

Minutes of the Ordinary Meeting of Council

Held at the Council Chambers, 86 Market Street, Mudgee
on 19 February 2025, commencing at 5:52pm and concluding at 7:39pm.

PRESENT Cr D Kennedy, Cr K Dicker, Cr A Karavas, Cr E Lang, Cr R Palmer, Cr R Pryor and Cr JP Thompson.

IN ATTENDANCE General Manager (Brad Cam), Director Development (Alina Azar), Director Operations (Julian Geddes), Acting Director Corporate (Rachel Gill), 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.

Pecuniary Interest Disclosures

Disclosures of Pecuniary Interests were tabled by the General Manager.

Item 1: Apologies

Apologies were received for Cr M Cornish and Cr P Shelley.

01/25 MOTION: Thompson / Dicker

That the apologies received for Cr Cornish and Cr Shelley be accepted.

The motion was carried with the Councillors voting unanimously.

Item 2: Disclosure of Interest

Director of Development, Julian Geddes, declared a less than significant non-pecuniary conflict of interest in item 8.1 as his spouse is the architect of the building subject to the DA.

Councillor Thompson declared a significant conflict of interest in item 8.2 as he is a friend of a neighbour to the development.

Item 3: Confirmation of Minutes

02/25 MOTION: Palmer / Lang

That the Minutes of the Ordinary Meeting held on 11 December 2024 be taken as read and confirmed.

The motion was carried with the Councillors voting unanimously.

Item 4: Matters in Progress

03/25 MOTION: Thompson / Dicker

That Res.241/23 from the 18 October 2023 ordinary meeting of Council regarding Ulan and Cope Road Safety Rumble Strips, be noted as complete.

The motion was carried with the Councillors voting unanimously.

Item 5: Mayoral Minute

5.1 MAYORAL MINUTE: WINGS WHEELS AND WINE AIR SHOW 2025

GOV400113, GOV400113, F0470025, FIN300202

04/25 MOTION: Kennedy

That:

- 1. approve in-principle \$3,000 (in kind) support requested for the Wings Wheels and Wine Air Show 2025 event;**
- 2. place its intention to provide in-kind support for the Wing Wheels and Wine Air Show 2025 event on public exhibition for a period of 28 days;**
- 3. if no public submissions are received, provide in-kind support for \$3,000 from unrestricted cash; and**
- 4. receive a further report, if any public submissions are received.**

The motion was carried with the Councillors voting unanimously.

5.2 MAYORAL MINUTE - MUDGEES CLASSIC 2025

GOV400113, GOV400113, FIN300457

05/25 MOTION: Kennedy

That Council:

- 1. approve up to \$7,000 in-kind support requested for the Mudgee Classic 2025 cycling event;**

2. **place its intention to provide support for the Mudgee Classic 2025 event on public exhibition for a period of 28 days;**
3. **if no public submissions received, provide in-kind support of up to \$7,000 from Glen Willow Carnivals budget; and**
4. **receive a further report, if any public submissions are received.**

The motion was carried with the Councillors voting unanimously.

Item 6: Notices of Motion or Rescission

6.1 FEDERAL GOVERNMENT SUPPORT FOR AIR SERVICE GOV400113, F0470008

MOTION: Thompson / Pryor

That Council contact the Federal Government and ask them to help subsidise the Council to be able to get another air service in Mudgee.

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

| Councillors | Ayes | Nayes |
|-------------|------|-------|
| Cr Kennedy | | ✓ |
| Cr Dicker | | ✓ |
| Cr Karavas | | ✓ |
| Cr Palmer | | ✓ |
| Cr Thompson | ✓ | |
| Cr Lang | | ✓ |
| Cr Pryor | | ✓ |

6.2 JET PATCHER GOV400113,

06/25 MOTION: Thompson / Palmer

That a report be prepared and presented to Council detailing expected use, capital expense and ongoing maintenance cost for a new jet patcher.

The motion was carried with the Councillors voting unanimously.

6.3 PUBLIC TOILETS GOV400113,

MOTION: Pryor / Thompson

That Council:

1. notes that the design and provision of public toilets, (including parent's rooms and adult change facilities) is an important social justice issue;
2. notes that a current NSW Parliamentary inquiry is looking at the design and provision of public toilets and will conduct public hearings in March and April this year;
3. notes that many Councils across the state have public toilet policies or strategies that provide guidance on the design and provision of public toilet facilities;
4. request that the General Manager provide a draft policy for consideration of Councillors at the June meeting of Council (unless a report is submitted to Council earlier than that requesting that the policy be delayed for good reason); and
5. That the report, in addition to general policy guidance on design and provision, also identify any local facilities in need of construction or renovation including advice on whether the existing toilets in Lawson Park should be replaced with facilities that include a fit for purpose parents' room.

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

| Councillors | Ayes | Nayes |
|-------------|------|-------|
| Cr Kennedy | | ✓ |
| Cr Dicker | | ✓ |
| Cr Karavas | | ✓ |
| Cr Palmer | | ✓ |
| Cr Thompson | ✓ | |
| Cr Lang | | ✓ |
| Cr Pryor | ✓ | |

6.4 DOCTORS

GOV400113,

MOTION: Pryor / Thompson

That Council:

1. notes the dire need and unacceptable shortage of doctors in the Gulgong area;
2. calls on State and Federal Governments to assist in remedying the situation;
3. Endorse in principle Council playing a role, including by way of financial assistance, in an incentive scheme for attracting a doctor to Gulgong; and

4. requests that the General Manager provide a report for the March meeting that outlines:-
- (i) what role other local governments are playing in such schemes,
 - (ii) what capacity Council has to be involved in such a scheme,
 - (iii) whether an amount of \$225,000.00 would be suitable and appropriate to invest in a fund for use for this purpose, and
 - (iv) ways in which Council could encourage and facilitate other stakeholders to contribute financially to such a fund.

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

| Councillors | Ayes | Nayes |
|-------------|------|-------|
| Cr Kennedy | | ✓ |
| Cr Dicker | | ✓ |
| Cr Karavas | | ✓ |
| Cr Palmer | | ✓ |
| Cr Thompson | ✓ | |
| Cr Lang | | ✓ |
| Cr Pryor | ✓ | |

6.5 BY-ELECTION

GOV400113,

07/25

MOTION: Pryor / Thompson

That Council:

1. notes that the by-election for the vacancy left by Councillor Sharelle Fellows was successfully conducted in December 2024 and led to the election of Councillor Rod Pryor, who ran second on Ms Fellows group at the general election;
2. notes the significant community interest and concern about the financial expense involved in conducting the by-election; and
3. requests the General Manager to provide a report at the earliest convenience Council meeting detailing and itemising the full and complete cost of the by-election to the community, including the cost to Council and the state government and any other parties.

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

| Councillors | Ayes | Nayes |
|-------------|------|-------|
| Cr Kennedy | ✓ | |
| Cr Dicker | ✓ | |
| Cr Karavas | | ✓ |
| Cr Palmer | | ✓ |
| Cr Thompson | ✓ | |
| Cr Lang | ✓ | |

Cr Pryor

✓

Item 7: Office of the General Manager

Nil

Item 8: Development

Director Development, Julian Geddes, declared a less than significant non-pecuniary conflict of interest in item 8.1 as his spouse is the architect of the building subject to the DA and he did not leave the room.

- 8.1 MODIFICATION APPLICATION ME0012/2025 -
MODIFICATION TO DA0032/2021 FOR MULTI DWELLING
HOUSING - CHANGE WALL CLADDING AND ROOF FORM -
68 MORTIMER STREET, MUDGEES NSW 2850
GOV400113, DA0032/2021, GOV400113

08/25

MOTION: Palmer / Karavas**That Council:**

- A. receive the report by the Town Planner on the Modification Application ME0012/2025 - Modification to DA0032/2021 for multi dwelling housing - change wall cladding and roof form - 68 Mortimer Street, Mudgee NSW 2850;**
- B. approve Modification Application ME0012/2025 - Modification to DA0032/2021 for multi dwelling housing - change wall cladding and roof form - 68 Mortimer Street, Mudgee NSW 2850 subject to the following modified conditions and statement of reasons (in blue):**

PARAMETERS OF CONSENT

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

| Title/Name | Drawing No/ Document Ref | Revision/ Issue | Dated | Prepared by |
|---------------------|-----------------------------|--------------------|----------|-------------------|
| Site Plan | 485STO-01 | C | 21/09/20 | Sunrai Designs |
| Existing Dwelling | 485STO-02 | B | 06/08/20 | Sunrai Designs |
| Unit 1 – Floor Plan | 485STO-03 | C | 21/09/20 | Sunrai Designs |
| Unit 1 – Elevations | 485STO-04 | C | 21/09/20 | Sunrai Designs |
| Unit 1 – Sections | 485STO-05 | C | 21/09/20 | Sunrai Designs |

| | | | | |
|------------------------------------|--------------------|-------------------|---------------------------------|---------------------|
| Unit 1 – Perspectives | 485STO-06 | C | 21/09/20 | Sunrai Designs |
| Units 2 & 3 – Lower Floor Plan | 485STO-07 | B | 06/08/20 | Sunrai Designs |
| Units 2 & 3 – Upper Floor Plan | 485STO-08 | B | 06/08/20 | Sunrai Designs |
| Units 2 & 3 – Elevations | 485STO-09 | B C | 06/08/20 21.08.24 | Sunrai Designs |
| Unit 2 & 3 – Sections | 485STO-10 | B C | 06/08/20 21.08.24 | Sunrai Designs |
| Unit 2 & 3 – Perspectives | 485STO-11 | B C | 06/08/20 21.08.24 | Sunrai Designs |
| Unit 4 – Floor Plan | 485STO-12 | B | 06/08/20 | Sunrai Designs |
| Unit 4 – Elevations | 485STO-13 | B | 06/08/20 | Sunrai Designs |
| Unit 4 – Sections | 485STO-14 | B | 06/08/20 | Sunrai Designs |
| Unit 4 – Perspectives | 485STO-15 | B | 06/08/20 | Sunrai Designs |
| Driveway Finish Diagram | 485STO-17 | C | 21/09/20 | Sunrai Designs |
| General Notes | MX10500.00 – C1.01 | A | 30/06/20 | Triaxial Consulting |
| Concept Stormwater Management Plan | MX10500.00 – C2.00 | B | 21/10/20 | Triaxial Consulting |
| Concept Roof Drainage Plan | MX10500.00 – C2.01 | A | 24/02/21 | Triaxial Consulting |
| BASIX Certificate | 1125175M | - | 11/08/20 | Sunrai Designs |

[MODIFIED BY ME0012/2025]

2. 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.
3. For clarity, this development consent provides approval for a 5 unit Multi-Dwelling Housing development.

GENERAL

4. All building work must be carried out in accordance with the *Building Code of Australia*.
5. Existing street trees in Mortimer Street are to be retained and prior to the commencement of construction must be protected from damage by the installation of suitable approved tree barriers.
6. East facing windows in the upper level of Units 2 and 3 are to be fitted with non-transparent glazing to a minimum height of 1500mm above floor level or alternative method approved by Council.

7. **West facing windows in the upper level associated with “Bedroom 3” of Units 2 and 3 are to be fitted with non-transparent glazing to a minimum height of 1500mm above floor level or alternative method approved by Council.**
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. **Costs associated with all development works including any necessary alteration, relocation of services, public utility mains or installations must be met by the developer. The developer is responsible to accurately locate all existing services before any development works commence, to satisfy this condition.**
12. **Any damage which is caused to Council’s infrastructure as a result of the proposed development must be repaired immediately to Council’s satisfaction and at no cost to Council.**
13. **Structures are to be located at least 1500mm away from the centreline of the sewer pipe and such that the structures do not encroach into an easement. The footings for the walls must be of sufficient depth to extend below the Zone of Influence to ensure no additional loading is placed on the existing sewer pipe.**
14. **The following types of development must not occur 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.**

15. If the development involves an excavation that extends below the level of the base of the footings of a building, structure or work (including any structure or work within a road or rail corridor) on adjoining land, the person having the benefit of the development consent must, at the person's own expense:
- a) protect and support the building, structure or work from possible damage from the excavation, and
 - b) where necessary, underpin the building, structure or work to prevent any such damage.

Note - Prescribed condition pursuant to clause 98E of the *Environmental Planning and Assessment Regulation 2000* and Council requirement to preserve the stability of adjoining roads/public places

Stormwater

16. All stormwater runoff from roof and developed surfaces is to be controlled in such a manner so as not to flow or discharge over adjacent properties. Methods of disposal of excess stormwater must also include adequate provision for prevention of erosion and scouring.
17. All stormwater is to discharge to the street gutter with the use of non-flexible kerb adaptors. Alternatively, stormwater is to be connected to the approved inter-allotment drainage system.

Water and Sewer Services

18. For sewer alteration works, the developer must meet the full cost of water and sewerage reticulation to service the development. All water and sewerage works are required to be carried out in accordance with the requirements of Mid-Western Regional Council (as the Water Supply Authority under the *Local Government Act 1993*) and in accordance with the *National Specification – Water and Sewerage Codes of Australia*.

Note – Council does not permit any other bodies to insert new junctions into 'live' sewer and water mains.

19. The sewer manhole lid within the driveway must be a trafficable lid. Please contact Council's Water and Sewer department in relation to this matter.

Access and Parking

20. Crossovers sealed with concrete or bitumen are to be constructed off Mortimer Street to service the development. The crossover is to be constructed to Council's requirements and standards as per Council's *Access to Property Policy*. Separate

approval for this work must be obtained under the provisions of Section 138 of the *Roads Act 1993*.

21. A total of 10 car parking spaces are to be provided within the site of the development and comply with *AS 2890.1: 2004 – Parking facilities – Part 1: Off-street car parking* and the following requirements:
- a) Each parking space is to have minimum dimensions of 5.5m x 2.4m; and
 - b) All car parking spaces are to be line-marked and provided with a hard standing, all weather bitumen or concrete surface and must be maintained in a satisfactory condition at all times.

PRIOR TO ISSUE OF THE CONSTRUCTION CERTIFICATE BUILDING

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

22. Prior to release of the Construction Certificate, approval pursuant to Section 68 of the Local Government Act, 1993 to carry out water supply, stormwater and sewerage works is to be obtained from Mid-Western Regional Council.

Note – sewer and water shall be connected to the existing point of connection for the lot. If it is desired to subdivide the development in the future, separate service connections for each dwelling should be provided.

23. 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.

24. The developer shall obtain a Certificate of Compliance under the *Water Management Act 2000*, from Council.

Note – Refer to Advisory Notes in relation to payment of contributions to obtain a Certificate of Compliance.

25. In accordance with the provisions of Section 7.11 of the *Environmental Planning and Assessment Act 1979* and the

Council's *Mid-Western Regional Contributions Plan 2019*, a contribution shall be paid to Council in accordance with this condition as detailed in the table below. The contribution shall be paid to Council prior to the issue of any Construction Certificate. Contributions are subject to increase in accordance the consumer price index and are payable at the rate applicable at the time of payment.

| Section 94 Contributions | | |
|--|-------------------|--------------------|
| 5 Dwelling Units (minus credit for existing lot/dwelling) | | |
| <i>Mudgee Catchment</i> | <i>Unit</i> | <i>4 Units</i> |
| | | |
| Public Amenity or Service | | |
| Transport facilities | \$4,347.00 | \$17,388.00 |
| Recreation and Open Space | \$2,182.00 | \$8,728.00 |
| Community Facilities | \$635.00 | \$2,540.00 |
| Stormwater Management | \$458.00 | \$1,832.00 |
| Plan Administration | \$995.00 | \$3,980.00 |
| Total | \$8,617.00 | \$34,468.00 |

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

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

26. 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 \$25,000 or more.

Note - The amount payable is currently based on 0.35% 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.

27. Prior to the issue of a Construction Certificate, the developer must arrange for a detailed drainage design, supported by calculations, that demonstrates that all stormwater runoff from

the site can be captured in a suitably sized temporary storage tank/pit. Stormwater runoff captured must then be pumped using a dual/redundancy pump arrangement to discharge stormwater runoff to the gutter in Mortimer Street. A MUSIC modelling report is to be submitted to ensure that the stormwater discharge to Council's drainage system complies with quality requirements as specified in *Mid-Western Regional Development Control Plan 2013*. The design must be prepared by a suitably qualified consultant and submitted to Council for approval.

28. Prior to the issue of a Construction Certificate, details of water, sewer and meter connections to each dwelling are to be submitted to and approved by Council.
29. A detailed Engineering Design is to be submitted to and approved by Council prior to the issue of a Construction Certificate. The Engineering Design is to comply with Council's Development Control Plan, Guidelines and Standards. A construction certificate is required for the following civil works:
 - a) Sewer alteration works.
30. A copy of the Contractor's public liability insurance cover for a minimum of \$20,000,000 (twenty million dollars) is to be provided to Council, prior to issue of the Construction Certificate. The insurance cover shall include the following:
 - a) Mid-Western Regional Council is to be indemnified against any works carried out by the contractor.
 - b) Public Liability Insurance is to include Mid-Western Regional Council as an interested party.
 - c) The copy of the Contractor's public liability insurance cover is to include the Certificate of Currency.
31. Prior to the commencement of construction, a Traffic Management Plan (TMP) completed by a certified person for implementation during the works is to be submitted to Mid-Western Regional Council for assessment and approval by Council prior to the issue of a Construction Certificate.

PRIOR TO THE COMMENCEMENT OF WORKS - BUILDING

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

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

33. A sign must be erected in a prominent position on any work site on which the erection or demolition of a building is carried out:
- a) stating that unauthorised entry to the work site is prohibited;
 - b) showing the name of the person in charge of the work site and a telephone number at which that person may be contacted outside working hours;
 - c) the name, address and telephone number of the principal certifying authority for the work; and
 - d) The sign shall be removed when the erection or demolition of the building has been completed.
34. With the exception of work where there is in force an exemption under clause 187 and 188 of the *Environmental Planning and Assessment Act 1979*, all building work that involves residential building work for which the *Home Building Act 1989* requires there to be a contract of insurance in force in accordance with Part 6 of that Act, such a contract of insurance is to be in force.
35. 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, pursuant to Section 4.17 (11) of the *Environmental Planning & Assessment Act 1979*:
- 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 clauses 187 and 188 of the *Environmental Planning and Assessment Regulation 2000*.
 - 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*.

36. 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.

37. 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) Building involves the enclosure of a public place;

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.

38. Prior to the commencement of works on site, the applicant shall advise Council's Operations Directorate, in writing, of any existing damage to Council property.
39. No construction must take place until and unless appropriate erosion control, dust control and silt protection measures are in place to the satisfaction of Council and to relevant engineering standards. Such erosion control, dust control and silt protection measures must remain on site and be maintained to the satisfaction of Council, for the duration of the construction period.
40. Any soil/water retention structures are to be constructed prior to the bulk stripping of topsoil to ensure sediment from the whole site is captured.

BUILDING CONSTRUCTION

41. All building work must be carried out in accordance with the provisions of the National Construction Code, the *Environmental Planning and Assessment Act 1979* and Regulations and all relevant Australian Standards.
42. 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.
43. All mandatory inspections required by the *Environmental Planning and Assessment Act 1979* and any other inspections

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

44. The developer is to grant unrestricted access to the site at all times to enable inspections or testing of the works.
45. 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.
46. The strength of the concrete used for the reinforced concrete floor slab must be a minimum 25Mpa.
47. 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.
48. The requirements of BASIX Certificate number 1125175M issued on 11 August 2020 must be installed and/or completed in accordance with the commitments contained in that certificate. Any alteration to those commitments will require the submission of an amended BASIX Certificate to the Council and/or the Principal Certifier prior to the commencement of the alteration/s.
49. The development site is to be managed for the entirety of work in the following manner:
 - a) Erosion and sediment controls are to be implemented to prevent sediment from leaving the site. The controls are to be maintained until the development is complete and the site stabilised with permanent vegetation;
 - b) Appropriate dust control measures;
 - c) Construction equipment and materials shall be contained wholly within the site unless approval to use the road reserve has been obtained; and
 - d) Toilet facilities are to be provided on the work site at the rate of one toilet for every 20 persons or part of 20 persons employed at the site.
50. The applicants shall, at their own expense, engage a registered surveyor to relocate any survey mark that may be disturbed by the development or any associated work. Any information regarding relocation should be supplied to the Land Titles Office and Council.

PRIOR TO ISSUE OF THE OCCUPATION CERTIFICATE

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

- 51. Prior to the occupation of a new building, or occupation or use of an altered portion of, or an extension to an existing building, an Occupation Certificate is to be obtained from the Principal Certifying Authority appointed for the erection of the building.**
- 52. Prior to commencement of use of the development and/or issue of an Occupation Certificate, all approved driveway crossover works, car parking and associated driveway works are to be completed.**
- 53. Prior to the issue of an Occupation Certificate, all stormwater drainage works must be completed and a restrictive covenant, or similar instrument, must be registered on title to provide for the ongoing operation and maintenance of the pumps to Council's satisfaction. The proposed stormwater pit must be fitted with dual/redundancy pumps to pump water to the kerb in Mortimer Street.**
- 54. Following completion of any infrastructure works to be vested in Council, work-as-executed (WAE) plans are to be submitted to Council, prior to the issue of an Occupation Certificate. One set of works-as-executed drawings in PDF format, AutoCAD files in DWG format, Mapinfo files (MGA GDA94 Zone 55/56) and completed Asset Data Template spreadsheets in MS Excel format are to be submitted to Council. All works-as-executed plans shall bear the consulting engineer's or consulting surveyor's certification stating that all information shown on the plans is accurate.**
- 55. Prior to the issue of an Occupation Certificate, an easement shall be registered on title over the realigned sewer line crossing the property. The developer must transfer to Council any sewer easements needed for the development and execute a transfer and grant an easement in favour of Council in accordance with Section 88B of the *Conveyancing Act 1919*. The minimum sewer easement width is to be 3m. This width may be extended depending on the size of the main, the depth of the main and where the easement is shared with other services.**
- 56. 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.**

57. A 1.8 metre high screen fence is to be provided to all side and rear boundaries behind the building line, prior to occupation of the development. All fencing is to be provided at full cost to the developer.
58. A 1.8 metre high screen fence is to be provided between the private open space areas of the units, prior to occupation of the development. All fencing is to be provided at full cost to the developer.
59. Any fencing provided forward of the front building line is to be of timber or masonry construction. No Colorbond is to be used in fencing located forward of the building line.
60. All fencing is to be provided at the full cost to the developer.
61. Outdoor drying facilities and letterboxes are to be provided for each unit prior to occupation.
62. Switchboards for gas, electricity, etc., must not be attached to the front or street facing elevations of the buildings.
63. A mirror is to be erected on a pole near the vehicle access into the property. The mirror is to be adjusted to allow pedestrians on the footpath travelling in an easterly direction to see any cars that may be exiting the driveway.

GENERAL/ OPERATIONAL CONDITIONS

64. The garages must not be adapted nor used for habitable, commercial or industrial purposes without the prior approval of Council.
65. Clothes lines are to be located behind the front building line and obscured by fencing and/or landscaping.
66. Garbage areas are to be adequately screened from public view with an opaque fence and/or adequate landscaping. All waste must be secured in enclosed containers.
67. 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"*.
68. The development is to be maintained in a clean and tidy manner, at all times.

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. Division 8.2 of the Environmental Planning and Assessment Act (EP&A Act) gives you the ability to seek a review of the determination. This request is made to Council and must be made within 12 months after the date on which you receive this notice. The request must be made in writing and lodged with the required fee; please contact Council's Development Department for more information or advice.
4. If you are dissatisfied with this decision section 8.7 of the EP&A Act 1979 gives you the right to appeal to the Land and Environment Court within 12 months after the date on which you receive this notice, pursuant to section 8.10(1)(b).
5. To ascertain the extent to which the consent is liable to lapse, refer to Section 4.53 of the EP&A Act.
6. This development consent requires a Certificate of Compliance under the *Water Management Act 2000* to be obtained prior to the issue of a Construction Certificate.

A person may apply to Mid-Western Regional Council, as the water supply authority, for a Certificate of Compliance pursuant to section 305 of the *Water Management Act 2000*.

Please be advised that as a precondition to the granting of a Certificate of Compliance, either of the following is to occur:

- a) A monetary contribution in accordance with the following Schedule of Contributions must be paid in full (including indexation, where applicable); or

| Section 64 Contributions | | | |
|--------------------------------------|----------------|-------------------|--------------------|
| 5 Units (credit for existing) | | | |
| | <i>ET/Unit</i> | <i>Value/ET</i> | <i>4 Units</i> |
| Water Headworks | 1.835 | \$8,689.00 | \$15,944.32 |
| Sewer Headworks | 3.95 | \$3,967.00 | \$15,669.65 |
| | | | |
| Total Headworks | | | \$31,613.97 |

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

Note - Section 64 Developer Contributions are subject to Consumer Price Index increase at 1 July each year. Please contact Council's Planning and Development Department regarding any adjustments.

STATEMENT OF REASONS

The determination decision was reached for the following reasons:

1. The proposed development complies with the requirements of the applicable environmental planning instruments and Mid-Western Regional Development Control Plan 2013.
2. The proposed development is considered to be satisfactory in terms of the matters identified in Section 4.15 of the Environmental Planning & Assessment Act 1979.
3. The matters raised within submissions have been addressed in the following manner:
 - Two storey development is allowed by *Mid-Western Regional Local Environmental Plan 2012*.
 - Suitable conditions will be applied to prevent overlooking into neighbouring properties.
 - A condition will be applied requiring a mirror to be installed at the vehicle exit driveway of the site.

STATEMENT OF REASONS ME0012/2025

The determination decision was reached for the following reasons:

1. The proposed development complies with the requirements of the applicable environmental planning instruments and Mid-Western Regional Development Control Plan 2013.
2. The proposed development is considered to be satisfactory in terms of the matters identified in Section 4.15 of the Environmental Planning & Assessment Act 1979.
3. The proposed development is considered to be satisfactory in terms of the matters identified in Section 4.55 of the Environmental Planning & Assessment Act 1979.

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

| Councillors | Ayes | Nayes |
|-------------|------|-------|
| Cr Kennedy | ✓ | |
| Cr Dicker | ✓ | |
| Cr Karavas | ✓ | |
| Cr Palmer | ✓ | |
| Cr Thompson | ✓ | |
| Cr Lang | ✓ | |
| Cr Pryor | ✓ | |

Councillor Thompson declared a significant conflict of interest in item 8.2 as he is a friend of a neighbour to the development. He left the Chambers at 6:28pm and did not participate in discussion or vote in relation to this matter.

8.2 DEVELOPMENT APPLICATION DA0073/2025 - CARPORT - 77
MAYNE STREET, GULGONG NSW 2852
GOV400113, DA0073/2025

09/25

MOTION: Karavas / Palmer

That Council:

- A. receive the report by the Town Planner on the Development Application DA0073/2025 - Carport - 77 Mayne Street, Gulgong NSW 2852;**
- B. That Development Application DA0073/2025 - Carport - 77 Mayne Street, Gulgong NSW 2852 be approved subject to the following conditions and statement of reasons:**

PART A - DEFERRED COMMENCEMENT:

This is a deferred commencement condition in accordance with Section 4.16(3) of the Environmental Planning and Assessment Act 1979 and this consent shall not operate until the following matters have been completed, to the satisfaction of Council.

- a) A Building Information Certificate for all unauthorised building work carried out on the premises that is the subject of this development consent, issued by Council in accordance with Division 6.7 of the Environmental Planning and Assessment Act 1979.**

Evidence that will sufficiently enable Council to be satisfied as to the compliance with the above matters must be submitted to Council within twenty four (24) months of the date of determination.

If sufficient evidence of the satisfaction of the above matters is not received by Council within this time-frame, the consent will lapse pursuant to Section 4.53(6) of the Environmental Planning and Assessment Act 1979.

If sufficient evidence of the satisfaction of the above matters is received by Council within the above nominated time-frame, Council will notify the applicant/developer in writing of the date the development consent becomes operative. This consent will become operative subject to the following conditions of consent.

Note – the development consent will lapse 5 years after it becomes operative, in accordance with Section 4.53 of the Environmental Planning and Assessment Act 1979.

Note – Please contact Council’s Building Surveyors prior to lodging an application for a Building Information Certificate to determine what information will be required to support an application for a Building Information Certificate.

Reason – Some works approved under this development consent were carried out without a prior Construction Certificate in a case where a prior Construction Certificate was required to be obtained.

PART B: CONDITIONS OF CONSENT

GENERAL CONDITIONS

- Condition**
- 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 | Revision / Issue: | Date: | Prepared by: |
|-------------------------------------|-------------------|--------------------------|--------------------------|--|
| Cover Sheet / Location Plan | 01 | - | - | Preferred Design & Drafting |
| Site Plan, Roof Plan | 02 | A | 2.10.24 | Preferred Design & Drafting |
| Floor Plan | 03 | A | 2.10.24 | Preferred Design & Drafting |
| Elevations | 04 | A | 2.10.24 | Preferred Design & Drafting |
| Elevations | 05 | A | 2.10.24 | Preferred Design & Drafting |
| Statement of Heritage Impact | - | Final | 22 September 2024 | Barbar Hickson Heritage Adviser |

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. No ponding of stormwater**

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.

3. Use of carport restricted

The carport must not be adapted nor used for habitable, commercial or industrial purposes without prior approval of Council.

Condition Reason: To ensure the use of the building is consistent with the approval

4. 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.

5. 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.

6. 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.

7. Notification of Home Building Act 1989 Requirements

- 1. This section applies to a development consent for development involving residential building work if the principal certifier is not the council.
- 2. It is a condition of the development consent that residential building work must not be carried out unless the principal certifier for the development to which the work relates has given the council written notice of the following—
 - a. for work that requires a principal contractor to be appointed—
 - i. the name and licence number of the principal contractor, and
 - ii. the name of the insurer of the work under the Home Building Act 1989, Part 6,
 - b. for work to be carried out 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 the Home Building Act 1989—the number of the owner-builder permit.
- 3. If the information notified under subsection (2) is no longer correct, it is a condition of the development consent that further work must not be carried out unless the principal certifier has given the council written notice of the updated information.
- 4. This section does not apply in relation to Crown building work certified to comply with the Building Code of Australia under the Act, Part 6.

Condition Reason: Prescribed condition under section 71 of the Environmental Planning and Assessment Regulation 2021.

8. 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

9. Shoring and adequacy of adjoining property

1. This section applies to a development consent for development that involves excavation that extends below the level of the base of the footings of a building, structure or work on adjoining land, including a structure or work in a road or rail corridor.

2. It is a condition of the development consent that the person having the benefit of the development consent must, at the person's own expense—

a. protect and support the building, structure or work on adjoining land from possible damage from the excavation, and

b. if necessary, underpin the building, structure or work on adjoining land to prevent damage from the excavation.

3. This section does not apply if—

a. the person having the benefit of the development consent owns the adjoining land, or

b. the owner of the adjoining land gives written consent to the condition not applying.

Condition Reason: Prescribed condition under section 74 of the Environmental Planning and Assessment Regulation 2021.

**BUILDING WORK
BEFORE ISSUE OF A CONSTRUCTION CERTIFICATE
Condition**

10. Provision Of Detailed Stormwater Plans for Construction Certificate Application

Before the issue of a construction certificate, detailed plans must be prepared by a suitably qualified person and provided to the Certifier that are consistent with the plans and documentation approved under this consent.

Detailed plans must also show the following:

1. Drainage design must ensure that no stormwater runoff is permitted to discharge over adjoining properties.

Consideration should be given to the inclusion of a grated drainage channel. This should be located at the entrance of the carport, to reduce stormwater overflow down the hill at the back of the lot, to within carport during heavy weather events.

- Condition Reason: To ensure that detailed construction certificate plans are consistent with the approved plans and supporting documentation**
11. **Section 138 approval - works within road reserve**
Application shall be made to Council under Section 138 of the Roads Act 1993 for completed 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.**
12. **Finished Surface Levels - Residential**
All finished surface levels shall be shown on the plans submitted for the Construction Certificate. Where it is proposed to import fill, the material shall be certified as free of hazardous materials and contamination by a suitably qualified geotechnical engineer. Fill placed in residential or commercial lots shall be compacted in accordance with AS3798-2007 Guidelines on Earthworks for Commercial and Residential Developments. The finished surface levels shown on the plan are to demonstrate compliance with the following:
- a) Any retaining walls are to be located a minimum of 0.3m from the boundary;
 - b) The depth of any fill must not exceed 0.6m;
 - c) No cut or fill is to occur within water, stormwater or sewer easements;
 - d) Cut shall not exceed a depth of 1.0m; and
 - e) The finished floor level is to be no higher than 1.0m above natural ground level.

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

BEFORE BUILDING WORK COMMENCES

Condition

13. **Runoff and Erosion Controls**
Runoff and erosion controls shall be installed prior to clearing and incorporate:-
- a) diversion of uncontaminated up-site runoff around

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

Condition Reason: To protect the amenity of neighbouring properties.

14. Relocation of services

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.

Condition Reason: To ensure any damage to public infrastructure is rectified

15. Sediment erosion controls

Sediment erosion controls shall be installed within the development site, to the satisfaction of the Certifier (i.e. Council or the Principal Certifier), prior to the commencement of works.

Condition Reason: To ensure no substance other than rainwater enters the stormwater system and waterways

DURING BUILDING WORKS

Condition

16. 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.

17. 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.

18. 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

19. Filling Within Easements

Fill material shall not raise the existing surface level within the dedicated easement/s.

Condition Reason: To prevent filling over easements

20. Hours of Work

Site work must only be carried out between the following times –

7am to 5pm Monday to Saturday

No site work is permitted on Sundays or Public Holidays.

Site work is not to be carried out outside of these times except where there is an emergency, or for urgent work directed by a police officer or a public authority.

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

21. Management of Development Site

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 protect the amenity of the environment and neighbourhood during construction

22. 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.

23. 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.

**BEFORE ISSUE OF AN OCCUPATION CERTIFICATE
Condition**

24. 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.

25. 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.

26. 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.

OCCUPATION AND ONGOING USE

Condition

27. Driveways To Be Maintained

All access crossings and driveways are to be maintained for the life of the development.

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

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. The proposed development satisfactorily addresses the issues raised in objections received in response to public notification of the development, as follows:
 - i) The proposed development will not have an adverse impact on the heritage character of the Heritage Item or the Gulgong Heritage Conservation Area.
 - ii) Vehicle access into and out of the site will be safe. Suitable conditions have been included to ensure that appropriate approvals for access are in place.
 - iii) Suitable conditions have been included to ensure the adequate management of stormwater.
 - iv) Traffic impacts to the development are acceptable.
 - v) The development will not result in any unreasonable overshadowing or amenity impacts to adjoining properties.

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

| Councillors | Ayes | Nayes |
|-------------|------|-------|
| Cr Kennedy | ✓ | |
| Cr Dicker | ✓ | |
| Cr Karavas | ✓ | |
| Cr Palmer | ✓ | |
| Cr Lang | ✓ | |
| Cr Pryor | ✓ | |

Councillor Thompson returned to the room at 6:29pm.

8.3 PLANNING PROPOSAL - MINIMUM SUBDIVISION LOT SIZE FOR STRATA PLAN AND COMMUNITY TITLE SCHEMES IN CERTAIN RURAL AND RESIDENTIAL ZONES - POST EXHIBITION

GOV400113, LAN900194, PP-2024-1850, GOV400113

10/25

MOTION: Lang / Pryor

That Council:

1. **receive the report by the Strategic Planning Co-ordinator on the Planning Proposal - Minimum Subdivision Lot Size for**

Strata Plan and Community Title Schemes in Certain Rural and Residential Zones - Post Exhibition;

2. **exercise plan-making delegations in the preparation of the amendment to the Mid-Western Regional Local Environmental Plan 2012 in relation to the minimum subdivision lot size for strata plan and community title schemes in certain rural and residential zones subject to the Opinion issued by Parliamentary Counsel; and**
3. **request the NSW Department of Planning, Housing and Infrastructure to make the amendment to the Mid-Western Regional Local Environmental Plan 2012.**

The motion was carried with the Councillors voting unanimously.

8.4 MUDGEES RIVERSIDE PARK MASTER PLAN AND STAGE 1 EXPANSION

GOV400113, COM100030, GOV400113

11/25

MOTION: Karavas / Dicker

That Council:

1. **receive the report by the Manager Economic Development on the Mudgee Riverside Park Master Plan and Stage 1 Expansion;**
2. **endorse the proposed Master Plan of Mudgee Riverside Park;**
3. **approve stage 1 expansion and upgrades of Mudgee Riverside Park pending development application approvals;**
4. **amend the 2025/26 budget to add a \$6,403,861 capital expenditure budget to be fully loan funded;**
5. **amend the 2026/27 and 2027/28 budgets for the expected net profits of stage 1 under scenario 2 and the loan repayments as written in the financial implications section of this report; and**
6. **forward a copy of the capital expenditure review to the Office of Local Government as required under Section 23A of the Local Government Act 1993.**

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

| Councillors | Ayes | Nays |
|-------------|------|------|
| Cr Kennedy | ✓ | |
| Cr Dicker | ✓ | |
| Cr Karavas | ✓ | |

| | | |
|-------------|---|---|
| Cr Palmer | ✓ | |
| Cr Thompson | | ✓ |
| Cr Lang | ✓ | |
| Cr Pryor | ✓ | |

8.5 GRANT ACCEPTANCE: NSW DEPARTMENT OF PLANNING, HOUSING AND INFRASTRUCTURE, REGIONAL HOUSING STRATEGIC PLANNING FUND (ROUND 3) - LEP AMENDMENT & MASTERPLANS

GOV400113, LAN900052, GOV400113

12/25

MOTION: Palmer / Dicker

That Council:

1. receive the report by the Manager Strategic Planning on the Grant Acceptance: NSW Department of Planning, Housing and Infrastructure, Regional Housing Strategic Planning Fund (Round 3) - LEP Amendment & Masterplans; and
2. if successful, accept the grant funding from the Department of Planning, Housing and Infrastructure for LEP Amendment and the preparation of Masterplans for Mudgee, Gulgong, Rylstone, and Kandos and amend the 2024/25 budget and set an expenditure of \$60,000.00 and amend the 2025/26 and set an expenditure of \$150,000.00 and authorise the General Manager to finalise and sign the funding agreement.

The motion was carried with the Councillors voting unanimously.

8.6 DRAFT MID-WESTERN REGION HOUSING STRATEGY

GOV400113, LAN900052, GOV400113

13/25

MOTION: Palmer / Lang

That Council:

1. receive the report by the Manager Strategic Planning on the Draft Mid-Western Region Housing Strategy;
2. place the Draft Mid-Western Region Housing Strategy on public exhibition and engage with government agencies for a period of 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 Draft Mid-Western Region Housing Strategy.

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

| Councillors | Ayes | Nayes |
|-------------|------|-------|
| Cr Kennedy | ✓ | |
| Cr Dicker | ✓ | |
| Cr Karavas | ✓ | |
| Cr Palmer | ✓ | |
| Cr Thompson | | ✓ |
| Cr Lang | ✓ | |
| Cr Pryor | ✓ | |

8.7 DECEMBER 2024 MONTHLY DEVELOPMENT APPLICATIONS PROCESSING AND DETERMINED

GOV400113, A0420109, GOV400113

14/25 MOTION: Lang / Dicker

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.

8.8 JANUARY 2025 MONTHLY DEVELOPMENT APPLICATIONS PROCESSING AND DETERMINED

GOV400113, A0420109, GOV400113

15/25 MOTION: Lang / 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.

8.9 MOBILE VENDING VEHICLES AND TEMPORARY STALLS IN A PUBLIC PLACE POLICY

GOV400113, A0130047, GOV400113

16/25 MOTION: Lang / Pryor

That Council:

- 1. receive the report by the Manager Building & Development on the proposed amendments to Mobile Food Vending Vehicles and Temporary Food Stalls in a Public Place Policy;**

2. **place the revised Mobile Vending Vehicles and Temporary Stalls in a Public Place Policy on public exhibition for 28 days; and**
3. **adopt the revised Mobile Vending Vehicles and Temporary Stalls in a Public Place Policy if no submissions are received.**

The motion was carried with the Councillors voting unanimously.

8.10 COMMUNITY ENGAGEMENT STRATEGY REVIEW - PUBLIC EXHIBITION FEEDBACK

GOV400113, ECO800001

17/25

MOTION: Lang / Palmer

That Council:

1. **receive the report by the Manager Economic Development on the Community Engagement Strategy Review - Public Exhibition Feedback; and**
2. **adopt the Community Engagement Strategy with the minor amendment as noted.**

The motion was carried with the Councillors voting unanimously.

Item 9: Corporate Services

9.1 APPLICATION TO CLOSE AND PURCHASE PART COUNCIL ROAD RESERVE OFF MELROSE ROAD

GOV400113, P1331811

18/25

MOTION: Lang / Palmer

That Council:

1. **receive the report by the Property Officer on the Application to Close and Purchase Part Council Road Reserve off Melrose Road;**
2. **consent to a proposed part road closure of Council Public Road. The road reserve proposed to be closed is indicated on Attachment 1 appended to this report;**
3. **give notice, pursuant to s38B of the Roads Act 1993, of the proposal to close the Council Public Road as outlined in Attachment 1 appended to this report;**

4. receive a further report after the notice period has ended to:
 - 4.1 consider any submissions received; and
 - 4.2 pursuant to s38D of the Roads Act 1993; determine whether the Council Public Road is to be closed;
5. authorise the General Manager to sign all documentation, where necessary, in relation to the proposed part road closure and subsequent sale and disposal of land to the adjoining owner;
6. authorise the Mayor to sign any documentation, where additionally required to do so, in relation to the proposed closure and subsequent sale and disposal of land to the adjoining owner; and
7. authorise the Common Seal of Council be affixed to all documentation, where necessary, in relation to the proposed closure and subsequent sale and disposal of land to the adjoining owner.

The motion was carried with the Councillors voting unanimously.

9.2 POLICY REVIEW - CATEGORISATION OF LAND AS FARMLAND FOR RATING PURPOSES POLICY

GOV400113, A0340007, GOV400113

19/25

MOTION: Dicker / Palmer

That Council:

1. receive the report by the Manager - Property and Revenue on the Policy Review - Categorisation of Land as Farmland for Rating Purposes Policy;
2. place the revised Policy - Categorisation of Land as Farmland for Rating Purposes Policy on public exhibition for 28 days; and
3. adopt the revised Policy - Categorisation of Land as Farmland for Rating Purposes Policy if no submissions are received.

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

| Councillors | Ayes | Nays |
|-------------|------|------|
| Cr Kennedy | ✓ | |
| Cr Dicker | ✓ | |
| Cr Karavas | ✓ | |
| Cr Palmer | ✓ | |
| Cr Thompson | | ✓ |
| Cr Lang | ✓ | |

Cr Pryor

✓

9.3 CLASSIFICATION OF LAND - LOT 3 DP 251719 AT 3
ABATTOIRS ROAD, MENAH

GOV400113, 26197

20/25

MOTION: Lang / Dicker**That Council:**

1. receive the report by the Property Officer on the Classification of Land - Lot 3 DP 251719 at 3 Abattoirs Road, Menah; and
2. classify Lot 3 DP1302496, being 3 Abattoirs Road Menah as Operational land in accordance with Section 31 of the Local Government Act 1993.

The motion was carried with the Councillors voting unanimously.

9.4 RECLASSIFICATION OF LAND - LOT 30 DP1307255 - 24
MARSKELL CIRCUIT, MUDGEES

GOV400113, P027642

21/25

MOTION: Karavas / Palmer**That Council:**

1. receive the report by the Property Coordinator on the Reclassification of Land - Lot 30 DP1307255 - 24 Marskell Circuit, Mudgees; and
2. reclassify Lot 30 DP1307255, being 24 Marskell Circuit as Community land in accordance with Section 33 of the Local Government Act 1993.

The motion was carried with the Councillors voting unanimously.

9.5 NAMING OF A BRIDGE ON HILL END ROAD OVER GRATTAI
CREEK, GRATTAI

GOV400113, ROA100071, R9216001

22/25

MOTION: Thompson / Palmer**That Council:**

1. receive the report by the Property Support Officer on the naming of a bridge on Hill End Road over Grattai Creek, Grattail;
2. formally approve the name of Greenview Bridge; and
3. advertise the approved name and submit the name to the Government Gazette.

The motion was carried with the Councillors voting unanimously.

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

GOV400113, P02326, R0790141, DA0026/2024

23/25

MOTION: Lang / Karavas

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. formally approve the name of Nicole Place, being the new street in a subdivision off Short Street, Mudgee; and
3. publish formal declaration of the approved name in the NSW Government Gazette, and notify the naming in accordance with Council's Road, Bridge and Place Naming Policy.

The motion was carried with the Councillors voting unanimously.

9.7 NAMING OF A NEW STREET IN A SUBDIVISION OFF ROBERTSON STREET, MUDGEE

GOV400113, P25743, R0790141, DA0324/2023

24/25

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 Robertson Street, Mudgee;
2. name this street Mason Street, being the new street in a subdivision off Robertson Street, Mudgee; and
3. advertise the 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.

9.8 NAMING OF AN UNNAMED CROWN ROAD RESERVE OFF
MOUNT PLEASANT LANE, BUCKAROO

GOV400113, R0790041

25/25

MOTION: Lang / Palmer

That Council:

1. receive the report by the Property Support Officer on the Naming of an unnamed crown road reserve off Mount Pleasant Lane, Buckaroo;
2. name this road Taylors Lane being the unnamed road off Mount Pleasant, Buckaroo; and
3. advertise the 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.

9.9 COMMUNITY GRANTS PROGRAM - FEBRUARY 2025

GOV400113, GRA600009, GOV400113

26/25

MOTION: Lang / Dicker

That Council:

1. receive the report by the Financial Planning Co-ordinator on the Community Grants Program - February 2025;
2. amend the 2024/25 budget to increase Community Grants Program by \$21,969 to be funded from unrestricted cash. This will increase the Community Grant Program to a total of \$131,969;
3. provide financial assistance to the following applications in accordance with the criteria and guidelines of the Community Grants Policy: and

| Applicant | Recommended Amount \$ |
|--|-----------------------|
| • Kandos CWA | 2,700 |
| • Mudgee Fine Foods Inc (MFFI) | 5,000 |
| • Gulgong Chamber of Commerce Inc | 10,000 |
| • Mid-Western Visual Arts Heritage Association Inc | 4,720 |

| | |
|---|---------------|
| • Mudgee Show Society | 5,000 |
| • Rylstone Kandos Business Chamber | 10,000 |
| • Lake Windamere Under Canvas Camping Inc | 1,800 |

4. not provide financial assistance to the following applicants for the reasons provided in the report:

- | |
|---------------------------------------|
| • Gulgong Bowling & Sporting Club Inc |
|---------------------------------------|

5. close the Community Grants Program for the remainder of the 2025/26 financial year, as allocated funds for this program have been exhausted.

The motion was carried with the Councillors voting unanimously.

9.10 APPOINTMENT OF CROWN LAND MANAGER FOR R96779
GOV400113, 7591

27/25

MOTION: Pryor / Dicker

That Council:

1. receive the report by the Manager - Property and Revenue on the Appointment of Crown Land Manager for R96779;
2. make application to the Minister responsible for Crown Lands requesting appointment as the Crown Land Manager for Reserve 96779 for Storage, being Lot 269 DP 755433 at 19 Welcome Reef Lane Gulgong NSW 2852; and
3. request Crown Lands to add the additional reserve purposes of Government Purposes and Community Purposes to Reserve 96779; and
4. amend the Budget to include a property maintenance amount of \$2,000 funded from unrestricted cash.

The motion was carried with the Councillors voting unanimously.

9.11 MONTHLY STATEMENT OF INVESTMENTS AS AT 31
DECEMBER 2024

GOV400113, FIN300053, GOV400113

28/25

MOTION: Lang / Dicker

That Council:

1. receive the report by the Financial Planning Coordinator and Chief Financial Officer on the Monthly Statement of Investments as at 31 December 2024; and

2. **note the certification of the Responsible Accounting Officer.**

The motion was carried with the Councillors voting unanimously.

9.12 MONTHLY STATEMENT OF INVESTMENTS AS AT 31
JANUARY 2025

GOV400113, FIN300053, GOV400113

29/25 **MOTION: Palmer / Karavas**

That Council:

1. **receive the report by the Financial Planning Coordinator and Chief Financial Officer on the Monthly Statement of Investments as at 31 January 2025; and**
2. **note the certification of the Responsible Accounting Officer.**

The motion was carried with the Councillors voting unanimously.

9.13 MONTHLY BUDGET REVIEW - JANUARY 2025

GOV400113, FIN300315, GOV400113

30/25 **MOTION: Palmer / Pryor**

That Council receive the report by the Accountant Reporting & Analysis on the Monthly Budget Review - January 2025.

The motion was carried with the Councillors voting unanimously.

9.14 QUARTERLY BUDGET REVIEW - DECEMBER 2024

GOV400113, FIN300240, GOV400113

31/25 **MOTION: Dicker / Karavas**

That Council:

1. **receive the report by the Financial Planning Coordinator and Chief Financial Officer on the Quarterly Budget Review - December 2024;**
2. **amend the 2024/25 Budget in accordance with the proposed variations as listed in the Quarterly Budget Review Statement attachment to this report;**
3. **note that the General Manager used the emergency delegation conveyed to him at 3.1 of his delegation to authorise a budget of \$22,000 for additional works required**

for the installation of the new tank for the Cudgegong Waters Park due to there being no potable water available resulting in food health and safety risk;

4. note that the General Manager used the emergency delegation conveyed to him at 3.1 of his delegation to authorise a budget of \$10,000 for asbestos removal required at the corporate IT office; and
5. note the opinion of the Responsible Accounting Officer regarding the satisfactory financial position of Council.

The motion was carried with the Councillors voting unanimously.

Item 10: Operations

10.1 UNMAINTAINED SEGMENT OF CORICUDGY ROAD - REQUEST TO BE MAINTAINED

GOV400113, R9028001, GOV400113

MOTION: Thompson / Pryor

That Council:

1. receive the report by the Works Technical Officer on the Unmaintained Segment of Coricudgy Road;
2. accept the request to maintain the additional 125m section of Coricudgy Road; and
3. in line with Council's Road Asset Management Plan, decline the request to amend the current maintenance schedule of the 11.44km section of Coricudgy Road from 24-monthly to 12/6-monthly.

32/25

AMENDMENT: Karavas / Palmer

That Council

1. **receive the report by the Works Technical Officer on the Unmaintained Segment of Coricudgy Road;**
2. **in line with Council's 'Unmaintained and Unformed Roads' policy, decline the request to maintain the additional 125m section of Coricudgy Road; and**
3. **in line with Council's Road Asset Management Plan, decline the request to amend the current maintenance schedule of the 11.44km section of Coricudgy Road from 24-monthly to 12/6-monthly.**

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

| Councillors | Ayes | Nayes |
|-------------|------|-------|
| Cr Kennedy | ✓ | |
| Cr Dicker | ✓ | |
| Cr Karavas | ✓ | |
| Cr Palmer | ✓ | |
| Cr Thompson | | ✓ |
| Cr Lang | ✓ | |
| Cr Pryor | | ✓ |

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

| Councillors | Ayes | Nayes |
|-------------|------|-------|
| Cr Kennedy | ✓ | |
| Cr Dicker | ✓ | |
| Cr Karavas | ✓ | |
| Cr Palmer | ✓ | |
| Cr Thompson | | ✓ |
| Cr Lang | ✓ | |
| Cr Pryor | | ✓ |

10.2 WASTEWATER QUALITY MANAGEMENT POLICY

GOV400113, SEW200105

33/25

MOTION: Dicker / Palmer

That Council:

1. receive the report by the Water Quality Officer on the Wastewater Quality Management Policy;
2. endorse public exhibition of the Wastewater Quality Management Policy for a period of twenty-eight (28) days; and
3. adopt the Wastewater Quality Management Policy, if no submissions are received after the exhibition period.

The motion was carried with the Councillors voting unanimously.

10.3 REGULATORY AND WARNING SIGNAGE POLICY REVIEW

GOV400113, ROA100072

34/25

MOTION: Palmer / Karavas

That Council:

1. **receive the report by the Works Technical Officer on the Regulatory and Warning Signage Policy Review; and**
2. **adopt the Regulatory and Warning Signage Policy if no submissions are received during the public exhibition period.**

AMENDMENT: Pryor / Thompson

That Council:

1. receive the report by the Works Technical Officer on the Regulatory and Warning Signage Policy Review; and
2. not support proposed criteria amendments, points 1 to 3, as written in the report.

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

| Councillors | Ayes | Nays |
|-------------|------|------|
| Cr Kennedy | | ✓ |
| Cr Dicker | | ✓ |
| Cr Karavas | | ✓ |
| Cr Palmer | | ✓ |
| Cr Thompson | ✓ | |
| Cr Lang | ✓ | |
| Cr Pryor | ✓ | |

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

| Councillors | Ayes | Nays |
|-------------|------|------|
| Cr Kennedy | ✓ | |
| Cr Dicker | ✓ | |
| Cr Karavas | ✓ | |
| Cr Palmer | ✓ | |
| Cr Thompson | | ✓ |
| Cr Lang | | ✓ |
| Cr Pryor | | ✓ |

10.4 CUDGEGONG RIVERBANK STABILISATION PROJECT

GOV400113, ENV200069

35/25

MOTION: Thompson / Palmer

That Council:

1. **receive the report by the Environment Coordinator on the Cudgegong River Remediation ; and**

2. **amend the 2024/25 budget to allocate an additional \$18,900 to allow for a structural solution, draft bill of quantities and construction cost estimate.**

The motion was carried with the Councillors voting unanimously.

Item 11: Community

11.1 ACCEPTANCE OF GRANT FUNDING - FOUNDATION FOR RURAL REGIONAL RENEWAL STRENGTHENING RURAL COMMUNITIES - PREPARE & RECOVER PROGRAM

GOV400113, EME900027, GOV400113

36/25

MOTION: Pryor / Dicker

That Council:

1. **receive the report by the Emergency Management Officer on the Acceptance of Grant Funding - Foundation for Rural Regional Renewal Strengthening Rural Communities - Prepare & Recover Program;**
2. **if successful, accept \$25,000 in funding from the Foundation for Rural Regional Renewal Strengthening Rural Communities – Prepare & Recover program the Get Ready Mid-Western Expo 2025;**
3. **amend the 2024-25 budget to increase expense budget by \$5,000 and amend funding to be fully funded from grant funding”; and**
4. **authorise the General Manager to finalise and execute the funding agreement.**

The motion was carried with the Councillors voting unanimously.

11.2 VILLAGE SUBSIDY REVIEW 2025/26

GOV400113, FIN300052, GOV400113

37/25

MOTION: Lang / Karavas

That Council:

1. **receive the report by the Acting Director Community on the Village Subsidy Review 2025/26; and**
2. **note the recommendations on the payment of village subsidies for 2025-2026.**

The motion was carried with the Councillors voting unanimously.

11.3 MUDGEE CENTRE OF EXCELLENCE TRAINING CAMP
PROGRESS UPDATE

GOV400113, FIN300368, GOV400113

38/25 MOTION: Lang / Karavas

That Council receive and note the report by the Acting Director Community on the Mudgee Centre of Excellence Training Camp Progress Update.

The motion was carried with the Councillors voting unanimously.

11.4 MUDGEE VALLEY PARK EXPANSION PROJECT PROGRESS
UPDATE

GOV400113, FIN300365, COR400446

39/25 MOTION: Palmer / Dicker

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

The motion was carried with the Councillors voting unanimously.

11.5 SOLAR ARRAY PROGRESS REPORT

GOV400113, ENE100032, GOV400113

40/25 MOTION: Karavas / Dicker

That Council receive and note the report by the Acting Director Community on the Solar Array Progress Report.

The motion was carried with the Councillors voting unanimously.

11.6 LIBRARY SERVICES QUARTERLY REPORT - OCTOBER TO
DECEMBER 2024

GOV400113, F0620020, GOV400113

41/25 MOTION: Lang / Pryor

That Council receive and note the Library Services Quarterly Report - October to December 2024 by the Acting Manager Library Services.

The motion was carried with the Councillors voting unanimously.

11.7 COMMUNITY AND CULTURAL SERVICES QUARTERLY REPORT

GOV400113, COS300010, GOV400113

42/25

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

1. **receive the report by the Acting Director Community on the Community and Cultural Services Quarterly Report; and**
2. **note the recent services provided and activities coordinated by Council's Community & Cultural Services Team.**

The motion was carried with the Councillors voting unanimously.

11.8 POLICY REVIEW - COUNCILLOR EXPENSES AND FACILITIES

GOV400113, GOV400047

43/25

MOTION: Palmer / Lang**That Council defer consideration of item 11.8 until the March Council meeting.**

The motion was carried with the Councillors voting unanimously.

11.9 CONSULTATION ON REFORMS TO COUNCIL MEETING PRACTICES

GOV400113, GOV400047, GOV400009

44/25

MOTION: Pryor / Thompson**That Council:**

1. **receive the report by the Governance Co-ordinator on the Consultation on Reforms to Council Meeting Practices;**
2. **consider the proposed reforms to Council meeting practices;**
3. **make a submission; and**
4. **support the following key changes:**
 - **Allowing for the Mayor to put a mayoral minute forward to the Council on anything they determine should be considered at the meeting**
 - **Council may no longer make final decisions on planning matters without receiving a staff report with**

containing an assessment and recommendation. Where Council makes a decision that is inconsistent with the recommendations made by staff, reasons for the decision must be provided and why the staff recommendation was not adopted

5. not support the following key changes

- **Conferring the power on Mayors to expel Councillors for acts of disorder and to remove the Councillors entitlement to receive a fee for the month in which they have been expelled from a meeting.**
- **Councillors will be required to apologise for an act of disorder at a meeting at which it occurs and, if they fail to comply at that meeting, each subsequent meeting until they comply. Each failure to apologise becomes an act of misbehaviour and will see the Councillor lose their entitlement to receive their fee for a further month.**
- **Allowing for Mayors to expel members of the public from the chamber for acts of disorder and enabling the issue of a Penalty Infringement Notice where members of the public refuse to leave a meeting after being expelled.**
- **Councils will no longer be permitted to hold pre-meeting briefing sessions in the absence of the public. Any material provided to Councillors, other than the Mayor, that will affect or impact or be taken into account by Councillors in their deliberations or decisions made on behalf of the community must be provided to them in either a committee meeting or Council meeting.**
- **Attendance at Council meetings by audio visual link will only be permitted where a Councillor cannot attend in person due to medical reasons or unforeseen caring responsibilities.**
- **The attendance of Council staff at Council meetings will be determined by Council rather than the General Manager.**
- **Removing the need for a motion which would require the expenditure of funds not already accounted for in the budget to identify the source of funding for the expenditure. It will no longer need to be deferred until a report can be provided by the General Manager on availability of the funds.**

- **Allowing for a Councillor to ask a question with notice comprising of a complaint against the General Manager or a member of staff, or a question that implies wrongdoing by the General Manager or a member of staff.**
- **Removal of foreshadowed motions.**
- **Council may resolve to close the meeting to the public to hear a representation from a member of the public as to whether the meeting should be closed to consider an item of business that would be considered confidential. The representative would need to make an application in a manner decided by the Council.**
- **Business papers for items of business considered during a meeting, or part of a meeting, that is closed to public are to be published on Council's website by the General Manager as soon as practicable after the information contained in the business papers ceases to be confidential following consultation with the Council.**

The motion was carried with the Councillors voting unanimously.

Item 12: Reports from Committees

12.1 GULGONG MEMORIAL HALL COMMITTEE MEETING GOV400113, A0100024, GOV400105, GOV400113

45/25 MOTION: Thompson / Pryor

That Council:

1. **receive the report by the Acting Director Community on the Gulgong Memorial Hall Committee Meeting; and**
2. **note the minutes from the Gulgong Memorial Hall Committee meetings held on Wednesday, 23 October 2024.**

The motion was carried with the Councillors voting unanimously.

12.2 LOCAL TRAFFIC COMMITTEE MEETING MINUTES - DECEMBER 2024

GOV400113, A0100009, GOV400113

46/25 MOTION: Karavas / Lang

That Council receive the report by the Administration Assistant - Infrastructure Planning on the Local Traffic Committee Meeting Minutes - December 2024.

The motion was carried with the Councillors voting unanimously.

12.3 RAIL COMMITTEE MINUTES - 6 FEBRUARY 2025

GOV400113, TRA300009, A0100034

MOTION: Palmer / Kennedy

That Council receive the report by the Acting Director Community on the Rail Committee Minutes - 6 February 2025.

47/25

AMENDMENT: Karavas / Dicker

That Council:

1. **receive the report by the Acting Director Community on the Rail Committee Minutes - 6 February 2025;**
2. **include rail reinstatement benefits in any community engagement process;**
3. **lobby Transport Minister Hon, J Aitchison to include reactivation of the Rylstone-Gulgong line in budget estimates sittings;**
4. **consider formal discussions with Dubbo Council to progress a Dubbo-Gulgong-Mudgee-Rylstone express Sydney passenger service; and**
5. **receive wording from MRR for inclusion in any community consultation regarding re lease of the rail corridor**

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

| Councillors | Ayes | Nayes |
|-------------|------|-------|
| Cr Kennedy | | ✓ |
| Cr Dicker | ✓ | |
| Cr Karavas | ✓ | |
| Cr Palmer | | ✓ |
| Cr Thompson | ✓ | |
| Cr Lang | ✓ | |
| Cr Pryor | ✓ | |

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

| Councillors | Ayes | Nayes |
|-------------|------|-------|
| Cr Kennedy | | ✓ |
| Cr Dicker | ✓ | |

| | | |
|-------------|---|---|
| Cr Karavas | ✓ | |
| Cr Palmer | | ✓ |
| Cr Thompson | ✓ | |
| Cr Lang | ✓ | |
| Cr Pryor | ✓ | |

Item 13: Urgent Business Without Notice

Nil

Item 14: Confidential Session

44/25 MOTION: Palmer / Karavas

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

The motion was carried with the Councillors voting unanimously.

Following the motion to close the meeting being moved and seconded, the General Manager announced that the following matters would be considered in confidential session and the reason why it was being dealt with in this way.

14.1 Commercial Opportunity

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 a commercially private transaction.

8.2 Tesla Electric Vehicle (EV) Supercharger Site

The reason for dealing with this report confidentially is that it relates to information that would, if disclosed, prejudice the maintenance of law in accordance with Section 10A(2)(e) 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 covered by confidentiality clause 24 of the agreement.

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 COMMERCIAL OPPORTUNITY

GOV400113, COM100030

49/25 MOTION: Palmer / Karavas

That Council:

1. receive the report by the Manager Economic Development on the Commercial Opportunity;
2. approve the purchase of the specified business;
3. set a budget as detailed in the Financial Implications of this report for the purchase and operation of the specified business; and
4. delegate authority to the General Manager to negotiate, finalise and execute the contract of sale for the specified business.

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

| Councillors | Ayes | Nays |
|-------------|------|------|
| Cr Kennedy | ✓ | |
| Cr Dicker | ✓ | |
| Cr Karavas | ✓ | |
| Cr Palmer | ✓ | |
| Cr Thompson | | ✓ |
| Cr Lang | | ✓ |
| Cr Pryor | ✓ | |

14.2 TESLA ELECTRIC VEHICLE (EV) SUPERCHARGER SITE GOV400113, ECO800023, GOV400113

MOTION: Pryor / no seconder

That Council:

1. receive the report by the Manager Economic Development on the Tesla Electric Vehicle Supercharger Site;
2. authorise the General Manager to negotiate appropriate locations for a new four bay EV supercharger station but not in a Council carpark; and
3. authorise the General Manager to engage and execute agreements with Tesla to identify and authorise the instalment of EV supercharger station in Mudgee.

The motion lapsed for want of a seconder.

50/25 MOTION: Lang / Thompson

That Council:

1. **receive the report by the Manager Economic Development on the Tesla Electric Vehicle Supercharger Site;**
2. **authorise the General Manager to negotiate appropriate locations for a new four bay EV supercharger station but not in a Council carpark.**

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

| Councillors | Ayes | Nayes |
|-------------|------|-------|
| Cr Kennedy | ✓ | |
| Cr Dicker | ✓ | |
| Cr Karavas | ✓ | |
| Cr Palmer | ✓ | |
| Cr Thompson | ✓ | |
| Cr Lang | ✓ | |
| Cr Pryor | | ✓ |

Item 15: Urgent Confidential Business Without Notice

Nil

Item 16: Open Council

45/25

MOTION: Dicker / Pryor

That Council move to Open Council.

The motion was carried with the Councillors voting unanimously.

The General Manager announced the decisions taken in Confidential Session.

Item 17: Closure

There being no further business the meeting concluded at 7:39pm.