APPLICATIONS PROCESSING
AND DETERMINED

GOV400087, A0420109

358/20 MOTION: Shelley / Cavalier**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 ANNUAL REPORT 2019-20

GOV400087, COR400008


359/20 MOTION: Shelley / Cavalier**That Council:**

1. receive the report by the Financial Accountant on the Annual Report 2019-20; and
2. adopt the Annual Report 2019-20.

The motion was carried with the Councillors voting unanimously.



Mayor



General Manager

9.2 PRESENTATION OF THE 2019/20 FINANCIAL STATEMENTS
GOV400087, IFIN300162

360/20 MOTION: Shelley / Cavalier

That Council receive the report by the Financial Accountant on the Presentation of the 2019/20 Financial Statements.

The motion was carried with the Councillors voting unanimously.

9.3 MONTHLY STATEMENT OF INVESTMENTS AND BANK
BALANCES AS AT 31 OCTOBER 2020
GOV400087, FIN300053

361/20 MOTION: Shelley / Cavalier

That Council:

- 1. receive the report by the Manager Financial Planning on the Monthly Statement of Investments and Bank Balances as at 31 October 2020; and**
- 2. note the certification of the Responsible Accounting Officer.**

The motion was carried with the Councillors voting unanimously.

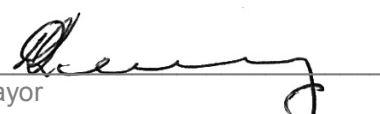
9.4 QUARTERLY BUDGET REVIEW STATEMENT SEPTEMBER
2020
GOV400087, FIN300240

362/20 MOTION: Shelley / Cavalier


That Council:

- 1. receive the report by the Manager Financial Planning on the Quarterly Budget Review Statement September 2020;**
- 2. amend the 2020/21 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.



Mayor



General Manager

9.5 MONTHLY BUDGET REVIEW - OCTOBER 2020

GOV400087, FIN300240

363/20 MOTION: Shelley / Cavalier**That Council receive the report by the Manager Financial Planning on the Monthly Budget Review - October 2020.***The motion was carried with the Councillors voting unanimously.*

9.6 POLICY REVIEW - INVESTMENTS

GOV400087, GOV400047

364/20 MOTION: Shelley / Cavalier**That Council:**

1. receive the report by the Manager Financial Planning on the Policy Review - Investments;
2. place the revised Investment Policy on public exhibition for 28 days; and
3. adopt the revised Investment Policy if no submissions are received.

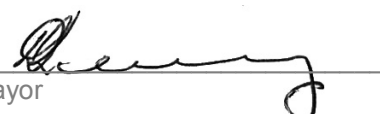
The motion was carried with the Councillors voting unanimously.


9.7 STREETLIGHTING LED UPGRADES

GOV400087, ROA100046; ROA100067

365/20 MOTION: Shelley / Cavalier**That Council:**

1. receive the report by the Chief Financial Officer on the Streetlighting LED upgrades;
2. approve an exemption from tender, in accordance with Section 55(3)(i) of the Local Government Act 1993, for the installation of LED street lights;
3. approve procurement of Essential Energy for the installation of LED street lights;
4. notes the reason for exemption is that Essential Energy is the street light supplier for the relevant areas impacted by this project and have carried out their own tender process to provide sub-contractors for the installation works;
5. approve the acceptance of grant funding from Resources



Mayor

General Manager

- to Regions towards the installation of LED street lights, should the application be successful;
6. approve amending the 2020/21 Budget to allocate \$980,000 for LED street light installation in Mudgee, Gulgong and surrounding villages, to be funded as follows:
 - 6.1 \$808,069 grant funding; and
 - 6.2 \$171,931 from unrestricted cash
 7. authorise the General Manager to sign grant funding agreements for the LED street light project, should the application to Resources for Regions be successful.

The motion was carried with the Councillors voting unanimously.

- 9.8 NAMING OF EAMES BRIDGE OVER THE CUDGEGONG RIVER ON NULLO MOUNTAIN ROAD OLINDA
GOV400087, ROA100071

366/20 MOTION: Shelley / Cavalier

That Council:

1. receive the report by the Revenue Officer and Property Support Officer on the naming of Eames Bridge over Cudgegong River on Nullo Mountain Road OLINDA; and
2. formally approve the name of Eames Bridge for this bridge.

The motion was carried with the Councillors voting unanimously.

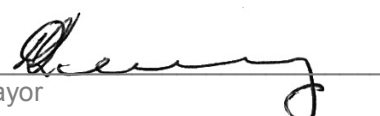
- 9.9 NAMING OF NEW STREET IN A SUBDIVISION OFF WURTH DRIVE BOMBIRA
GOV400087, R0790141 P22314 P22315

367/20 MOTION: Shelley / Cavalier


That Council:

1. receive the report by the Property Support Officer on the naming of a new street in a subdivision off Wurth Drive, Bombira; and
2. formally approve the name of Nelthorpe Street for this new street.

The motion was carried with the Councillors voting unanimously.



Mayor



General Manager

Item 10: Operations**10.1 DIXONS LONG POINT CROSSING DESIGN & CONSTRUCTION BUDGET**

GOV400087, ROA100462

368/20**MOTION: Shelley / Cavalier****That Council:**

- 1. receive the report by the Senior Works Engineer on the Dixons Long Point Crossing Design & Construction Budget;**
- 2. authorise the General Manager to:**
 - 2.1 accept funding of \$27,800,000 including GST from the Department of Infrastructure, Transport, Cities & Regional Development;**
 - 2.2 negotiate, sign and finalise funding agreement to progress the design & construction of a new bridge over the Macquarie River at Dixons Long Point; and**
- 3. amend the 2021/22, 2022/23 and 2023/24 Budget as follows:**
 - 3.1 in 2021/22 allocate project expenditure budget of \$6,754,545, fully grant funded;**
 - 3.2 in 2022/23 allocate project expenditure budget of \$8,127,273, fully grant funded;**
 - 3.3 in 2023/24 allocate project expenditure budget of \$10,390,910, fully grant funded.**

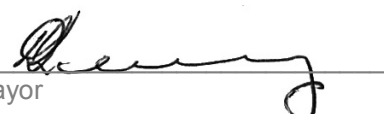
The motion was carried with the Councillors voting unanimously.

10.2 LAND PURCHASE FOR ROAD RESERVE - 1971 WOLLAR RD COOYAL (PART LOT 25 DP755447) - MR J CAMPBELL

GOV400087, R0022002

369/20**MOTION: Shelley / Cavalier****That Council:**

- 1. receive the report by the Senior Works Engineer on the Land Purchase for Road Reserve - 1971 Wollar Rd Cooyal (Part Lot 25 DP755447) - Mr J Campbell;**
- 2. resolve to purchase the 311.1 m2 of Lot 25 DP 755447 ('Sale Land') by agreement with the Vendor for the Sale**



Mayor



General Manager

- Price of \$1000.00, or works in kind to the equivalent value, for the purpose of public road;
3. agree for Council, at its own cost, to procure the preparation, lodgement and registration of an appropriate Subdivision Plan giving effect of the transfer to road reserve;
 4. authorise the General Manager to complete and execute all documentation, where necessary, in relation to effect the subdivision and land purchase or agreed works in kind to the equivalent value, for the purpose of the public road;
 5. authorise the Mayor to execute all documentation, where additionally required to do so, in relation to effect the subdivision and land purchase or agreed works in kind to the equivalent value, for the purpose of the public road;
 6. authorise the Common Seal of Council be affixed to all documentation, where necessary, in relation to effect the subdivision and land purchase or agreed works in kind to the equivalent value, for the purpose of the public road; and
 7. amend the 2020/21 Budget to increase the Regional Road Land Matters expenditure budget by \$5,000.

The motion was carried with the Councillors voting unanimously.

10.3 RFT 2019/38 - MUDGEES LANDFILL IMPROVEMENTS

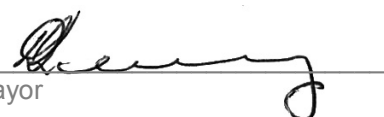
GOV400087, A0100009

370/20

MOTION: Shelley / Cavalier

That Council:

1. receive the report by the Manager Waste and Environmental Services on the RFT2019/38 - Mudgee Landfill Improvements;
2. in accordance with clause 178(1) of the Local Government (General) Regulations 2005, decline to accept any tender for RFT 2019/38;
3. in accordance with clause 178(3) (a) of the Local Government (General) Regulations 2005, for the following reason cancels the tender RFT 2019/38;
 - a) To allow further investigation into a more economical solution for leachate collection and storage at the Mudgee Waste Facility; and



Mayor



General Manager

4. **note that the deferral of \$440,000 for this project to 2021/22 has been proposed in the September quarterly budget review.**

The motion was carried with the Councillors voting unanimously.

10.4 MUDGEE CBD HIGH PEDESTRIAN ACTIVITY AREA
GOV400087, ROA100010

371/20 MOTION: Shelley / Cavalier

That Council:

1. **receive the report by the Director Operations on the Mudgee CBD High Pedestrian Activity Area; and**
2. **endorse in principle the installation of a High Pedestrian Activity Area in Mudgee CBD as outlined in the body of the report.**

The motion was carried with the Councillors voting unanimously.

10.5 POLICY UPDATE PESTICIDE USE NOTIFICATION PLAN
GOV400087, GOV400038 A0130033

372/20 MOTION: Shelley / Cavalier

That Council:

1. **receive the report by the Manager Waste and Environmental Services on the Pesticide Use Notification Plan Policy Review;**
2. **place the revised Pesticide Use Notification Plan on Public exhibition for 28 days; and**
3. **adopt the revised Pesticide Use Notification Plan if no submissions are received.**

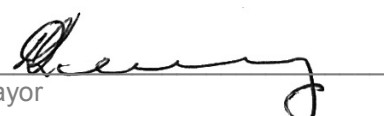
The motion was carried with the Councillors voting unanimously.

10.6 CBD PEDESTRIAN CROSSING LIGHTING UPGRADE
GOV400087, ROA790075

373/20 MOTION: Shelley / Cavalier

That Council:

1. **receive the report by the Director Operations on the CBD**



Mayor



General Manager

Pedestrian Crossing Lighting Upgrade; and

2. **amend the 2020/21 budget for the CBD Pedestrian Crossing Lighting Upgrade to include expenditure budget of \$220,000 funded from the Capital Program Reserve.**

The motion was carried with the Councillors voting unanimously.

Item 11: Community**11.1 COMMUNITY SERVICES - JULY TO SEPTEMBER 2020
QUARTERLY UPDATE**

GOV400087, COS300010

374/20 MOTION: Shelley / Cavalier**That Council:**

1. **receive the report by the Manager, Community Services on the Community Services - Quarterly Update; and**
2. **note the recent services provided and activities undertaken by the Council's Community Services Department.**

The motion was carried with the Councillors voting unanimously.

11.2 LIBRARY SERVICES - QUARTERLY REPORT

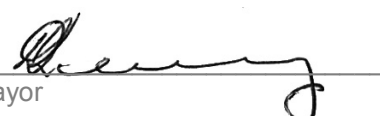
GOV400087, F0620020


375/20 MOTION: Shelley / Cavalier**That Council receive the report by the Manager Library Services on the Library Services - Quarterly Report.**

The motion was carried with the Councillors voting unanimously.

11.3 GLEN WILLOW STAGE 2 PROJECT UPDATEGOV400087, COR400303, COR400277, COR400332, PAR300584,
COR400273**376/20 MOTION: Shelley / Cavalier****That Council receive the report by the Director Community on the Glen Willow Stage 2 Project Update.**

The motion was carried with the Councillors voting unanimously.

11.4 MUDGEER REGIONAL ART GALLERY PROJECT UPDATE

Mayor

General Manager

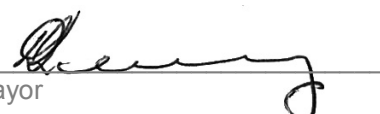
GOV400087, COR400301, REC800038


377/20 MOTION: Shelley / Cavalier**That Council receive and note the report by the Director Community on the Mudgee Regional Art Gallery Project Update.***The motion was carried with the Councillors voting unanimously.*11.5 SWIMMING FEES - LEARN TO SWIM FOR PRE-SCHOOLS
GOV400087, PAR300629**378/20 MOTION: Shelley / Cavalier****That Council:**

1. receive the report by the Director Community on the Swimming Fees - Learn to Swim for Pre-schools; and
2. approve the inclusion of local pre-schools as being classed as schools and therefore no charge for pool bookings as per FC0658 in the 2020-2021 fees and charges.

*The motion was carried with the Councillors voting unanimously.***Item 12: Reports from Committees**12.1 LOCAL TRAFFIC COMMITTEE - OCTOBER 2020 MEETING
GOV400087, A0100009**379/20 MOTION: Shelley / Cavalier****That Council:**

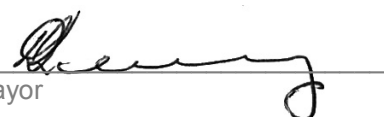
1. receive the report by the Administration Officer, Operations on the Local Traffic Committee - October 2020 Meeting ;
2.
 - a) approve to reposition the bus zone 22m to the south in front of Mudgee Public School to align with the school gate and allow for a larger pick up and go zone. (No Parking area);
 - b) remove the bus zone line marking;
 - c) consult with School and Bus Company prior to changes being implemented;
 - d) approve for a plan be provided to the Local Traffic Committee for endorsement prior to installation;
3.
 - a) approve the installation of "No Stopping" signs on the eastern side of Lochiel Lane;
 - b) approve to monitoring the effectiveness of the "No



Mayor

General Manager

- Stopping” signs;**
- c) **approve to Consult with the residents prior to installing signs;**
4. a) **to consult with the owner further in relation to the possibility of installing a disabled parking place on the land of Country Fit Gym;**
5. a) **Approve the removal of the speed humps in front of 64 and 84 Robertson Street Mudgee;**
b) **Monitor the area to ascertain whether there is a need for speed calming devices;**
6. **That Council approve the event – “Doctor Doctor Season 5”, be classified as a Class 2 Event under the ‘Guide to Traffic and Transport Management for Special Events Version 3.5’ and proceeds with the following conditions:**
- a) **A Special Events Transport Management Plan (TMP), is to be prepared in accordance with the “Guide to Traffic and Transport Management for Special Events Version 3.5 and submitted to and approved by Council prior to the event;**
- b) **Events are to be undertaken in accordance with the requirements of the NSW Police Force with their approval documentation forwarded to Council for notation;**
- c) **Controlling noise as required by the Protection of the Environment Operations (Noise Control) Regulation 2000;**
- d) **Reimbursing Council for the cost of damage repairs;**
- e) **Complying with any of Council’s Law Enforcement Officers reasonable directives;**
- f) **Maintain areas in a clean and tidy condition. No obstructions are to be left on the roadways or footpaths;**
- g) **A Traffic Control Plan (TCP) certified by a person with a ‘Select & Modify ‘or a ‘Design and Audit’ Certificate be included in the TMP;**
- h) **Any person directing traffic on a public road is required to possess an appropriate traffic controller’s certificate;**
- i) **Council must be provided with a current copy of a public liability insurance policy in the amount of at least \$20 million. Such a policy is to note that Council, Transport for NSW and NSW Police Force is indemnified against any possible action as the result of the event;**
- j) **The event convener is to notify all affected businesses and residents adjacent to the proposed closure indicating the period during which their accesses will be affected. Such notification is to be in writing;**
- k) **Maintain a four-metre wide emergency vehicle lane.**
7. **Approve the event – “filming of commercial by Rabbit Productions, be classified as a Class 2 Event under the ‘Guide to Traffic and Transport Management for Special Events Version 3.5’ and proceeds with the following conditions:**



Mayor



General Manager

- a) A Special Events Transport Management Plan (TMP), is to be prepared in accordance with the "Guide to Traffic and Transport Management for Special Events Version 3.5 and submitted to and approved by Council prior to the event;
- b) Events are to be undertaken in accordance with the requirements of the NSW Police Force with their approval documentation forwarded to Council for notation;
- c) Controlling noise as required by the Protection of the Environment Operations (Noise Control) Regulation 2000;
- d) Reimbursing Council for the cost of damage repairs;
- e) Complying with any of Council's Law Enforcement Officers reasonable directives;
- f) Maintain areas in a clean and tidy condition. No obstructions are to be left on the roadways or footpaths;
- g) Install 40km repeater sign in the work area;
- h) Plan be provided to monitor and manage end of queue length as it cannot impact the Castlereagh Highway;
- i) A Traffic Control Plan (TCP) certified by a person with a 'Select & Modify 'or a 'Design and Audit' Certificate be included in the TMP;
- j) Any person directing traffic on a public road is required to possess an appropriate traffic controller's certificate;
- k) Council must be provided with a current copy of a public liability insurance policy in the amount of at least \$20 million. Such a policy is to note that Council, Transport for NSW and NSW Police Force is indemnified against any possible action as the result of the event;
- l) The event convener is to notify all affected businesses and residents adjacent to the proposed closure indicating the period during which their accesses will be affected. Such notification is to be in writing;
- m) Maintain a four-metre wide emergency vehicle lane.

The motion was carried with the Councillors voting unanimously.

Item 13: Urgent Business Without Notice

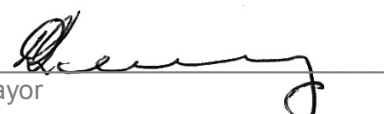
13.1 LIFTING OF WATER RESTRICTIONS FOR RYLSTONE AND KANDOS

GOV400087, F0780013

380/20 MOTION: Shelley / Cavalier

That Council accept the Urgent Business Without Notice in regard to lifting water restrictions for Rylstone and and Kandos.

The motion was carried with the Councillors voting unanimously.


Mayor


General Manager

381/20 MOTION: Shelley / Martens

That water restrictions for the communities upstream from Windamere Dam, being Rylstone and Kandos, be lifted.

The motion was carried with the Councillors voting unanimously.

Item 14: Confidential Session

382/20 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 Property Purchase

The reason for dealing with this report confidentially is that it relates to 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)(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 (d) (i) commercial information of a confidential nature that would, if disclosed prejudice the commercial position of the person who supplied it.

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.

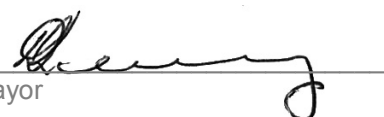
14.1 PROPERTY PURCHASE

GOV400087, F0650099, 3094, 3095

383/20 MOTION: O'Neill / Paine

That Council:

- 1. receive the report by the Revenue and Property Manager on the Property Purchase; and**
- 2. agree to purchase the whole of the Vendor's interests in Lot 1 DP1252505 and Lot 2 DP 1252505 for \$2,000,000 (plus GST) as cited in the Purchase Contract appended to this Report; and**
- 3. agree to the terms and conditions in the Deed of Settlement and Release appended to this Report and agree to pay the Vendor's solicitors fees totalling \$20,774.30 (plus GST)**


Mayor


General Manager

where applicable); and

4. authorise the General Manager to exercise delegated authority to deal with matters arising out of the purchase process so as to ensure continuous and smooth running of the process; and
5. authorise the General Manager to sign all documentation, including the Purchase Contract and the Deed of Settlement and Release , where necessary, to transfer the ownership of the Vendor's interests in Lot 1 DP1252505 and Lot 2 DP 1252505 to Council; and
6. authorise the Mayor to sign all documentation, including the Purchase Contract and the Deed of Settlement and Release, where additionally required to do so, to transfer the ownership of the Vendor's interests in Lot 1 DP1252505 and Lot 2 DP 1252505 to Council; and
7. authorise the Common Seal of Council be affixed to all documentation, including the Purchase Contract and the Deed of Settlement and Release, where necessary, to transfer the ownership of the Vendor's interests in Lot 1 DP1252505 and Lot 2 DP 1252505 to Council; and
8. amend the 2020/21 budget for additional expenditure of \$2,031,000 to purchase the Vendor's interests in Lot 1 DP1252505 and Lot 2 DP 1252505 and associated professional costs, funded from the Capital Program Reserve; and
9. give public notice of a proposed resolution to classify the whole of the Vendor's interests in Lot 1 DP1252505 and Lot 2 DP 1252505 DP1252505 as appended to this report, as Operational Land in accordance with Chapter 6, Part 2, Division 1 Local Government Act 1993 (the LGAct); and
10. receive a further report after the public notice exhibition period to consider any submissions and deal with the next steps in the classification process as required by the LGAct.

The motion was carried with the Councillors voting unanimously.

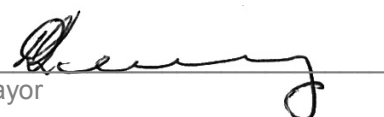
Item 15: Urgent Confidential Business Without Notice

15.1 COMPLAINT – WATER MAIN WORKS

GOV400087, CUS600066

384/20

MOTION: Holden / Shelley



Mayor



General Manager

That Council accept the Confidential Urgent Business Without Notice item 15.1 Complaint – Water Main Works.

The motion was carried with the Councillors voting unanimously.

385/20 MOTION: Shelley / Cavalier

That Council receive the report by the Manager Governance on the Complaint – Water Main Works.

The motion was carried with the Councillors voting unanimously.

Item 16: Open Council

386/20 MOTION: Shelley / Cavalier

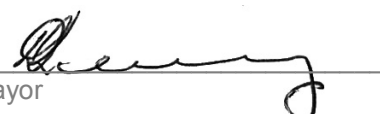
That: Council move to Open Council.

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 6.05pm.



Mayor



General Manager