



Business Papers 2022

MID-WESTERN REGIONAL COUNCIL

ORDINARY MEETING

Wednesday 18 May 2022

MINUTES

*A prosperous and progressive
community we proudly call home*



CONFIRMATION OF MINUTES

3.1 Minutes of Ordinary Meeting held on 20 April 2022.....3

Minutes of the Ordinary Meeting of Council

Held at the Council Chambers, 86 Market Street, Mudgee
on 20 April 2022, commencing at 5.33pm and concluding at 5.57pm.

PRESENT Cr D Kennedy, Cr S Paine, Cr P Cavalier, Cr K Dicker, Cr A Karavas, Cr R Palmer, Cr P Shelley, Cr P Stoddart, Cr JP Thompson (by phone)

IN ATTENDANCE General Manager (Brad Cam), Director Community (Simon Jones), Director Development (Julie Robertson), Manager Economic Development (Alina Azar), Director Operations (Julian Geddes), Executive Manager People and Performance (Michele George), Acting Chief Financial Officer (Neil Bungate), Manager Customer Services & Governance (Richard Cushway) and Executive Administration Assistant (Kate Newbould).

Acknowledgement of Country

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

Item 1: Apologies

nil

Item 2: Disclosure of Interest

Council staff member A Azar declared a significant non-pecuniary conflict of interest in Item 14.1.

Item 3: Confirmation of Minutes

96/22 MOTION: Cavalier / Palmer

That the Minutes of the Ordinary Meeting held on 16 March 2022 be taken as read and confirmed.

The motion was carried with the Councillors voting unanimously.

Item 4: Matters in Progress

Community Grants Program July 2021

97/22 MOTION: Shelley / Cavalier

That Resolution no.215/21 from the Ordinary meeting of 21/07/2021 in regard to the Community Grants Program July 2021 be marked complete.

The motion was carried with the Councillors voting unanimously.

Tree Removal – Mortimer Street, Mudgee

98/22 MOTION: Shelley / Cavalier

That Resolution no.231/21 from the Ordinary meeting of 04/08/2021 in regard to the Tree Removal on Mortimer Street, Mudgee be marked complete.

The motion was carried with the Councillors voting unanimously.

Tourism Services & Regional Marketing Expression of Interest 2021/54**99/22 MOTION: Shelley / Cavalier**

That Resolution no.14/22 from the Ordinary meeting of 12/01/2022 in regard to the Tourism Services and Regional Marketing Expression of Interest 2021/54 be marked complete.

The motion was carried with the Councillors voting unanimously.

Drive-in Cinema**100/22 MOTION: Shelley / Cavalier**

That Resolution no.17/22 from the Ordinary meeting of 02/02/2022 in regard to Drive-in Cinema be marked complete.

The motion was carried with the Councillors voting unanimously.

Item 5: Mayoral Minute

Nil

Item 6: Notices of Motion or Rescission

6.1 ACCOMMODATION INVESTIGATION WITHIN THE LOCAL GOVERNMENT AREA

GOV400098, A0100035

101/22 MOTION: Dicker / Shelley

That Council investigate considerations within the Local Government Area for accommodation.

The motion was carried with the Councillors voting unanimously.

Item 7: Office of the General Manager

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. 102/22 and concluding at Resolution No. 106/22.

7.1 CODE OF MEETING PRACTICE

GOV400098, GOV400009

102/22

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

1. receive the report by the Governance Coordinator on the Code of Meeting Practice ;
2. place on public exhibiton a draft of the Code of Meeting Practice for at least 28 days and provide members of the community at least 42 days in which to comment on the draft code ; and
3. adopt the Code of Meeting Practice if no submissions are received during the period of 42 days.

The motion was carried with the Councillors voting unanimously.

7.2 POLICY REVIEW - COUNCILLOR EXPENSES AND FACILITIES

GOV400098, GOV400047

103/22

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

1. receive the report by the Governance Coordinator on the Policy Review - Councillor Expenses and Facilities;
2. place the revised Councillor Expenses and Facilities Policy on public exhibition for 28 days; and
3. adopt the revised Councillor Expenses and Facilities Policy if no submissions are received.

The motion was carried with the Councillors voting unanimously.

7.3 ORGANISATION STRUCTURE

GOV400098, A0100056, A0270001, GOV400098

104/22

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

1. receive the report by the Executive Manager, People and Performance on the Organisation Structure ; and
2. re-determine the existing Organisation Structure.

The motion was carried with the Councillors voting unanimously.

7.4 LOCAL GOVERNMENT NSW MEMBERSHIP

GOV400098, A0040005

105/22

MOTION: Shelley / Cavalier

That Council:

1. receive the report by the Director Community on the Local Government NSW Membership ;
2. re-join Local Government NSW; and
3. amend the 2021/22 budget to increase expenditure by \$8,295 and amend the 2022/23 budget to increase expenditure by \$46,151 for LGNSW membership fees to be funded from unrestricted cash.

The motion was carried with the Councillors voting unanimously.

7.5 DISASTER RECOVERY FUNDING UPDATE

GOV400098, AA0060009; GRA600016

106/22

MOTION: Shelley / Cavalier

That Council:

1. receive the report by the Emergency Management Officer on the Disaster Recovery Funding Update ; and
2. amend the 2021/22 budget to reallocate unspent grant funding from the Make Safe Program to Kerrys Ridge Fire Recovery.

The motion was carried with the Councillors voting unanimously.

Item 8: Development

8.1 ME0018/2022 MODIFICATION TO DA0191/2021 - 209 ROBERTSON ROAD, SPRING FLAT (TORRENS TITLE SUBDIVISION - TWO ADDITIONAL LOTS)

GOV400098, DA0191/2021

107/22

MOTION: Shelley / Cavalier

That Council:

- A. receive the report by the Duty Town Planner on the ME0018/2022 Modification to DA0191/2021 - 209 Robertson

Road, Spring Flat (Torrens Title Subdivision - Two Additional Lots) ; and

- B. approve ME0018/2022 Modification to DA0191/2021 - 209 Robertson Road, Spring Flat (Torrens Title Subdivision - Two Additional Lots) subject to the following conditions and Statement of Reasons (with amendments shown in blue text):

Conditions

PARAMETERS OF CONSENT

1. Development is to be carried out in accordance with the following plans endorsed with Council's Stamp as well as the documentation listed below, except as varied by the conditions herein.

Title/Name	Drawing No/ Document Ref	Revision / Issue	Dated	Prepared by
Figure 1 – Proposed Subdivision	BK630 – Sheet 1 of 3	-	14/07/2020 1/12/2021	Robert John Crooks
Figure 2 – Proposed Services	BK630 – Sheet 2 of 3	-	1/12/2021	Robert John Crooks
Figure 3 – Proposed Services Crossing Diagrams	BK630 – Sheet 3 of 3	-	1/12/2021	Robert John Crooks
Figure 1 – Proposed Subdivision Stage 1 Lots 1-11	BK630 – Sheet 1 of 2	-	1/12/2021	Robert John Crooks
Figure 2 – Stage 1 Proposed Services Crossing Diagrams	BK630 – Sheet 2 of 2	-	1/12/2021	Robert John Crooks
Proposed Site Plan	TX14774.0 0 – C2.04	A	14/08/20	Triaxial Consulting
Road xxx Longitudinal Sections – Sheets 4	TX14774.0 0 – C5.00	A	14/08/20	Triaxial Consulting
Lot 1 Services Plan	TX14774.0 0 – SK01	A	02/12/21	Triaxial Consulting
Plenty Road Longitudinal Sections – Sheets 1	TX14774.0 0 – C5.10	A	12/04/21	Triaxial Consulting

Road 2 – Profile – 1	TX14774.0 0 – C5.50	1	25/11/21	Triaxial Consulting
Stormwater Management Plan	TX14774.0 0 – C6.00	B	12/04/21	Triaxial Consulting
Drainage Details	TX14774.0 0 – C6.50	0	25/11/21	Triaxial Consulting
Sewer Plan	TX14774.0 0 – C7.00	A	14/08/20	Triaxial Consulting
Sewer Longitudinal Sections	TX14774.0 0 – C7.01	A	14/08/20	Triaxial Consulting
Sewer Longitudinal Sections	TX14774.0 0 – C7.02	B	12/04/21	Triaxial Consulting
Sewer Longitudinal Sections	TX14774.0 0 – C7.03	A	14/08/20	Triaxial Consulting
Sewer Longitudinal Sections	TX14774.0 0 – C7.04	A	14/08/20	Triaxial Consulting
Sewer Longitudinal Sections	TX14774.0 0 – C7.05	A	14/08/20	Triaxial Consulting
Water Plan	TX14774.0 0 – C8.00	B	12/04/21	Triaxial Consulting

MODIFIED BY ME0018/2022

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.
3. This consent does not include approval for the removal of any trees.

GENERAL

4. Proposed Lots 1 to ~~25~~ 27 are to have a minimum area of 2,000 m².
MODIFIED BY ME0018/2022
5. The strength of the concrete used for any concrete components in the development must be a minimum 25 Mpa.
6. All *Acacia ausfeldii* (Ausfeld's Wattle) plants located within proposed Lot 1 are to be retained and conserved.
7. No trees are to be removed from within the Plenty Road reserve. No trees on the road or parks reserves shall be removed during construction of the subdivision works including the erection of hoardings and fences without Council's approval. Care must be taken to ensure that no trees are damaged either above or below ground level.

8. **Street trees of an approved species are to be provided at a rate of two (2) trees per allotment.**
9. **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 NSW Rural Fire Service, for a Bush Fire Safety Authority in accordance with Section 100B of the Rural Fires Act 1997.**
 - b) **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.**
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. **The only waste derived material that may be received at the development site must be:**
 - a) **Virgin excavated natural material, within the meaning of Protection of the Environment Operations Act 1997; and**
 - b) **Any other waste-derived material the subject of a resource recovery exemption under cl.91 of the Protection of the Environment Operations (Waste) Regulation 2014 that is permitted to be used as fill material.**
 13. **Where discrepancies between the Drawings, current amended Development Consent or Council's Development Control Plan occur, the works must comply with the written requirements of the current Development Consent.**
 14. **In accordance with Council's Development Control Plan, Council does not permit the following types of development over an existing sewer main or easement for sewer/stormwater drainage:**
 - a) **Erection of permanent structures,**
 - b) **Cut or fill of land,**
 - c) **The planting of trees, or**

d) Concrete structures

Footing design must ensure that footings extend below the zone of influence to ensure that no load is placed on infrastructure.

Stormwater

15. The Developer must provide for the design and construction of all stormwater drainage infrastructure to service the development.
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 including overflow from tank must also include adequate provision for prevention of erosion and scouring.
17. Inter-allotment drainage is to be provided to remove stormwater from any lots that cannot discharge to the street in accordance with AusSpec #1.
18. A grated pit of 600 x 600 mm with glue capped 90mm stormwater stub, is to be provided on the lower corner of every allotment for which roof and paved areas can't be drained naturally to public roadway or natural watercourse.

Water and Sewer

19. The developer is to provide separate water and sewer reticulation services to each lot.
20. The developer is to extend and meet the full cost of water and sewerage reticulations to service the new lots plus the cost of extending and connecting to existing services. All water and sewerage work is 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 Supply Code of Australia, National Specification – Sewerage Code of Australia, AS/NZS3500: Plumbing and Drainage and any other applicable codes.
21. Where the sewer main is located outside of the residential block, the service tie shall extend inside the property boundary and an inspection shaft extended vertically upward to the surface ground level to form the boundary riser. The tie should generally be located on the sewer main line at 1.0 metre from the lowest corner of the property and extend 1 metre into the boundary.

Electricity Supply

22. Underground electricity, street lighting and telecommunications 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.

TransGrid Conditions

23. TransGrid shall be notified of any amendments/modifications to the proposal which may change proposed distances to TransGrid structures or conductors.
24. All works must be carried out in accordance with NSW WorkCover 'Working Near Overhead Powerlines' Code of Practice 2006.
25. All fencing (including temporary fencing) must comply with TransGrid's Fencing Guidelines.
26. Pits or pillars to connect the electricity supply to residences cannot be located within the TransGrid electricity easement.

Roads and footpaths

27. Construction and extension of Plenty Road and the New Internal Proposed Road must be undertaken generally in accordance with the approved Drawings, Engineering Design and AUSPEC #1 & 2.
28. Road pavements are to be designed by a suitable qualified engineer in accordance with AUSTRoads procedures. Materials and testing requirements shall comply with those set out in AUSPEC Construction Specification with sample locations selected as per RMS Specification Q4.
29. The proposed extension to Plenty Road is to be constructed in accordance with the following:

Item	Requirement
Full Road Pavement Width	9m (2 x 3.5m travel lanes and 2 x 1m sealed shoulders, measured from invert to invert).
Nature Strip (verge)	4.5m
Concrete Footpaths	1.2m wide to extend the full length of Plenty Road (2.5% slope)
Seal	Two-coat flush seal -14/7 mm (Double/Double) as required
Kerb & Gutter	Roll back concrete kerb and gutter
Subsoil Drainage	Where gutter flow exceeds 2.5m during minor events of adjacent to intersections. To be installed behind kerb.

30. The proposed cul-de-sac road in the subdivision is to be constructed in accordance with the following:

Item	Requirement
Full Road Pavement Width	9 m (2 x 3.5m travel lanes and 2 x 1m sealed shoulders, measured from invert to invert)

Cul-de-sac	Radius not less than 10m
Nature Strip (verge)	2 x 4.5m
Concrete Footpaths	1.2m wide to extend the full length of new road (2.5% slope)
Seal	Two-coat flush seal -14/7 mm (Double/ Double) as required
Kerb & Gutter	Roll back concrete kerb and gutter
Subsoil Drainage	Where gutter flow exceeds 2.5m during minor events or adjacent to intersections. To be installed behind kerb.

31. A minimum 1.2m wide and 100mm thick concrete footpath is to be constructed along one side of the entire length of the proposed road/cul-de-sac and extended to connect to the existing footpath in Plenty Road.
32. One roof-water outlet per allotment is to be provided in the kerb and gutter 2m from the downhill boundary at the time of installation of kerb and gutter and shall be of no less a quality than kerb adaptors kept at Council's Administration Centre as a guide.
33. Where footpaths are provided the roof-water outlet shall be extend under the footpath and extend past the edge of the footpath sufficient to allow connection.
34. Street signs necessitated by the subdivision are to be installed in accordance with AUS-SPEC #1 and Council standards.

PRIOR TO ISSUE OF THE SUBDIVISION WORKS CERTIFICATE

35. Prior to the issue of a Subdivision Works Certificate, amended plans are to be submitted to and approved by Council to address the following matters:
 - a) The design for stormwater must demonstrate that the gutter flow calculation complies with the requirements of Mid-Western Development Control Plan 2013.
 - b) The road pavement width must be measured from invert to invert of kerb.
 - c) Kerb return detail must be submitted.
 - d) Cul-de-sac geometry details are to be submitted and must not be less than 10m radius.
 - e) Footpath details.
 - f) Kerb ramp details along with construction details.
 - g) Kerb and gutter details.
 - h) Kerb inlet pit detail.
 - i) Splay of corner lot details.
36. Prior to the issue of a Subdivision Works Certificate, a detailed engineering design is to be submitted to and approved by

Council. The engineering design is to comply with the technical and performance requirements of Council's Development Control Plan and the Standards referenced within Appendix B and D of that document. A Subdivision Works Certificate is required for, but not limited to, the following civil works:

- a) Water and sewer extensions, and connections to each lot;
- b) Stormwater drainage, including inter-allotment drainage, detention basins and bio-retention devices;
- c) Road construction including shoulder;
- d) Kerb and gutter;
- e) A 1.2m wide concrete footpath along the cul-de-sac road and the extension to Plenty Road;
- f) Earth works for the subdivision; and
- g) Landscaping of road verges and public reserves.

37. Prior to the issue of a Subdivision Works Certificate, the developer must submit to and obtain approval from Council, detailed design and documentation of the proposed sewer reticulation system. The details are to address the following:

- a) Demonstrate that the proposed sewer reticulation system has minimum grade requirements for sewer with a fall of no less than 1% and having no detrimental effect on flow rates and the ongoing operation of Council's existing infrastructure; and
- b) A report outlining the proposal to provide a waste water service to each lot within the proposed subdivision. The report is to be prepared in accordance with the Gravity Sewer Code of Australia WSA02-2014. Where pressure sewer is being proposed, the report is to be prepared in accordance with the Pressure Code of Australia WSA 07-2007.

38. Detailed design supported with calculation of water reticulation plan is to be submitted to and approved by Council prior to the issue of a Subdivision Works Certificate. The design must address water network crossing culvert and drainage reserve to get connected to water main available at Lovett Court. The design must address the following, but not limited to:

- a) Air valves, hydrants and air valves must be provided along the length of the main according to the Water Supply Code of Australia WSA 03-2011.
- b) The alignment of the main entering the new subdivision is to be at a 90 degree bend instead of two 45 degree bends. The main is to turn the corner with a tee instead of an elbow. The section of the tee facing to the west is to have a stop valve which is to be blanked out on the side of the valve that faces Robertson Road. Stop valves are to be installed on all sides of this tee.
- c) The tee turning the corner is to have a temporary thrust block installed according to Water Supply Code of Australia WSA 03-2011. This thrust block would comprise of wood or

- other material deemed appropriate by Council's Water and Sewer Department.
- d) Right hand close valves are to be used for all stop valves within the subdivision.
- e) A report outlining the proposal to provide a water supply service to each lot in the subdivision. The report is to be prepared in accordance with the Water Supply Code of Australia WSA 03-2011.

39. A construction management plan shall be submitted with the application for the Subdivision Works Certificate. The management plan shall include:

- a) Details of sedimentation and erosion control.
- b) Details of haulage routes shall be provided to Council for approval.
Note - all trucks and machinery must be free from all foreign material where such material is likely to cause pollution. An area must be set aside for the cleaning of concrete agitator trucks.
- c) Details of dust mitigation.
- d) Details of access roads.
- e) Location and phone number of the site office.

Reason - to reduce the environmental impact on the site during the construction period.

40. A Drainage Report in support of detailed drainage design must be prepared in accordance with the Institution of Engineers publication Australian Rainfall and Run-off and be submitted to the Principal Certifier for approval prior to the issue of a Subdivision Works Certificate. The Drainage Report is to address the following:

- a) Show that the development will not increase the limits of upstream and downstream flooding for floods over the range of 1 in 1 year to 1 in 100 year Average Recurrence Interval (ARI) storm events by the inclusion of on-site stormwater detention controls;
- b) The provision of a water quality control system to treat the stormwater runoff from the development as outlined in Mid-Western Regional Development Control Plan 2013 - Water Quality Performance Guidelines and Statement of Environment Effects;
- c) A detailed drainage design must be prepared for the disposal of roof and surface water from the site, including any natural runoff currently entering the property. Details of on-site storage and the method of controlled release from the site and connection to an approved drainage system in accordance with Council's Development Engineering Specifications;
- d) A full and detailed stormwater management plan for the site, satisfactory to Council, is to be submitted which must be accompanied with analysis of the upstream contributing

- areas, tributaries and overland flow-paths considering all impacted drainage flows, adjacent and/or downstream properties, structures, infrastructure and downstream receiving systems;
- e) The detailed plans, specifications and copies of the calculations, including existing and proposed surface levels, sub-catchments and conduit sizing appropriate for the development prepared by suitably qualified and experienced person in the field of hydrology and hydraulics including water quality modelling (MUSIC) results;
 - f) Inter-allotment drain is to be designed to accept the concentrated drainage from buildings and paved areas on each allotment to provide for no less than flow rates generated by 1:20 year ARI storm event in accordance with BCA requirements;
 - g) Drainage design must ensure that no stormwater runoff is permitted to discharge over adjoining properties and any works associated with the control of stormwater discharge over any adjoining property must not occur without the consent of the owner of any affected property; and
 - h) Show a grated pit of 600 x 600 mm with glue capped 90mm stormwater stub, provided on the lower corner of every allotment for which roof and paved areas can't be drained naturally to public roadway or natural watercourse.
41. 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 Section 6.2 of the Streets Opening Conference Guideline 2009.
42. Prior to the issue of the Subdivision Works Certificate, consent from Council must be obtained for all new works within the road reserve, pursuant to section 138 of the Roads Act 1993.
43. 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 Council. All requirements of the Traffic Control Plan must be put in place and implemented prior to any work commencing.
44. 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. Fill placed in residential or commercial lots shall be compacted in accordance with AS3798-2007 Guidelines on Earthworks for Commercial and Residential Developments. All finished surface levels and contours to Australian Height Datum (AHD) shall be shown on the plans submitted for the Subdivision Works Certificate.
45. An Erosion and Sediment Control Plan for the development is to be prepared and implemented in accordance with the LANDCOM

guidelines and requirements as outlined in the latest edition of **Soils and Construction – Managing Urban Stormwater**. Points to be considered include, but are not limited to:

- a) Saving available topsoil for reuse in the revegetation phase of the development;
 - b) Using erosion control measures to prevent on-site damage;
 - c) Rehabilitating disturbed areas quickly;
 - d) Maintenance of erosion and sediment control structures; and
 - e) Disturbed areas are to be seeded, fertilised and hay mulched or similar on completion of regrading works. Disturbed areas are to be progressively revegetated with exposed areas kept to a workable minimum.
46. Topsoil shall only be stripped from approved areas and shall be stockpiled for re-use during site rehabilitation and landscaping. Details shall be submitted to and approved by Council prior to release of the Subdivision Works Certificate.

Reason - to minimise erosion and silt discharge and ensure valuable topsoil resources are protected.

47. The submission to Council of engineering design plans for any road works shall include pavement and wearing surface investigation and design.

PRIOR TO THE COMMENCEMENT OF WORKS

48. Prior to the commencement of construction of infrastructure, the developer must obtain a Subdivision Works Certificate.
49. 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.
50. 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 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.

51. The following is to be provided, prior to the commencement of any works and is to be maintained in an effective and operational condition for the duration of the work:
- a) Mid-Western Regional Council is to be given at least two days' notice of the intention to commence works.
 - b) A site supervisor is to be nominated by the applicant.

- c) **Erosion and Sediment Controls for the Development are to be implemented in accordance with Dwg No. 82018276-01 C2080 Rev D Soil and Water Management Layout Plan and Dwg No. 82018276-01 C2081 Rev D Soil and Water Management Notes and Details and Landcom Guidelines and requirements as outlined in the latest edition of Soils and Construction- Managing Urban Stormwater.**
 - d) **Appropriate dust control measures.**
 - e) **Construction equipment and materials shall be contained wholly within the site unless approval to use the road reserve has been obtained.**
 - f) **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.**
 - g) **Subdivision Works certificate approval must be obtained from Council for works like but not limited to road, kerb, gutter, water and sewer works**
52. **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.**
53. **The Contractor is required to contact Dial Before You Dig to obtain details of the location of the various services in the vicinity of the subdivision to minimise the chance of disturbing utility services as well as the location of services which are required to be relocated. Dial Before You Dig can be contacted online <https://www.1100.com.au/> or by phone on 1100.**
54. **Prior to the commencement of construction works the applicant needs to comply with the requirements of Section 634 of the Local Government Act 1993, which requires that:**
- (1) **A person must not do any water supply work, sewerage work or stormwater drainage work unless the person;**
 - (a) **is the holder of an endorsed licence or supervisor certificate in force under the Home Building Act 1989 authorising the holder to do (and to supervise) work of the kind concerned, or**
 - (b) **is the holder of a tradesperson certificate in force under the Home Building Act 1989 authorising the holder to do that kind of work under supervision and does that work under the general supervision of the holder of a licence or certificate referred to in paragraph (a), or**
 - (c) **does the work under the immediate supervision of a person referred to in paragraph (a).**
 - (2) **A person who employs (or uses the services of) another person to do any water supply work, sewerage work or stormwater drainage work is guilty of an offence if the**

person knows that the other person, in doing the work, contravenes subsection (1).

Documented evidence is required to be supplied prior to commencement of construction along with a Certificate of Currency for Public Liability and Professional Indemnity.

55. A Traffic Management Plan showing proposed traffic signposting around the construction site in accordance with AS 1742.3 and RMS Manual for Traffic Control at Worksites current at the time of construction is to be provided to Council for approval prior to any works commencing on Plenty Road. The plan must be prepared and certified by a person holding the appropriate RMS accreditation.
56. Prior to commencement of works, all traffic control including setup and removal of traffic control devices and/or regulation of traffic is to be carried out by persons suitably accredited by RMS. The developer/contractor must produce upon request evidence that all staff involved in the above have such accreditation.

DURING CONSTRUCTION

57. 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:
 - a) Installation of sediment and erosion control measures;
 - b) Sewer and water line installation prior to backfilling;
 - c) Water and sewer lines pressure testing;
 - d) Sewer manholes vacuum testing;
 - e) Footpath foundations and concrete reinforcing prior to pouring concrete;
 - f) Establishment of line and level for kerb and gutter placement;
 - g) Road pavement construction (proof roll and compaction testing of all pavement layers, sub-grade, sub-base, and base prior to sealing);
 - h) Road pavement surfacing;
 - i) Stormwater culvert and drainage pipe installation prior to backfilling; and
 - j) Practical Completion.
58. The developer is to grant Council unrestricted access to the site at all times to enable inspections or testing of the subdivision works.
59. The footpath and driveway levels are not to be altered outside the property boundary without Council's permission.

60. **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.**
61. **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.**
62. **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.**
63. **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.**
64. **All works are to be carried out in a workmanlike manner and in accordance with technical and performance requirements of relevant and applicable Codes, Standards, Council's Development Control Plan, Council's Standard Drawings and Aus Spec #1.**
65. **All required earthworks for roads associated with the subdivision must have compaction testing in compliance with RMS Q4 and AUS-SPEC CQS-A.**
66. **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.**
67. **In the event that *Acacia ausfeldii* (Ausfeld's Wattle) plants are discovered during earthmoving/construction works, all work on 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 authorisation of the OEH.**

68. All plumbing and drainage work must be carried out by a licensed plumber and drainer and must comply with the Plumbing Code of Australia.
69. All electrical, telecommunication, sewer and water service crossings are to be perpendicular to the road centreline and performed prior to the addition of base course and installation of kerb and gutter.
70. All road crossings for stormwater are to be constructed using Reinforced Concrete Pipe (RCP).
71. A turf strip of minimum 600 mm width is to be laid behind the kerb and gutter. Where footpaths are provided, the area between the footpath and the kerb and gutter is to be turf and 600 mm provided above the footpath.
72. 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.
73. 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.
74. Any necessary alterations to, or relocations of, public utility services to be carried out at no cost to Council and in accordance with the requirements of the relevant authority including the provision of easements over existing and proposed public infrastructure. Should any adjustments or alterations to Council's water supply or sewer be required, Council will carry out these works at the developer's expense.

PRIOR TO ISSUE OF THE SUBDIVISION CERTIFICATE

75. 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).
76. All costs associated with preparation of Survey Plan and associated easement documentation are to be borne by the developer.
77. Prior to the issue of a Subdivision Certificate, the developer must provide for the construction of all of the following works, relevant to the stage of subdivision. Such works are to be completed to the satisfaction of Council.
 - a) Road construction;
 - b) Footpath construction;

- c) Provision of stormwater drainage infrastructure for the development, including grated yard inlet pits, where required;
 - d) Stormwater detention basin;
 - e) Provision of street trees;
 - f) Provision of sewerage infrastructure for the development, with separate sewer connection for each lot in the subdivision; and
 - g) Connection of water (including private meters) and electricity services to provide for individual connection to each proposed lot.
78. The applicant will repair any damage to a public road or associated structures such as kerb & gutter, drains, footpath and utility services caused as a consequence of the development works. The work is to be completed to Council's satisfaction prior to the issue of a Subdivision Certificate.
79. Prior to issue of Subdivision Certificate, the developer is to provide a sewer junction for each lot in the development. This can be achieved by making payment to Council in accordance with Council's adopted fees and charges per new junction to cover the cost of installing a junction in an existing main. (SUBJECT TO CPI INCREASE).
80. Prior to issue of Subdivision Certificate, the developer is to provide a water service and meter for each Lot. This can be achieved by making payment in accordance with Council's adopted fees and charges to cover the cost of installing both the service and a 20mm meter on the water main. (SUBJECT TO CPI INCREASE)
- Note - Council does not permit any other bodies to insert new junctions into 'live' sewer/water mains.
81. Prior to the issue of a Subdivision Certificate, a survey drawing is to be submitted to Council, demonstrating that all private water services, sewer services and water meters are located wholly within the lot that they serve.
82. At the completion of construction and prior to the issue of a Subdivision Certificate, Council requires lodgement of a Quality Register in electronic format on a Flash Drive with all of the QA documentation in accordance with Aus Spec and the requirements outlined below:
- a) **COVERSHEET**
 - Project Address
 - Client/Developer
 - DA Number
 - Lot Numbers
 - Subdivision Stage Number (If Applicable)
 - b) **INDEX**

- Section Numbers
- c) **CONTRACTOR DETAILS**
- Contractor Representative
 - Contractor Contact Details
- d) **SCOPE OF WORKS**
- Enter description outlining scope of works completed

Records to be included as applicable:

- Material Certification and Material Test Reports (Sub base, Base course, Water, Sewer, Stormwater, Bitumen etc for supplied materials).
- Concrete mix details (Concrete Register/ Concrete Test Results required).
- Bitumen Sealing Reports/Records.
- Earthworks/Civil Test Reports e.g. compaction tests - (Coordinates and RL required for each test required to be shown on a drawing).
- Dimensional and Tolerance Records (Survey Conformance Reports).
- Inspection Documentation (Development Engineer Inspections, ITPs, Lot Identification).
- Non-conformance reports (Major non-conformances not detailed on council inspections).
- Work As Executed Drawings and completed Asset Data spreadsheet (Council to provide at the request of the applicant) (Provide document register of all dwgs and Engineering Stamp required in Autocad, DWG, Map Info, Excel and PDF format).
- Copy of final inspection report from Council's Development Engineer.

83. Following completion of the subdivision works, work-as-executed plans (WAE) are to be provided to Council in the following formats:

- a) PDF;
- b) Dwg format or "Autocad compatible";
- c) MapInfo files (MGA GDA94 Zone 55/56); and
- d) Completed Asset Data Template spreadsheets in MS Excel format.

All work-as-executed plans shall bear the Consulting Engineer's or Consulting Surveyor's certification stating that all information shown on the plans is accurate.

84. The developer must provide Council and land purchasers with a site classification for each vacant lot within the subdivision. The classification is to be carried out at a suitable building site on each lot and is to be carried out by a NATA registered laboratory using method (a) of Clause 2.2.3 of Australian Standard AS 2870

– 2011: Residential Slabs and Footings. Results are to be submitted to Council prior to issue of the Subdivision Certificate.

Defects Liability Bond

85. 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 12 months from the completion of the works, to ensure that any defects that become apparent during the time are remedied by the developer, to Council's satisfaction. If defects are not rectified, Council may use bond money to rectify defective works.

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 an unconditional bank guarantee to the satisfaction of Council. The bank guarantee must not specify any time limitations on the operation of the guarantee.

Note – any unspent bond money will be returned to the developer at the end of the twelve (12) month period, less the estimated cost of any outstanding works or works undertaken by Council in rectifying works.

Developer Contributions

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

Section 94 Contributions		
25 27 additional lots (minus credit for existing)		
Mudgee Catchment	Per Lot	24 26 Lots
Public Amenity or Service		
Transport facilities	\$4,347.00	\$113,022.00
Recreation and Open Space	\$2,182.00	\$56,732.00
Community Facilities	\$635.00	\$16,510.00

4347*26Stormwater Management	\$458.00	\$11,908.00
Plan Administration	\$995.00	\$25,870.00
Total	\$8,617.00	\$224,042.00

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.

MODIFIED BY ME0018/2022

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

Note – as a precondition to issuing a Certificate of Compliance, the Council may require the alteration and extension of services, upgrading and installing ancillary infrastructure such as pump stations and the payment of section 64 developer charges. Payments of charges may also be paid in accordance with the deferred payments provisions contained within the relevant Council Development Servicing Plans.

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

Restrictions on Title

88. A restriction, covenant or similar instrument is to be applied to proposed Lot 1 to protect all *Acacia ausfeldii* (Ausfeld’s Wattle) plants located within the lot. The instrument shall identify Council as the sole party to vary the restriction or covenant or similar.
89. A restriction, covenant or similar instrument is to be applied to provide protection to the Aboriginal artefact sites identified on the approved plan. No buildings are to be erected within 10 metres of the Aboriginal artefact site.
90. A covenant, or similar instrument, is to be applied to Lots 1 to ~~25~~ 27 requiring compliance with the relevant terms of the General Terms of Approval issued by NSW Rural Fire Service.
MODIFIED BY ME0018/2022
91. Three (3) metre wide easements, including associated Section 88B instruments, are to be created in favour of Council over any existing or newly constructed water or sewerage reticulation components located within the subject property, or extended

through adjoining private properties as a result of this subdivision, where necessary. The 3m minimum width may be extended depending on the size of the main, the depth of the main and when the easement is shared with other services. In the case of a shared trench involving inter-allotment drainage and sewer reticulation, the sewer line should be located on the side of the trench nearest the building being serviced.

92. Easements of variable width shall be created over any overland inter-allotment drainage in favour of upstream allotments. The easements are to be no less than 1m wide. The Section 88B instrument and linen plans submitted with the application are to include details of any required inter-allotment stormwater easements.
93. Easements for electricity purposes, as required by the electricity supply authority, shall be created, where required. 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.

Electricity and NBN

94. 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) Satisfactory evidence that arrangements have been made for the installation of fibre-ready facilities to all individual lots so as to enable fibre to be readily connected to any premises that may be constructed on those lots. This will need to include confirmation in writing from the carrier that they are satisfied that the fibre ready facilities are fit for purpose; and
 - c) Satisfactory evidence (usually by way of an agreement with a carrier) that arrangements have been made for the provision of fixed-line telecommunications infrastructure in the fibre-ready facilities to all individual lots; or
 - d) As an alternative to b) or c), satisfactory evidence that a carrier will not require fixed line infrastructure to service the subdivision and satisfactory arrangements have been made for fixed wireless infrastructure to service the subdivision. This alternative is provided to address sites in areas mapped by NBN Co as being in a designated Fixed Wireless areas, as opposed to a mapped Fibre to the Node area.

Road Dedication

95. The proposed road/cul-de-sac within the subdivision and the proposed extension to Plenty Road 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.

Other dedications

96. Proposed Lots ~~26 and 27~~ 28 and 29 are to be dedicated as a drainage reserve.
MODIFIED BY ME0018/2022

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 matters raised within submissions have been addressed in the following manner:
 - Necessary road upgrades will be required by conditions.
 - The proposed subdivision will not have an adverse impact on local traffic conditions.
 - The proposed design for water supply will result in improved water pressure.
 - The Stormwater Management Plan is satisfactory.
 - There is ample area on each lot on which to erect a dwelling.
 - There is no fencing forming part of the proposed development.
 - Sufficient open space is provided in the adjoining drainage reserve.
 - Suitable conditions are imposed to address construction impacts.
 - Suitable conditions are imposed to ensure that Aboriginal sites are adequately protected.
 - The subject site is not identified as a wildlife corridor.
 - The proposed variation from the DCP requirement regarding the length of the cul-de-sac is supported.
 - The proposed subdivision will have minimal impact on the water table and bore water supply.
 - It is expected that noise from traffic will be no greater than what is expected in a residential area.
 - No road connection to Robertson Road will be provided.
 - Consideration of the impact on property values is not a planning matter.
 - Council's Development Engineer supports the proposed sewer servicing strategy.

- There is ample separation between the proposed lots and adjoining residences. It is not expected that the proposed subdivision will result in unacceptable amenity impacts on adjoining residences.
 - Suitable conditions are imposed to control dust during construction works.
 - The proposed subdivision has been designed to take into account the existing powerlines. Both TransGrid and Essential Energy have not objected to the proposed subdivision.
4. **The proposed modification is considered to result in minimal environmental impact and is substantially the same development as originally approved – thereby satisfying the requirements of Section 4.55(1A)(a) and (b) of the Environmental Planning and Assessment Act 1979.**
ADDED BY ME0018/2022

Other Approvals

General Terms of Approval

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

A copy of NSW Rural Fire Service'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 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 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 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 Planning and Development Department for more information or advice.
4. If you are dissatisfied with this decision Sections 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. The attached General Terms of Approval issued by NSW's Water Authority do not constitute an approval under the Water Management Act 2000. The development consent holder must apply to NSW's Water Authority 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 NSW's Water Authority 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 NSW's Water Authority website at:

www.water.nsw.gov.au > Water > Licensing & Trade > Approvals.

7. This development consent requires a Certificate of Compliance under the Water Management Act 2000 to be obtained prior to the issue of a Subdivision 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 Compliance Certificate, 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			
25 27 Additional Lots (credit for existing lot)			
	Additional ET/Unit	Value/ET	Payment Due
Water Headworks	36 39	\$8,689.00	\$312,804 \$338,871.00
Sewer Headworks	25.2 27.3	\$3,967.00	\$99,968.40 \$108,299.10
Total Headworks			\$412,805.90 \$447,170.10

- 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.

MODIFIED BY ME0018/2022

Essential Energy Advice

8. Essential Energy's records indicate there is electricity infrastructure located within the property sand within close proximity to the property. Any activities with 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.
9. 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).
10. Given there is electricity infrastructure in the area, it is the responsibility of the person completing any works around powerlines 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.

General Responsibilities of the Developer and/or the Principal Contractor

11. It is the responsibility of either or both of these parties to:
- a) Provide for the overall supervision and quality of the works.
- b) Advise Council officers regarding:
- Any foreseeable hazard arising from the premises that has the potential to harm the health or safety of the Council officers when on the work site, and
 - The assessment of any risk that has not been eliminated, and
 - The measures taken to control any such risks, and
 - Any measures that may need to be taken by Council officers to control any such risk while on the work site.

- c) Obey with any lawful instruction of the Principal Certifying Authorities representative.
- d) Notify Council when a required inspection has been missed.
- e) The provision and maintenance of all site signage as required by legislation, including but not limited to:
 - i. A sign indicating the name and telephone number (both during and outside working hours) of the Principal Contractor, and
 - ii. The name and phone number of the Principal Certifying Authority.

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

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

8.2 PLANNING PROPOSAL - 53 PITTS LANE, PUTTA BUCCA
(LOT 31 DP 158548)

GOV400098, LAN900141, GOV400098

108/22

MOTION: Shelley / Dicker

That Council:

1. receive the report by the Manager, Strategic Planning on the Planning Proposal - 53 Pitts Lane, Putta Bucca (Lot 31 DP 158548) to rezone from RU4 Primary Production Small Lots to RE1 Public Recreation with no minimum lot size;
2. provide initial support for a Planning Proposal to amend the *Mid-Western Regional Local Environmental Plan 2012* to the NSW Department of Planning and Environment seeking a Gateway Determination, in accordance with Section 3.34 of the *Environmental Planning and Assessment Act 1979*; and
3. undertake community consultation as outlined within any approved Gateway Determination.

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

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

The following recommendations (item 8.3 to item 9.11) 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. 109/22 and concluding at Resolution No. 122/22.

8.3 COMMUNITY PLAN REVIEW - TOWARDS 2040

GOV400098, COR400482

109/22

MOTION: Shelley / Cavalier

That Council:

1. receive the report by the Director Development on the Community Plan Review - Towards 2040 ;
2. place the draft Mid-Western Region Community Plan Towards 2040 on public exhibition for 28 days ; and
3. receive a further report following the exhibition period.

The motion was carried with the Councillors voting unanimously.

8.4 POLICY REVIEW - SOCIAL MEDIA

GOV400098, GOV400087

110/22

MOTION: Shelley / Cavalier

That Council:

1. receive the report by the Manager Economic Development on the Policy Review - Social Media ;
2. place the revised Social Media Policy on public exhibition for 28 days ; and
3. adopt the Social Media Policy if no submissions are received.

The motion was carried with the Councillors voting unanimously.

8.5 MONTHLY DEVELOPMENT APPLICATIONS PROCESSING
AND DETERMINED

GOV400098, A0420109, GOV400098

111/22 MOTION: Shelley / Cavalier

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

The motion was carried with the Councillors voting unanimously.

Item 9: Finance

9.1 NAMING OF A NEW STREET IN A SUBDIVISION OFF TOOLE
ROAD, ULAN

GOV400098, P05509, R0790041, DA0180/2011

112/22 MOTION: Shelley / Cavalier

That Council:

- 1. receive the report by the Property Support Officer on the naming of a new street in a subdivision off Toole Road, Ulan ; and**
- 2. formally approve the name of Stock Road.**

The motion was carried with the Councillors voting unanimously.

9.2 NAMING OF NEW STREETS IN A SUBDIVISION OFF HILL
END ROAD, CAERLEON

GOV400098, P24228, R0790041

113/22 MOTION: Shelley / Cavalier

That Council:

- 1. receive the report by the Property Support Officer on the Naming of new streets in a subdivision off Hill End Road, Caerleon ; and**
- 2. formally approve the names of Knott Place, Lillie Close and Marsh Avenue.**

The motion was carried with the Councillors voting unanimously.

9.3 NAMING OF AN UNNAMED LANE OFF DABEE STREET IN RYLSTONE

GOV400098, R0790141

114/22

MOTION: Shelley / Cavalier

That Council:

1. receive the report by the Property Support Officer on the naming of an unnamed lane off Dabee Street in Rylstone;
2. name this lane Kirkland Lane; and
3. approve the inclusion of Kemp, Ralph and Maraway in Council's pre-approved names list.

The motion was carried with the Councillors voting unanimously.

9.4 ROAD CLOSURE AND EASEMENT CREATION - FAUCETT DRIVE

GOV400098, P1318811

115/22

MOTION: Shelley / Cavalier

That Council:

1. receive the report by the Property Coordinator on the Road Closure and Easement Creation - Faucett Drive ;
2. note Council's previous report and resolution at its Ordinary Meeting on 16 August 2017 authorising the road closure and easement creation to proceed, as per Attachment 1 ;
3. note that the owner of Lot 10 DP1256248 no longer requires the benefit of the Rights of Carriageway as previously mentioned in that report ; and
4. upon closure of the unformed portion of Faucett Drive as shown on the plan in Attachment 2 to this Report, create the required easement for services and Rights of Carriageway to benefit Lot 1 DP1046119 only.

The motion was carried with the Councillors voting unanimously.

9.5 PROPOSED ROAD CLOSURE AT DIXONS LONG POINT

GOV400098, P2063011

116/22

MOTION: Shelley / Cavalier

That Council:

1. receive the report by the Property Officer on the Proposed Road Closure at Dixons Long Point ;
2. consent to a proposed road closure of a Council Public Road. The subject road to be closed is indicated on Attachment 1 appended to this report ;
3. give notice pursuant to s38B Roads Act 1993, of the proposal to close the Council Public Road as indicated in Attachment 1 appended to this report ;
4. receive a further report after the notice period has ceased to:
 - 4.1 consider any submissions received ; and
 - 4.2 pursuant to s38D Roads Act 1993 determine whether the Council Public Road as outlined in Attachment 1 appended to this Report, is to be closed ;
5. authorise the General Manager to sign all documentation, where necessary, in relation to the proposed closure and subsequent transfer of the Council Public Road ;
6. authorise the Mayor to sign any documentation, where additionally required to do so, in relation to the proposed closure and subsequent transfer of the Council Public Roads ; and
7. authorise the Common Seal of Council be affixed to all documentation, where necessary, in relation to the proposed closure and subsequent transfer of the Council Public Road.

The motion was carried with the Councillors voting unanimously.

9.6 DRAFT PLAN OF MANAGEMENT FOR CUDGEGONG
WATERS PARK

GOV400098, COU5000102, 20447

117/22 MOTION: Shelley / Cavalier

That Council:

1. receive the report by the Manager Property and Revenue on the Draft Plan of Management for Cudgegong Waters Park ;
2. endorse the draft Plan of Management for Cudgegong Waters Park as appended as Attachment 1 to this Report ;

- 3. note that Native Title advice has been received for the draft Plan of Management for Cudgegong Waters Park as appended as Attachment 1 to this Report ;**
- 4. refer the draft for Cudgegong Waters Park as appended as Attachment 1 to this Report to the Minister administering the Crown Land Management Act 2016 for consideration in accordance with s39 Local Government Act 1993 to seek written consent to adopt the draft Plan in accordance with s3.23(6) Crown Land Management Act 2016 ;**
- 5. require a further report for consideration if any significant changes are made to a draft Plan by the Minister administering the Crown Land Management Act 2016 ;**
- 6. upon written consent of the draft Plan from the Minister administering the Crown Land Management Act 2016, place the draft Plan on public exhibition, as per s38 of the Local Government Act 1993 ;**
- 7. receive a further report at the conclusion of the public exhibition to consider any submissions received or if substantial changes are recommended for any reason:**
 - 7.1 seek the Minister administering the Crown Land Management Act 2016 further consent if necessary, to adopt the draft Plan ; or**
 - 7.2 recommend that Council adopt the draft Plan of Management for Cudgegong Waters Park as appended as Attachment 1 to this Report pursuant to s40 Local Government Act 1993 in accordance with s3.23 (6) Crown Land Management Act 2016, if there are no submissions or substantial changes.**
- 8. authorise Lands Advisory Services P/L to:**
 - 8.1 act on Council's behalf to provide written advice in accordance with s39 Local Government Act 1993 to the Minister administering the Crown Land Management Act 2016, in relation to the draft Plan of Management for Cudgegong Waters Park; and**
 - 8.2 receive queries and information directly from and to send information and queries to the Minister administering the Crown Land Management Act 2016, during the course of the Minister's deliberation and assessment of the draft Plan of Management.**

The motion was carried with the Councillors voting unanimously.

9.7 MONTHLY STATEMENT OF INVESTMENTS AS AT 31
MARCH 2022

GOV400098, FIN300053, GOV400098

118/22 MOTION: Shelley / Cavalier

That Council:

- 1. receive the report by the Financial Planning Coordinator on the Monthly Statement of Investments as at 31 March 2022; and**
- 2. note the certification of the Responsible Accounting Officer.**

The motion was carried with the Councillors voting unanimously.

9.8 POLICY REVIEW - BORROWING POLICY

GOV400098, FIN300134, GOV400098

119/22 MOTION: Shelley / Cavalier

That Council:

- 1. receive the report by the Financial Planning Coordinator on the Policy Review - Borrowing Policy ; and**
- 2. accept the current Borrowing Policy with no changes.**

The motion was carried with the Councillors voting unanimously.

9.9 POLICY REVIEW - PROCUREMENT POLICY

GOV400098, GOV400047, GOV400098

120/22 MOTION: Shelley / Cavalier

That Council:

- 1. receive the report by the Acting Chief Financial Officer on the Policy Review - Procurement Policy ;**
- 2. accept a minor amendment to raise the purchase requirements of goods and services under \$3,000 to \$5,000 within the revised Procurement Policy ; and**
- 3. adopt the revised Procurement Policy.**

The motion was carried with the Councillors voting unanimously.

9.10 POLICY REVIEW - COMMUNITY GRANTS PROGRAM

GOV400098, GRA600009

121/22 MOTION: Shelley / Cavalier

That Council:

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

The motion was carried with the Councillors voting unanimously.

9.11 MONTHLY BUDGET REVIEW - MARCH 2022

GOV400098, FIN300315, GOV400098

122/22

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

1. receive the report by the Accountant Reporting & Analysis on the Monthly Budget Review for March 2022 ;
2. amend the 2021/22 budget in accordance with the variations as listed in the Monthly Budget Review attachment to this report ; and
3. note that the General Manager used the emergency delegation conveyed to him at 3.1 of his delegation to authorise the upgrades of fire safety due to non-compliance and safety issues at the Mudgee Waste Depot and Recycling buildings.

The motion was carried with the Councillors voting unanimously.

9.12 DRAFT DELIVERY PROGRAM 2022/26 AND DRAFT OPERATIONAL PLAN 2022/23

GOV400098, FIN300340, GOV400098

123/22

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

1. receive the report by the Manager Finance on the draft Delivery Program 2022/26 and draft Operational Plan 2022/23 ;
2. endorse the Draft Delivery Program 2022/26 and Draft Operational Plan 2022/23 to go on public exhibition for a period of 28 days commencing Friday 22 April ; and
3. request a further report be presented following the exhibition period including a review of any submissions

made on the Draft Delivery Program 2022/26 and Draft Operational Plan 2022/23.

The motion was carried with the Councillors voting unanimously.

Item 10: Operations

10.1 LAND ACQUISITION FOR ROAD RESERVE - PART LOT 1581
DP 803795 HILL END ROAD, TAMBAROORA
GOV400098, GOV400088, ROA100465

124/22

MOTION: Palmer / Stoddart

That Council:

1. receive the report by the Works Engineers Co-ordinator on the Land Acquisition for Road Reserve - Part Lot 1581 DP 803795 Hill End Road, Tambaroora ;
2. resolve to acquire a total of 1,981m² of Lot 1581 DP 803795 ('the Land') by agreement with the Vendor for works in kind to the value of approximately \$10,000, for the purpose of public road ;
3. agree for Council, at its own cost, to arrange for the demolition of any existing boundary fencing and relocate the new boundary between the acquired land and Hill End Road ;
4. agree for Council, at its own cost, to make on behalf of the land owner Notification of Exempt Development under Bathurst Regional LEP 2014 or SEPP(Exempt and Complying Development Codes)2008 and Subdivision Certificate Application, procure the preparation, lodgement and registration of an appropriate Subdivision Plan with Bathurst Regional Council giving effect of the transfer to road reserve ;
5. agree for Council at its own cost to procure the preparation, lodgement and registration of LGA boundary adjustment or other appropriate agreement with Bathurst Regional Council for maintenance of the road reserve ;
6. authorise the General Manager to complete and execute all documentation, where necessary, in relation to effect the subdivision and land acquisition for the purpose of the public ;
7. authorise the Mayor to execute all documentation, where additionally required to do so, in relation to effect the subdivision and land acquisition for the purpose of the public road ; and

8. **authorise the Common Seal of Council be affixed to all documentation, where necessary, in relation to effect the subdivision and land purchase for the purpose of the public road.**

The motion was carried with the Councillors voting unanimously.

10.2 DRINKING WATER ANNUAL REPORT AND FACTSHEET

GOV400098, WAT500075

125/22

MOTION: Stoddart / Paine

That Council:

1. **receive the report by the Water Quality officer on the Drinking Water Annual Report and Factsheet ; and**
2. **note that the Drinking Water Annual Report and Factsheet will be publicly available and updated yearly.**

The motion was carried with the Councillors voting unanimously.

Item 11: **Community**

11.1 BUSINESS USE OF FOOTPATH POLICY REVIEW

GOV400098, A0420120, GOV400098

126/22

MOTION: Shelley / Karavas

That Council:

1. **receive the report by the Governance Coordinator on the Business Use of Footpath Policy Review Policy review ;**
2. **place the revised Business Use of Footpath Policy on public exhibition for 28 days ; and**
3. **receive a further report to consider the public submissions following the public exhibition period.**

The motion was carried with the Councillors voting unanimously.

11.2 MUDGEY VALLEY PARK STAGE 2 PROGRESS REPORT

GOV400098, FIN300365, COR400446

127/22

MOTION: Shelley / Cavalier

That Council receive the report by the Director Community on the Mudgee Valley Park Stage 2 Progress Report.

The motion was carried with the Councillors voting unanimously.

11.3 BOTOBOLAR COMMUNITY COMMITTEE

GOV400098, P1234711

128/22

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

1. receive the report by the Director Community on the Botobolar Community Committee ;
2. reinstate the Botobolar Community Committee as a Council Advisory Committee ;
3. appoint Cr Kennedy as the nominated representative on the Botobolar Community Committee ;
4. appoint David Sargeant, Mat Lynch, David Swansson, Adam Ellis, Michael Burnicle and Dianne Burnicle to be community representatives on the Botobolar Community Committee ; and
5. invite the Rural Fire Service to provide a representative for the Committee.

The motion was carried with the Councillors voting unanimously.

11.4 RED HILL ADVISORY COMMITTEE

GOV400098, A0100024, A0100034

129/22

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

1. receive the report by the Manager, Customer Services & Governance on the Red Hill Advisory Committee ; and
2. endorse Chris Pearson, Joy Harrison, Tony Harrison, Rebecca Nielsen, David Warner and Bill Murphy to be community members of the Red Hill Advisory Committee.

The motion was carried with the Councillors voting unanimously.

Item 12: Reports from Committees

12.1 AUDIT RISK AND IMPROVEMENT COMMITTEE MINUTES 25 FEBRUARY 2022

GOV400098, COR400236, GOV400098

130/22

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

1. receive the report by the Executive Manager, People and Performance on the Audit Risk and Improvement Committee Minutes 25 February 2022 ; and
2. endorse the minutes and recommendations of the Audit Risk and Improvement Committee meeting 25 February 2022.

The motion was carried with the Councillors voting unanimously.

12.2 LOCAL TRAFFIC COMMITTEE MEETING MINUTES - MARCH 2022

GOV400098, A0100009, GOV400098

131/22 MOTION: Shelley / Cavalier

That Council receive the report by the Executive Assistant, Operations on the Local Traffic Committee Meeting Minutes - March 2022.

The motion was carried with the Councillors voting unanimously.

Item 13: Urgent Business Without Notice

Nil

Item 14: Confidential Session

132/22 MOTION: Cavalier / Stoddart

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 Update on LEC Matter - DA0288/2019

The reason for dealing with this report confidentially is that it relates to advice concerning litigation, or advice as comprises a discussion of this matter, that would otherwise be privileged from production in legal proceedings on the ground of legal professional privilege in accordance with Section 10A(2)(g) 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 matter subject to legal proceedings.

14.2 Consideration of Financial Assistance

The reason for dealing with this report confidentially is that it relates to discussion in relation to the personal hardship of a resident or ratepayer in accordance with Section 10A(2)(b) 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 consideration to grant of financial assistance.

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 UPDATE ON LEC MATTER - DA0288/2019

GOV400098, DA0288/2019

133/22

MOTION: Cavalier / Palmer

That Council:

1. receive the report by the Manager, Planning on the Update on LEC Matter - DA0288/2019 ; and
2. adopt the recommendation contained in the confidential report to Council's 20 April 2022 meeting.

The motion was carried with the Councillors voting unanimously.

14.2 CONSIDERATION OF FINANCIAL ASSISTANCE

GOV400098, A000000

134/22

MOTION: Shelley / Cavalier

That Council:

1. receive the report by the Acting Chief Financial Officer on the consideration of financial assistance;
2. amend the Delivery Program in 2022/26 to provide financial assistance of \$5,180.00 to be funded from unrestricted cash;
3. place its intention to provide financial support on public exhibition for a period of 28 days;
4. provide financial support to Australian Rural Education Centre (AREC) as above; if no objections received during the public exhibition period; or
5. receive a further report, if any objections are received during the public exhibition period.

The motion was carried with the Councillors voting unanimously.

Item 15: Urgent Confidential Business Without Notice

Nil

Item 16: Open Council

135/22

MOTION: Shelley / Dicker

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 5.57PM.

UNCONFIRMED