

# Minutes of the Ordinary Meeting of Council

Held at the Council Chambers, 86 Market Street, Mudgee  
on 16 October 2024, commencing at 6:25pm and concluding at 7:02pm.

**PRESENT** Cr D Kennedy, Cr M Cornish, Cr K Dicker, Cr A Karavas, Cr E Lang, Cr R Palmer, Cr P Shelley and Cr JP Thompson.

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

The General Manager tabled the Disclosure of Pecuniary Interest and other matters 1 July 2023 to 30 June 2024 for Senior Staff and delegated persons.

## Acknowledgement of Country

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

### Item 1: Apologies

There were no apologies.

### Item 2: Disclosure of Interest

Councillor Palmer declared a significant non-pecuniary conflict of interest in item 14.2 as he is a real estate agent.

### Item 3: Confirmation of Minutes

**223/24 MOTION: Thompson / Shelley**

**That the Minutes of the Ordinary Meeting held on 16 August 2024 and 16 October 2024 be taken as read and confirmed, with the following amendments:**

- Minutes 14 August 2024  
Items 9.1 to 9.12 – Cr Thompson voted for these motions.**

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

### Item 4: Matters in Progress

Nil

**Item 5: Mayoral Minute**

Nil

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

Nil

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

Nil

**Item 8: Development**

8.1 DA0198/2024 - SIX (6) SERVICED APARTMENTS, ONE (1) NEW SHED WITH TOILET, USE OF EXISTING BUILDING AS SECONDARY DWELLING AND ANCILLARY WORKS - 106 SCHOOL LANE, BUDGEE BUDGE

GOV400105, DA0198/2024

224/24

**MOTION: Shelley / Cornish****That Council:**

- A. receive the report by the Planning Coordinator on the DA0198/2024 - Six (6) Serviced Apartments, One (1) New Shed with Toilet, Use of Existing Building as Secondary Dwelling and Ancillary Works - 106 School Lane, Budgee Budgee; and**
- B. not approve DA0198/2024 for the following reasons: the negative impact on traffic and negative impact on the local amenity this proposed development will cause.**

**AMENDMENT: Palmer /****That Council:**

- A. receive the report by the Planning Coordinator on the DA0198/2024 - Six (6) Serviced Apartments, One (1) New Shed with Toilet, Use of Existing Building as Secondary Dwelling and Ancillary Works - 106 School Lane, Budgee Budgee; and**
- B. approve DA0198/2024 - Six (6) Serviced Apartments, One (1) New Shed with Toilet, Use of Existing Building as Secondary Dwelling and Ancillary Works - 106 School Lane, Budgee Budgee subject to the following conditions and statement of reasons:**

**PART A - DEFERRED COMMENCEMENT**

1. This is a deferred commencement condition in accordance with Section 4.16(3) of the Environmental Planning and Assessment Act 1979 and this consent shall not operate until the following matters have been completed, to the satisfaction of Council.
  - a) A Building Information Certificate for all unauthorised building work carried out on the premises that is the subject of this development consent, issued by Council in accordance with Division 6.7 of the Environmental Planning and Assessment Act 1979, is to be obtained.
  - b) The floor plan for the use of the existing building as a secondary dwelling is to provide for laundry facilities compliant with the National Construction Code, that is, a wash tub and space for a washing machine.

Evidence that will sufficiently enable Council to be satisfied as to the compliance with the above matters must be submitted to Council within twenty-four (24) months of the date of determination.

If sufficient evidence of the satisfaction of the above matters is not received by Council within this timeframe, 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 matters is received by Council within the above nominated timeframe, Council will notify the applicant/developer in writing of the date the development consent becomes operative. This consent will become operative subject to the following conditions of consent.

*Note – the development consent will lapse 5 years after it becomes operative, in accordance with Section 4.53 of the Environmental Planning and Assessment Act 1979.*

*Note – Please contact Council's Building Surveyors prior to lodging an application for a Building Information Certificate to determine what information will be required to support an application for a Building Information Certificate.*

*Reason – a portion of the works approved under this development consent were carried out without a prior Construction Certificate in a case where a prior Construction Certificate was required to be obtained.*

#### PART B - APPROVED PLANS

1. Development must be carried out in accordance with the following approved plans and documents, except where the conditions of this consent expressly require otherwise.

Title/Name:	Drawing No/ Document Ref	Revision /Issue	Date:	Prepared by:
Site Survey	A001	4	21.02.2024	Play Design Studio
Site Analysis	A002	4	21.02.2024	Play Design Studio
Waste Management Plan	A003	4	21.02.2024	Play Design Studio
Earthworks and Sediment Control Plan	A004	4	21.02.2024	Play Design Studio
Landscape Plan	A005	4	21.02.2024	Play Design Studio
Site Plan	A100	4	21.02.2024	Play Design Studio
Roof Plan	A101	4	21.02.2024	Play Design Studio
Granny Flat Plans	A102	4	21.02.2024	Play Design Studio
Shed Plans	A103	4	21.02.2024	Play Design Studio
Typical 1 Bed Apartment	A104	4	21.02.2024	Play Design Studio
Typical 2 Bed Apartment	A105	4	21.02.2024	Play Design Studio
2 Bed Accessible Apartment	A106	4	21.02.2024	Play Design Studio
Typical 1 Bed Apartment Elevations	A300	4	21.02.2024	Play Design Studio
Typical 2 Bed Apartment Elevations	A301	4	21.02.2024	Play Design Studio
Shed Elevations and Sections	A302	4	21.02.2024	Play Design Studio
Ex. Granny Flat Elevations and Sections	A303	4	21.02.2024	Play Design Studio
Typical Apartment Sections	A400	4	21.02.2024	Play Design Studio
Apartment 3DS	A500	4	21.02.2024	Play Design Studio
Apartment 3DS	A501	4	21.02.2024	Play Design Studio
Apartment 3DS	A502	4	21.02.2024	Play Design Studio
Granny Flat 3DS	A503	4	21.02.2024	Play Design Studio
Shed 3DS	A504	4	21.02.2024	Play Design Studio
BASIX Certificate	1741853M	-	28 March 2024	Paul&David Consulting Pty Ltd
Access and Driveway Assessment	-	-	July 2024	NK Traffic Consulting Traffic and Transport Engineers
Management Plan – Short term accommodation	-	V1.0	September 2024	Play Design Studio

In the event of any inconsistency with the approved plans and a condition of this consent, the condition prevails.

Any minor modification to the approved plans will require the lodgement and consideration by Council of amended plans. Major modifications will require the lodgement of a new development application.

#### GENERAL

- This development consent provides approval for six (6) serviced apartments, use of the existing building as a secondary dwelling and use of the modular shed with bathroom, only.

3. This development consent does not include approval for any signage for the approved development. A separate Development Consent or Complying Development Certificate may be required for signage, if the signage is not exempt development.
4. This consent does not permit commencement of any site works. Works to proposed are not to commence until such time as a Construction Certificate has been obtained and the appointment of a Principal Certifier.
5. Fill placed in residential or commercial lots shall be compacted in accordance with AS3798-2007 Guidelines on Earthworks for Commercial and Residential Developments.
6. All building work must be carried out in accordance with the Building Code of Australia.

*Note: Prescribed condition pursuant to section 4.17(11) of the Environmental Planning and Assessment Act 1979.*

7. *A minimum tank storage capacity of 40,000 litres is required on the site at all times.*
- 7a. *In addition to the 160,000-litre tank provided for potable water, a separate stand-alone tank with a minimum storage capacity of 60,000-litres is required on site, which is to be reserved and retained for the purposes of firefighting at all times.*
8. Metal roof/wall cladding shall be provided in a non-reflective/non-glary colour scheme such as "Colourbond" steel sheeting.
9. The internal access driveway must be constructed and maintained at all times to provide access in all weather conditions. The driveway must also be of a sufficient standard to allow for access by emergency service vehicles.
10. 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.
11. All earthworks, filling, building, driveways or other works, are to be designed and constructed to ensure that at no time any ponding of stormwater occurs on the subject site or adjoining land as a result of this development. Design must also ensure that no diversion of runoff onto other adjacent properties occurs.
12. All stormwater runoff from roof and developed surfaces is to be

controlled in such a manner so as not to flow or discharge over adjacent properties. Methods of disposal of excess stormwater including overflow from tank must also include adequate provision for prevention of erosion and scouring.

13. Prior to the occupation of a new building, or occupation or use of an altered portion of, or an extension to an existing building, an Occupation Certificate is to be obtained from the Principal Certifier appointed for the erection of the building.
14. 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. The developer is responsible to accurately locate all existing services before any development works commence to satisfy this condition.

If any alteration is required to existing utilities or assets due to this proposed development, then relevant authorities are to be contacted prior to carrying out any activities that impacts upon existing assets.

15. Any damage which is caused to Council's infrastructure as a result of the proposed development must be repaired immediately to Council's satisfaction and at no cost to Council.
16. It is a condition of a development consent for development that involves building work that the work must be carried out in accordance with the requirements of the Building Code of Australia.

It is a condition of a development consent for development that involves residential building work for which a contract of insurance is required under the Home Building Act 198, Part 6 that a contract of insurance is in force before building work authorised to be carried out by the consent commences.

It is a condition of a development consent for a temporary structure used as an entertainment venue that the temporary structure must comply with Part B1 and NSW Part H102 in Volume 1 of the Building Code of Australia.

In subsection (1), a reference to the Building Code of Australia is a reference to the Building Code of Australia as in force on the day on which the application for the construction certificate was made.

In subsection (3), a reference to the Building Code of Australia is a reference to the Building Code of Australia as in force on the day on which the application for development consent was made.

This section does not apply—

- a) to the extent to which an exemption from a provision of the Building Code of Australia or a fire safety standard is in force

- under the Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021, or
- b) to the erection of a temporary building, other than a temporary structure to which subsection (3) applies.

17. This section applies to a development consent for development involving building work, subdivision work or demolition work.

It is a condition of the development consent that a sign must be erected in a prominent position on a site on which building work, subdivision work or demolition work is being carried out—

- a) showing the name, address and telephone number of the principal certifier for the work, and
- b) showing the name of the principal contractor, if any, for the building work and a telephone number on which the principal contractor may be contacted outside working hours, and
- c) stating that unauthorised entry to the work site is prohibited.

The sign must be—

- a) maintained while the building work, subdivision work or demolition work is being carried out, and
- b) removed when the work has been completed.

This section does not apply in relation to—

- a) building work, subdivision work or demolition work carried out inside an existing building, if the work does not affect the external walls of the building, or
- b) Crown building work certified to comply with the Building Code of Australia under the Act, Part 6.

18. This section applies to a development consent for development involving residential building work if the principal certifier is not the council.

It is a condition of the development consent that residential building work must not be carried out unless the principal certifier for the development to which the work relates has given the council written notice of the following—

- a) for work that requires a principal contractor to be appointed—
  - i. the name and licence number of the principal contractor, and
  - ii. the name of the insurer of the work under the Home Building Act 1989, Part 6,
- b) for work to be carried out by an owner-builder—

- i. the name of the owner-builder, and
- ii. if the owner-builder is required to hold an owner-builder permit under the Home Building Act 1989—the number of the owner-builder permit.

If the information notified under subsection (2) is no longer correct, it is a condition of the development consent that further work must not be carried out unless the principal certifier has given the council written notice of the updated information.

This section does not apply in relation to Crown building work certified to comply with the Building Code of Australia under the Act, Part 6.

19. For every 12-month period after the issue of the Final Fire Safety Certificate the owner/agent of the building must provide the Council and the Commissioner of Fire and Rescue NSW with a copy of an Annual Fire Safety Statement certifying that each specified fire safety measure is capable of performing to its specification.

#### PRIOR TO ISSUE OF ANY CONSTRUCTION CERTIFICATE

20. Application shall be made to Council under Part C, Section 68 of the Local Government Act 1993 to Install, construct or alter a waste treatment device or human waste storage facility. The application shall contain details demonstrating compliance with the Environmental Health Protection Guidelines, Australian Standard AS1547, the Plumbing and Drainage Act 2011 and/or the Plumbing Code of Australia.

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

21. A detailed engineering design and design report/certificate is to be prepared by a suitably qualified registered professional engineer and approved by the registered Certifier (i.e. Council or a private Certifier) prior to the issue of a Construction Certificate.

A detailed engineering design is required for but not limited to the following civil works:

- a) Stormwater absorption trench.
- b) Car park (this is to comply with AS2890.1 -2004).
- c) Internal driveway access (the plan submitted is to be updated to ensure that two vehicles can pass safely with a minimum of 6m or a suitable passing bay is to be provided at certain intervals as per AS2890.1-2004). Note: accessible paths of travel must be provided.
- d) Erosion and sedimentation control plan.
- e) Signage along School Lane – The location of the signage to install warning and advisory signage e.g. drive slow,



- concealed driveway, speed sign and all other signs required by Council and recommended by a traffic engineer is to be submitted to Council as a part of the S.138 for approval.
- f) All internal roads and other paved areas shall be designed to provide continuous drainage flow path to the designed point of discharge.
22. The existing access must be upgraded and sealed with bitumen and signage must be installed along the School Lane. To carry out this works 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 any Construction Certificate.
23. Prior to the issue of a Construction Certificate, the runoff from the developed surface shall be disposed of by discharging to a suitable quantity management system (rain garden/infiltration trench or similar). The system designed is to be prepared by a geotechnical engineer or suitably qualified registered professional engineer in accordance with Stormwater to Smartwater (S2S Supporting Technical Guidelines) adopted by the Mid-Western Regional Council.
24. A Traffic Guidance Scheme (TGS) completed by a "Certified Person" for implementation during work is to be submitted to the Council prior to the commencement of works. This is to be submitted along with the S138 application.
25. An Erosion and Sediment Control Plan is to be submitted and approved by the registered Certifier (i.e. Council or a private Certifier) prior to the issue of a Construction Certificate. The Erosion and Sediment Control Plan for the development is to be prepared and implemented in accordance with the LANDCOM guidelines and requirements as outlined in the latest edition of "Soils and Construction – Managing Urban Stormwater". Points to be considered include, but are not limited to:
- a) Saving available topsoil for reuse in the revegetation phase of the development;
  - b) Using erosion control measures to prevent on-site damage;
  - c) Rehabilitating disturbed areas quickly; and
  - d) Maintenance of erosion and sediment control structures.
26. Prior to the issue of a Construction Certificate, the developer shall pay a Long Service Levy at the prescribed rate to either the Long Service Levy Corporation or Council, for any work costing \$250,000 or more.

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

*Note – Council can only accept payment of the Long Service Levy as part of the fees for a Construction Certificate application lodged with Council. If the Construction Certificate is to be issued by a*

*Private Certifier, the Long Service Levy must be paid directly to the Long Service Levy Corporation or paid to the Private Certifier.*

27. In accordance with the provisions of Section 7.12 of the Environmental Planning and Assessment Act 1979 and the Mid-Western Regional Contributions Plan 2019, a levy based on the value of works shall be paid to Council in accordance with this condition for the purpose of local infrastructure, prior to issue of a Construction Certificate.

A cost estimate report is to be provided to Council, confirming the total cost of the development prior to issue of the Construction Certificate. Following submission of the full cost estimate report, Council will confirm and provide the required contribution amount, payable prior to issue of the Construction Certificate.

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

28. If the *Construction Certificate* is not issued, for any reason whatsoever, within twelve (12) months of the date of determination, then the charges and contributions contained in this consent, will be increased to the current rate at the time of payment.

#### PRIOR TO COMMENCEMENT OF WORKS – BUILDING

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

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

30. 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

31. If the work involved in the erection/demolition of the building;
  - a) is likely to cause pedestrian or vehicular traffic in a public place to be obstructed or rendered inconvenient, or
  - b) involves the enclosure of a public place, then a hoarding or fence must be erected between the work site and the public place. If necessary, an awning is to be erected, sufficient to prevent any substance from, or in connection with, the work falling into the public place. Any such hoarding, fence or awning is to be removed when the work has been completed.
32. Prior to the commencement of works on site, the applicant shall advise Council's Operations Department in writing, of any existing damage to Council property.
33. The developer shall be responsible for all costs incurred in the necessary relocation of any services affected by the required construction works. Council and other service authorities should be contacted for specific requirements prior to commencement of any works.
34. Sediment erosion controls shall be installed within the development site, to the satisfaction of the Certifier (i.e. Council or the Principal Certifier), prior to the commencement of works.
35. The development site is to be managed for the entirety of work in the following manner:
  - a) Erosion and sediment controls are to be implemented to prevent sediment from leaving the site. The controls are to be maintained until the development is complete and the site stabilised with permanent vegetation;
  - b) Appropriate dust control measures;
  - c) Construction equipment and materials shall be contained wholly within the site unless approval to use the road reserve has been obtained;
  - d) Toilet facilities are to be provided on the work site at the rate of one toilet for every 20 persons or part of 20 persons employed at the site.
36. Runoff and erosion controls shall be installed prior to clearing and incorporate:-
  - a) diversion of uncontaminated up-site runoff around cleared and/or disturbed areas and areas to be cleared and/or disturbed;
  - b) sediment control fences at the downslope perimeter of the cleared and/or disturbed area to prevent sediment and other debris escaping from the land to pollute any stream or body

- of water; and
- c) maintenance of all erosion control measures at maximum operational capacity until the land is effectively rehabilitated and stabilized beyond the completion of construction.

#### DURING WORKS

37. 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.
38. All plumbing and drainage work must be carried out by a licensed plumber and drainer and must comply with the requirements of the *Plumbing & Drainage Act 2011* and the Plumbing Code of Australia.
39. A total of 10 car parking spaces are to be provided within the site of the development and comply with AS 2890.1: 2004 – Parking facilities – Part 1: Off-street car parking and the following requirements:
  - a) Each parking space is to have minimum dimensions as per AS 2890.1: 2004 – Parking facilities.
  - b) Each disabled car parking space is to be in accordance with the provisions of AS 2890.6: 2022 – Parking facilities – Part 6: Off-street parking for people with disabilities.
  - c) All car parking spaces are to be provided with a hard-standing, all-weather compacted gravel surface and must be maintained in satisfactory condition at all times.
  - d) Signage must be provided for the car park which has been designated for visitors and disabled.
40. The aisle widths, internal circulation, ramp widths and grades of the car park are to generally conform to the Roads and Maritime Services (RMS) guidelines and Australian Standard AS 2890.1: 2004 – Parking facilities – Part 1: Off-street car parking. Details of compliance are to be shown on the relevant plans and specifications.
41. The existing access from School Lane is to be upgraded and sealed with bitumen and is to be designed and constructed in accordance with the Council's Access to Properties Policy and the Council approved section 138.
42. Construction work noise that is audible at other premises is to be restricted to the following times:
  - a) Monday to Saturday - 7.00am to 5.00pm

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

Site work is not to be carried out outside of these times except where there is an emergency, or for urgent work directed by a police

officer or a public authority.

43. All mandatory inspections required by the Environmental Planning and Assessment Act 1979 and any other inspections deemed necessary by the Principal Certifier being carried out during the relevant stage of construction.
44. Commitments listed in BASIX Certificate number(s) 1741853M issued on 28 March 2024 must be installed and/or completed in accordance with the requirements contained in that certificate.
45. The list of measures contained in the schedule attached to the Construction Certificate are required to be installed in the building or on the land to ensure the safety of persons in the event of fire in accordance with Section 78 of the Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021.
46. 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.
47. Should any contaminated, scheduled, hazardous or asbestos material be discovered before or during construction works, the applicant and contractor shall ensure the appropriate regulatory authority (e.g. Heritage NSW, SafeWork NSW, Council, Fire and Rescue NSW etc.) is notified, and that such material is contained, encapsulated, sealed, handled or otherwise disposed of to the requirements of such Authority.

*Note - such materials cannot be disposed of to landfill unless the facility is specifically licensed by the EPA to receive that type of waste.*

48. All roof stormwater is to discharge to a water storage tank/s and overflow from the tank/s disposed to the approved stormwater management system, clear of any effluent disposal areas and in such a manner as to not create any erosion or scouring and not adversely affect adjoining properties.
49. This approval does not provide any indemnity to the owner or applicant under the *Disability Discrimination Act 1992* with respect to the provision of access and facilities for people with disabilities.

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

50. Prior to the occupation of a new building, or occupation or use of an altered portion of, or an extension to an existing building, an Occupation Certificate is to be obtained from the Principal Certifier appointed for the erection of the building.

51. Prior to the issue of an Occupation Certificate a satisfactory final inspection report from the Council must be received by the Certifier, verifying that all works have been completed in accordance with the relevant Section 68 (*Local Government Act 1993*) approval/s.
52. Prior to the commencement of use of the development and/or issue of an Occupation Certificate, all approved car parking, associated driveway and stormwater works are to be completed and a satisfactory completion report from the registered professional engineer is to be provided to the certifier (i.e. Council or a private Certifier) verifying that the construction has been completed as per the approved plan.
53. Prior to the commencement of use of the development and/or issue of an Occupation Certificate, a compliance letter from the Council's Development Engineer is to be provided to the certifier verifying that the construction has been completed as per the approved plan.
54. Prior to occupation or the issue of the Occupation Certificate the owner of the building must cause the Principal Certifier to be given a fire safety certificate (or interim fire safety certificate in the case of a building or part of a building occupied before completion) in accordance with Section 41 of the Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021 for each measure listed in the schedule. The certificate must only be in the form specified by Section 86 of the Regulation. A copy of the certificate is to be given to the Commissioner of the New South Wales Fire Brigade and a copy is to be prominently displayed in the building.
55. Prior to use of the development and/or issue of an Occupation Certificate, excavated and/or filled areas of the site are to be stabilised and drained, to prevent scouring onto adjacent private or public property. The finished ground around the perimeter of the building is to be graded to prevent ponding of water, and to ensure the free flow of water away from the building and adjoining properties.
56. Prior to use of the development and/or issue of an Occupation Certificate, roof water from the building and any rainwater tank overflow shall be piped clear of the building, without creating any nuisance on the property or to adjoining properties.
57. Before the issue of an Occupation Certificate, the principal certifier must be satisfied all landscape and tree-works have been completed in accordance with approved plans and documents and any relevant conditions of this consent.
58. Prior to use of the development and/or issue of an Occupation Certificate, all requirements of BASIX Certificate number(s) 1741853M issued on 28 March 2024 and the associated plans and specifications approved as part of the Construction Certificate, shall be completed in full.

59. Prior to use of the development and/or issue of an Occupation Certificate, the Plan of Management (V1.0 dated September 2024) shall be updated to ensure that the conditions of this consent are complied with to the satisfaction of Council.

#### ONGOING USE

*The following conditions have been applied to ensure that the use of the land and/or building is carried out in a manner that is consistent with the aims and objectives of the environmental planning instrument affecting the land.*

60. For every 12-month period after the issue of the Final Fire Safety Certificate the owner/agent of the building must provide the Council and the Commissioner of NSW Fire Brigades with a copy of an Annual Fire Safety Statement Certifying that each specified fire safety measure is capable of performing to its specification.
61. Where any essential services are installed in the building a copy of the final Fire Safety Certificate (together with a copy of the current fire safety schedule) is to be given to the Commissioner of NSW Fire Brigades and Council. A further copy of the Certificate (together with a copy of the current fire safety schedule) is to be prominently displayed in the building/s.
62. The development must operate in accordance with the Council approved Plan of Management prepared by Play Design Studios for the life of operations.
63. All parking associated with the use is to be contained wholly within the site.
64. The development is to be operated in such a manner that will not interfere with the residential amenity of the adjoining and nearby residents, due to emission of noise, lighting or other nuisances.
65. All exterior lighting associated with the development shall be designed and installed so that no obtrusive light will be cast onto any adjoining property, into Airspace or roadways, in accordance with *Australian Standard 4282 "Control of the Obtrusive Effects of Outdoor Lighting"*.
66. There is to be no interference with the amenity of the neighbourhood by reason of the emission of any "offensive noise", vibration, lighting, smell, fumes, smoke, vapour, steam, soot, ash or dust, or otherwise as a result of the proposed development.
67. The approved use of the development is for the purposes of serviced apartments which is defined as:  
*serviced apartment means a building (or part of a building) providing self-contained accommodation to tourists or visitors on a commercial basis and that is regularly serviced or cleaned by the*

*owner or manager of the building or part of the building or the owner's or manager's agents.*

Any use contrary to the above is unlawful and requires the development consent of Council.

68. The development is to be maintained in a clean and tidy manner, at all times.
69. Arrangements are to be made for the regular removal and disposal of all waste to a licenced waste facility.
70. Dogs that are accommodated on the site in conjunction with a guest's stay are to be managed so that they do not wander on to adjoining properties.
71. Guests staying at the accommodation are not to trespass on to adjoining private property.
72. The accommodation shall be regularly cleaned or serviced by the owner or manager of the building, or their agents.
73. The sites operators are to maintain and operate the private water supply in accordance with a quality assurance program (QAP) and which complies with the Public Health Regulations 2012. A Copy of the QAP is to be provided to the NSW Public Health Unit and records relating to managing the safety of the drinking water supply are to be kept onsite and made available on request of Council or the NSW Public Health Unit.
74. In the event of any complaints being lodged relating to the site or the operations of the development, a log book must be kept by the operators of the facility clearly recording any information and reasons for the complaint/s. The log book must be made available to Council at any time on request.

The log book is to record the following information:

- a) Name, address and contact details of the complainant;
- b) Description of complaint (e.g. character and volume);
- c) Frequency and duration of complaint;
- d) Meteorological conditions during complaint; and
- e) Any actions taken to resolve complaint.

#### REASONS FOR APPROVAL

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



3. *The submissions received during the public notification period have been addressed via conditions of consent, including provision of a Plan of Management and operational conditions that are enforceable on the developer during the life of the operations.*

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 Dicker	✓	
Cr Karavas	✓	
Cr Palmer		✓
Cr Shelley	✓	
Cr Thompson	✓	
Cr Cornish	✓	
Cr Lang	✓	

**225/24**

**MOTION: Shelley / Karavas**

**That Council write to the Department of Planning Housing and Infrastructure and the Minister for Planning and Public Spaces to lobby for the inclusion of a temporary workers accommodation definition within the Standard instrument – Principal Local Environmental Plan.**

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

8.2 ME0046/2024 - MODIFICATION TO DA0109/2016 TO REDESIGN ROAD, LOT LAYOUT AND STAGING - STAGED SUBDIVISION (1 INTO 46 LOTS) - 66 EDGELL LANE, BUCKAROO

GOV400105, DA0109/2016

**226/24**

**MOTION: Shelley / Cornish**

**That Council:**

1. receive the report by the Planning Coordinator on the **ME0046/2024 - Modification to DA0109/2016 to Redesign Road, Lot Layout and Staging - Proposed Staged Subdivision (1 into 46 Lots) - 66 Edgell Lane, Buckaroo;** and
2. **approve ME0046/2024 - Modification to DA0109/2016 to Redesign Road, Lot Layout and Staging - Proposed Staged Subdivision (1 into 46 Lots) - 66 Edgell Lane, Buckaroo be approved subject to the following modified conditions and**

**statement of reasons (in blue):**

**CONDITIONS**

**APPROVED PLANS**

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

Title/ Name:	Drawing No/ Document Ref	Revision Issue:	Date:	Prepared by:
Subdivision Plan	BK228 Sheet 3	A	1 March 2016	Jabek Pty Ltd
Statement of Environment — at Effects (Including Appendices)	N/A	1	September 2015	Minespex
Proposed Plan of Subdivision	39130 – C02	D	23/07/2024	Barnson
Proposed Plan Lot	39130 – C03	C	23/07/2024	Barnson
Proposed Staging Plan	39130-C15	B	23/07/2024	Barnson

Note: This consent does not authorise any tree removal within the site or road reserves. Separate consent of Council may be required prior to removal of any trees to support the proposed development of the site.

**MODIFIED BY ME0046/2024**

- This consent is for the subdivision of land only in accordance with the 'Proposed Staging Plan' and 'Proposed Subdivision Plan'. No physical works are approved under this consent. A Subdivision Works Certificate (formerly known as a Construction Certificate) is required to be obtained for all physical works associated with this consent.

**MODIFIED BY ME0046/2024****ENGINEERING CONSTRUCTION**

2. The applicants shall, at their own expense, engage a registered surveyor to relocate any survey mark that may be disturbed by the development or any associated work. Any information regarding relocation should be supplied to the Land Titles Office and Council.
3. 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.
4. The subdivision works are to be inspected by the Council (or an Accredited Certifier on behalf of Council) to monitor compliance with the consent and the relevant standards of construction, encompassing the following stages of construction:
  - Installation of sediment and erosion control measures
  - Water and sewer line installation prior to backfilling
  - Establishment of line and level for kerb and gutter placement
  - Road Pavement construction
  - Road Pavement surfacing
  - Practical Completion

**PRIOR TO ISSUE OF THE ~~CONSTRUCTION CERTIFICATE~~  
SUBDIVISION WORKS CERTIFICATE**

5. A detailed engineering design is to be submitted to and approved by Council prior to the issue of a ~~Construction Certificate~~ **Subdivision Works Certificate**. The engineering design is to comply with Council's Development Control Plan and the Standards referenced within Appendix Band D.

~~Construction Certificate~~ **Subdivision Works Certificate** is required for, but not limited to, the following civil works;

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

**Note:** No works can commence prior to the issue of the ~~Construction Certificate~~ **Subdivision Works Certificate**.

**MODIFIED BY ME0046/2024**

- 5A. **Prior to issue of the Subdivision Works Certificate, the intersection design for the proposed road with Harvey Street is to be in accordance with NatSpec design rules (whilst**

encouraged to be 90 degrees it is permissible between 70 to 110 degrees). The splayed corners on the intersections are to have a minimum splay of 4 metres.

**MODIFIED BY ME0046/2024**

- 5B. 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 Subdivision Works Certificate.

**MODIFIED BY ME0046/2024**

6. Where the development requires access to private land, the developer shall provide documentary evidence that an agreement has been entered into with the landowner prior to the issue of a ~~Construction Certificate~~ **Subdivision Works Certificate**. If stormwater drainage, or utilities are to be located within the private land, an easement is to be created prior to release of the Construction Certificate.

**MODIFIED BY ME0046/2024**

7. The Developer is to provide evidence of an Engagement Letter that the Subdivision has been registered with Telstra Smart Communities prior to the issue of the ~~Construction Certificate~~ **Subdivision Works Certificate**.

**MODIFIED BY ME0046/2024**

8. The applicant is to submit a Drainage Report prepared in accordance with the Institution of Engineers publication Australian Rainfall and Run-off to the Principal Certifying Authority for approval prior to the release of the ~~Construction Certificate~~ **Subdivision Works Certificate**. The report must demonstrate that stormwater runoff from the site is not increased beyond the existing undeveloped state up to and including a 100-year event. All storm water detention details including analysis shall be included with the drainage report.

**MODIFIED BY ME0046/2024**

9. The trunk drainage system must be designed such that discharge from the subdivision satisfies the following water quality targets:

Note: Results from MUSIC modelling or equivalent shall be supplied with ~~Construction Certificate~~ **Subdivision Works Certificate** Issue plans demonstrating that the design meets the above criteria.

**MODIFIED BY ME0046/2024**

10. Where the trunk drainage system crosses through private land

three-metre-wide easements, including associated Section 88B of the Conveyancing Act 1919 instruments, are to be created in favour of Council over any existing or newly constructed stormwater drainage located within the subject property, or extended through adjoining private properties as a result of this subdivision.

Note: where an easement is proposed over private land for the purpose of servicing this subdivision, Council will require evidence that the easement has been created prior to the release of the [Construction Certificate Subdivision Works Certificate](#).

11. All internal roads shall comprise roll back concrete kerb and gutter. Sub-surface drainage is required where gutter flows exceed 2.5m width during minor events (1 in 5yr ARI). If required, sub-surface drainage shall be located behind the kerb.
12. All earthworks, filling, building, driveways or other works, are to be designed and constructed (including stormwater drainage if necessary) so that at no time will any ponding of stormwater occur on adjoining land as a result of this development.
13. Inter-allotment drainage is to be provided to remove stormwater from any lots that cannot discharge to the street in accordance with Aus Spec #1. Easements not less than 1m wide shall be created over inter-allotment drainage in favour of upstream allotments.
14. One (1) roof-water outlet per allotment is to be provided in the kerb and gutter 2m from the downhill boundary at the time of installation of the kerb and gutter.
15. Any soil/water retention structures are to be constructed prior to the bulk stripping of topsoil, to ensure sediment from the whole site is captured.
16. All internal roads within the subdivision must be designed and constructed to the following standards:

**Road 1**

Item	Requirement
Full Road Pavement Width	13 m (2 x 3.5m travel lanes with 2x3m sealed shoulders parallel parking lanes)
Nature Strip	2 x4.5m
Concrete Footpaths	2.5mWide
Seal	Two-coat flush seal -14/7 mm (Double/Double) as required
Kerb & Gutter	Roll back concrete kerb & gutter

<b>Subsoil Drainage</b>	<b>Where gutter flow exceeds 2.5m during minor events or adjacent to intersections. To be installed behind kerb</b>
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**Road 2**

<b>Item</b>	<b>Requirement</b>
<b>Full Road Pavement Width</b>	<b>9 m (2 x 3.5m travel lanes with 2x1m sealed shoulders)</b>
<b>Nature Strip</b>	<b>2 x4.5m</b>
<b>Concrete Footpaths</b>	<b>1.2mWide</b>
<b>Seal</b>	<b>Two-coat flush seal -14/7 mm (Double/Double) as required</b>
<b>Kerb &amp; Gutter</b>	<b>Roll back concrete kerb &amp; gutter</b>
<b>Subsoil Drainage</b>	<b>Where gutter flow exceeds 2.5m during minor events or adjacent to intersections. To be installed behind kerb</b>

**Road 3 & 4**

<b>Item</b>	<b>Requirement</b>
<b>Full Road Pavement Width</b>	<b>8 m (2 x 4m travel lanes)</b>
<b>Nature Strip</b>	<b>2x4m</b>
<b>Concrete Footpaths</b>	<b>Nil</b>
<b>Seal</b>	<b>Two-coat flush seal -14/7 mm (Double/Double) as required</b>
<b>Kerb &amp; Gutter</b>	<b>Roll back concrete kerb &amp; gutter</b>
<b>Subsoil Drainage</b>	<b>Where gutter flow exceeds 2.5m during minor events or adjacent to intersections. To be installed behind kerb</b>

17. **The submission to Council of engineering design plans for any road works shall include pavement and wearing surface investigation and design.**
18. **All electrical, telecommunication and water service crossings are to be perpendicular to the road centreline and performed prior to the addition of the base course and installation of the kerb and gutter.**
19. **All stormwater, water and sewer main infrastructure road crossings must be installed prior to the addition of the base course and installation of kerb and gutter.**

20. All water mains and associated fittings/valves should not be installed underneath a concrete structure such as the footpath.
21. All required earthworks for roads associated with the subdivision must have compacting testing in compliance with RMS Q4 and AUS-SPEC CQS-A.
22. A Traffic Control Plan (TCP) completed by a "Certified Person" for implementation during works is to be submitted to Mid-Western Regional Council prior to any work commencing.
23. All internal roads must be designed with design speed of 50km/hr.
24. Street signs necessitated by the subdivision are to be installed in accordance with Aus-Spec #1 and Council standards.
25. A Give Way sign is required to be installed on the internal subdivision road at the junction with Ulan Road.
26. 50km/hr speed restriction signs, duplicated both sides of the road, are to be installed on Road 1 at the entry to the subdivision. These signs must also indicate 80km/hr for traffic leaving the subdivision.
27. The proposed internal road network should have sufficient width to accommodate the turning paths for service vehicles (e.g. Rubbish collection and removalist vehicles). Particular attention should be given to cul de sac finishing points.
28. Street tree landscaping is to be provided within the proposed road reserve on Ulan Road and internal subdivision roads. A plan for the proposed planting is to be submitted for approval by Council. All landscaping is to consist of appropriately advanced trees in accordance with Clause 7.1 Urban Subdivision of the Mid-Western Regional Council Development Control Plan. [amended December 2014.](#)

**MODIFIED BY ME0046/2024.**

29. 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:
  - drainage reserves are to be turfed.
  - single strip of turf to be laid behind kerb and gutter.
  - saving available topsoil for reuse in the revegetation phase of the subdivision;
  - using erosion control measures to prevent on-site damage;
  - rehabilitating disturbed areas quickly
  - maintenance of erosion and sediment control

- structures;
  - a schedule of operations is to be submitted to ensure all appropriate works are undertaken at the correct stage.
30. All finished surface levels shall be shown on the plans submitted for the ~~Construction Certificate~~ **Subdivision Works Certificate**. Where it is proposed to import fill, the material shall be certified as free of hazardous materials and contamination by a suitably qualified geotechnical engineer. Fill placed in residential or commercial lots shall be compacted in accordance with AS3798-2007 Guidelines on Earthworks for Commercial and Residential Developments.

**MODIFIED BY ME0046/2024**

31. The proponent shall obtain a Section 91 Activity Approval under the Water Management Act 2000 should drainage or other works be carried out in within 40m of a prescribed watercourse or creek.

Note: Please contact the NSW Office of Water for more information in relation to this matter.

32. If any aboriginal artefacts are uncovered or identified during construction earthworks, such work is to cease immediately and the local aboriginal community and National Parks and Wildlife Service are to be notified.

(Note: A suitably qualified person is required to be present during earthworks to identify whether any artefacts were uncovered).

33. The developer is to extend and meet the full cost of water and sewerage reticulations to service the new lots prior to the release of the Subdivision Certificate. Each lot must be provided with separate water and sewer services. All water and sewerage work is required to be carried out in accordance with the requirements of Mid-Western Regional Council (as the Water Supply Authority under the Local Government Act,1993) and in accordance with the National Specification - Water & Sewerage Codes of Australia.

34. 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 any private properties as a result of this subdivision.

Note: where an easement is proposed over private land for the purpose of servicing this subdivision, Council will require evidence that the easement has been created prior to the release of the Construction Certificate.

- ~~35. The proposed sewer pump station is to be located and~~



~~constructed on proposed lot 34. Details to be provided at Construction Certificate stage.~~

**DELETED BY ME0046/2024**

36. All water mains associated fittings/valves shall be clockwise close.

**PRIOR TO COMMENCEMENT OF WORKS**

37. Prior to the commencement of subdivision works, the following actions are to be carried out;
- A site supervisor is to be nominated by the applicant;
  - Council is to be provided with two (2) days' notice of works commencing.
  - Council is to be notified in writing of any existing damage to Council's infrastructure

Note: Failure to comply with these conditions will result in damage to Council's infrastructure being rectified by the applicant and at the applicant's cost.

38. Contractor's public liability insurance cover for a minimum of \$20,000,000 is to be sighted and shown to Mid-Western Regional Council as an interested party. Public Liability Insurance is to include Mid-Western Regional Council as an interested party and a copy of the insurance policy including the Certificate of Currency is to be provided to Mid-Western Regional Council prior to the commencement of work. All work is to be at no cost to Council.
39. Any necessary alterations to, or relocations of, public utility services to be carried out at no cost to council and in accordance with the requirements of the relevant authority including the provision of easements over existing and proposed public infrastructure.
40. 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
41. The development site is to be managed for the entirety of work in the following manner:
- Appropriate dust control measures;
  - Construction equipment and materials shall be contained wholly within the site unless approval to use the road reserve has been obtained;
  - Toilet facilities are to be provided on the work site at the rate of one toilet for every 20 persons or part of 20 persons employed at the site.

**GENERAL TERMS OF APPROVAL (NSW Roads and Maritime Service)**

42. The intersection of the proposed public road and Ulan Road is to be constructed to include an Auxiliary Left Turn Treatment Short [AUL(S)] and Channelised Right Turn Treatment [CHR] on a major road in accordance with Section 7.2.4 (Table 7.2 and Figure 7.3) and Section 8.2.2 (Table 8.2 and Figure 8.3) of Part 4a – Austroads Guide to Road Design (Ed. 3.2) with Figures 8.3 & 7.7 Part 4A Austroads Guide to Road Design respectively (copies enclosed) and Roads and Maritime supplements. The intersection treatment is to incorporate and make allowances for the existing rural property access from Ulan Road opposite the proposed new intersection. The intersection is to be formed as to provide lay-bys on the departure sides for use as a school bus stop shelter.

The intersection must be constructed and completed to the satisfaction of Council prior to issue of the Subdivision Certificate for the stage 3 release.

**MODIFIED BY ME0046/2024**

43. All intersection works are to be designed and constructed to accommodate the largest vehicle accessing the intersection and for the current speed zone of 80km/h, match existing road levels and not interfere with existing road drainage.
44. A suitable barrier is to be provided on the subject land to prevent vehicles from entering/exiting Ulan Road from/to the subject land other than via the proposed public road.
- 44A. If unexpected soil contaminants are discovered during works which has the potential to alter previous conclusions regarding site contamination; work must cease and Council or NSW Environmental Protection Authority must be notified immediately.

The contaminated land situation is to be evaluated by the supervising environmental consultant and an appropriate response determined in consultation with the developer, which is agreed to by Council.

Note – Council may also request that a NSW Environmental Protection Authority accredited site auditor is involved to assist with the assessment of the contaminated land situation and review and new contamination information. The developer must also adhere to any additional conditions which may be imposed by the accredited site auditor.

**MODIFIED BY ME0046/2024****PRIOR TO THE ISSUE OF THE SUBDIVISION CERTIFICATE**

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

**Note:** The fee to issue a Subdivision Certificate is set out in Council's Fees and Charges. #.The final inspection report shall be submitted to Council with the Subdivision Certificate application.

46. A linen plan and two (2) copies are to be submitted to Council for approval and endorsement by the General Manager.
47. If the Subdivision Certificate is not issued, for any reason whatsoever, by the end of the financial year immediately following the date of determination, then the charges and contributions contained in this consent, may be increased to the current rate at the time of payment.
48. Following completion of the subdivision works, work-as-executed plans (WAE) are to be provided to Council in the following formats;
- a) PDF
  - b) Dwg format or "Autocad compatible"
  - c) Map Information Files

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.

49. Underground electricity and telecommunications are to be supplied to the subdivision.
50. Prior to issue of the Subdivision Certificate, Council is to be supplied with:
- A **certificate notice of arrangements** from the appropriate power authority indicating that satisfactory arrangements have been made for provision of electricity supply to the subdivision.
  - A certificate from the appropriate telecommunications authorities indicating that satisfactory arrangements have been made for provision of telephone services to the subdivision.
  - All contributions must be paid to Council and all works required by the consent be completed in accordance with the consent.

#### **MODIFIED BY ME0046/2024**

51. The developer must provide Council and land purchasers with a site classification for each lot within the subdivision. The classification is to be carried out at a suitable building site on each lot and is to be carried out by a NATA registered laboratory

using method (a) of Clause of AS2870 - 2011. Results are to be submitted to Council prior to issue of the Subdivision Certificate.

52. Street trees are required at a rate of two (2) trees per lot and are to be planted prior to the issue of the Subdivision Certificate. The trees are to be semi- mature and barricaded for protection.

- 52A. Prior to issue of the Subdivision Certificate, the developer shall contact Council's Property and Rating Department to ensure that the Street Addressing for each lot is correctly allocated in accordance with AS4819 and the correct addressing is included with the submitted Subdivision Certificate Application documentation.

**MODIFIED BY ME0046/2024**

53. To mitigate the impacts of traffic noise upon Lots 1 – 8 9 and 45, an acoustic assessment is required to be prepared by an appropriately qualified and experienced acoustic engineer. This assessment report must be submitted to and approved by Council prior to the release of the subdivision certificate. Any recommendations arising from the report are required to be implemented during construction of a dwelling upon that lot.

**MODIFIED BY ME0046/2024**

54. A Restriction as to User is to be registered on the title of proposed lots 1 –8 9 and 45 stating that no direct access to Ulan Road is permitted.

**MODIFIED BY ME0046/2024**

55. ~~A Restriction as to User is to be place on Lot 34 restricting the location of any future dwelling to area zoned R2 Low Density Residential.~~ An instrument providing the following restriction on title is to be submitted to Council, prior to the issue of a Subdivision Certificate:

“No dwelling shall be erected on Lot 46 (“residual lot” shown on the approved Plan of Subdivision) unless it is ancillary to the permitted agricultural use of the land pursuant to Section 4.2B of the Mid Western Regional Local Environmental Plan 2012” and must demonstrate the proposed agricultural use of the land will not cause land use conflicts with the adjoining Residential Estates”.

**MODIFIED BY ME0046/2024**

- 55A. A Restriction as to User is to be registered on the title of proposed lots 1 - 9 stating that no above ground structures are to be erected on the lots within the 15-metre rear setback of each lot. The 15-metre setback restriction to user must be clearly

noted on the linen plan submitted to Council with the application for the Subdivision Certificate.

**MODIFIED BY ME0046/2024**

55B. A Restriction as to User is to be registered on the title of all lots stating that no dividing fence, or side and rear boundary fence shall be erected on the lot burdened unless it contains one of the following:

- Timber post and rail to a maximum overall height of 1.2m from ground level; or
- Metal plain wire with rabbit proof mesh to a maximum overall height of 1.2m from ground level; or
- A combination of the above to a maximum overall height of 1.2m from ground level.

**MODIFIED BY ME0046/2024**

56. A shared Pedestrian/bicycle path is to be provided and constructed along the Ulan Road frontage.

57. An application for a Compliance Certificate under the Water Management Act, 2000 is to be submitted to Council as the Water Supply Authority and approved prior to the issue of a Subdivision Certificate for the development.

Note: This will include (but is not limited to) the requirement to alter and extend services, upgrade and install ancillary infrastructure ~~such as the sewer pump station~~ and the payment of section 64 developer contributions. Refer to Advisory Note for the Payment of Section 64 Contributions.

**MODIFIED BY ME0046/2024**

58. In accordance with the provisions of ~~section 94~~ 7.11 of the Environmental Planning and Assessment Act 1979 and the Mid-Western Regional Council Section 94 Developer Contributions Plan, a contribution shall be paid to Council in accordance with this condition for the purpose of: SUBJECT TO CPI INCREASE

<del>Transport Management</del>	
<del>Traffic Management</del>	<del>\$53,504</del>
<del>Open Space</del>	
<del>Local Open Space</del>	<del>\$84,040</del>
<del>District Open Space</del>	<del>\$114,048</del>
<del>Community Facilities</del>	
<del>Library Buildings</del>	<del>\$11,000</del>
<del>Library Resources</del>	<del>\$13,200</del>
<del>Administration</del>	
<del>Plan Administration</del>	<del>\$25,652</del>

**TOTAL** **\$301,444**

	Per 2 or more bed dwelling / separate house/lot	45 Lots (1 credit applied for existing Lot)
<b>Transport Facilities</b>	\$ 5,057.00	\$ 227,565.00
<b>Recreation and Open Space</b>	\$ 2,541.00	\$ 114,345.00
<b>Community Facilities</b>	\$ 740.00	\$ 33,300.00
<b>Stormwater Management</b>	\$ 534.00	\$ 24,030.00
<b>Plan Administration</b>	\$ 1,160.00	\$ 52,200.00
<b>Total</b>	<b>\$10,032.00</b>	<b>\$ 451,440.00</b>

**MODIFIED BY ME0046/2024**

**PRESCRIBED CONDITION**

59. A sign must be erected in a prominent position on any site on which building work, subdivision work or demolition work is being carried out:
- (a) showing the name, address and telephone number of the principal certifying authority for the work, and
  - (b) showing the name of the principal contractor (if any) for any building work and a telephone number on which that person may be contacted outside working hours, and
  - (c) stating that unauthorised entry to the work site is prohibited.

Any such sign is to be maintained while the building work, subdivision work or demolition work is being carried out, but must be removed when the work has been completed.

**OTHER APPROVALS**

N/A

**ADVISORY NOTES**

- 1 The removal of trees within any road reserve requires the separate approval of Council in accordance with the policy "Tree Removal and Pruning - Public Places".
- 1A. 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 monetary contribution in accordance with the following Schedule of Contributions must be paid in full (including indexation, where applicable).

Section 64 Contributions	45 x Large Residential Lots (1 x Credit Large Lot Applied)
Water Headworks	\$ 667,986.00
Sewer Headworks	\$ 213,444.00
<b>Total Headworks</b>	<b>\$ 881,430.00</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.

**MODIFIED BY ME0046/2024**

- 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 Section 82A of the Environmental Planning and Assessment Act (EP&A Act) gives you the ability to seek a review of the determination. This request is made to Council and must be made within 6 months after the date on which you receive this notice. The request must be made in writing and lodged with the required fee; please contact Council's Planning and Development Department for more information or advice.
- 4 If you are dissatisfied with this decision section 97 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 Section 83 of the EP&AAct.
- 6 To ascertain the extent to which the consent is liable to lapse, refer to Section 95 of the EP&AAct.

#### **ESSENTIAL ENERGY ADVISORY NOTES**

1. If the proposed development changes, there may be potential safety risks, and it is recommended that Essential Energy is consulted for further comment.
2. Any existing encumbrances in favour of Essential Energy (or its predecessors) noted on the title of the above property should be complied with.
3. As part of the subdivision, an easement/s are/is created for any existing electrical infrastructure (located within the property or adjoining the property as required). The easement/s is/are to be created using Essential Energy's standard easement terms current at the time of registration of the plan of subdivision. Refer Essential Energy's Contestable Works Team for requirements via email [contestableworks@essentialenergy.com.au](mailto:contestableworks@essentialenergy.com.au).
4. Essential Energy's records indicate there is electricity infrastructure located within close proximity to the property. Any activities within this location must be undertaken in accordance with the latest industry guideline currently known as ISSC 20 Guideline for the Management of Activities within Electricity Easements and Close to Infrastructure. Approval may be required from Essential Energy should activities within the property encroach on the electricity infrastructure.
5. 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).
6. 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 and Code of Practice – Work near Underground Assets.

**MODIFIED BY ME0046/2024**

#### **STATEMENT OF REASONS**

The determination decision was reached for the following reasons:

1. The proposed development complies with the requirements of the applicable environmental planning instruments and Mid-Western Regional Development Control Plan 2013.
2. The proposed development is considered to be satisfactory in terms of the matters identified in Section 4.15 and Section 4.55 of the Environmental Planning & Assessment Act 1979.
3. The application was placed on public exhibition in accordance



with the Mid-Western Regional Community Participation Plan 2019 and no submissions were received.

**MODIFIED BY ME0046/2024**

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

Councillors	Ayes	Nayes
Cr Kennedy	✓	
Cr Dicker	✓	
Cr Karavas	✓	
Cr Palmer	✓	
Cr Shelley	✓	
Cr Thompson	✓	
Cr Cornish	✓	
Cr Lang	✓	

8.3 AUGUST - MONTHLY DEVELOPMENT APPLICATIONS  
PROCESSING AND DETERMINED

GOV400105, A0420109

**227/24**

**MOTION: Shelley / Dicker**

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

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

8.4 SEPTEMBER - MONTHLY DEVELOPMENT APPLICATIONS  
PROCESSING AND DETERMINED

GOV400105, A0420109

**228/24**

**MOTION: Palmer / Karavas**

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

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

8.5 PLANNING PROPOSAL LOT 3 DP 1223039 - 277 BLACK  
SPRINGS ROAD, EURUNDEREE - POST EXHIBITION

GOV400105, LAN900155

**229/24**

**MOTION: Shelley / Palmer**

**That Council:**

1. receive the post exhibition report by the Manager Strategic Planning on the Planning Proposal Lot 3 DP 1223039, 277 Black Springs Road, Eurunderee; and
2. request the NSW Department of Planning, Housing and Infrastructure to draft and finalise the amendment to the Mid-Western Regional Local Environmental Plan 2012.

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

8.6 DRAFT EMPLOYMENT LANDS STRATEGY (INDUSTRIAL)  
2024 - POST SECOND EXHIBITION

GOV400105, LAN900156

230/24

**MOTION:** Palmer / Karavas

**That Council:**

1. receive the report by the Manager Strategic Planning on the amended Draft Employment Lands Strategy (Industrial) 2024 - Post Second Exhibition; and
2. adopt the amended Draft Employment Lands Strategy (Industrial) 2024.

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

8.7 2024-25 LOCAL HERITAGE GRANT ALLOCATION

GOV400105, GOV400087, GRA600055

231/24

**MOTION:** Karavas / Cornish

**That Council:**

1. receive the report by the Manager Strategic Planning on the 2024-25 Local Heritage Grant Allocation; and
2. support the decision to provide a Local Heritage Grant to the following projects:
  - a) \$4,000 towards the repair and repainting of the façade of the former Loneragan's Store at 19-41 Church Street, Mudgee
  - b) \$2,000 to replace the doors of the rare early garage at 1 Grant Street, Mudgee
  - c) \$3,000 towards repainting the exterior and replacing the

**veranda floorboards at 81 Mayne Street, Gulgong;**

- d) \$3,000 towards replacing the aluminium windows at 45 Louee Street, Rylstone, with timber windows of the original type.**

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

The following recommendations (item 8.8 to item 9.4) were adopted as a whole, being moved by Cr Shelley seconded by Cr Dicker and carried with Councillors voting unanimously. Each recommendation is recorded with separate resolution numbers commencing at Resolution No. 232/24 and concluding at Resolution No.239/24.

## 8.8 ACCEPTANCE OF NSW COMMUNITY AND EMPLOYMENT BENEFIT PROGRAM GRANTS

GOV400105, ECO800006

**232/24**

**MOTION: Shelley / Dicker**

**That Council:**

- 1. receive the report by the Manager Economic Development on the Acceptance of NSW Community and Employment Benefit Program Grants;**
- 2. if successful, accept the grant funding from the following grant programs; and**

<b>Grant Fund</b>	<b>Project</b>	<b>Grant Amount</b>
<b>Community and Employment Benefit Program - Legacy Infrastructure Fund</b>	<b>Mudgee Key Worker Housing Construction (Stage 1)</b>	<b>\$11,250,000</b>
<b>Community and Employment Benefit Program - Local Community Fund</b>	<b>Gulgong Youth Centre Refurbishment</b>	<b>\$350,000</b>
<b>Community and Employment Benefit Program - Local Community Fund</b>	<b>Billy Dunn Gulgong Sporting Complex Improvements</b>	<b>\$995,000</b>
<b>Community and Employment Benefit Program - Local Community Fund</b>	<b>Putta Bucca Wetlands Redevelopment Project: A Rewilding Initiative</b>	<b>\$500,000</b>

- 3. if successful, amend the 2024/25, 2025/26, 2026/27 and 2027/28 budgets in accordance with the adjustments listed on the Financial Implication section of this report and**

**authorise the General Manager to finalise and sign the funding agreements.**

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

8.9 COMMUNITY ENGAGEMENT PLAN 2024-2025

GOV400105, COR400811

**233/24 MOTION: Shelley / Dicker**

**That Council receive the report by the Manager Economic Development on the Community Engagement Plan 2024-2025.**

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

8.10 STATE OF OUR REGION REPORT

GOV400105, COR400811

**234/24 MOTION: Shelley / Dicker**

**That Council:**

- 1. receive the report by the Manager Economic Development on the State of our Region Report; and**
- 2. note the State of our Region Report to be published on Council's website alongside or appended to the Annual Report.**

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

8.11 STREET BANNER POLICY - POST EXHIBITION

GOV400105, 123

**235/24 MOTION: Shelley / Dicker**

**That Council:**

- 1. receive the report by the Events Coordinator on the Banner Policy – Post Exhibition; and**
- 2. adopt the Street Banner Policy with the minor amendment as noted.**

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

**Item 9: Corporate Services**

9.1 DRAFT FINANCIAL STATEMENTS 2023/24

GOV400105, FIN300446

**236/24****MOTION: Shelley / Dicker****That Council:**

1. receive the report by the Chief Financial Officer on the Draft Financial Statements 2023/24;
2. resolve that in its opinion the General Purpose Financial Statements and Special Purpose Financial Statements for the year ended 30 June 2024:
  - 2.1 have been prepared in accordance with the Local Government Act 1993, the Local Government (General) Regulation 2021, the Australian Accounting Standards, and the Local Government Code of Accounting Practice and Financial Reporting;
  - 2.2 present fairly the Council's financial position and operating result for the year;
  - 2.3 accord with the Council's accounting and other records; and
  - 2.4 do not contain any known matter that would make the financial statements false or misleading in any way
3. authorise the Mayor, Deputy Mayor, General Manager and Responsible Accounting Officer to sign the Statement by Councillors and Management on its opinion of the General Purpose Financial Report 2023/24 and Special Purpose Financial Report 2023/24;
4. authorise the General Manager to issue the 2023/24 Financial Reports immediately upon receipt of the Auditors Report; and
5. authorise the General Manager to finalise the date at which the Auditors Report and Financial Statements for 2023/24 are to be presented to the public.

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

9.2 GRANTS COMMISSION FINANCIAL ASSISTANCE GRANT  
2024-25

GOV400105, GRA600041

**237/24****MOTION: Shelley / Dicker****That Council:**

1. receive the report by the Financial Planning Coordinator on the Grants Commission Financial Assistance Grant 2024-25;
2. note the correspondence received from the Local

**Government Grants Commission attached to this report;**

3. amend the 2024/25 Budget to recognise a transfer from other internal restrictions due to the advance payment of part of the 2024/25 financial assistance grant being a general-purpose component of \$4,776,604 and local roads component of \$2,749,685 and offset with an equal amount of reduction in grant income; and
4. amend the 2024/25 Budget to decrease grant income for the general-purpose component by \$4,831,258 and the roads component by \$2,805,951.

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

9.3 MONTHLY STATEMENT OF INVESTMENTS AS AT 31  
AUGUST 2024

GOV400105, FIN300053

238/24

**MOTION: Shelley / Dicker**

**That Council:**

1. receive the report by the Financial Planning Coordinator on the Monthly Statement of Investments as at 31 August 2024; and
2. note the certification of the Responsible Accounting Officer.

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

9.4 MONTHLY STATEMENT OF INVESTMENTS AS AT 30  
SEPTEMBER 2024

GOV400105, FIN300053

239/24

**MOTION: Shelley / Dicker**

**That Council:**

1. receive the report by the Financial Planning Coordinator on the Monthly Statement of Investments as at 30 September 2024; and
2. note the certification of the Responsible Accounting Officer.

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

9.5 COMMUNITY GRANTS PROGRAM - OCTOBER 2024

GOV400105, GRA600009

240/24

**MOTION: Shelley / Cornish****That Council:**

1. receive the report by the Financial Planning Co-ordinator on the Community Grants Program - October 2024; and
2. provide financial assistance to the following applications in accordance with the criteria and guidelines of the Community Grants Policy:

Applicant	Recommended Amount \$
• Kandos Rylstone Men's Shed	1,284
• Rotary Club of Mudgee Inc and Rotary Club of Mudgee Sunrise Inc	5,000
• Kandos Rylstone Community Radio Inc.	12,000
• Gulgong Memorial Hall Committee	3,750
• Mudgee Arts Council Inc	3,245
• Mudgee Readers Festival	1,250
• Riding for the Disabled Association NSW Mudgee Centre	5,000
• Western Region Academy of Sport Inc (WRAS)	1,662
• Kandos Museum Inc	7,000

3. not provide financial assistance to the following applicants for the reasons provided in the report
  - Northern NSW Helicopter Rescue Service Limited
  - Kandos Rylstone Film Society

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

## 9.6 MONTHLY BUDGET REVIEW - SEPTEMBER 2024 BUDGET VARIATIONS

GOV400105, FIN300315

241/24

**MOTION: Karavas / Palmer****That Council:**

1. receive the report by the Financial Planning Coordinator on the Monthly Budget Review - September 2024 Budget Variations; and

2. amend the 2024/25 budget in accordance with the variations as listed in the Monthly Budget Review attachment to this report.

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

#### 9.7 QUARTERLY BUDGET REVIEW - JUNE 2024

GOV400105, FIN300240

242/24

**MOTION: Karavas / Palmer**

**That Council:**

1. receive the report by the Chief Financial Officer on the Quarterly Budget Review - June 2024; and
2. note the opinion of the Responsible Accounting Officer regarding the satisfactory financial position of Council.

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

### Item 10: Operations

#### 10.1 SEALING OF CROSSINGS ROAD, MENAH

GOV400105, ROA100614

243/24

**MOTION: Cornish / Dicker**

**That Council:**

1. receive the report by the Works Technical Officer on the Sealing of Crossings Road, Menah;
2. approve the sealing of the 730m length at 4 metres wide of Crossings Road with a contribution from the applicants for the cost of the seal and a condition that payment is received prior to any works commencing; and
3. amend the 2024/25 Operational Plan to include the sealing of Crossings Road for \$87,350 to be funded via \$35,350 from the applicants and an additional \$52,000 from unrestricted cash.

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

#### 10.2 ACCEPTANCE OF GRANT FUNDING - TOWARDS ZERO SAFER ROADS PROGRAM

GOV400105, R0790090

244/24

**MOTION: Thompson / Palmer**



**That Council:**

1. receive the report by the Works Technical Officer on the Acceptance of Grant Funding - Towards Zero Safer Roads Program;
2. accept \$712,000 in funding from Towards Zero Safer Roads Program, Transport for NSW (TfNSW) for Audio Tactile Line Marking (ATLM) along Cope Road between Gulgong and Cope for a length of 19.42km
3. amend the 2024-25 budget to include the funding for this project
4. authorise the General Manager to finalise and execute the funding agreement

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

**Item 11: Community**

## 11.1 MRT QUARTERLY REPORT - APRIL TO JUNE 2024

GOV400105, F0770077

**245/24 MOTION: Lang / Dicker**

**That Council receive the report by the Acting Director Community on the MRT Quarterly Report - April to June 2024.**

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

## 11.2 COUNCIL ADVISORY COMMITTEES, EXTERNAL COMMITTEES, AND OTHER COMMITTEES

GOV400105, A0110015

**246/24 MOTION: Dicker / Karavas**

**That Council reinstate the Rail Committee and Gulgong Memorial Hall Committee**

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

**247/24 MOTION: Cornish / Lang**

**That Council nominate two delegates for the Rail Committee.**

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

Councillors	Ayes	Nayes
Cr Kennedy	✓	

Cr Dicker	✓	
Cr Karavas	✓	
Cr Palmer		✓
Cr Shelley		✓
Cr Thompson	✓	
Cr Cornish	✓	
Cr Lang	✓	

248/24

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

1. receive the report by the Acting Director Community on the Council Advisory Committees, External Committees, and other Committees; and
2. decide on the re-establishment of the Council Advisory Committees listed in the report;
3. confirm the Councillor representatives or Council staff to Council Advisory Committees and External Bodies;

**Council Advisory Committees****3.1 Gulgong Memorial Hall Committee**

Cr Thompson and Cr Cornish

**3.2 Rail Committee**

Cr Thompson and Cr Lang

**3.3 Gulgong Sports Council Sub Committee**

Cr Thompson

**3.4 Mid-Western Regional Access Committee –**

Cr Palmer

**3.5 Mid-Western Regional Youth Council**

Cr Karavas

**3.6 Mudgee Sports Council Sub Committee**

Cr Lang

**3.7 Rylstone Kandos Sports Council Sub Committee**

Cr Shelley

**3.8 Seniors Week Planning Committee**

**Cr Dicker and Cr Thompson**

**State Significant Development Community Consultative Committees**

**3.9 Bowdens Silver Mine Community Consultative Committee**

**Cr Palmer**

**3.10 Charbon/Inglenook Community Consultative Cttee**

**Nil representation**

**3.11 Crudine Ridge Wind Farm Community Consultative Committee**

**Cr Kennedy, alt Cr Cornish**

**3.12 Moolarben Community Consultative Committee**

**Cr Kennedy and Cr Dicker**

**3.13 Ulan Coal Mine Community Consultative Committee**

**Cr Palmer**

**3.14 Wilpinjong Community Consultative Committee**

**Cr Kennedy and Cr Dicker**

**External bodies and Committees:**

**3.15 Arts Out West**

**Cr Dicker**

**3.16 Cudgegong Bushfire Management Committee**

**Cr Thompson and Cr Cornish**

**3.17 Health Council**

**Mayor and General Manager**

**3.18 Joint Regional Planning Panel**

**Cr Shelley and Cr Palmer**

**3.19 Local Traffic Committee**

**Cr Karavas**

**3.20 Mudgee Region Tourism****Mayor and General Manager****3.21 Public Libraries NSW****Cr Dicker**

4. **endorse the request for appointment, if re-elected, of Councillor Dicker to the Central West Orana Renewable Energy Zone Community Reference Group.**

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

11.3 GULGONG GOLD EXPERIENCE AND MINER'S COTTAGE 6  
MONTHLY REPORT

GOV400105, FIN300096, P1114611

**249/24****MOTION: Lang / Palmer**

**That Council receive the report by the Acting Director Community on the Gulgong Gold Experience and Miner's Cottage 6 monthly report.**

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

11.4 COMMUNITY AND CULTURAL SERVICES QUARTERLY  
REPORT

GOV400105, COS300010

**250/24****MOTION: Palmer / Cornish****That Council:**

1. **receive the report by the Acting Director Community on the Community and Cultural Services Quarterly Report; and**
2. **note the recent services provided and activities coordinated by Council's Community & Cultural Services Team.**

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

11.5 SOLAR ARRAY PROGRESS REPORT

GOV400105, ENE100032

**251/24****MOTION: Lang / Cornish****That Council:**

1. receive and note the report by the Acting Director Community on the Solar Array Progress Report; and
2. amend the 2024/25 operational plan to increase the Solar Array capital budget by \$300,000, funded by restricted cash.

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

#### 11.6 MUDGEE CEMETERY CLEAN-UP REPORT

GOV400105, F0620020

**252/24 MOTION: Shelley / Palmer**

**That Council receive and note the Mudgee Cemetery Clean-Up Report by the Acting Director Community.**

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

#### 11.7 SPORTS ADVISORY GROUPS UPDATE - MEETING AUGUST 2024

GOV400105, A0360013, A036003, A0360030

**253/24 MOTION: Karavas / Dicker**

**That Council:**

1. receive the report by the Sport and Recreation Liaison Officer on the Sports Advisory Groups Update - Meeting August 2024; and
2. note the Meeting Notes from the Gulgong and Mudgee Sports Advisory Groups.

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

### **Item 12: Reports from Committees**

#### 12.1 AUDIT RISK AND IMPROVEMENT COMMITTEE MINUTES - 23 AUGUST 2024

GOV400105, COR400236

**254/24 MOTION: Dicker / Lang**

**That Council:**

1. **receive the report by the Acting Director Community on the Audit Risk and Improvement Committee Minutes - 23 August 2024; and**
2. **endorse the minutes and recommendations of the Audit Risk and Improvement Committee meeting held on 23 August 2024.**

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

## 12.2 LOCAL TRAFFIC COMMITTEE MEETING MINUTES - AUGUST 2024

GOV400105, A0100009

**255/24 MOTION: Palmer / Dicker**

**That Council receive the report by the Administration Assistant - Infrastructure Planning on the Local Traffic Committee Meeting Minutes - August 2024.**

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

## 12.3 LOCAL TRAFFIC COMMITTEE MEETING MINUTES - SEPTEMBER 2024

GOV400105, A0100009

**256/24 MOTION: Dicker / Palmer**

**That Council receive the report by the Administration Assistant - Infrastructure Planning on the Local Traffic Committee Meeting Minutes - September 2024.**

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

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

### 13.1 TELSTRA PAYPHONE REMOVAL ON BYLONG VALLEY WAY

**257/24 MOTION: Shelley / Lang**

**That Council accept Item 13.1 Telstra Payphone Removal on Bylong Valley Way as Urgent Business Without Notice.**

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

**258/24 MOTION: Shelley / Lang**

**That Council write to Telstra, to express its concern that Telstra plan**

to close the public phone box on Bylong Valley Way at the bottom of Growee Gulf, due to Council's safety concerns as this phone box is used frequently by tourists and locals who have broken down as there is no mobile phone coverage.

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

## Item 14: Confidential Session

**259/24 MOTION: Thompson / Cornish**

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

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

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

### 14.1 Opportunity to Purchase Land

***The reason for dealing with this report confidentially is that it relates to commercial information of a confidential nature that would, if disclosed prejudice the commercial position of the person who supplied it in accordance with Section 10A(2)(d)(i) 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 (d) (i) commercial information of a confidential nature that would, if disclosed prejudice the comm.***

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.

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### 14.1 OPPORTUNITY TO PURCHASE LAND

GOV400105, 24362

**260/24 MOTION: Shelley / Cornish**

**That Council:**

- 1. receive the report by the Manager - Property and Revenue on the Opportunity to Purchase Land;**
- 2. resolve to purchase the land being Lot 4 DP 561282 by agreement with the landowner at the price outlined in this report;**
- 3. authorise the General Manager to finalise negotiations and execute the completion of the property purchase;**

4. amend the 2024/2025 Budget to allocate amounts as specified in the Financial Implications section of this report;
5. authorise the Common Seal of Council be affixed to all documentation, where necessary, in relation to the purchase;
6. upon completion of the transfer of the land to Council, give public notice of a proposed resolution to classify Lot 4 DP 561282 as Operational Land in accordance with Chapter 6, Part 2, Division 1 Local Government Act 1993 (the Act); and
7. receive a further report after the exhibition period to consider any submissions and deal with the next steps in the classification process as required by the Act.

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

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

### 15.1 OPPORTUNITY TO PURCHASE LAND

Cr Palmer declared a significant non-pecuniary interest in item 15.1 as he is a real estate agent, he left the Chambers at 6:59pm and did not participate in discussion or vote in relation to this matter.

**261/24 MOTION: Shelley / Cornish**

**That Council accept Item. 15.1 Opportunity to Purchase Land as Urgent Business Without Notice.**

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

Councillors	Ayes	Nayes
Cr Kennedy	✓	
Cr Dicker	✓	
Cr Karavas	✓	
Cr Shelley	✓	
Cr Thompson	✓	
Cr Cornish	✓	
Cr Lang	✓	

**262/24 MOTION: Shelley / Cornish**

**That Council:**

1. receive the report by the Property Coordinator on the opportunity to Purchase Land;
2. resolve to purchase the property identified in this report;
3. authorise the General Manager to finalise negotiations and execute the completion of the property purchase, including signing of a purchase contract and any relevant



**documents;**

4. **authorise the Common Seal of Council be affixed to all documentation, where necessary, in relation to the purchase;**
5. **amend the 2024/2025 Budget to allocate amounts as specified in the Financial Implications section of this report;**
6. **upon completion of the sale, give public notice of a proposed resolution to classify the land as Operational Land in accordance with Chapter 6, part 2, Division 1 Local Government Act 1993 (the Act); and**
- 7 **receive a further report after the exhibition period to consider any submissions and deal with the next steps in the classification process as required by the Act.**

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

Councillors	Ayes	Nayes
Cr Kennedy	✓	
Cr Dicker	✓	
Cr Karavas	✓	
Cr Shelley	✓	
Cr Thompson	✓	
Cr Cornish	✓	
Cr Lang	✓	

Councillor Palmer returned to the Chambers at 6:59pm

## **Item 16: Open Council**

**263/24 MOTION: Shelley / Lang**

**That Council move to Open Council.**

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

The General Manager announced the decisions taken in Confidential Session.

## **Item 17: Closure**

There being no further business the meeting concluded at 7:02pm.