



Business Papers 2022

MID-WESTERN REGIONAL COUNCIL

ORDINARY MEETING

Wednesday 21 September 2022

MINUTES

*A prosperous and progressive
community we proudly call home*



CONFIRMATION OF MINUTES

3.1 Minutes of Ordinary Meeting held on 17 August 20223

Minutes of the Ordinary Meeting of Council

Held at the Council Chambers, 86 Market Street, Mudgee
on 17 August 2022, commencing at 5.55pm and concluding at 6.15pm.

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

IN ATTENDANCE General Manager (Brad Cam), Director Community (Simon Jones), Director Development (Alina Azar), Director Operations (Julian Geddes), Executive Manager People and Performance (Michele George), Acting Chief Financial Officer (Neil Bungate) and Executive Assistant (Mette Sutton).

Acknowledgement of Country

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

Item 1: Apologies

An apology was received for Cr Peter Shelley.

225/22

MOTION: Palmer / Karavas

That the apology received for Cr Peter Shelley be received.

The motion was carried with the Councillors voting unanimously.

Item 2: Disclosure of Interest

Councillor Palmer declared a pecuniary conflict of interest in item 8.1 as he is employed by the company who has a business relationship with the developer of DA0178/2022.

Item 3: Confirmation of Minutes

226/22

MOTION: Karavas / Dicker

That the Minutes of the Ordinary Meeting held on 20 July 2022 be taken as read and confirmed.

The motion was carried with the Councillors voting unanimously.

Item 4: Matters in Progress

227/22

MOTION: Cavalier / Palmer

That Council note the following Matters In Progress as complete:

- **Cox Street Rail Crossing – Resolution no.64/20 of the Ordinary meeting 18 March 2020;**
- **Water Sharing Plan - Resolution no.171/21 of the ordinary meeting 21 June 2021; and**
- **Electric Vehicle Charging Stations - Resolution no.169/22 of the ordinary meeting 15 June 2022.**

The motion was carried with the Councillors voting unanimously.

Item 5: Mayoral Minute

Nil

Item 6: Notices of Motion or Rescission

Nil

Item 7: Office of the General Manager

7.1 MRT QUARTERLY REPORTS: JANUARY TO MARCH 2022
AND APRIL TO JUNE 2022

GOV400098, F0770077

228/22 MOTION: Cavalier / Palmer

That Council receive the report by the General Manager on the MRT Quarterly Reports, January to March 2022 and April to June 2022.

The motion was carried with the Councillors voting unanimously.

Councillor Palmer declared a pecuniary conflict of interest in item 8.1 as he is employed by the company who has a business relationship with the developer of DA0178/2022. He did not vote or participate in discussion in relation to this matter and left the chambers at 5:58pm.

Item 8: Development

8.1 DA0178/2022 - SUBDIVISION OF LAND (1 INTO 11 LOTS)
AND DUAL OCCUPANCY DEVELOPMENT (12 DWELLINGS)
WITH NEW EXTENSION OF INVERNESS AVENUE - 21
ROBERTSON STREET, MUDGEE

GOV400098, DA0178/2022

229/22 MOTION: Cavalier / Paine

That Council:

1. **receive the report by the Planning Coordinator on DA0178/2022 - Subdivision of Land and Dual Occupancy Development with new extension of Inverness Avenue - 21**

Robertson Street, Mudgee, legally identified as Lot 27 DP 1165146 and Lot 2 DP 153695;

2. **approve DA0178/2022 - Subdivision of Land and Dual Occupancy Development with new extension of Inverness Avenue - 21 Robertson Street, Mudgee, legally identified as Lot 27 DP 1165146 and Lot 2 DP 153695 subject to the following conditions and Statement of Reasons:**

CONDITIONS

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. Any modification otherwise required to the approved plans will require the submission of a modification application under Section 4.55 of the Environmental Planning and Assessment Act.**

Title/Name	Drawing No/ Document Ref	Revision/ Issue	Dated	Prepared by
Proposed Subdivision Layout	Dwg 21-97_11	14	28.02.2022	Imrie, Astley & Associates
Master Site Plan	01.0	C	18.07.2022	Duplex Building Design
Lot 1 and 1A - Site Plan	001.1	P6	18.07.2022	Duplex Building Design
Lot 1 and 1A – DWL A Ground Floor Plan	001.3	P6	18.07.2022	Duplex Building Design
Lot 1 and 1A – DWL B Ground Floor Plan	001.4	P6	18.07.2022	Duplex Building Design
Lot 1 and 1A – Elevations	001.5	P6	18.07.2022	Duplex Building Design
Lot 1 and 1A – Elevations	001.6	P6	18.07.2022	Duplex Building Design
Lot 1 and 1A – Building Section	001.7	P6	18.07.2022	Duplex Building Design
Lot 1 and 1A – Site Management Legend	001.8	P6	18.07.2022	Duplex Building Design
Lot 1 and 1A – Shadow Diagram	001.9	P6	18.07.2022	Duplex Building Design

Lot 1 and 1A – Landscaping Area	001.11	P6	18.07.2022	Duplex Building Design
Lot 2 and 2A – Site Plan	00.1	F	18.07.2022	Duplex Building Design
Lot 2 and 2A – Ground Floor Plan	00.3	F	18.07.2022	Duplex Building Design
Lot 2 and 2A – Elevation	00.4	F	18.07.2022	Duplex Building Design
Lot 2 and 2A – Elevation	00.5	F	18.07.2022	Duplex Building Design
Lot 2 and 2A – Section + Details	00.6	F	18.07.2022	Duplex Building Design
Lot 2 and 2A – Site Management Plan	00.7	F	18.07.2022	Duplex Building Design
Lot 2 and 2A – Shadow Diagram	00.8	F	18.07.2022	Duplex Building Design
Lot 2 and 2A – Gross Building Area Plan & Landscape Compliance	00.9	F	18.07.2022	Duplex Building Design
Lot 3 and 3A – Site Plan	001	F	18.07.2022	
Lot 3 and 3A – Ground Floor Plan	00.3	F	18.07.2022	Duplex Building Design
Lot 3 and 3A – First Floor Plan	00.4	B	18.07.2022	Duplex Building Design
Lot 3 and 3A – Elevation	00.5	E	18.07.2022	Duplex Building Design
Lot 3 and 3A – Elevation	00.6	E	18.07.2022	Duplex Building Design
Lot 3 and 3A – Section + Details	00.7	F	18.07.2022	Duplex Building Design
Lot 3 and 3A – Site Management Plan & Shadow Diagrams	00.8	F	18.07.2022	Duplex Building Design
Lot 4 and 4A – Site Plan	0001.1	P6	18.07.2022	Duplex Building Design
Lot 4 and 4A – Ground Floor Plan	0001.3	P6	18.07.2022	Duplex Building Design

Lot 4 and 4A – First Floor Plan	0001.4	P6	18.07.2022	Duplex Building Design
Lot 4 and 4A – Elevation	0001.5	P6	18.07.2022	Duplex Building Design
Lot 4 and 4A – Elevation	0001.6	P5	18.07.2022	Duplex Building Design
Lot 4 and 4A – Section + Details	0001.7	P6	18.07.2022	Duplex Building Design
Lot 4 and 4A – Site Management Plan & Shadow Diagrams	0001.8	P6	18.07.2022	Duplex Building Design
Lot 4 and 4A – Gross Floor Area /F.S.R	0001.9	P6	18.07.2022	Duplex Building Design
Lot 10 and 10A – Site Plan	001.0	P7	18.07.2022	Duplex Building Design
Lot 10 and 10A – Ground Floor Plan	001.3	P7	18.07.2022	Duplex Building Design
Lot 10 and 10A – First Floor Plan	001.4	P7	18.07.2022	Duplex Building Design
Lot 10 and 10A – Elevation	001.5	P7	18.07.2022	Duplex Building Design
Lot 10 and 10A – Elevation	001.6	P7	18.07.2022	Duplex Building Design
Lot 10 and 10A – Section + Details	001.7	P7	18.07.2022	Duplex Building Design
Lot 10 and 10A – Site Management Plan & Shadow Diagrams	001.8	P7	18.07.2022	Duplex Building Design
Lot 10 and 10A – Gross Floor Area /F.S.R	001.9	P2	18.07.2022	Duplex Building Design
Lot 11 and 11A – Site Plan	00.1	D	18.07.2022	Duplex Building Design
Lot 11 and 11A – Ground Floor Plan	00.3	D	18.07.2022	Duplex Building Design
Lot 11 and 11A – First Floor Plan	00.4	D	18.07.2022	Duplex Building Design
Lot 11 and 11A – Elevation	00.5	D	18.07.2022	Duplex Building Design

Lot 11 and 11A – Elevation	00.6	D	18.07.2022	Duplex Building Design
Lot 11 and 11A – Section + Details	00.7	D	18.07.2022	Duplex Building Design
Lot 11 and 11A – Site Management Plan & Shadow Diagrams	00.8	D	18.07.2022	Duplex Building Design
Lot 11 and 11A – Gross Floor Area /F.S.R	00.9	D	18.07.2022	Duplex Building Design
Noise Impact Assessment – Proposed Residential Subdivision Inverness Avenue Mudgee	212177R	-	April 2022	Spectrum Acoustics
BASIX Certificate – Lot 1 & 1A	1261069 M	-	22 November 2021	Paul & C associates
BASIX Certificate – Lot 2 & 2A	1261125 M	-	22 November 2021	Paul & C associates
BASIX Certificate – Lot 3 & 3A	1261088 M	-	22 November 2021	Paul & C associates
BASIX Certificate – Lot 4 & 4A	1261130 M	-	22 November 2021	Paul & C associates
BASIX Certificate – Lot 10 & 10A	1261451 M	-	22 November 2021	Paul & C associates
BASIX Certificate – Lot 11 & 11A	1261133 M	-	22 November 2021	Paul & C associates
Traffic Assessment Report	TX15318.02-01RPT.JD	REV 1	21 November 2021	Triaxial Consulting
Existing Plan	TX15318.02-C2.00	E	14.07.2022	Triaxial Consulting
Subdivision Plan 1	TX15318.02-C3.00	E	14.07.2022	Triaxial Consulting
Inverness Ave Extension Plan and Longitudinal Section	TX15318.02-C4.00	E	14.07.2022	Triaxial Consulting
Inverness Ave Extension Cross Sections	TX15318.02-C5.00	E	14.07.2022	Triaxial Consulting

Drainage Plan	TX15318.02-C6.00	E	14.07.2022	Triaxial Consulting
Sewer Plan Sheet 1	TX15318.02-C7.00	E	14.07.2022	Triaxial Consulting
Sewer Plan Sheet 2	TX15318.02-C7.01	E	14.07.2022	Triaxial Consulting
Water Plan	TX15318.02-C8.00	E	14.07.2022	Triaxial Consulting

2. This development consent includes approval for the following:
- a. Stage 1 - Subdivision of land (1 Lot into 11 Lots);
 - b. Stage 2 – Construction of a dual occupancy (detached) on proposed Lots 1, 2, 3, 4, construction of a dual occupancy (attached) on proposed Lots 10 and 11, and removal of 5 x trees;
 - c. Stage 3 - Subdivision of each Dual Occupancy.
- Note - Lots 5, 6, 7, 8 and 9 are vacant lots under this consent.
3. This approval does not include the installation of the proposed Entry Signs to be located in the road reserve.

GENERAL

The following conditions are to be complied with and implemented for all relevant stages of the development.

4. The height and construction of dividing fences may require agreement between the owners of the subject land and the respective owners of adjacent properties. Legal advice should be sought in the case of any doubt.
5. Notwithstanding the approved plans, the structure is to be located clear of any easements and/or 1.5 metres from any water and sewer mains in accordance with Council Policy.
6. All earthworks, including cut and fill and the construction of retaining walls must be carried out in accordance with the requirements of Council's Development Control Plan. The extent of fill is not permitted to exceed 600 mm, cut is limited to 1,000 mm and retaining walls must be set back a minimum of 300mm from any boundary.
7. Any fill placed in residential or commercial lots shall be compacted in accordance with AS3798-2007 Guidelines on Earthworks for Commercial and Residential Developments.
8. Costs associated with all development works including any necessary alterations, relocations 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.

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

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

10. This consent does not permit commencement of any site works. Works are not to commence until such time as a Subdivision Works or Construction Certificate has been obtained and the appointment of a Principal Certifier.
11. No structures or earthworks are permitted to encroach within any easements for the purposes of utility infrastructure as specified in Council's Development Control Plan.
12. 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.
13. All trafficable pavements are to be constructed and sealed with an impervious surface, either bitumen or concrete, and maintained to the satisfaction of Council at all times.
14. Lighting is to be designed to not impact on adjoining development and to be in accordance with the Australian and New Zealand Lighting Standards, this includes Australian and New Zealand Lighting Standard 1158.1 – Pedestrian.
15. Where required, all private sanitary drainage and water supply works which require Council's permit and private stormwater drainage works must be carried out in strict accordance with AS/NZS 3500, Plumbing and Drainage Act 2002 and Plumbing and Drainage Regulations to the complete satisfaction of the Plumbing and Drainage Inspector.
16. 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.

**PRIOR TO ISSUE OF A SUBDIVISION WORKS CERTIFICATE
(STAGE 1 – SUBDIVISION 1 INTO 11 LOTS)**

The following conditions are to be satisfied, prior to the issue of a Subdivision Works Certificate for all Civil Construction Works required by the development.

17. Prior to issue of the Subdivision Works Certificate, the plan provided by Triaxial Consulting TX15318.02-C6.00 REV E dated 14.07.2022 is to be updated to ensure the acoustic barrier is maintained at a height of 5.6 metres for the full length of the acoustic easement as referenced within Figure 2 - BK632, sheet 2 of 3. The full length of the mound / acoustic barrier fronting the subject development is to be landscaped with a mix of low maintenance native grasses, shrubs and trees with spacing's of not less than 5 metres.

18. Prior to issue of the Subdivision Works Certificate, the plan provided by Triaxial Consulting TX15318.02-C6.00 REV E dated 14.07.2022 is to be updated to include new pedestrian lighting of the relocated golf cart track in accordance with AS1158.1 – Pedestrian. The placement of lighting must not cause nuisance on any residential lands.

19. A detailed Engineering Design is to be submitted to and approved by Council prior to the issue of a Subdivision Works Certificate. The Engineering Design is to comply with Council's Development Control Plan, Guidelines and Standards referenced here within. A Subdivision Works Certificate is required for, but not limited to the following Civil Works:

- Stormwater Drainage, including Inter-allotment Drainage, Detention Basins and bio-retention Devices as applicable;
- Road Construction including footpaths;
- Water and Sewerage extensions;
- Earth works for the Subdivision;
- Landscaping of road verges and Public Reserves

Note: No work is permitted to commence prior to the issue of an approved Subdivision Works Certificate.

20. Where filling is 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.

21. 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.
22. A Traffic Guidance Scheme (TGS) completed by a certified person for implementation during the works is to be submitted to Mid-Western Regional Council for assessment by Council prior to the granting of the Subdivision Works Certificate.

STORMWATER DRAINAGE

23. Stormwater Drainage design is to be prepared in accordance with the Institution of Engineer's publication Australian Rainfall and Runoff and submitted to Council for approval prior to the release of the Subdivision Works Certificate. The drainage design is to be supported by full and detailed calculations that demonstrate that the stormwater runoff from the site is not increased beyond the existing undeveloped state for all storm events up to and including a 100 year ARI. All stormwater detention details including analysis shall be included with the design documentation.
24. Drainage design for the sizing of the detention basin and cul-de-sac pipe must include an analysis of the upstream contributing area and overland flow paths considering all impacted drainage flows, adjacent and/or downstream properties, structures, infrastructure and downstream receiving systems, prior to issue of the Subdivision Works Certificate.
25. Approved Kerb adaptors are to be provided for each Lot to enable stormwater runoff from future dwelling development to discharge to kerb. Connections / pipe are to be installed to extend no less than 600 mm into each Lot prior to the construction of footpath.
26. Inter-allotment drainage incorporating both pits, pipes and swale is to be installed across the rear of proposed Lots generally as shown on the Drawing Drainage Plan TX15318.02-C6.00 Issue E.
27. A bund is to be constructed within the Mudgee Golf Club land at the rear of proposed Lots 1 – 5 inclusive to protect those Lots from any surface runoff.
28. The cul-de-sac pipe is to be provided with a double kerb inlet to ensure inlet capacity is achieved for large storm events.

29. Outfall from the detention basin is to be piped to existing infrastructure located in Golf Club land north-east of the proposed basin.

ROAD WORKS

30. The Developer is to construct the extension of Inverness Avenue. Works for the proposed subdivision must be designed and infrastructure constructed such that all works comply with the following requirements.

Items	REQUIREMENTS
Inverness Avenue extension	Road reserve to be 16 metres wide. Pavement to be widened to match existing Inverness Avenue pavement width, 9.6 metres wide Back of Kerb to Back of Kerb. The central nature strip / island at the subdivision entry is to be deleted.
Nature strip / verge	Graded to fall from property boundary to kerb
Footpath	Pedestrian paths to be concrete no less than 1.35 metres wide with approved bollards to prevent golf buggy / vehicle access. Golf buggy paths generally 2 metres wide but with localised widening as necessary to allow golf buggies to safely pass
Kerb and Gutter	Match existing Inverness Avenue roll-over kerb profile
Seal	Two coat flush seal 14/7mm (double/double)
Sub-Soil Drainage	Where required

31. All utility crossings are to be perpendicular to the road centreline and pre-formed prior to the addition of the base course.
32. All earthworks for the roads associated with the development must have compaction testing compliance with EMS Q4 and AUS-SPEC CQS-A.

WATER AND SEWER

33. The Developer is to provide a water and sewer connection for each proposed Lot in this subdivision. For sewer, this will require construction of new sewer mains to discharge to existing mains in Sydney Road. Detailed design for sewer and

water mains extensions are to be included in plans submitted for a Subdivision Works Certificate.

Note: Council does not permit any other bodies to insert new junctions into 'live' sewer/water mains. Council would normally undertake initial connection to 'live' mains subject to a Private Works Agreement with costs associated with this work borne by the Developer. Please contact Council's Operations Water and Wastewater Department by calling 1300 765 002 or 02 6378 2850 or by emailing council@midwestern.nsw.gov.au to obtain a quote for the connection of water and sewer (Private Works Order).

34. The Applicant must provide to Council detailed design and documentation demonstrating that the proposed sewer achieves minimum grade requirements and has no detrimental effect on flow rates and the ongoing operation of Council's existing infrastructure.

PRIOR TO THE COMMENCEMENT OF WORKS – CIVIL / SUBDIVISION WORKS

The following conditions are to be satisfied, prior to commencement of all Civil Construction Works required by the development.

35. Prior to the commencement of any works the Developer must apply for and obtain approval for the issue of a Subdivision Works Certificate. Application for a Subdivision Works Certificate must be accompanied by full and detailed drawings and supported by calculations.
36. 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.
37. 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.
38. Prior to the commencement of subdivision works, the following actions are to be carried out:
- a. A site supervisor is to be nominated by the applicant;
 - b. Council is to be provided with two (2) days' notice of works commencing; and

- c. 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.

39. 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 require to be relocated. DBYD can be contacted online www.1100.com.au or by phone on 1100.
40. 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.

DURING WORKS - CIVIL

The following conditions are to be complied with, during all Civil Construction Works required by the development.

41. 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.

42. All necessary inspections and testing shall be undertaken during construction works in accordance with the requirement of the Principal Certifier and/ or Council.
43. 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, Energy and Science (OESS) notified of the discovery as soon as

- practicable. Work shall only recommence upon the authorisation of the (OESS).
44. The Applicant must ensure that the development does not cause any water pollution, as defined under Section 120 of the Protection of the Environment Operations Act 1997.
 45. The Applicants shall, at their own expense, engage a registered surveyor to relocate any survey mark that may be disturbed by the development or any associated work. Any information regarding relocation should be supplied to the Land Registry Services and Council.
 46. To reduce the likelihood of air emissions, dust and noise impacts, the Applicant shall ensure that all the plant and equipment used at the site is:
 - a. maintained in a proper and efficient condition; and
 - b. operated in a proper and efficient manner.
 47. The Applicant must minimise the dust generated by the development at all times.
 48. All earthworks must ensure that the site is graded so as to be free draining.
 49. No construction must take place until and unless appropriate erosion control, dust control and silt collection measures are in place to the satisfaction of Council and to relevant engineering standards. Such erosion control, dust control and silt collection measures must remain onsite and maintained to the satisfaction of Council for the duration of the construction period.

**PRIOR TO ISSUE OF A SUBDIVISION CERTIFICATE
(STAGE 1 – SUBDIVISION 1 INTO 11 LOTS)**

The following conditions are to be satisfied, prior to the issue of a Subdivision Certificate for Stage 1 of the Development – 1 into 11 Lots.

50. Prior to issue of the Subdivision Certificate for Stage 1, compliance with the conditions of consent and the registration of the linen plan associated with DA0102/2021 shall be completed to the satisfaction of Council.
51. Under the Environmental Planning & Assessment Act, 1979, a Subdivision Certificate is required before the linen plan of subdivision can be registered with the Land Registry Services.

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

52. A linen plan and associated documentation are to be submitted to Council via the NSW Planning Portal for approval and endorsement by the General Manager (or an appointed delegate).

- 53. Prior to issue of the Subdivision Certificate, Council is to be supplied with:**
- a. A Notice of Arrangements from the appropriate power authority indicating that satisfactory arrangements have been made for provision of electricity supply to the subdivision; and**
 - b. 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.**
- 54. Underground electricity, street lighting and telecommunications are to be supplied to the Subdivision in accordance with the relevant authority's standards.**
- 55. Easements including associated Section 88B instruments, are to be created in favour of:**
- any upstream lots to drain water (width variable);**
 - any proposed lots to be serviced by water reticulation or sewer components (width of 3m).**
- 56. Easement and Section 88B documentation for stormwater drainage through proposed Lot 7 must include requirements for the ongoing maintenance of a shallow swale to define and overland flow path across the land, prior to issue of the Subdivision Certificate.**
- 57. Easement and Section 88B documentation for the right of way for access for the relocated golf cart track and pedestrian pathway is to be provided, prior to issue of the Subdivision Certificate.**
- 58. Prior to issue of a Subdivision Certificate, an investigation shall be undertaken that identifies the extent of salinity with reference to each individual lot within the subdivision. Should elevated salt levels be identified, the investigation should also make recommendations in terms of and include a salinity management plan for the entire site which contains adequate measures for combating potential salinity and increases the occurrence of native vegetation.**
- If a salinity management plan is required, it must be submitted to and approved by Mid-Western Regional Council prior to release of the subdivision certificate. A restriction as to user shall be created pursuant to section 88 of the Conveyancing Act nominating Mid-Western Regional Council as the varying authority over all lots, enforcing the implementation of the management plan. The Section 88 instrument shall be created at full cost to the developer.**
- 59. Prior to the issue of a Subdivision Certificate, an agreement under Section 88B is to be entered into requiring that the re-**

located detention basin and Vegetation Zone is maintained by the Mudgee Golf Club to the satisfaction of Council at all times.

60. Prior to issue of a Subdivision Certificate, the acoustic mound with fencing being not less than 5.6m high for the full length of the acoustic easement as shown within Figure 2 - BK632, sheet 2 of 3, along with all landscaping is to be completed in accordance with the updated plan prepared by Triaxial Consulting included within the application for the Subdivision Works Certificate at the full cost of the developer and to the satisfaction of Council at all times.
61. Prior to the issue of a Subdivision Certificate, a Plan of Management is to be prepared with agreement of Mudgee Golf Club, detailing the following commitments:
- a. Frequency of management of the landscaping on the acoustic mound to be not less than quarterly. Where plantings have died, replacement of the plants are to be undertaken within 14 days with a like for like species;
 - b. Frequency of the management of the detention basin and adjoining Vegetation Zone to be not less than monthly;
 - c. Mowing and rubbish removal within all areas of the Right of Way for Access / golf cart track is to be undertaken not less than monthly;
 - d. Replacement of lighting within the golf cart track to be repaired not less than monthly;
 - e. A complaints handling procedure and reporting register is to be established that ensures all repairs and maintenance required within the rights of carriageway / golf cart track, detention basin and acoustic easement within the Golf Club land that are reported by residents or Council are appropriately resolved within 30 days. The register is to be made available to Council at any time upon request.

The Plan of Management is to be signed by Mudgee Golf Club with full details included for registration on title of the land under Section 88 of the Conveyancing Act and is to accompany the application for the Subdivision Certificate.

62. Prior to the issue of a Subdivision Certificate, the access handle of lot 5 (battle axe handle) shall be no less than 4 meters wide.
63. Prior to the issue of Subdivision Certificate the Developer is to construct new mains providing an extension of the existing mains in Inverness Avenue and separate water and sewer reticulation services to each allotment within the subdivision to the satisfaction of Council.
64. 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)

65. Prior to issue of Subdivision Certificate the Developer is to provide a sewer connection for each proposed Lot in this subdivision.

Note: Council does not permit any other bodies to insert new junctions into 'live' sewer/water mains. Council would normally undertake initial connection to 'live' mains subject to a Private Works Agreement with costs associated with this work borne by the Developer. Please contact Council's Operations Water and Wastewater Department by calling 1300 765 002 or 02 6378 2850 or by emailing council@midwestern.nsw.gov.au to obtain a quote for the connection of water and sewer (Private Works Order).

66. All costs associated with preparation of Survey Plan and associated easement documentation are to be borne by the developer.

67. Prior to the issue of a Subdivision Certificate all required infrastructure works are to be constructed at the full cost of the Developer, in a manner consistent with relevant parts of the AUS-SPEC Specification and Council's standard drawings.

68. Prior to the issue of a Subdivision Certificate for any stage, 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.

69. 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 CD or 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:

- **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 dwg)**
- **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**

70. 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 the Subdivision Certificate for Stage 1. Contributions are subject to the consumer price index and are payable at the rate applicable at the time of payment.

Section 7.11 Contributions		
11 Lots (minus 1 credit for vacant lot)		
Mudgee Catchment	Per Lot	10 Lots
Transport Facilities	\$ 4,511.00	\$ 45,110.00
Recreation and Open Space	\$ 2,266.00	\$ 22,660.00
Community Facilities	\$ 660.00	\$ 6,600.00
Stormwater Management	\$ 476.00	\$ 4,760.00
Plan Administration	\$ 1,034.00	\$ 10,340.00
TOTALS	\$ 8,947.00	\$ 89,470.00

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.

- 71. Following completion of all engineering works with a final satisfactory inspection report, and prior to issue of a Subdivision Certificate for stage 1, a defects bond of 5% of the value of such works (not carried out by Council) or a minimum of \$2,000, whichever is the greater, shall be lodged with Council. The bond may be provided by way of a monetary deposit with the Council or via a Bank Guarantee which will be held for a period of 24 months. The 24-month maintenance bond period commences from the date of Plan Registration.**
- 72. The amount at which uncompleted works is to be held as bond is to be confirmed with Council at a rate of 135% of the total cost of uncompleted works and is to be paid to Council prior to issue of the Subdivision Certificate.**
- 73. A minimum of two (2) street trees per lot (excluding Lot 5) are to be installed with supporting barrier devices to prevent damage prior to issue of the Subdivision Certificate. A monetary payment / bond may be accepted by Council for this work in accordance with Council's Policy.**
- 74. 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.**

**PRIOR TO ISSUE OF A CONSTRUCTION CERTIFICATE
(STAGE 2 – DUAL OCCUPANCIES)**

The following conditions are to be satisfied, prior to the issue of a Construction Certificate for a Dual Occupancy.

- 75. Prior to release of the Construction Certificate, approval pursuant to Section 68 of the Local Government Act 1993 to carry out water supply, stormwater and sewerage works is to be obtained from Mid-Western Regional Council.**
- 76. Prior to the issue of a Construction Certificate, the developer shall pay a long service levy at the prescribed rate to either the Long Service Levy Corporation or Council, for any work costing \$25,000 or more.**

Note: The amount payable is currently based on 0.35% of the cost of work. This is a State Government Levy and is subject to change.

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

77. 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 Construction Certificate. Contributions are subject to the consumer price index and are payable at the rate applicable at the time of payment.

Section 7.11 Contributions		
12 x Dwellings (1 credit per lot applied from Stage 1 Subdivision)		
Mudgee Catchment	Per Lot	6 x Dwellings
Transport Facilities	\$ 4,511.00	\$ 27,066.00
Recreation and Open Space	\$ 2,266.00	\$ 13,596.00
Community Facilities	\$ 660.00	\$ 3,960.00
Stormwater Management	\$ 476.00	\$ 2,856.00
Plan Administration	\$ 1,034.00	\$ 6,204.00
TOTALS	\$ 8,947.00	\$ 53,682.00

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.

78. Any unpaid Contributions or charges nominated in the development consent will be indexed to CPI at the beginning of each new financial year.

- 79. Prior to the issue of a Construction Certificate, the developer shall obtain a Certificate of Compliance under the Water Management Act 2000, from Council.**

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

PRIOR TO THE COMMENCEMENT OF WORKS - BUILDING

The following conditions are to be satisfied, prior to the commencement of construction works for each Dual Occupancy.

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

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

- 81. The site shall be provided with a waste enclosure (minimum 1800mm X 1800mm X 1200mm) that has a lid or secure covering for the duration of the construction works to ensure that all wastes are contained on the site. The receptacle is to be emptied periodically to reduce the potential for rubbish to leave the site. Council encourages the separation and recycling of suitable materials.**

NOTE: ALL WASTE GENERATED FROM THE CONSTRUCTION PROCESS IS TO BE CONTAINED ON-SITE PRIOR TO SUBSEQUENT DISPOSAL AT AN APPROVED WASTE DISPOSAL FACILITY.

- 82. A sign must be erected in a prominent position on any work site on which the erection or demolition of a building is carried out:**
- a. stating that unauthorised entry to the work site is prohibited;**
 - b. showing the name of the person in charge of the work site and a telephone number at which that person may be contacted outside working hours;**
 - c. the name, address and telephone number of the Principal Certifying Authority for the work; and**
 - d. the sign shall be removed when the erection or demolition of the building has been completed.**

- 83. Prior to the commencement of any works within the road reserve the Developer must obtain approval under the provisions of Section 138 of the Roads Act 1993. Site plans showing all proposed works within the road reserve must be provided with this application.**

- 84. Prior to the commencement of any works on public land 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.

85. 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.

86. Prior to the commencement of works on site, the applicant shall advise Council's Operations Department, in writing, of any existing damage to Council property.

87. If the work involved in the erection/demolition of the building:

- a. Is likely to cause pedestrian or vehicular traffic in a public place to be obstructed or rendered inconvenient; or
- b. Building involves the enclosure of a public place; then

a hoarding or fence must be erected between the work site and the public place. If necessary, an awning is to be erected, sufficient to prevent any substance from, or in connection with, the work falling into the public place. Any such hoarding, fence or awning is to be removed when the work has been completed.

DURING CONSTRUCTION

The following conditions are to be satisfied, during the construction works of each Dual Occupancy.

88. All building work must be carried out in accordance with the provisions of the National Construction Code, the Environmental Planning & Assessment Act 1979 and Regulations and all relevant Australian Standards.

89. All mandatory inspections required by the Environmental Planning & Assessment Act and any other inspections deemed necessary by the Principal Certifying Authority being carried out during the relevant stage of construction.

90. The requirements of the following BASIX Certificate numbers:

- a. Lot 1 & 1A – 1261069M issued on 22 November 2021;
- b. Lot 2 & 2A – 1261125M issued on 22 November 2021;
- c. Lot 3 & 3A – 1261088M issued on 22 November 2021;
- d. Lot 4 & 4A – 1261130M issued on 22 November 2021;

- e. Lot 10 & 10A – 1261451M issued on 22 November 2021;
and
 - f. Lot 11 & 11A – 1261133M issued on 22 November 2021
- Must be installed and/or completed in accordance with the commitments contained in that certificate. Any alteration to those commitments will require the submission of an amended BASIX Certificate to the Council and/or the Principal Certifying Authority prior to the commencement of the alteration/s.
91. Each building shall be set-out by a registered land surveyor in the locations approved by Council. A copy of the Identification Survey Report prepared by a registered land surveyor shall be submitted to the Certifier prior to the pouring of any in-situ concrete i.e. at slab steel inspection stage.
 92. The footpath and driveway levels are not to be altered outside the property boundary without Council's permission.
 93. Switchboards for gas, electricity, etc., must not be attached to the front or street facing elevations of the building.
 94. No trees on public property (footpaths, roads, reserves etc.) shall be removed or damaged during construction works including the erection of any fences or hoardings.
 95. All public footways, foot paving, kerbs, gutters and road pavement damaged during the works are to be restored to match existing conditions at the Developer's / Demolisher's expense.
 96. All plumbing and drainage work must be carried out by a licensed plumber and drainer and must comply with the Plumbing Code of Australia.
 97. All stormwater is to discharge to the street gutter with the use of non-flexible kerb adaptors. Alternatively, stormwater is to be connected to the approved inter-allotment drainage system.
 98. Building envelopes are not to extend greater than 90m from the nearest hydrant.
 99. The strength of the concrete used for the reinforced concrete floor slab must be a minimum 25Mpa.
 100. Metal roof/wall cladding shall be provided in a non-reflective colour scheme such as "Colorbond" steel sheeting.
 101. 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.
 102. If the work involved in the erection/demolition of the building;

- a. is likely to cause pedestrian or vehicular traffic in a public place to be obstructed or rendered inconvenient; or
- b. building involves the enclosure of a public place

A hoarding or fence must be erected between the work site and the public place. If necessary, an awning is to be erected, sufficient to prevent any substance from, or in connection with, the work falling into the public place. Any such hoarding, fence or awning is to be removed when the work has been completed.

103. 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.
104. Vehicles must be clean and free of debris prior to leaving the site during construction. Deposited material may be ordered to be removed at the Applicant/operator's expense.
105. The Applicant must:
 - a. minimise the waste generated by the development;
 - b. classify all waste generated on site in accordance with the EPA's Waste Classification Guidelines 2014 (or its latest version);
 - c. store and handle all waste on site in accordance with its classification;
 - d. not receive or dispose of any waste on site; and
 - e. remove all waste from the site as soon as practicable, and ensure it is sent to an appropriately licensed waste facility for disposal, capable of receiving such waste.
106. The developer is to meet the full cost of water reticulations to service the development plus the cost of connecting to existing services. All water supply 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.
107. The developer is to meet the full cost of sewer reticulations to service the development plus the cost of connecting to existing services. All 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 – Sewerage Code of Australia.

PRIOR TO ISSUE OF THE OCCUPATION CERTIFICATE

The following conditions are to be satisfied, prior to the issue of an Occupation Certificate for each Dual Occupancy.

108. Prior to the occupation of a new building, or occupation or use of an altered portion of, or an extension to an existing building, an Occupation Certificate is to be obtained from the Principal Certifying Authority appointed for the erection of the building.
109. Prior to the issue of an Occupation Certificate all driveway / access / car parking area for each dwelling is to be completed. New sealed access from is to be constructed in accordance with Council requirements and standards. Separate approval for this work must be obtained under the provisions of Section 138 of the Roads Act 1993.
110. Prior to the issue of an Occupation Certificate the applicant is to provide separate water and sewer services to each dwelling.
111. Prior to the issue of an Occupation Certificate, for any buildings on site, the building is to be connected to reticulated water supply, stormwater and sewerage in accordance with the relevant section 68 approval/s.
112. Prior to use of the development and/or issue of an Occupation Certificate, a satisfactory final inspection report from the Council must be received by the Certifier, verifying that all works have been completed in accordance with the relevant Section 68 (Local Government Act 1993) approval/s.
113. Prior to issue of an Occupation Certificate, all fencing, plantings and hard landscaping (e.g. rocks, retaining walls, solid garden bed edging) is to be installed. Landscaping must comprise low maintenance, drought and frost resistant species.
114. Outdoor drying facilities and letterboxes are to be provided for each dwelling prior to occupation.
115. The developer shall contact Council's Property and Rating Department to ensure that the Street Addressing for each dwelling is correctly allocated in accordance with AS4819, prior to issue of the Occupation Certificate.
116. Prior to the issue of an Occupation Certificate the Developer must, where applicable, pay all relevant Development Contributions that may be levied in accordance with Council's Developer Contributions Plan/s.

OPERATIONAL/ ONGOING CONDITIONS

The following conditions must be complied with for the life of the development.

117. There being no interference with the amenity of the neighbourhood by reason of the emission of any "offensive

noise”, vibration, smell, fumes, smoke, vapour, steam, soot, ash or dust, or otherwise as a result of the proposed development.

118. All vehicles are required to enter and leave the site in a forward direction at all times.
119. Waste collection receptacles shall not obstruct driveways at any time.
120. All car parking spaces, loading and unloading areas, vehicle manoeuvring and driveway areas must not be used for the storage of any goods or materials and must be available for their intended use at all times.
121. All exterior lighting associated with the development shall be designed and installed so that no obtrusive light will be cast onto any adjoining property or roadways, in accordance with Australian Standard 4282 “Control of the Obtrusive Effects of Outdoor Lighting”.
122. Any individual air conditioning unit and heat pump for hot water storage units on the site must be installed and operated at all times so as not to cause “Offensive Noise” as defined by the Protection of the Environment Operations Act 1997.
123. The development is to be maintained in a clean and tidy manner, at all times.
124. Fencing shall be provided for the dwellings in accordance with the following requirements:
 - a. A 1.8 metre high screen fence is to be provided to all side and rear boundaries, behind the front building line/
 - b. A 1.8 metre high screen fence is to be provided between the private open space areas of the dwellings.
 - c. All required fencing shall be provided prior to occupation of the dwelling unit.
 - d. All fencing shall be provided at the full cost of the developer.
 - e. All required fencing shall be maintained at all times.
 - f. Fencing provided along property boundaries must not disrupt overland flow of stormwater.
 - g. For corner allotments – no fences, structures or landscaping exceeding 1 metre in height are to be located within the triangle formed by a sight line 6 metres x 6 metres from the intersection of the two road boundary lines.
 - h. No Colorbond is to be used in fencing located forward of the building line.
125. Landscaping shall be provided to the development in accordance with the following requirements:
 - a. All open spaces on the site are to be landscaped.

- b. Landscaping enhances the development for acoustic and visual privacy, as well as shade.
- c. Landscaping blends the development into the established streetscape and neighbourhood.
- d. Landscaping is water efficient.
- e. Landscaping minimises over-shadowing within the development and neighbouring properties.
- f. Landscaping utilises, where practicable, endemic species which are appropriate for the site.
- g. Landscaping allows for continued casual surveillance of the internal driveway, car parking areas and street, where practicable, from within the living areas of the dwellings.
- h. Landscaping shall not provide opportunities for concealment of people.
- i. Landscaping is to be provided to the development prior to the occupation of the dwellings.
- j. Landscaping shall be maintained at all times. Should any planting die or be removed for any reason, it shall be replaced by a like replacement planting.

126. Golf carts must only access the right of access / golf cart track via the approved easements.

127. All complaints regarding maintenance of the right of access, stormwater basin and landscape zones are to be directed to the Mudgee Golf Club in accordance with the Plan of Management.

PRIOR TO ISSUE OF A SUBDIVISION CERTIFICATE (SUBDIVISION OF DUAL OCCUPANCIES)

The following conditions must be satisfied prior to the issue of the Subdivision Certificate for each Dual Occupancy.

128. Under the Environmental Planning & Assessment Act, 1979, a Subdivision Certificate is required before the linen plan of subdivision can be registered with the Land Registry Services.

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

129. A linen plan and associated documentation are to be submitted to Council via the NSW Planning Portal for approval and endorsement by the General Manager (or an appointed delegate).

130. Prior to the issue of a Subdivision Certificate for the subdivision of each dual occupancy, the plan of subdivision must ensure that the following is achieved:

- a. For each dual occupancy (detached), the lot size shall be not less than 400m² for each dwelling; and
- b. For each dual occupancy (attached), the lot size shall be not less than 300m² for each dwelling.

131. Prior to issue of the Subdivision Certificate for each dual occupancy, a satisfactory final inspection report shall be provided for each building.
132. Prior to issue of the Subdivision Certificate, Council is to be supplied with:
- a. A Notice of Arrangements from the appropriate power authority indicating that satisfactory arrangements have been made for provision of electricity supply to the subdivision; and
 - b. 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.
133. Underground electricity, street lighting and telecommunications are to be supplied to the Subdivision in accordance with the relevant authority's standards.
134. Easements including associated Section 88B instruments, are to be created in favour of:
- any upstream lots to drain water (width variable);
 - any proposed lots to be serviced by water reticulation or sewer components (width of 3m).
135. Prior to issue of Subdivision Certificate the Developer is to provide separate 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)
136. Prior to issue of Subdivision Certificate the Developer is to provide a separate sewer connection for each proposed Lot in this subdivision.
- Note: Council does not permit any other bodies to insert new junctions into 'live' sewer/water mains. Council would normally undertake initial connection to 'live' mains subject to a Private Works Agreement with costs associated with this work borne by the Developer. Please contact Council's Operations Water and Wastewater Department by calling 1300 765 002 or 02 6378 2850 or by emailing council@midwestern.nsw.gov.au to obtain a quote for the connection of water and sewer (Private Works Order).**
137. All costs associated with preparation of Survey Plan and associated easement documentation are to be borne by the developer.
138. All existing and new easements shall be shown on the linen plan and supporting documentation otherwise required by this consent. This must include the Plan of Management

requirements for the rights of access and stormwater basin authorised by this consent.

COUNCIL ADVISORY NOTES

1. This development consent requires a Certificate of Compliance under the Water Management Act 2000 to be obtained prior to the issue of a Construction Certificate.

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

Please be advised that as a precondition to the granting of a Compliance Certificate, 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):

Section 64 Contributions		
	ET's with Credits applied	Charge
Water Headworks	12.6ET	\$110,325.60
Sewer Headworks	15.5ET	\$61,953.50
TOTAL HEADWORKS		\$172,279.10

Note: Section 64 Developer Contributions are subject to Consumer Price Index increase at 1 July each year.

2. 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".
3. Council has no regulatory authority in regards to dividing fencings under the Dividing Fences Act 1991 and does not adjudicate civil disputes relating to the provision of, or payment for, the erection of dividing fences. If there is a neighbour dispute about the boundary fence and you are seeking mediation, you may contact the Community Justice Centre, or if legal advice or action is required, you may contact the Chamber Magistrate.
4. 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.

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

STATEMENT OF REASONS

The determination decision was reached for the following reasons:

1. **The proposed development generally complies with the requirements and objectives of the applicable environmental planning instruments and the Mid-Western Regional Development Control Plan 2013.**
2. **The proposed development is considered to be satisfactory in terms of the matters identified in Section 4.15 of the Environmental Planning & Assessment Act 1979.**
3. **The land is zoned R1 General Residential and has specifically been identified in key strategic planning documents including the Comprehensive Land Use Strategy 2010 for future urban purposes.**
4. **The matters raised within submissions have been addressed in the following manner:**
 - **Conditions have been imposed to address the following key concerns;**
 - **Construction management – traffic management, noise, sediment and erosion control and dust;**
 - **Upgraded acoustic mound, fencing and landscaping amendments for the full length of the acoustic easement abutting the Depot Road industrial land;**
 - **Improved maintenance requirements of the relocated golf cart access track, stormwater basin, landscaping and acoustic barrier to be registered on title of the land along with the creation of a Management Plan including a complaints register; and**
 - **Stormwater drainage management.**

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 Stoddart	✓	
Cr Thompson	✓	

Councillor Palmer returned to the Chambers at 5:59pm.

8.2 DA0029/2023 - DWELLING HOUSE AT 18 COXS CREEK ROAD, RYLSTONE

GOV400098, DA0029/2023

230/22

MOTION: Thompson / Stoddart

That Council:

1. receive the report by the Duty Town Planner on the DA0029/2023 - Dwelling House at 18 Coxs Creek Road, Rylstone; and
2. approve DA0029/2023 - Dwelling House at 18 Coxs Creek Road, Rylstone subject to the following conditions:

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 and/or any plan notations.

Title/ Name	Drawing No/ Document Ref	Revision/ Issue	Dated	Prepared by
Site Plan	01.2	03	Jun 2022	Mudgee Builder
Floor Plan	02.1	03	Jun 2022	Mudgee Builder
Dimensions	02.2	-	Jun 2022	Mudgee Builder
Elevation	03	03	Jun 2022	Mudgee Builder

Section	4	02	May 2022	Mudgee Builder
BASIX Certificate	1310054S	-	28/05/2022	Mudgee Builder P/L

2. This approval includes approval for a dwelling house only.
3. The dwelling shall not be used for tourist and visitor accommodation. If it is to be used for tourist or visitor accommodation, a separate change of use application must be lodged with Council, which must be supported by a Bushfire Assessment Report.
4. No trees are to be removed.

GENERAL

5. All earthworks, filling, building, driveways or other works, are to be designed and constructed 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.
6. All stormwater from roof and developed surfaces is to be controlled in such a manner so as not to flow or discharge over adjacent properties and must be managed within the site. Methods of disposal of excess stormwater, including overflow from tank, must also include adequate provision for the prevention of erosion and scouring.
7. Costs associated with all development works including any necessary alterations, 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.
8. 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.
9. Metal roof/wall cladding shall be provided in a non-reflective colour scheme such as Colorbond steel sheeting.
10. The existing access off from Coxs Creek Road is to be upgraded and constructed to ensure that the access is sealed with bitumen and has appropriately sized drainage pipes and culverts so as not to compromise the capacity of table drains. The specification for this upgraded vehicle access must be in

accordance with Council's requirements and standards as outline in Council's "Access to Properties Policy" for rural road. Separate approval for this work must be obtained under the provisions of Section 138 of the Roads Act 1993.

11. A "slow down driveway ahead" sign (W2-207 Guide Signage) is to be erected in the Coxs Creek Road road reserve to the east of the existing access and to face west-bound traffic on Coxs Creek Road. No removal of significant vegetation and trees is to occur in the road reserve to improve visibility of the sign. However, minor trimming of branches and removal of non-native shrubs is permitted to improve sight distance requirements.
12. The internal driveway and vehicle manoeuvring areas must be constructed of compacted gravel. Measures to prevent erosion and scouring and the transport of sediment by stormwater runoff must be put in place and maintained at all times.
13. A minimum of 45,000 litres of domestic water storage is to be provided for the proposed dwelling. All roofwater is to be directed to this tank.
14. The following bushfire protection measures are to be implemented at the commencement of works, and maintained for the life of the development:
 - a) **Asset Protection Zones**

The intent of measures is to provide sufficient space, and maintain reduced fuel loads, so as to ensure radiant heat levels of buildings are below critical limits, and to prevent direct flame contact with a building.

At the commencement of works, and in perpetuity, the property around the asset shall be managed as follows in accordance with Section 3.2 and Appendix 4 of Planning for Bushfire Protection 2019 and the Rural Fire Service's document 'Standards for Asset Protection Zones':

 - i) North for a distance of 20m as an 'Inner Protection Area'.
 - ii) South for a distance of 20m as an 'Inner Protection Area'.
 - iii) East for a distance of 20m as an 'Inner Protection Area'.
 - iv) West for a distance of 20m as an 'Inner Protection Area'.
 - b) **Water and Utilities**

The intent of measures is to provide adequate serviced of water for the protection of buildings during and after the passage of a bushfire, and to locate gas and electricity so as not to contribute to the risk of fire to a building.

- i) **Water, electricity and gas are to comply with Section 6.8.3 of Planning for Bushfire Protection 2019.**
- ii) **In recognition that an unreliable water supply exists, a 20,000 litre dedicated water supply tank (non-flammable) shall be provided. An RFS standard 65mm metal Storz outlet with a ball valve shall be provided.**

Note: Farm dams and swimming pools cannot be used as a dedicated water supply source for bushfire fighting purposes.

- iii) **All associated fittings to the tank shall be non-combustible.**
- iv) **A pump shall be provided to supply water for fire suppression activities and shall be a minimum 5hp or 3kW and shall be petrol or diesel powered.**
- v) **Pumps for the water tank shall be adequately shielded from potential bushfire threat.**
- vi) **A 19mm hose, capable of reaching all parts of the perimeter of the building, shall be provided.**
- vii) **All above ground water and gas service pipes external to the building shall be metal, including and up to any taps.**
- viii) **A Static Water Supply marker (SWS) is to be obtained from the Rural Fire Service and fixed in a prominent location at the entry of the property.**

c) Design and Construction

The intent of measures is that buildings are designed and constructed to withstand the potential impacts of bushfire attack.

- i) **New construction is to comply with AS 3959-2018 'Construction of buildings in bushfire prone areas' – Bushfire Attack Level 12.5**
- ii) **Roofing shall have guttering screened to prevent the build-up of flammable material.**
- iii) **Any sarking shall be:**
 - **Non-combustible; or**
 - **Comply with AS/NZS 4200.1, be installed on the outside of the frame and have a flammability index of no more than 5 as determined by AS1530.2.**

- iv) **Garage doors are to be tight fitting to door jambs with gaps no greater than 5mm when closed, and any roller shutter is to be provided with an ember protection device at the top of the shutter that captures any embers where a gap of 2mm or greater exists on the external surface.**
- d) **Access**
The intent of measures for property access is to provide safe access to/from the public road system for firefighters providing property protection during a bushfire, and for occupants faced with evacuation. To achieve this, the following requirements shall apply:
 - i) **Access shall comply with Section 3.4 and Appendix 3 of Planning for Bushfire Protection 2019.**
- e) **Landscaping**
Landscaping of the site is to comply with Section 3.7 and the principles of Appendix 4 of Planning for Bushfire Protection 2019.

PRIOR TO ISSUE OF THE CONSTRUCTION CERTIFICATE

- 15. **Prior to release of the Construction Certificate, approval pursuant to Section 68 of the Local Government Act, 1993 for the installation of an On Site Sewerage Management System is to be obtained from Mid-Western Regional Council.**
- 16. **Prior to the issue of a Construction Certificate, the developer shall pay a long service levy at the prescribed rate to either the Long Service Levy Corporation or Council, for any work costing \$25,000 or more.**

Note - The amount payable is currently based on 0.35% of the cost of work. This is a State Government Levy and is subject to change.

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

PRIOR TO THE COMMENCEMENT OF WORKS

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

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

18. The site shall be provided with a waste enclosure (minimum 1800mm X 1800mm X 1200mm) that has a lid or secure covering for the duration of the construction works to ensure that all wastes are contained on the site. The receptacle is to be emptied periodically to reduce the potential for rubbish to leave the site. Council encourages the separation and recycling of suitable materials.
NOTE: ALL WASTE GENERATED FROM THE CONSTRUCTION PROCESS IS TO BE CONTAINED ON-SITE
19. A sign must be erected in a prominent position on any work site on which the erection or demolition of a building is carried out:
 - a) stating that unauthorised entry to the work site is prohibited;
 - b) showing the name of the person in charge of the work site and a telephone number at which that person may be contacted outside working hours;
 - c) the name, address and telephone number of the principal certifying authority for the work; and
 - d) The sign shall be removed when the erection or demolition of the building has been completed.
20. With the exception of work where there is in force an exemption under clause 187 and 188 of the Environmental Planning and Assessment Regulation 2000 all building work that involves residential building work for which the Home Building Act requires there to be a contract of insurance in force in accordance with Part 6 of that Act, such a contract of insurance is to be in force.
21. The contractor is required to contact Dial Before You Dig to obtain details of various services in the vicinity of the proposed dwelling. Dial Before You Dig may be contacted online via <https://www.1100.com.au> or by phone on 1100.

DURING CONSTRUCTION

22. All building work must be carried out in accordance with the provisions of the National Construction Code, the Environmental Planning & Assessment Act 1979 and Regulations and all relevant Australian Standards.
23. All plumbing and drainage work must be carried out by a licensed plumber and drainer and must comply with the Plumbing Code of Australia.

- 24. All mandatory inspections required by the Environmental Planning and Assessment Act 1979 and any other inspections deemed necessary by the Principal Certifying Authority are to be notified by the developer (providing no less than 24 hours' notice) and carried out during the relevant stage of construction.**
- 25. 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**
 - b) No construction work noise is permitted on Sundays or Public Holidays.**
- 26. The strength of the concrete used for the reinforced concrete floor slab must be a minimum 25Mpa.**
- 27. Structural members subject to attack by subterranean termites shall be protected by one of the methods outlined in AS 3660.1 and a durable notice must be permanently fixed to the building in a prominent location, such as a meter box or the like, indicating:**

 - a) the method of protection; and**
 - b) the date of installation of the system; and**
 - c) where a chemical barrier is used, its life expectancy as listed on the National Registration Authority label; and**
 - d) the need to maintain and inspect the system on a regular basis.**
- 28. The development site is to be managed for the entirety of work in the following manner:**

 - a) Erosion and sediment controls are to be implemented to prevent sediment from leaving the site. The controls are to be maintained until the development is complete and the site stabilised with permanent vegetation;**
 - b) Appropriate dust control measures;**
 - c) Construction equipment and materials shall be contained wholly within the site unless approval to use the road reserve has been obtained; 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.**
- 29. The requirements of BASIX Certificate number 1310054S issued on 28 May 2022 must be installed and/or completed in accordance with the commitments contained in that certificate. Any alteration to those commitments will require the submission of an amended BASIX Certificate to the Council and/or the Principal Certifying Authority prior to the commencement of the alteration/s.**

30. All stormwater is to discharge to a water tank and the over flow discharge a minimum 3m from the building and disposed of in such a way as to not adversely affect the adjoining properties.
31. 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.

PRIOR TO ISSUE OF THE OCCUPATION CERTIFICATE

32. Prior to the occupation of a new building, or occupation or use of an altered portion of, or an extension to an existing building, an Occupation Certificate is to be obtained from the Principal Certifying Authority appointed for the erection of the building.
33. Prior to use of the dwelling and/or the issue of an Occupation Certificate, a satisfactory final inspection report from the Council must be received by the Certifier, verifying that all works have been completed in accordance with the relevant Section 68 (Local Government Act 1993) approval/s.
34. Prior to the issue of an Occupation Certificate, the driveway upgrade works, approved in accordance with Section 138 of the Roads Act 1993, are to be completed.
35. Prior to the issue of an Occupation Certificate, a "slow down driveway ahead" sign is to be erected on Coxs Creek Road to the east of the existing access and facing westbound traffic.
36. Prior to use of the development and/or issue of an Occupation Certificate, all requirements of BASIX Certificate No 1310054S, dated 28 May 2022, and the associated plans and specifications approved as part of the Construction Certificate, shall be completed in full.

ADVISORY NOTES

1. The removal of trees within any road reserve requires the separate approval of Council in accordance with the policy "Tree Removal and Pruning - Public Places".
2. The land upon which the subject building is to be constructed may be affected by restrictive covenants. This approval is issued without enquiry by Council as to whether any restrictive covenant affecting the land would be breached by the construction of the building, the subject of this approval. Persons to whom this approval is issued must rely on their own enquiries as to whether or not the building breaches any such covenant.
3. Division 8.2 of the Environmental Planning and Assessment Act (EP&A Act) gives you the ability to seek a review of the

determination. This request is made to Council and must be made within 12 months after the date on which you receive this notice. The request must be made in writing and lodged with the required fee; please contact Council's Development Department for more information or advice.

4. If you are dissatisfied with this decision section 8.7 of the EP&A Act 1979 gives you the right to appeal to the Land and Environment Court within 12 months after the date on which you receive this notice, pursuant to section 8.10(1)(b).
5. To ascertain the extent to which the consent is liable to lapse, refer to Section 4.53 of the EP&A Act.

REASONS FOR DECISION

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.

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 Stoddart	✓	
Cr Thompson	✓	

8.3 PLANNING PROPOSAL LOT 31 DP 158548, 53 PITTS LANE,
PUTTA BUCCA - POST EXHIBITION

GOV400098, LAN900141

231/22

MOTION: Paine / Karavas

That Council:

1. receive the report by the Manager, Strategic Planning on the Planning Proposal Lot 31 DP 158548, 53 Pitts Lane, Putta Bucca - Post Exhibition; and
2. when Gateway Determination Conditions 1 and 2 have been satisfied, Council request the Department of Planning and Environment to draft and finalise the amendment to the Mid-Western Regional Local Environmental Plan 2012 to rezone

**Lot 31 DP 158548 from RU4 Primary Production Small Lots
to RE1 Public Recreation with no minimum lot size.**

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 Stoddart	✓	
Cr Thompson	✓	

Item 8.4 was withdrawn.

8.4 MID-WESTERN REGION TOWARDS 2040 COMMUNITY PLAN
GOV400098, COR400124

The following recommendations (item 8.5 to item 9.9) were adopted as a whole, being moved by Cr Karavas seconded by Cr Cavalier and carried with Councillors voting unanimously. Each recommendation is recorded with separate resolution numbers commencing at Resolution No. 232/22 and concluding at Resolution No. 244/22.

8.5 POLICY REVIEW - SMOKE FREE OUTDOOR AREAS
GOV400098, A0100021

232/22

MOTION: Karavas / Cavalier

That Council:

1. receive the report by the Manager Building and Development on the Policy Review - Smoke Free Outdoor Areas;
2. place the revised Smoke Free Outdoor Areas Policy (with minor amendments) on public exhibition for 28 days; and
3. adopt the revised Smoke Free Outdoor Areas Policy if no submissions are received.

The motion was carried with the Councillors voting unanimously.

8.6 COMMUNITY PARTICIPATION PLAN - AMENDMENT 1
(PUBLIC EXHIBITION)

GOV400098, LAN900106

233/22

MOTION: Karavas / Cavalier

That Council:

1. receive the report by the Manager, Planning on the Community Participation Plan - Amendment 1 (Public Exhibition);
2. endorse and publicly exhibit the proposed amendments to the Mid-Western Regional Community Participation Plan (CPP) outlined in this report, pursuant to Part 2, Division 2.6 and Schedule 1 of the Environmental Planning and Assessment Act 1979; and
3. receive a further report following conclusion of the public exhibition period to consider any submissions received, or if at the end of the public exhibition period, no submissions are received, adopt the changes to the CPP as proposed.

The motion was carried with the Councillors voting unanimously.

8.7 ACCEPTANCE OF GRANT FUNDING - NSW GOVERNMENT
SMALL BUSINESS MONTH

GOV400098, GRA600052

234/22

MOTION: Karavas / Cavalier

That Council:

1. receive the report by the Events Coordinator on the Acceptance of Grant Funding - NSW Government Small Business Month;
2. if successful, accept the following grant funding of \$5000 from the NSW Government;
3. amend the 2022/23 Event Operations Budget to set an expenditure budget of \$5000 funded by grant funding; and
4. if successful, authorise the General Manager to finalise and sign the funding agreements with the NSW Government.

The motion was carried with the Councillors voting unanimously.

8.8 MONTHLY DEVELOPMENT APPLICATIONS PROCESSING
AND DETERMINED

GOV400098, A0420109

235/22

MOTION: Karavas / 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 QUARTERLY BUDGET REVIEW - JUNE 2022

GOV400098, FIN300240

236/22

MOTION: Karavas / Cavalier**That Council:**

1. receive the report by the Acting Chief Financial Officer on the Quarterly Budget Review - June 2022; and
2. note the opinion of the Responsible Accounting Officer regarding the satisfactory financial position of Council.

The motion was carried with the Councillors voting unanimously.

9.2 MONTHLY BUDGET REVIEW - JULY 2022

GOV400098, FIN300315

237/22

MOTION: Karavas / Cavalier**That Council:**

1. receive the report by the Financial Planning Coordinator on the Monthly Budget Review - July 2022;
2. amend the 2022/23 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 unforeseeable works required at the Kandos Community Hall due to significant damage found which could result in major injury.

The motion was carried with the Councillors voting unanimously.

9.3 MONTHLY STATEMENT OF INVESTMENTS AS AT 31 JULY 2022

GOV400098, FIN300053

238/22

MOTION: Karavas / Cavalier**That Council:**

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

The motion was carried with the Councillors voting unanimously.

9.4 DRAFT FINANCIAL STATEMENTS 2021/22

GOV400098, FIN300346

239/22

MOTION: Karavas / Cavalier

That Council:

1. receive the report by the Acting Chief Financial Officer on the Draft Financial Statements 2021/22;
2. resolve that in its opinion the General Purpose Financial Statements and Special Purpose Financial Statements for the year ended 30 June 2022:
 - 2.1 have been drawn up in accordance with the provisions of the Local Government Act 1993, the Local Government (General) Regulation 2021, the Australian Accounting Standards, and the Local Government Code of Accounting Practice and Financial Reporting;
 - 2.2 present fairly the Council's financial position and operating result for the year;
 - 2.3 accord with the Council's accounting and other records; and
 - 2.4 do not contain any known matter that would make the financial statements false or misleading in any way
3. authorise the Mayor, Deputy Mayor, General Manager and Responsible Accounting Officer (Acting CFO) to sign the Statement by Councillors and Management on its opinion of the General Purpose Financial Report 2021/22 and Special Purpose Financial Report 2021/22;
4. authorise the General Manager to issue the 2021/22 Financial Reports immediately upon receipt of the Auditors Report; and
5. authorise the General Manager to finalise the date at which the Auditors Report and Financial Statements for 2021/22 are to be presented to the public.

The motion was carried with the Councillors voting unanimously.

9.5 BUDGET REVOTES FROM 2021/22 TO 2022/23

GOV400098, FIN300315

240/22

MOTION: Karavas / Cavalier

That Council:

1. receive the report by the Financial Planning Coordinator on the Budget Revotes from 2021/22 to 2022/23;
2. amend the 2022/23 budget to reflect the revote of \$14,265,838 capital expenditure as identified in the attachment to this report; and
3. amend the 2022/23 budget to reflect the revote of \$3,573,133 operating expenditure as identified in the attachment to this report.

The motion was carried with the Councillors voting unanimously.

9.6 RELATED PARTY DISCLOSURE POLICY

GOV400098, FIN3000289

241/22

MOTION: Karavas / Cavalier

That Council:

1. receive the report by the Financial Operations Coordinator on the Related Party Disclosure Policy;
2. place the revised Related Party Disclosure Policy on public exhibition for a period of 28 days; and
3. adopt the Related Party Disclosure Policy for a further period of four years, if no submissions are received during the public exhibition period.

The motion was carried with the Councillors voting unanimously.

9.7 WATER USAGE CHARGES - UNDETECTED LEAKS POLICY REVIEW

GOV400098, GOV400066

242/22

MOTION: Karavas / Cavalier

That Council:

1. receive the report by the Revenue Coordinator on the Water Usage Charges - Undetected Leaks Policy Review;
2. place the revised Water Usage Charges – Concealed Leaks Policy on public exhibition for 28 days; and
3. adopt the Water Usage Charges – Concealed Leaks Policy if no submissions are received during the public exhibition period.

The motion was carried with the Councillors voting unanimously.

9.8 NAMING OF A BRIDGE ON SPRING RIDGE ROAD OVER
GOODIMAN CREEK, BERYL

GOV400098, ROA100071

243/22

MOTION: Karavas / Cavalier

That Council:

1. receive the report by the Revenue Officer on the naming of a bridge on Spring Ridge Road over Goodiman Creek, Beryl;
2. formally approve the name of O'Brien Bridge; and
3. advertise the approved name and submit the name to the Government Gazette.

The motion was carried with the Councillors voting unanimously.

9.9 NAMING OF A NEW STREET IN A SUBDIVISION OFF
RAILWAY STREET, GULGONG

GOV400098, P04862, R0790141

244/22

MOTION: Karavas / Cavalier

That Council:

1. receive the report by the Revenue Officer on the naming of a new street in a subdivision off Railway Street, Gulgong;
2. name this street Millennium Court; and
3. advertise the proposed name and receive a further report at the end of the exhibition period to formalise the name of the street.

The motion was carried with the Councillors voting unanimously.

Item 10: Operations

10.1 FLOODPLAIN RISK MANAGEMENT COMMITTEE

GOV400098, SEW200053

245/22

MOTION: Cavalier / Karavas

That Council:

1. receive the report by the Director Operations on the Floodplain Risk Management Committee;
2. reinstate the Mid-Western Regional Council Floodplain Risk Management Committee as an advisory body to Council; and

3. **appoint Cr Palmer and Cr Stoddart as Council delegates to the Mid-Western Regional Floodplain Risk Management Committee.**

The motion was carried with the Councillors voting unanimously.

The following recommendations (item 10.2 to item 12.2) were adopted as a whole, being moved by Cr Paine seconded by Cr Cavalier and carried with Councillors voting unanimously. Each recommendation is recorded with separate resolution numbers commencing at Resolution No. 246/22 and concluding at Resolution No. 257/22.

10.2 ACEN STUBBO SOLAR FARM BLUE SPRINGS ROAD
UPGRADE

GOV400098, LAN900112

246/22

MOTION: Paine / Cavalier

That Council:

1. **receive the report by the Director Operations on the ACEN Stubbo Solar Farm Blue Springs Road Upgrade;**
2. **approve Council completing the upgrade of approximately 4.6km of Blue Springs Road on behalf of ACEN Stubbo Solar Pty Ltd at no cost to Council;**
3. **authorise the Director of Operations to negotiate final terms and sign all necessary contractual documentation to formally accept the \$3,912,000 for Blue Springs Road upgrade plus or minus 10% for ACEN Stubbo Solar Pty LTD;**
4. **amend the 2022/23 budget to allocate \$3,912,000 for Blue Springs Road upgrades; and**
5. **authorise the General Manager to negotiate any positive variations to the contract with ACEN Stubbo Solar Pty Ltd up to an additional \$1,000,000 with any such variations reported to Council through the monthly budget report.**

The motion was carried with the Councillors voting unanimously.

10.3 ASSET MANAGEMENT STRATEGY 2022-2026

GOV400098, COU500082

247/22

MOTION: Paine / Cavalier

That Council adopt the Asset Management Strategy and Asset Management Policy.

The motion was carried with the Councillors voting unanimously.

Item 11: Community

11.1 MUDGEES ARTS PRECINCT CONSTRUCTION - PROJECT UPDATE

GOV400098, COR400301, REC800038

248/22 MOTION: Paine / Cavalier**That Council note the report by the Director Community on the Mudgee Arts Precinct Construction - Project Update.***The motion was carried with the Councillors voting unanimously.*

11.2 MUDGEES ARTS PRECINCT - QUARTERLY REPORT

GOV400098, REC800038

249/22 MOTION: Paine / Cavalier**That Council:**

- 1. receive the report by the Manager, Community & Cultural Services on the Mudgee Arts Precinct - Quarterly Report; and**
- 2. note the recent services and activities provided with respect to Mudgee Arts Precinct.**

The motion was carried with the Councillors voting unanimously.

11.3 COMMUNITY SERVICES - QUARTERLY REPORT

GOV400098, COS300010

250/22 MOTION: Paine / Cavalier**That Council:**

- 1. receive the report by the Manager, Community & Cultural Services on the Community Services - Quarterly Report; and**
- 2. note the recent services provided and activities coordinated by Council's Community Services Department.**

The motion was carried with the Councillors voting unanimously.

11.4 GLEN WILLOW STAGE 2 - PROGRESS UPDATE

GOV400098, COR400303, COR400277, COR400332, PAR300585, COR400273

251/22 MOTION: Paine / Cavalier

That Council note the report by the Director Community on the Glen Willow Stage 2 - Progress Update.

The motion was carried with the Councillors voting unanimously.

11.5 IMPROVED ACCESS TO PUBLIC TOILETS IN MUDGEE

GOV400098, P0041211

252/22

MOTION: Paine / Cavalier

That Council:

1. receive the report by the Director Community on the Improved Access to Public Toilets in Mudgee;
2. provide in principle support for the proposal to utilise toilets on the St John's Anglican Church grounds for public use;
3. delegate to the General Manager the authority to finalise any requirement agreements with the St John's Anglican Church for this proposal;
4. allocate a project budget of \$80,000 in the 2022/23 financial year to be funded from the Capital Reserve Fund; and
5. allocate a maintenance budget of \$20,000 in the 2022/23 and future financial years to be funded from unrestricted cash.

The motion was carried with the Councillors voting unanimously.

11.6 EXEMPTION FROM TENDER - RED HILL COTTAGE

GOV400098, FIN300306

253/22

MOTION: Paine / Cavalier

That Council:

1. receive the report by the Director Community on the Exemption from Tender - Red Hill Cottage;
2. approve an exemption from tender, in accordance with section 55 (3) (i) of the Local Government Act 1993, for the restoration of the miners cottage at Red Hill, noting that due to the unavailability of competitive or reliable tenderers, a satisfactory result would not be achieved by inviting tenders;
3. note the reasons why a satisfactory outcome would not be achieved by inviting tenders are:
 - a) the market has already been tested appropriately, via public marketplace on VendorPanel – 91 suppliers selected with 0 responses received at time of the closing; and

- b) the same organisations would be targeted if we had tendered (via VendorPanel) so there is no benefit in readvertising as a tender;
4. accept the quote from Phillip Fuller Builder for \$268,200 GST inclusive, for the renovation and restoration of the Red Hill Cottage; and
 5. delegate authority to the Director Community to finalise the contract and approve variations to the finalised contract sum not exceeding the budget provided by Council.

The motion was carried with the Councillors voting unanimously.

11.7 RED HILL EXHIBITION SPACE

GOV400098, P1114611

254/22

MOTION: Paine / Cavalier

That Council:

1. receive the report by the Director Community on the Red Hill Exhibition Space;
2. provide in principle support for the concept of developing a new exhibition space at the Red Hill Precinct; and
3. amend the 2022/23 budget to include an initial project budget for the Red Hill Exhibition Space of \$50,000 to be funded from unrestricted cash.

The motion was carried with the Councillors voting unanimously.

11.8 NSW PUBLIC SPACES CHARTER

GOV400098, GOR500038

255/22

MOTION: Paine / Cavalier

That Council:

1. receive the report by the Manager - Recreation Services on the NSW Public Spaces Charter;
2. note the 10 principles for quality public spaces outlined in the NSW Public Spaces Charter; and
3. authorise the General Manager to become a signatory to the NSW Public Spaces Charter on behalf of Council.

The motion was carried with the Councillors voting unanimously.

11.9 MUDGEES ARTS PRECINCT PORTRAIT PRIZE

GOV400098, REC800048

256/22 MOTION: Paine / Cavalier

That Council:

- 1. receive the report by the Manager, Community & Cultural Services on the Mudgee Arts Precinct Portrait Prize;**
- 2. support the proposal for the Mudgee Arts Precinct Portrait Prize;**
- 3. amend the 2022/23 budget for the Art Prize to include an overall expenditure budget of \$18,382 with \$7,500 from donations; and**
- 4. amend the 2023/24 budget to remove the \$5,466 Art Prize expenditure budget.**

The motion was carried with the Councillors voting unanimously.

Item 12: Reports from Committees

12.1 RED HILL COMMITTEE - APRIL 2022

GOV400098, A0190002

257/22 MOTION: Paine / Cavalier

That Council:

- 1. receive the report by the Manager, Customer Services & Governance on the Red Hill Committee held on 29 April 2022; and**
- 2. note the minutes of the Red Hill Committee meeting held on 29 April 2022.**

The motion was carried with the Councillors voting unanimously.

12.2 LOCAL TRAFFIC COMMITTEE MEETING MINUTES - JULY 2022

GOV400098, A0100009

258/22 MOTION: Paine / Cavalier

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

The motion was carried with the Councillors voting unanimously.

Item 13: Urgent Business Without Notice

Nil

Item 14: Confidential Session**259/22 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 General Manager's Performance Agreement 2021-2022

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

Discussion of this matter in an open meeting would be, on balance, contrary to the public interest as it involves discussion of an individual, namely the performance of the General Manager.

14.2 Exemption from Tender for Acting Manager Finance (Contract extension)

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

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

14.3 Dixons Long Point Crossing - Delivery Phase Tender Evaluation Recommendation

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

Discussion of this matter in an open meeting would be, on balance, contrary to the public interest as it involves discussion of information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business.

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 GENERAL MANAGER'S PERFORMANCE AGREEMENT 2021-2022

GOV400098, GOV400043, A0381418

260/22 MOTION: Cavalier / Palmer**That Council:**

1. receive the report by the Executive Manager, People and Performance on the General Manager's Performance Agreement 2021-2022; and
2. assess the General Manager's Performance for the year ending 30 June 2022 in accordance with the assessment scale as rating 5; and
3. increase the General Manager's Total Remuneration Package by 5% effective from the first full pay period on or after today's date.

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 Stoddart	✓	
Cr Thompson		✓

14.2 EXEMPTION FROM TENDER FOR ACTING MANAGER FINANCE (CONTRACT EXTENSION)

GOV400098, PER400048

261/22

MOTION: Cavalier / Stoddart

That Council:

1. receive the report by the Acting Chief Financial Officer on the Exemption from Tender for Acting Manager Finance (Contract extension);
2. approve an exemption from tender, in accordance with section 55 (3) (i) of the Local Government Act 1993, for the Acting Manager Finance contract extension, noting that due to extenuating circumstances a satisfactory result would not be achieved by inviting tenders;
3. note the reasons why a satisfactory outcome would not be achieved by inviting tenders are:
 - a) the market has been tested already within the last 12 months and there was a lack of availability of tenderers;
 - b) the proposed extension is for a short period and is unlikely to attract reliable and competitive tenders
4. accept LG Community Partners for the Acting Manager Finance contract extension in accordance with Clause 178 of the Local Government (General) Regulation 2021; and

5. **delegate authority to the General Manager to negotiate and finalise the contract with LG Community Partners.**

The motion was carried with the Councillors voting unanimously.

14.3 DIXONS LONG POINT CROSSING - DELIVERY PHASE
TENDER EVALUATION RECOMMENDATION

GOV400098, ROA100462

262/22

MOTION: Cavalier / Stoddart

That Council:

1. **receive the report by the Manager, Infrastructure Planning on the Dixons Long Point Crossing Tender Evaluation Recommendation;**
2. **decline to accept any of the tenders due to both bids exceeding the allocated funding;**
3. **decline to invite fresh tenders and note the reasons for declining to invite fresh tenders or applications are:**
 - a) **a substantial competitive process has already been undertaken, and it is unlikely to receive more advantageous submissions from other suitably qualified contractors;**
 - b) **the number of civil projects in NSW and shortage of available and affordable contractors, materials, and other market pressures contribute to this recommendation.**
4. **communicate to both contractors with details of the outcome of the tender evaluation process;**
5. **seek further guidance from the Federal Government on progressing the project along with funding arrangements;**
6. **subject to approval from the Federal Government on progressing the project, may enter into negotiations with Delaney Civil and Abergeldie Complex Infrastructure;**
7. **note the reasons for determining to enter into negotiations with the tenderers mentioned are:**
 - a) **both Delaney Civil and Abergeldie scored favourably against all criteria and to a high standard. The scores and rankings validate that both the priced, and non-priced criteria were very competitive from both organisations.**

The motion was carried with the Councillors voting unanimously.

Item 15: Urgent Confidential Business Without Notice

Nil

Item 16: Open Council

263/22

MOTION: Cavalier / Palmer

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.

Unconfirmed