

# Minutes of the Ordinary Meeting of Council

Held at the Council Chambers, 86 Market Street, Mudgee  
on 14 August 2024, commencing at 6.04pm and concluding at 6.53pm.

PRESENT Cr D Kennedy, Cr S Paine, Cr P Cavalier, Cr K Dicker, Cr A Karavas, Cr R Palmer, Cr P Shelley, Cr P Stoddart and Cr JP Thompson.

IN ATTENDANCE General Manager (Brad Cam), Director Development (Alina Azar), Director Operations (Julian Geddes), Director Corporate Services (Leonie Van Oosterum) 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.

### Item 1: Apologies

There were no apologies.

### Item 2: Disclosure of Interest

There were no disclosures of interest.

### Item 3: Confirmation of Minutes

178/24 MOTION: Cavalier / Shelley

**That the Minutes of the Ordinary Meeting held on 17 July 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**

Nil

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

6.1 MUDGEE CBD TOILET BLOCK

GOV400105, COU500068

MOTION Thompson

That Council look to put another toilet block in the Mudgee CBD.

*The motion was lost for want of a seconder.*

6.2 SPORTS CLUB HOUSES

GOV400105, A0360013

MOTION Thompson

That Council look to build club houses for other sporting bodies in the shire.

*The motion was lost for want of a seconder.*

6.3 LANE OFF BULGA STREET, GULGONG

GOV400105, R2039001

**179/24 MOTION: Thompson / Shelley**

**That Council add a lane off Bulga Street Gulgong, which serves several houses, to the maintained urban roads network.**

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

6.4 BYRON PLACE CARPARK

GOV400105, P1125911

MOTION Thompson

That Council do a feasibility study on the possibly of putting another story on the Byron Place carpark.

*The motion was lost for want of a seconder.*



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

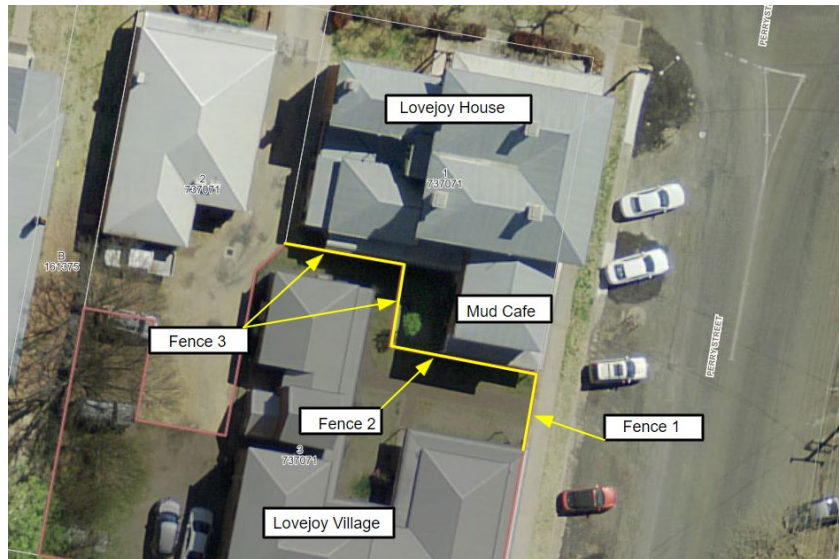
Nil

**Item 8: Development**

8.1 DA0262/2024 - PAN-423160 - BOUNDARY FENCE AT LOVEJOY VILLAGE 14 PERRY STREET, MUDGEE NSW 2850 GOV400105, DA0262/2014

**180/24 MOTION Palmer/Shelley**

- 1. All fencing, being Fence 1, 2 and 3 as displayed in Figure 1, be approved at 1.1m high timber picket fence with 1.2m high timber or steel capped support posts, painted black. The pickets are to have separation and be flat top and bottom.
- 2. The conditions of consent are to be amended accordingly, to reflect the above motion.



**Figure 1 Proposed Fence**

**CONDITIONS**

- 1. 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:	Prepared by:
Compiled plans and		-		Applicant

Mayor

General Manager

details				(as amended in red)
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In the event of any inconsistency with the approved plans and a condition of this consent, the condition prevails.

2. For clarification this consent approves all fencing at 1.1m high black timber picket fence, with 1.2m high black timber or black steel support posts. The pickets will have separation and be flat top and bottom.

The gate located within the front fence is to swing inwards.

3. 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.

**GENERAL**

4.
  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.




5. 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.

**PRIOR TO THE COMMENCEMENT OF WORK**

6. 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 (ie Council or an accredited certifier);
  - 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;
  - 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.
7. 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**
8. 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): and



It is the responsibility of the person/s completing any works around powerlines to understand their safety responsibilities. SafeWork NSW ([www.safework.nsw.gov.au](http://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.

#### **DURING WORKS**

9. All building work must be carried out in accordance with the Building Code of Australia.
10. Construction work noise that is audible at other premises is to be restricted to the following times:
  - a) Monday to Saturday - 7.00am to 5.00pmNo construction work noise is permitted on Sundays or Public Holidays.
11. 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 expense.
12. 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.
13. 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;

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

14. Prior to the use of the fence, an Occupation Certificate is to be obtained from the Principal Certifier appointed for the erection of the fence.

#### **ONGOING USE OF THE SITE**

15. During ongoing use of the premises, ensure graffiti is removed from the exterior of the fence facing Lovejoy Village.



**16. Fencing shall be maintained at all times.**

**STATEMENT OF REASONS**

- 1. The proposed development complies with the requirements of the applicable environmental planning instruments and Mid-Western Regional Development Control Plan 2013.**
- 2. The proposed development is considered satisfactory in terms of the matters identified in Section 4.15 of the Environmental Planning and Assessment Act 1979**
- 3. Six submissions were received in response to public notification of the proposed development. One in support, four against and one petition against. Heritage conservation was the primary concern raised in the submissions, and Council has recommended Fence 2 be refused and removed, on heritage grounds.**

AMENDMENT Thompson /

That Council:

- A. receive the report by the Town Planner on the DA0262/2024 - PAN-423160 - Boundary Fence at Lovejoy Village 14 Perry Street, Mudgee NSW 2850;
- B. that DA0262/2024 - PAN-423160 - Boundary Fence at Lovejoy Village 14 Perry Street, Mudgee NSW 2850 be approved pursuant to section 4.16 of the Environmental Planning and Assessment Act.

**CONDITIONS**

- 1. 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:	Prepared by:
Compiled plans and details		-		Applicant

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

- 2. For clarification this consent approves the following, as depicted in Figure 1 below -



Mayor



General Manager

- I. Fence No 1 – a 5.8m long x 1.1m high black timber picket front fence and gate, with 1.2m high black timber or black steel support posts. The pickets will have separation and be flat top and bottom. The gate is to swing inwards.
- II. Fence No 2 – a 11.5m long hardwood timber paling side boundary (northern) fence between Lot 3 DP 737071 (Lovejoy Village) and Lot 1 DP737071 (Lovejoy House).
- III. Fence 3 – a 15.6m long x 1.8m high hardwood timber paling side boundary fence that will follow the remainder of the boundary between Lovejoy Village and Lovejoy House.

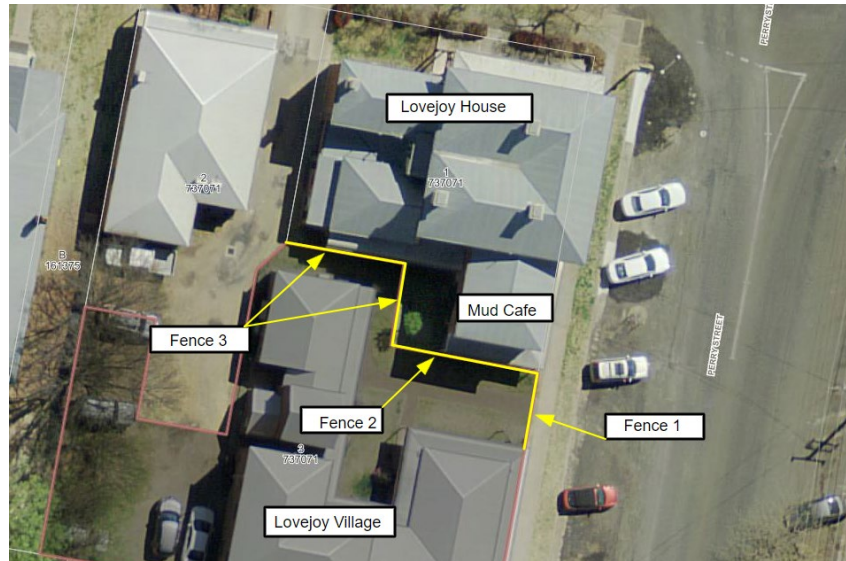


Figure 1 – Fence Location Plan

- 3. 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.

GENERAL

- 4.
  - 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

Mayor

General Manager



- 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.
  5. 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.

#### PRIOR TO THE COMMENCEMENT OF WORK

6. 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 (ie Council or an accredited certifier);
  - 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;
  - 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.
7. 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

8. 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); and

It is the responsibility of the person/s completing any works around powerlines to understand their safety responsibilities. SafeWork NSW ([www.safework.nsw.gov.au](http://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.

#### DURING WORKS

9. All building work must be carried out in accordance with the Building Code of Australia.
10. 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.
11. 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 expense.
12. 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.
13. 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;

#### PRIOR TO ISSUE OF THE OCCUPATION CERTIFICATE



14. Prior to the use of the fence, an Occupation Certificate is to be obtained from the Principal Certifier appointed for the erection of the fence.

**ONGOING USE OF THE SITE**

15. During ongoing use of the premises, ensure graffiti is removed from the exterior of the fence facing Lovejoy Village.
16. Fencing shall be maintained at all times.

**STATEMENT OF REASONS**

1. The proposed development complies with the requirements of the applicable environmental planning instruments and Mid-Western Regional Development Control Plan 2013.
2. The proposed development is considered satisfactory in terms of the matters identified in Section 4.15 of the Environmental Planning and Assessment Act 1979
3. Six submissions were received in response to public notification of the proposed development. One in support, four against and one petition against. Heritage conservation was the primary concern raised in the submissions, and Council has recommended Fence 2 be refused and removed, on heritage grounds.

*The amendment was lost for want of a seconder.*

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

Councillors	Ayes	Nayes
Cr Kennedy	✓	
Cr Paine	✓	
Cr Cavalier	✓	
Cr Dicker	✓	
Cr Karavas	✓	
Cr Palmer	✓	
Cr Shelley	✓	
Cr Stoddart	✓	
Cr Thompson		✓

8.2 RVA0004/2024 (DA0078/2024) 8.2 REVIEW OF DETERMINATION - PROPOSED SHED AT 13 HARVEY STREET, BOMBIRA

GOV400105, DA0078/2024

**181/24**

**MOTION: Shelley / Dicker**



Mayor



General Manager

**That Council:**

- A. receive the report by the Town Planner on Section 8.2 Review of Determination RVA0004/2024 (DA0078/2024) for Proposed Shed at 13 Harvey Street, Bombira;
- B. approve Section 8.2 Review of Determination RVA0004/2024 (DA0078/2024) for Proposed Shed at 13 Harvey Street, Bombira subject to the following conditions and statement of reasons:

**CONDITIONS**

**APPROVED PLANS**

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

Title / Name:	Drawing No / Document Ref	Revision / Issue:	Date:	Prepared by:
Site Plan	Job No 230713, Sheet 1 of 5	-	July 2023	Fernleigh Drafting
Floor Plan	Job No 230713, Sheet 2 of 5	-	July 2023	Fernleigh Drafting
Elevations	Job No 230713, Sheet 3 of 5	-	July 2023	Fernleigh Drafting
Section	Job No 230713, Sheet 4 of 5	-	July 2023	Fernleigh Drafting
Site and Survey Plan (Dwelling)	Job No 21138	F	5/11/2021	Avalon Drafting

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

- 2. For clarity, this development consent provides approval for the construction of a shed, only.
- 3. The shed must not be adapted nor used for habitable, commercial or industrial purposes without the prior approval of Council.

**GENERAL**

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

**Note – Prescribed condition pursuant to section 4.17(11) of the Environmental Planning and Assessment Act 1979.**



Mayor



General Manager

5. Notwithstanding the approved plans, structures are to be located clear of any easements and/or at least 1500mm away from the centreline of the sewer pipe, such that the structures do not encroach into an easement. The footing of any structure must be of sufficient depth to extend below the Zone of Influence to ensure no additional loading is placed on the existing sewer pipe.
6. In accordance with Council's Development Control Plan, Council does not permit the following types of development over an existing sewer main or easement for sewer/stormwater drainage;
  - a) Erection of permanent structures,
  - b) Cut or fill of land,
  - c) The planting of trees, or
  - d) Concrete structures
7. 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 a Principal Certifier appointed.
8. Fill placed in residential or commercial lots shall be compacted in accordance with AS3798-2007 Guidelines on Earthworks for Commercial and Residential Developments.
9. 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.
10. 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.
11. 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.**

**PRIOR TO THE ISSUE OF A CONSTRUCTION CERTIFICATE**

12. **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.**

13. **Application shall be made to Council under 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 issue of a Construction Certificate.**

**PRIOR TO THE COMMENCEMENT OF WORKS**

14. **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.**



15. Prior to the commencement of works, a sign must be erected in a prominent position on the site on which the proposal is being carried out. The sign must state:
- a) Unauthorised entry to the work site is prohibited.
  - b) The name of the principal contractor (or person in charge of the site) and a telephone number on which that person may be contacted at any time for business purposes and including outside working hours.
  - c) The name, address and telephone number of the Principal Certifier for the work.

Any such sign must be maintained while the work is being carried out, but must be removed when the work has been completed.

16. Prior to works commencing on residential building work within the meaning of the Home Building Act 1989, the Principal Certifier of the development to which the work relates has given the Council written notice of the following information:
- a) in the case of work for which a principal contractor is required to be appointed:
    - i) the name and licence number of the principal contractor, and
    - ii) the name of the insurer by which the work is insured under Part 6 of the Home Building Act 1989, unless an exemption is in force in accordance with the Environmental Planning and Assessment Regulation 2021.
  - b) in the case of work to be done by an owner-builder:
    - i) the name of the owner-builder, and
    - ii) if the owner-builder is required to hold an owner-builder permit under that Act, the number of the owner-builder permit.

If arrangements for doing the residential building work are changed while the work is in progress so that the information required by (a) or (b) becomes out of date, further work must not be carried out unless the Principal Certifier for the development to which the work relates has given Council written notice of the updated information.

This condition does not apply in relation to Crown building work that is certified, in accordance with Section 6.28 of the Act, to comply with the technical provisions of the Building Code of Australia.



**Note – Prescribed condition pursuant to section 4.17(11) of the Environmental Planning and Assessment Act 1979.**

**This condition does not apply in relation to Crown building work that is certified, in accordance with Section 6.28 of the Act, to comply with the technical provisions of the Building Code of Australia.**

17. **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**
18. **If the work involved in the erection/demolition of the building;**
- a) **is likely to cause pedestrian or vehicular traffic in a public place to be obstructed or rendered inconvenient, or**
  - 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.**
19. **Prior to the commencement of works on site, the applicant shall advise Council's Operations Department in writing, of any existing damage to Council property.**
20. **The developer shall be responsible for all costs incurred in the necessary relocation of any services affected by the required construction works. Council and other service authorities should be contacted for specific requirements prior to commencement of any works.**
21. **Sediment erosion controls shall be installed within the development site, to the satisfaction of the Certifier (ie Council or the Principle Certifier), prior to the commencement of works.**

#### **DURING WORKS**

22. **Construction work noise that is audible at other premises is to be restricted to the following times:**





- a) Monday to Friday- 7.00am to 6.00pm
- b) Saturday - 8:00am to 1:00pm

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

- 23. All mandatory inspections required by the Environmental Planning and Assessment Act 1979 and any other inspections deemed necessary by the Principal Certifier being carried out during the relevant stage of construction.
- 24. Prior to the pouring of any in-situ concrete, the building/s shall be set-out by a registered land surveyor. It must be demonstrated that the proposed building does not encroach within any easements or restricted areas per the Section 88B Instrument. A copy of the identification survey shall be provided to the Principle Certifier at time of any pier/footing/slab inspection.
- 25. 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.
- 26. 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.
- 27. 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.
- 28. 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.



**PRIOR TO ISSUE OF AN OCCUPATION CERTIFICATE**

29. 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.
30. 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.
31. 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.
32. 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.
33. 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.

**ADVISORY NOTES:**

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. If you are dissatisfied with this decision section 8. 7 of the EP&A Act 1979 gives you the right to appeal to the Land and Environment Court within 6 months after the date on which you receive this notice.
4. To ascertain the extent to which the consent is liable to lapse, refer to Section 4.53 of the EP&A Act.

**STATEMENT OF REASONS**

The determination decision was reached for the following reasons:

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

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

Councillors	Ayes	Nayes
Cr Kennedy	✓	
Cr Paine	✓	
Cr Cavalier	✓	
Cr Dicker	✓	
Cr Karavas	✓	
Cr Palmer	✓	
Cr Shelley	✓	
Cr Stoddart	✓	
Cr Thompson	✓	

8.3 PLANNING PROPOSAL LOT 122 DP 1074283 - 10-12  
 BURRUNDULLA AVENUE, MUDGEE - POST EXHIBITION  
 GOV400105, LAN900189, PP-2024-806

182/24

**MOTION: Shelley / Karavas**

**That Council:**

1. receive the report by the Manager Strategic Planning on the Planning Proposal Lot 122 DP 1074283 - 10-12 Burrundulla Avenue, Mudgee - 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 via the NSW Planning Portal.



Mayor



General Manager

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

Councillors	Ayes	Nayes
Cr Kennedy	✓	
Cr Paine	✓	
Cr Cavalier	✓	
Cr Dicker	✓	
Cr Karavas	✓	
Cr Palmer	✓	
Cr Shelley	✓	
Cr Stoddart	✓	
Cr Thompson	✓	

8.4 PLANNING PROPOSAL GENERAL AMENDMENT - MINIMUM SUBDIVISION LOT SIZE FOR STRATA PLAN AND COMMUNITY TITLE SCHEMES IN CERTAIN RURAL AND RESIDENTIAL ZONES

GOV400105, LAN900194

183/24

**MOTION: Dicker / Cavalier**

**That Council:**

1. **receive the report by the Manager Strategic Planning on the Planning Proposal General Amendment – to include a provision Mid-Western Regional Local Environmental Plan 2012;**
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 and Environment via the NSW Planning Portal seeking a Gateway Determination, in accordance with Section 3.34 of the Environmental Planning and Assessment Act 1979;**
3. **advise the NSW Department of Planning and Environment that Council's General Manager (or delegate) will be the nominated Local Plan Making Authority for this proposed amendment; and**
4. **undertake community consultation as outlined within any approved Gateway Determination.**

**AMENDMENT Shelley / Palmer**

That Council defer making a decision on the Planning Proposal General Amendment until the new Council is elected.



Mayor



General Manager

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

Councillors	Ayes	Nayes
Cr Kennedy		✓
Cr Paine		✓
Cr Cavalier		✓
Cr Dicker		✓
Cr Karavas		✓
Cr Palmer	✓	
Cr Shelley	✓	
Cr Stoddart		✓
Cr Thompson	✓	

*The motion, on being put, was carried with Councillors voting as follows:*

Councillors	Ayes	Nayes
Cr Kennedy	✓	
Cr Paine	✓	
Cr Cavalier	✓	
Cr Dicker	✓	
Cr Karavas	✓	
Cr Palmer	✓	
Cr Shelley	✓	
Cr Stoddart	✓	
Cr Thompson		✓

The following recommendations (item 8.5 to item 8.7) 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. 184/24 and concluding at Resolution No.186/24.

8.5 BELLAMBI HEIGHTS BATTERY ENERGY STORAGE SYSTEM  
DRAFT VOLUNTARY PLANNING AGREEMENT  
GOV400105, LAN900140

**184/24**

**MOTION: Shelley / Cavalier**

**That Council:**

1. receive the report by the Economic Development Coordinator on the Bellambi Heights Battery Energy Storage System (BESS) Draft Voluntary Planning Agreement;
2. place the draft Voluntary Planning Agreement and Explanatory Note on public exhibition for 28 days;
3. authorise the General Manager to finalise and execute the




**Voluntary Planning Agreement if no objections are received during the exhibition period; and**

4. **receive a further report following the exhibition period if objections are received.**

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

8.6 ACCEPTANCE OF NSW GRANT FUNDING - SIMPKINS PARK AMENITIES

GOV400105, GRA600020

**185/24 MOTION: Shelley / Cavalier**

**That Council:**

1. **receive the report by the Manager Economic Development on the Acceptance of NSW Grant Funding - Simpkins Park Amenities;**
2. **if successful, accept \$250,000 grant funding from ClubGrants Infrastructure Grants 2024-25 Round 1 for the construction of Simpkins Park Kandos public amenities;**
3. **if successful, amend the 2024/25 budget to increase expenditure by \$250,000 to be funded by grants for Simpkins Park Kandos public amenities; and**
4. **authorise the General Manager to finalise and sign the funding agreement.**

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

8.7 MONTHLY DEVELOPMENT APPLICATIONS PROCESSING AND DETERMINED

GOV400105, A0420109

**186/24 MOTION: Shelley / Cavalier**

**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.*

The following recommendations (item 9.1 and item 9.12) were adopted as a whole, being moved by Cr Shelley seconded by Cr Karavas and carried with Councillors voting unanimously. Each



recommendation is recorded with separate resolution numbers commencing at Resolution No. 187/24 and concluding at Resolution No.196/24.

## Item 9: Corporate Services

### 9.1 NAMING OF AN UNNAMED ROAD OFF WINDEYER ROAD WINDEYER NSW 2850

GOV400105, R0790041

**187/24 MOTION: Shelley / Karavas**

**That Council:**

1. receive the report by the Property Support Officer on the Naming of an unnamed road off Windeyer Road Windeyer NSW 2850;
2. name this unnamed road off Windeyer Road, Winter Lane, with the option to amend to Thellys Lane if Winter Lane is rejected by the Geographical Names Board; and
3. advertise proposed name and receive a further report at the end of the exhibition period to formalise the name of the road.

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

### 9.2 NAME TO BE INCLUDED IN THE PRE-APPROVED STREET/ROAD NAMES LIST - EVANS

GOV400105, R0790041, R0790141

**188/24 MOTION: Shelley / Karavas**

**That Council:**

1. receive the report by the Property Support Officer on a Name to be included in the Pre-Approved Street/Road Names List - Evans; and
2. approve the inclusion of Evans in the Pre-Approved Street/Road Names List for use at a later date.

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

### 9.3 NAME TO BE INCLUDED IN THE PRE-APPROVED



**STREET/ROAD NAMES LIST - ARMSTRONG**

GOV400105, R0790041, R0790141

**189/24 MOTION: Shelley / Karavas**

**That Council:**

1. receive the report by the Property Support Officer on the Name to be included in the Pre-Approved Street/Road Names List - Armstrong; and
2. approve the inclusion of Armstrong in the Pre-Approved Street/Road Names List for use at a later date.

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

**9.4 NEW AND AMENDED FEES AND CHARGES 2024/25**

GOV400105, FIN300117

**190/24 MOTION: Shelley / Karavas**

**That Council:**

1. receive the report by the Financial Planning Coordinator on the New and Amended Fees and Charges 2024/25; and
2. amend the following fee amounts, as written;

Service Type	Amended Fee	Current Fee amount (\$)	Amended fee amount (\$)
<b>DEBT RECOVERY – PROCESS FILING &amp; ISSUE FEES</b>	Filing Fee – Statement Liquidated Claim – \$0.01 to \$20,000 – Corp	\$320.00	\$336.00
	Filing Fee – Statement Liquidated Claim – \$20,000.01 to \$100,000 – Corp	\$666.00	\$694.00
	Filing Fee – Examination Order – \$0.01 to \$100,000	\$204.00	\$212.00
	Filing Fee – Writ of Execution – \$0.01 to \$100,000	\$100.00	\$104.00
	Filing Fee – Warrant of Apprehension	\$100.00	\$104.00
	Service of Documents Fee	\$78.00	\$81.00



\_\_\_\_\_  
Mayor



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



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

9.5 PROPOSED ACQUISITION OF LAND - CAERLEON SEWER  
PUMP STATION

GOV400105, 27530

191/24

**MOTION:** Shelley / Karavas

**That Council:**

1. receive the report by the Manager - Property and Revenue on the Proposed Acquisition of Land - Caerleon Sewer Pump Station;
2. resolve to purchase the land being Lot 1238 DP 1302496 by agreement with the landowner at the price outlined in attachment 1 to this report;
3. authorise the General Manager to finalise negotiations and execute the completion of the property purchase;
4. authorise the Common Seal of Council be affixed to all documentation, where necessary, in relation to the purchase;
5. authorise the General Manager, and the Mayor if required, to complete and execute all documentation, in relation to the purchase;
6. upon completion of the transfer of the land to Council, give public notice of a proposed resolution to classify Lot 1238 DP 1302496 as Operational Land in accordance with Chapter 6, Part 2, Division 1 Local Government Act 1993 (the Act); and
7. receive a further report after the exhibition period to consider any submissions and deal with the next steps in the classification process as required by the Act.

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

9.6 PROPOSED EASEMENT FOR ELECTRICITY SUPPLY -  
CUDGEGONG RFS FACILITY - 6 GOODGER PLACE,  
BOMBIRA



192/24

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

1. receive the report by the Manager - Property and Revenue on the Proposed Easement for Electricity Supply - Cudgegong RFS Facility - 6 Goodger Place, Bombira;
2. resolve to approve the creation of an easement for electricity purposes over Council owned property identified as Lot 14 DP 1271269;
3. confirm there is no compensation payable by the benefitted authority, Essential Energy, or NSW Rural Fire Service for the creation of the easement;
4. authorise the General Manager and the Mayor, if required, to complete and execute all documentation, in relation to the registration of the Plan of Easement affecting Lot 14 DP1271269; and
5. authorise the Common Seal of Council be affixed to all documentation, where necessary, in relation to the registration of the Plan of Easement affecting Lot 14 DP1271269.

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

9.7 CLASSIFICATION OF LAND - LOT 1 DP710321 AT 191  
DENISON STREET MUDGEES

GOV400105, COU50015

193/24

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

1. receive the report by the Property Coordinator on the Classification of Land - Lot 1 DP710321 at 191 Denison Street Mudgees;
2. authorise the General Manager and Mayor, where additionally required to do so, sign all documentation necessary to classify Lot 1 DP710321 as Operational Land;
3. authorise the Common Seal of Council to be affixed, where necessary, in relation to the classification of Lot 1



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Mayor



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General Manager

DP710321 as Operational Land; and

4. notify the public of its intention to classify Lot 1 DP710321 being 191 Denison Street Mudgee as Operational Land in accordance with Chapter 6, Part 2 Division 1 of the Local Government Act 1993, by publicly exhibiting the proposal for 28 days, and should there be no submissions received from the public, the subject land be so classified as Operational Land.

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

#### 9.8 BUDGET REVOTES FROM 2023/24 TO 2024/25

GOV400105, FIN300315

194/24

**MOTION:** Shelley / Karavas

**That Council:**

1. receive the report by the Financial Planning Coordinator on the Budget Revotes from 2023/24 to 2024/25;
2. amend the 2024/25 budget to reflect the revote of \$7,441,970 capital expenditure as identified in the attachment to this report; and
3. amend the 2024/25 budget to reflect the revote of \$1,670,670 operating expenditure as identified in the attachment to this report.

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

#### 9.9 MONTHLY BUDGET REVIEW - JULY 2024

GOV400105, FIN300315

195/24

**MOTION:** Shelley / Karavas

**That Council:**

1. receive the report by the Financial Planning Coordinator on the Monthly Budget Review - July 2024; and
2. amend the 2024/25 budget in accordance with the variations as listed in the Monthly Budget Review attachment to this report.
3. amend the 2024/25 budget for the following projects:
  - Glen Willow field 1 refurbishment increase by \$350,000




funded from asset replacement reserve;

- Electrical Upgrade Cudgegong Waters Park increase by \$25,000 funded from unrestricted cash;

- Unleaded fuel tank maintenance at Mudgee Depot increase by \$10,000 funded from asset replacement reserve;

- Heavy Plant purchase increase by \$1,250,164 funded from plant replacement reserves;

- Light Commercial fleet purchases increase by \$122,238 funded from plant replacement reserves;

- Workshop hoist replacements add budget of \$249,000 funded from plant replacement reserves;

- Gulgong Swimming Pool Starting Blocks add budget of \$40,000 funded from voluntary planning agreement funds; and

- Ulan Road Rehabilitation at Mudgee Racecourse segment \$800,000 funded from unspent contributions Ulan Road Strategy.

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

#### 9.10 MONTHLY STATEMENT OF INVESTMENTS AS AT 31 JULY 2024

GOV400105, FIN300053

196/24

**MOTION:** Shelley / Karavas

**That Council:**

1. receive the report by the Financial Planning Coordinator on the Monthly Statement of Investments as at 31 July 2024; and
2. note the certification of the Responsible Accounting Officer.

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

#### 9.11 DRAFT IT STRATEGIC PLAN 2024-28

GOV400105, INT800010

197/24

**MOTION:** Shelley / Karavas

**That Council:**



1. receive the report by the Manager, Information Technology on the Draft IT Strategic Plan 2024-28;
2. place the Draft IT Strategic Plan 2024-2028 on public exhibition for 28 days; and
3. receive a further report following the conclusion of the public exhibition period to consider any submissions received, or if at the end of the public exhibition period, no submissions are received, adopt the IT Strategic Plan 2024-2028 as proposed.

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

## 9.12 REGIONAL ROAD BLOCK GRANT ALLOCATION

GOV400105, FIN300440

198/24

**MOTION:** Shelley / Karavas

**That Council:**

1. receive the report by the Chief Financial Officer on the Regional Road Block Grant Allocation;
2. amend the 2024/25 Budget to include \$9,385 in additional Block Grant income; and
3. contact the local State Members the Hon Dugald Saunders and the Hon Paul Toole, and the Hon Jenny Aitchison MP Minister for Regional Transport and Roads to raise the issue of Block Grant allocation.

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

The following recommendations (item 10.1 and item 11.5) were adopted as a whole, being moved by Cr Shelley seconded by Cr Karavas and carried with Councillors voting unanimously. Each recommendation is recorded with separate resolution numbers commencing at Resolution No. 199/24 and concluding at Resolution No.204/24.

### Item 10: Operations

#### 10.1 DRAFT WALKING & CYCLING STRATEGIC PLAN

GOV400105, ROA100587

199/24

**MOTION:** Shelley / Cavalier

**That Council:**



1. receive the report by the Asset Management Coordinator on the Draft Walking & Cycling Strategic Plan (Strategy);
2. note the eleven submissions and response provides as part of the report; and
3. adopt the Mid-Western Regional Walking & Cycling Strategy.

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

Councillors	Ayes	Nayes
Cr Kennedy	✓	
Cr Paine	✓	
Cr Cavalier	✓	
Cr Dicker	✓	
Cr Karavas	✓	
Cr Palmer	✓	
Cr Shelley	✓	
Cr Stoddart	✓	
Cr Thompson		✓

**Item 11: Community**

11.1 GENERAL MANAGER DELEGATION OF AUTHORITY - LOCAL GOVERNMENT ELECTION 2024

GOV400105, GOV400088, GOV400096

200/24

**MOTION: Shelley / Cavalier**

**That Council:**

1. receive the report by the Governance Co-ordinator on the General Manager Delegation of Authority - Local Government Election 2024; and
2. suspend the exclusions listed in section 4 of the Delegation of Authority for the General Manager for period 16 August 2024 to 9 October 2024.

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

Councillors	Ayes	Nayes
Cr Kennedy	✓	
Cr Paine	✓	
Cr Cavalier	✓	
Cr Dicker	✓	
Cr Karavas	✓	
Cr Palmer	✓	



Mayor



General Manager

Cr Shelley	✓	
Cr Stoddart	✓	
Cr Thompson		✓

11.2 LIBRARY SERVICES QUARTERLY REPORT - APRIL TO JUNE 2024

GOV400105, F0620020

201/24

**MOTION: Shelley / Cavalier**

**That Council receive and note the Library Services Quarterly Report - April to June 2024 by the Acting Manager Library Services.**

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

Councillors	Ayes	Nayes
Cr Kennedy	✓	
Cr Paine	✓	
Cr Cavalier	✓	
Cr Dicker	✓	
Cr Karavas	✓	
Cr Palmer	✓	
Cr Shelley	✓	
Cr Stoddart	✓	
Cr Thompson		✓

11.3 MUDGEE CENTRE OF EXCELLENCE TRAINING CAMP PROGRESS UPDATE

GOV400105, FIN300368

202/24

**MOTION: Shelley / Cavalier**

**That Council:**

1. receive and note the report by the Acting Director Community on the Mudgee Centre of Excellence Training Camp Progress Update; and
2. amend the 2024/25 Budget for the Mudgee Centre of Excellence Training Camp to increase expenditure by \$800,000 transferred from the Capital Program Reserve.

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

Councillors	Ayes	Nayes
Cr Kennedy	✓	
Cr Paine	✓	



Mayor



General Manager

Cr Cavalier	✓	
Cr Dicker	✓	
Cr Karavas	✓	
Cr Palmer	✓	
Cr Shelley	✓	
Cr Stoddart	✓	
Cr Thompson		✓

11.4 MUDGEE VALLEY PARK EXPANSION PROJECT PROGRESS UPDATE

GOV400105, FIN300365, COR400446

203/24

**MOTION: Shelley / Cavalier**

**That Council receive and note the report by the Acting Director Community on the Mudgee Valley Park Expansion Project Progress Update.**

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

Councillors	Ayes	Nayes
Cr Kennedy	✓	
Cr Paine	✓	
Cr Cavalier	✓	
Cr Dicker	✓	
Cr Karavas	✓	
Cr Palmer	✓	
Cr Shelley	✓	
Cr Stoddart	✓	
Cr Thompson		✓

11.5 AGENCY INFORMATION GUIDE

GOV400105, A0220040

204/24

**MOTION: Shelley / Cavalier**

**That Council:**

1. receive the report by the Governance Co-ordinator on the Agency Information Guide; and
2. adopt the Agency Information Guide.

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

Councillors	Ayes	Nayes
Cr Kennedy	✓	



Mayor



General Manager



Cr Paine	✓	
Cr Cavalier	✓	
Cr Dicker	✓	
Cr Karavas	✓	
Cr Palmer	✓	
Cr Shelley	✓	
Cr Stoddart	✓	
Cr Thompson		✓

**Item 12: Reports from Committees**

Nil

**Item 13: Urgent Business Without Notice**

Nil

**Item 14: Confidential Session**

205/24 MOTION: Shelley / Cavalier

**That pursuant to the provisions of Section 10 of the Local Government Act, 1993, the meeting be closed to the public.**

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 Use of Council Water Supplies by Water Carters**

***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 this report includes business names and activity relating to individual commercial water carters.***

**14.2 Proposed Acquisition of Land - Bonny View Sewer Pump Station**

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

***Discussion of this matter in an open meeting would be, on balance, contrary to the public interest as it involves discussion of Information that would, if disclosed, confer a commercial advantage on a person with whom the Co.***




**14.3 Purchase of Land for Road Opening - Maloneys Road**

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

**Discussion of this matter in an open meeting would be, on balance, contrary to the public interest as it involves discussion of which could potentially confer a commercial advantage on a person, organisation, or entity with whom Council is conducting business. Protecting this information is essential to ensure fairness in our dealings..**

**14.4 Expansion of leased childcare facilities**

**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 commercial in confidence information about proposed changes in a business that Council engages with.**

**14.5 General Manager Performance Appraisal 2023-2024**

**The reason for dealing with this report confidentially is that it relates to personnel matters concerning particular individuals (other than Councillors) in accordance with Section 10A(2)(a) of the Local Government Act, 1993.**

**Discussion of this matter in an open meeting would be, on balance, contrary to the public interest as it involves discussion of personnel matters concerning particular individuals (other than councillors).**

**14.6 General Manager Performance Agreement 2024-2025**

**The reason for dealing with this report confidentially is that it relates to personnel matters concerning particular individuals (other than Councillors) in accordance with Section 10A(2)(a) of the Local Government Act, 1993.**

**Discussion of this matter in an open meeting would be, on balance, contrary to the public interest as it involves discussion of personnel matters concerning particular individuals (other than councillors).**

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 USE OF COUNCIL WATER SUPPLIES BY WATER CARTERS  
GOV400105, GOV400105

206/24 MOTION: Shelley / Paine

That Council:



Mayor



General Manager

1. receive the report by the Manager Water and Sewer on the use of water by commercial water carters;
2. consider the information provided in the report on the current usage, times and availability of water at Avdata fill stations accessed by water carters;
3. capture existing commercial water carter businesses that have access to Avdata and require them to obtain a section 68 approval to draw water from a Council standpipe;
4. develop a policy position that potable water will not be available for State Significant Developments via water carting without Council's project specific approval; and
5. develop a policy position that chlorinated raw water will not be available for State Significant Developments via water carting without Council's project specific approval.

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

The following recommendations (item 14.2 and item 14.4) were adopted as a whole, being moved by Cr Shelley seconded by Cr Paine and carried with Councillors voting unanimously. Each recommendation is recorded with separate resolution numbers commencing at Resolution No. 207/24 and concluding at Resolution No.209/24.

#### 14.2 PROPOSED ACQUISITION OF LAND - BONNY VIEW SEWER PUMP STATION

GOV400105, P1373711

**207/24**

**MOTION: Shelley / Paine**

**That Council:**

1. receive the report by the Manager - Property and Revenue on the Proposed Acquisition of Land - Bonny View Sewer Pump Station;
2. resolve to purchase the land being Lot 31 DP 1074415 by agreement with the landowner at the price outlined in attachment 1 to this report;
3. authorise the General Manager to finalise negotiations and execute the completion of the property purchase;
4. amend the 2024/2025 Budget to allocate amounts as specified in the Financial Implications section of this report;
5. authorise the Common Seal of Council be affixed to all documentation, where necessary, in relation to the



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Mayor



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General Manager

purchase;

6. upon completion of the transfer of the land to Council, give public notice of a proposed resolution to classify Lot 31 DP 1074415 as Operational Land in accordance with Chapter 6, Part 2, Division 1 Local Government Act 1993 (the Act); and
7. receive a further report after the exhibition period to consider any submissions and deal with the next steps in the classification process as required by the Act.

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

### 14.3 PURCHASE OF LAND FOR ROAD OPENING - MALONEYS ROAD

GOV400105, p2186911, p0925211

208/24

**MOTION:** Shelley / Paine

**That Council:**

1. receive the report by the Property Coordinator on the Purchase of Land for Road Opening - Maloneys Road;
2. resolve to acquire land traversing two properties, being Lots 110 DP755416, Lot 106 DP755416, Lot 151 DP755416, and Lot 130 DP755416, equivalent to a total area of approximately 28860m2 by agreement for the purpose of road opening and dedication of a section of Maloneys Road at Bara;
3. arrange the preparation, lodgement and registration of appropriate subdivision plans related to the road opening and dedication;
4. amend the 2024/25 Budget to allocate amounts for the purchase of land as set out in the Financial Implications section of this report;
5. authorise the General Manager to finalise negotiation terms with each landowner for the road opening and dedication and subsequently enter into a Heads of Agreement with each landowner to record the parties' agreement in respect to the terms on all relevant matters concerning the road opening and dedication and the compensation to be paid;
6. authorise the General Manager and the Mayor, if required, to complete and execute all documentation, in relation to the registration of the road opening and dedication on the plan of subdivision for each lot being Lots 110, 106, 151,



and 120 DP755416; and

7. authorise the Common Seal of Council be affixed to all documentation, where necessary, in relation to the registration of the road opening and dedication on the plan of subdivision.

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

#### 14.4 EXPANSION OF LEASED CHILDCARE FACILITIES

GOV400105, A0000000

209/24

**MOTION: Shelley / Paine**

**That Council:**

1. receive the report by the Director Corporate Services on the Expansion of leased childcare facilities;
2. note the proposed business case as attached to this report as Attachment 1 (the business case);
3. authorise the General Manager, or their nominated representative, to negotiate the terms of expanding the Council owned premises as identified in the business case;
4. amend the Budget as follows, should Council be successful in obtaining grant funding in line with the business case proposal:
  - 4.1 2024/25 - allocate \$300,000 to the construction of expanded childcare facilities to be funded from grant funding;
  - 4.2 2025/26 - allocate \$1,000,000 to the construction of expanded childcare facilities to be funded from grant funding;
  - 4.3 2026/27 - allocate \$515,000 to the construction of expanded childcare facilities to be funded from \$477,094 grant funding and \$122,906 unrestricted cash;
5. request a report be brought back to Council once the terms of expanding the Council owned premises as identified in the business case are finalised to present the final business case.



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

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

**210/24 MOTION: Shelley / Paine**

**That Council accept the Urgent Business Without Notice: item 14.5 General Manager Performance Appraisal 2023-24 and item 14.6 General Manager Performance Agreement 2024-2025**

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

All Council staff left the room at 6.43pm.

14.5 GENERAL MANAGER PERFORMANCE APPRAISAL 2023-2024

GOV400105, A0381418

**211/24 MOTION: Shelley / Paine**

**That Council:**

- 1. receive the report by the People & Performance Manager on the General Manager Performance Appraisal 2023-2024;**
- 2. endorse the General Manager's Performance Appraisal assessment and rating as completed by the Panel for the General Manager's performance for the 2023-2024 financial year;**
- 3. endorse the recommendation of the Appraisal Panel for changes to the General Manager's total remuneration package backdated to 1 July 2024;**
- 4. amend the Budget as set out in the financial implications section of the report;**
- 5. endorse the recommendation of the Appraisal Panel to extend the General Manager's contract of employment to 30 June 2027; and**
- 6. delegates authority to the Mayor and the Manager of People and Performance to continue negotiation discussions with the General Manager on establish a renewed contract of employment from the 30 June 2024 to 30 June 2027.**

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



## 14.6 GENERAL MANAGER PERFORMANCE AGREEMENT 2024-2025

GOV400105, A0381418

212/24

**MOTION: Paine / Shelley****That Council:**

1. receive the report by the People & Performance Manager on the General Manager Performance Agreement 2024-2025; and
2. adopt the attached General Manager Performance Agreement for the Financial Year 2024-2025.

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

Councillors	Ayes	Nays
Cr Kennedy	✓	
Cr Paine	✓	
Cr Cavalier	✓	
Cr Dicker	✓	
Cr Karavas	✓	
Cr Palmer	✓	
Cr Shelley	✓	
Cr Stoddart	✓	
Cr Thompson		✓

### Item 16: Open Council

213/24

**MOTION: Cavalier / Karavas****That Council move to Open Council.**

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

Council staff returned to the room at 6.50pm.

The General Manager announced the decisions taken in Confidential Session.

The Mayor thanked the three Councillors not standing for re-election, Cr Cavalier, Cr Paine and Cr Stoddart. Having all served a different amount of time on Council, the Mayor thanked them individually for their years of service, noting their contribution to community and that he was very thankful for their dedication to being a Councillor. He thanked all other Councillors for their contributions, stating that this Council has been the most harmonious Council he had worked with. He then wished the Councillors standing for re-election 'good luck'.




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 Mayor




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 General Manager

**Item 17: Closure**

There being no further business the meeting concluded at 6.53pm.



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Mayor



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General Manager