

Minutes of the Ordinary Meeting of Council

Held at the Council Chambers, 86 Market Street, Mudgee
on 12 August 2020, commencing at 5.31pm and concluding at 6.01pm.

PRESENT Cr D Kennedy, Cr S Paine, Cr P Cavalier, Cr R Holden, Cr A Karavas, Cr E Martens, Cr J O'Neill, Cr P Shelley, Cr JP Thompson (via telephone).

IN ATTENDANCE General Manager (Brad Cam), Director Community (Simon Jones), Director Development (Julie Robertson), Executive Manager Human Resources (Michele George), Chief Financial Officer (Leonie Johnson), Manager Governance (Tim Johnston), Executive Assistant (Mette Sutton), Manager Statutory Planning (Lindsay Dunstan) and Manager Strategic Planning (Sarah Armstrong).

Item 1: Apologies

There were no apologies.

Item 2: Disclosure of Interest

Councillor Martens declared a less than significant non-pecuniary conflict of interest in item 8.5 as she is an objector to a development application listed in the report.

Councillor Thompson declared a non-pecuniary conflict of interest in item 10.1 as he lives on Mebul Road.

Director of Development, Julie Robertson, declared a significant non-pecuniary conflict of interest in item 8.2 as she owns a property within close proximity of the site. She also declared a significant non-pecuniary conflict of interest in item 8.3 as she owns a property located in an area which already has large lot residential development and planning proposals approved.

Item 3: Confirmation of Minutes

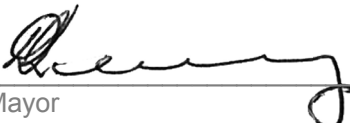

238/20 MOTION: Shelley / Paine

That the Minutes of the Ordinary Meeting held on 15 July 2020 be taken as read and confirmed.

The motion was carried with the Councillors voting unanimously.

Item 4: Matters in Progress

Nil


Mayor
General Manager

Item 5: Mayoral Minute

Nil

Item 6: Notices of Motion or Rescission

6.1 INVESTIGATE THE POSSIBLE PURCHASE OF THE MUDGE
REGENT THEATRE

GOV400087, A0110038

239/20 MOTION: Thompson / Holden

That Council defer investigation of the possible purchase of the Mudgee Regent Theatre.

The motion was carried with the Councillors voting unanimously.

Item 7: Office of the General Manager

Nil

Item 8: Development

8.1 MA0046/2020 - MODIFICATION TO DA0248/2014 -
PROPOSED DEMOLITION AND 51 LOT RESIDENTIAL
SUBDIVISION, 43 SALEYARDS LANE, MUDGE
GOV400087, DA0248/2014

240/20 MOTION: Shelley / Martens

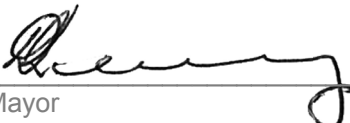
That Council:


- A. receive the report by the Town Planner on the MA0046/2020 - Modification to DA0248/2014 - proposed demolition and 51 lot residential subdivision, at 43 Saleyards Lane, Mudgee;
- B. approve MA0046/2020 - Modification to DA0248/2014 - proposed demolition and 51 lot residential subdivision, at 43 Saleyards Lane, Mudgee subject to the following conditions and statement of reasons:

Conditions Of Consent (AMENDMENTS IN RED)

APPROVED DEVELOPMENT

- 1. Development is to be carried out generally in accordance with the following;



Mayor

General Manager

- Subdivision Plans stamped plans (Job No. 1202MU) Sheets 1/3;
- Statement of Environmental Effects dated January 2014;
- Addendum to Statement of Environmental Effects Dated 17th February 2014;
- Traffic Impact Statement by Jabek P/L (BK138) dated March 2014;

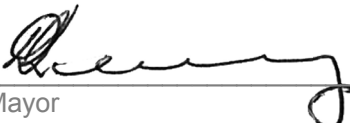
except as varied by the conditions listed herein. Any minor modification to the approved plans will require the lodgement and consideration by Council of amended plans. Major modifications will require the lodgement of a new development application.


DEMOLITION

2. The licensed demolition contractor and/or principal contractor must comply with the following specific requirements in respect of the proposed demolition works:-
 - a) Demolition work is not be undertaken until:
 - Council has been provided with a copy of any required Hazardous Substances Management Plan;
 - The licensed demolition contractor and/or principal contractor has inspected the site and is satisfied that all measures are in place to comply with the provisions of such Plan;
 - b) The removal, handling and disposal of any asbestos material (in excess of 10m²) is to be undertaken only by an asbestos removal contractor who holds the appropriate class of Asbestos Licence, issued by WorkCover NSW, and in accordance with the requirements of WorkCover NSW, the Work Health and Safety Act 2011 and Australian Standard 2601-2001
 - c) All asbestos and other hazardous materials are to be appropriately contained and disposed of at a facility holding the appropriate license issued by the NSW Environmental Protection Agency
 - d) Seven working days' notice in writing is to be given to Council prior to the commencement of any demolition works. Such written notice is to include the date demolition will commence and details of the name, address, contact telephone number and licence details (type of licences held and licence numbers) of any asbestos removal contractor and demolition contractor.

PRIOR TO ISSUE OF CONSTRUCTION CERTIFICATE

3. A masonry retaining wall is to be provided adjacent the

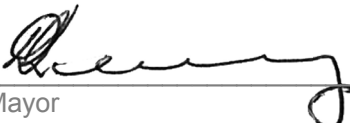



Mayor

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northern boundary of the development site to retain the proposed fill. It is to be offset by 750mm from the rear boundary and this area landscaped with Photinias (or other approved species) that will achieve a minimum height of 2 metres and planted 1 metre apart. Details of the retaining wall structure and landscaping are to be provided with the application for Construction Certificate.

4. Prior to development the applicant shall advise Council's Development and Community Services Department, in writing, of any existing damage to Council property before commencement of works. The applicant shall repair (at their own expense) any part of Council's property damaged during the course of this development in accordance with AUS-Spec #1/2 (as modified by Mid-Western Regional Council) and any relevant Australian Standards.
 5. A Traffic Control Plan (TCP) completed by a "Certified Person" for implementation during works is to be submitted to Mid-Western Regional Council prior to any work commencing.
 6. A copy of the Contractor's public liability insurance cover for a minimum of \$20,000,000 is to be provided to Mid-Western Regional Council as an interested party.
 7. The submission to Council of engineering design plans for any road works shall include pavement and wearing surface investigation and design, sedimentation and erosion control plans, and a detailed construction plan. These plans are to be approved by the Council prior to the issue of a Construction Certificate.
 8. Prior to the commencement of subdivision works, the following actions are to be carried out;
 - A site supervisor is to be nominated by the applicant;
 - Council is to be provided with two (2) days' notice of works commencing.
- Note: Failure to comply with these conditions will result in damage to Council's infrastructure being rectified by the applicant and at the applicant's cost.
9. A detailed engineering design is to be submitted to and approved by Council prior to the issue of a Construction Certificate. The engineering design is to comply with Council's Development Control Plan and the Standards referenced within Appendix B and D.
 10. The causeway at the eastern end of Saleyards Lane shall be upgraded with culverts with sufficient capacity to facilitate a 1 in 10 yr. ARI rainfall event without inundation of the roadway.
 11. A Construction Certificate is required for, but not limited to, the


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following civil works;

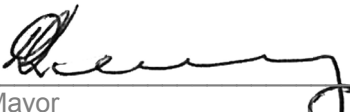

- Water and sewer main extensions
- Stormwater drainage such as inter-allotment drainage, detention basins,
- Road construction
- Footpath and kerb & gutter
- Landscaping of public reserves
- Construction of culvert on Saleyards Lane.

Note: No works can commence prior to the issue of the Construction Certificate.

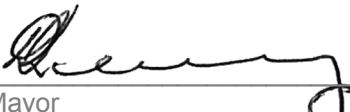
12. The subdivision works are to be inspected by the Council (or an Accredited Certifier on behalf of Council) to monitor compliance with the consent and the relevant standards of construction, encompassing the following stages of construction:
 - Installation of sediment and erosion control measures
 - Water and sewer line installation prior to backfilling
 - Establishment of line and level for kerb and gutter placement
 - Road Pavement construction
 - Road Pavement surfacing
 - Practical Completion
13. The applicants shall, at their own expense, engage a registered surveyor to relocate any survey mark that may be disturbed by the development or any associated work. Any information regarding relocation should be supplied to the Land Titles Office and Council.
14. 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.
15. All finished surface levels shall be shown on the plans submitted for the Construction Certificate. Where it is proposed to import fill, the material shall be certified as free of hazardous materials and contamination by a suitably qualified geotechnical engineer. Fill placed in residential or commercial lots shall be compacted in accordance with AS3798-2007 Guidelines on Earthworks for Commercial and Residential Developments.
16. Engineering plans of the water and sewer mains extension are to be submitted to and approved by Council or an accredited certifier prior to the issue of a Construction Certificate.


Note 1: Council will quote on connecting any sewer or water main extension to the existing "live" main on receipt and approval of engineering plans.

Note 2: Council does not permit other bodies to insert new junctions or connections into 'live' mains.


Mayor
General Manager

17. The developer is to grant Council (or an Accredited Certifier on behalf of Council) unrestricted access to the site at all times to enable inspections or testing of the subdivision works.
18. The subdivision works are to be inspected by the Council to monitor compliance with the consent and the relevant standards of construction encompassing the following stages of construction:
 - Installation of sediment and erosion control measures
 - Water and sewer line installation prior to backfilling
 - Establishment of line and level for kerb and gutter placement
 - Road and driveway pavement construction (including excavation, formwork and reinforcement)
 - Road pavement surfacing
 - Practical completion
19. The contractor/owner must arrange an inspection by contacting Council's Development and Community Services Department between 8.30am and 4.30pm Monday to Friday, giving at least twenty four (24) hours' notice. Failure to have the work inspected may result in the access being removed and reconstructed at the contractors/owners expense.
20. The applicant is to submit a Drainage Report prepared in accordance with the Institution of Engineers publication Australian Rainfall and Run-off to the Principal Certifying Authority for approval prior to the release of the Construction Certificate. The report must demonstrate that stormwater runoff from the site is not increased beyond the existing undeveloped state up to and including a 100 year ARI. All storm water detention details including analysis shall be included with the drainage report.
21. The drainage report is to include water quality treatment devices meeting targets as stipulated in the DCP and full details of compliance are to be provided with the Construction Certificate.
22. All utilities and services including telecommunications, water and sewer reticulation, street lighting shall be installed prior to pavement construction.
23. Prior to commencement of works, the submission of three road names/road in order of preference, for the proposed two (2) new roads within the subdivision, are to be submitted to Council for approval.
24. Complete landscaping plans for all public reserve areas are to be submitted for approval prior to issue of a Construction Certificate. All landscaping to consist of appropriately advanced trees and shrubs. All landscaping is to be



Mayor

General Manager

established prior to occupation of the development. Tree and shrub species should require minimal watering and salt resistant. Alternatively, smaller plant sizes will be considered if irrigation systems are implemented.

STORMWATER DRAINAGE

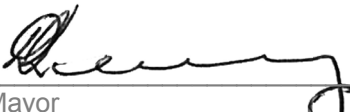
25. A minimum of two (2) roof-water outlets per allotment are to be provided in the kerb and gutter at the time of installation of kerb and gutter. Such outlets shall be located near the projected line of allotment side boundaries and shall be of no less a quality than kerb adaptors kept at Council's Administration Centre as a guide.
26. All earthworks, filling, building, driveways or other works, are to be designed and constructed (including stormwater drainage if necessary) so that at no time will any ponding of stormwater occur on adjoining land as a result of this development.
27. Interallotment 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 interallotment drainage in favour of upstream allotments.
28. 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.
29. A minimum of two (2) roof-water outlets per allotment are to be provided in the kerb and gutter at the time of installation of kerb and gutter.


ROADS, KERBS AND VEHICULAR ACCESS

30. Street signs necessitated by the subdivision are to be installed in accordance with Aus-Spec #1 and Council standards.
31. The developer is to upgrade the existing road for the full frontage of the proposed Subdivision and the new roads, such that it has the following characteristics:

Saleyards Lane and internal subdivision roads

Item	Requirement
Full Road Pavement Width	9 m (2 x 3.5m travel lanes with 1m sealed shoulders)
Nature Strip	2 x 4.5m
Concrete Footpaths	1.2m Wide


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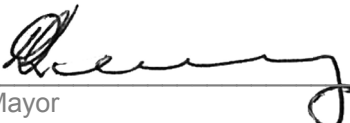

General Manager

Seal	Two-coat flush seal -14/7 mm (Double/Double) as required
Kerb & Gutter	Roll back concrete kerb & gutter
Subsoil Drainage	Behind kerb if required
Underground Drainage	Where gutter flow exceeds 2.5m during minor events or adjacent to intersections.

32. The submission to Council of engineering design plans for any road works shall include pavement and wearing surface investigation and design.
33. All utility crossings are to be perpendicular to the road centreline and performed prior to the addition of the base course.
34. A Traffic Control Plan (TCP) completed by a "Certified Person" for implementation during works is to be submitted to Mid-Western Regional Council prior to any work commencing.
35. Prior to commencement of works, the submission of three possible street/road names in order of preference, for the proposed new road within the subdivision, are to be submitted to Council for approval.
36. Street signs necessitated by the subdivision are to be installed in accordance with Aus-Spec #1 and Council standards. A Give Way sign is required to be installed on the internal subdivision road at the junction with Saleyards Lane.

EARTHWORKS

37. If any aboriginal artefacts are uncovered or identified during construction earthworks, such work is to cease immediately and the local aboriginal community and National Parks and Wildlife Service are to be notified.
Note: The applicant should contact the Aboriginal Land Council and consult a suitably qualified individual to determine if artefacts were uncovered.
38. Runoff and erosion controls shall be installed prior to clearing and incorporate:-
 - diversion of uncontaminated upsite runoff around cleared and/or disturbed areas and areas to be cleared and/or disturbed;
 - 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;
39. Maintenance of all erosion control measures at maximum operational capacity until the land is effectively rehabilitated and stabilized beyond the completion of construction.



Mayor



General Manager

40. The development site is to be managed for the entirety of work in the following manner:
- Appropriate dust control measures;
 - Construction equipment and materials shall be contained wholly within the site unless approval to use the road reserve has been obtained;
 - 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.
41. 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.

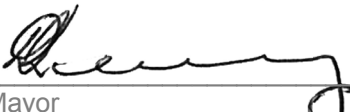

WATER AND SEWER

42. The developer is to extend and meet the full cost of water and sewerage reticulations to service the development plus the cost of connecting to existing services. All water and sewerage work is required to be carried out in accordance with the requirements of Mid-Western Regional Council (as the Water Supply Authority under the Local Government Act, 1993) and in accordance with the National Specification – Water & Sewerage Codes of Australia.
43. The applicant is to provide separate water and sewer reticulation services to each lot.
44. 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.
45. Water services are to be located on alternate property boundaries to Telstra/Electricity. The developer is to provide a water meter for each lot in the subdivision.

PRIOR TO THE ISSUE OF THE SUBDIVISION CERTIFICATE

46. Under the Environmental Planning & Assessment Act, 1979, a Subdivision Certificate is required before the linen plan of subdivision can be registered with the Land Titles Office.
Note: The fee to issue a Subdivision Certificate is set out in Council's Fees and Charges
47. A linen plan and two (2) copies are to be submitted to Council for approval and endorsement by the General Manager.

48. If the Subdivision Certificate is not issued, for any reason whatsoever, by the end of the financial year immediately following the date of determination, then the charges and contributions contained in this consent, may be increased to the current rate at the time of payment.
49. Underground electricity, street lighting and telecommunications are to be supplied to the subdivision.
50. Prior to issue of the Subdivision Certificate, Council is to be supplied with:
- A certificate from the appropriate power authority indicating that satisfactory arrangements have been made for provision of electricity supply to the subdivision.
 - A certificate from the appropriate telecommunications authorities indicating that satisfactory arrangements have been made for provision of telephone services to the subdivision.
 - all contributions must be paid to Council and all works required by the consent be completed in accordance with the consent, or
 - an agreement be made between the developer and Council;
 - as to the security to be given to Council that the works will be completed or the contribution paid, and
 - as to when the work will be completed or the contribution paid.
51. Following completion of the subdivision works, one full set of work-as-executed plans, on transparent film suitable for reproduction, and an "Autocad compatible" work-as-executed Plan, (in dwg format including pen-map), is to be submitted to Council. 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.
52. The developer must provide Council and land purchasers with a site classification for each 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 of AS2870 - 2011. Results are to be submitted to Council prior to issue of the Subdivision Certificate.
53. In accordance with the provisions of section 94 of the Environmental Planning and Assessment Act 1979 and the Mid-Western Regional Council Section 94 Developer Contributions Plan, a contribution shall be paid to Council in accordance with this condition for the purpose of: **SUBJECT TO CPI INCREASE**


Mayor
General Manager

Transport Management	
Traffic Management	\$54,539
Open Space	
Local Open Space	\$85,618
District Open Space	\$116,249
Community Facilities	
Library Buildings	\$11,206
Library Resources	\$13,448
Administration	
Plan Administration	\$26,148
TOTAL	\$307,208

54. The developer shall obtain a Certificate of Compliance under the Water Management Act. This will require:

- a) Payment of a contribution for water and sewerage headworks at the following rate:

Water Headworks	\$ 347,083
Sewerage Headworks	\$ 165,631
Total Payable	\$ 512,714

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

55. The developer is to provide a water service and meter for each lot in the subdivision. This can be achieved by making a payment to Council of \$1650 per lot to cover the cost of installing both the service and a 20mm meter on the water main.

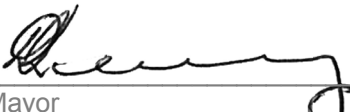
56. Where the water service has been provided by the developer. The developer is to provide a water meter for each lot in the subdivision. This can be achieved through providing a water service ending with a lockable ball valve to each lot and make a payment to Council of \$370.00 per lot to cover the cost of a 20mm meter and installation.


Note: Council does not permit other bodies to connect to 'live' water mains.

57. The developer is to provide a sewer junction for each lot in the subdivision. This can be achieved by making a payment to Council of \$1,450.00 per new junction to cover the cost of Council installing a junction in an existing main.

58. Where the developer is to construct the sewer main to service a lot, the developer is to provide a new junction for each allotment.

Note: Council does not permit other bodies to insert new


Mayor


General Manager

junctions into “live” sewer mains.

59. All earthworks are to be monitored by a qualified cultural heritage officer and a minimum of one (1) weeks’ notice given to the engaged officer.
60. ~~The developer is to provide a 1.8 metre high lapped and capped timber fence along the full length of the northern boundary at full cost to the developer. The fence is to be constructed above the retaining wall.~~

The developer must register a positive covenant on the title of the land under the provisions of the Conveyancing Act 1919, to require that a 1.8m high timber paling fence be constructed along the northern boundary of proposed Lots 39, 40 and Lots 43-51 (inclusive).

The covenant shall be binding upon the registered proprietors of the subject land and successors in title. The instrument shall nominate Council as the only authority empowered to release, vary or modify the terms of the positive covenant.

This covenant shall include, but not necessarily be limited to, the following:

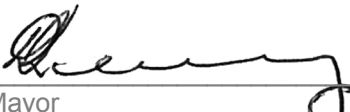

- a) Prior to the issue of an Occupation Certificate for any residential development, a 1.8 metre high timber paling fence shall be provided along the full length of the northern boundary. The fence is to be constructed above the retaining wall.

Evidence that the required covenant on the title of the land has been created under the provisions of the Conveyancing Act 1919, must be provided to Council.

(Amended by MA0046/2020)

PUBLIC RESERVE

61. Two street trees per allotment are to be provided prior to issue of the Subdivision certificate. The species of tree is to be listed on the Construction certificate drawings and approved as part of the Construction Certificate.
62. The proposed public reserve is to be remediated and adapted to make it suitable for public reserve purposes with native grasses sown and soil erosion rehabilitated. The public reserve is to be remediated prior to issue of the Subdivision Certificate and held in private ownership for a period of two years from issue of the Subdivision Certificate to monitor the remediation works.
63. A plan of management for the public reserve is to be prepared


Mayor
General Manager

and adopted by Council to address cultural heritage, Endangered Ecological Communities and slope prior to issue of the Subdivision Certificate.

STATEMENT OF REASONS

1. The proposed modification complies with the requirements of the applicable environmental planning instruments and Mid-Western Regional Development Control Plan 2013.
2. The proposed modification is considered satisfactory in terms of the matters identified in Section 4.55(1A) of the Environmental Planning and Assessment Act 1979.
3. The proposed modification is considered satisfactory in terms of the matters identified in Section 4.15 of the Environmental Planning and Assessment Act 1979.
4. The proposal satisfactorily addresses the safety issues raised in the submission received in response to public notification of the development. Modified Condition 60 imposes controls to ensure that a fence is constructed above the retaining wall on the northern boundary prior to the occupation of any future residential development.

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

Councillors	Ayes	Nayes
Cr Kennedy	✓	
Cr Paine	✓	
Cr Cavalier	✓	
Cr Holden	✓	
Cr Karavas	✓	
Cr Martens	✓	
Cr O'Neill	✓	
Cr Shelley	✓	
Cr Thompson	✓	

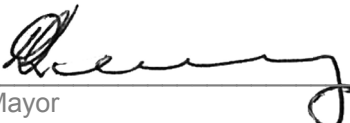
Director of Development, Julie Robertson, declared a significant non-pecuniary conflict of interest in item 8.2 as she owns a property within close proximity of the site. She also declared a significant non-pecuniary conflict of interest in item 8.3 as she owns a property located in an area which already has large lot residential development and planning proposals approved. Ms Robertson left the meeting at 5.37pm and did not participate in discussion in relation to these matters.


8.2 DA00089/2020 - SUBDIVISION - TORRENS TITLE - 1 INTO 24
LOTS - 238 BROADHEAD ROAD, SPRING FLAT
GOV400087, DA0089/2020

241/20

MOTION: Shelley / Paine

That Council:


Mayor


General Manager

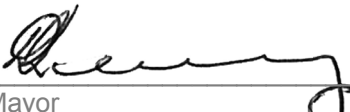
- A. receive the report by the Senior Town Planner and Manager, Statutory Planning on the DA00089/2020 - Subdivision - Torrens Title - 1 into 24 Lots - 238 Broadhead Road, Spring Flat;
- B. approve DA00089/2020 - Subdivision - Torrens Title - 1 into 24 Lots - 238 Broadhead Road, Spring Flat subject to the following conditions and Statement of Reasons:


CONDITIONS**PARAMETERS OF CONSENT**

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

Title/Name	Drawing No/ Document Ref	Revision/ Issue	Dated	Prepared by
Overall Subdivision Plan	BK608 ST1	-	31/07/19	Robert John Crooks
Subdivision Plan	BK608 ST2	-	31/07/19	Robert John Crooks
Cover Sheet	MX10598.00-C1.0	A	30/09/19	Triaxial Consulting
General Notes	MX10598.00 - C1.1	A	30/09/19	Triaxial Consulting
Site Plan	MX10598.00 - C1.2	A	30/09/19	Triaxial Consulting
Broadhead Road Long Section Sheet 1	MX10598.00 - C2.0	A	30/09/19	Triaxial Consulting
Broadhead Road Long Section Sheet 2	MX10598.00 - C2.1	A	30/09/19	Triaxial Consulting
Road 1 Long Section Sheet 1	MX10598.00 - C3.0	A	30/09/19	Triaxial Consulting
Road 1 Long Section Sheet 2	MX10598.00 - C3.1	A	30/09/19	Triaxial Consulting
Road 1 Long Section Sheet 3	MX10598.00 - C3.2	A	30/09/19	Triaxial Consulting
Water Plan	MX10598.00 - C5.0	A	30/09/19	Triaxial Consulting

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


 Mayor


 General Manager

GENERAL

3. Proposed Lots 1 to 21 are to have a minimum area of 2 hectares.
4. No more than 0.5 hectares of trees are to be removed from the site.
5. The development is to be generally constructed in two (2) stages, as outlined below:

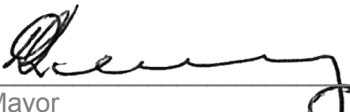
a) Stage 1:


- (i) Release of four (4) residential lots with access from the construction of part of proposed Road No 1 and a temporary turning area
 - o Proposed Lot 1;
 - o Proposed Lot 2 (with existing dwelling and shed);
 - o Proposed Lot 20; and
 - o Proposed Lot 18;
- (ii) Creation of 1 residue lot;
- (iii) Release of proposed Lot 19 with access via Broadhead Road (to be sealed);
- (iv) The proposed Lot 23 public reserve (10m wide). This public reserve will connect to the adjoining Broadview Estate drainage reserve and associated walking path;
- (v) Installation of a pump array and equipment on the existing bore on a residue lot (within proposed future Lot 9) and installation of water storage for the shared water supply (within future proposed Lot 8);
- (vi) Creation of easements and construction of water supply pipeline to proposed residential lots in release 1 at alignment of future road connection (Road No. 1);
- (vii) Creation of part of Proposed Road No.1 for this part of the road that abuts proposed Lots 1, 2, 18 and 20; and
- (viii) Creation of a temporary turning area at the end of the proposed Road No.1 within the residue lot.

- b) Stage 2: all remaining lots and portions of proposed Road No.1 that have not been created.**

All servicing is to be undertaken in accordance with the staging.

6. The strength of the concrete used for any concrete components in the development must be a minimum 25 Mpa.
7. All General Terms of Approval issued in relation to the approved development, shall be complied with prior, during



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General Manager

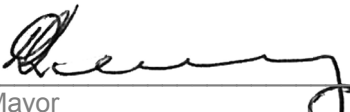
and at the completion of the development, as required.


The General Terms of Approval include the following:

- a) General Terms of Approval, issued by NSW Rural Fire Service, for a Bush Fire Safety Authority in accordance with Section 100B of the Rural Fires Act 1997.
 - b) General Terms of Approval, issued by the Natural Resources Access Regulator, for a Controlled Activity Approval in accordance with Section 91 of the Water Management Act 2000.
 - c) General Terms of Approval, issued by Water NSW, for a Water Management Work approval in accordance with Section 90 of the Water Management Act 2000.
8. The developer is to ensure that any defects in the works that become apparent within the 24 months following the issue of a Subdivision Certificate, are remedied to Council's satisfaction. If these defects are not satisfactorily remedied, Council may use bond money to carry out rectification works.
- Any unspent bond money will be returned to the developer at the end of the 24 month period, less the cost of any rectification works carried out by Council.
9. 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.
10. Costs associated with all development works including any necessary alteration, relocation of services, public utility mains or installations must be met by the developer. The developer is responsible to accurately locate all existing services before any development works commence to satisfy this condition.
11. 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.

Stormwater

12. The Developer must provide for the design and construction of


Mayor


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all stormwater drainage infrastructure to service the development.

Water Services

- 13. The developer is to provide separate non-potable water reticulation services to Lots 1 to 21 within the subdivision. This includes the provision of a private water service and private meter to Lots 1 to 21 within the subdivision.**
- 14. The developer is to meet the full cost of water reticulation to service the development. All water supply work is required to be carried out in accordance with the requirements of the National Specification – Water Supply Code of Australia.**

Electricity Supply

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

Roads

- 16. The developer is to upgrade Robertson Road for the full frontage of proposed Lot 21, such that it has the following characteristics:**

Item	Requirement
Full Road Pavement Width	9m
Footpath Width	2 x 4.5 m
Concrete Footpaths	Nil
Seal	Two-coat flush seal -14/7 mm (Double/Double) as required
Kerb & Gutter	Nil
Subsoil Drainage	Drainage swale
Underground Drainage	Where gutter flow exceeds 2.5m during minor events or adjacent to intersections.

- 17. The developer is to upgrade Broadhead Road for the full frontage of the proposed subdivision, such that it has the following characteristics:**

Item	Requirement
Full Road Pavement Width	9m
Footpath Width	2 x 4.5m

Concrete Footpaths	Nil
Seal	Two-coat flush seal -14/7 mm (Double/Double) as required
Kerb & Gutter	Nil
Subsoil Drainage	Drainage swale
Underground Drainage	Where gutter flow exceeds 2.5m during minor events or adjacent to intersections.
Road surface height above creek crossing	Height sufficient for road surface to be above the 100 year ARI storm event flood levels within the watercourse. Culvert to be of sufficient width to accommodate full width road pavement and provision for future footpaths.

18. Proposed Road No.1 in the subdivision is to be constructed in accordance with the following:

Item	Requirement
Full Road Pavement Width	9 m
Footpath Width	2 x 4.5m
Concrete Footpaths	Nil
Seal	Two-coat flush seal -14/7 mm (Double/Double) as required
Kerb & Gutter	Nil
Subsoil Drainage	Drainage swale
Underground Drainage	Where gutter flow exceeds 2.5m during minor events or adjacent to intersections.

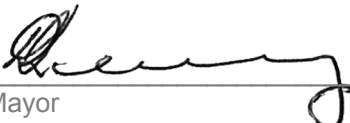
PRIOR TO ISSUE OF THE SUBDIVISION WORKS CERTIFICATE

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


- a) Stormwater drainage such as inter-allotment drainage, detention basins;
- b) Road construction;
- c) A 2.5m wide concrete footpath in the reserve between proposed Lots 2 and 3 (ie proposed Lot 23); and
- d) Water supply to lots.

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

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



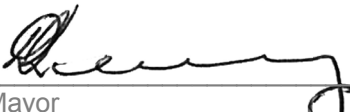

Mayor



General Manager

infrastructure works.

20. The road widening for Broadhead Road is to be designed in such a manner as to minimise the removal of trees within the existing stand of trees. Design details are to be submitted to and approved by Council, prior to the issue of the Subdivision Works Certificate.
21. Prior to the issue of a Subdivision Works Certificate a detailed engineering design, specifications, supporting documentation / reports and calculations, and schedules are to be submitted to and approved by Council. The engineering design is to comply with the technical and performance requirements of Council's Development Control Plan and the Standards referenced within Appendix B and D of that document. Detailed documentation including, but not limited to the following matters, must be submitted with the detailed design. These documents include:
 - a) Pavement design calculations (including assessment of wearing surface);
 - b) For Stage 1 of the development, a temporary turning area at the end of the portion of proposed Road No.1 to be constructed with Stage 1;
 - c) Calculations relating to pipe sizes for the proposed water supply system; and
 - d) Stormwater runoff calculations.
22. A Drainage Report in support of detailed drainage design must be prepared in accordance with the Institution of Engineers publication Australian Rainfall and Run-off and submitted to the Principal Certifier for approval prior to the issue of a Subdivision Works Certificate. The report must demonstrate that stormwater runoff from the site is not increased beyond the existing undeveloped state up to and including a 50 year ARI event. The Drainage Report is to include:
 - a) All stormwater detention details including analysis;
 - b) The waterway areas required for the culverts for the discharge of water from the subdivision across Broadhead Road; and
 - c) The calculations for the two riparian corridors on proposed Lots 12, 13, 14 and proposed Lots 6, 7, 8 and determine the sizes of culverts required on Broadhead Road.
23. Prior to the issue of a Subdivision Works Certificate a Traffic Control Plan (TCP) completed by a "Certified Person" for implementation during works is to be submitted to Mid-Western Regional Council. All requirements of the Traffic Control Plan must be put in place and implemented prior to any work commencing.
24. The detailed design plans submitted for the issue of a Subdivision Works Certificate must show all finished surface


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levels.

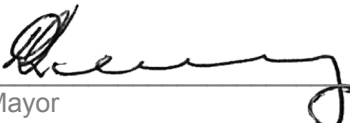
25. An Erosion and Sediment Control Plan for the development is to be prepared and implemented in accordance with the LANDCOM guidelines and requirements as outlined in the latest edition of "Soils and Construction – Managing Urban Stormwater". Points to be considered include, but are not limited to:
 - a) Saving available topsoil for reuse in the revegetation phase of the development;
 - b) Using erosion control measures to prevent on-site damage;
 - c) Rehabilitating disturbed areas quickly; and
 - d) Maintenance of erosion and sediment control structures.
26. The submission to Council of engineering design plans for any road works shall include pavement and wearing surface investigation and design.
27. Prior to the issue of the Subdivision Works Certificate, Council is to be provided with the certified copies of the electrical distribution network design for the subdivision.


PRIOR TO THE COMMENCEMENT OF WORKS

28. Prior to the commencement of construction of infrastructure, the developer must obtain a Subdivision Works Certificate.
29. 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.
30. Prior to the commencement of works, the submission of three possible street/road names in order of preference, for the proposed new road within the subdivision, are to be submitted to Council for approval.
31. Prior to the commencement of any works within 40 metres of a prescribed waterway or creek (as defined in the Water Management Act 2000), the proponent shall obtain a Section 91 Controlled Activity Approval under the Water Management Act 2000 to carry out those works.

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

32. 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;


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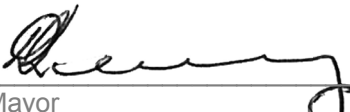

- b) Council is to be provided with two (2) days' notice of works commencing; and
- c) Council is to be notified in writing of any existing damage to Council's infrastructure.

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.

- 33. Runoff and erosion controls shall be installed prior to clearing and incorporate:**
- a) Diversion of uncontaminated on-site runoff around cleared and/or disturbed areas and areas to be cleared and/or disturbed;
 - b) Sediment control fences on the downslope perimeter of the cleared and/or disturbed area to prevent sediment and other debris escaping from the land to pollute any stream or body of water.
 - c) Maintenance of all erosion control measures at maximum operational capacity until the land is effectively rehabilitated and stabilised beyond the completion of construction.
- 34. Prior to the commencement of any works a copy of the Contractor's public liability insurance cover for a minimum of \$20,000,000 (twenty million dollars) is to be provided to Mid-Western Regional Council. Mid-Western Regional Council is to be indemnified against any works carried out by the contractor.**

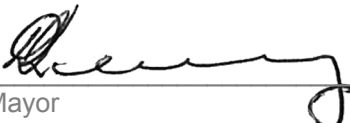

DURING CONSTRUCTION

- 35. 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) Water line installation prior to backfilling;
 - c) Footpath foundations and concrete reinforcing prior to pouring concrete;
 - d) Road pavement construction (proof roll and compaction testing of all pavement layers, sub-grade, sub-base, and base prior to sealing);
 - e) Road pavement surfacing;
 - f) Stormwater culvert and drainage pipe installation prior to backfilling; and
 - g) Practical Completion.
- 36. The footpath and driveway levels are not to be altered outside the property boundary without Council's permission.**
- 37. Street signs necessitated by the subdivision are to be installed**


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in accordance with Aus-Spec #1 and Council's standards. Street signs are to be installed at the developer's expense.

38. 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.
39. 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.
40. 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.
41. 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.
42. All required earthworks for roads associated with the subdivision must have compaction testing in compliance with RMS Q4 and AUS-SPEC CQS-A.
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 and Heritage (OEH) notified of the discovery as soon as practicable. Work shall only recommence upon the authorisation of the OEH.
44. All plumbing and drainage work must be carried out by a licensed plumber and drainer and must comply with the Plumbing Code of Australia.
45. 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.
46. Construction work noise that is audible at other premises is to


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be restricted to the following times:

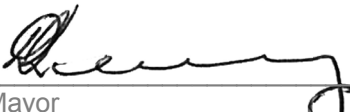
- a) Monday to Saturday - 7.00am to 5.00pm


No construction work noise is permitted on Sundays or Public Holidays.

47. 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.
48. The developer is to grant Council unrestricted access to the site at all times to enable inspections to enable inspections or testing of the subdivision works.

PRIOR TO ISSUE OF THE SUBDIVISION CERTIFICATE

49. An application for a Subdivision Certificate, application fee and two (2) copies of the linen plans are to be submitted to Council for approval and endorsement by the General Manager (or their delegate).
50. Prior to the issue of a Subdivision Certificate, the developer must provide for the construction of all of the following works, relevant to the stage of subdivision. Such works are to be completed to the satisfaction of Council.
- a) Road sealing;
- b) Provision of stormwater drainage infrastructure for the development; and
- c) Connection of water (including private meters) and electricity services to provide for individual connection to each proposed lot.
51. Prior to the Subdivision Certificate for Stage 1 of the subdivision, the following works are to be completed:
- a) Full width road construction for proposed Road No 1 to the abuttal of Lots 1, 2, 18, 20 and 23;
- b) Full width road construction of the Broadhead Road extension for the full abuttal of Lots 1, 19 and 20;
- c) A temporary gravelled turning area at the end of proposed Road No 1 within the residue lot;
- d) A 2.5m wide concrete footpath for the full length of proposed Lot 23;
- e) Construction of the water bore, pumping arrangement, water storage tank and main water line for the whole subdivision; and
- f) Individual water connections and private meters to


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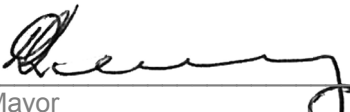

General Manager


proposed Lots 1, 2, 18, 19 and 20.

52. Prior to the issue of a Subdivision Certificate for any lots within Stage 2, the following works are to be completed:
- a) The full width extension of Robertson Road for the full abuttal of proposed Lot 21, from the edge of the existing seal;
 - b) The construction of the remainder of proposed Road No 1;
 - c) The construction of the remainder of the Broadhead Road extension; and
 - d) Individual water connections and meters to each lot being released.
53. Prior to the issue of a subdivision Certificate, a survey drawing is to be submitted to Council, demonstrating that all private water services and water meters are located wholly within the lot that they serve.
54. Following completion of the subdivision works, work-as-executed plans (WAE) are to be provided to Council in the following formats:
- a) PDF; and
 - b) Dwg format or "Autocad compatible"
- 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.
55. The installation of new services and metres, as required, in compliance with Australian Standard 3500: National Plumbing and Drainage Code. All costs associated with this work shall be borne by the developer.
56. An Incorporated Association must be formed and prepare and file its constitution for the private Water Supply Scheme for proposed Lots 1 to 21. The constitution is to be submitted to and approved by Council prior to the issue of a Subdivision Certificate. The constitution is to outline all relevant rules associated with the supply of water, including minimum and maximum volumes, metering requirements and operational charges. The constitution is to state that proposed Lots 1 to 21 are to receive a minimum of 0.200 mega litres of non-potable water per year.

Defects Liability Bond

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


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General Manager

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

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

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

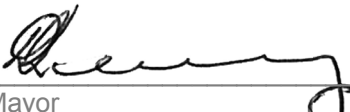
Developer Contributions


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

Section 94 Contributions		
22 additional lots (minus credit for existing)		
Mudgee Catchment	Per Lot	21 Lots
Public Amenity or Service		
Transport facilities	\$4,347.00	\$91,287.00
Recreation and Open Space	\$2,182.00	\$45,822.00
Community Facilities	\$635.00	\$13,335.00
Stormwater Management	\$458.00	\$9,618.00
Plan Administration	\$995.00	\$20,895.00
Total	\$8,617.00	\$180,957.00

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.

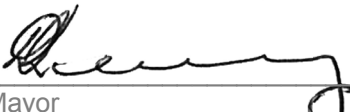
Note – Council's Mid-Western Regional Contributions Plan 2019 is available for perusal at Council's Administration Centre at 86 Market Street, Mudgee or on Council's website www.midwestern.nsw.gov.au under Council Documents/Strategies and Plans.



 Mayor


 General Manager

Restrictions on Title

59. Three (3) metre wide easements, including associated Section 88B instruments, are to be created in favour of Incorporated Association of the Water Supply Scheme over any existing or newly constructed water reticulation components located within the subject property, or extended through adjoining private properties as a result of this subdivision, where necessary.
60. A ten (10) metre wide easement, including associated Section 88B instruments, is to be created over the bore for water supply. The easement is to be made in favour of the Incorporated Association of the Water Supply Scheme.
61. A thirty (30) metre side easement, including associated Section 88B instruments, is to be created over the water storage tank forming a component of the water supply system for the subdivision. The easement is made in favour of the Incorporated Association of the Water Supply Scheme.
62. Easements of variable width shall be created over any inter-allotment drainage/drainage channel in favour of upstream allotments. The Section 88B instrument and linen plans submitted with the application are to include details of any required inter-allotment stormwater easements.
63. Protective covenant/s under Section 88B, 88D or 88E of the Conveyancing Act 1919 are to be submitted to an approved by Council, prior to the issue of a Subdivision Certificate. The Section 88B, 88D or 88E instrument is to:
- a) Provide protection for the riparian zones shown on the approved subdivision plan; and
 - b) Linked to the Vegetation Management Plan approved as part of the Controlled Activity Approval issued by the Natural Resources Access Regulator.
64. Easements for electricity purposes, as required by the electricity supply authority, shall be created. The Section 88B instrument and linen plans submitted with the application are to include details of any electricity easements or restrictions on title required to be imposed by the electricity authorities/suppliers.
65. An instrument providing any necessary easements or restrictions to ensure compliance with the "General Terms of Approval" issued by the NSW Rural Fire Service, attached to this development consent. The instrument shall burden proposed allotments as is appropriate, to the satisfaction of Council. This instrument shall identify Council as the sole party to vary the restriction.



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General Manager

66. A covenant, or similar instrument, requiring the purchasers of Lots 1 to 21 to become members of the Incorporated Association and Water Supply Scheme servicing the development, is to be submitted to and approved by Council prior to the issue of a Subdivision Certificate.

Electricity

67. Prior to issue of the Subdivision Certificate, Council is to be supplied with:
- a) A certificate of acceptance from the appropriate power authority indicating that satisfactory arrangements have been made for provision of electricity supply to the subdivision.
68. Electricity is to be supplied to the Subdivision in accordance with the relevant authority's standards.

Road Dedication

69. The owner must dedicate for road purposes, free of cost to Council, a road widening along the site frontage to Broadhead Road, to be detailed in a plan of subdivision of the land. This road widening shall be delineated on the final plan of subdivision submitted with the application for a Subdivision Certificate.
70. The proposed Road No.1 within the subdivision shall be dedicated as a public road at no cost to Council. The public road shall be delineated on the final plan of subdivision submitted with the application for a Subdivision Certificate.

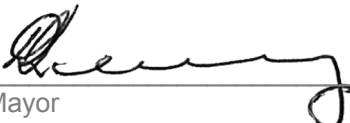
Other dedications


71. Proposed Lot 23 is to be dedicated for the purposes of a public reserve, used as a pedestrian connection.
72. Proposed Lot 22 is to be dedicated as a drainage reserve.

STATEMENT OF REASONS

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

OTHER APPROVALS


Mayor


General Manager

General Terms of Approval

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

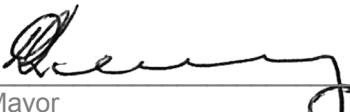
A copy of Water NSW's General Terms of Approval are attached.


A copy of NSW Rural Fire Service's General Terms of Approval are attached.

ADVISORY NOTES

- 1 The removal of trees within any road reserve requires the separate approval of Council in accordance with the policy "Tree Removal and Pruning – Public Places".**
- 2 The land upon which the subject building is to be constructed may be affected by restrictive covenants. This approval is issued without enquiry by Council as to whether any restrictive covenant affecting the land would be breached by the construction of the building, the subject of this approval. Persons to whom this approval is issued must rely on their own enquiries as to whether or not the building breaches any such covenant.**
- 3 Sections 8.2, 8.3, 8.4 and 8.5 of the Environmental Planning and Assessment Act 1979 (EP&A Act) gives you the ability to seek a review of the determination. This request is made to Council and must be made within 6 months after the date on which you receive this notice. The request must be made in writing and lodged with the required fee; please contact Council's Planning and Development Department for more information or advice.**
- 4 If you are dissatisfied with this decision Sections 8.7 and 8.10 of the EP&A Act 1979 gives you the right to appeal to the Land and Environment Court within 6 months after the date on which you receive this notice.**
- 5 To ascertain the date upon which the consent becomes effective, refer to Sections 4.20 and 8.13 of the EP&A Act.**
- 6 To ascertain the extent to which the consent is liable to lapse, refer to Section 4.53 of the EP&A Act.**
- 7 The attached General Terms of Approval issued by NSW's Water Authority do not constitute an approval under the Water Management Act 2000. The development consent holder must apply to NSW's Water Authority for a Controlled Activity approval after consent has been issued by Council and before the commencement of any work or activity.**

A completed application form must be submitted to NSW's



Mayor

General Manager

Water Authority together with any required plans, documents, application fee, security deposit or bank guarantee (if required) and proof of Council's Development Consent. Finalisation of an approval can take up to eight (8) weeks from the date the application and all required supporting documentation is received.

Application forms are available from the NSW's Water Authority website at:

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

8. Certain subdivisions/developments will be exempt from the requirement to provide fibre-ready telecommunication infrastructure to each new lot.

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

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

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

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

Councillors	Ayes	Nayes
Cr Kennedy	✓	
Cr Paine	✓	
Cr Cavalier	✓	
Cr Holden	✓	
Cr Karavas	✓	
Cr Martens	✓	
Cr O'Neill	✓	
Cr Shelley	✓	
Cr Thompson	✓	

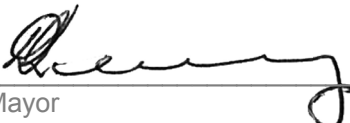
8.3 DRAFT MUDGEES LARGE LOT RESIDENTIAL STRATEGY


GOV400087, LAN9000097

242/20

MOTION: Shelley / Martens

That Council:


Mayor


General Manager

1. receive the report by the Manager, Strategic Planning on the Draft Mudgee Large Lot Residential Strategy;
2. endorse the Draft Mudgee Large Lot Residential Strategy;
3. place the Draft Mudgee Large Lot Residential Strategy on public exhibition for a period of 28 days; and
4. receive a further report following the public exhibition period.

The motion was carried with the Councillors voting unanimously.

Director of Development returned to the Chambers at 5.58pm.

The following recommendations (items 8.4 to 12.3) were adopted as a whole, being moved by Cr Shelley, seconded by Cr Paine and carried with Councillors voting unanimously. Each recommendation is recorded with a separate resolution number commencing at resolution No. 243/20 and concluding at resolution No. 260/20.

8.4 DRAFT DEVELOPMENT CONTROL PLAN 2013 -
AMENDMENT 5 (HOUSE-KEEPING UPDATES)

GOV400087, LAN900108

243/20

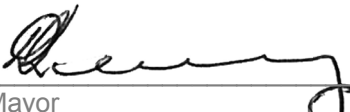
MOTION: Shelley / Paine


That Council:

- A. receive the report by the Senior Planner on the draft Development Control Plan 2013 - Amendment 5 (House-Keeping Updates);
- B. endorse and publicly exhibit the proposed housekeeping amendments to Mid-Western Regional Development Control Plan (DCP) 2013 outlined in this report, pursuant to Part 3, Division 3.6 of the Environmental Planning and Assessment Act 1979 and Part 3 of the Environmental Planning and Assessment Regulation 2000; and
- C. 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 DCP as proposed.

The motion was carried with the Councillors voting unanimously.

Councillor Martens declared a less than significant non-pecuniary conflict of interest in item 8.5 as she is an objector to a development application listed in the report and did not leave the room.


Mayor


General Manager

8.5 MONTHLY DEVELOPMENT APPLICATIONS PROCESSING AND DETERMINED

GOV400087, A0420109

244/20 MOTION: Shelley / Paine

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

The motion was carried with the Councillors voting unanimously.

Item 9: Finance

9.1 RELATED PARTY DISCLOSURE POLICY

GOV400087, FIN3000289

245/20 MOTION: Shelley / Paine

That Council:

- 1. receive the report by the Financial Accountant on the Related Party Disclosure Policy;**
- 2. note that there are no changes recommended for the Related Party Disclosure; and**
- 3. adopt the Related Party Disclosure Policy for a further period of two years.**

The motion was carried with the Councillors voting unanimously.

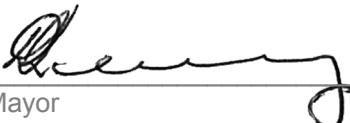

9.2 EXEMPTION FROM TENDERING - LIGHT FLEET

GOV400087, PLA500009

246/20 MOTION: Shelley / Paine

That Council:

- 1. receive the report by the Procurement Manager on the Exemption from Tendering - Light Fleet;**
- 2. approve an exemption from tender, in accordance with section 55(3)(i) of the Local Government Act 1993, for the provision of light fleet, noting that a satisfactory result would not be achieved by inviting tenders;**
- 3. note the reason why a satisfactory outcome would not be achieved by inviting tenders is that tenderers would not be able to provide pricing for this tender as specific vehicle**


Mayor
General Manager

requirements are unknown;

4. note that (where possible) a minimum of 3 quotes will be obtained when purchasing light fleet vehicles and local dealerships will always be provided an opportunity to quote when seeking quotations; and
5. apply the maximum Local Preference discount for tendering to procurement of light fleet.

The motion was carried with the Councillors voting unanimously.

9.3 CLASSIFICATION OF LAND - ALLOTMENT 69 DP1262954
DRAINAGE RESERVE AT 21 STEEL DRIVE SPRING FLAT,
MUDGEE

GOV400087, GOV400087, P25884

247/20

MOTION: Shelley / Paine

That Council:

1. receive the report by the Property Officer on the Classification of Land – Allotment 69 DP 1262954 21 Steel Drive Spring Flat, Mudgee; and
2. classify Allotment 69 DP1262954 21 Steel Drive Spring Flat 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.

9.4 NAMING OF A NEW STREET IN A SUBDIVISION OFF WURTH
DRIVE BOMBIRA

GOV400087, R0790141 P22314 P22315

248/20

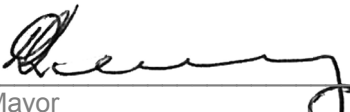
MOTION: Shelley / Paine


That Council:

1. receive the report by the Property Support Officer on the naming of a new street in a subdivision off Wurth Drive; and
2. name this street Nelthorpe Street.

The motion was carried with the Councillors voting unanimously.

9.5 MONTHLY BUDGET REVIEW - JULY 2020


Mayor


General Manager

GOV400087, FIN300240

249/20 MOTION: Shelley / Paine**That Council:**

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

*The motion was carried with the Councillors voting unanimously.***9.6 BUDGET REVOTES FROM 2019/20 TO 2020/21**

GOV400087, FIN300240

250/20 MOTION: Shelley / Paine**That Council:**

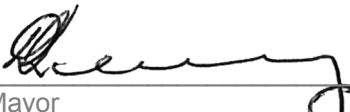
- 1. receive the report by the Manager Financial Planning on the Budget Revotes from 2019/20 to 2020/21;**
- 2. amend the 2020/21 budget to reflect the revote of \$3,558,627 capital expenditure as identified in the attachment to this report; and**
- 3. amend the 2020/21 budget to reflect the revote of \$3,066,013 operating expenditure as identified in the attachment to this report.**


*The motion was carried with the Councillors voting unanimously.***9.7 MONTHLY STATEMENT OF INVESTMENT AND BANK BALANCES AS AT 31 JULY 2020**

GOV400087, FIN300053

251/20 MOTION: Shelley / Paine**That Council:**

- 1. receive the report by the Manager Financial Planning on the Monthly Statement of Investment and Bank Balances as at 31 July 2020; and**
- 2. note the certification of the Responsible Accounting Officer.**



Mayor

General Manager

The motion was carried with the Councillors voting unanimously.

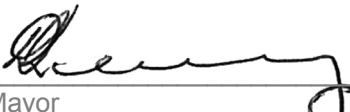

9.8 RATES RELIEF UPDATE

GOV400087, RAT700045

252/20

MOTION: Shelley / Paine**That Council:**

1. receive the report by the Chief Financial Officer on the Rates Relief Update;
2. note that the current subsidy deferral of rates available expires on 30 September 2020;
3. note that this program would not prevent rate payers access to Council's Hardship Provision Policy which is available to those ratepayers who are experiencing substantial financial difficulties in paying their rates and charges; and
4. determine not to extend the relief actions endorsed by Council on 15 April 2020, including:
 - 4.1 a rates payment extension;
 - 4.2 waiving interest charges that would normally accrue on outstanding charges;
 - 4.3 cessation of formal debt recovery action plans; and
 - 4.4 the Business Booster Program;
5. rescind the Interim Covid-19 Financial Assistance Policy; and
6. waive the following fees and charges from 12 August 2020 to 30 June 2021 to provide additional business Covid-19 hardship relief:
 - 6.1 Saleyards Canteen Facility Hire - \$16.70 per week;
 - 6.2 Business Use of the Footpath Annual renewal fee - \$83.00;
 - 6.3 Business Use of the Footpath Area fee - \$11.10 per square metre; and
 - 6.4 Business Use of the Footpath New application - \$114.00.


Mayor
General Manager

The motion was carried with the Councillors voting unanimously.

9.9 LOCAL ROADS AND COMMUNITY INFRASTRUCTURE
PROGRAM ACCEPTANCE OF FUNDING

GOV400087, GRA600044

253/20

MOTION: Shelley / Paine

That Council:

1. receive the report by the Manager Economic Development on the Local Roads and Community Infrastructure Program Acceptance of Funding;
2. confirm acceptance of \$1,525,932 in grant funding from the Federal Government Local Roads and Community Infrastructure Program;
3. authorise submission of individual project nominations to Federal Government as listed below; and
4. amend the 2020/21 Budget to increase grant funding received by \$1,525,932 and allocate expenditure as follows:
 - \$500,000 for Footpath works associated with the PAMP;
 - \$700,932 for Kandos Stormwater Upgrades;
 - \$225,000 for Pathway construction between Walkers Oval and Regional Cultural Precinct;
 - \$100,000 for Mudgee Dog Park relocation and upgrade.

The motion was carried with the Councillors voting unanimously.

Item 10: Operations

Councillor Thompson declared a non-pecuniary conflict of interest in item 10.1 as he lives on Mebul Road and did not leave the meeting.

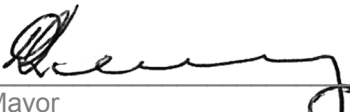
10.1 ACCEPTANCE OF JOINT STATE AND FEDERAL
GOVERNMENT FUNDING FOR SEAL EXTENSIONS


GOV400087, GRA600015

254/20

MOTION: Shelley / Paine

That Council:


Mayor


General Manager

1. receive the report by the Manager Works on the Acceptance of joint State and Federal Government funding for seal extensions;
2. if successful, accept \$5,299,700 in grant funding from the Fixing Local Roads program for seal extensions;
3. amend the 2020/21 Budget as follows:
 - 3.1 allocate a budget of \$2,240,000 for the sealing of 1.25km of Pyramul Road, 2.1km of Coxs Creek Road, 4.7km of Mebul Road, funded by \$1,680,000 grant income, \$400,000 from the Seal Extension Program Capital budget and \$160,000 from the Seal Extension Reserve;
 - 3.2 allocate a budget of \$1,200,000 for the sealing of 20.00km of Aarons Pass Road, funded by \$900,000 grant income, and \$300,000 from the Seal Extension Reserve;
4. amend the 2021/22 Budget as follows:
 - 4.1 allocate a budget of \$2,181,600 for the sealing of 6.4km of Queens Pinch Road, funded by \$1,636,200 grant income, \$400,000 from the Seal Extension Program Capital budget and \$145,400 from the Seal Extension Reserve;
 - 4.2 allocate a budget of \$1,548,000 for the sealing of 2.60km of Aarons Pass Road, funded by \$1,083,500 grant income, \$464,500 from the Seal Extension Reserve; and
5. if successful, authorise the General Manager to finalise and sign the funding agreement with Transport for NSW

The motion was carried with the Councillors voting unanimously.

Item 11: Community

11.1 THE PINES DRAFT MASTERPLAN

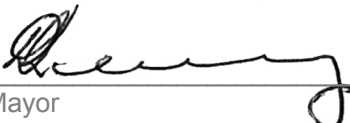
GOV400087, P2143311


255/20

MOTION: Shelley / Paine

That Council:

1. receive the report by the Manager Recreation Services on the The Pines Draft Masterplan;


Mayor


General Manager

2. support the establishment of a working party to further develop the Masterplan and identify priorities for the precinct; and
3. request that a further report be brought back to Council on the outcomes of the working party.

The motion was carried with the Councillors voting unanimously.

11.2 GLEN WILLOW STAGE 2 PROJECT UPDATE
GOV400087, COR400303, COR400277, COR400332, PAR300584,
COR400273

256/20 MOTION: Shelley / Paine

That Council receive and note the report by the Director Community on the Glen Willow Stage 2 Project Update.

The motion was carried with the Councillors voting unanimously.

11.3 MUDGEES ART GALLERY PROJECT UPDATE
GOV400087, REC800038

257/20 MOTION: Shelley / Paine

That Council receive and note the report by the Director Community on the Mudgee Art Gallery Project Update.

The motion was carried with the Councillors voting unanimously.

Item 12: Reports from Committees

12.1 MUDGEES SPORTS COUNCIL MEETING MINUTES 8.7.2020
GOV400087, GOV400087

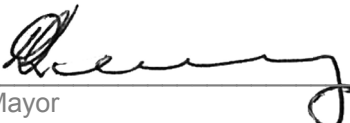
258/20 MOTION: Shelley / Paine


That Council:

1. receive the report by the Manager - Recreation Services on the Mudgee Sports Council Meeting Minutes 8.7.2020; and
2. note the minutes for the Mudgee Sports Council Meeting held 8 July 2020.

The motion was carried with the Councillors voting unanimously.

12.2 RED HILL COMMITTEE MEETING 5 FEBRUARY 2020
GOV400087, A0190002


Mayor


General Manager

259/20 MOTION: Shelley / Paine

That Council:

- 1. receive the report by the Manager, Customer Services on the Red Hill Committee Meeting 5 February 2020; and**
- 2. note the minutes of the Red Hill Committee meeting held on 5 February 2020.**

The motion was carried with the Councillors voting unanimously.

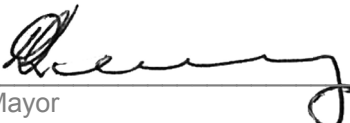
12.3 LOCAL TRAFFIC COMMITTEE - JULY MEETING 2020


GOV400087, A0100009

260/20 MOTION: Shelley / Paine

That Council:

- 1. receive the report by the Administration Officer, Operations on the Local Traffic Committee - July Meeting 2020;**
- 2. approve the event – Mudgee High School Rainbow Day, Thursday 24 September 2020 – be classified as a Class 2 Event under the Guide to Traffic and Transport Management for Special Events Version 3.5 and proceeds with the following conditions:**
 - a. The Event is to be undertaken in accordance with the requirements of the attached Special Events Transport Management Plan (TMP), Risk Assessment and Traffic Control Plans;**
 - b. The Event is to be undertaken in accordance with the requirements of the NSW Police Force approval documentation**
 - c. Controlling noise as required by the Protection Of The Environment Operations (Noise Control) Regulation 2000;**
 - d. Reimbursing Council for the cost of damage repairs;**
 - e. Complying with Council's Law Enforcement Officers' reasonable directives;**
 - f. Maintain areas in a clean and tidy condition. No obstructions are to be left on the roadways or footpaths;**
 - g. Any person directing traffic on a public road is required to possess an appropriate traffic controller's certificate;**
 - h. The event convener is to notify all affected businesses and residents adjacent to the proposed closure indicating the period during which their**


Mayor


General Manager

- accesses will be affected. Such notification is to be in writing;
- i. Maintain a four-metre wide emergency vehicle lane;
 - j. Advertise the proposed event in local newspapers with relevant information at least two weeks prior to the date;
 - k. The organiser is to notify NSW Fire and Rescue and the NSW Ambulance Service of the event.
 - l. The event is to be covered under the submitted public liability insurance policy in the amount of at least \$20 million. Council, NSW Police and the Transport for NSW are indemnified against any possible action as the result of the event;
 - m. A traffic control contingency plan is to be provide in the event planned traffic controllers are not available.
 - n. All people interacting with vehicles are to wear reflective high visibility vests.
 - o. The organiser is to have a debrief with Council and Police with all traffic control documentation and controls tabled for review
 - p. The organiser is to receive Transport for NSW consent for use of Market Street and Ulan Road
3. approve a “No Through Road” sign to be placed south of Menah Avenue to stop unnecessary traffic;
4. resolve to undertake further investigation regarding a proposed roundabout and pedestrian crossing at the intersection of Denison and Church Streets and the centre island in front of Aldi; and
5. further investigate the need for Horse on Road signs on Beryl Road Gulgong.

The motion was carried with the Councillors voting unanimously.

Item 13: Urgent Business Without Notice

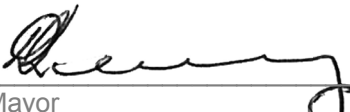
261/20 MOTION: Shelley / Martens

That Council consider the Urgent Business Without Notice being the cancellation of the 2020 Flavours of Mudgee Festival due to COVID-19 restrictions.


The motion was carried with the Councillors voting unanimously.

262/20 MOTION: Holden / Cavalier

That Council:



Mayor



General Manager

1. confirm the cancellation of the 2020 Flavours of Mudgee Festival due to COVID-19 restrictions; and
2. allocate \$10,000 from the existing 2020/21 Flavours of Mudgee budget towards a local spending initiative to support Flavours of Mudgee stallholders during wine festival month.

The motion was carried with the Councillors voting unanimously.

Item 14: Confidential Session

263/20 MOTION: Cavalier / Holden

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

The motion was carried with the Councillors voting unanimously.

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

14.1 Proposed Dual Naming of a River

The reason for dealing with this report confidentially is that it relates to information concerning the nature and location of a place or an item of Aboriginal significance on community land in accordance with Section 10A(2)(h) 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 concerning the nature and location of a place or an item of Aboriginal significance on community land.

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.

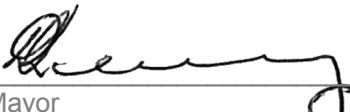
14.1 PROPOSED DUAL NAMING OF A RIVER


GOV400087, A0280030, WAT500058

MOTION: Thompson / Cavalier

That Council:

1. receive the report by the Executive Assistant, to the General Manager & Mayor on the Proposed Dual Naming of a River;
2. support the proposal for the dual naming of a river as outlined in the report.


Mayor


General Manager

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

Councillors	Ayes	Nayes
Cr Kennedy		✓
Cr Paine	✓	
Cr Cavalier	✓	
Cr Holden		✓
Cr Karavas		✓
Cr Martens		✓
Cr O'Neill	✓	
Cr Shelley (abstained)		✓
Cr Thompson	✓	

Item 15: Urgent Confidential Business Without Notice

Nil

Item 16: Open Council

264/20 MOTION: Shelley / Martens

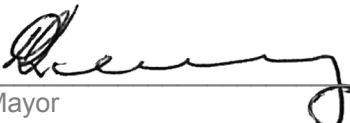
That Council move to Open Council.


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 6.01pm.


Mayor


General Manager