

Minutes of the Ordinary Meeting of Council

Held at the Council Chambers, 86 Market Street, Mudgee
on 17 March 2021, commencing at 5.31pm and concluding at 6.15pm.

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

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

Item 1: Apologies

An apology was received for Cr E Martens.

50/21 MOTION: Cavalier / Holden

That Council accept the apology received for Cr E Martens.

The motion was carried with the Councillors voting unanimously.

Item 2: Disclosure of Interest

There were no disclosures of interest.

Item 3: Confirmation of Minutes

51/21 MOTION: Shelley / Paine

**That the Minutes of the Ordinary Meeting held on 17 February 2021 be
taken as read and confirmed.**

**That the Minutes of the Extraordinary Meeting held on 3 March 2021
be taken as read and confirmed.**

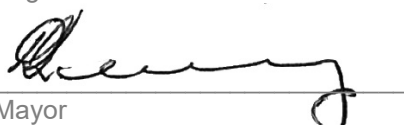
The motion was carried with the Councillors voting unanimously.


52/21 MOTION: Cavalier / Shelley

That Council suspend the meeting to hear a public forum speaker.

The motion was carried with the Councillors voting unanimously.

The meeting was suspended at 5.33pm to hear public forum speaker Ed Delong.


Mayor


General Manager

53/21 MOTION: Shelley / Holden

That Council move to Open Council.

The motion was carried with the Councillors voting unanimously.

The meeting recommenced at 5.47pm.

Item 4: Matters in Progress

Establishment of a recycled water facility and management system

54/21 MOTION: Shelley / O'Neill

That Res 323/19 from the ordinary meeting held on 16 October 2019 be noted as complete.

The motion was carried with the Councillors voting unanimously.

Item 5: Mayoral Minute

Nil

Item 6: Notices of Motion or Rescission

6.1 WATER RESTRICTIONS IN MUDGEE AND GULGONG
GOV400088, WAT500044;A0100035; GOV400022

Withdrawn by Cr Thompson.

6.2 STOP SIGN OR ROUNDABOUT INSTALLATION AT THE
INTERSECTION OF OPORTO AND MADEIRA ROADS.
GOV400088, TRA300035;A0100035; GOV400022

Withdrawn by Cr Thompson.

6.3 UNMAINTAINED AND UNFORMED ROADS POLICY REVIEW
GOV400088, RO7900035;A0100035; GOV400022

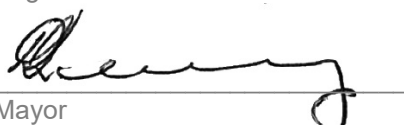
Withdrawn by Cr Thompson.

6.4 UPGRADE TO THE SUSPENSION BRIDGE
GOV400088, A0100035;GOV40022;COR400130

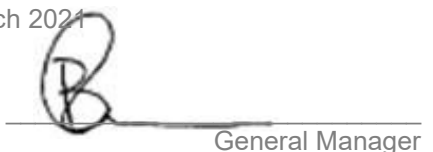
MOTION: Thompson

That Council upgrade the Glen Willow pedestrian suspension bridge.

The motion was lost for want of a seconder.



Mayor



General Manager

6.5 SECOND DOCTOR FOR GULGONG

GOV400088, A0100035; GOV400022; F0610002

55/21 MOTION: Thompson / Cavalier

That Council work with and support Western Area Health and our local member Dugald Saunders to attract doctors to our region and look into the possible purchase of a second house in Gulgong.

The motion was carried with the Councillors voting unanimously.

The following recommendations (item 7.1 to item 7.5) 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.56/21 and concluding at Resolution No. 60/21.

Item 7: Office of the General Manager

7.1 MRT QUARTERLY REPORT: OCTOBER - DECEMBER 2020

GOV400088, F0770077

56/21 MOTION: Shelley / Cavalier

That Council receive the report by the General Manager on the MRT Quarterly Report October to December 2020.

The motion was carried with the Councillors voting unanimously.

7.2 DISASTER RECOVERY FUNDING UPDATE

GOV400088, A0060009, GRA600016

57/21 MOTION: Shelley / Cavalier

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

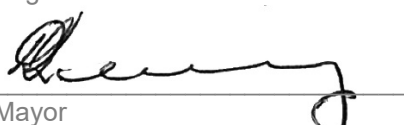
The motion was carried with the Councillors voting unanimously.

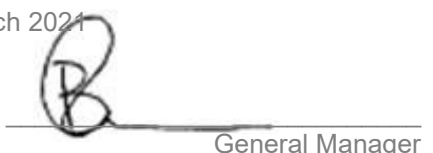
7.3 ORANA JOINT ORGANISATION OF COUNCILS

GOV400088, GOR500034

58/21 MOTION: Shelley / Cavalier**That Council:**

- 1. receive the report by the Director Community on the Orana Joint Organisation of Councils;**



Mayor

General Manager

2. **note the or going concerns about the financial sustainability of the Orana Joint Organisation;**
3. **resolve to resign its membership of the Orana Joint Organisation;**
4. **make the relevant representations to the Orana Joint Organisation seeking agreement from all members Councils on this issue; and**
5. **work with the Orana Joint Organisation to write to the Minister for Local Government seeking the relevant legislation be enacted to dissolve the Orana Joint Organisation.**

The motion was carried with the Councillors voting unanimously.

7.4 MURRAY DARLING ASSOCIATION MEMBERSHIP

GOV400088, F0710037

59/21

MOTION: Shelley / Cavalier

That Council:

1. **receive the report by the Director Community on the Murray Darling Association Membership ;**
2. **authorise the Mayor and General Manager to join the Murray Darling Association for 2020/21 and 2021/22;**
3. **amend the 2020/21 budget and 2021/22 budget allocating \$7,000 (ex GST) each year from unrestricted cash for membership fees for the Murray Darling Association; and**
4. **nominate Councillors Holden and Cavalier as delegates to the Murray Darling Association.**

The motion was carried with the Councillors voting unanimously.

7.5 COUNCIL MEETING SCHEDULE 2021

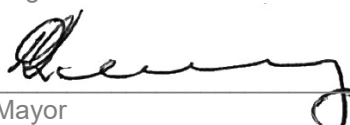
GOV400088, GOV400088

60/21


MOTION: Shelley / Cavalier

That Council:

1. **receive the report by the Director Community on the Council Meeting Schedule 2021; and**



Mayor



General Manager

2. confirm the dates for Meetings of Council for April 2021 through to Dec 2021 as follows
- Wednesday April 21 - Council Meeting
 - Wednesday May 19 - Council Meeting
 - Wednesday May 26 - Extraordinary Council Meeting
 - Wednesday June 16 - Council Meeting
 - Wednesday July 21 - Council Meeting
 - Wednesday August 4 - Council Meeting
 - Wednesday September 22 - Council Meeting (including Mayoral election)
 - Wednesday October 13 - Council Meeting
 - Wednesday November 17 - Council Meeting
 - Wednesday December 15 - Council Meeting

The motion was carried with the Councillors voting unanimously.

Item 8: Development

- 8.1 DA0225/2020 - TORRENS TITLE SUBDIVISION OF LAND TO CREATE 25 LARGE LOT RESIDENTIAL LOTS IN 2 STAGES - 400 - 402 CASTLEREAGH HIGHWAY, MENAH
GOV400088, DA0225/2020

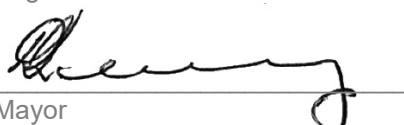
61/21 MOTION: Holden / Paine

That Council:


- A. receive the report by the Planning Coordinator on DA0225/2020 - Torrens Title Subdivision of Land to create 25 Large Lot Residential Lots in 2 Stages - 400 - 402 Castlereagh Highway, Menah;
- B. approve DA0225/2020 - Torrens Title Subdivision of Land to create 25 Large Lot Residential Lots in 2 Stages at 400 - 402 Castlereagh Highway, Menah subject to the following conditions and statement of reasons:

APPROVED PLANS

1. Development is to be carried out in accordance with the



Mayor



General Manager

following plans endorsed with Council's Stamp as well as the documentation listed below, except as varied by the conditions herein.

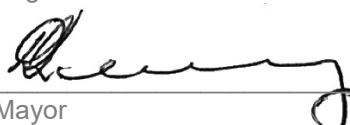
Title/Name	Drawing No/ Document Ref	Revision/ Issue	Dated	Prepare by
Existing Site Plan	MX-10356.01-C2.1	B	13/02/20	Triaxial Consult
Subdivision Plan Stage 1	MX-10356.01-C2.1	D	27/01/21	Triaxial Consult
Subdivision Plan Stage 2	MX-10356.01-C2.2	E	27/01/21	Triaxial Consult
Servicing Plan	MX-10356.01-C3.0	F	26/02/21	Triaxial Consult
Road Sections - Sheet 1	MX-10356.01-C4.0	C	27/01/21	Triaxial Consult
Road Sections - Sheet 2	MX-10356.01-C4.1	B	13/02/20	Triaxial Consult
Road Sections - Sheet 3	MX-10356.01-C4.2	B	13/02/20	Triaxial Consult
Road Sections - Wilbetree Road	MX-10356.01-D4.3	C	27/02/21	Triaxial Consult
Concept Intersection Plan Wilbetree Road and Castlereagh Highway	MX-10356.01-C5.1	A	10/07/20	Triaxial Consult

Any minor modification to the approved plans other than as required by following conditions will require the lodgement and consideration by Council of amended plans. Amended plans will need to be accompanied with supporting documentation and calculations where necessary. Major modifications will require the lodgement of a new development application.

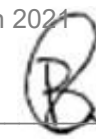
2. This consent does not permit commencement of any site works. Works are not to commence until such time as a Subdivision Works Certificate has been obtained.

GENERAL

3. Proposed Lots 1 to 25 are to have a minimum area of 2 hectares and are to be serviced by a water reticulation system from the community bore scheme.
4. No more than 0.5 hectares of trees are to be removed from the site.
5. The strength of the concrete used for any concrete components in the development must be a minimum 25 Mpa.
6. All works are to be constructed at the full cost of the developer, in a manner consistent with AUS-SPEC Specification and Council's standard drawings.



Mayor



General Manager

7. **All General Terms of Approval issued in relation to the approved development, shall be complied with prior, during and at the completion of the development, as required.**

The General Terms of Approval include the following:

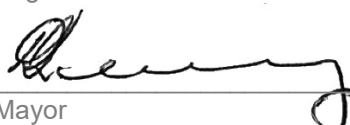
- a) **General Terms of Approval, issued by the Natural Resources Access Regulator, for a Controlled Activity Approval in accordance with Section 91 of the Water Management Act 2000.**

Note: The attached GTA issued by NRAR do not constitute an approval under the Water Management Act 2000. The development consent holder must apply to NRAR for a Controlled Activity approval after consent has been issued by Council and before the commencement of any work or activity. A completed application form must be submitted to NRAR together with any required plans, documents, application fee, security deposit or bank guarantee (if required) and proof of Council's development consent. Finalisation of an approval can take up to eight (8) weeks from the date the application and all required supporting documentation is received. Application forms are available from the NRAR website at: www.industry.nsw.gov.au – Water - Licensing & Trade - Approvals.

8. **Any damage to Council infrastructure caused as a result of any part or stage of this development must be repaired or re-instated to Council satisfaction with all costs borne by the developer.**
9. **All costs associated with the preparation of the Survey Plan and associated easement documentation are to be borne by the developer.**
10. **The developer is to ensure that any defects in the works that become apparent within the 24 months following the issue of a Subdivision Certificate, are remedied to Council's satisfaction. If these defects are not satisfactorily remedied, Council may use bond money to carry out rectification works.**

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

11. **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.**
12. **Costs associated with all development works including any necessary alteration, relocation of services, public utility mains**



Mayor



General Manager

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.

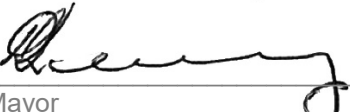
13. Following the completion of subdivision works, one set of Works As Executed Drawings in PDF format, AutoCAD compatible files in DWG format, MapInfo files (MGA GDA94 Zone 55/56) and completed Asset Data Template spreadsheets in MS Excel format, are to be submitted to Council. All Works As Executed plans shall bear the consulting engineer's or consulting surveyor's certification stating that all information shown in the plans are accurate. Electronic lodgement by email must be sent to Council's Administration email council@midwestern.nsw.gov.au with the Subject line DA0225/2020.
14. Following completion of the subdivision works, certified copies of the Works as Executed Drawings (WAE) are to be submitted to Council showing details of work as actually constructed. The Drawings are to show:
 - Notation that all works have been completed in accordance with the approved plans and specifications including approved variations and amendments;
 - Any departure from the approved plans;
 - Any additional work that has been undertaken;
 - WAE locations of stop valve;
 - Certification of the WAE plans by a registered surveyor; and
 - Registered surveyor is to supply a signed certificate that all pipes and associated pits are located wholly within the respective easements.
15. The only waste derived material that may be received at the development site must be:
 - a) Virgin excavated natural material, within the meaning of Protection of the Environment Operations Act 1997; and
 - b) Any other waste-derived material the subject of a resource recovery exemption under clause 91 of the Protection of the Environment Operations (Waste) Regulation 2014 that is permitted to be used as fill material.

Stormwater


16. The Developer must provide for the design and construction of all stormwater drainage infrastructure to service the development.

Water Services

17. The developer is to provide separate non-potable water



Mayor



General Manager

reticulation services to Lots 1 to 25 within the subdivision. This includes the provision of a private water service and private meter to Lots 1 to 25 within the subdivision.

18. The developer is to meet the full cost of water reticulation to service the development. All water supply work is required to be carried out in accordance with the requirements of the National Specification – Water Supply Code of Australia.

Electricity Supply

19. Electricity is to be supplied to the Subdivision in accordance with the relevant authority's standards. Each allotment is to be provided with a service point/connection to an electricity supply.

Access

20. No access is permitted to any lots within Stage 2 of the Subdivision directly from the Castlereagh Highway.
21. A copy of construction plans for the proposed road work associated with the intersection is to be submitted to TfNSW for approval. As road work is required on a state road, the developer will be required to enter into a Works Authorisation Deed (WAD) with TfNSW. TfNSW will exercise its powers under Section 87 of the Roads Act, 1993 (the Act) and/or the functions of the roads authority, to undertake roadwork in accordance with Sections 64 and 71 and/or Sections 72 and/or 73 of the Act, as applicable, for all works under the WAD.

Vegetation buffer

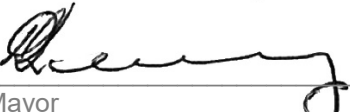
22. A 20 metre wide vegetation buffer comprising a mix of native trees and shrubs, planted at no less than 5 metres apart, shall be implemented by the developer and extended from proposed Lot 1 to proposed Lot 7 within Stage 2 of the subdivision.

PRIOR TO ISSUE OF A SUBDIVISION CERTIFICATE – STAGE 1 ONLY


23. Under the Environmental Planning & Assessment Act, 1979, a Subdivision Certificate is required before the linen plan of subdivision for Stage 1 can be registered with the Land Titles Office.

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

24. An application for a Subdivision Certificate, application fee and two (2) copies of the linen plans are to be submitted to Council for approval and endorsement by the General Manager (or their delegate).
25. Prior to the issue of a Subdivision Certificate for Stage 1,



Mayor



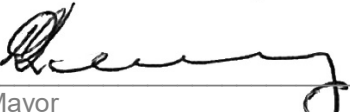
General Manager

evidence must be provided to Council in the form of certification from all relevant utilities, ensuring services (including electricity and telecommunications as relevant) are available to each new Lot.


26. Prior to the issue of a Subdivision Certificate each Lot created in Stage 1 of the development must be provided with a practical and legal access sufficient for the proposed future use. Where a new access is required, this must be approved under the provisions of Section 138 of the Roads Act 1993.
27. The applicant must obtain all necessary consents for the creation and maintenance of any and all existing access easements that provide for the right of carriageway for both parties and must be registered on title as a Right of Carriageway.
28. Easements, including associated Section 88B instruments, are to be created in favour of benefitted properties or bodies over any existing or newly constructed water reticulation components located within the subject property, or extended through adjoining private properties as a result of this development.
29. Easements including associated Section 88B instruments, are to be created in favour of:
 - any upstream lots to drain water (width variable); and
 - any proposed lots to be serviced by water reticulation components (width of 3m).

PRIOR TO ISSUE OF A SUBDIVISION WORKS CERTIFICATE - STAGE 2 ONLY

30. All documentation supporting the application for the Subdivision Works Certificate must be submitted in electronic format with a hard copy covering letter and a completed Subdivision Works Certificate Application Form to Council.
31. Engineering drawings are to be submitted in triplicate with a covering letter by the applicant. One set will be returned stamped 'Approved Plans'.
32. Where required, all finished surface levels and contours to Australian Height Datum (AHD) shall be shown on the plans submitted for the Subdivision works certificate. Where it is proposed to import fill, the material shall be free of hazardous materials and contamination and be classified as VENM or ENM under the guidelines of the NSW Environmental Protection Authority by a qualified Geotechnical Engineer.
33. One (1) A1 size set of plans shall be accompanied by the Water Reticulation Plans assessed as part of the application for the



Mayor



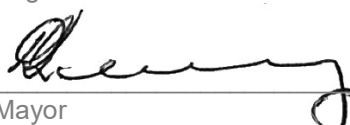
General Manager

Subdivision Works Certificate for examination by Council and the three (3) A1 sized sets forwarded for approval. Specific inclusions required in the drawings are provided in the Guidelines with checklists to ensure all information is provided. All drawings shall be signed by the consultant engaged by the developer.


- 34. The developer shall submit a report outlining the proposals to provide a water supply service to proposed Lots 1 to 25 in Stage 2 of the subdivision via the community bore scheme. The report is to be prepared in accordance with the Water Supply Code of Australia WSA 03-2011.
- 35. Prior to the issue of the Subdivision Works Certificate, Council is to be provided with certified copies of the Electrical and Telecommunications Design for the subdivision including a layout design complying with the allocations determined by the Streets Opening Conference Guideline 2009 Section 6.2.
- 36. Prior to issue of the Subdivision Works Certificate, 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 by Council’s Local Traffic Committee.
- 37. The developer is to construct and widen the pavement of Wilbetree Road for the full frontage of the proposed subdivision protecting any existing trees, such that it complies with the following requirements.

Items	ReQUIREMENTS
Wilbetree Road Shoulder Upgrade	1 x 2m wide sealed shoulder extending to no less than 200 metres beyond the proposed new road to be created in Stage 2
Internal Road Pavement width	8 metres seal on 10 metre wide constructed pavement
Nature strip / verge	2 x 3 metre wide
Kerb and Gutter	Not required, roadside drainage using suitably sized table or V-drains
Seal	Two coat flush seal 14/7mm (double/double)
Sub-Soil Drainage	Where required

- 38. All utility crossings are to be perpendicular to the road centreline and pre-formed prior to the addition of the base course.



 Mayor



 General Manager

39. All earthworks for the roads associated with the development must have compaction testing compliance with EMS Q4 and AUS-SPEC CQS-A.
40. Prior to the issue of a Subdivision Works Certificate the Developer must prepare a detailed drainage design which must be submitted to and approved by Council. Drainage design must include suitably sized detention devices to limit the rate of runoff to existing undeveloped levels for a 1:100 year ARI storm event. Design must be prepared and certified by a suitably qualified Engineer and supported by full and detailed calculations.

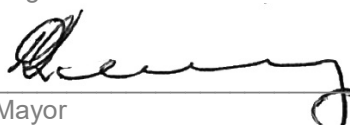
Drainage design must ensure that the rate of runoff is maintained at previously undeveloped levels. To ensure no adverse impacts on Wilbetree Road or other downstream properties between Wilbetree Road and the Cudgegong River it is suggested that a levee and / or detention basin be created at suitable location or locations within proposed Lot 2 of Stage 1.

41. The developer is responsible for all costs associated with the design and construction of all access and servicing requirements.
42. Prior to issue of the Subdivision Works Certificate, the Developer must submit full and detailed design prepared and certified by a suitably qualified engineer for the upgrade of Wilbetree Road which includes the construction of sealed shoulder of Wilbetree Road for that part of the road extending to no less than 200 metres beyond the proposed new road to be created in Stage 2. The Engineering Design is to comply with Council's Development Control Plan, Guidelines and Standards referenced herewith. A Subdivision Works Certificate is required for, but not limited to the following Civil Works where applicable:


- Stormwater Drainage, including Inter-allotment Drainage, Detention Basins and Bio-retention Devices;
- Road Construction including shoulder;
- Kerb and Gutter;
- Earth works for the Subdivision;
- Landscaping of road verges and Public Reserves;
- A sealed access crossover constructed with pipe / culvert providing driveway access to each Lot.

Council may require the public lighting of the intersection of Wilbetree and the proposed new subdivision road.

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



Mayor



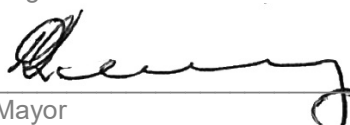
General Manager

43. Prior to the issue of a Subdivision Works Certificate for Stage 2 of the development, Council is to be provided with certified copies of the electrical design for the subdivision including a layout design complying with the allocations determined by the Streets Opening Conference Guideline 2009, Section 6.2.
44. Prior to the issue of a Subdivision Works Certificate, a Traffic Control Plan (TCP) completed by a "Certified Person" for implementation during works is to be submitted to Mid-Western Regional Council. All requirements of the Traffic Control Plan must be put in place and implemented prior to any work commencing.
45. Where required, the detailed design plans submitted for the issue of a Subdivision Works Certificate must show all finished surface levels and contours to Australian Height Datum (AHD).
46. An Erosion and Sediment Control Plan (ESCP)/ Soil and Water Management Plan (SWMP) for the development is to be prepared and implemented in accordance with the LANDCOM guidelines and requirements as outlined in the latest edition of "Soils and Construction – Managing Urban Stormwater". Points to be considered include, but are not limited to:
 - a) Saving available topsoil for reuse in the revegetation phase of the development;
 - b) Using erosion control measures to prevent on-site damage;
 - c) Rehabilitating disturbed areas quickly; and
 - d) Maintenance of erosion and sediment control structures.

Note – Details requires to prepare both ESCP and SWMP's are provided in the above Landcom document referred to as the Blue Book. Treatment methods to combat salinity are to be provided.

47. The submission to Council of engineering design plans for any road works shall include pavement and wearing surface investigation and design.
48. Prior to issue of the relevant Subdivision Works Certificate, evidence is to be provided to Council to demonstrate that the applicant has obtained an approval from RailCorp to install boundary fences along the boundary with the railway line. Prior to the issue of the relevant Subdivision Certificate, evidence shall be provided to demonstrate that the approved fencing has been installed to the satisfaction of RailCorp.

Note: The applicant is required to submit an application to install the boundary fences to John Holland Rail, who manages the Country Regional Network, for its endorsement and for RailCorp's approval. A survey, prepared by a registered surveyor, to define the common boundary along the rail corridor, is to be submitted to JHR and to obtain RailCorp's approval to



Mayor



General Manager

the definition of the common boundary.

49. Prior to the issue of any Subdivision Works Certificate for the subdivision, evidence is to be provided to demonstrate that post development stormwater generation does not exceed pre-development stormwater generation at the point of discharge to the railway corridor. The evidence shall be in the form of a detailed stormwater management plan prepared by a suitably qualified and experience engineering consultant and to the satisfaction of RailCorp.

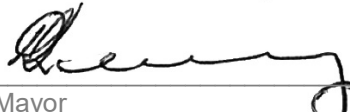
Note: If the above assessment determines that works are required on site to retard stormwater prior to discharge to the railway corridor, a 4.55 modification application would be required to enable consideration of the impacts of the additional works required to adequately address stormwater management.

PRIOR TO THE COMMENCEMENT OF WORKS


50. Prior to the commencement of civil construction, the developer must obtain a Subdivision Works Certificate.
51. Prior to the commencement of works, and in conjunction with the assessment and issue of a Subdivision Works certificate, an Erosion and Sediment Control Plan (ESCP)/ Soil and Water Management Plan (SWMP) for the development is to be prepared and implemented in accordance with Landcom Guidelines and requirements as outlined in the latest edition of "Soils and Construction- Managing Urban Stormwater". Points to be considered include but not limited to:
- Saving available topsoil for reuse in the revegetation phase of the development;
 - Using erosion control measures to prevent on-site damage prior to any construction activity on site;
 - Rehabilitating disturbed areas promptly; and
 - Maintenance of erosion and sediment control structures.

Note: Details required to prepare both ESCP and SWMP's are provided in the above Landcom Document referred to as the Blue Book. Treatment methods to combat salinity are to be provided

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



Mayor



General Manager

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

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

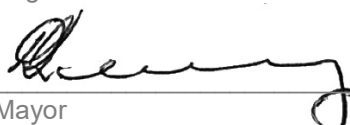
- 54. Prior to the commencement of subdivision works, the following actions are to be carried out:**
- i. A site supervisor is to be nominated by the applicant;**
 - ii. Council is to be provided with two (2) days' notice of works commencing; and**
 - iii. Council is to be notified in writing of any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

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

- 55. Runoff and erosion controls shall be installed prior to clearing and incorporate:**
- i. Diversion of uncontaminated on-site runoff around cleared and/or disturbed areas and areas to be cleared and/or disturbed;**
 - ii. Sediment control fences on the downslope perimeter of the cleared and/or disturbed area to prevent sediment and other debris escaping from the land to pollute any stream or body of water.**
 - iii. Maintenance of all erosion control measures at maximum operational capacity until the land is effectively rehabilitated and stabilised beyond the completion of construction.**
- 56. Prior to the commencement of any works a copy of the Contractor's public liability insurance cover for a minimum of \$20,000,000 (twenty million dollars) is to be provided to Mid-Western Regional Council. Mid-Western Regional Council is to be indemnified against any works carried out by the contractor.**
- 57. Prior to the commencement of construction works, the proponent is to contact TfNSW's Traffic Operations Coordinator on 1300 656 371 to determine if a Road Occupancy Licence (ROL) is required. In the event that an ROL is required, the proponent will obtain the ROL prior to works commencing within three (3) metres of the travel lanes in the Castlereagh Highway.**

DURING CONSTRUCTION

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

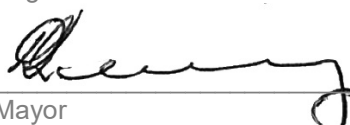



Mayor



General Manager

- a) Installation of sediment and erosion control measures;
 - b) Water line installation prior to backfilling;
 - c) Concrete reinforcing prior to pouring concrete;
 - d) Road pavement construction (proof roll and compaction testing of all pavement layers, sub-grade, sub-base, and base prior to sealing);
 - e) Road pavement surfacing;
 - f) Stormwater culvert and drainage pipe installation prior to backfilling; and
 - g) Practical Completion.
59. Street signs necessitated by the subdivision are to be installed in accordance with Aus-Spec #1 and Council's standards. Street signs are to be installed at the developer's expense.
60. 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.
61. The developer shall, at their own expense, engage a registered surveyor to relocate any survey mark that may be disturbed by the development or any associated work. Any information regarding relocation should be supplied to the NSW Land Registry Services and Council.
62. All required earthworks for roads associated with the subdivision must have compaction testing in compliance with RMS Q4 and AUS-SPEC CQS-A.
63. 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.
64. All plumbing and drainage work must be carried out by a licensed plumber and drainer and must comply with the Plumbing Code of Australia.
65. All road crossings for services and utilities are to cross



Mayor

General Manager

perpendicular to the road alignment and must be installed prior to the commencement of construction of the base course.

66. 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.

67. Where it is proposed to import fill, the material shall be certified as free of hazardous materials and contamination and be classified as VENM or ENM under the guidelines of the NSW Environmental Protection Authority by a qualified Geotechnical Engineer. Fill placed in residential or commercial lots shall be compacted in accordance with AS3798-2007 Guidelines on Earthworks for Commercial and Residential Developments.

68. The developer is to grant Council unrestricted access to the site at all times to enable inspections to enable inspections or testing of the subdivision works.

69. Scour protection at culvert or pipe system outlets shall be constructed in accordance with guidelines set down in The Blue Book - Managing Urban Stormwater: Soils and Construction unless outlet conditions dictate the use of more substantial energy dissipation arrangements.

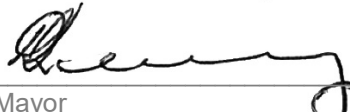
PRIOR TO ISSUE OF A SUBDIVISION CERTIFICATE – STAGE 2

70. Under the Environmental Planning & Assessment Act, 1979, a Subdivision Certificate is required before the linen plan of subdivision for Stage 2 can be registered with the Land Titles Office.


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

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

72. Prior to issue of the Subdivision Certificate for Stage 2, Council's Property Department shall be contacted and formal notification provided to ensure that each allotment within the subdivision has been allocated a new property address in accordance with AS/NZS 4819:2011 Rural and Urban Addressing and the NSW Address Policy and Guidelines. The Subdivision Certificate and Plans shall ensure that the correct addressing is included with the application submitted to Council.



Mayor



General Manager

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

Developer Contributions		
25 Lots (minus 1 x credit for existing Lot)		
Mudgee Catchment	Per Lot	24 Lots
Public Amenity or Service		
Transport facilities	\$4,347.00	\$104,328.00
Recreation and Open Space	\$2,182.00	\$52,368.00
Community Facilities	\$635.00	\$15,240.00
Stormwater Management	\$458.00	\$10,992.00
Plan Administration	\$995.00	\$23,880.00
Total	\$8,617.00	\$206,808.00

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 or where lots are released in different financial years.

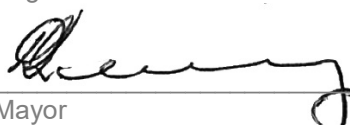
Note – Council's Mid-Western Regional Contributions Plan 2019 is available for perusal at Council's Administration Centre at 86 Market Street, Mudgee or on Council's website www.midwestern.nsw.gov.au under Council Documents/Strategies and Plans.

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


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

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

The bond may be provided by way of a monetary deposit with the Council or a bank guarantee to the satisfaction of Council.



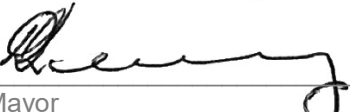
 Mayor




 General Manager

The bank guarantee must not specify and time limitations on the operation of the guarantee.

75. Prior to issue of the Subdivision Certificate for Stage 2, an Association must be formed, and is to prepare and file its constitution for the private Water Supply Scheme for proposed Lots 1 to 25. The constitution is to be submitted to and approved by Council prior to the issue of the Subdivision Certificate. The constitution is to outline all relevant rules associated with the supply of water, including minimum and maximum volumes, metering requirements and operational charges. The constitution is to state that proposed Lots 1 to 25 are to receive a minimum of 0.200 mega litres of non-potable water per year.
76. Three (3) metre wide easements, including associated Section 88B instruments, are to be created in favour of Community Association of the Water Supply Scheme over any existing or newly constructed water reticulation components located within the subject property, or extended through adjoining private properties as a result of this subdivision, where necessary.
77. A twenty (20) metre wide easement, including associated Section 88B instruments, is to be created over the bore proposed for water supply within Lot 2. The easement is to be made in favour of the Community Association of the Water Supply Scheme.
78. A twenty (20) metre wide easement, including associated Section 88B instruments, are to be created over the rear boundary of Lots 1 to 7, nominated as a vegetation buffer. The easement is to be created to maintain a vegetation buffer comprising of suitable trees and shrubs, planted not less than 5 metres apart, in perpetuity. The Section 88B shall also include all vegetation management requirements for the burdened lots, including provision for replacement of vegetation where losses occur to ensure the vegetation buffer is maintained by future landowners.
79. A covenant, or similar instrument, is to restrict all boundary fencing of each new lot within the subdivision to contain post and rail, or post and wire fencing only.
80. Easements of variable width shall be created over any inter-allotment drainage/drainage channel in favour of upstream allotments. The Section 88B instrument and linen plans submitted with the application are to include details of any required inter-allotment stormwater easements.
81. Easements for electricity purposes, as required by the electricity supply authority, shall be created. The Section 88B instrument and linen plans submitted with the application are to include details of any electricity easements or restrictions on title required to be imposed by the electricity authorities/suppliers.

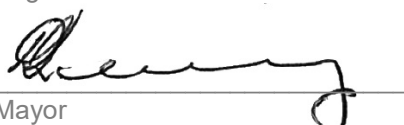


Mayor




General Manager

82. A covenant, or similar instrument, requiring the purchasers of Lots 1 to 25 to become members of the Community Association and Water Supply Scheme servicing the development, is to be submitted to and approved by Council prior to the issue of a Subdivision Certificate.
83. Prior to issue of the Subdivision Certificate, the applicant is required to enter into an easement for noise and vibration to burden on the subdivided lots and to benefit RailCorp in accordance with terms and conditions as stipulated in a Section 88B Instrument in light of the rail corridor adjoining the site is currently in operation.
84. Prior to the issue of any Subdivision Certificate, a restriction as to user is to be registered under the Conveyancing Act 1919 on each of the lots that have frontage to the Castlereagh Highway (classified State road HW18), prohibiting vehicular access between HW18 and each lot burdened.
85. A positive covenant is to be created and registered on each title for all Lots created in Stage 2 in accordance with the requirements of the Conveyancing Act 1919 that:
- Future dwellings constructed on proposed Lots created in Stage 2 must have a Finished Floor Level providing no less than 500 mm above the 1:100 year ARI flood level, and
 - All fencing below the 1:100 year ARI flood level shall be designed and constructed to allow the free passage of water in the event of a flood, and
 - Requires each property owner to be responsible for the lawful disposal of all waste generated by future development, occupation and use of the land and advising that Council does not provide domestic or other waste collection services to the land, and
 - Requires each property owner to contribute and be a party to any community water supply and sharing agreement.
86. The intersection of the Castlereagh Highway and Wilbetree Road is to be upgraded prior to issue of Subdivision Certificate, in accordance with Austroads Guide to Road Design Part 4A (2017):
- Figure 7.5 'Type CHR' (Channelised Right Turn); and
 - Figure 8.3 'Type AUL (Auxiliary Left Turn) and any relevant TfNSW Supplements.
87. Safe Intersection Sight Distance (SISD) requirements outlined in the Austroads Guide to Road Design Part 4A and relevant TfNSW Supplements shall be provided in both directions at the intersection of the Castlereagh Highway and Wilbetree Road. For



Mayor



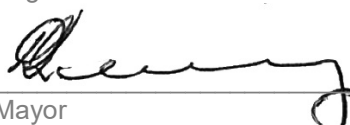
General Manager

an 80 km/h speed zone the minimum SISD is 181 metres.

88. Prior to issue of the Subdivision Certificate, evidence is to be provided to Council that the private level crossing to Lot 2 DP 136904 at the rail corridor has been formally closed.
89. Prior to issue of the Subdivision Certificate, Council is to be supplied with:
 - a) A certificate of acceptance from the appropriate power authority indicating that satisfactory arrangements have been made for provision of electricity supply to the subdivision; and
 - b) All works required by the consent be completed in accordance with the consent.
90. The Proposed Road within the subdivision of Lot 3 (stage 2) shall be dedicated as a public road at no cost to Council. The public road shall be delineated on the final plan of subdivision submitted with the application for a Subdivision Certificate.
91. Prior to the issue of a Subdivision Certificate, each lot must have separate access that must comply with Council requirements and must obtain approval under the provisions of Section 138 of the Roads Act 1993 prior to carrying out any activities in the road reserve.
92. At the issue of a subdivision certificate, the entire site must be managed as an inner protection area (IPA). The IPA must comprise:
 - Minimal fine fuel at ground level;
 - Grass mowed or grazed;
 - Trees and shrubs retained as clumps or islands and do not take up more than 20% of the area;
 - Trees and shrubs located far enough from buildings so that they will not ignite the building;
 - Garden beds with flammable shrubs not located under trees or within 10 metres of any windows or doors;
 - Minimal plant species that keep dead material or drop large quantities of ground fuel;
 - Tree canopy cover not more than 15%;
 - Tree canopies not located within 2 metres of the building;
 - Trees separated by 2-5 metres and do not provide a continuous canopy from the hazard to the building; and
 - Lower limbs of trees removed up to a height of 2 metres above the ground.

STATEMENT OF REASONS

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



Mayor



General Manager

Western Regional Development Control Plan 2013.

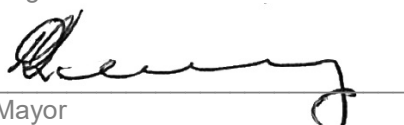
2. The proposed development is considered satisfactory in terms of the matters identified in Section 4.15 of the Environmental Planning and Assessment Act 1979.
3. The proposed development satisfactorily addresses the issues raised in objections received in response to public notification of the development, as follows:
 - a) A 20m wide landscape buffer along the western boundary of the subdivision creating Lot 1 to 7 has been included to mitigate privacy concerns and also provide a buffer to the RU4 zoned properties;
 - b) There has been no objection raised by use of a communal bore for non-potable water supply from Water NSW or the Natural Resources Regulator;
 - c) Each future lot will be subject to the requirement of a Section 68 approval, with a suitably designed waste water system and geotechnical report (following on from the waste water assessment report conducted as part of the Planning Proposal in 2016) to accompany any future application made to Council;
 - d) Dust and noise are able to be managed with appropriate conditions of consent during the civil construction phase;
 - e) Adequate setbacks to all boundaries are available in accordance with the Mid-Western Development Control Plan 2013 for each future dwelling; and
 - f) The existing dam will be retained on the future Lot 8 as this currently retains runoff from a culvert under the existing railway line.


OTHER APPROVALS**General Terms of Approval**

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

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



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General Manager

construction of the building, the subject of this approval. Persons to whom this approval is issued must rely on their own enquiries as to whether or not the building breaches any such covenant.

3. Sections 8.2, 8.3, 8.4 and 8.5 of the Environmental Planning and Assessment Act 1979 (EP&A Act) gives you the ability to seek a review of the determination. This request is made to Council and must be made within 6 months after the date on which you receive this notice. The request must be made in writing and lodged with the required fee; please contact Council's Planning and Development Department for more information or advice.
4. If you are dissatisfied with this decision Sections 8.7 and 8.10 of the EP&A Act gives you the right to appeal to the Land and Environment Court within 6 months after the date on which you receive this notice.
5. To ascertain the date upon which the consent becomes effective, refer to Sections 4.20 and 8.13 of the EP&A Act.
6. To ascertain the extent to which the consent is liable to lapse, refer to Section 4.53 of the EP&A Act.
7. Certain subdivisions/developments will be exempt from the requirement to provide fibre-ready telecommunication infrastructure to each new lot.

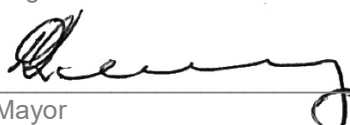
To be exempt, the subdivision/development must meet the following requirements:

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

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

Advice from Transport for NSW

8. Noting that the current application does not include works, the applicant should be advised that in any subsequent applications whereby such equipment is required to be used in the air space over the rail corridor, the applicant must submit an application to JHR for RailCorp's approval in advance. The



Mayor



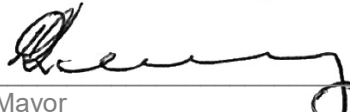
General Manager

applicant is welcome to contact JHR's Third party works team via CRN.3rdpartyworks@jhg.com.au for more information in this regards.

9. Noting that the current application does not include works or design, the applicant should be advised that in any subsequent applications that the development lighting and external finishes of building do not temporarily blind or cause distraction to railway operation. In addition, the use of red and green lights must be avoided in all signs, lighting and building colour schemes on any part of a building which faces the rail corridor.
10. Austroads Guide to Road Design Part 4: Intersections and Crossings – General identifies that the location and spacing of intersections and property access can affect the safety and operation of a road, and as such that Intersections must be located so that required driver and pedestrian sight distances are met.
11. The proposed new road should be located to ensure that all the sight distance requirements of Section 3.2 of Austroads Guide to Road Design Part 4A: Unsignalised and Signalised Intersections are achieved. For an 80km/h speed limit, an Approach Site Distance (ASD) of 114m is required and a Safe Intersection Sight Distance (SISD) of 181m is required.

Advice from Essential Energy

12. If the proposed development changes, there may be potential safety risks and it is recommended that Essential Energy is consulted for further comment.
13. As part of the subdivision/s, easement/s are to be created for any existing or new electrical infrastructure, using Essential Energy's standard easement terms current at the time of registration of the plan/s of subdivision.
14. Any existing encumbrances in favour of Essential Energy (or its predecessors) noted on the title of the above properties should be complied with.
15. Council should ensure that a Notification of Arrangement (confirming satisfactory arrangements have been made for the provision of power) is issued by Essential Energy with respect to all proposed lots which will form part of the subdivision, prior to Council releasing the Subdivision Certificate. It is the Applicant's responsibility to make the appropriate application with Essential Energy for the supply of electricity to the subdivision, which may include the payment of fees and contributions. Despite Essential Energy not having any safety concerns, there may be issues with respect to the subdivision layout, which will require Essential Energy's approval.



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General Manager

16. In addition, Essential Energy's records indicate there is electricity infrastructure located within the properties and within close proximity to the properties. Any activities within these locations must be undertaken in accordance with the latest industry guideline currently known as ISSC 20 Guideline for the Management of Activities within Electricity Easements and Close to Infrastructure. Approval may be required from Essential Energy should activities within the property encroach on the electricity infrastructure.
17. 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).
18. Given there is electricity infrastructure in the area, it is the responsibility of the person/s completing any works around power lines to understand their safety responsibilities. SafeWork NSW (www.safework.nsw.gov.au) has publications that provide guidance when working close to electricity infrastructure. These include the Code of Practice – Work near Overhead Power Lines and Code of Practice – Work near Underground Assets.

Advice from WaterNSW

19. The proposed shared water supply arrangement to each of the resultant land portions post subdivision can be facilitated by the works (wells / bores) currently authorised under approval 80CA718669 and the associated Water Access Licence (WAL) 34156. It is however noted that the removal of defunct works may be required during, or prior to the subdivision construction phase. WaterNSW advise that the proponent be aware of decommissioning conditions pertinent to 80CA718669.

Advice from NSW RFS


20. Any further development application for class 1, 2 & 3 buildings as identified by the National Construction Code must be subject to separate application under section 4.14 of the Environmental Planning and Assessment Act 1979 and address as may be applicable, the requirements of Planning for Bush Fire Protection 2019.

The motion was carried with the Councillors voting unanimously.


62/21 MOTION: Holden / Shelley

That the Council meeting be suspended to hear a public forum speaker.

The motion was carried with the Councillors voting unanimously.



Mayor



General Manager

The meeting was suspended at 5.58pm to hear public forum speaker Scott Goodkin.

63/21 MOTION: Cavalier / Shelley

That Council move to open Council.

The motion was carried with the Councillors voting unanimously.

The meeting recommenced at 6.06pm.

8.2 PLANNING PROPOSAL 705 SPRINGFIELD LANE, GULGONG LOTS 277-282, 285, 286 DP 755433, LOTS 64, 70, 71, 138 DP 755434, LOTS 15-17 DP 1172228, REZONE TO R5 LARGE LOT RESIDENTIAL AND CHANGE THE MINIMUM LOT SIZE TO 12 HECTARES

GOV400088, LAN900120

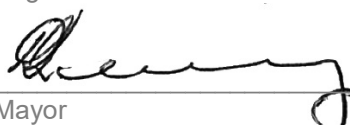
64/21 MOTION: Shelley / Cavalier

That Council:

1. **receive the report by the Town Planner on the Planning Proposal 705 Springfield Lane, Gulgong Lots 277-282, 285, 286 DP 755433, Lots 64, 70, 71, 138 DP 755434, Lots 15-17 DP 1172228, rezone to R5 Large Lot Residential and change the minimum lot size to 12 hectares;**
2. **provide initial support for the rezoning and change to minimum lot size of Planning Proposal 705 Springfield Lane, Gulgong Lots 277-282, 285, 286 DP 755433, Lots 64, 70, 71, 138 DP 755434, Lots 15-17 DP 1172228;**
3. **forward the Planning Proposal to amend the Mid-Western Regional Local Environmental Plan 2012 to the NSW Department of Planning Industry and Environment seeking a Gateway Determination, in accordance with Section 3.34 of the Environmental Planning and Assessment Act 1979; and**
4. **undertake community consultation as outlined within any approved Gateway Determination.**

The motion was carried with the Councillors voting unanimously.

The following recommendations (item 8.3 to item 10.2) were adopted as a whole, being moved by Cr Shelley, seconded by Cr Cavalier and carried with Councillors voting unanimously. Each recommendation is recorded with separate resolution numbers commencing at Resolution No.65/21 and concluding at Resolution No. 60/21.



Mayor



General Manager

8.3 ADVERSE EVENT PLAN

GOV400088, RIS900009

65/21

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

1. receive the report by the Manager Economic Development on the Adverse Event Plan;
2. place the Adverse Event Plan on public exhibition for 28 days; and
3. adopt the Adverse Event Plan if no submissions are received.

The motion was carried with the Councillors voting unanimously.

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

GOV400088, A0130047

66/21

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

1. receive the report by the Manager, Health and Building on the submission received to the amended Mobile Food Vending Vehicles and Temporary Food Stalls in a Public Place Policy; and
2. adopt the revised Mobile Vending Vehicles and Temporary Stalls in a Public Place Policy.

The motion was carried with the Councillors voting unanimously.

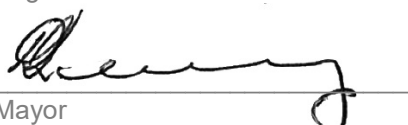
8.5 MONTHLY DEVELOPMENT APPLICATIONS PROCESSING AND DETERMINED

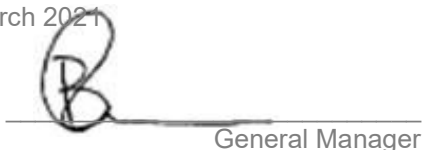
GOV400088, A0420109

67/21

MOTION: Shelley / Cavalier**That Council receive the report by the Director Development on the Monthly Development Applications Processing and Determined.**

The motion was carried with the Councillors voting unanimously.



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General Manager

Item 9: Finance**9.1 TENDER FOR SUPPLY OF ELECTRICITY TO CONTESTABLE SITE AND STREET LIGHTING**

GOV400088, ENE100001

68/21 MOTION: Shelley / Cavalier**That Council:**

- 1. receive the report by the Manager Finance on the Tender for Supply of Electricity to Contestable Site and Street Lighting; and**
- 2. commence the process of a reverse auction for supply of electricity from 1 January 2022 to 30 June 2023 for contestable sites and street lighting.**

*The motion was carried with the Councillors voting unanimously.***9.2 MONTHLY STATEMENT OF INVESTMENTS AS AT 28 FEBRUARY 2021**

GOV400088, FIN300053

69/21 MOTION: Shelley / Cavalier**That Council:**

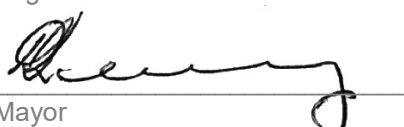
- 1. receive the report by Manager Finance the on the Monthly Statement of Investments as at 28 February 2021; and**
- 2. note the certification of the Responsible Accounting Officer.**


*The motion was carried with the Councillors voting unanimously.***9.3 MONTHLY BUDGET REVIEW - FEBRUARY 2021**

GOV400088, FIN300240

70/21 MOTION: Shelley / Cavalier**That Council:**

- 1. receive the report by the Manager Finance on the Monthly Budget Review - February 2021; and**
- 2. amend the 2020/21 budget in accordance with the variations as listed in the Monthly Budget Review attachment to this report.**

The motion was carried with the Councillors voting unanimously.

Mayor

General Manager

9.4 REFINANCE OF SEWER FUND LOAN

GOV400088, A0140322

71/21

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

1. receive the report by the Accountant Reporting and Analysis on the Refinance of Sewer Fund Loan; and
2. authorise the General Manager to refinance the Sewer loan with National Australia Bank for another 10 years at a forward starting fixed rate subject to the rate supplied being no more than of 2.9%.

The motion was carried with the Councillors voting unanimously.

9.5 NAMING OF A NEW ROAD IN A SUBDIVISION OFF ADAMS LEAD ROAD GULGONG.

GOV400088, P25207 R0790041

72/21

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

1. receive the report by the Property Support Officer on the naming of a new road in a subdivision off Adams Lead Road Gulgong; and
2. formally approve the name of Peru Road for this new road.

The motion was carried with the Councillors voting unanimously.

Item 10: Operations

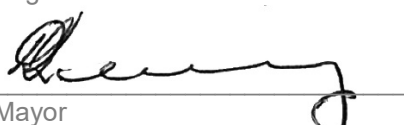
10.1 MUDGEE FLOOD STUDY - ADOPTION


GOV400088, SEW200053

73/21

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

1. receive the report by the Director Operations on the Mudgee Flood Study - Adoption;
2. adopt the Mudgee Flood Study;
3. note the proposed interim arrangements prior to completion of the Flood Risk Management Study;



Mayor

General Manager

4. accept \$6,250 in additional grant funding from NSW State Government, if successful, for the development of an interim flood study and to undertake additional community engagement; and
5. amend the 2020/21 Budget by increasing the expenditure budget by \$9,375 funded by NSW Government grant \$6,250 and Council funding of \$3,125 from unrestricted cash.

The motion was carried with the Councillors voting unanimously.

10.2 RFT 2020/99 GOULBURN RIVER BRIDGE

GOV400088, COR400389

74/21

MOTION: Shelley / Cavalier

That Council:

1. receive the report by the Senior Works Engineer on the RFT 2020/99 Goulburn River Bridge;
2. note the details provided in the attached confidential report and accept the tender submission for the Design and Construct of Goulburn River Bridge in accordance with Clause 178 of the Local Government (General) Regulations 2005 at the tendered price of \$1,099,000 excluding GST;
3. authorise the General Manager to finalise and execute the contract on behalf of Council with Kenpass Pty Ltd for Design and Construct RFT 2020/99 Goulburn River Bridge replacement;
4. grant delegation to the General Manager to approve variations to the contract up to an accumulative total of 10% of the original contract sum; and
5. notify other tenderers that their tenders were unsuccessful.

The motion was carried with the Councillors voting unanimously.

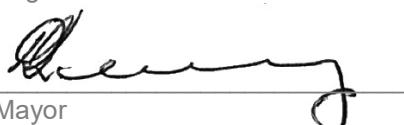
Item 11: Community

11.1 MUDGEER REGIONAL ART GALLERY LOGO


GOV400088, REC800038

75/21

MOTION: Paine / Holden



Mayor



General Manager

That Council:

1. receive the report by the Manager, Community & Cultural Services on the Mudgee Regional Art Gallery Logo;
2. rename the gallery, Mudgee Region Gallery;
3. engage an appropriate marketing consultant to develop a Brand Platform for the gallery;
4. amend the 2020/21 budget to allocate \$12,000 to this project, funded from unrestricted cash; and
5. consider a further report at the April Council meeting

The motion was carried with the Councillors voting unanimously.

The following recommendations (item 11.2 to item 12.4) were adopted as a whole, being moved by Cr Shelley, seconded by Cr O'Neill and carried with Councillors voting unanimously. Each recommendation is recorded with separate resolution numbers commencing at Resolution No.76/21 and concluding at Resolution No. 81/21.

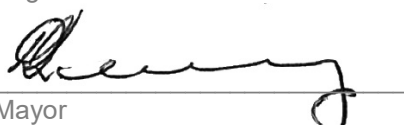
11.2 REGIONAL ARTS DEVELOPMENT ORGANISATION REPRESENTATION

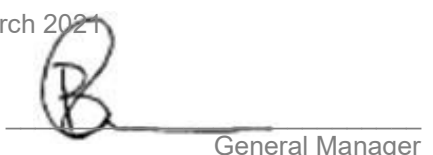
GOV400088, REC800019

76/21**MOTION: Shelley / O'Neill****That Council:**

1. receive the report by the Manager, Community and Cultural Services on the Regional Arts Development Organisation Representation;
2. accept the Mid-Western Regional Council Cultural Development Committee's recommendation that it replace Orana Arts as its Regional Arts Development Organisation with an Arts OutWest membership;
3. authorise the General Manager to finalise arrangements to replace Council's Orana Arts membership with one for Arts OutWest from 1 July 2021; and
4. amend the 2021/2022 Budget to increase Community Services Administration Donations and Contributions by \$16,000 (funded from unrestricted cash) to meet the financial obligations of Arts OutWest annual membership.

The motion was carried with the Councillors voting unanimously.



Mayor

General Manager

11.3 OFFER OF DONATION OF ART - GALLERY FORECOURT
SCULPTURE

GOV400088, REC800010, REC800003, REC800021

77/21

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

1. receive the report by the Manager, Community & Cultural Services on the Offer of Donation of Art - Gallery Forecourt Sculpture; and
2. accept the offer of the donation of the sculpture, 'Encounter' by John Fitzmaurice.

The motion was carried with the Councillors voting unanimously.

Item 12: Reports from Committees

12.1 CULTURAL DEVELOPMENT COMMITTEE

GOV400088, REC800019

78/21

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

1. receive the report by the Manager, Community & Cultural Services on the Cultural Development Committee; and
2. note the minutes of the Cultural Development Committee meeting convened on 15 February 2021.

The motion was carried with the Councillors voting unanimously.

12.2 GULGONG SPORTS COUNCIL MEETING MINUTES
8 DECEMBER 2020

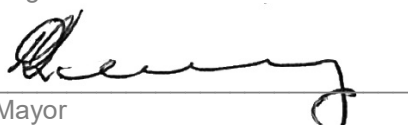
GOV400088, A0360003

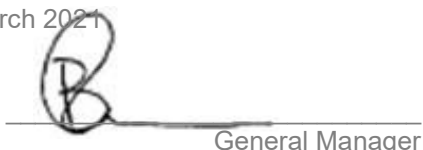
79/21

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

1. receive the report by the Manager, Recreation Services on the Gulgong Sports Council Meeting Minutes 8 December 2020; and
2. note the minutes of the Gulgong Sports Council Meeting held 8 December 2020.

The motion was carried with the Councillors voting unanimously.



Mayor

General Manager

12.3 MUDGEES SPORTS COUNCIL MEETING MINUTES 15
FEBRUARY 2021

GOV400088, A0360013

80/21

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

1. receive the report by the Manager, Recreation Services on the Mudgee Sports Council Meeting Minutes 15 February 2021; and
2. note the minutes of the Sports Council Meeting held 15 February 2021.

The motion was carried with the Councillors voting unanimously.

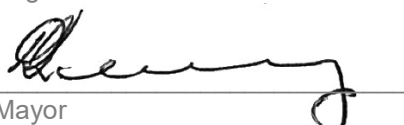
12.4 LOCAL TRAFFIC COMMITTEE MEETING MINUTES -
FEBRUARY 2021


GOV400088, A0100009

81/21

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

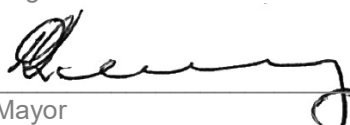
1. receive the report by the Administration Officer, Operations on the Local Traffic Committee Meeting Minutes - February 2021 ; and
2. approve the installation of a traffic island for pedestrian crossing on Short Street in principal, with a more detailed design to be presented to the Local Traffic Committee.
3. Approve the event Mudgee ANZAC Day parade, held on Sunday 25 April 2021 and classify as a Class 2 event under the "Guide to Traffic and Transport Management for Special Events Version 3.5" with the following conditions:
 - a) A Special Events Transport Management Plan (TMP), is to be prepared in accordance with the Guide to Traffic and Transport Management for Special Events Version 3.5 and submitted to and approved by Council prior to the event.
 - b) A Traffic Control Plan/s (TCP) certified by a person with a 'Worksite Traffic Control Certificate' be included in the TMP;
 - c) Any person directing traffic on a public road is required to possess a valid traffic controller's certificate;
 - d) Events are to be undertaken in accordance with the



Mayor

General Manager

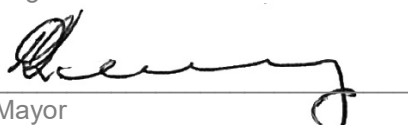
- requirements of the NSW Police Service with their approval documentation forwarded to Council for notation;
- e) Council must be provided with a current copy of a public liability insurance policy in the amount of at least \$20 million. Such a policy is to note that Council, the Transport for NSW and NSW Police Force are indemnified against any possible action as the result of the event;
 - f) Controlling noise as required by the Protection Of The Environment Operations (Noise Control) Regulation 2000;
 - g) Reimbursing Council for the cost of any damage repairs;
 - h) Complying with any of Council's Law Enforcement Officers' directives;
 - i) Maintain areas in a clean and tidy condition. No obstructions are to be left on the roadways or footpaths;
 - j) The event convener is to consult with all affected businesses and residents adjacent to the proposed closure, in writing, indicating the period during which their accesses will be affected at least two weeks prior to event commencement;
 - k) Advertise the proposed event in local newspapers and radio with relevant information at least two weeks prior to the date;
 - l) Maintain a four-metre wide emergency vehicle lane;
 - m) Notify NSW ambulance and NSW Fire Brigade of the event;
 - n) The organiser is to debrief with Council and Police with all traffic control documentation and controls tabled for review.
 - o) Traffic Control plan to be in accordance with Transport for NSW, Traffic Control at Worksites Manual
4. Approve the road closure of White Crescent Kandos for the event "Fementa", held on Saturday 13 March 2021 at Rylstone and Kandos, and classify as a Class 2 event under the "Guide to Traffic and Transport Management for Special Events Version 3.5" with the following conditions:
- a) A Special Events Transport Management Plan (TMP), is to be prepared in accordance with the Guide to Traffic and Transport Management for Special Events Version 3.5 and submitted to and approved by Council prior to the event.
 - b) A Traffic Control Plan/s (TCP) certified by a person with a 'Worksite Traffic Control Certificate' be included in the TMP;
 - c) Any person directing traffic on a public road is required to possess a valid traffic controller's certificate;



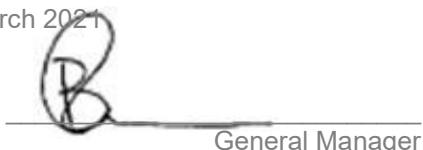
Mayor

General Manager

- d) Events are to be undertaken in accordance with the requirements of the NSW Police Service with their approval documentation forwarded to Council for notation;
 - e) Council must be provided with a current copy of a public liability insurance policy in the amount of at least \$20 million. Such a policy is to note that Council, the Transport for NSW and NSW Police Force are indemnified against any possible action as the result of the event;
 - f) Controlling noise as required by the Protection Of The Environment Operations (Noise Control) Regulation 2000;
 - g) Reimbursing Council for the cost of any damage repairs;
 - h) Complying with any of Council's Law Enforcement Officers' directives;
 - i) Maintain areas in a clean and tidy condition. No obstructions are to be left on the roadways or footpaths;
 - j) The event convener is to consult with all affected businesses and residents adjacent to the proposed closure, in writing, indicating the period during which their accesses will be affected at least two weeks prior to event commencement;
 - k) Advertise the proposed event in local newspapers and radio with relevant information at least two weeks prior to the date;
 - l) Maintain a four-metre wide emergency vehicle lane;
 - m) Notify NSW ambulance and NSW Fire Brigade of the event;
 - n) The organiser is to debrief with Council and Police with all traffic control documentation and controls tabled for review.
 - o) Traffic Control plan to be in accordance with Transport for NSW, Traffic Control at Worksites Manual
5. Note the suggested amendments to the design for the Church Street and Mears Street roundabout provided by the traffic committee.
6. Approve the event – "Mudgee Classic 2021" 2 May 2021, classified as a Class 2 Event under the 'Guide to Traffic and Transport Management for Special Events Version 3.5', with the following conditions:
- a) Events are to be undertaken in accordance with the "Guidelines for Bicycle Road Races";
 - b) A Special Events Transport Management Plan (TMP), is to be prepared in accordance with the "Guide to Traffic and Transport Management for Special Events Version 3.5 and submitted to and approved by Council prior to the event;



Mayor



General Manager

- c) Events are to be undertaken in accordance with the requirements of the NSW Police Force with their approval documentation forwarded to Council for notation;
- d) Controlling noise as required by the Protection of the Environment Operations (Noise Control) Regulation 2000;
- e) Reimbursing Council for the cost of damage repairs;
- f) Complying with any of Council's Law Enforcement Officers reasonable directives;
- g) Maintain areas in a clean and tidy condition. No obstructions are to be left on the roadways or footpaths;
- h) A Traffic Control Plan (TCP) certified by a person with a 'Select & Modify 'or a 'Design and Audit' Certificate be included in the TMP;
- i) Any person directing traffic on a public road is required to possess an appropriate traffic controller's certificate;
- j) Council must be provided with a current copy of a public liability insurance policy in the amount of at least \$20 million. Such a policy is to note that Council, RMS and NSW Police Force is indemnified against any possible action as the result of the event;
- k) The event convener is to notify all affected businesses and residents adjacent to the proposed closure indicating the period during which their accesses will be affected. Such notification is to be in writing;
- l) Provide alternative access for motorists or pedestrians with legitimate business within the closed section of roadway;
- m) Maintain a four-metre wide emergency vehicle lane;
- n) Advertise the proposed event in local newspapers with relevant information at least 2 weeks prior to the date;
- o) The organiser is to debrief with Council and Police with all traffic control documentation and controls tabled for review; and Transport for NSW consent required for use of the State and Regional road network.

Additional Conditions

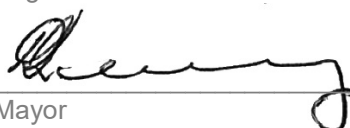
- p) VMS are to be positioned to not obstruct sight distance at intersections, accesses and onto traffic control devices,
- q) Traffic Control plans to be updated as per notes below.

The motion was carried with the Councillors voting unanimously.

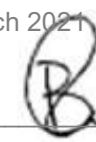
Item 13: Urgent Business Without Notice

Nil

Item 14: Confidential Session



Mayor



General Manager

82/21 MOTION: Cavalier / Holden

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

The motion was carried with the Councillors voting unanimously.

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

14.1 Opportunity to Purchase Land

The reason for dealing with this report confidentially is that it relates to commercial information of a confidential nature that would, if disclosed prejudice the commercial position of the person who supplied it in accordance with Section 10A(2)(d)(i) of the Local Government Act, 1993.

Discussion of this matter in an open meeting would be, on balance, contrary to the public interest as it involves discussion of (d) (i) commercial information of a confidential nature that would, if disclosed prejudice the commercial position of the person who supplied it.

Following an enquiry from the Mayor, the General Manager advised that there were no written representations in respect of this matter and that no person in the gallery wished to make verbal representations.

14.1 OPPORTUNITY TO PURCHASE LAND

GOV400088, P2236211

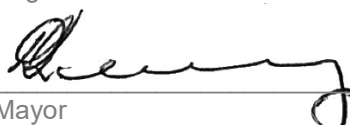
83/21 MOTION: Holden / Paine**That Council:**

- 1. receive the report by the Manager Property and Revenue on the Opportunity to Purchase Land;**
- 2. amend the 2020/21 Budget to allocate \$8,000 to obtain valuations for the two allotments as cited in Attachment 1 to this Report; and**
- 3. consider a further report to Council to receive the valuations.**

The motion was carried with the Councillors voting unanimously.

Item 15: Urgent Confidential Business Without Notice

Nil



Mayor

General Manager

Item 16: Open Council

84/21 MOTION: Shelley / Cavalier

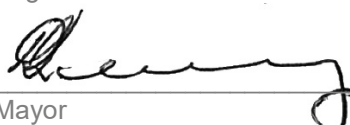
That Council move to Open Council.

The motion was carried with the Councillors voting unanimously.


The General Manager announced the decisions taken in Confidential Session.

Item 17: Closure

There being no further business the meeting concluded at 6.15pm.



Mayor



General Manager