

# Minutes of the Ordinary Meeting of Council

Held at the Council Chambers, 86 Market Street, Mudgee  
on 20 February 2019, commencing at 5:47pm and concluding at 6:20pm.

PRESENT Cr D Kennedy, Cr E Martens, Cr JP Thompson, Cr P Cavalier, Cr S Paine,  
Cr A Karavas, Cr J O'Neill.

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

## Item 1: Apologies

Apologies were received for Cr Holden and Cr Shelley.

01/19 MOTION: Cavalier / Paine

**That Council accept the apologies received for Cr Holden and Cr Shelley.**

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

## Item 2: Disclosure of Interest

Councillor Kennedy declared a pecuniary conflict of interest in item 10.2 as he retains a financial interest in the development due to delayed settlement of sale.

Councillor O'Neill declared a significant non-pecuniary conflict of interest in item 14.1 as his wife is employed by the business under consideration.

## Item 3: Confirmation of Minutes

02/19 MOTION: Cavalier / O'Neill

**That the Minutes of the Ordinary Meeting held on 12 December 2018 be taken as read and confirmed.**

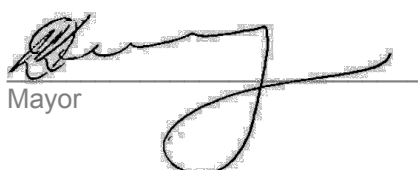
*The motion was carried with the Councillors voting unanimously.*

## Item 4: Matters in Progress

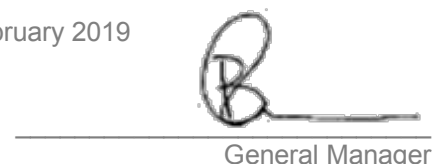
Nil

## Item 5: Mayoral Minute

5.1 ROUNDABOUTS ON CASTLEREAGH HIGHWAY



Mayor



General Manager

GOV400067, R0790077

**03/19**                    **MOTION: Kennedy**

**That Council write to the relevant Ministers and government department agencies highlighting the urgent need to address safety issues by installing roundabouts at the intersections of Castlereagh Highway and Industrial Avenue, and Castlereagh Highway and Lions Drive/Burrundulla Road.**

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

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

6.1     RAILWAY LINE - KANDOS TO GULGONG

GOV400067, A0100035, TRA300009

**04/19**                    **MOTION: Thompson / Martens**

**That Council contact the appropriate person in the State Government in regard to opening the railway line from Kandos to Gulgong.**

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

6.2     APPLICATION FOR STATE ROAD - GOLLAN ROAD

GOV400067, A0100035

**MOTION: Thompson / Cavalier**

That Council negotiate with Dubbo Regional Council regarding the possibility of applying to the State Government about Gollan Road becoming a state road from Goolma to Murrumbong on the Golden Highway.

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


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

6.3     LOWER PIAMBONG ROAD AND GOOLMA ROAD

GOV400067, A0100035

**MOTION: Thompson / Cavalier**

  
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General Manager

That Council apply to have the corner of Lower Piambong Road and Goolma Road declared a blackspot and that they encourage the RMS to have the corner widened with a passing lane.

The motion was withdrawn.

**05/19 MOTION: Karavas / Cavalier**

**That Council write to RMS requesting the next stage of the Goolma Road upgrade be funded as a priority and the works include an appropriate treatment at Lower Piambong Road intersection.**

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

**06/19 MOTION: Cavalier / Thompson**

**That Council bring forward item 11.2 Botobolar Community Committee for consideration.**

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

## 11.2 BOTOBOLAR COMMUNITY COMMITTEE

GOV400067, P1234711

MOTION: Thompson / Karavas


That Council:

1. receive the report by the Manager Governance on the Botobolar Community Committee;
2. reinstate the Botobolar Community Committee as a section 355 Committee;
3. appoint Cr Thompson to be the nominated representative on the Botobolar Community Committee; and
4. annually review the status of the Botobolar Community Committee in line with the Crown Lands Management Transition Plan.

**07/19 Amendment: Paine / Cavalier**

**That Council:**

1. receive the report by the Manager Governance on the



**Botobolar Community Committee;**

2. **reinstate the Botobolar Community Committee as a section 355 Committee;**
3. **appoint Cr O'Neill to be the nominated representative on the Botobolar Community Committee; and**
4. **annually review the status of the Botobolar Community Committee in line with the Crown Lands Management Transition Plan.**

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

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

*The amendment, on becoming the motion, was put and carried with the Councillors voting unanimously.*

**Item 7: Office of the General Manager**

## 7.1 REVIEW OF THE WORK HEALTH AND SAFETY POLICY

GOV400067, GOV400054

08/19

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

1. **receive the report by the Executive Manager, Human Resources on the Review of the Work Health and Safety Policy; and**
2. **adopt the revised Work Health and Safety Policy.**

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

## 7.2 COMMENCEMENT OF THE NEW MODEL CODE OF CONDUCT FOR LOCAL COUNCILS IN NSW AND PROCEDURES

GOV400067, GOV400008



proposed subdivision will be adequately serviced with sufficient volume and pressure of water. The Water Servicing Plan shall demonstrate compliance with Mid-Western Development Control Plan 2013 and National Specification – Water Supply Code of Australia. The Water Servicing Plan shall show:

- (i) Volume and location of water storage;
- (ii) Indicative pipe size and location;
- (iii) Depth of ground cover over underground infrastructure;
- (iv) Location of fire hydrants;
- (v) Details and location of any required pump stations;
- (vi) Indicative easements for water storage and water pump stations, as required; and
- (vii) Measures to minimise visual impact of water pumps and storage facilities.


- b) Submission to and approval by Council of a Sewerage Servicing Plan with supporting calculations, prepared by an appropriately qualified engineer, demonstrating that the proposed subdivision will be adequately serviced by sewerage infrastructure. The Sewerage Servicing Plan shall demonstrate compliance with Mid-Western Development Control Plan 2013 and National Specification – Sewerage Code of Australia. The Sewerage Servicing Plan shall show:

- (i) Location, size, and gradient of all sewer lines;
- (ii) Depth of ground cover over underground infrastructure;
- (iii) Location and details of manholes and rising mains;
- (iv) Details and location of any sewer pump stations, if required;
- (v) Indicative easements for sewer lines and sewer pump stations, as required; and
- (vi) The impact on Endangered Ecological Communities and Threatened Species, if relevant.

- c) The registration with NSW Land Registry Services of an easement to drain sewer of a minimum 3m wide over the properties that the sewer line for the proposed development will traverse, between the development site and the nearest connection to the reticulated sewerage network. The easement shall burden the lots the sewer line traverses and benefit Mid-Western Regional Council, as per the submitted Sewerage Servicing Plan. The easements shall be over the following properties, or any alternative properties as agreed to by Council should another route be preferable, to achieve a sewer line connection into Council's existing reticulated sewer system:

- (i) Lot 3 DP1204702;
- (ii) Lot 1 DP1000497;

  
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- (iii) Lot 2 DP1000497; and
  - (iv) Lot 8 DP1221711.
- d) Where required, the registration with NSW Land Registry Services of any easements over private property (other than the subject site) to accommodate water supply infrastructure, such as pump stations and storage tanks.
- e) An Ecological Assessment Report be prepared by a suitably qualified ecological consultant to identify any threatened species in:
- (i) the road reserve directly in front of both street frontages of the subject site;
  - (ii) within the area outside of the subject site approved for the sewer line extension; and
  - (iii) within any areas for water line extensions outside of the subject site.

Following the completion and findings of the Ecological Assessment Report, the necessary approvals from other government agencies are to be obtained and a copy provided to Council, to ensure the protection of any Threatened Species. These approvals may include:

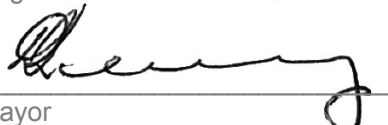
- (i) A Controlled Activity Approval from the Department of Environment and Energy (DEE); and
  - (ii) Concurrence from NSW Office of Environment and Heritage (OEH).
- f) If a Biodiversity Offset site is required to meet the requirements of sub-condition (e.) above, details of the Biodiversity Offset site and any draft terms of restriction or covenants on title are to be submitted to and approved by Council.

Evidence that will sufficiently enable Council to be satisfied as to the compliance of the above matter/s must be submitted to Council within five (5) years of the date of determination.

If sufficient evidence of the satisfaction of the above matter/s is not received by Council within this time-frame, the consent will lapse pursuant to Section 4.53(6) of the Environmental Planning and Assessment Act 1979.

If sufficient evidence of the satisfaction of the above matter/s is received by Council within the above nominated time-frame, Council will notify the applicant/developer in writing of the date the development consent has become operative. The consent will become operative subject to the following conditions of consent.

**Note:** The development consent will lapse 5 years after it

  
Mayor

  
General Manager

becomes operative, in accordance with Section 4.53 of the Environmental Planning and Assessment Act 1979.

## PART 2: CONDITIONS OF CONSENT

### PARAMETERS OF CONSENT


#### Approved Plans

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

Title/Name	Drawing No/ Document Ref	Revision /Issue	Dated	Prepared by
Proposed Subdivision Lot Layout	6242 PS-V9 Sheet 1 of 4	V9	13/09/18	Le Mottee Group
Proposed Subdivision Lot Layout – Aerial Overlay	6242 PS-V9 Sheet 2 of 4	V9	13/09/18	Le Mottee Group
Proposed Subdivision Lot Layout – Aerial Overlay (Contours)	6242 PS-V9 Sheet 3 of 4	V9	13/09/18	Le Mottee Group
Proposed Subdivision Lot Layout (APZ and VRZ)	6242 PS-V9 Sheet 4 of 4	V9	13/09/18	Le Mottee Group
Ecological Assessment for a Residential Subdivision at 196 Robertson Road, Mudgee	-	-	February 2017	Firebird Ecosultants Pty Ltd

**Note: Servicing Strategy plans, as submitted, have not been approved as they require consent and approval for creation of easements.**

  
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2. 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 the appointment of a Principal Certifier.

## GENERAL

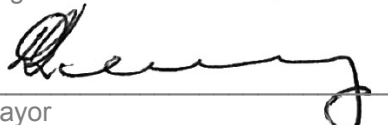
### Amended Plan Requirements

3. Where required by water supply requirements, as approved as part of Deferred Commencement Condition No 1(a), the plan of proposed subdivision must be amended. The amended plan is to provide for the creation of suitably sized reserves, to be vested in Council free of charge, that will provide for both pump station and storage tanks to ensure adequate volume and pressures to meet all requirements, specifically as related to fire-fighting requirements.
4. Where required by sewer design requiring pump station and rising mains, as approved as part of Deferred Commencement Condition No 1(b). The amended plan of the proposed subdivision must be amended to provide for the creation of a suitably sized reserve, to be vested to Council free of charge, that will provide for both pump station and any rising main requirements.
5. An amended plan of subdivision must be submitted to:
  - a) Create a four (4) metre by four (4) metre corner cut off/splay at the corner of Bruce Road and Robertson Road for road widening purposes; and
  - b) Provide a roll back kerb and gutter return with a radius of 8 metres at the intersection of Bruce and Robertson Roads. The roll back kerb and gutter need only apply to that part of the intersection adjacent to the north-east corner of the subject site.
6. The approved plan of subdivision shall be amended to increase the length of the internal road so that the edge of the cul-de-sac adjoins the western boundary of the subject site.

**Note:** This condition is applied to provide for a possibility of a future through road via the adjoining property to the west.

### Other

7. The development is to be constructed in 2 stages, as outlined below:
  - a) Stage 1: All lots fronting Robertson Road (ie Lots 1 to 6, 25 and 26 – 8 lots) and residue lot, construction of the stormwater detention basin and any upgrade works

  
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required to Robertson Road.

- b) **Stage 2: Lots 7 to 24 and Lot 27 (ie 19 lots). This stage is to include the construction of:**
- (i) **The internal road;**
  - (ii) **The driveways associated with Lots 11, 14, 23 and 24;**  
**and**
  - (iii) **Any upgrade works required within the Bruce Road road reserve.**


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

8. **Proposed Lot 27 shall not be further subdivided by any future development application for subdivision.**

**Note: Another condition within this development consent will require a restriction on title to be applied to Lot 27, to ensure that proposed Lot 27 is not subdivided.**

9. **The strength of the concrete used for any concrete components in the development must be a minimum 25 Mpa.**
10. **No earthworks shall be undertaken within offset areas, environmental protection areas or Vegetated Riparian Zones of the creek.**
11. **The developer is to engage a registered surveyor at their own expense to relocate any survey mark that may be disturbed by the development or any associated work. Any information regarding relocation is to be supplied to NSW Land Registry Services and Council.**
12. **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 base course and kerb and channel.**
13. **All activities on the subject site are to undertaken in accordance with the approved Construction Environmental Management Plan (CEMP) and Plan of Management (PoM).**
- Note: Conditions 50 and 51 of this development consent require the submission and approval of a CEMP and PoM.**
14. **As there are known Aboriginal objects within the proposed subdivision, that will be or are likely to be harmed from future residential development, prior to the release of the Subdivision Certificate for any of the lots, an Aboriginal Cultural Heritage Assessment Report must be prepared and submitted to Council for approval.**

  
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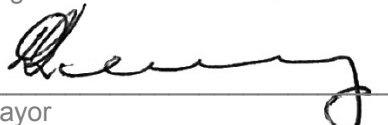
This report is to be prepared in accordance with the Office of Environment and Heritage's Guide to investigating, assessing and reporting on Aboriginal Cultural Heritage in NSW. As per the Guide, the report is required to determine what Aboriginal cultural heritage is in the area, why it is important, what the likely impacts of the development will be, and how the impacts can be avoided, minimised or not avoided.

Where the impacts cannot be avoided, an Aboriginal Heritage Impact Permit (AHIP) is to be obtained.

15. Prior to the release of a Construction Certificate, the developer is to obtain a Controlled Activity approval from the NSW's Water Authority.
16. All General Terms of Approval issued in relation to the approved development, shall be complied with prior, during and at the completion of the development, as required.

The General Terms of Approval include the following:

- a) General Terms of Approval, issued by NSW Rural Fire Service, for a Bush Fire Safety Authority in accordance with Section 100B of the Rural Fires Act 1997.
  - b) General Terms of Approval, issued by NSW's Water Authority, for a Controlled Activity Approval in accordance with Section 91 of the Water Management Act 2000.
17. 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.
  18. 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.
  19. If the development involves an excavation that extends below the level of the base of the footings of a building, structure or work (including any structure or work within a road or rail corridor) on adjoining land, the person having the benefit of the

  
Mayor

  
General Manager

development consent must, at the person's own expense:

- (a) protect and support the building, structure or work from possible damage from the excavation, and
- (b) where necessary, underpin the building, structure or work to prevent any such damage.

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

- 20. The developer is to ensure that any defects in the works that become apparent before and within the succeeding six (6) months after the registration of the subdivision plan, 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 six (6) month period, less the cost of any rectification works carried out by Council.

**Essential Energy**

- 21. Satisfactory arrangements are to be made with Essential Energy for the re-location of any existing electrical infrastructure or for the creation of easements for any existing electrical or new electrical infrastructure.

**Note:** Refer to Essential Energy's Contestable Work Team for requirements.

- 22. Any existing encumbrances in favour of Essential Energy (or its predecessors) noted on the title of the property shall be complied with.

**Transgrid**

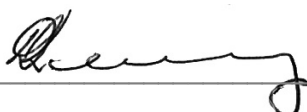
- 23. The design, construction, and restrictions on titles shall be undertaken in accordance with the conditions supplied by Transgrid for the proposed subdivision.

**Note:** Refer to Attachment D of this Decision Notice for a copy of the Transgrid conditions.

**Stormwater**

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

- 25. Drainage design must provide for control of runoff from all

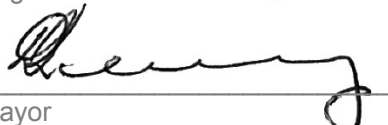


external upstream catchments.

26. Drainage design must provide for sufficient detention capacity and restricted outlets to limit the rate of runoff from the development to existing un-developed levels for a 1 in 1.5 year ARI storm event. Detention basin capacity must be provided for all large storm events up to and including a 1:100 year ARI storm event. Drainage design for any proposed detention basin must be accompanied by fully detailed runoff calculations certified by a suitably qualified professional engineer.
27. Drainage design must incorporate suitable and appropriate water quality controls to prevent pollution or contamination of downstream environments.
28. Drainage design must ensure that no stormwater runoff is permitted to discharge over adjoining properties. Discharge of runoff onto adjoining properties and any works associated with the control of stormwater discharge over any adjoining property must not occur without the consent of the owner of any affected property.
29. A minimum of two (2) approved 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.
30. 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 1 metre wide shall be created over inter-allotment drainage in favour of upstream allotments.
31. Stormwater drainage is to comply with the Mid-Western Regional Council Development Control Plan and the standards referenced in Appendix B and D.

#### Water and Sewer Services

32. The applicant is to provide separate water and sewer reticulation services to each allotment within the subdivision.
33. Council does not permit other bodies to insert new junctions into "live" sewer and water mains. Please contact Council's Operations Water and Waste Department by calling 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 the new sewer extension and water service (Private Works Order).
34. The developer is to extend and meet the full cost of water reticulation to service the development plus the cost of connecting to existing services. All water supply work is required to be carried out in accordance with the requirements

  
Mayor

  
General Manager

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.

35. The developer is to extend and meet the full cost of sewer reticulation to service the development plus the cost of connecting to existing services. All sewerage work is required to be carried out in accordance with the requirements of Mid-Western Regional Council (as the Water Supply Authority under the Local Government Act 1993) and in accordance with the National Specification – Sewerage Code of Australia.

**Note:** The applicant/developer must obtain the necessary consents and approvals for creation of easements prior to the submission of design for Construction approval. Alternatively, a sewer drainage system will require the use of a pump station within the property to pump sewage to a suitable gravity main. The latter option does not require easements over private land.

36. 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 \$1,844 per lot to cover the cost of installing both the service and a 20mm meter on the water main.

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

37. In the case of any lots that will be serviced by a water main constructed by the developer, a full water service is not required and the developer can elect to pay for a meter assembly only at a cost of \$390 for a 20 mm water meter.
38. In the case of any lots that will be serviced by a sewer main constructed by the developer the sewer junctions and risers required to service the proposed lots must be installed by the developer.

#### Roads

39. The developer is to upgrade Robertson Road for the full frontage of the proposed subdivision, such that it has the following characteristics:

Item	Requirement
Half Road Pavement Width	5.5 m (1 x 3.5m travel land with 1 x 2m sealed shoulder)
Footpath Width	1 x 4.5 m
Concrete Footpaths	Nil
Seal	Two-coat flush seal -14/7 mm (Double/

  
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 General Manager

	Double) as required
<b>Kerb &amp; Gutter</b>	Roll back concrete kerb & gutter
<b>Subsoil Drainage</b>	Behind kerb if required
<b>Underground Drainage</b>	Where gutter flow exceeds 2.5m during minor events or adjacent to intersections.

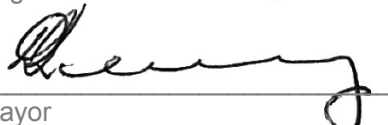
40. The developer is to upgrade Bruce Road for the full frontage of the proposed subdivision, such that it has the following characteristics:


Item	Requirement
<b>Half Road Pavement Width</b>	5.5 m (1 x 3.5m travel land with 1 x 2m sealed shoulder)
<b>Footpath Width</b>	1 x 4.5 m
<b>Concrete Footpaths</b>	Nil
<b>Seal</b>	Two-coat flush seal -14/7 mm (Double/Double) as required
<b>Kerb &amp; Gutter</b>	Roll back concrete kerb & gutter
<b>Subsoil Drainage</b>	Behind kerb if required
<b>Underground Drainage</b>	Where gutter flow exceeds 2.5m during minor events or adjacent to intersections.
<b>Road surface height above creek crossing</b>	Height sufficient for road surface to be above the 100 year ARI storm event flood levels within the creek. Culvert to be of sufficient width to accommodate full width road pavement and provision for future footpaths.

41. The new roads in the subdivision are to be constructed in accordance with the following:

Item	Requirement
<b>Full Road Pavement Width</b>	11 m
<b>Footpath Width</b>	2 x 4.5m
<b>Concrete Footpaths</b>	1 x 1.2m wide
<b>Seal</b>	Two-coat flush seal -14/7 mm (Double/Double) as required
<b>Kerb &amp; Gutter</b>	Roll back concrete kerb & gutter
<b>Subsoil Drainage</b>	Behind kerb if required
<b>Underground Drainage</b>	Where gutter flow exceeds 2.5m during minor events or adjacent to intersections.

**PRIOR TO ISSUE OF THE CONSTRUCTION CERTIFICATE (CIVIL WORKS)**

  
Mayor

  
General Manager

The following conditions must be complied with prior to Council issuing a Construction Certificate for the civil works required for the proposed subdivision.

42. 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. A Construction Certificate is required for but not limited to the following civil works:
- a) Extension, as necessary, of water and sewer mains providing connections to each proposed Lot that may or may not require the developer to obtain consent for the creation of easements and approval to carry out works on private land;
  - b) Stormwater drainage including provision for both detention and water quality improvements to limit the rate of discharge of runoff to pre-development levels for a 1.5 year ARI storm event and detention for a storm event up to 1:100 year ARI;
  - c) Road construction for the new internal road;
  - d) Road pavement including widening and construction of kerb and channel for the entire lengths of the subject land abutting both Bruce Road and Robertson Road;
  - e) Footpath and kerb & gutter; and
  - f) Landscaping of public reserves.

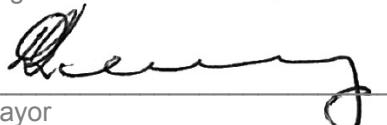
All design is to be supported by fully detailed documentation including investigation reports and calculations (eg geotechnical investigation, stormwater runoff calculations including an assessment of upstream catchments, etc).

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


43. Consent from Council must be obtained for all works within the road reserve pursuant to Section 138 of the Roads Act 1993, prior to the issue of a Construction Certificate.
44. Details of the internal driveways within the access handles are to be submitted and approved by the Certifier (ie Council or a private Certifier) as part of the Construction Certificate. The details are to comply with the following:
- a) A 6m wide concrete crossover is to be provided at the entrance to the access handles for proposed Lots 23 and 24.
  - b) A 3m wide concrete crossover is to be provided at the entrance to the access handles for proposed Lots 11 and



- 14.
- c) A 6m wide sealed (concrete or bitumen) driveway is to extend for the full length of the right of carriageway to be provided over the access handles for proposed Lots 23 and 24. Provision must be made for the control of surface runoff (kerb or dish drain).
  - d) A 3m wide sealed (concrete or bitumen) driveway is to extend for the full length of the access handle for proposed Lots 11 and 14.
  - e) The design of the driveway and crossover is to comply with Aus-Spec #1 and Council's "Access to Properties Policy".
  - f) The details are to comply with the relevant provisions of AS2890.1-1993.
  - g) Should concrete be used, provide for construction joints and removable panels in the driveway so that the part of the concrete driveway can be removed while maintenance occurs on any underground water, sewer or stormwater infrastructure within the access handle.
45. Prior to the issue of a Construction 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.
46. The detailed design plans submitted for the issue of a Construction Certificate must show all finished surface levels. 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.
47. 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.

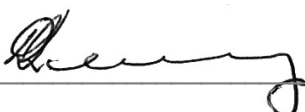



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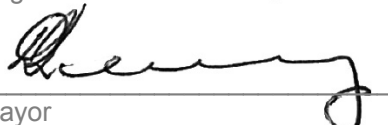
General Manager

48. 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.
49. Prior to the issue of the Construction Certificate, Council is to be provided with the certified copies of the Electrical and Telecommunications design for the subdivision.
50. A Construction Environmental Management Plan (CEMP) is to be submitted to and approved by Council and the Department of Environment and Energy, prior to the issue of a Construction Certificate or the commencement of any works/actions on the site. The CEMP is to include the following measures and/or comply with the following requirements:
- a) The CEMP is to be prepared by a suitably qualified person.
  - b) Must provide for the protection of the following during construction:
    - (i) *Leucochrysum albicans* var. *tricolor* (Hoary Sunray);
    - (ii) Box-Gum Grassy Woodlands – White Box-Yellow Box-Blakely's Red Gum Grassy Woodland and Derived Native Grassland;
    - (iii) *Acacia Ausfeldii* (Ausfeld's Wattle); and
    - (iv) Vegetated Riparian Zones as identified on the approved subdivision plans.
  - c) The CEMP is to satisfy Condition 4 of the Controlled Action Approval, issued by the Department of Environment and Energy, provided as Attachment C to this Development Consent.
  - d) The CEMP is to address the relevant Transgrid Conditions provided as Attachment D to this development consent.
  - e) The CEMP is to address relevant matters that arise in the Ecological Assessment Report, additional Controlled Activity Approval and any OEH concurrence requirements or comments required by Condition 1 – Deferred Commencement Consent of this development consent.
  - f) The CEMP is to include an Erosion and Sediment Control Plan for the development prepared in accordance with the LANDCOM guidelines and requirements as outlined in the latest edition of "Soils and Construction – Managing Urban Stormwater".
  - g) The CEMP is to include the means of fencing or similarly marking/delineating:


  
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General Manager

- (i) The edge of the riparian buffer zone.
  - (ii) The edge of conservation clumps.
  - (iii) Construction access for the on-site detention basin.
  - (iv) Fencing is to be marked by peg and tape, or similar.
- h) Construction works are not to occur outside of the construction zone or within areas fenced in accordance with the previous sub-condition.
- i) Detailed measures for protecting vegetation within the near vicinity of the proposed on-site detention basin.
- j) Stockpile areas shall be located outside riparian vegetation and at least 10m from native vegetation.
- k) Wash down machinery and vehicles before entering the site and before leaving the site, to limit weed spread.
- l) Areas proposed for disturbance where noxious weeds are present shall be managed according to the weed class.
- m) Traffic management, including details of:
- (i) Ingress and egress of vehicles to the site;
  - (ii) Management of loading and unloading of materials;
  - (iii) The location of heavy vehicle parking off-site; and
  - (iv) Designated routes for vehicles to the site.
- n) Dust control, outlining measures to minimise the generation and off-site transmission of dust and fine particles, such as watering or damp cloth fences.
- o) Scour protection, points of construction or any other places where scour is likely within or near any protected waters or any part of the riparian zones on the site, are to be suitably protected against scour. Designs of scour protection works are to be based on predicted velocities and scour potential. Methods of construction are to be detailed.
- p) The CEMP must state the responsible person, including their position or status as a separate contractor, for implementation of these aspects of the CEMP.
51. A Plan of Management (PoM) is to be submitted to and approved by Council and the Department of Environment and Energy, prior to the issue of a Construction Certificate or the commencement of any works/actions on the site. The PoM is to include the following measures and/or comply with the following requirements:
- a) The PoM is to be prepared by a suitably qualified person.

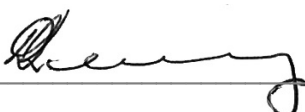


Mayor



General Manager

- b) The PoM must specify actions for the protection of the following in perpetuity:
- (i) *Leucochrysum albicans* var. *tricolor* (Hoary Sunray);
  - (ii) Box-Gum Grassy Woodlands – White Box-Yellow Box-Blakely's Red Gum Grassy Woodland and Derived Native Grassland;
  - (iii) *Acacia Ausfeldii* (Ausfeld's Wattle);
  - (iv) Vegetated Riparian Zones as identified on the approved subdivision plans; and
  - (v) Species identified in the Ecological Assessment Report that could potentially use the site.
- c) The PoM is to satisfy Condition 6 of the Controlled Action Approval, issued by the Department of Environment and Energy, provided as Attachment C to this Development Consent.
- d) The PoM must address the recommendations of the Ecological Assessment for a Residential Subdivision at 196 Robertson Road, Mudgee (Firebird Ecosultants P/L, February 2017)
- e) The PoM is to address relevant matters that arise in the Ecological Assessment Report, additional Controlled Activity Approval and any OEH concurrence requirements or comments required by Condition 1 – Deferred Commencement Consent of this development consent.
- f) The PoM shall include the following measures, as a minimum:
- (i) Maintenance of identified Vegetated Riparian Zones (VRZ's) with long grass, groundcovers and mature vegetation, in accordance with the relevant riparian zone guidelines prepared by DPI Water.
  - (ii) Appropriate fencing be erected to protect the ecologically sensitive areas.
  - (iii) A native vegetation restoration strategy be implemented, with a focus on regeneration of Box-Gum Grassy Woodlands and *L. albicans* var. *tricolor* (Hoary Sunray). This should involve an integrated approach to weed management and revegetation and should be developed in consultation with the relevant experts in native grassy vegetation restoration.
  - (iv) A weed management plan, with a focus on controlling noxious weeds on the site.
  - (v) Artificial nest boxes should be erected within the Box-Gum grassy Woodlands, at the recommended density of 8 nest boxes/ha (a minimum of 9 nest boxes, for 1.2 ha of Box Gum Woodlands). The replacement nest boxes should cater for a range of hollow dependent fauna types, including birds,




arboreal mammals and microchiropteran bats. An experienced ecologist is required to install the nest boxes.

- (vi) A monitoring plan be incorporated to ensure that the requirements of the PoM are being adhered to.
- (vii) Consideration of the need for burning of the conservation areas and measures to control each burn over the long term. Measures to control each burn are required to stimulate germination of dormant AA seed while minimising damage/attrition rate of existing AA stems. The burning regime is to be determined in consultation with the Office of Environment and Heritage (OEH). It is recommended that any plans for burning areas supporting threatened species be discussed with and approved by OEH prior to each burn being undertaken, as there remains uncertainty regarding the impacts of burning regimes on some species and vegetation communities.

- g) Boundaries of riparian areas and conservation clumps are to be clearly marked.
- h) Sediment erosion control measures are to be employed to ensure the riparian zones, conservation clumps and large trees are not impacted.
- i) A monitoring plan, to ensure that the requirements of the PoM are adhered to.
- j) Provide an indicative list appropriately qualified personnel to undertake monitoring, maintenance, replanting, weeding activities and monitoring/maintenance schedule.
- k) Provide a draft linen plan and draft terms of restriction to protect and manage protected vegetation, ecological communities and riparian vegetation.

52. Prior to the issue of a Construction Certificate or the commencement of any works/actions on the site, the developer shall register protective covenant/s under Section 88B, 88D or 88E of the Conveyancing Act 1919. A draft of the Section 88B, 88D or 88E instrument is to be submitted to and approved by Council, prior to registration. The Section 88B, 88D or 88E instrument is to:

- a) Provide protection for the following in perpetuity:
  - (i) The offset area identified on the approved subdivision plan (coloured pink);
  - (ii) *Leucochrysum albicans* var. *tricolor* (Hoary Sunray) conservation areas;
  - (iii) Box-Gum Grassy Woodlands – White Box-Yellow Box-



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- Blakely's Red Gum Grassy Woodland and Derived Native Grassland conservation area;**
- (iv) Acacia Ausfeldii (Ausfeld's Wattle) within the biodiversity offset area; and**
  - (v) Vegetated Riparian Zones as identified on the approved subdivision plans.**

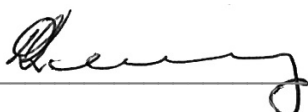
- b) Satisfy Condition 5 of the Controlled Action Approval, issued by the Department of Environment and Energy, provided as Attachment C to this Development Consent.**
- c) Link to the Plan of Management (PoM) approved in accordance with the previous condition of this consent.**
- d) Include a term to the effect that all buildings, as defined in the 10/50 Vegetation Clearing Code of Practice for NSW, must be built a minimum of 10 metres from vegetation identified as Box Gum Woodland.**

#### **PRIOR TO THE COMMENCEMENT OF WORKS**

- 53. Prior to the commencement of construction of infrastructure, the Developer must obtain a Subdivision Construction Certificate.**
- 54. Any necessary alterations to, or relocations of, public utility services are 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.**
- 55. 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.**
- 56. 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.**

- 57. Runoff and erosion controls shall be installed prior to clearing and incorporate:**



- a) Diversion of uncontaminated upsite 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 stabilised beyond completion of construction.

58. A sign must be erected in a prominent position on any work site on which the erection or demolition of a building is carried out:

- a) stating that unauthorised entry to the work site is prohibited;
- b) showing the name of the person in charge of the work site and a telephone number at which that person may be contacted outside working hours;
- c) the name, address and telephone number of the principal certifying authority for the work; and
- d) The sign shall be removed when the erection or demolition of the building has been completed.

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

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

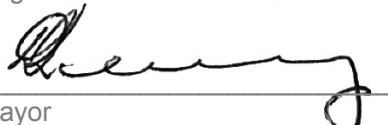
A hoarding or fence must be erected between the work site and the public place. If necessary, an awning is to be erected, sufficient to prevent any substance from, or in connection with, the work falling into the public place. Any such hoarding, fence or awning is to be removed when the work has been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


60. 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.**

#### **DURING CONSTRUCTION**

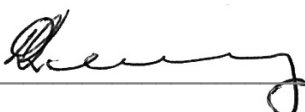
61. The subdivision works are to be inspected by a Certifier (i.e. Council or a private certifier) to monitor compliance with the

  
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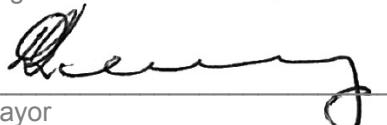
**consent and the relevant standards of construction, encompassing the following stages of construction:**

- a) **Installation of sediment and erosion control measures;**
  - b) **Water and sewer line installation prior to backfilling;**
  - c) **Establishment of line and level for kerb and gutter placement;**
  - 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.**
- 62. 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.**
- 63. 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.**
- 64. 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 NSW Land Registry Services and Council.**
- 65. 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.**
- 66. 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.**
- 67. All required earthworks for roads associated with the subdivision must have compaction testing in compliance with RMS Q4 and AUS-SPEC CQS-A.**
- 68. Street trees of a species approved by Council are to be provided at a minimum rate of two trees per allotment.**
- 69. 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.**





70. All building work must be carried out in accordance with the provisions of the National Construction Code, the Environmental Planning & Assessment Act 1979 and Regulations and all relevant Australian Standards.
71. All plumbing and drainage work must be carried out by a licensed plumber and drainer and must comply with the Plumbing Code of Australia.
72. 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.
73. 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 10m<sup>2</sup>) 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.
74. The removal of any asbestos material (less than 10m<sup>2</sup>) during the demolition phase of the development is to be in accordance with the requirements of the SafeWork NSW and disposed of at an approved waste facility.
75. Construction work noise that is audible at other premises is to be restricted to the following times:



Mayor



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- **Monday to Saturday - 7.00am to 5.00pm**  
**No construction work noise is permitted on Sundays or Public Holidays.**

**76. 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 (eg Office of Environment and Heritage (OEH), WorkCover Authority, 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.**

**Note: Such materials cannot be disposed of to landfill unless the facility is specifically licenced by the EPA to receive that type of waste.**

- 77. 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.**

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

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

- 78. An application for 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).**
- 79. A linen plan and two (2) copies are to be submitted to Council for approval and endorsement by the General Manager (or their delegate).**
- 80. 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 widening;**

  
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- b) provision of stormwater drainage infrastructure for the development; and
- c) extension and connection of water and sewer services and utilities as necessary to provide for individual service connections for each proposed Lot.

81. Prior to the issue of a Subdivision Certificate, a survey drawing is to be submitted to Council, demonstrating that all private water services, sewer services and water meters are located wholly within the lot that they serve.

Where lots are nominated to be development in future for dual occupancy development, dual services for water, sewer and stormwater are to be provided for the nominated lots.

82. 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.

83. Street trees for the relevant subdivision stage are to be provided in accordance with the approved landscape plan for the subdivision.

Note: Condition 42(f) of this development consent required the submission and approval of a landscape plan for the public areas within the subdivision.

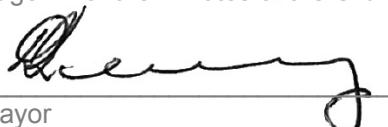
84. Any fencing nominated in the approved Plan of Management (PoM) to be established around areas of vegetation to be protected, are to be erected prior to the issue of a Subdivision Certificate.


85. A sealed, all-weather access driveway is to be provided within the access handles and right of carriageway within proposed Lots 11, 14, 23 and 24.

Note: Detailed plans for driveways were required to be submitted and approved in accordance with Condition 44.

86. The adjustment of existing services or 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.

87. The developer must provide Council and land purchasers with

  
Mayor

  
General Manager

a site classification for each vacant lot within the subdivision. The classification is to be carried out at a suitable building site on each lot and is to be carried out by a NATA registered laboratory using method (a) of Clause 2.2.3 of Australian Standard AS 2870 – 2011: Residential Slabs and Footings. Results are to be submitted to Council prior to issue of the Subdivision Certificate.

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

**Defects Liability Bond**

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

The defects liability bond will be held by Council for a period of six (6) months from the completion of works, 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.

**Developer Contributions**

- 90. In accordance with the provisions of section 7.11 of the Environmental Planning and Assessment Act 1979 and the Mid-Western Regional Council Section 94 Development Contributions Plan 2005-2021, 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 increase in accordance the consumer price index and are payable at the rate applicable at the time of payment.

<b>Section 94 Contributions</b>
The rates shown below are current up to 30 June 2019

  
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General Manager

<b>26 Additional Lots (credit for existing)</b>		
	<b>Per Lot</b>	<b>26 Additional Lots</b>
<b>Mudgee (Catchment 2)</b>		
<b>Transport Management</b>		
<b>Traffic Management</b>	<b>\$1,282.00</b>	<b>\$33,332.00</b>
<b>Open Space</b>		
<b>Local Open Space</b>	<b>\$2,013.00</b>	<b>\$52,338.00</b>
<b>District Open Space</b>	<b>\$2,732.00</b>	<b>\$71,032.00</b>
<b>Community Facilities</b>		
<b>Library Buildings</b>	<b>\$263.00</b>	<b>\$6,838.00</b>
<b>Library Resources</b>	<b>\$316.00</b>	<b>\$8,216.00</b>
<b>Drainage</b>		
<b>Drainage Works</b>	<b>\$0.00</b>	<b>0</b>
<b>Administration</b>		
<b>Plan Administration</b>	<b>\$614.00</b>	<b>\$15,964.00</b>
<b>Total</b>	<b>\$7,220.00</b>	<b>\$187,720.00</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.

**Note:** Council's Section 94 Development Contributions Plan 2005-2021 is available for perusal at Council's Administration Centre at 86 Market Street, Mudgee or on Council's website [www.midwestern.nsw.gov.au](http://www.midwestern.nsw.gov.au) under Council Documents/Strategies and Plans.

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

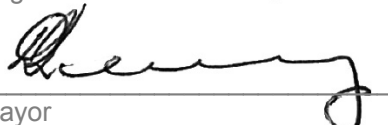
#### **Certificate of Compliance**

92. 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.

#### **Restrictions on Title**

93. In the case where any Subdivision Certificate is sought prior to the commencement of any works or actions on the site, the developer shall register protective covenant/s under Section 88B, 88D or 88E of the Conveyancing Act 1919. A draft of the Section 88B, 88D or 88E instrument is to be submitted to and approved by Council, prior to registration. The Section 88B, 88D or 88E instrument is to:



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- a) Provide protection for the following in perpetuity:
- (i) The offset area identified on the approved subdivision plan (coloured pink);
  - (ii) *Leucochrysum albicans* var. *tricolor* (Hoary Sunray) conservation areas;
  - (iii) Box-Gum Grassy Woodlands – White Box-Yellow Box-Blakely's Red Gum Grassy Woodland and Derived Native Grassland conservation area;
  - (iv) *Acacia Ausfeldii* (Ausfeld's Wattle) within the biodiversity offset area; and
  - (v) Vegetated Riparian Zones as identified on the approved subdivision plans.
- b) Satisfy Condition 5 of the Controlled Action Approval, issued by the Department of Environment and Energy, provided as Attachment C to this Development Consent.
- c) Link to the Plan of Management (PoM) approved in accordance with the previous condition of this consent.
- d) Include a term to the effect that all buildings, as defined in the 10/50 Vegetation Clearing Code of Practice for NSW, must be built a minimum of 10 metres from vegetation identified as Box Gum Woodland.

**Note: Condition 51 requires the matters addressed in this condition to be satisfied prior to the issue of a Construction Certificate. Should a Construction Certificate be issued prior to the application for a Subdivision Certificate, then the matters addressed in this condition may already be satisfied.**

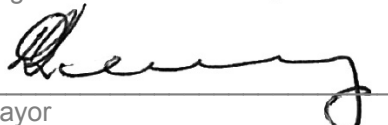
94. Three metre wide easements, including associated Section 88B instruments, are to be created in favour of Council over any existing or newly constructed water or sewerage reticulation components located within the subject property, or extended through adjoining private properties as a result of this subdivision, where necessary.
95. Where the stormwater drainage arrangements for the subdivision result in an on-site detention system within proposed Lot 27, as identified in the approved plans, a drainage easement with an access handle to Robertson Road, over land not containing threatened species, is to be created over the on-site detention basin. The terms of the easement or restriction are to provide Council with maintenance access to the drainage reserve. The instrument shall identify Council as the sole party to vary the restriction.
96. Easements not less than 1 metre wide shall be created over any inter-allotment drainage in favour of upstream allotments. The Section 88B instrument and linen plans submitted with the

  
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application are to include details of any required inter-allotment stormwater easements.

97. A Section 88B instrument, providing a reciprocal right of carriageway over the access handles for proposed Lots 23 and 24, for the benefit of Lots 23 and 24, is to be submitted to Council, prior to the issue of a Subdivision Certificate. The reciprocal right of carriageway (ROW) is to comply with the following:
- a) The reciprocal right of carriageway is to be in accordance with the approved plan of subdivision.
  - b) The location of the reciprocal right of carriageway is to be shown on the linen plans submitted with the application for Subdivision Certificate.
  - c) The terms of the reciprocal right of carriageway are to include the following:
    - (i) State that both the burdened/ benefitted lots are to pay an equal share of the maintenance costs of any works, including driveway surfacing, within the right of carriageway.
98. 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 required electricity easements or restrictions on title required to imposed by electricity authorities/suppliers.
- Note: Refer to Attachment D for a copy of the conditions supplied by Transgrid.
99. An instrument providing restrictions on title limiting the erection of dwellings, outbuildings and swimming pools to the locations identified in approved amended subdivision plan, is to be submitted to Council, prior to the issue of a Subdivision Certificate. The instrument shall identify Council as the sole party to vary the restriction.
100. 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. The instrument shall identify Council as the sole party to vary the restriction.
101. For any stage that creates proposed Lot 27 or leaves it as a residue lot, an instrument providing restrictions on title preventing any further subdivision of proposed Lot 27 is to be



Mayor



General Manager

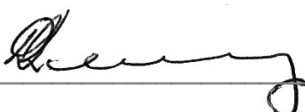
submitted to Council, prior to the issue of a Subdivision Certificate. The instrument shall identify Council as the sole party to vary the restriction.

#### Road Dedication

102. The owner must dedicate for road purposes, free of cost to Council, a road widening along the site frontage to Robertson Road, to be detailed in a plan of subdivision/consolidation of the land. This road widening shall be delineated on the final plan of subdivision submitted with the application for a Subdivision Certificate.
103. The proposed road 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.
104. The owner must dedicate for road purposes, free of cost to Council, a 4m by 4m splay at the intersection of Bruce Road and Robertson Road, to be detailed in a plan of subdivision/consolidation of the land.

#### Electricity and Telecommunication Certificates

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





area.

106. Underground electricity, street lighting and telecommunications are 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 underground electricity supply.

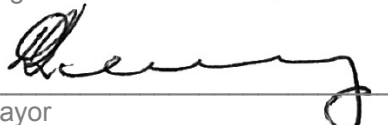
**SCHEDULE B: STATEMENT OF REASONS**

1. The proposed development generally complies with the requirements of the applicable environmental planning instruments and Mid-Western Regional Development Control Plan 2013.
2. Sufficient justification has been provided for the Clause 4.6 variation to the minimum lot size requirement in Clause 4.1 of Mid-Western Local Environmental Plan 2012, on the basis that an over-sized lot will be created to accommodate the biodiversity conservation obligations for the whole subdivision.
3. The proposed development is considered satisfactory in terms of the matters identified in Section 4.15 of the Environmental Planning and Assessment Act 1979.
4. The proposed development satisfactorily addresses the issues raised by the electricity providers, Transgrid and Essential Energy.

**SCHEDULE C: ADVISORY NOTES**

**Mid-Western Regional Council**

- 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

  
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Mayor

  
\_\_\_\_\_  
General Manager

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


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

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

- a) A monetary contribution in accordance with the following Schedule of Contributions must be paid in full (including indexation, where applicable). The contributions amount to be paid will be the pro-rata amount for the relevant stage or number of lots to be created.**

<b>Section 64 Contributions</b>
<b>The rates shown below are current up to 30 June 2019</b>
<b>26 Additional Lots (credit for existing)</b>

  
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Mayor

  
\_\_\_\_\_  
General Manager

	ET/Unit	Value	Per Lot	26 Additional Lots
<b>Water Headworks</b>	<b>1.5</b>	<b>\$8,407.00</b>	<b>\$12,610.50</b>	<b>\$327,873.00</b>
<b>Sewer Headworks</b>	<b>1.05</b>	<b>\$3,838.00</b>	<b>\$4,029.90</b>	<b>\$104,777.40</b>
<b>Total Headworks</b>				<b>\$432,650.40</b>

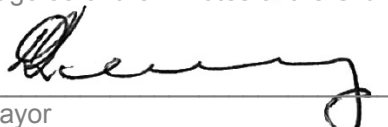
**Note: Section 64 Developer Contributions are subject to Consumer Price Index increase at 1 July each year. Please contact Council’s Planning and Development Department regarding any adjustments.**


- 9 Any future development application lodged within this subdivision under section 79BA of the Environmental Planning and Assessment Act 1979 will be subject to requirements as set out in Planning for Bush Fire Protection 2006 and the Australian Standard AS3959 - Construction of buildings in bushfire prone areas.**
- 10 Proposed residential Lot 27 include patches of:**
  - Leucochrysum albicans var. tricolor (Hoary Sunray) – an endangered species under the Environmental Protection and Biodiversity Conservation Act 1999 (EPBC Act);**
  - Box-Gum Grassy Woodlands – White Box-Yellow Box-Blakely’s Red Gum Grassy Woodland and Derived Native Grassland – a critically endangered ecological community (EEC) under the EPBC Act; and**
  - Acacia Ausfeldii (Ausfeld’s Wattle) – threatened species under the Threatened Species Conservation Act 1995 (TSC Act).**

**These areas on the lots are precluded from any form of development or earthworks. It is an offence to harm the threatened species. These identified areas are to be protected and maintained in accordance with the approved Plan of Management for the subdivision.**

**Advice from Essential Energy**

- 11 If the proposed development changes, there may be potential safety risks and it is recommended that Essential Energy is consulted for further comment.**
- 12 Essential Energy’s records indicate there is electricity infrastructure located within the property and within close proximity to the property. Any activities within these locations must be undertaken in accordance with the latest industry guideline currently known as ISSC 20 Guideline for the**

  
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 Mayor

  
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 General Manager

**Management of Activities within Electricity Easements and Close to Infrastructure.**

- 13 Prior to carrying out any works, a “Dial Before You Dig” enquiry should be undertaken in accordance with the requirements of Part 5E (Protection of Underground Electricity Power Lines) of the Electricity Supply Act 1995 (NSW).
- 14 Given there is electricity infrastructure in the area, it is the responsibility of the person/s completing any works around powerlines to understand their safety responsibilities. SafeWork NSW ([www.safework.nsw.gov.au](http://www.safework.nsw.gov.au)) has publications that provide guidance when working close to electricity infrastructure. These include the Code of Practice – Work near Overhead Power Lines.

**SCHEDULE D: OTHER APPROVALS**

1. General Terms of Approval – Natural Resource Access Regulator (Attachment A).
2. General Terms of Approval – NSW Rural Fire Service (Attachment B).
3. Controlled Action Approval – Department of Environment and Energy (Attachment C).
4. Conditions of Consent from Transgrid (Attachment D).

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

Councillors	Ayes	Nays
Cr Kennedy	✓	
Cr Martens	✓	
Cr Thompson	✓	
Cr Cavalier	✓	
Cr Paine	✓	
Cr Karavas	✓	
Cr O'Neill	✓	

8.2 PLANNING PROPOSAL LOT 4 DP 255618, 2255 HILL END ROAD, GRATTAI - POST EXHIBITION

GOV400067, LAN900087

11/19

**MOTION: Karavas / Thompson**

**That Council:**

1. receive the report by the Manager, Strategic Planning on the Planning Proposal Lot 4 DP 255618, 2255 Hill End Road, Grattai - Post Exhibition; and
2. exercise its delegation in relation to the preparation of the amendment to the Mid-Western Regional Local

  
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 Mayor

  
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 General Manager

**Environmental Plan 2012 to increase the minimum lot size and to enable the future land use of an animal boarding or training establishment in respect to Lot 4 DP 255618 subject to the Opinion issued by Parliamentary Counsel.**

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

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

### 8.3 EVENTS ASSISTANCE APPLICATIONS

GOV400067, ECO800009; FIN300052

**12/19**

**MOTION: Thompson / Karavas**

**That Council:**

1. receive the report by the Events Officer on the Events Assistance Applications outside the application period;
2. provide Events Assistance to the below applicants (includes cash and in-kind amounts); and

<b>Gulgong Unearthed</b>	<b>\$1000</b>
<b>Shute Shield</b>	<b>\$2031</b>
<b>Can Cruise 2019</b>	<b>\$480</b>

3. increase the Events Assistance to the following applicant by the amount below:

<b>CRL Representative Finals</b>	<b>\$856</b>
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*The motion was carried with the Councillors voting unanimously.*

### 8.4 AUSTRALIAN TOURISM COUNCIL'S ADVOCACY GROUP

GOV400067, A0820020

**13/19**

**MOTION: Cavalier / Thompson**

**That Council:**

1. receive the report by the Director Development on the




**Australian Tourism Council's Advocacy Group; and**

2. **decline initial membership of the group as it already participates in various tourism networks and working groups.**

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

**8.5 TRANSFER OF LAND AGREEMENT FOR 90 MARKET STREET**

GOV400067, REC800039

**14/19 MOTION: Cavalier / Paine****That Council:**

1. **receive the report by the Director Community on the Transfer of Land Agreement for 90 Market Street;**
2. **enter into the Deed of Agreement For Transfer of Land with Property NSW to purchase Allotment 113 DP48439 for \$1.00 (excluding GST) and;**
3. **authorise the General Manager and Mayor to sign all documentation, where necessary, in relation to the purchase of Allotment 113 DP48439 and;**
4. **authorise the Common Seal of Council to be affixed to all documentation, where necessary, in relation to the purchase of Allotment 113 DP48439.**

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

The following recommendations (item 8.6 to item 8.12) were adopted as a whole, being moved by Cr Karavas, seconded by Cr Cavalier and carried with Councillors voting unanimously. Each recommendation is recorded with separate resolution numbers commencing at Resolution No.15/19 and concluding at Resolution No. 21/19.

**8.6 REGIONAL CULTURAL FUND - ACCEPTANCE OF GRANT FUNDING**

GOV400067, GRA600002

**15/19 MOTION: Karavas / Cavalier****That Council:**

1. **receive the report by the Director Development and Chief Financial Officer on the Regional Cultural Fund -**

  
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Mayor  
\_\_\_\_\_  
General Manager

**Acceptance of Grant Funding;**

2. accept \$2,292,800 in grant funding from the NSW State Government for the Regional Art Gallery;
3. authorise the General Manager to finalise and sign a funding agreement with the NSW Government for the Regional Art Gallery; and
4. amend the 2017/21 Delivery Program to:
  - 4.1 reduce 2019/20 grant funding by \$707,200;
  - 4.2 increase 2019/20 project expenditure by \$1,092,800;
  - 4.3 fund total deficit of \$1,800,000 by allocating VPA funding of \$1,200,000, with the remaining \$600,000 to be funded from unrestricted cash.

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

8.7 GLEN WILLOW STAGE 2 - ACCEPTANCE OF GRANT FUNDING

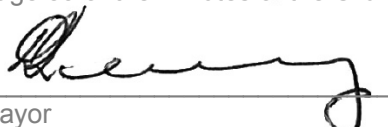
GOV400067, GRA600002

16/19

**MOTION:** Karavas / Cavalier

**That Council:**

1. receive the report by the Director Development and Chief Financial Officer on the Glen Willow Stage 2 - Acceptance of Grant Funding;
2. accept up to \$10 million in grant funding from the NSW State Government, if successful, under the Regional Growth – Environment and Tourism Fund for the Glen Willow Stage 2 project;
3. authorise the General Manager to finalise and sign a funding agreement, if successful, with the NSW Government for the Glen Willow Stage 2 project;
4. amend the 2017/21 Delivery Program in the 2019/20 financial year to increase grant funding by \$3.45 million and increase project expenditure by \$3.45 million;
5. note that Council does not yet meet the requirements under the Building Better Regions Fund, until matched funding is identified for the entire \$6.95 million approved grant;

  
Mayor

  
General Manager

6. approve commencement of works for all matched funding in the 2018/19 Operational Plan, made up of:
  - 6.1 \$400,000 grant funding under the Building Better Regions Fund;
  - 6.2 \$400,000 developer contributions as matched funding; and
7. note that should Council be unsuccessful under the Regional Growth – Environment and Tourism Fund a further report will be brought back to Council identifying alternate funding sources, and amending the 2017/21 Delivery Program and 2019/20 Operational Plan.

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

8.8 NSW GOVERNMENT COMMUNITY BUILDING  
PARTNERSHIPS FUND - ACCEPTANCE OF FUNDING  
GOV400067, GRA600031

**17/19 MOTION: Karavas / Cavalier**

**That Council:**


1. receive the report by the Manager Economic Development on the NSW Government Community Building Partnerships Fund - Acceptance of Funding;
2. accept \$50,000 in grant funding from the NSW State Government, for Mudgee Showground Amenities Building;
3. authorise the General Manager to finalise and sign funding agreements with the NSW Government, for Mudgee Showground Amenities Building; and
4. amend the 2018/19 Operational Plan and 2017/21 Delivery Program as follows:
  - Increase Grant funding by \$50,000 and decrease Capital Reserves funding by \$50,000.

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

8.9 DROUGHT COMMUNITIES FUNDING - ACCEPTANCE OF  
GRANT FUNDING  
GOV400067, GRA600031

**18/19 MOTION: Karavas / Cavalier**

  
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Mayor

  
\_\_\_\_\_  
General Manager



**That Council:**

1. receive the report by the Manager Economic Development on the Drought Communities Funding – Acceptance of Grant Funding;
2. accept \$1,000,000 in grant funding from the Federal Government, if successful, for Glen Willow Scoreboard and Player Seating, Technology Fit-out in Mudgee Library, Outdoor Camp Kitchen for Mudgee Showground, Saleyards Canteen Upgrade, Kandos-Rylstone Shared Pathway Rehabilitation, Rylstone Caravan Park Works, Rylstone Pathway Concreting, Rylstone Showground Irrigation, Waratah Park Scoreboard and Discuss Nets, Bus Access to Red Hill, Victoria Park Gulgong Fence Replacement, Cudgegong Waters Park Potable Water project;
3. authorise the General Manager to finalise and sign funding agreements with the Federal Government if funding applications are successful, for Glen Willow Scoreboard and Player Seating, Technology Fit-out in Mudgee Library, Outdoor Camp Kitchen for Mudgee Showground, Saleyards Canteen Upgrade, Kandos-Rylstone Shared Pathway Rehabilitation, Rylstone Caravan Park Works, Rylstone Pathway Concreting, Rylstone Showground Irrigation, Waratah Park Scoreboard and Discuss Nets, Bus Access to Red Hill, Victoria Park Gulgong Fence Replacement, Cudgegong Waters Park Potable Water project;
4. amend the 2018/19 Operational Plan and 2017/21 Delivery Program as follows:
  - In 2018/19 for the Glen Willow Scoreboard, set the expenditure budget at \$300,650 to be funded \$150,000 from Drought Communities grant income and \$150,650 from NSW Department Industry grant income and remove \$150,650 in funding from unrestricted cash.
  - In 2018/19 for the Glen Willow Player Seating, set the expenditure budget at \$40,000 to be fully funded from Drought Communities grant income.
  - In 2019/20 remove the budget allocation of \$40,000 for the Glen Willow Player Seating funded from \$20,000 grant and \$20,000 Voluntary Planning Agreement contributions.
  - In 2018/19 for the Technology Fit-out in Mudgee Library project set the expenditure budget at \$49,000 to be fully funded from Drought Communities grant income.
  - In 2018/19 for the Outdoor Camp Kitchen and new



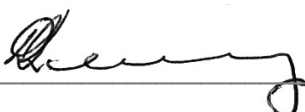
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amenities for Mudgee Showground set the expenditure budget at \$150,000 to be funded \$25,000 from Drought Communities grant income, \$50,000 from Community Building Partnership grant income and \$75,000 from Capital Program Reserve.

- In 2018/19 for the Saleyards Canteen Upgrade set the expenditure budget at \$50,000 to be funded \$41,000 from Drought Communities grant income and \$9,000 from Stronger Country Communities Programme grant income. Remove funding of \$20,000 from the Saleyards Reserve, \$7,901 from the Asset Replacement Reserve and \$99 from Saleyards Unrestricted Cash.
- In 2018/19 for the Kandos-Rylstone Shared Pathway Rehabilitation project set the expenditure budget at \$50,000 to be funded \$35,000 from Drought Communities grant income and \$15,000 from Community Building Partnership grant income.
- In 2019/20 remove the budget allocation of \$40,000 for the Kandos-Rylstone Shared Pathway Rehabilitation funded \$20,000 from grant income and \$20,000 from unrestricted cash.
- In 2018/19 for the Rylstone Caravan Park Works set the expenditure budget at \$60,000 to be funded \$40,000 from Drought Communities grant income and \$20,000 from unrestricted cash.
- In 2018/19 for the Rylstone Pathway Concreting set the expenditure budget at \$60,000 to be fully funded from Drought Communities grant income.
- In 2018/19 for the Rylstone Showground Irrigation set the expenditure budget at \$60,000 to be fully funded from Drought Communities grant income.
- In 2019/20 remove the budget allocation of \$60,000 for Rylstone Showground Irrigation funded from Asset Replacement Reserve.
- In 2018/19 for the Waratah Park Scoreboard and Discus Nets set the expenditure budget at \$100,000 to be fully funded from Drought Communities grant income.
- In 2018/19 for the Bus Access to Red Hill set the expenditure budget at \$100,000 to be fully funded from Drought Communities grant income.
- In 2018/19 for the Victoria Park Gulgong Fence Replacement set the expenditure budget at \$50,000 to be fully funded from Drought Communities grant



income.

- In 2018/19 for the Cudgegong Waters Park Potable Water project set the expenditure budget at \$324,420 to be funded \$250,000 from Drought Communities grant income and \$74,420 from NSW Department of Industry grant income.

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

8.10 DELIVERY PROGRAM 2017/21 SIX MONTHLY PROGRESS REPORT

GOV400067, COR400116

**19/19 MOTION: Karavas / Cavalier**

**That Council receive the report by the Director Development on the Delivery Program 2017/21 Six Monthly Progress Report.**

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

8.11 LAND & HOUSING SUPPLY MONITOR 1 JULY 2018 - 31 DECEMBER 2018

GOV400067, LAN900042

**20/19 MOTION: Karavas / Cavalier**

**That Council receive the report by the Manager, Strategic Planning on the Land & Housing Supply Monitor 1 July 2018 - 31 December 2018.**

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

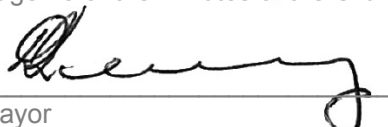
8.12 MONTHLY DEVELOPMENT APPLICATIONS PROCESSING AND DETERMINED

GOV400067, A100055, A100056

**21/19 MOTION: Karavas / Cavalier**

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

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

  
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Mayor

  
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General Manager

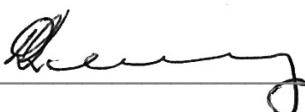

**Item 9: Finance****9.1 APPLICATION FOR PROPOSED ROAD CLOSURE OF SLATE GULLY ROAD WOLLAR - PEABODY PASTORAL HOLDINGS PTY LTD**

GOV400067, R0183001

MOTION: Martens / O'Neill

That Council:

1. receive the report by the Revenue and Property Manager on the Application for Proposed Road Closure of Slate Gully Road Wollar - Peabody Pastoral Holdings Pty Ltd and;
2. agree to close Slate Gully Road Wollar being the subject of Peabody Pastoral Holdings Pty Ltd road closure application and as identified in Attachment 1 to this Report and progress the closure in accordance with Part 4 Division 3 Roads Act 1993, NSW Department of Industry Council road closures Fact Sheet July 2018 and Council's Land Acquisition and Disposal Policy and;
3. accept the offer of \$220,000 (plus GST) made by Peabody Pastoral Holdings Pty Ltd for the purchase of the land vested in Council upon the proposed closure of Slate Gully Road Wollar as identified in Attachment 1 to this Report and;
4. require that Peabody Pastoral Holdings Pty Ltd be responsible for all costs, including Council's reasonable legal costs, associated with the proposed closure and sale of Slate Gully Road Wollar as identified in Attachment 1 to this Report, including Council's reasonable legal costs and the cost of the Valuation report, dated 4 January 2018 and;
5. authorise the General Manager to sign all documentation, where necessary, in relation to the proposed closure and subsequent sale of Slate Gully Road Wollar as identified in Attachment 1 to this Report;
6. authorise the Mayor to sign any documentation, where additionally required to do so, in relation to the proposed closure and subsequent sale of Slate Gully Road Wollar as identified in Attachment 1 to this Report;
7. authorise the Common Seal of Council to be affixed to all documentation, where necessary, in relation to the proposed closure and subsequent sale of Slate Gully Road Wollar as identified in Attachment 1 to this Report; and
8. amend the 2018/19 Operational Plan to include \$270,000 for the proceeds on sale of the asset, with this income being

  
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Mayor  
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General Manager

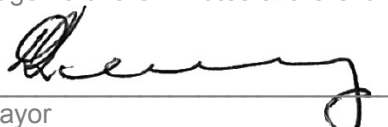
transferred to the Public Road Closure Compensation Reserve.


22/19

**AMENDMENT: Kennedy / Paine**

**That Council:**

1. receive the report by the Revenue and Property Manager on the Application for Proposed Road Closure of Slate Gully Road Wollar - Peabody Pastoral Holdings Pty Ltd and;
2. agree to close Slate Gully Road Wollar being the subject of Peabody Pastoral Holdings Pty Ltd road closure application and as identified in Attachment 1 to this Report and progress the closure in accordance with Part 4 Division 3 Roads Act 1993, NSW Department of Industry Council road closures Fact Sheet July 2018 and Council's Land Acquisition and Disposal Policy and;
3. accept the offer of \$220,000 (plus GST) made by Peabody Pastoral Holdings Pty Ltd for the purchase of the land vested in Council upon the proposed closure of Slate Gully Road Wollar as identified in Attachment 1 to this Report and;
4. require that Peabody Pastoral Holdings Pty Ltd be responsible for all costs, including Council's reasonable legal costs, associated with the proposed closure and sale of Slate Gully Road Wollar as identified in Attachment 1 to this Report, including Council's reasonable legal costs and the cost of the Valuation report, dated 4 January 2018 and;
5. authorise the General Manager to sign all documentation, where necessary, in relation to the proposed closure and subsequent sale of Slate Gully Road Wollar as identified in Attachment 1 to this Report;
6. authorise the Mayor to sign any documentation, where additionally required to do so, in relation to the proposed closure and subsequent sale of Slate Gully Road Wollar as identified in Attachment 1 to this Report;
7. authorise the Common Seal of Council to be affixed to all documentation, where necessary, in relation to the proposed closure and subsequent sale of Slate Gully Road Wollar as identified in Attachment 1 to this Report; and
8. amend the 2018/19 Operational Plan to include \$220,000 for the proceeds on sale of the asset, with this income being transferred to the Public Road Closure Compensation Reserve.

  
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Mayor

  
\_\_\_\_\_  
General Manager

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

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

*The amendment, on becoming the motion, was put and carried with the Councillors voting unanimously.*

9.2 CLASSIFICATION OF LAND - ALLOTMENT 113 DP48439 90  
MARKET STREET MUDGEES

GOV400067, P0160211

23/19

**MOTION: Thompson / Karavas**

**That Council:**

1. receive the report by the Revenue and Property Manager on the Classification of Land - Allotment 113 DP48439 90 Market Street Mudgee; and
2. classify Allotment 113 DP48439 90 Market Street Mudgee 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.*

9.3 CONSOLIDATION OF LAND PARCELS - KANDOS PRE-SCHOOL

GOV400067, DA0292/2018


24/19

**MOTION: Thompson / Cavalier**

**That Council:**

1. receive the report by the Assistant Manager Revenue and Property on the Consolidation of land parcels - Kandos Pre-School;
2. approve the consolidation of Lots 11 and 12 Section 22 DP 9704 as required by clause 29 of the approval of DA 0292/2018

  
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Mayor

  
\_\_\_\_\_  
General Manager

3. **authorise the General Manager to sign all documentation, where necessary, in relation to the consolidation of Lots 11 and 12 Section 22 DP 9704;**
4. **authorise the Mayor to sign all documentation, where additionally required to do so, in relation to the consolidation of Lots 11 and 12 Section 22 DP 9704; and**
5. **authorise the Common Seal of Council to be affixed to all documentation, where necessary, in relation to the consolidation of Lots 11 and 12 Section 22 DP 9704.**

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

The following recommendations (item 9.4 to item 9.8) were adopted as a whole, being moved by Cr Karavas, seconded by Cr Paine and carried with Councillors voting unanimously. Each recommendation is recorded with separate resolution numbers commencing at Resolution No.25/19 and concluding at Resolution No.29/19.

#### 9.4 COMMUNITY GRANTS PROGRAM

GOV400067, FIN300159

**25/19**

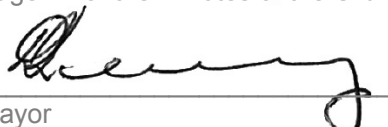
**MOTION: Karavas / Paine**

**That Council:**

1. **receive the report by the Financial Accountant on the Community Grants Program;**
2. **provide financial assistance to the following applications in accordance with the criteria and guidelines of the Community Grants Policy;**

<b>Kandos Public School – Presentation Day</b>	<b>\$250</b>
<b>Mudgee Writers – Mudgee Valley Writers Biennial Competition</b>	<b>\$500</b>
<b>Riding for the Disabled – Showground Arena bookings</b>	<b>\$4,640</b>
<b>Gulgong, Mudgee, Rylstone Branch - National Trust of Australia (NSW) – Venue hire</b>	<b>\$90</b>
<b>Kanandah Retirement Ltd – DA Fees for new</b>	<b>\$2,714</b>

3. **do not provide financial assistance to the following applicants, for the reasons provided in the report;**

  
 Mayor

  
 General Manager

**Mandurah Studio – Arts and Crafts Mudgee****Deirdre Butler – Art, Craft and Textile Exhibition**

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

**9.5 QUARTERLY BUDGET REVIEW STATEMENT - DECEMBER 2018**

GOV400067, FIN300179

**26/19 MOTION: Karavas / Paine****That Council:**

- 1. receive the report by the Manager Financial Planning on the Quarterly Budget Review Statement - December 2018;**
- 2. amend the 2018/19 Operational Plan and Delivery Program 2017/21 in accordance with the proposed variations as listed in the Quarterly Budget Review attachment to this report; and**
- 3. note the opinion of the Responsible Accounting Officer regarding the satisfactory financial position of Council, based upon the revised estimates of income and expenditure.**

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

**9.6 MONTHLY STATEMENT OF INVESTMENT AND BANK BALANCES AS AT 31 DECEMBER 2018**

GOV400067, FIN300053

**27/19 MOTION: Karavas / Paine****That Council:**

- 1. receive the report by the Acting Chief Financial Officer on the Monthly Statement of Investment and Bank Balances as at 31 December 2018; and**
- 2. note the certification of the Responsible Accounting Officer.**

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

  
\_\_\_\_\_  
Mayor

  
\_\_\_\_\_  
General Manager



9.7 MONTHLY STATEMENT OF INVESTMENT AND BANK  
BALANCES AS AT 31 JANUARY 2019

GOV400067, FIN300053

**28/19 MOTION: Karavas / Paine**

**That Council:**

1. **receive the report by the Manager Financial Planning on the Monthly Statement of Investment and Bank Balances as at 31 January 2019; and**
2. **note the certification of the Responsible Accounting Officer.**

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

9.8 PROCUREMENT POLICY REVIEW

GOV400067, GOV400047

**29/19 MOTION: Karavas / Paine**

**That Council:**

1. **receive the report by the Procurement Manager on the Revised Procurement Policy Review; and**
2. **adopt the revised Procurement Policy.**

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

**Item 10: Operations**

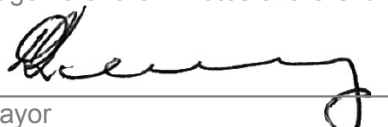
10.1 CHARBON VILLAGE SEWER SYSTEM


GOV400067, COR400202

**30/19 MOTION: Martens / Karavas**

**That Council:**

1. **receive the report by the Water & Sewer Treatment Technologist on the Charbon Village Sewer System;**
2. **accept the tender submission from Pressure Sewer Services Australia (PSSA) for the installation of a Pressure Sewer System (PSS) at the tendered the price of \$1,206,526.00**

  
\_\_\_\_\_  
Mayor

  
\_\_\_\_\_  
General Manager

3. **authorise the General Manager to finalise and execute the contract on behalf of Council with PSSA Pty Ltd.**
4. **authorise the General Manager to approve contract variations up to a cumulative total of 10% of the original contract sum; and**
5. **note that grant funding to the value of \$1,310,000 from Restart NSW has been provided for this project.**

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

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

Councillor Kennedy declared a pecuniary conflict of interest in item 10.2 as he retains a financial interest in the development due to delayed settlement of sale. He left the Chambers at 6:11pm and did not participate in discussion or vote in relation to this matter.

Deputy Mayor, Cr Paine proceeded to chair the meeting.

## 10.2 BOMBIRA ESTATE WORKS IN KIND AGREEMENT GOV400067, DA0152/2015

**31/19 MOTION: O'Neill / Karavas**

**That Council:**

1. **receive the report by the Manager Development Engineering on the Bombira Estate Works in Kind Agreement;**
2. **request staff have further discussions with the Applicant in relation to sewer infrastructure to support the development; and**
3. **request that a further report is brought back to Council that considers the sewer infrastructure required to support the Bombira Estate development.**

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

Councillors	Ayes	Nayes
Cr Martens	✓	
Cr Thompson	✓	

  
\_\_\_\_\_  
Mayor

  
\_\_\_\_\_  
General Manager

Cr Cavalier	✓
Cr Paine	✓
Cr Karavas	✓
Cr O'Neill	✓

Councillor Kennedy returned to the Chambers at 6:13pm and resumed chairing the meeting.

## **Item 11: Community**

Note: Item 11.1 was considered after the following block of items.

The following recommendations (item 11.3 to item 12.5) were adopted as a whole, being moved by Cr Cavalier, seconded by Cr O'Neill and carried with Councillors voting unanimously. Each recommendation is recorded with separate resolution numbers commencing at Resolution No.33/19 and concluding at Resolution No.40/19.

### 11.3 COMMUNITY SERVICES QUARTERLY UPDATE - OCTOBER TO DECEMBER 2018

GOV400067, COS300015

**32/19 MOTION: Cavalier / O'Neill**

**That Council:**

1. receive the report by the Manager, Community Services on the Community Services Quarterly Update - October to December 2018; and
2. note the recent services provided and activities coordinated by Council's Community Services Department.

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

### 11.4 MUDGEES COMMUNITY TRANSPORT POLICY

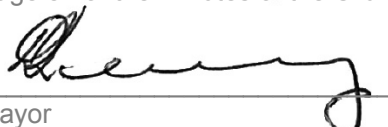
GOV400067, COS300013


**33/19 MOTION: Cavalier / O'Neill**

**That Council:**

1. receive the report by the Manager, Community Services on the Mudgee Community Transport Policy; and
2. endorse the Mudgee Community Transport Policy.

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

  
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Mayor

  
\_\_\_\_\_  
General Manager

11.5 LIBRARY SERVICES - QUARTERLY REPORT

GOV400067, F0620020

**34/19 MOTION: Cavalier / O'Neill**

**That Council receive the report by the Library Services Coordinator on the Library Services - Quarterly Report.**

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

11.6 MUDGEE TOWN HALL CINEMA - ACTIVITY REPORT 2018

GOV400067, REC800016

**35/19 MOTION: Cavalier / O'Neill**

**That Council:**

- 1. receive the report by the Library Services Coordinator on the Mudgee Town Hall Cinema - Activity Report 2018.**

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

**Item 12: Reports from Committees**

12.1 MID-WESTERN REGIONAL COUNCIL ACCESS COMMITTEE  
UPDATE - OCTOBER TO DECEMBER 2018

GOV400067, COS300797

**36/19 MOTION: Cavalier / O'Neill**

**That Council:**


- 1. receive the report by the Manager, Community Services on the Mid-Western Regional Access Committee - October to December 2018; and**
- 2. note the minutes of the Mid-Western Regional Access Committee meetings held on 2 October 2018. 6 November 2018 and 4 December 2018.**

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

12.2 MID-WESTERN REGIONAL YOUTH COUNCIL

GOV400067, COS300610

  
\_\_\_\_\_  
Mayor

  
\_\_\_\_\_  
General Manager

**37/19 MOTION: Cavalier / O'Neill**

**That Council:**

- 1. receive the report by the Manager, Community Services on the Mid-Western Regional Youth Council;**
- 2. note the minutes of the Mid-Western Regional Youth Council meetings convened on 13 November 2018 and 11 December 2018; and**
- 3. endorse the nominations of Ayden Seis and Lucah Hill as Youth Councillors.**

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

12.3 MUDGEE SPORTS COUNCIL MEETINGS 26 NOVEMBER  
2018 AND 29 JANUARY 2019

GOV400067, A0360013

**38/19 MOTION: Cavalier / O'Neill**

**That Council:**

- 1. receive the report by the Manager Recreation Services on the Mudgee Sports Council Meetings 26 November 2018 and 29 January 2019;**
- 2. note the minutes for the Mudgee Sports Council meeting held 26 November 2018; and**
- 3. endorse the increase of sports grants for athlete assistance from \$450 to \$500 and amend the Mudgee Sports Council Terms of Reference to reflect this change.**

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

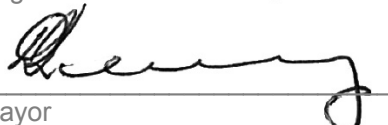
12.4 LOCAL TRAFFIC COMMITTEE MEETING - FEBRUARY 2019


GOV400067, A0100009

**39/19 MOTION: Cavalier / O'Neill**

**That Council:**


- 1. receive the report by the Administration Officer for the Director, Operations on the Local Traffic Committee Meeting;**

  
\_\_\_\_\_  
Mayor

  
\_\_\_\_\_  
General Manager

2. Approve the event held at Glen Willow Regional Sporting Event: Charity Shield – Dragons vs Rabbitohs on 2 March 2019 be classified as Class 2 events under the “Guide to Traffic and Transport Management for Special Events Version 3.4” and proceeds with the following conditions:
- a) A Special Events Transport Management Plan (TMP), is to be prepared in accordance with the Guide to Traffic and Transport Management for Special Events Version 3.4 and submitted to and approved by Council prior to the event;
  - b) Events are to be undertaken in accordance with the requirements of the NSW Police Force with their approval documentation forwarded to Council for notation;
  - 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 any of 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) A Traffic Control Plan (TCP) certified by a person with a Prepare a Work Zone Traffic and Audit Certificate under the old qualifications framework to be included in the TMP;
  - h) Any person directing traffic on a public road is required to possess an appropriate traffic controller’s certificate;
  - i) Council must be provided with a current copy of a public liability insurance policy in the amount of a least \$20 million. Such a policy is to note that Council, NSW Police Force and the Roads and Maritime Services is indemnified against any possible action as the result of the event;
  - j) The event convener is to consult with all affected businesses and residents adjacent to the proposed closure, in writing, indicating the period during which their accesses will be affected;
  - k) Maintain a four-meter wide emergency vehicle lane;
  - l) Advertise the proposed event in local newspapers with relevant information at least two weeks prior to the date;
  - m) The organiser is to have a debrief with Council and Police

  
\_\_\_\_\_  
Mayor

  
\_\_\_\_\_  
General Manager

with all traffic control documentation and controls tables for review.

And the following special conditions:

- n) Pitts Lane will be closed to all traffic other than those displaying an event parking pass, disabled parking permit and shuttle buses. All other vehicles will be directed to racecourse and Parklands parking;
  - o) Traffic management personnel will be in place at the round-a-bout intersecting Pitts Lane, Lue and Ulan Roads;
  - p) Traffic management personnel will be in place along Lue Road, on approach to the round-a-bout instructing drivers to continue straight through round-a-bout if accredited to do so or turn right and proceed to racecourse and Parklands parking;
  - q) Signage to be displayed at the intersection of the Castlereagh Highway and Rocky Waterhole Road, advising alternate route to the venue;
  - r) Signage to be displayed at the intersection of the Castlereagh Highway and Putta Bucca Road, advising alternate route to the venue;
  - s) Ulan Road will be reduced to a 50km/hr speed limit from the current 80km/hr zone until Henry Lawson Drive.
3. Accept as additional information: "The Windeyer Endurance Ride" event to be held on 23<sup>rd</sup> and 24<sup>th</sup> February 2019, was presented to the Local Traffic Committee. This event is deemed a Class 3 event according to the "Guide to Traffic and Transport Management for Special Events", and does not need Local Traffic Committee Approval. It only needs the approval of Council and the Police.
4. Accepts as additional information of a Traffic Control Plan (TCP) for the Kandos Street Machine. This event was approved on DA0037/2018 but needed to supply the TCP.

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

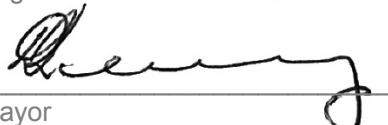
## 12.5 CULTURAL DEVELOPMENT COMMITTEE

GOV400067, REC800019

40/19

**MOTION:** Cavalier / O'Neill

**That Council:**

  
\_\_\_\_\_  
Mayor

  
\_\_\_\_\_  
General Manager

1. **receive the report by the Manager, Community Services on the Cultural Development Committee; and**
2. **note the minutes of the Cultural Development Committee convened on 5 December 2018.**

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

#### 11.1 NSW GOVERNMENT'S PARKING FINE CONCESSIONS

GOV400067, A0110038

MOTION: Thompson

That Council:

1. receive the report by the Manager Governance on the NSW Government's Parking Fine Concessions; and
2. "opt in" to the Parking Fine concessions offered by NSW Government.

*The motion was lost for want of a seconder.*

**41/19 MOTION: Cavalier / Paine**

**That Council:**

1. **receive the report by the Manager Governance on the NSW Government's Parking Fine Concessions; and**
2. **do not "opt in" to the Parking Fine concessions offered by NSW Government.**

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

#### **Item 13: Urgent Business Without Notice**


Nil

#### **Item 14: Confidential Session**

Councillor O'Neill declared a significant non-pecuniary conflict of interest in item 14.1 as his wife is employed by the business under consideration. He left the Chambers at 6:17pm and did not participate in discussion or vote in relation to this matter.

**42/19 MOTION: Cavalier / Paine**

  
\_\_\_\_\_  
Mayor

  
\_\_\_\_\_  
General Manager



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

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

Councillors	Ayes	Nayes
Cr Kennedy	✓	
Cr Martens	✓	
Cr Thompson	✓	
Cr Cavalier	✓	
Cr Paine	✓	
Cr Karavas	✓	

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 Request for Financial Contribution**

***The reason for dealing with this report confidentially is that it relates to advice concerning litigation, or advice as comprises a discussion of this matter, that would otherwise be privileged from production in legal proceedings on the ground of legal professional privilege in accordance with Section 10A(2)(g) of the Local Government Act, 1993.***

***Discussion of this matter in an open meeting would be, on balance, contrary to the public interest as it involves discussion of a potential legal matter.***

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 REQUEST FOR FINANCIAL CONTRIBUTION

GOV400067, P0049361

43/19

**MOTION: Karavas / Paine**

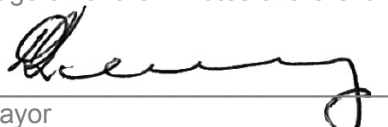
**That Council:**


1. receive the report by the Director Development on the Request for Financial Contribution; and
2. decline the request to provide a financial contribution for the amount of \$28,413 to the applicant in this report.

**AMENDMENT: Kennedy**

**That Council:**

1. receive the report by the Director Development on the Request

  
 Mayor

  
 General Manager

for Financial Contribution; and

2. accept the request to provide a financial contribution for the amount of \$28,413 to the applicant in this report.

*The amendment was lost for want of a seconder.*

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

Councillors	Ayes	Nayes
Cr Kennedy		✓
Cr Martens	✓	
Cr Thompson	✓	
Cr Cavalier	✓	
Cr Paine	✓	
Cr Karavas	✓	

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

Nil

**Item 16: Open Council**

**44/19 MOTION: Paine / Martens**

**That: Council move to Open Council.**

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


Councillor O'Neill returned to the Chambers at 6:20pm.

The General Manager announced the decisions taken in Confidential Session.

**Item 17: Closure**

There being no further business the meeting concluded at 6:20pm.

  
 \_\_\_\_\_  
 Mayor

  
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 General Manager