



# Business Papers 2023

MID-WESTERN REGIONAL COUNCIL

## ORDINARY MEETING

Wednesday 16 August 2023

## MINUTES

*A prosperous and progressive  
community we proudly call home*



## CONFIRMATION OF MINUTES

3.1 Minutes of Ordinary Meeting held on 19 July 2023.....3

# Minutes of the Ordinary Meeting of Council

Held at the Council Chambers, 86 Market Street, Mudgee  
on 19 July 2023, commencing at 5.49pm and concluding at 6.20pm.

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

IN ATTENDANCE General Manager (Brad Cam), Director Community (Simon Jones), Director  
Development (Alina Azar), Director Operations (Julian Geddes), Acting  
Director Corporate (Leonie Van Oosterum), Manager Customer Services  
and Governance (Richard Cushway) and Executive Assistant (Mette  
Sutton).

## Acknowledgement of Country

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

### Item 1: Apologies

There were no apologies.

### Item 2: Disclosure of Interest

There were no disclosures of interest.

### Item 3: Confirmation of Minutes

150/23 MOTION: Shelley / Cavalier

**That the Minutes of the Ordinary Meeting held on 21 June 2023 be taken as read and confirmed.**

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

### Item 4: Matters in Progress

Nil

### Item 5: Mayoral Minute

Nil

151/23 MOTION: Shelley / Cavalier

**That item 12.1 and item 8.3 be moved forward on the agenda, to be considered before Notices of Motion or Rescission.**

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

12.1 RAIL COMMITTEE MINUTES - 25 MAY 2023

GOV400103, TRA300009

**152/23 MOTION: Shelley / Palmer**

**That Council:**

- 1. receive the report by the Director Community on the Rail Committee Minutes - 25 May 2023;**
- 2. endorse the minutes of the Rail Committee Meeting 25<sup>th</sup> May 2023; and**
- 3. endorse the proposed change to the Terms of Reference for the Rail Committee.**

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

8.3 MUDGEE AND GULGONG URBAN RELEASE STRATEGY  
2023 UPDATE - POST EXHIBITION

GOV400103, LAN900145

**153/23 MOTION: Shelley / Thompson**

**That Council defer consideration of the Urban Release Strategy 2023 until further information and consultation with Councillors.**

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

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

6.1 HENBURY GOLF CLUB STORMWATER

GOV400103, A0100035

**154/23 MOTION: Shelley / Cavalier**

**That Council supply the Henbury Sport and Recreation Club 6m of 600mm stormwater pipe to assist with the management of urban stormwater.**

**The cost of delivery and supply at \$1500 to be funded through the Drainage Maintenance budget.**

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

**Item 7: Office of the General Manager****7.1 COUNCIL MEETING SCHEDULE AMENDMENT - AUGUST 2023**

GOV400103,

**155/23****MOTION: Palmer / Thompson****That Council:**

- 1. receive the report by the General Manager on the Council Meeting Date - August 2023; and**
- 2. confirm the date for the August Meeting of Council for 2023 as Wednesday, 16 August 2023.**

*The motion was carried with the Councillors voting unanimously.***7.2 2023 CHRISTMAS SHUTDOWN**

GOV400103, A0260003

**156/23****MOTION: Palmer / Dicker****That Council:**

- 1. receive the report by the Director Community on the 2023 Christmas Shutdown; and**
- 2. note that administrative centres, works depots, and libraries will close for the Christmas holidays from 12 noon on Friday 22 December 2023, returning on Tuesday 2 January 2024.**

*The motion was carried with the Councillors voting unanimously.***7.3 LOCAL GOVERNMENT NSW ANNUAL CONFERENCE**

GOV400103, GOV400027

**157/23****MOTION: Shelley / Cavalier****That Council:**

- 1. receive the report by the Governance Co-ordinator on the Local Government NSW Annual Conference;**
- 2. does not attend the Local Government NSW Annual Conference.**

**AMENDMENT: Thompson / Karavas****That Council:**

1. receive the report by the Governance Co-ordinator on the Local Government NSW Annual Conference;
2. nominate 3 voting delegates for the Local Government NSW Annual Conference; if they want to attend.

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

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

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

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

## Item 8: **Development**

- 8.1 DA0418/2022 - DUAL OCCUPANCY AND SUBDIVISION - 12 LITTLE BAYLY STREET GULGONG (LOT 4 SEC 21 DP758482)

GOV400103, DA0418/2022

158/23

**MOTION: Shelley / Cavalier**

**That Council:**

- A. receive the report by the Town Planner on the DA0418/2022 - Dual Occupancy and Subdivision - 12 Little Bayly Street GULGONG (Lot 4 Sec 21 DP758482);**

**B. approve DA0418/2022 - Dual Occupancy and Subdivision - 12 Little Bayly Street GULGONG (Lot 4 Sec 21 DP758482) subject to the following conditions:**

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

<b>Title / Name:</b>	<b>Sheet / Ref</b>	<b>Revision / Issue:</b>	<b>Date:</b>	<b>Prepared by:</b>
<b>Cover Page</b>	-	-	-	<b>Sunrai Designs</b>
<b>Site Plan</b>	<b>611CHA-01</b>	<b>E</b>	<b>07.06.2023</b>	<b>Sunrai Designs</b>
<b>Subdivision and Area Calculations</b>	<b>611CHA-02</b>	<b>D</b>	<b>26.04.2023</b>	<b>Sunrai Designs</b>
<b>Survey Plan</b>	<b>611CHA-03</b>	<b>E</b>	<b>07.06.2023</b>	<b>Sunrai Designs</b>
<b>Floor Plan</b>	<b>611CHA-04</b>	<b>E</b>	<b>07.06.2023</b>	<b>Sunrai Designs</b>
<b>Elevations</b>	<b>611CHA-05</b>	<b>F</b>	<b>27.06.2023</b>	<b>Sunrai Designs</b>
<b>Elevations</b>	<b>611CHA-06</b>	<b>F</b>	<b>27.06.2023</b>	<b>Sunrai Designs</b>
<b>Section</b>	<b>611CHA-07</b>	<b>E</b>	<b>07.06.2023</b>	<b>Sunrai Designs</b>
<b>Perspectives</b>	<b>611CHA-08</b>	<b>E</b>	<b>07.06.2023</b>	<b>Sunrai Designs</b>
<b>BASIX Certificate</b>	<b>1288709S_02</b>	-	<b>26.04.2023</b>	<b>Sunrai Designs</b>

**2. For clarity, this development consent provides approval for a dual occupancy (detached), demolition of outbuildings and Torrens Title subdivision (1 into 2 lots), only.**

**3. This consent does not permit commencement of any site works. Works are not to commence until such time as a Construction Certificate has been obtained and a Principal Certifier appointed.**

#### **GENERAL**

**4. All earthworks, filling, building, driveways or other works are to be designed and constructed (including storm water 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.**



5. **Notwithstanding the approved plans the structure is to be located clear of any easements and/or 1.5 meters from any water and sewer mains in accordance with Council Policy.**

**Reason: To ensure that works / structures do not impact upon Council infrastructure / easements.**

6. **Fill placed in residential or commercial lots shall be compacted in accordance with AS3798-2007 Guidelines on Earthworks for Commercial and Residential Developments.**
7. **The only waste derived fill material that may be received at the development site must be:**
- a) **Virgin excavated natural material, within the meaning of the Protection of the Environment Operations Act 1997; and**
  - b) **Any other waste-derived material the subject of a resource recovery exemption under cl.91 of the Protection of the Environment Operations (Waste) Regulation 2014 that is permitted to be used as fill material.**

#### **PRIOR TO ISSUE OF SUBDIVISION WORKS CERTIFICATE**

8. **A detailed engineering design is to be submitted to and approved by the Certifier (i.e. Council or a private Certifier) prior to the issue of a Subdivision Works Certificate. The engineering design is to comply with Council's Development Control Plan and the relevant Australian Standards referenced herewith in.**

**A Subdivision Works Certificate is required for but not limited to the following civil works:**

- a) **Sewer main extensions; and**
- b) **Stormwater drainage such as inter-allotment drainage.**

**No works can commence prior to the issue of the Subdivision Works Certificate.**

9. **No street tree removal is permitted as part of this consent. If any street tree removal is required, separate approval must be granted from Council's Parks and Gardens department prior to the issue of a Construction Certificate.**
10. **A Traffic Guidance Scheme (TGS) completed by a "Certified Person" for implementation during works is to be submitted to Council prior to any work commencing.**
11. **A copy of the Contractor's Public Liability Insurance cover for a minimum of \$20,000,000 (twenty million dollars), is to be provided to Council, prior to issue of the Subdivision Works Certificate. The insurance cover shall include the following:**



- a) Mid-Western Regional Council is to be indemnified against any works carried out by the contractor.
  - b) Public Liability Insurance is to include Mid-Western Regional Council as an interested party
  - c) The copy of the Contractor's public liability insurance cover is to include the Certificate of Currency.
12. All finished surface levels shall be shown on the plans submitted for the Subdivision Works Certificate. Where it is proposed to import fill, the material shall be certified as free of hazardous materials and contamination by a suitably qualified geotechnical engineer. Fill placed in residential or commercial lots shall be compacted in accordance with AS3798-2007 Guidelines on Earthworks for Commercial and Residential Developments. The finished surface levels shown on the plan are to demonstrate compliance with the following:
  - a) Any retaining walls are to be located a minimum of 0.3m from the boundary;
  - b) The depth of any fill must not exceed 0.6m;
  - c) No cut or fill is to occur within water, stormwater or sewer easements;
  - d) Cut shall not exceed a depth of 1.0m; and
  - e) The finished floor level is to be no higher than 1.0m above natural ground level.
13. An Erosion and Sediment Control Plan is to be submitted to an approved by the Certifier (i.e. Council or a private Certifier) prior to the issue of a Subdivision Works Certificate. the Erosion and Sediment Control Plan for the development is to be prepared and implemented in accordance with the LANDCOM guidelines and requirements as outlined in the latest edition of "Soils and Construction – Managing Urban Stormwater". Points to be considered include, but are not limited to:
  - a) Saving available topsoil for reuse in the revegetation phase of the development;
  - b) Using erosion control measures to prevent on-site damage;
  - c) Rehabilitating disturbed areas quickly; and
  - d) Maintenance of erosion and sediment control structures.
14. Prior to the issue of the Subdivision Works Certificate, Council is to be provided with the certified copies of the Electrical and Telecommunications design for the subdivision.
15. Consent from Council must be obtained for all works within the road reserve (driveway works, work required for utilities etc.) pursuant to Section 138 of the Roads Act 1993, prior to the issue of a Subdivision Works Certificate.

**PRIOR TO THE COMMENCEMENT OF WORKS (CIVIL)**

16. The development site is to be managed for the entirety of work in the following manner:
- a) Erosion and sediment controls are to be implemented to prevent sediment from leaving the site. The controls are to be maintained until the development is complete and the site stabilised with permanent vegetation;
  - b) Appropriate dust control measures;
  - c) Construction equipment and materials shall be contained wholly within the site unless approval to use the road reserve has been obtained;
  - d) Toilet facilities are to be provided on the work site at the rate of one toilet for every 20 persons or part of 20 persons employed at the site.
17. Any necessary alterations to, or relocations of, public utility services to be carried out at no cost to Council and in accordance with the requirements of the relevant authority including the provision of easements over existing and proposed public infrastructure.
18. 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.
19. Runoff and erosion controls shall be installed prior to clearing and incorporate:-
- a) diversion of uncontaminated up-site runoff around cleared and/or disturbed areas and areas to be cleared and/or disturbed;
  - b) sediment control fences at the downslope perimeter of the cleared and/or disturbed area to prevent sediment and other debris escaping from the land to pollute any stream or body of water; and
  - c) maintenance of all erosion control measures at maximum operational capacity until the land is effectively rehabilitated and stabilized beyond the completion of construction.

**DURING WORKS (CIVIL)**

20. The subdivision works are to be inspected by a Certifier (i.e. Council or a private Certifier) to monitor compliance with the consent and the relevant standards of construction, encompassing the following stages of construction:
  - a) Installation of sediment and erosion control measures;
  - b) Stormwater and sewer line installation prior to backfilling;
  - c) Inspection as per SWC condition; and
  - d) Practical Completion.
21. The developer is to grant Council unrestricted access to the site at all times to enable inspections or testing of the subdivision works.
22. The footpath and driveway levels are not to be altered outside the property boundary without Council's permission. Driveways installed over public footpaths must match the existing footpath profile.
23. No trees on public property (footpaths, roads, reserves etc.) shall be removed or damaged during construction of the subdivision works including the erection of any fences or hoardings. Trees must be protected by using suitable sturdy fencing and if any damage this must be reported to council's Parks and Gardens prior replacing.
24. The developer shall, at their own expense, engage a registered surveyor to relocate any survey mark that may be disturbed by the development or any associated work. Any information regarding relocation should be supplied to the NSW Land Registry Services and Council.
25. All works are to be constructed at the full cost of the developer, in a manner consistent with Aus-Spec #1 and Council's standard drawings.
26. All public footways, foot paving, kerbs, gutters and road pavement damaged during the works are to be restored with priority to match existing or better conditions at the developer's/demolisher's expense.
27. Inter-allotment drainage is to be provided to remove stormwater from any lots that cannot discharge to the street in accordance with Aus. Spec #1. Easements not less than 1m wide shall be created over inter-allotment drainage in favour of upstream allotments.
28. Stormwater runoff from both the lots is to be conveyed using sealed pipe system to kerb and Gutter available at 45 degree in Belmore Street with the use of non-flexible kerb adaptor.
29. New concrete sealed crossover off from Belmore Street and one bitumen sealed access to existing dwelling 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.

30. Any existing vehicular crossings not utilised by the development shall be removed and the area restored to match the adjoining section of kerb gutter prior to occupation of the development.
31. The developer is to provide separate water and sewer reticulation services to each allotment within the subdivision.
32. The developer is to extend and meet the full cost of water and sewer reticulations to service the development plus the cost of connecting to existing services. All water supply and sewerage works are required to be carried out in accordance with the requirements of Mid-Western Regional Council (as the Water Supply Authority under the Local Government Act 1993) and in accordance with the National Specification – Water Supply Code of Australia and Sewerage Code of Australia.

Note: Council does not permit other bodies to insert new junctions into 'live' water and/or sewer mains. 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](mailto:council@midwestern.nsw.gov.au) to obtain a quote for the connection of sewer (Private Works Order).

33. The developer is to provide a water service and meter for each lot in the subdivision. This includes the payment to Council in accordance with Council's Fees and Charges for the new service to cover the cost of installing both the service and a (20mm meter) on the water main. This fee is subject to an annual increase in accordance with the consumer price index.

Note: Council does not permit other bodies to insert new connections into 'live' water mains.

34. Following completion of any civil works required by this consent, a defect liability bond of (5% of the value of such works) must be lodged with Council for a 2 years period to ensure that any defects in such works are remedied by the developer.

Note - The bond may be provided by way of a monetary deposit with the Council or a bank guarantee to the satisfaction of the Council. The bank guarantee must not specify any time limitations on the operation of the guarantee.

35. All road crossings for services and utilities are to cross perpendicular to the road alignment and must be installed

prior to the commencement of construction of the base course and kerb and gutter.

36. The finished surface level of all nature strips and verges must be graded to fall toward the kerb and channel and formed with a minimum 100mm thick layer of clean topsoil free of stones and other impurities. Nature strips and verges are to be seeded or hydro-mulches with an approved grass prior to the issue of a Certificate of Practical Completion.

**PRIOR TO THE ISSUE OF CONSTRUCTION CERTIFICATE (BUILDING)**

37. Application shall be made to Council under Part B, Section 68 of the Local Government Act 1993 to carry out Water Supply, Stormwater and Sewerage Works.

The application shall contain details demonstrating compliance with the Plumbing and Drainage Act 2011 and/or the Plumbing Code of Australia.

The Section 68 application shall be considered and approved by Council prior to the release of a Construction Certificate for the development.

38. Prior to the issue of a Construction Certificate, the developer shall pay a long service levy at the prescribed rate to either the Long Service Levy Corporation or Council, for any work costing \$250,000 or more.

Note: The amount payable is currently based on 0.25% of the cost of work. This is a State Government Levy and is subject to change.

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

39. In accordance with the provisions of Section 7.11 of the Environmental Planning and Assessment Act 1979 and the Mid-Western Regional Contributions Plan 2019, a contribution shall be paid to Council in accordance with these conditions 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 increase in accordance the consumer price index and are payable at the rate applicable at the time of payment.

**Section 7.11 contribution rates – Outside Mudgee Catchment**

FY: 2023/2024

Program

Per 2 or more bed dwelling

	Total \$	
Transport facilities	\$	2,658.00
Recreation and open space	\$	1,106.00
Community facilities	\$	699.00
Stormwater management	\$	-
Plan Administration	\$	1,113.00
<b>TOTAL</b>	<b>\$</b>	<b>5,576.00</b>

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.

40. 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 payment of contributions to obtain a Certificate of Compliance.

41. Prior to the issue of a construction certificate, a suitably qualified professionals must prepare a dilapidation report detailing the structural condition of adjoining buildings (if required), asset condition of public land, to the satisfaction of the certifier.

#### **PRIOR TO COMMENCEMENT OF WORKS – BUILDING**

42. Application shall be made to Council under Section 138 of the Roads Act 1993 for driveway crossover works within the road reserve.

The application shall contain details demonstrating compliance with:

- a) Council's Access to Properties Policy; and
- b) Australian Standard AS/NZS 2890.1:2004 Parking Facilities – Off-street parking facilities.

The Section 138 application shall be considered and approved by Council prior to the commencement of works.

43. In accordance with the provisions of the Environmental Planning and Assessment Act 1979 construction works approved by this consent must not commence until:

- a) A Construction Certificate has been issued by the Certifier (i.e. Council or an accredited certifier); and
- b) A Principal Certifier has been appointed by the person having benefit of the development consent in accordance with the Environmental Planning and Assessment Act 1979; and
- c) If Council is not the Principal Certifier, notify Council no later than two (2) days before building work commences as to who is the appointed Principal Certifier; and

- d) **At least two (2) days before commencement of building work, the person having benefit of the development consent is to notify Council as to the intention to commence building work.**
- 44. Prior to the commencement of works, a sign must be erected in a prominent position on the site on which the proposal is being carried out. The sign must state:**
- a) **Unauthorised entry to the work site is prohibited.**
  - b) **The name of the principal contractor (or person in charge of the site) and a telephone number on which that person may be contacted at any time for business purposes and including outside working hours.**
  - c) **The name, address and telephone number of the Principal Certifier for the work.**

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

- 45. Prior to works commencing on residential building work within the meaning of the Home Building Act 1989, the Principal Certifier of the development to which the work relates has given the Council written notice of the following information:**
- a) **in the case of work for which a principal contractor is required to be appointed:**
    - i. **the name and licence number of the principal contractor; and**
    - ii. **the name of the insurer by which the work is insured under Part 6 of the Home Building Act 1989, unless an exemption is in force in accordance with Clauses 187 and 188 of the Environmental Planning and Assessment Regulation 2000.**
  - b) **in the case of work to be done by an owner-builder:**
    - i. **the name of the owner-builder, and**
    - ii. **if the owner-builder is required to hold an owner-builder permit under that Act, the number of the owner-builder permit.**

**If arrangements for doing the residential building work are changed while the work is in progress so that the information required by (a) or (b) becomes out of date, further work must not be carried out unless the Principal**



**Certifier for the development to which the work relates has given Council written notice of the updated information.**

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

- 46. 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**

- 47. If the work involved in the erection/demolition of the building;**
- a) is likely to cause pedestrian or vehicular traffic in a public place to be obstructed or rendered inconvenient, or**
  - b) involves the enclosure of a public place, then;**
    - a hoarding or fence must be erected between the work site and the public place. If necessary, an awning is to be erected, sufficient to prevent any substance from, or in connection with, the work falling into the public place. Any such hoarding, fence or awning is to be removed when the work has been completed.**
- 48. The developer shall be responsible for all costs incurred in the necessary relocation of any services affected by the required construction works. Council and other service authorities should be contacted for specific requirements prior to commencement of any works.**
- 49. Sediment erosion controls shall be installed within the development site, to the satisfaction of the Certifier (i.e. Council or the Principle Certifier), prior to the commencement of works.**

#### **BUILDING CONSTRUCTION**

- 50. All building work must be carried out in accordance with the Building Code of Australia.**
- 51. All plumbing and drainage work must be carried out by a licensed plumber and drainer and must comply with the**

requirements of the Plumbing & Drainage Act 2011 and the Plumbing Code of Australia.

52. 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.

53. All mandatory inspections required by the Environmental Planning and Assessment Act 1979 and any other inspections deemed necessary by the Principal Certifier being carried out during the relevant stage of construction.

54. The strength of the concrete used for the reinforced concrete floor slab must be a minimum 25Mpa.

55. Commitments listed in BASIX Certificate number(s) 1288790S\_02 must be installed and/or completed in accordance with the requirements contained in that certificate.

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

57. Fill must not direct stormwater onto adjoining properties and drainage pits for overland flow paths are to be provided.

58. Should any contaminated, scheduled, hazardous or asbestos material be discovered before or during construction works, the applicant and contractor shall ensure the appropriate regulatory authority (e.g. Office of Environment and Heritage (OEH), SafeWork NSW, Council, Fire and Rescue NSW etc.) is notified, and that such material is contained, encapsulated, sealed, handled or otherwise disposed of to the requirements of such Authority.

59. All exposed surfaces of earthworks due to cut and fill must be stabilised by a suitably designed and constructed retaining walls to prevent erosion, scouring and spill over adjoining boundaries. All retaining walls must comply with the requirements as outlined in Council's Development Control Plan 2013 and have a minimum boundary setback of 300mm.

60. 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.

61. All demolition works are to be carried out in accordance with AS 2601-2001 "Demolition of structures", with all waste

being removed from the site. Hazardous waste such as asbestos cement sheeting etc, shall be handled, conveyed and disposed of in accordance with guidelines and requirements from SafeWork NSW. Disposal of asbestos material at Council's Waste Depot requires prior arrangement for immediate landfilling.

62. The development site is to be managed for the entirety of work in the following manner:
- a) Erosion and sediment controls are to be implemented to prevent sediment from leaving the site. The controls are to be maintained until the development is complete and the site stabilised with permanent vegetation;
  - b) Appropriate dust control measures;
  - c) Construction equipment and materials shall be contained wholly within the site unless approval to use the road reserve has been obtained;
  - d) Toilet facilities are to be provided on the work site at the rate of one toilet for every 20 persons or part of 20 persons employed at the site.

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

63. Prior to the occupation of a new building, or occupation or use of an altered portion of, or an extension to an existing building, an Occupation Certificate is to be obtained from the Principal Certifier appointed for the erection of the building.
64. 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.
65. Prior to use of the development and/or issue of an Occupation Certificate, the excavated and/or filled areas of the site are to be stabilised and drained, to prevent scouring onto adjacent private or public property. The finished ground around the perimeter of the building is to be graded to prevent ponding of water, and to ensure the free flow of water away from the building and adjoining properties.
66. Prior to use of the development and/or issue of an Occupation Certificate, all requirements of BASIX Certificate No. 1288790S\_02, and the associated plans and specifications approved as part of the Construction Certificate, shall be completed in full.
67. Roof water from the dwelling/s shall be conducted to the water storage tank in accordance with the BASIX requirements. Any additional roof water, and overflow from the water storage tank, shall be conducted to the street

**gutter / inter-allotment drainage by means of a sealed pipeline having a minimum diameter of 90mm prior to use of the development and/or issue of an Occupation Certificate.**

- 68. Access must be provided to both the dwellings as per the requirement outline in S138 issued from Council.**
- 69. Prior to commencement of use of the development and/or issue of an Occupation Certificate, all approved car parking and associated driveway works are to be completed.**
- 70. The developer is to ensure that any defects in the works other than what has been provided in the dilapidation report, are remedied to Council's satisfaction. Until such time no occupation certificate is to be issued.**
- 71. Outdoor drying facilities and letterboxes are to be provided for each unit prior to occupation of each building.**
- 72. The developer shall contact Council to ensure that the Street Addressing for each dwelling is correctly allocated in accordance with AS4819.**
- 73. A 1.8 metre high screen fence is to be provided to all side and rear boundaries behind the building line prior to occupation of the development. All fencing is to be provided at full cost to the developer.**

#### **Prior to Issue of Subdivision Certificate**

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

**Note: The fee to issue a Subdivision Certificate is set out in Council's Fees and Charges and the application is to be made by way of submission via the NSW Planning Portal.**

- 75. A linen plan and associated documentation is to be submitted to Council for approval and endorsement by the General Manager, or an appropriate delegate, via the NSW Planning Portal.**
- 76. The final inspection report shall be submitted to Council with the Subdivision Certificate application.**
- 77. All assets must be constructed and installed accordance to current MWRC Council standards. The Developer shall provide 'Works as Executed' drawings showing the correct location of all key features including but not limited to pipes, manholes, valves, hydrant points and other fittings, pipe bends and take offs, inlet and outlet structures, pits, profile of earth works, runs of pipe work, etc. The information**

produced by the final survey should accurately locate all works both above and below ground.

The Works as Executed drawings are to be provided in the following format and details required:

- The Applicant must provide to Council a photographic report of all services installations, services connections or any alterations to existing services to be constructed under the SWC or which occur otherwise during construction. All photos need to be labelled and referenced back to the WAE and Asset data spreadsheets.
- Levels must be noted in Australian Height Datum (AHD).
- One set of Work as Executed Drawings in PDF soft and hard copy.
- AutoCAD compatible files in DWG format of WAE constructions.
- MapInfo files of each asset types (pathways/footpaths, water, sewer, storm-water etc) are supplied in individual MapInfo files – not all together in the one in GDA2020 Zone 55/56 of WAE constructions.
- Asset Data Spreadsheets with all the asset details in Excel format. (Council will provide the template Excel sheet)
- Ensure all WAE assets data in Excel sheets correlate with WAE Drawings, AutoCAD and MapInfo files.

If any discrepancies or missing data in any format, council will halt the process of obtaining completion certificate until the accurate and amended files are submitted.

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

78. Prior to the issue of a Subdivision Certificate, a survey drawing is to be submitted to Council, demonstrating that all private water services, sewer services and water meters are located wholly within the lot that they serve.
79. Prior to Council accepting new sewer infrastructure, a CCTV inspection of all new and modified stormwater assets must be undertaken in accordance with the Conduit Inspection Reporting Code of Australia WSA 05-2020. A copy of the CCTV inspection footage and inspection report prepared and certified by a suitably qualified person must be provided to Council prior to the issue of a Practical Completion certificate. An additional CCTV inspection and report of all

sewer mains is to be undertaken no greater than 1 month prior to the completion of the “Defects liability Period”.

80. Separate water and sewer reticulation services to each lot has to be provided.

81. Prior to issue of the Subdivision Certificate, Council is to be supplied with:

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

- a) Satisfactory evidence that arrangements have been for the installation of fibre-ready facilities to all individual lots so as to enable fibre to be readily connected to any premises that may be constructed on those lots. This will need to include confirmation in writing from the carrier that they are satisfied that the fibre ready facilities are fit for purpose; and
- 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.

82. Underground electricity, street lighting and telecommunications are to be supplied to the Subdivision in accordance with the relevant authority's standards.

83. Prior to the release of the Subdivision Certificate, a defects liability bond of 5% of the construction costs for all civil engineering work (not carried out by Council) or \$2,000, whichever is the greater, shall be lodged with Council. The defects liability bond will be held by Council for a period of 2 years, to ensure that any defects that become apparent during that time are remedied by the developer.

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

The bond may be provided by way of a monetary deposit with the Council or a bank guarantee to the satisfaction of the Council. The bank guarantee must not specify any time limitations on the operation of the guarantee.

84. Three metre wide easements, including associated Section 88B instruments, are to be created in favour of Council over any existing or newly constructed water or sewerage reticulation components located within the subject property, or extended through adjoining private properties as a result of this subdivision.

**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 a monetary contribution in accordance with the following Schedule of Contributions must be paid in full (including indexation, where applicable).

<b>Section 64 Contributions (FY 2023/2024)</b>	
<b>Water Headworks</b>	<b>\$3,244.14</b>
<b>Sewer Headworks</b>	<b>\$4,434.00</b>
<b>Total Headworks</b>	<b>\$7,678.14</b>

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

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



**STATEMENT OF REASONS**

The determination decision was reached for the following reasons:

1. The proposed development complies with the requirements of the applicable environmental planning instruments and Mid-Western Regional Development Control Plan 2013;
2. The proposed development is considered to be satisfactory in terms of the matters identified in Section 4.15 of the Environmental Planning & Assessment Act 1979; and
3. No submissions were received in relation to the application during the notification period.

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

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

8.2 DEVELOPMENT CONTROL PLAN (DCP) AMENDMENT NO. 6  
- POST EXHIBITION REPORT

GOV400103, LAN900166

159/23

**MOTION:** Shelley / Palmer

**That Council:**

1. receive the report by the Manager Planning and Manager, Infrastructure Planning on the Development Control Plan (DCP) Amendment No. 6; and
2. adopt Development Control Plan (DCP) Amendment No. 6.

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

See page 2 of the minutes for item 8.3.

8.4 MOOLARBEN OC3 VOLUNTARY PLANNING AGREEMENT  
POST EXHIBITION

GOV400103, LAN900125

160/23

**MOTION:** Karavas / Cavalier

**That Council:**

1. receive the report by the Director Development on the Moolarben OC3 Voluntary Planning Agreement Post Exhibition;
2. note the submissions received during the public exhibition period and;
3. authorise the General Manager to finalise and execute the Voluntary Planning Agreement.

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

## 8.5 CHRISTMAS DECORATIONS

GOV400103, ECO800009

**161/23 MOTION: Shelley / Karavas**

**That Council:**

1. receive the report by the Manager - Economic Development on the Christmas Decorations; and
2. approve recommended option 1 - Trees, wreaths and garlands installed in the 4 major towns and Christmas styled street banners installed in Gulgong.

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

## 8.6 DESTINATION EV CHARGERS - FEES AND CHARGES

GOV400103, GRA600051

**162/23 MOTION: Paine / Stoddart**

**That Council:**

1. receive the report by the Manager - Economic Development on the EV Chargers - Fees and Charges;
2. place the new Destination 22 kW EV Chargers fee in Council Fees and Charges, charged at market rates on public exhibition for 28 days; and
3. adopt the Destination 22kW EV Chargers fee (charged at market rates) and add it to Council Fees and Charges if no submissions are received.

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

## 8.7 AIRPORT USAGE OF RUNWAY 04/22

GOV400103, F0470008

**163/23**                    **MOTION:**     **Palmer / Dicker**

**That Council:**

- 1.            receive the report by the Manager - Economic Development on the Airport usage of runway; and**
- 2.            endorse the NOTAM (C87/22) currently in place restricting use of the grass runway strip parallel to the sealed 04/22 runway, for take-off and landing of Aircraft and publish the details in the En Route Supplement Australia (ERSA).**

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

**8.8     MONTHLY DEVELOPMENT APPLICATIONS PROCESSING  
          AND DETERMINED**

GOV400103, A0420109

**164/23**                    **MOTION:**     **Cavalier / Dicker**

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

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

**Item 9:                    Finance**

**9.1     CLASSIFICATION OF LAND - LOT 2 DP 530722 AT 31 PITTS  
          LANE, PUTTA BUCCA**

GOV400103, P22911

**165/23**                    **MOTION:**     **Paine / Thompson**

**That Council:**

- 1.            receive the report by the Property Officer on the Classification of Land - Lot 2 DP 530722 at 31 Pitts Lane, Putta Bucca; and**
- 2.            classify Allotment 2 DP530722 at 31 Pitts lane, Putta Bucca as Operational Land in accordance with Chapter 6 Part 2 Division 1 Local Government Act 1993**

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

**9.2     RESCISSION OF BUILDING UPGRADE FINANCE (USING  
          ENVIRONMENTAL UPGRADE AGREEMENTS) POLICY**

GOV400103, EN200067

**166/23**                    **MOTION:**     **Palmer / Cavalier**

**That Council:**

1. receive the report by the Manager Property and Revenue on the Rescission of Building Upgrade Finance (using Environmental Upgrade Agreements) Policy; and
2. rescind the Building Upgrade Finance (using Environmental Upgrade Agreements) Policy.

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

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

## 9.3 TRADE SERVICES TENDER - RFT 2022/73

GOV400103, COR400564

167/23

**MOTION: Thompson / Karavas****That Council:**

1. receive the report by the Procurement Officer on the Trade Services Tender - RFT 2022/73
2. Accept the following contractors, as the successful panel members for Tender RFT 2022/73 for the provision of Trade Services in accordance with Clause 178 of the Local Government (General) Regulation 2005 – Part 7 Tendering:
  - 2.1 C R Engineering
  - 2.2 Chill-Rite Refrigeration
  - 2.3 Cudgegong Electrics Pty Ltd
  - 2.4 Cudgegong Plumbing Pty Ltd
  - 2.5 Dependable Trade Solutions
  - 2.6 Graham Price Fencing
  - 2.7 J & A Rural Contracting Pty Ltd
  - 2.8 James Costigan
  - 2.9 McKid Mowing and Slashing
  - 2.10 Outwest Glass and Glazing

- 2.11 Peter Witheriff Refrigeration and Air-Conditioning
  - 2.12 Peters Plumbing and Excavations
  - 2.13 Recurrent Energy
  - 2.14 Regan Air Conditioning
  - 2.15 Regional Energy Services NSW Pty Ltd
  - 2.16 Regional Energy Services Pty Ltd
  - 2.17 Stotts Building Contractors
  - 2.18 Stotts Painting Contractors
  - 2.19 Sutton Brothers Contracting Pty Ltd
  - 2.20 Wayne Stott Painting Pty Ltd.
3. Accept the commencement date is 1 August 2023 and expiry is 31 July 2026;
  4. Provision be allowed for 1 year extensions and that the extensions will only be executed based on service provider performance which may take this contract to the 31 July 2027;
  5. Delegate authority to Procurement Officer or their nominated Council representative to notify suppliers of their submission outcome; and
  6. Delegate the Manager Procurement and Fleet to approve Additional Suppliers to the Trade Services panel.

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

#### 9.4 COMMUNITY GRANTS PROGRAM - JULY 2023

GOV400103, FIN3000159

168/23 MOTION: Shelley / Cavalier

That Council:

1. receive the report by the Accountant Reporting & Analysis on the Community Grants Program - July 2023; and
2. provide financial assistance to the following applications in accordance with the criteria and guidelines of the Community Grants Policy:

Western Region Academy of Sport Inc. (WRAS)	2,500
Mudgee & District Kennel & Obedience Club Inc.	1,005
Mudgee Readers Festival	480
Mudgee Lions Club	255

<b>Rotary Club of Mudgee Inc and Rotary Club of Mudgee Sunrise Inc.</b>	<b>9,824</b>
<b>Gulgong Memorial Hall Committee</b>	<b>3,000</b>
<b>Mid-Western Region Community Music Association Incorporation</b>	<b>1,500</b>
<b>Gulgong Show Society Inc.</b>	<b>5,000</b>
<b>Kandos Rylstone Community Radio Inc.</b>	<b>12,000</b>

3. **decline to give financial assistance to Mudgee Regional Rail for the reasons provided in the report.**

AMENDMENT: Karavas / Thompson

That Council:

1. receive the report by the Accountant Reporting & Analysis on the Community Grants Program - July 2023; and
2. provide financial assistance to the following applications in accordance with the criteria and guidelines of the Community Grants Policy:

Western Region Academy of Sport Inc. (WRAS)	2,500
Mudgee & District Kennel & Obedience Club Inc.	1,005
Mudgee Readers Festival	480
Mudgee Lions Club	255
Rotary Club of Mudgee Inc and Rotary Club of Mudgee Sunrise Inc.	9,824
Gulgong Memorial Hall Committee	3,000
Mid-Western Region Community Music Association Incorporation	1,500
Gulgong Show Society Inc.	5,000
Kandos Rylstone Community Radio Inc.	12,000
Mudgee Regional Rail	7,000

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

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

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Cr Thompson

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✓

*The motion, on being put, was carried with Councillors voting unanimously.*

9.5 MONTHLY STATEMENT OF INVESTMENTS AS AT 30 JUNE  
2023

GOV400103, FIN300053

**169/23 MOTION: Shelley / Cavalier**

**That Council:**

- 1. receive the report by the Manager Finance on the Monthly Statement of Investments as at 30 June 2023; and**
- 2. note the certification of the Responsible Accounting Officer.**

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

**Item 10: Operations**

Nil

**Item 11: Community**

11.1 DRAFT MASTERPLAN ROBERTSON PARK MUDGEES

GOV400103, 1

**170/23 MOTION: Shelley / Cavalier**

**That Council:**

- 1. receive the report by the Manager Recreation Services on the Draft Masterplan Robertson Park Mudgee;**
- 2. note the contents and recommendations within the Robertson Park masterplan;**
- 3. place the draft Robertson Park masterplan on public exhibition for 28 days to receive public feedback; and**
- 4. endorse the draft Robertson park masterplan if no public submissions are received.**

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

11.2 MID-WESTERN REGIONAL CULTURAL PLAN 2023-2033

GOV400103, COR400533, REC800008

**171/23 MOTION: Cavalier / Karavas**



**That Council:**

1. receive the report by the Manager, Community & Cultural Services on the Mid-Western Regional Cultural Plan 2023-2033;
2. place the Mid-Western Regional Cultural Plan 2023-2033, with minor amendments, on public exhibition for 28 days to seek feedback from the community; and
3. adopt the Mid-Western Regional Cultural Plan 2023-2033 if no submissions are received during the exhibition period.

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

11.3 COMMUNITY & CULTURAL SERVICES QUARTERLY UPDATE  
- APRIL TO JUNE 2023

GOV400103, COS300010

172/23

**MOTION:** Karavas / Dicker

**That Council:**

1. receive the report by the Manager, Community & Cultural Services on the Community & Cultural Services Quarterly Update - April to June 2023; and
2. note the recent services provided and activities coordinated by Council's Community & Cultural Services Team.

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

**Item 12: Reports from Committees**

See page 2 of the minutes for item 12.1

12.2 RED HILL ADVISORY COMMITTEE MEETING - 31 MAY 2023

GOV400103, A0190002

173/23

**MOTION:** Cavalier / Paine

**That Council:**

1. receive the report by the Director Community on the Red Hill Advisory Committee Meeting - 31 May 2023;
2. note the minutes of the Red Hill Reserve Working Party meeting held on 31 May 2023; and

- 3. adopt the Terms of Reference for the Red Hill Reserve Working Party.**

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

**Item 13: Urgent Business Without Notice**

Nil

**Item 14: Confidential Session**

Nil

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

Nil

**Item 16: Open Council**

**Item 17: Closure**

There being no further business the meeting concluded at 6.20pm.