

Minutes of the Ordinary Meeting of Council

Held at the Council Chambers, 86 Market Street, Mudgee
on 11 December 2024, commencing at 6:06pm and concluding at 7:07pm.

PRESENT Cr D Kennedy, Cr M Cornish, Cr K Dicker, Cr E Lang, Cr R Palmer, Cr P Shelley and Cr JP Thompson

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

Acknowledgement of Country

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

Disclosure of Pecuniary Interest

The General Manager tabled three Disclosure of Pecuniary Interest and Other Matters forms, for the period 1 July 2023 to 30 June 2024, for Senior Staff and delegated persons.

Item 1: Apologies

An apology was received for Cr A Karavas.

303/24 MOTION: Shelley / Thompson

That the apology received for Cr A Karavas be accepted.

The motion was carried with the Councillors voting unanimously.

Item 2: Disclosure of Interest

There were no disclosures of interest.

Item 3: Confirmation of Minutes

304/24 MOTION: Shelley / Lang

That the Minutes of the Ordinary Meeting held on 20 November 2024 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

5.1 MAYORAL MINUTE: POOL ACCESS FOR LIFE SKILLS PLUS
GOV400105, COS300010

305/24 MOTION: Kennedy

That Council support the Life Skills Plus request for free access to the Mudgee Swimming Pool for up to 15 participants and their Disability Support Workers on Wednesdays, between 9:30am and 2:30pm for two hours, for the 2024/25 pool season.

The motion was carried with the Councillors voting unanimously.

Item 6: Notices of Motion or Rescission

6.1 PLANNING PROPOSAL LOT 101 DP 1221261 - 148 WOMING ROAD, STUBBO - POST EXHIBITION
GOV400105, gov400102, lan900153, PP-2023-235

306/24 MOTON Palmer / Shelley

That Council rescind the resolution of the Council meeting on 20 November 2024 in relation to item 8.2 - Planning Proposal Lot 101 DP 1221261 - 148 Wyoming Road, Stubbo - Post Exhibition.

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

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

307/24 MOTON Palmer / Shelley

That Council:

- 1. receive the report by the Manager Strategic Planning on the Planning Proposal Lot 101 DP 1221261 - 148 Wyoming Road, Stubbo - Post Exhibition; and**
- 2. request the NSW Department of Planning, Housing and**

Infrastructure to draft and finalise the amendment to the *Mid-Western Regional Local Environmental Plan 2012*.

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

6.2 AUSTRALIAN FLAG ON MID-WESTERN COUNCIL OWNED PROPERTY

GOV400105,

MOTION: Cornish / Thompson

That all Australian flags on Mid-Western Regional Council owned property and land be replaced with new Australian flags within one (1) month prior to ANZAC Day each year.

308/24

AMENDMENT: Shelley / Lang

That Council receive a further report on the cost and installation of an Australian flag and flagpole at Council Administration buildings at Rylstone and Gulgong.

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

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

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

6.3 WAR MEMORIALS

GOV400105,

MOTION: Cornish / Thompson

That all war memorials honouring our fallen, on Mid-Western Council owned property and land, be cleaned within one (1) month prior to ANZAC Day each year.

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

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

6.4 LOCAL ENVIRONMENT PLAN

GOV400105,

MOTION: Thompson / Cornish

That Council start the process to do another Local Environment Plan for the whole of the shire.

309/24

AMENDMENT: Palmer / Shelley

That Council prepare a general amendment to the Mid-Western Regional LEP 2019 in accordance with actions contained in the Draft Housing Strategy.

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

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

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

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

Item 7: Office of the General Manager

Nil

Item 8: Development

8.1 DA0074/2025 - ALTERATIONS AND ADDITIONS TO CHILD CARE CENTRE - 33-39 SALEYARDS LANE, MUDGEE
GOV400105, DA0074/2024

310/24 MOTION: Shelley / Lang

That Council:

- A. receive the report by the Planning Coordinator on the DA0074/2025 - PAN-476098 - Alterations and Additions to Child Care Centre - 33-39 Saleyards Lane, Mudgee; and
- B. approve DA0074/2025 - PAN-476098 - Alterations and Additions to Child Care Centre - 33-39 Saleyards Lane, Mudgee subject to the following conditions and statement of reasons:

CONDITIONS**GENERAL**

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

Title / Name:	Drawing No / Document Ref	Revision / Issue:	Date:
Cover Sheet	41821-A00 Sheet 1 of 8	B	18-09-2024
Existing Site Plan	41821-A01 Sheet 2 of 8	B	18-09-2024
Proposed Site Plan	41821-A02 Sheet 3 of 8	B	18-09-2024
Existing Floor Plan & Demolition	41821-A03 Sheet 4 of 8	A	17.07.2024
Proposed Floor Plan	41821-A04 Sheet 5 of 8	B	18.09.2024
Elevations	41821-A05 Sheet 6 of 8	A	17.07.2024
Sections	41821-A06 Sheet 7 of 8	A	17.07.2024

Shade Sail Layout	4121-A07 Sheet 8 of 8	A	18.09.2024	Barnson
Existing Site Plan	41821-C01	A	04.07.2024	Barnson
Proposed Site Plan	41821-C02	A	04.07.2024	Barnson
Proposed Stormwater Management Plan	41821-C10	A	04.07.2024	Barnson
Proposed Water & Sewer Services Plan	41821-C20	A	04.07.2024	Barnson
Proposed Cut & Fill Plan	41821-C30	A	28.08.2024	Barnson
Overall Landscape Plan	41821-LA01	B	16.09.2024	Barnson
Outdoor Play Space	41821-LA02	B	16.09.2024	Barnson
Noise Assessment	MAC242183-01RP1V1	V1	July 2024	Muller Aco Consulting

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

Condition Reason: To ensure all parties are aware of the approved plans and supporting documentation that applies to the development.

2. Clarification on Approved Use

For clarity, this development consent provides approval for alterations and additions to the existing childcare centre, only.

Condition Reason: To provide clarity on what has been approved under the development consent.

3. Compaction of Fill

Fill placed in residential or commercial lots shall be compacted in accordance with AS3798-2007 Guidelines on Earthworks for Commercial and Residential Developments.

Condition Reason: To ensure any fill is compacted to an appropriate standard, suitable for future development.

4. Signage Amenity Impacts

The signage is to be securely affixed and is not to flash, move or be objectionably glaring.

Condition Reason: To protect the amenity of neighbouring

properties.

5. Non-reflective finishes

Metal roof/wall cladding shall be provided in a non-reflective/non-glary colour scheme such as “Colourbond” steel sheeting.

Condition Reason: To minimise potential reflection, and to protect the amenity of surrounding properties.

6. Imported waste derived fill material

The only waste derived fill material that may be received at the development site must be:

- a) Virgin excavated natural material, within the meaning of the Protection of the Environment Operations Act 1997; and**
- b) Any other waste-derived material the subject of a resource recovery exemption under cl.91 of the Protection of the Environment Operations (Waste) Regulation 2014 that is permitted to be used as fill material.**

Condition Reason: To ensure fill is not used that may contaminate the site.

7. Hours of Operation

The hours of operation of the development are limited to the following:

- a) 7am to 6pm, Monday to Friday; and**
- b) 7am to 1pm, Saturday; and**

No activities are to be undertaken on Sundays and public holidays.

Condition Reason: To protect the amenity of the surrounding area.

8. Outdoor lighting – obtrusive effects

All exterior lighting associated with the development shall be designed and installed so that no obtrusive light will be cast onto any adjoining property or roadways, in accordance with Australian Standard 4282 “Control of the Obtrusive Effects of Outdoor Lighting”.

Condition Reason: To protect the amenity of the surrounding area.

9. Annual Fire Safety Statement

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

is capable of performing to its specification.

Condition Reason: To comply with legislative requirements and to safeguard people from illness or injury due to a fire in a building.

10 Copies of final Fire Safety Certificate

- Where any essential services are installed in the building a copy of the final Fire Safety Certificate (together with a copy of the current fire safety schedule) is to be given to the Commissioner of Fire and Rescue NSW and Council. A further copy of the Certificate (together with a copy of the current fire safety schedule) is to be prominently displayed in the building.

Condition Reason: To comply with legislative requirements and to safeguard people from illness or injury due to a fire in a building.

11 Food Premises - Compliance with Food Safety Standards

- The premises shall, at all times, be operated and maintained in accordance with Food Safety Standards 3.1.1, 3.2.2 and 3.2.3 prescribed in chapter 3 of the Australia and New Zealand Food Standards Code.

Condition Reason: To enable Council to ensure the business continually operates in accordance with the Food Safety Standards.

12 Compliance with the Building Code of Australia

- All building work must be carried out in accordance with the Building Code of Australia.

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

13 Occupation Certificate

- Prior to the occupation of a new building, or occupation or use of an altered portion of, or an extension to an existing building, an Occupation Certificate is to be obtained from the Principal Certifier appointed for the erection of the building.

Condition Reason: To comply with the Environmental Planning and Assessment Act

14 Commencement of works

- This consent does not permit commencement of any site works. Works are not to commence until such time as a Construction Certificate has been obtained and the appointment of a Principal Certifier.

Condition Reason: To ensure any works are carried out lawfully.

15 Erection of signs

1. This section applies to a development consent for development involving building work, subdivision work or demolition work.
2. It is a condition of the development consent that a sign must be erected in a prominent position on a site on which building work, subdivision work or demolition work is being carried out—
 - a. showing the name, address and telephone number of the principal certifier for the work, and
 - b. showing the name of the principal contractor, if any, for the building work and a telephone number on which the principal contractor may be contacted outside working hours, and
 - c. stating that unauthorised entry to the work site is prohibited.
3. The sign must be—
 - a. maintained while the building work, subdivision work or demolition work is being carried out, and
 - b. removed when the work has been completed.
4. This section does not apply in relation to—
 - a. building work, subdivision work or demolition work carried out inside an existing building, if the work does not affect the external walls of the building, or
 - b. Crown building work certified to comply with the Building Code of Australia under the Act, Part 6.

Condition Reason: Prescribed condition under section 70 of the Environmental Planning and Assessment Regulation 2021.

16 No ponding of stormwater

1. 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.

Condition Reason: To ensure surface water does not become a nuisance.

17 Footpath and Driveway Levels

1. The footpath and driveway levels are not to be altered outside the property boundary without Council's permission. Driveways installed over public footpaths must match the existing footpath profile.

Condition Reason: To ensure the works do not impact upon

Council footway and road reserve areas.

- 18 Clear of easements, water and sewer mains**
Notwithstanding the approved plans, the structure is to be located clear of any easements and/or 1.5 metres from any water and sewer mains in accordance with Council Policy. There are to be no works involving cut or fill within the registered easement or within 1.5m of the water or sewer line.

Condition Reason: To preserve the stability and structural adequacy of Councils water and sewer mains, whilst ensuring access is readily available for maintenance and/or construction purposes.

- 19 Sealing of trafficable pavement**
All trafficable pavements are to be constructed and sealed with an impervious surface, either bitumen or concrete, and maintained to the satisfaction of Council at all times.

Condition Reason: To ensure that pavement works are constructed in accordance with Council's standards.

- 20 Decommissioning of Water Bores**

Notice is to be provided to WaterNSW of the intention to decommission a water bore 60 days prior to undertaking any work. Please note, separate approval may be required from WaterNSW prior to proceeding with the decommissioning work.

Condition Reason: To comply with WaterNSW requirements under the Water Management Act 2000.

BEFORE ISSUE OF A CONSTRUCTION CERTIFICATE

- 21. Child Care Planning Guidelines Compliance**
Prior to issue of a Construction Certificate, full details demonstrating compliance with the Child Care Planning Guidelines 2021 shall be submitted to and approved by the Certifier (i.e. Council or a private Certifier).

Condition Reason: To assist the Certifier in determining the buildings level of compliance with respect to the Child Care Planning Guidelines.

- 22. Access to Premises Standard**
Prior to issue of a Construction Certificate, details demonstrating compliance with the Disability (Access to Premises – Buildings) Standards 2010 shall be submitted to and approved by the Certifier (i.e. Council or a private Certifier).

Condition Reason: To assist the Certifier in determining the buildings level of compliance with respect to accessibility.

23. Fire Safety Measures

A schedule of existing and proposed fire safety measures is to be submitted to the Certifier (i.e. Council or a private Certifier) with the application for the Construction Certificate.

Condition Reason: To assist the Certifier in determining the buildings level of compliance with respect to fire safety.

24. Section 64 Upgrade – Fire Safety - Building Code of Australia

Pursuant to section 64 of the Environmental Planning and Assessment Regulation 2021, the existing buildings are to be brought into conformity with the following Performance Requirements of the BCA, Volume 1.

a) Performance Requirement D1P4 Exits of NCC 2022 Volume One, in relation to all required exits within each tenancy.

b) Performance Requirement D1P6 Paths of travel to exits of NCC 2022 Volume One D1P6, in relation to all required paths of travel associated with required exits within each tenancy.

c) Performance Requirement E1P1 Fire extinguishers of NCC 2022 Volume One, installation of fire extinguishers.

d) Performance Requirement E1P1 Fire hose reels of NCC 2022 Volume One, installation of a fire hose reel system.

e) Performance Requirement E4P1 Visibility of NCC 2022 Volume One, to facilitate evacuation in the event of an emergency.

f) Performance Requirement E4P2 Identification of exits of NCC 2022 Volume One, to facilitate evacuation in the event of an emergency.

g) Performance requirement E1P3 Fire Hydrants of NCC 2022 Volume One, to facilitate the needs of the fire brigade.

Plans and specifications demonstrating compliance are to be submitted to and approved by the Certifier prior to the issue of a construction certificate.

Condition Reasons: To ensure the safety of persons using

the building in the event of a fire.

25. Food Premises Fit Out

Prior to the issue of a Construction Certificate, detailed plans of all food/beverage preparation, serving and storage areas (including for perishable stock, waste, chemicals and personal belongings) must be prepared by a suitably qualified person.

Plans must be prepared in accordance with the following editions in force on the date of determination and provided to the Certifier (i.e. Council or a Private Certifier)

- a) Food Standards Code (Australia) and Food Safety Standard 3.2.3 – Food Premises and Equipment;
- b) Food Act 2003 and Food Regulation 2015;
- c) Australian Standard 4647:2004 (Design, Construction and Fit-out of Food Premises);
- d) AS 1668.2-2012 – The use of ventilation and air conditioning in buildings;
- e) Plumbing Code of Australia and Australian Standard/New Zealand Standard AS/NZS 3500 series on Plumbing and Drainage)
- f) Mid-Western Regional Council's commercial trade wastewater requirements for food premises, and/or
- g) The Building Code of Australia.

Condition Reason: To ensure detailed construction and fit out plans are submitted which comply with the relevant standards.

26. Section 68 approvals - water supply, stormwater and sewerage

Application shall be made to Council under Part B, Section 68 of the Local Government Act 1993 to carry out Water Supply, Stormwater and Sewerage Works.

The application shall contain details demonstrating compliance with the Plumbing and Drainage Act 2011 and/or the Plumbing Code of Australia.

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

Condition Reason: To ensure the property is adequately serviced and necessary approvals are obtained prior to works commencing onsite.

27. Contributions – Section 7.12

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

The value of works is to be calculated in accordance with Section 2.9.3 and the procedure outlined in Section 4.3 of the Contributions Plan. A report regarding value of works and any necessary certification is to be submitted to Council. Council will calculate and advise of the levy amount following submission of the documents.

Note – based on the proposed cost of works being <\$1,390,000.00>, it is estimated the contribution amount will be <\$13,900.00>.

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 – 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 Documents/Strategies and Plans.

Condition Reason: To comply with legislative requirements.

28. Detailed Engineering Design

A detailed engineering design is to be submitted to and approved by the Certifier (i.e. Council or a private Certifier) prior to the issue of a Construction Certificate. The engineering design is to comply with Council's Development Control Plan and the Standards referenced within Appendix B and D.

A Construction Certificate is required for but not limited to the following civil works:

- a) Water and sewer main extensions
- b) Stormwater drainage such as inter-allotment drainage, detention basins.
- c) Road construction
- d) Footpath and kerb & gutter
- e) Landscaping of public reserves

No works can commence prior to the issue of the Construction Certificate.

Condition Reason: To ensure subdivision works are designed in accordance with the relevant Australian Standard and Council's DCP.

29. Trade Waste Application

A Construction Certificate for the approved use is not to be issued until any necessary approvals under Section 68 of the Local Government Act 1993 to dispose of waste into a sewer of the council (e.g. liquid trade waste) have been obtained.

Condition Reason: To ensure appropriate approvals are obtained, prior to works commencing.

- 30. Section 138 approval - works within road reserve**
Application shall be made to Council under Section 138 of the Roads Act 1993 for driveway crossover works within the road reserve.

The application shall contain details demonstrating compliance with:

- a) Council's Access to Properties Policy; and
- b) Australian Standard AS/NZS 2890.1:2004 Parking Facilities – Off-street parking facilities.

The Section 138 application shall be considered and approved by Council prior to the release of the Construction Certificate for the development.

Condition Reason: To ensure appropriate approvals are obtained, prior to works commencing.

- 31. Consolidation of lots**
Prior to the issue of a Construction Certificate, evidence that the lots making up the subject site have been consolidated into a single allotment and registered with NSW Land Registry Services is to be submitted to Council and the Certifier (if applicable). The lots to be consolidated into a single parcel include:

- a) Lot 30 DP 1267151
- b) Lot 29 DP 1307255
- c) Lot 20 DP 1305817

Condition Reason: To ensure the development is undertaken lawfully.

- 32. Contributions – Water and Sewer Headworks**
The developer shall obtain a Certificate of Compliance under the Water Management Act 2000, from Council.
Note – Please contact Council's Water and Sewer Department to obtain a Certificate of Compliance, including payment of Headworks charges in accordance with Council's Water and Sewer Servicing Plans.

Condition Reason: To ensure a Certificate of Compliance is obtained.

- 33. Finished Surface Levels**
All finished surface levels shall be shown on the plans submitted for the Construction Certificate.

Condition Reason: To ensure sufficient detail is shown on the plans in accordance with Council's DCP.

- 34. Erosion and Sediment Control Plan**
An Erosion and Sediment Control Plan is to be submitted

to an approved by the Certifier (i.e. Council or a private Certifier) prior to the issue of a Construction Certificate. the Erosion and Sediment Control Plan for the development is to be prepared and implemented in accordance with the LANDCOM guidelines and requirements as outlined in the latest edition of "Soils and Construction – Managing Urban Stormwater". Points to be considered include, but are not limited to:

- a) Saving available topsoil for reuse in the revegetation phase of the development;
- b) Using erosion control measures to prevent on-site damage;
- c) Rehabilitating disturbed areas quickly; and
- d) Maintenance of erosion and sediment control structures.

Condition Reason: To ensure the site is effectively managed with respect to erosion and sediment control.

35. **Construction Site Management Plan**
Before the issue of a Construction Certificate, a construction site management plan must be prepared, and provided Mid-Western Regional Council. The plan must include the following matters:
- a) The location and materials for protective fencing and hoardings on the perimeter of the site;
 - b) Provisions for public safety;
 - c) Pedestrian and vehicular site access points and construction activity zones;
 - d) Details of construction traffic management including;
 - e) Measures to ensure pedestrian safety near the site;
 - f) The location of a garbage container with a tight-fitting lid;
 - g) Dust, noise and vibration control measures;
 - h) The location of temporary toilets;

A copy of the construction site management plan must be kept on-site at all times while work is being carried out.

Condition Reason: To require details of measures that will protect the public, and the surrounding environment, during site works and construction.

36. **Long Service Levy**
Prior to the issue of a Construction Certificate, the developer shall pay a Long Service Levy at the prescribed rate to either the Long Service Levy Corporation or Council, for any work costing \$250,000 or more.

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

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

Condition Reason: To ensure the correct levy is paid in accordance with NSW State Government requirements.

BEFORE BUILDING WORK COMMENCES

37. Pre-construction notifications

In accordance with the provisions of the Environmental Planning and Assessment Act 1979 construction works approved by this consent must not commence until:

- a) A Construction Certificate has been issued by the Certifier (i.e. Council or an accredited certifier); and**
- b) A Principal Certifier has been appointed by the person having benefit of the development consent in accordance with the Environmental Planning and Assessment Act 1979; and**
- c) If Council is not the Principal Certifier, notify Council no later than two (2) days before building work commences as to who is the appointed Principal Certifier; and**
- d) At least two (2) days before commencement of building work, the person having benefit of the development consent is to notify Council as to the intention to commence building work.**

Condition Reason: Legislative requirement pursuant to Section 6.6 and 6.7 of the EP&A Act 1979.

38. Construction waste enclosure

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

Condition Reason: To restrict pollution and protect the amenity of the neighbourhood during construction.

39. Hoarding

If the work involved in the erection/demolition of the

building;

**a) is likely to cause pedestrian or vehicular traffic in a public place to be obstructed or rendered inconvenient, or
b) involves the enclosure of a public place, then a hoarding or fence must be erected between the work site and the public place. If necessary, an awning is to be erected, sufficient to prevent any substance from, or in connection with, the work falling into the public place. Any such hoarding, fence or awning is to be removed when the work has been completed.**

Condition Reason: To protect the public, and the surrounding environment, during site works and construction.

40. Pre-construction notifications

In accordance with the provisions of the Environmental Planning and Assessment Act 1979 construction works approved by this consent must not commence until:

- a) A Construction Certificate has been issued by the Certifier (i.e. Council or an accredited certifier); and**
- b) A Principal Certifier has been appointed by the person having benefit of the development consent in accordance with the Environmental Planning and Assessment Act 1979; and**
- c) If Council is not the Principal Certifier, notify Council no later than two (2) days before building work commences as to who is the appointed Principal Certifier; and**
- d) At least two (2) days before commencement of building work, the person having benefit of the development consent is to notify Council as to the intention to commence building work.**

Condition Reason: Legislative requirement pursuant to Section 6.6 and 6.7 of the EP&A Act 1979.

41. Site Management

The development site is to be managed for the entirety of work in the following manner:

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

Condition Reason: To minimise the impact of the

development and to ensure that appropriate facilities are provided.

- 42. Alterations to Public Utility Services**
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.

Condition Reason: To ensure any utility relocation works are carried out without cost to Council and the requirements of the relevant authority.

DURING BUILDING WORKS

- 43. Construction Noise and Hours**
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.

Condition Reason: To protect the amenity of the surrounding area

- 44. Fire Safety Schedule**
The list of fire safety measures contained in the fire safety schedule attached to the relevant development consent for a change of use, construction certificate or complying development certificate, are required to be installed in the building or on the land to ensure the safety of persons in the event of fire.

Condition Reason: To ensure the safety of persons using the building in the event of a fire.

- 45. Mandatory Inspections**
All mandatory inspections required by the Environmental Planning and Assessment Act 1979 and any other inspections deemed necessary by the Principal Certifier shall be carried out during the relevant stage of construction.

Condition Reason: To ensure the building work is consistent with approvals, endorsed plans, specifications and relevant documentation.

- 46. Procedure For Critical Stage Inspections**
While building work is being carried out, the work must not continue after each critical stage inspection unless the

principal certifier is satisfied the work may proceed in accordance with this consent and the relevant construction certificate.

Condition Reason: To require approval to proceed with building work following each critical stage inspection.

47. Waste Management

While site work is being carried out:

1. all waste management must be undertaken in accordance with the waste management plan; and
2. upon disposal of waste, records of the disposal must be compiled and provided to Mid-Western Regional Council, detailing the following:

- a. The contact details of the person(s) who removed the waste;
- b. The waste carrier vehicle registration;
- c. The date and time of waste collection;
- d. A description of the waste (type of waste and estimated quantity) and whether the waste is to be reused, recycled or go to landfill;
- e. The address of the disposal location(s) where the waste was taken;
- f. The corresponding tip docket/receipt from the site(s) to which the waste is transferred, noting date and time of delivery, description (type and quantity) of waste.

If waste has been removed from the site under an EPA Resource Recovery Order or Exemption, records in relation to that Order or Exemption must be maintained and provided to the principal certifier and Council.

Condition Reason: To require records to be provided, during site work, documenting the lawful disposal of waste.

48. Plumbing and Drainage Work

All plumbing and drainage work must be carried out by a licensed plumber and drainer and must comply with the requirements of the Plumbing & Drainage Act 2011 and the Plumbing Code of Australia.

Condition Reason: To ensure work is carried out by an authorised person and comply with certain legislation and minimum standards.

49. Access and Facilities

This approval does not provide any indemnity to the owner or applicant under the Disability Discrimination Act 1992 with respect to the provision of access and facilities for people with disabilities.

Condition Reason: To ensure the building owners/applicants/occupants are aware of their responsibilities under the Disability Discrimination Act 1992.

50. Importation Of Fill Material – During Works

Any fill material that is imported to the site must be analysed and classified by an appropriately qualified and experienced environmental consultant in accordance with the relevant NSW EPA Guidelines, including the Waste Classification Guidelines (2014).

To ensure that fill material is suitable for the proposed use, only material classified as Virgin Excavated Natural Material (VENM), or Excavated Natural Material (ENM) is permitted to be imported onsite.

Condition Reason: To ensure soil imported to the site is not contaminated and is safe for future occupants.

51. Re-Use of Site Soils – During Works

Any existing soils to be re-used on the site must be analysed and classified by an appropriately qualified and experienced environmental consultant, in accordance with the relevant EPA guidelines, including the Waste Classification Guidelines (2014), to ensure that the soil is suitable for the proposed residential land use.

Condition Reason: To ensure soil imported to the site is not contaminated and is safe for future occupants.

52. Full Cost of The Developer

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.

Condition Reason: To ensure all works are constructed in accordance with Council's standards and at no cost to Council.

53. Restoration of Damage Within Public Property

All public footways, foot paving, kerbs, gutters and road pavement damaged during the works are to be restored to match existing conditions at the developer's/demolisher's expense.

Condition Reason: To ensure any damaged infrastructure is appropriately restored.

54. Stormwater – Compliance with Appendices B and D of DCP.

Stormwater drainage is to comply with the Mid-Western Regional Council Development Control Plan 2013 and the

standards referenced in Appendix B and D.

Condition Reason: To ensure all lots are drained in accordance with Council's requirements.

- 55. Contaminated Material Found During Construction**
Should any contaminated, scheduled, hazardous or asbestos material be discovered before or during construction works, the applicant and contractor shall ensure the appropriate regulatory authority, (e.g. SafeWork NSW, Council, Fire and Rescue NSW etc) is notified, and that such material is contained, encapsulated, sealed, handled or otherwise disposed of to the requirements of such Authority.
Note - such materials cannot be disposed of to landfill unless the facility is specifically licensed by the EPA to receive that type of waste.

Condition Reason: To ensure soil removed from the site is appropriately disposed.

- 56. Noise And Vibration – An Approved Document of This Consent**
While site work is being carried out, noise generated from the site must be controlled in accordance with the requirements of the approved acoustic report.

Condition Reason: To protect the amenity of the neighbourhood during construction.

- 57. Deliveries**
While site work is being carried out, deliveries of material and equipment must only be carried out between—
7am to 5pm on Monday to Saturday

Condition Reason: To protect the amenity of neighbouring properties.

- 58. Erosion And Sediment Controls in Place**
Before any site work commences, Mid-Western Regional Council, must be satisfied the erosion and sediment controls in the erosion and sediment control plan are in place. These controls must remain in place until any bare earth has been restabilised in accordance with 'Managing Urban Stormwater: Soils and Construction' prepared by Landcom (the Blue Book) (as amended from time to time).

Condition Reason: To ensure sediment laden runoff and site debris do not impact local stormwater systems and waterways.

- 59. Aboriginal Material Found During Construction**
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.

Condition Reason: To ensure the protection of objects of potential significance during works

BEFORE ISSUE OF AN OCCUPATION CERTIFICATE

60. Fire Safety Certificate

Prior to occupation or the issue of the Occupation Certificate the owner of the building must cause the Principal Certifier to be given a fire safety certificate (or interim fire safety certificate in the case of a building or part of a building occupied before completion) in accordance with Section 41 of the Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021 for each measure listed in the schedule. The certificate must only be in the form specified by Section 86 of the Regulation. A copy of the certificate is to be given to the Commissioner of the New South Wales Fire Brigade and a copy is to be prominently displayed in the building.

Condition Reason: To comply with legislative requirements and to safeguard people from illness or injury due to a fire in a building.

61. Compliance with Section 68 Approvals

Prior to use of the development and/or issue of an Occupation Certificate, a satisfactory final inspection report from the Council must be received by the Certifier, verifying that the building is connected to reticulated water supply, stormwater and/or sewerage in accordance with the relevant section 68 approval/s.

Condition Reason: To ensure compliance with Council's S68 approvals.

62. Finish of Surface Around Site

Prior to use of the development and/or issue of an Occupation Certificate, the excavated and/or filled areas of the site are to be stabilised and drained, to prevent scouring onto adjacent private or public property. The finished ground around the perimeter of the building is to be graded to prevent ponding of water, and to ensure the free flow of water away from the building and adjoining properties.

Condition Reason: To ensure runoff does not impact on the building or adjoining properties.

63. Food Premises

Prior to use of the development and/or issue of an Occupation Certificate, the following notifications must occur:

- a) Council must be notified of the food business in accordance with the NSW Food Act 2003, and
- b) an inspection of the completed fit out is to be conducted by an authorised officer of Mid-Western Regional Council, to determine compliance with the Food Act 2003 and Food Safety Standards prior to the issue of an Occupation Certificate.

Condition Reason: To enable Council to ensure compliance with the Food Act 2003 before the business commences.

64. Completion Of Car Parking and Driveway

Prior to commencement of use of the development and/or issue of an Occupation Certificate, all approved car parking and associated driveway works are to be completed.

Condition Reason: To ensure compliance with the requirements of the consent.

65. Stormwater to the Street

Prior to use of the development and/or issue of an Occupation Certificate, all roof water shall be conducted to the street gutter by means of a sealed pipeline having a minimum diameter of 90mm. Please note this can be achieved by connecting to existing stormwater lines.

Condition Reason: To ensure runoff does not impact on the building or adjoining properties.

66. Adjustment And Installation of Plumbing Services

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.

Condition Reason: To ensure compliance with Council's requirements.

67. Completion Of Public Utility Services

Before the issue of the relevant occupation certificate, confirmation must be obtained from the relevant authority that any adjustment or augmentation of any public utility services including gas, water, sewer, electricity, street lighting and telecommunications, required as a result of

the development, have been completed and this confirmation must be provided to the principal certifier.

Condition Reason: To ensure required changes to public utility services are completed, in accordance with the relevant agency requirements, before occupation.

68. **Vehicles – Entry and Exit in A Forward Direction Only**
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. Signage identifying the driveway and car park as low speed environments is also to be appropriately located within the site.

Condition Reason: To ensure the safe and efficient operation of the site.

69. **Completion Of Landscape and Tree Works**
Before the issue of an Occupation Certificate, the principal certifier must be satisfied all landscape and tree-works have been completed in accordance with approved plans and documents and any relevant conditions of this consent.

Condition Reason: To ensure the approved landscaping works have been completed in accordance with the approved landscaping plan(s).

OCCUPATION AND ONGOING USE

70. **No illumination**
The sign must not be illuminated, at any time.

Condition Reason: To protect the amenity of neighbouring properties.

71. **Vehicles – Entry and Exit in A Forward Direction Only**
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. Signage identifying the driveway and car park as low speed environments is also to be appropriately located within the site.

Condition Reason: To ensure the safe and efficient operation of the site.

72. **No Interference with Amenity**
There being no interference with the amenity of the neighbourhood by reason of the emission of any “offensive noise”, vibration, smell, fumes, smoke, vapour, steam, soot, ash or dust, or otherwise as a result of the

proposed development.

Condition Reason: To protect the amenity of the surrounding area.

73. Managing Noise

During ongoing use of the premises, the premises must be operated in accordance with the acoustic report approved under this consent.

Condition Reason: To protect the amenity of the local area.

74. Maintenance of Landscaping

Landscaping is to be maintained in accordance with the approved landscape plan and approved Vegetation Management Plan.

If any of the vegetation comprising the landscaping dies or is removed, it is to be replaced with vegetation of the same species and similar maturity as the vegetation which has died or was removed.

Condition Reason: To ensure that any approved landscaping is maintained and preserved for the life of the development.

REASONS FOR APPROVAL

- 1. The proposed development complies with the requirements of the applicable environmental planning instruments and Mid-Western Regional Development Control Plan 2013.**
- 2. The proposed development is considered satisfactory in terms of the matters identified in Section 4.15 of the Environmental Planning and Assessment Act 1979.**
- 3. One (1) submission of support for the development was received in response to public notification of the proposed development.**

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

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

**8.2 PLANNING PROPOSAL - 34 BRUCE ROAD, SPRING FLAT
GOV400105, LAN900178**

311/24

MOTION: Cornish / Thompson**That Council:**

1. receive the report by the Manager Strategic Planning on the Planning Proposal - 34 Bruce Road, Spring Flat Lots 42 and 49 DP 756894, for the rezoning part R1 General Residential and part R2 Low Density Residential, with a minimum lot size of part 600m² and part 2000m² and an 8.5m height of buildings limit;
2. provide initial support for the Planning Proposal to amend Mid-Western Regional Local Environmental Plan 2012 and submit to the NSW Department of Planning, Housing and Infrastructure via the NSW Planning Portal seeking a Gateway Determination, in accordance with Section 3.34 of the Environmental Planning and Assessment Act 1979; and
3. undertake community consultation as outlined in any approved Gateway determination.

The motion was carried with the Councillors voting unanimously.

8.3 PLANNING PROPOSAL - HENRY LAWSON DRIVE,
GULGONG

GOV400105, LAN900190

312/24

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

1. receive the report by the Coordinator, Strategic Planning on the Planning Proposal at Henry Lawson Drive, Gulgong (Lot 56, Lot 129, Lot 264, and Lot 415 DP755433) for the rezoning of land and reduction in the minimum lot size;
2. remove Lot 264 DP755433 from the Planning Proposal;
3. increase the minimum lot size from 10 hectares to 12 hectares of the Planning Proposal, to better align with the objectives of the R5 Large Lot Residential zoning;
4. provide initial support for the Planning Proposal to amend Mid-Western Regional Local Environmental Plan 2012 and submit to the NSW Department of Planning, Housing and Infrastructure via the NSW Planning Portal seeking a Gateway Determination, in accordance with Section 3.34 of the Environmental Planning and Assessment Act 1979; and

5. **undertake community consultation as outlined in any future approved Gateway determination.**

The motion was carried with the Councillors voting unanimously.

8.4 ACCEPTANCE OF NSW AND AUSTRALIAN GOVERNMENT GRANTS

GOV400105, GRA600020

313/24

MOTION: Thompson / Palmer

1. **receive the report by the Manager Economic Development on the Acceptance of NSW and Australian Government Grants;**
2. **if successful, accept funding from the Regional Airports Program Round 4. In 2024/25 set an expenditure budget of \$440,000 for Mudgee Regional Airport Stormwater Drainage Upgrade. \$220,000 to be funded by grants, and \$220,000 to be funded by unrestricted cash;**
3. **if successful, accept funding from the Crown Reserves Improvement Fund. In 2025/26 set an expenditure budget of \$710,642 to be funded by grants for the Cudgegong Waters Caravan Park Amenities Building Replacement; and**
4. **authorise the General Manager to finalise and sign the funding agreements.**

The motion was carried with the Councillors voting unanimously.

8.5 MONTHLY DEVELOPMENT APPLICATIONS PROCESSING AND DETERMINED

GOV400105, A0420109

314/24

MOTION: Dicker / Palmer

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

The motion was carried with the Councillors voting unanimously.

Item 9: Corporate Services

9.1 MONTHLY BUDGET REVIEW - NOVEMBER 2024 BUDGET VARIATIONS

GOV400105, FIN300315

315/24 MOTION: Dicker / Shelley

That Council:

- 1. receive the report by the Accountant Reporting & Analysis on the Monthly Budget Review - November 2024 Budget Variations; and**
- 2. amend the 2024/25, 2025/26, 2026/27 and 2027/28 budget in accordance with the variations as listed in the Monthly Budget Review attachment to this report; and**
- 3. amend the 2024/25 budget to allocate \$15,000 for flood repair works at Putta Bucca wetlands, funded from unrestricted cash.**

The motion was carried with the Councillors voting unanimously.

**9.2 MONTHLY STATEMENT OF INVESTMENTS AS AT 30
NOVEMBER 2024**

GOV400105, FIN300053

316/24 MOTION: Cornish / Palmer

That Council:

- 1. receive the report by the Financial Planning Coordinator and Chief Financial Officer on the Monthly Statement of Investments as at 30 November 2024; and**
- 2. note the certification of the Responsible Accounting Officer.**

The motion was carried with the Councillors voting unanimously.

9.3 COMMUNITY GRANTS PROGRAM - DECEMBER 2024

GOV400105, GRA600009

317/24 MOTION: Shelley / Dicker

That Council:

- 1. receive the report by the Financial Planning Co-ordinator on the Community Grants Program - December 2024;**
- 2. note that the General Manager used the emergency delegation conveyed to him at 3.1 of his delegation to waive the fee of \$368 for Pink Up Cricket community event;**
- 3. provide financial assistance to the following applications in**

accordance with the criteria and guidelines of the Community Grants Policy: and

Applicant	Recommended Amount \$
• Business Mudgee	5,000
• Kandos Rylstone Show Society	5,000
• Gulgong Show Society	5,000
• Mudgee & Districts Motorcycle Club	5,000

4. provide financial assistance of \$20,000 to the Rylstone Parents and Community Association, to be funded from the Crudine Ridge Wind Farm VPA.

The motion was carried with the Councillors voting unanimously.

9.4 CLASSIFICATION OF LAND - LOT 1238 DP1302496 AT 37 ENFIELD AVENUE CAERLEON

GOV400105, 27530

318/24 MOTION: Palmer / Lang

That Council:

1. receive the report by the Property Coordinator on the Classification of Land - Lot 1238 DP1302496 at 37 Enfield Avenue Caerleon; and
2. classify allotment Lot 1238 DP 1302496, being Enfield Avenue Caerleon as Operational land in accordance with Section 31 of the Local Government Act 1993.

The motion was carried with the Councillors voting unanimously.

9.5 RECLASSIFICATION OF LAND - LOT 30 DP1307255 - 24 MARSKELL CIRCUIT, MUDGEE

GOV400105, P027642

319/24 MOTION: Palmer / Dicker

That Council:

1. receive the report by the Property Coordinator on the Reclassification of Land - Lot 30 DP1307255 - 24 Marskell Circuit, Mudgee;
2. give public notice of a proposed resolution to reclassify Lot 30 DP1307255 at 24 Marskell Circuit Mudgee as Community Land in accordance with Chapter 6, Part 2,

Division 1 Local Government Act 1993 (the Act); and

3. **receive a further report after the exhibition period to consider any submissions and deal with the next steps in the reclassification process as required by the Act.**

The motion was carried with the Councillors voting unanimously.

9.6 NAMING OF A NEW STREET IN A SUBDIVISION OFF SHORT STREET, MUDGEE

GOV400105, P02326 R0790141

320/24**MOTION: Lang / Palmer****That Council:**

1. **receive the report by the Property Support Officer on the naming of a new street in a subdivision off Short Street, Mudgee;**
2. **name this street Nicole Place, being the new street in a subdivision off Short Street, Mudgee, with the option to amend to Nikkis Place if Nicole Place is rejected by the Geographical Names Board;**
3. **the additional submission for Fitzsimmons to be added to Council's Pre-Approved Names List for future use; and**
4. **advertise proposed name and receive a further report at the end of the exhibition period to formalise the name of the street.**

The motion was carried with the Councillors voting unanimously.

9.7 POLICY REVIEW - LEASES AND LICENCES OF COUNCIL OWNED AND MANAGED LAND AND REAL PROPERTY

GOV400105, GOV400105

321/24**MOTION: Palmer / Dicker****That Council:**

1. **receive the report by the Manager - Property and Revenue on the Policy Review - Leases and Licences of Council Owned and Managed Land and Real Property;**
2. **place on public exhibition for 28 days the revised Leases and Licences of Council Owned and Managed Land and Real Property Policy; and**
3. **adopt the revised Leases and Licences of Council Owned and Managed Land and Real Property Policy if no**

submissions are received during the exhibition period.

The motion was carried with the Councillors voting unanimously.

Item 10: Operations

10.1 REVISED LIQUID TRADE WASTE (LTW) POLICY
GOV400105, GOV400105

322/24 MOTION: Shelley / Dicker

That Council:

1. receive the report by the Strategic Engineering Coordinator – Water & Sewer, on the Revised Liquid Trade Waste (LTW) Policy;
2. place the revised Liquid Trade Waste Policy on public exhibition for 28 days; and
3. adopt the Liquid Trade Waste Policy if no submissions are received during the public exhibition period.

The motion was carried with the Councillors voting unanimously.

10.2 ACCEPTANCE OF GRANT FUNDING - ROAD SAFETY PROGRAM
GOV400105, R0790090

323/24 MOTION: Thompson / Cornish

That Council:

1. receive the report by the Works Technical Officer on the Acceptance of Grant Funding - Road Safety Program;
2. accept \$349,000 in funding from Transport for NSW (TfNSW) Road Safety Program 2023-24 to 2025-26 sub-program – School Zone Infrastructure, for Church Street between Madeira Road and Redbank Road, Mudgee for infrastructure improvements to the school crossing and footpath connectivity works;
3. amend the 2025-26 budget to include the funding for this project; and
4. authorise the Director Operations or delegate to negotiate, finalise and execute the funding agreement.

The motion was carried with the Councillors voting unanimously.

10.3 CARDBOARD PRESS REPLACEMENT

GOV400105, F0570008

324/24 MOTION: Cornish / Thompson**That Council:**

1. receive the report by the Manager Waste and Environmental Services on the Budget Adjustment for Cardboard Press Replacement; and
2. amend the 2024/25 budget to bring forward \$550,000 for recycling plant upgrades from the 2025/26 financial year.

The motion was carried with the Councillors voting unanimously.

Item 11: Community11.1 DELEGATION OF AUTHORITY TO THE GENERAL MANAGER
- DECEMBER 2024 - JANUARY 2025

GOV400105, GOV400096

325/24 MOTION: Thompson / Cornish**That Council:**

1. receive the report by the Governance Co-ordinator on the Delegation of Authority to the General Manager - December 2024 - January 2025; and
2. suspend the operation of the limitations and exclusions listed in part 1 and 2 of the Instrument of Delegations and Sub-Delegations to the General Manager for the period 12 December 2024 to 31 January 2025.

The motion was carried with the Councillors voting unanimously.

11.2 MUDGEES CENTRE OF EXCELLENCE TRAINING CAMP
REPORT

GOV400105, FIN300368

326/24 MOTION: Lang / Palmer**That Council:**

1. receive and note the report by the Acting Director Community and Chief Financial Officer on the Mudgee

Centre of Excellence Training Camp Report; and

2. **amend the 2024/25 Budget for the Mudgee Centre of Excellence Training Camp to increase expenditure by \$580,000 funded \$200,000 from the Capital Program Reserve and \$380,000 unrestricted cash.**

The motion was carried with the Councillors voting unanimously.

L11.3 MUDGEE ARTS PRECINCT (MAP) - ROOF REPAIRS

GOV400105, FIN300368

327/24**MOTION: Cornish / Dicker****That Council:**

1. **receive the report by the Acting Director Community on the Mudgee Arts Precinct (MAP) - Roof Repairs; and**
2. **amend the 2024/25 Budget for Art Galleries to increase expenditure by \$68,000 funded from the Asset Renewals Reserve.**

The motion was carried with the Councillors voting unanimously.

Item 12: Reports from Committees**12.1 AUDIT RISK AND IMPROVEMENT COMMITTEE MINUTES - 22 NOVEMBER 2024 & PERFORMANCE EVALUATION REPORT**

GOV400105, COR400236

328/24**MOTION: Shelley / Palmer****That Council:**

1. **receive the report by the Acting Director Community on the Audit Risk and Improvement Committee Minutes - 22 November 2024 & Performance Evaluation Report;**
2. **endorse the minutes and recommendations of the Audit Risk and Improvement Committee meeting held on 22 November 2024; and**
3. **endorse the Audit Risk and Improvement Committee Performance Review Report & Action Plan from Independent Evaluation Recommendations.**

The motion was carried with the Councillors voting unanimously.

Item 13: Urgent Business Without Notice

13.1 REQUEST FOR EXEMPTION FROM TENDER – TECHNOLOGY ONE CONTRACT EXTENSION FOR LICENSING

GOV400105, COR400236

329/24 MOTION: Shelly / Cornish

That Council accept item.1.3 Request for Exemption from Tender – Technology One Contract Extension for Licensing as Urgent Business Without Notice.

The motion was carried with the Councillors voting unanimously.

330/24 MOTION: Palmer / Lang

That Council:

1. **receive the report by the Manager, Information Technology on the Request for Exemption from Tender – Technology One Contract Extension for Licensing;**
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;**
3. **note the reasons why a satisfactory outcome would not be achieved by inviting tenders are:**
 - (i) **the current ERP solution is embedded into the operations of all departments;**
 - (ii) **the additional time, costs and training required to implement a new solution is not considered value for money**
4. **extend the contract with Technology One Limited to provide an Enterprise Resource Planning Software-as-a-Service solution up to 30 August 2031; and**
5. **authorise the Director Corporate Services to negotiate, finalise and vary the contract terms within approved budget allocations.**

The motion was carried with the Councillors voting unanimously.

Item 14: Confidential Session

Nil

Item 15: Urgent Confidential Business Without Notice

Nil

Item 16: Open Council

Item 17: Closure

There being no further business the meeting concluded at 7:07pm.

Unconfirmed