

Minutes of the Ordinary Meeting of Council

Held at the Council Chambers, 86 Market Street, Mudgee
on 19 June 2024, commencing at 5.47pm and concluding at 6.08pm.

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

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

Acknowledgement of Country

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

Item 1: Apologies

An apology was received for Cr A Karavas.

124/24 MOTION: Shelley / Cavalier

That the apology received for Cr A Karavas be accepted.

The motion was carried with the Councillors voting unanimously.

Item 2: Disclosure of Interest

Councillor Palmer declared a significant non-pecuniary conflict of interest in item 8.1 as a work colleague may have bought or is buying a block of land in this subdivision.

Director Operations, Julian Geddes, declared a less than significant non-pecuniary conflict of interest in item 10.1 as the report deals with a road that has two residents that are relatives; one parents in-law, the other a distant cousin.

Item 3: Confirmation of Minutes

125/24 MOTION: Shelley / Palmer

That the Minutes of the Ordinary Meeting held on 15 May 2024 be taken as read and confirmed.

That the Minutes of the Extraordinary Meeting held on 22 May 2024 be taken as read and confirmed.

The motion was carried with the Councillors voting unanimously.



Item 4: Matters in Progress

Nil

Item 5: Mayoral Minute

Nil

Item 6: Notices of Motion or Rescission

Nil

Item 7: Office of the General Manager

The following recommendations (item 7.1 to item 7.2) were adopted as a whole, being moved by Cr Cavalier seconded by Cr Shelley and carried with Councillors voting unanimously. Each recommendation is recorded with separate resolution numbers commencing at Resolution No. 126/24 and concluding at Resolution No.127/24.

7.1 2024 CHRISTMAS SHUTDOWN

GOV400105, A0260003

126/24 MOTION: Cavalier / Shelley**That Council:**

1. receive the report by the Director Community on the 2024 Christmas Shutdown; and
2. note that administrative centres, works depots, and libraries will close for the Christmas holidays from 12 noon on Friday 20 December 2024, returning on Thursday 2 January 2025.

The motion was carried with the Councillors voting unanimously.

7.2 FIXING OF ANNUAL FEE FOR COUNCILLORS AND MAYOR

GOV400105, GOV400103, GOV400010

127/24 MOTION: Cavalier / Shelley**That Council:**

1. receive the report by the Governance Co-ordinator on the Fixing of Annual Fee for Councillors and Mayor; and
2. fix fees for Councillors at \$22,540 for the period of July 2024 to June 2025 and an additional fee of \$49,200 for the Mayor; and
3. pay the Deputy Mayor a pro-rata of the Mayoral fee, to be deducted from the additional fee payable to the Mayor for



period of 7 days or more, where the Mayor is unable to carry out the duties of Mayor and the Deputy Mayor acts in the role of the Mayor.

The motion was carried with the Councillors voting unanimously.

Item 8: Development

Councillor Palmer declared a significant non-pecuniary conflict of interest in item 8.1 as a work colleague may have bought or is buying a block of land in this subdivision. He left the room at 5:50pm and did not vote or participate in discussion in relation to this matter.

8.1 ME0034/2024 MODIFICATION TO DA0191/2021 - 209 ROBERTSON ROAD, SPRING FLAT (TORRENS TITLE SUBDIVISION - FOUR ADDITIONAL LOTS)
GOV400105, DA0191/2021

128/24 MOTION: Shelley / Paine

That Council:

- A. receive the report by the Town Planner and Manager Planning on the ME0034/2024 Modification to DA0191/2021 - 209 Robertson Road, Spring Flat (Torrens Title Subdivision - Four Additional Lots); and
- B. approve ME0034/2024 Modification to DA0191/2021 - 209 Robertson Road, Spring Flat (Torrens Title Subdivision - Four Additional Lots) subject to the following conditions and Statement of Reasons (with amendments shown in red text):

CONDITIONS

PARAMETERS OF CONSENT

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

Title/Name	Drawing No/ Document Ref	Revision / Issue	Dated	Prepared by
Plan of Subdivision of Lot 1004	14715	C	31.05.24	De Witt Consulting
Cover Sheet	TX14774.0 0 - C1.00	C	05.06.24	Triaxial Consulting
Proposed Site Plan	TX14774.0 0 - C2.01	D	05.06.24	Triaxial Consulting
Sewer Plan	TX14774.0	C	05.06.24	Triaxial Consulting



Mayor



General Manager

	0 - C7.00			
Water Plan	TX14774.0 0 - C8.00	E	05.06.24	Triaxial Consulting
Figure 1 – Proposed Subdivision	BK630 – Sheet 1 of 3	-	1/12/2021	Robert John Crooks
Figure 2 – Proposed Services	BK630 – Sheet 2 of 3	-	1/12/2021	Robert John Crooks
Figure 3 – Proposed Services Crossing Diagrams	BK630 – Sheet 3 of 3	-	1/12/2021	Robert John Crooks
Figure 1 – Proposed Subdivision Stage 1 Lots 1-11	BK630 – Sheet 1 of 2	-	1/12/2021	Robert John Crooks
Figure 2 – Stage 1 Proposed Services Crossing Diagrams	BK630 – Sheet 2 of 2	-	1/12/2021	Robert John Crooks
Lot 1 Services Plan	TX14774.0 0 – SK01	A	02/12/21	Triaxial Consulting
Plenty Road Longitudinal Sections – Sheets 1	TX14774.0 0 – C5.10	A	12/04/21	Triaxial Consulting
Road 2 – Profile – 1	TX14774.0 0 – C5.50	1	25/11/21	Triaxial Consulting
Stormwater Management Plan	TX14774.0 0 – C6.00	B	12/04/21	Triaxial Consulting
Drainage Details	TX14774.0 0 – C6.50	0	25/11/21	Triaxial Consulting
Sewer Longitudinal Sections	TX14774.0 0 – C7.01	A	14/08/20	Triaxial Consulting
Sewer Longitudinal Sections	TX14774.0 0 – C7.02	B	12/04/21	Triaxial Consulting
Sewer Longitudinal Sections	TX14774.0 0 – C7.03	A	14/08/20	Triaxial Consulting
Sewer Longitudinal Sections	TX14774.0 0 – C7.04	A	14/08/20	Triaxial Consulting
Sewer Longitudinal Sections	TX14774.0 0 – C7.05	A	14/08/20	Triaxial Consulting

[MODIFIED BY ME0018/2022]
[MODIFIED BY ME0034/2024]




2. This consent does not permit commencement of any site works. Works are not to commence until such time as a Subdivision Works Certificate has been obtained.
3. This consent does not include approval for the removal of any trees.

GENERAL

4. Proposed Lots 1 to ~~27~~ 31 are to have a minimum area of 2,000 m².
[MODIFIED BY ME0018/2022]
[MODIFIED BY ME0024/2024]
5. The strength of the concrete used for any concrete components in the development must be a minimum 25 Mpa.
6. All *Acacia ausfeldii* (Ausfeld's Wattle) plants located within proposed Lot 1 are to be retained and conserved.
7. No trees are to be removed from within the Plenty Road reserve. No trees on the road or parks reserves shall be removed during construction of the subdivision works including the erection of hoardings and fences without Council's approval. Care must be taken to ensure that no trees are damaged either above or below ground level.
8. Street trees of an approved species are to be provided at a rate of two (2) trees per allotment.
9. All General Terms of Approval issued in relation to the approved development, shall be complied with prior, during and at the completion of the development, as required.

The General Terms of Approval include the following:

- a) General Terms of Approval, issued by NSW Rural Fire Service, for a Bush Fire Safety Authority in accordance with Section 100B of the Rural Fires Act 1997.
 - b) General Terms of Approval, issued by the Natural Resources Access Regulator, for a Controlled Activity Approval in accordance with Section 91 of the Water Management Act 2000.
10. All earthworks, filling, building, driveways or other works, are to be designed and constructed (including stormwater drainage if necessary) to ensure that at no time any ponding of stormwater occurs on the subject site or adjoining land as a result of this development. Design must also ensure that no diversion of runoff onto other adjacent properties occurs.



11. **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.**
12. **The only waste derived material that may be received at the development site must be:**
 - a) **Virgin excavated natural material, within the meaning of Protection of the Environment Operations Act 1997; and**
 - b) **Any other waste-derived material the subject of a resource recovery exemption under cl.91 of the Protection of the Environment Operations (Waste) Regulation 2014 that is permitted to be used as fill material.**
13. **Where discrepancies between the Drawings, current amended Development Consent or Council's Development Control Plan occur, the works must comply with the written requirements of the current Development Consent.**
14. **In accordance with Council's Development Control Plan, Council does not permit the following types of development over an existing sewer main or easement for sewer/stormwater drainage:**
 - a) **Erection of permanent structures,**
 - b) **Cut or fill of land,**
 - c) **The planting of trees, or**
 - d) **Concrete structures**

Footing design must ensure that footings extend below the zone of influence to ensure that no load is placed on infrastructure.

Stormwater

15. **The Developer must provide for the design and construction of all stormwater drainage infrastructure to service the development.**
16. **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.**
17. **Inter-allotment drainage is to be provided to remove stormwater from any lots that cannot discharge to the street in accordance with AusSpec #1.**
18. **A grated pit of 600 x 600 mm with glue capped 90mm stormwater stub, is to be provided on the lower corner of every**



allotment for which roof, and paved areas can't be drained naturally to public roadway or natural watercourse.

Water and Sewer

19. The developer is to provide separate water and sewer reticulation services to each lot.
20. The developer is to extend and meet the full cost of water and sewerage reticulations to service the new lots plus the cost of extending and connecting to existing services. All water and sewerage work is required to be carried out in accordance with the requirements of Mid-Western Regional Council (as the Water Supply Authority under the Local Government Act 1993) and in accordance with the National Specification – Water Supply Code of Australia, National Specification – Sewerage Code of Australia, AS/NZS3500: Plumbing and Drainage and any other applicable codes.
21. Where the sewer main is located outside of the residential block, the service tie shall extend inside the property boundary and an inspection shaft extended vertically upward to the surface ground level to form the boundary riser. The tie should generally be located on the sewer main line at 1.0 metre from the lowest corner of the property and extend 1 metre into the boundary.

Electricity Supply

22. Underground electricity, street lighting and telecommunications is to be supplied to the Subdivision in accordance with the relevant authority's standards. Each allotment is to be provided with a service point/connection to an electricity supply.

TransGrid Conditions

23. TransGrid shall be notified of any amendments/modifications to the proposal which may change proposed distances to TransGrid structures or conductors.
 24. All works must be carried out in accordance with NSW WorkCover 'Working Near Overhead Powerlines' Code of Practice 2006.
 25. All fencing (including temporary fencing) must comply with TransGrid's Fencing Guidelines.
 26. Pits or pillars to connect the electricity supply to residences cannot be located within the TransGrid electricity easement.
- 26A. The development shall comply at all times with the TransGrid requirements (as relevant) set out in their letter dated 8 April 2024.**



[Added by ME0034/2024]**Roads and footpaths**

27. Construction and extension of Plenty Road and the New Internal Proposed Road must be undertaken generally in accordance with the approved Drawings, Engineering Design and AUS-SPEC #1 & 2.
28. Road pavements are to be designed by a suitable qualified engineer in accordance with AUSTRROADS procedures. Materials and testing requirements shall comply with those set out in AUSPEC Construction Specification with sample locations selected as per RMS Specification Q4.
29. The proposed extension to Plenty Road is to be constructed in accordance with the following:

Item	Requirement
Full Road Pavement Width	9m (2 x 3.5m travel lanes and 2 x 1m sealed shoulders, measured from invert to invert).
Nature Strip (verge)	4.5m
Concrete Footpaths	1.2m wide to extend the full length of Plenty Road (2.5% slope)
Seal	Two-coat flush seal -14/7 mm (Double/ Double) as required
Kerb & Gutter	Roll back concrete kerb and gutter
Subsoil Drainage	Where gutter flow exceeds 2.5m during minor events of adjacent to intersections. To be installed behind kerb.

30. The proposed cul-de-sac road in the subdivision is to be constructed in accordance with the following:

Item	Requirement
Full Road Pavement Width	9 m (2 x 3.5m travel lanes and 2 x 1m sealed shoulders, measured from invert to invert)
Cul-de-sac	Radius not less than 10m
Nature Strip (verge)	2 x 4.5m
Concrete Footpaths	1.2m wide to extend the full length of new road (2.5% slope)
Seal	Two-coat flush seal -14/7 mm (Double/ Double) as required
Kerb & Gutter	Roll back concrete kerb and gutter
Subsoil Drainage	Where gutter flow exceeds 2.5m during minor events or adjacent




	to intersections. To be installed behind kerb.
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31. **A minimum 1.2m wide and 100mm thick concrete footpath is to be constructed along one side of the entire length of the proposed road/cul-de-sac and extended to connect to the existing footpath in Plenty Road.**
32. **One 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 kerb and gutter and shall be of no less a quality than kerb adaptors kept at Council's Administration Centre as a guide.**
33. **Where footpaths are provided the roof-water outlet shall be extend under the footpath and extend past the edge of the footpath sufficient to allow connection.**
34. **Street signs necessitated by the subdivision are to be installed in accordance with AUS-SPEC #1 and Council standards.**

PRIOR TO ISSUE OF THE SUBDIVISION WORKS CERTIFICATE

35. **Prior to the issue of a Subdivision Works Certificate, amended plans are to be submitted to and approved by Council to address the following matters:**
 - a) **The design for stormwater must demonstrate that the gutter flow calculation complies with the requirements of Mid-Western Development Control Plan 2013.**
 - b) **The road pavement width must be measured from invert to invert of kerb.**
 - c) **Kerb return detail must be submitted.**
 - d) **Cul-de-sac geometry details are to be submitted and must not be less than 10m radius.**
 - e) **Footpath details.**
 - f) **Kerb ramp details along with construction details.**
 - g) **Kerb and gutter details.**
 - h) **Kerb inlet pit detail.**
 - i) **Splay of corner lot details.**
36. **Prior to the issue of a Subdivision Works Certificate, a detailed engineering design is to be submitted to and approved by Council. The engineering design is to comply with the technical and performance requirements of Council's Development Control Plan and the Standards referenced within Appendix B and D of that document. A Subdivision Works Certificate is required for, but not limited to, the following civil works:**
 - a) **Water and sewer extensions, and connections to each lot;**
 - b) **Stormwater drainage, including inter-allotment drainage, detention basins and bio-retention devices;**




- c) Road construction including shoulder;
 - d) Kerb and gutter;
 - e) A 1.2m wide concrete footpath along the cul-de-sac road and the extension to Plenty Road;
 - f) Earth works for the subdivision; and
 - g) Landscaping of road verges and public reserves.
37. Prior to the issue of a Subdivision Works Certificate, the developer must submit to and obtain approval from Council, detailed design and documentation of the proposed sewer reticulation system. The details are to address the following:
- a) Demonstrate that the proposed sewer reticulation system has minimum grade requirements for sewer with a fall of no less than 1% and having no detrimental effect on flow rates and the ongoing operation of Council's existing infrastructure; and
 - b) A report outlining the proposal to provide a wastewater service to each lot within the proposed subdivision. The report is to be prepared in accordance with the Gravity Sewer Code of Australia WSA02-2014. Where pressure sewer is being proposed, the report is to be prepared in accordance with the Pressure Code of Australia WSA 07-2007.
38. Detailed design supported with calculation of water reticulation plan is to be submitted to and approved by Council prior to the issue of a Subdivision Works Certificate. The design must address water network crossing culvert and drainage reserve to get connected to water main available at Lovett Court. The design must address the following, but not limited to:
- a) Air valves, hydrants and air valves must be provided along the length of the main according to the Water Supply Code of Australia WSA 03-2011.
 - b) The alignment of the main entering the new subdivision is to be at a 90-degree bend instead of two 45-degree bends. The main is to turn the corner with a tee instead of an elbow. The section of the tee facing to the west is to have a stop valve which is to be blanked out on the side of the valve that faces Robertson Road. Stop valves are to be installed on all sides of this tee.
 - c) The tee turning the corner is to have a temporary thrust block installed according to Water Supply Code of Australia WSA 03-2011. This thrust block would comprise of wood or other material deemed appropriate by Council's Water and Sewer Department.
 - d) Right hand close valves are to be used for all stop valves within the subdivision.
 - e) A report outlining the proposal to provide a water supply service to each lot in the subdivision. The report is to be prepared in accordance with the Water Supply Code of Australia WSA 03-2011.



39. A construction management plan shall be submitted with the application for the Subdivision Works Certificate. The management plan shall include:

- a) Details of sedimentation and erosion control.**
- b) Details of haulage routes shall be provided to Council for approval.**
Note - all trucks and machinery must be free from all foreign material where such material is likely to cause pollution. An area must be set aside for the cleaning of concrete agitator trucks.
- c) Details of dust mitigation.**
- d) Details of access roads.**
- e) Location and phone number of the site office.**

Reason - to reduce the environmental impact on the site during the construction period.

40. A Drainage Report in support of detailed drainage design must be prepared in accordance with the Institution of Engineers publication Australian Rainfall and Run-off and be submitted to the Principal Certifier for approval prior to the issue of a Subdivision Works Certificate. The Drainage Report is to address the following:

- a) Show that the development will not increase the limits of upstream and downstream flooding for floods over the range of 1 in 1 year to 1 in 100-year Average Recurrence Interval (ARI) storm events by the inclusion of on-site stormwater detention controls;**
- b) The provision of a water quality control system to treat the stormwater runoff from the development as outlined in Mid-Western Regional Development Control Plan 2013 - Water Quality Performance Guidelines and Statement of Environment Effects;**
- c) A detailed drainage design must be prepared for the disposal of roof and surface water from the site, including any natural runoff currently entering the property. Details of on-site storage and the method of controlled release from the site and connection to an approved drainage system in accordance with Council's Development Engineering Specifications;**
- d) A full and detailed stormwater management plan for the site, satisfactory to Council, is to be submitted which must be accompanied with analysis of the upstream contributing areas, tributaries and overland flow-paths considering all impacted drainage flows, adjacent and/or downstream properties, structures, infrastructure and downstream receiving systems;**
- e) The detailed plans, specifications and copies of the calculations, including existing and proposed surface levels, sub-catchments and conduit sizing appropriate for**



- the development prepared by suitably qualified and experienced person in the field of hydrology and hydraulics including water quality modelling (MUSIC) results;
- f) Inter-allotment drain is to be designed to accept the concentrated drainage from buildings and paved areas on each allotment to provide for no less than flow rates generated by 1:20 year ARI storm event in accordance with BCA requirements;
 - g) Drainage design must ensure that no stormwater runoff is permitted to discharge over adjoining properties and any works associated with the control of stormwater discharge over any adjoining property must not occur without the consent of the owner of any affected property; and
 - h) Show a grated pit of 600 x 600 mm with glue capped 90mm stormwater stub, provided on the lower corner of every allotment for which roof and paved areas can't be drained naturally to public roadway or natural watercourse.
41. Prior to the issue of the Subdivision Works Certificate, Council is to be provided with certified copies of the Electrical and Telecommunications Design for the subdivision including a layout design complying with the allocations determined by Section 6.2 of the Streets Opening Conference Guideline 2009.
42. Prior to the issue of the Subdivision Works Certificate, consent from Council must be obtained for all new works within the road reserve, pursuant to section 138 of the Roads Act 1993.
43. Prior to the issue of a Subdivision Works Certificate, a Traffic Control Plan (TCP) completed by a "Certified Person" for implementation during works is to be submitted to Council. All requirements of the Traffic Control Plan must be put in place and implemented prior to any work commencing.
44. Where it is proposed to import fill, the material shall be free of hazardous materials and contamination and be classified as VENM or ENM under the guidelines of the NSW Environmental Protection Authority by a qualified Geotechnical Engineer. Fill placed in residential or commercial lots shall be compacted in accordance with AS3798-2007 Guidelines on Earthworks for Commercial and Residential Developments. All finished surface levels and contours to Australian Height Datum (AHD) shall be shown on the plans submitted for the Subdivision Works Certificate.
45. An Erosion and Sediment Control Plan for the development is to be prepared and implemented in accordance with the LANDCOM guidelines and requirements as outlined in the latest edition of Soils and Construction – Managing Urban Stormwater. Points to be considered include, but are not limited to:
- a) Saving available topsoil for reuse in the revegetation phase



- of the development;
 - b) Using erosion control measures to prevent on-site damage;
 - c) Rehabilitating disturbed areas quickly;
 - d) Maintenance of erosion and sediment control structures; and
 - e) Disturbed areas are to be seeded, fertilised and hay mulched or similar on completion of regrading works. Disturbed areas are to be progressively revegetated with exposed areas kept to a workable minimum.
46. Topsoil shall only be stripped from approved areas and shall be stockpiled for re-use during site rehabilitation and landscaping. Details shall be submitted to and approved by Council prior to release of the Subdivision Works Certificate.

Reason - to minimise erosion and silt discharge and ensure valuable topsoil resources are protected.

47. The submission to Council of engineering design plans for any road works shall include pavement and wearing surface investigation and design.

PRIOR TO THE COMMENCEMENT OF WORKS

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

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

51. The following is to be provided, prior to the commencement of any works and is to be maintained in an effective and operational condition for the duration of the work:
- a) Mid-Western Regional Council is to be given at least two days' notice of the intention to commence works.
 - b) A site supervisor is to be nominated by the applicant.
 - c) Erosion and Sediment Controls for the Development are to be implemented in accordance with Dwg No. 82018276-01 C2080 Rev D Soil and Water Management Layout Plan and Dwg No. 82018276-01 C2081 Rev D Soil and Water



- Management Notes and Details and Landcom Guidelines and requirements as outlined in the latest edition of Soils and Construction- Managing Urban Stormwater.
- d) Appropriate dust control measures.
 - e) Construction equipment and materials shall be contained wholly within the site unless approval to use the road reserve has been obtained.
 - f) 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.
 - g) Subdivision Works certificate approval must be obtained from Council for works like but not limited to road, kerb, gutter, water and sewer works
52. Prior to the commencement of any works a copy of the Contractor's public liability insurance cover for a minimum of \$20,000,000 (twenty million dollars) is to be provided to Mid-Western Regional Council. Mid-Western Regional Council is to be indemnified against any works carried out by the contractor.
53. The Contractor is required to contact Dial Before You Dig to obtain details of the location of the various services in the vicinity of the subdivision to minimise the chance of disturbing utility services as well as the location of services which are required to be relocated. Dial Before You Dig can be contacted online <https://www.1100.com.au> or by phone on 1100.
54. Prior to the commencement of construction works the applicant needs to comply with the requirements of Section 634 of the Local Government Act 1993, which requires that:
- (1) A person must not do any water supply work, sewerage work or stormwater drainage work unless the person;
 - (a) is the holder of an endorsed licence or supervisor certificate in force under the Home Building Act 1989 authorising the holder to do (and to supervise) work of the kind concerned, or
 - (b) is the holder of a tradesperson certificate in force under the Home Building Act 1989 authorising the holder to do that kind of work under supervision and does that work under the general supervision of the holder of a licence or certificate referred to in paragraph (a), or
 - (c) does the work under the immediate supervision of a person referred to in paragraph (a).
 - (2) A person who employs (or uses the services of) another person to do any water supply work, sewerage work or stormwater drainage work is guilty of an offence if the person knows that the other person, in doing the work, contravenes subsection (1).

Documented evidence is required to be supplied prior to



commencement of construction along with a Certificate of Currency for Public Liability and Professional Indemnity.

55. A Traffic Management Plan showing proposed traffic signposting around the construction site in accordance with AS 1742.3 and RMS Manual for Traffic Control at Worksites current at the time of construction is to be provided to Council for approval prior to any works commencing on Plenty Road. The plan must be prepared and certified by a person holding the appropriate RMS accreditation.
56. Prior to commencement of works, all traffic control including setup and removal of traffic control devices and/or regulation of traffic is to be carried out by persons suitably accredited by RMS. The developer/contractor must produce upon request evidence that all staff involved in the above have such accreditation.

DURING CONSTRUCTION

57. The subdivision works are to be inspected by a Certifier (i.e. Council or a private certifier) to monitor compliance with the consent and the relevant standards of construction, encompassing the following stages of construction:
 - a) Installation of sediment and erosion control measures;
 - b) Sewer and water line installation prior to backfilling;
 - c) Water and sewer lines pressure testing;
 - d) Sewer manholes vacuum testing;
 - e) Footpath foundations and concrete reinforcing prior to pouring concrete;
 - f) Establishment of line and level for kerb and gutter placement;
 - g) Road pavement construction (proof roll and compaction testing of all pavement layers, sub-grade, sub-base, and base prior to sealing);
 - h) Road pavement surfacing;
 - i) Stormwater culvert and drainage pipe installation prior to backfilling; and
 - j) Practical Completion.
58. The developer is to grant Council unrestricted access to the site at all times to enable inspections or testing of the subdivision works.
59. The footpath and driveway levels are not to be altered outside the property boundary without Council's permission.
60. Street signs necessitated by the subdivision are to be installed in accordance with Aus-Spec #1 and Council's standards. Street signs are to be installed at the developer's expense.
61. The development site is to be managed for the entirety of work



in the following manner:

- a) Erosion and sediment controls are to be implemented to prevent sediment from leaving the site. The controls are to be maintained until the development is complete and the site stabilised with permanent vegetation;
 - b) Appropriate dust control measures;
 - c) Construction equipment and materials shall be contained wholly within the site unless approval to use the road reserve has been obtained; and
 - d) Toilet facilities are to be provided on the work site at the rate of one toilet for every 20 persons or part of 20 persons employed at the site.
62. 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.
63. The developer shall, at their own expense, engage a registered surveyor to relocate any survey mark that may be disturbed by the development or any associated work. Any information regarding relocation should be supplied to the NSW Land Registry Services and Council.
64. All works are to be carried out in a workmanlike manner and in accordance with technical and performance requirements of relevant and applicable Codes, Standards, Council's Development Control Plan, Council's Standard Drawings and Aus Spec #1.
65. All required earthworks for roads associated with the subdivision must have compaction testing in compliance with RMS Q4 and AUS-SPEC CQS-A.
66. 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.
67. In the event that *Acacia ausfeldii* (Ausfeld's Wattle) plants are discovered during earthmoving/construction works, all work on 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 authorisation of the OEH.
68. All plumbing and drainage work must be carried out by a licensed plumber and drainer and must comply with the Plumbing Code of Australia.
69. All electrical, telecommunication, sewer and water service



crossings are to be perpendicular to the road centreline and performed prior to the addition of base course and installation of kerb and gutter.

70. All road crossings for stormwater are to be constructed using Reinforced Concrete Pipe (RCP).
71. A turf strip of minimum 600 mm width is to be laid behind the kerb and gutter. Where footpaths are provided, the area between the footpath and the kerb and gutter is to be turf and 600 mm provided above the footpath.
72. 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.
73. 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.
74. 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. Should any adjustments or alterations to Council's water supply or sewer be required, Council will carry out these works at the developer's expense.

PRIOR TO ISSUE OF THE SUBDIVISION CERTIFICATE

75. An application for a Subdivision Certificate, application fee and two (2) copies of the linen plans are to be submitted to Council for approval and endorsement by the General Manager (or their delegate).
76. All costs associated with preparation of Survey Plan and associated easement documentation are to be borne by the developer.
77. Prior to the issue of a Subdivision Certificate, the developer must provide for the construction of all the following works, relevant to the stage of subdivision. Such works are to be completed to the satisfaction of Council.
 - a) Road construction;
 - b) Footpath construction;
 - c) Provision of stormwater drainage infrastructure for the development, including grated yard inlet pits, where required;
 - d) Stormwater detention basin;



- e) Provision of street trees;
 - f) Provision of sewerage infrastructure for the development, with separate sewer connection for each lot in the subdivision; and
 - g) Connection of water (including private meters) and electricity services to provide for individual connection to each proposed lot.
78. The applicant will repair any damage to a public road or associated structures such as kerb & gutter, drains, footpath and utility services caused as a consequence of the development works. The work is to be completed to Council's satisfaction prior to the issue of a Subdivision Certificate.
79. Prior to issue of Subdivision Certificate, the developer is to provide a sewer junction for each lot in the development. This can be achieved by making payment to Council in accordance with Council's adopted fees and charges per new junction to cover the cost of installing a junction in an existing main. (SUBJECT TO CPI INCREASE).
80. Prior to issue of Subdivision Certificate, the developer is to provide a water service and meter for each Lot. This can be achieved by making payment in accordance with Council's adopted fees and charges to cover the cost of installing both the service and a 20mm meter on the water main. (SUBJECT TO CPI INCREASE)
- Note - Council does not permit any other bodies to insert new junctions into 'live' sewer/water mains.
81. Prior to the issue of a Subdivision Certificate, a survey drawing is to be submitted to Council, demonstrating that all private water services, sewer services and water meters are located wholly within the lot that they serve.
82. At the completion of construction and prior to the issue of a Subdivision Certificate, Council requires lodgement of a Quality Register in electronic format on a Flash Drive with all the QA documentation in accordance with Aus Spec and the requirements outlined below:
- a) **COVERSHEET**
 - Project Address
 - Client/Developer
 - DA Number
 - Lot Numbers
 - Subdivision Stage Number (If Applicable)
 - b) **INDEX**
 - Section Numbers



- c) **CONTRACTOR DETAILS**
 - Contractor Representative
 - Contractor Contact Details
- d) **SCOPE OF WORKS**
 - Enter description outlining scope of works completed

Records to be included as applicable:

- **Material Certification and Material Test Reports** (Subbase, Base course, Water, Sewer, Stormwater, Bitumen etc for supplied materials).
 - **Concrete mix details** (Concrete Register/ Concrete Test Results required).
 - **Bitumen Sealing Reports/Records.**
 - **Earthworks/Civil Test Reports** e.g. compaction tests - (Coordinates and RL required for each test required to be shown on a drawing).
 - **Dimensional and Tolerance Records** (Survey Conformance Reports).
 - **Inspection Documentation** (Development Engineer Inspections, ITPs, Lot Identification).
 - **Non-conformance reports** (Major non-conformances not detailed on council inspections).
 - **Work As Executed Drawings and completed Asset Data spreadsheet** (Council to provide at the request of the applicant) (Provide document register of all dwgs and Engineering Stamp required in Autocad, DWG, Map Info, Excel and PDF format).
 - **Copy of final inspection report** from Council's Development Engineer.
83. **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) **MapInfo files (MGA GDA94 Zone 55/56); and**
 - d) **Completed Asset Data Template spreadsheets in MS Excel format.**

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.

84. **The developer must provide Council and land purchasers with a site classification for each vacant lot within the subdivision. The classification is to be carried out at a suitable building site on each lot and is to be carried out by a NATA registered laboratory using method (a) of Clause 2.2.3 of Australian Standard AS 2870 – 2011: Residential Slabs and Footings.**



Results are to be submitted to Council prior to issue of the Subdivision Certificate.

Defects Liability Bond

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

The defects liability bond will be held by Council for a period of 12 months from the completion of the works, to ensure that any defects that become apparent during the time are remedied by the developer, to Council’s satisfaction. If defects are not rectified, Council may use bond money to rectify defective works.

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

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

Note – any unspent bond money will be returned to the developer at the end of the twelve (12) month period, less the estimated cost of any outstanding works or works undertaken by Council in rectifying works.

Developer Contributions

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

Section 94 Contributions		
27 31 additional lots (minus credit for existing)		
Mudgee Catchment	Per Lot	26 30 Lots
Public Amenity or Service		
Transport facilities	\$4,347.00	\$113,022.00 \$130,410.00
Recreation and Open Space	\$2,182.00	\$56,732.00




		\$65,460.00
Community Facilities	\$635.00	\$16,510.00 \$19,050.00
Stormwater Management	\$458.00	\$11,908.00 \$13,740.00
Plan Administration	\$995.00	\$25,870.00 \$29,850.00
Total	\$8,617.00	\$224,042.00 \$258,510.00

Note – the contribution amount will be adjusted by the Consumer Price Index, if not paid in the same financial year the development consent was issued or where lots are released in different financial years.

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

[MODIFIED BY ME0018/2022]
[MODIFIED BY ME0034/2024]

- 87. The developer shall obtain a Certificate of Compliance under the Water Management Act 2000, from Council.**

Note – as a precondition to issuing a Certificate of Compliance, the Council may require the alteration and extension of services, upgrading and installing ancillary infrastructure such as pump stations and the payment of section 64 developer charges. Payments of charges may also be paid in accordance with the deferred payments provisions contained within the relevant Council Development Servicing Plans.

Note – refer to Advisory Notes in relation to payment of contributions to obtain a Certificate of Compliance.

Restrictions on Title

- 88. A restriction, covenant or similar instrument is to be applied to proposed Lot 1 to protect all *Acacia ausfeldii* (Ausfeld’s Wattle) plants located within the lot. The instrument shall identify Council as the sole party to vary the restriction or covenant or similar.**
- 89. A restriction, covenant or similar instrument is to be applied to provide protection to the Aboriginal artefact sites identified on the approved plan. No buildings are to be erected within 10 metres of the Aboriginal artefact site.**
- 90. A covenant, or similar instrument, is to be applied to Lots 1 to ~~27~~ 31 requiring compliance with the relevant terms of the**



Mayor



General Manager

**General Terms of Approval issued by NSW Rural Fire Service.
[MODIFIED BY ME0018/2022]
[MODIFIED BY ME0034/2024]**

91. Three (3) metre wide easements, including associated Section 88B instruments, are to be created in favour of Council over any existing or newly constructed water or sewerage reticulation components located within the subject property, or extended through adjoining private properties as a result of this subdivision, where necessary. The 3m minimum width may be extended depending on the size of the main, the depth of the main and when the easement is shared with other services. In the case of a shared trench involving inter-allotment drainage and sewer reticulation, the sewer line should be located on the side of the trench nearest the building being serviced.
92. Easements of variable width shall be created over any overland inter-allotment drainage in favour of upstream allotments. The easements are to be no less than 1m wide. The Section 88B instrument and linen plans submitted with the application are to include details of any required inter-allotment stormwater easements.
93. Easements for electricity purposes, as required by the electricity supply authority, shall be created, where required. The Section 88B instrument and linen plans submitted with the application are to include details of any electricity easements or restrictions on title required to be imposed by the electricity authorities/suppliers.

Electricity and NBN

94. Prior to issue of the Subdivision Certificate, Council is to be supplied with:
 - a) A certificate of acceptance from the appropriate power authority indicating that satisfactory arrangements have been made for provision of electricity supply to the subdivision; and
 - b) Satisfactory evidence that arrangements have been made for the installation of fibre-ready facilities to all individual lots to enable fibre to be readily connected to any premises that may be constructed on those lots. This will need to include confirmation in writing from the carrier that they are satisfied that the fibre ready facilities are fit for purpose; and
 - c) Satisfactory evidence (usually by way of an agreement with a carrier) that arrangements have been made for the provision of fixed-line telecommunications infrastructure in the fibre-ready facilities to all individual lots; or



- d) As an alternative to b) or c), satisfactory evidence that a carrier will not require fixed line infrastructure to service the subdivision and satisfactory arrangements have been made for fixed wireless infrastructure to service the subdivision. This alternative is provided to address sites in areas mapped by NBN Co as being in a designated Fixed Wireless area, as opposed to a mapped Fibre to the Node area.

Road Dedication

95. The proposed road/cul-de-sac within the subdivision and the proposed extension to Plenty Road shall be dedicated as a public road at no cost to Council. The public road shall be delineated on the final plan of subdivision submitted with the application for a Subdivision Certificate.

Other dedications

96. Proposed Lots ~~28 and 29~~ 32 and 33 are to be dedicated as a drainage reserve.
[MODIFIED BY ME0018/2022]
[MODIFIED BY ME0034/2024]

STATEMENT OF REASONS

1. The proposed development complies with the requirements of the applicable environmental planning instruments and Mid-Western Regional Development Control Plan 2013.
2. The proposed development is considered satisfactory in terms of the matters identified in Section 4.15 of the Environmental Planning and Assessment Act 1979.
3. The matters raised within submissions have been addressed in the following manner:
 - Necessary road upgrades will be required by conditions.
 - The proposed subdivision will not have an adverse impact on local traffic conditions.
 - The proposed design for water supply will result in improved water pressure.
 - The Stormwater Management Plan is satisfactory.
 - There is ample area on each lot on which to erect a dwelling.
 - There is no fencing forming part of the proposed development.
 - Sufficient open space is provided in the adjoining drainage reserve.
 - Suitable conditions are imposed to address construction impacts.
 - Suitable conditions are imposed to ensure that Aboriginal sites are adequately protected.



- The subject site is not identified as a wildlife corridor.
 - The proposed variation from the DCP requirement regarding the length of the cul-de-sac is supported.
 - The proposed subdivision will have minimal impact on the water table and bore water supply.
 - It is expected that noise from traffic will be no greater than what is expected in a residential area.
 - No road connection to Robertson Road will be provided.
 - Consideration of the impact on property values is not a planning matter.
 - Council's Development Engineer supports the proposed sewer servicing strategy.
 - There is ample separation between the proposed lots and adjoining residences. It is not expected that the proposed subdivision will result in unacceptable amenity impacts on adjoining residences.
 - Suitable conditions are imposed to control dust during construction works.
 - The proposed subdivision has been designed to take into account the existing powerlines. Both TransGrid and Essential Energy have not objected to the proposed subdivision.
4. The proposed modification is considered to result in minimal environmental impact and is substantially the same development as originally approved – thereby satisfying the requirements of Section 4.55(1A)(a) and (b) of the Environmental Planning and Assessment Act 1979.
ADDED BY ME0018/2022

STATEMENT OF REASONS – ME0034/2024

1. The proposed modification is considered to result in minimal environmental impact and is substantially the same development as the originally approved development – thereby satisfying the requirements of Section 4.55 (1A)(a) and (b) of the Environmental Planning and Assessment Act 1979.
2. The proposed modification complies with the requirements of the applicable environmental planning instruments and Mid-Western Regional Development Control Plan 2013.
3. The relevant matters raised within submissions have been addressed in the following manner:
 - The handles of all proposed battle-axe lots comply with the DCP standard of 6m.
 - The further variation from the DCP requirement regarding the number of lots off the cul-de-sac is supported.
 - Council's Development Engineer supports the proposed servicing arrangement for the modification and has not raised any concerns with impacts to water pressure.
 - The new road proposed as part of the existing subdivision is able to accommodate the additional four lots proposed under the modification.



[ADDED BY ME0034/2024]

OTHER APPROVALS

General Terms of Approval

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

ADVISORY NOTES

- 1. The removal of trees within any road reserve requires the separate approval of Council in accordance with the policy "Tree Removal and Pruning – Public Places".**
- 2. The land upon which the subject building is to be constructed may be affected by restrictive covenants. This approval is issued without enquiry by Council as to whether any restrictive covenant affecting the land would be breached by the construction of the building, the subject of this approval. Persons to whom this approval is issued must rely on their own enquiries as to whether or not the building breaches any such covenant.**
- 3. Division 8.2 of the Environmental Planning and Assessment Act 1979 (EP&A Act) gives you the ability to seek a review of the determination. This request is made to Council and must be made within 12 months after the date on which you receive this notice. The request must be made in writing and lodged with the required fee; please contact Council's Planning and Development Department for more information or advice.**
- 4. If you are dissatisfied with this decision Sections 8.7 of the EP&A Act 1979 gives you the right to appeal to the Land and Environment Court within 12 months after the date on which you receive this notice, pursuant to section 8.10(1)(b).**
- 5. To ascertain the extent to which the consent is liable to lapse, refer to Section 4.53 of the EP&A Act.**
- 6. The attached General Terms of Approval issued by NSW's Water Authority do not constitute an approval under the Water Management Act 2000. The development consent holder must apply to NSW's Water Authority for a Controlled Activity approval after consent has been issued by Council and before the commencement of any work or activity.**

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



received.

Application forms are available from the NSW's Water Authority website at:
www.water.nsw.gov.au > Water > Licensing & Trade > Approvals.

- 7. 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, either of the following is to occur:

- a) A monetary contribution in accordance with the following Schedule of Contributions must be paid in full (including indexation, where applicable); or

Section 64 Contributions			
27 31 Additional Lots (credit for existing lot)			
	Additional ET/Unit	Value/ET	Payment Due
Water Headworks	39 45	\$8,689.00	\$338,871.00 \$391,005.00
Sewer Headworks	27.3 31.5	\$3,967.00	\$108,299.10 \$124,960.50
Total Headworks			\$447,170.10 \$515,965.50

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

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

[MODIFIED BY ME0018/2022]
 [MODIFIED BY ME0034/2024]

Essential Energy Advice

- 8. Essential Energy's records indicate there is electricity infrastructure located within the property sand within close proximity to the property. Any activities with these locations



Mayor



General Manager

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.

9. 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).
10. Given there is electricity infrastructure in the area, it is the responsibility of the person completing any works around powerlines to understand their safety responsibilities. SafeWork NSW (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.

General Responsibilities of the Developer and/or the Principal Contractor

11. It is the responsibility of either or both of these parties to:
 - a) Provide for the overall supervision and quality of the works.
 - b) Advise Council officers regarding:
 - i. Any foreseeable hazard arising from the premises that has the potential to harm the health or safety of the Council officers when on the work site, and
 - ii. The assessment of any risk that has not been eliminated, and
 - iii. The measures taken to control any such risks, and
 - iv. Any measures that may need to be taken by Council officers to control any such risk while on the work site.
 - c) Obey with any lawful instruction of the Principal Certifying Authorities representative.
 - d) Notify Council when a required inspection has been missed.
 - e) The provision and maintenance of all site signage as required by legislation, including but not limited to:
 - i. A sign indicating the name and telephone number (both during and outside working hours) of the Principal Contractor, and
 - ii. The name and phone number of the Principal Certifying Authority.



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

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

Councillor Palmer returned to the Chambers at 5:55pm.

The following recommendations (item 8.2 to item 8.4) were adopted as a whole, being moved by Cr Cavalier seconded by Cr Shelley and carried with Councillors voting unanimously. Each recommendation is recorded with separate resolution numbers commencing at Resolution No. 129/24 and concluding at Resolution No.131/24.

8.2 PLANNING PROPOSAL GULGONG HEIGHTS OF BUILDINGS AMENDMENT - POST EXHIBITION

GOV400105, LAN900046 PP-2024378

129/24

MOTION: Cavalier / Shelley

That Council:

1. **receive the report by the Manager Strategic Planning on the Planning Proposal Gulgong Heights of Buildings Amendment - Post Exhibition; 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 to increase the maximum height of buildings for development in the Gulgong locality from 5m to 5.5m.**

The motion was carried with the Councillors voting unanimously.

8.3 TEMPORARY SUSPENSION OF ALCOHOL-FREE ZONE MARKET STREET AND CHURCH STREET MUDGEES FOR FLAVOURS OF MUDGEES 2024 AND 2025

GOV400105, GOV40066, GOV40054, GAV40043, A0130008

130/24

MOTION: Cavalier / Shelley

That Council:

1. **receive the report by the Manager Building and Development on the Temporary Suspension of Alcohol-Free Zone Market Street and Church Street Mudgees for**




Flavours of Mudgee 2024 and 2025; and

2. **suspend the Alcohol-Free Zone for the nominated locations within Market Street and Church Street between the hours of 4:00pm – 9:00pm on Saturdays 28 September 2024 and 27 September 2025, for the purposes of the Flavours of Mudgee Street Festival 2024 and 2025 respectively.**

The motion was carried with the Councillors voting unanimously.

8.4 MONTHLY DEVELOPMENT APPLICATIONS PROCESSING
AND DETERMINED

GOV400105, A0420109

131/24 MOTION: Cavalier / Shelley

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.

The following recommendations (item 9.1 to item 9.9) were adopted as a whole, being moved by Cr Shelley seconded by Cr Cavalier and carried with Councillors voting unanimously. Each recommendation is recorded with separate resolution numbers commencing at Resolution No. 132/24 and concluding at Resolution No.140/24.

Item 9: Corporate Services

9.1 POLICY REVIEW - BUSINESS IMPROVEMENT

GOV400105, COR400065, GOV400066

132/24 MOTION: Shelley / Cavalier

That Council:

1. **receive the report by the Business Improvement Officer on the Policy Review - Business Improvement Policy; and**
2. **adopt the revised Business Improvement Policy.**

The motion was carried with the Councillors voting unanimously.

9.2 NAMING OF NEW STREETS IN A SUBDIVISION OFF HONE
CREEK DRIVE, CAERLEON

GOV400105, P27362 P27532 R0790141

133/24 MOTION: Shelley / Cavalier

That Council:




1. receive the report by the Property Support Officer on the naming of new streets in a subdivision off Hone Creek Drive, Caerleon; and
2. formally approve the names of Barclay Street for Road 1 and Price Road for Road 2 being new streets in a subdivision off Hone Creek Drive, Caerleon; and
3. publish formal declaration of the approved names in the NSW Government Gazette, and notify the naming in accordance with Council Road, Bridge and Place Naming Policy.

The motion was carried with the Councillors voting unanimously.

9.3 COUNCIL SERVICE DELIVERY BENCHMARKING REPORT -
2021/22 DATA COMPARATIVES

GOV400105, COR400236

134/24

MOTION: Shelley / Cavalier

That Council:

1. receive the report by the Chief Financial Officer on the Council Service Delivery Benchmarking Report - 2021/22 Data Comparatives; and
2. note the comparative analysis provided in the OLG Mid-Western Regional Council Report and the LG Solutions Form Guide.

The motion was carried with the Councillors voting unanimously.

9.4 MONTHLY BUDGET REVIEW - MAY 2024

GOV400105, FIN300315

135/24

MOTION: Shelley / Cavalier

That Council:

1. receive the report by the Accountant Reporting & Analysis on the Monthly Budget Review - May 2024;
2. note that the General Manager used the emergency delegation conveyed to him at 3.1 of his delegation to authorise the necessary costs for the Saleyards Truck wash pump which requires immediate replacement due to pump failure;
3. note that the General Manager has used the emergency delegation conveyed to him at 3.1 of his delegation has authorised to investigate and repair the leak in pipework on



discharge side of Putta Bucca Sewer Pump Station; and

- 4. amend the 2023/24 and 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.

9.5 MONTHLY STATEMENT OF INVESTMENTS AS AT 31 MAY
2024

GOV400105, FIN300053

136/24 MOTION: Shelley / Cavalier

That Council:

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

The motion was carried with the Councillors voting unanimously.

9.6 WRITE-OFF OF DEBTS - PERIOD 18/5/2023 TO 30/5/2024

GOV400105, A0140197

137/24 MOTION: Shelley / Cavalier

That Council:

- 1. receive the report by the Manager - Property and Revenue on the Write-off of Debts - Period 18/5/2023 to 30/5/2024;**
- 2. note the write-offs totalling \$12,190.60 made under delegated authority as stipulated in the confidential Attachment 1 to this Report for the period 18/5/2023 to 30/5/2024; and**
- 3. note the write-off of a debt greater than \$2,500 totalling \$12,915.44 previously written off by Council at its meeting on 15 November 2023 as stipulated in Attachment 1;**
- 4. authorise the write-off of those additional debts greater than \$2,500 and totalling \$21,105.56 as stipulated in Attachment 1 to this Report for the period 18/5/2023 to 30/5/2024;**
- 5. note the write back of a debt previously written off, but now collected totalling \$1944.50 as stipulated in Attachment 1.**



The motion was carried with the Councillors voting unanimously.

9.7 2024/25 OPERATIONAL PLAN AND 2022/23 - 2024-25
DELIVERY PROGRAM


GOV400105, A0000000, FIN300202, GOV400098

138/24

MOTION: Shelley / Cavalier

That Council:

1. receive the report by the Financial Planning Coordinator on the 2024/25 Operational Plan and 2022/23 - 2024-25 Delivery Program;
2. adopt the Operational Plan for 2024/25 and Delivery Program for 2022/23 to 2024/25, including the Fees & Charges Schedule;
3. make the following rates and charges for the 2024/25 financial year:
 - 3.1 A Residential Rural Rate of 0.0339391 cents in the dollar on the land value as at 1 July 2024 of all land so categorised as Residential, with a minimum rate of \$775.69;
 - 3.2 A Residential Urban Rate of 0.339391 cents in the dollar on the land value as at 1 July 2024 of all land so categorised as Residential and further subcategorised as Residential Urban, with a minimum rate of \$775.69;
 - 3.3 A Farmland Rate of 0.257772 cents in the dollar on the land value as at 1 July 2024 of all land so categorised as Farmland, with a minimum rate of \$775.69;
 - 3.4 A Business Rate of 0.573302 cents in the dollar on the land value as at 1 July 2024 of all land so categorised as Business, with a minimum rate of \$775.69;
 - 3.5 A Business Rylstone Aeropark Rate of 0.197931 cents in the dollar on the land value as at 1 July 2024 of all land so categorised as Business and further subcategorised as Business Rylstone Aeropark, with a minimum rate of \$254.64;
 - 3.6 A Mining Rate of 1.016629 cents in the dollar on the land value as at 1 July 2024 of all land so categorised as Mining, with a minimum rate of \$775.69;
 - 3.7 A Hunter Valley Catchment Contribution Rate of 0.00629 cents in the dollar on the land value as at 1 July 2024 of all land within the catchment contribution area that has a land value in excess of \$300 and is rateable for the time being under the Local Government Act 1993. Council contributes to



the provision of watercourse management in the area controlled by Hunter Local Land Services. A Hunter Valley Catchment Special Rate, which is determined by the authority, is to be applied for the purposes of the Local Land Services Regulation 2014.

- 3.8 The interest to be charged on overdue rates and charges shall be calculated at a rate of 10.5% per annum for the 2024/25 financial year, on a daily simple interest basis;
- 3.9 A Domestic Waste Management Charge of \$346 for all rateable and non-rateable properties within the service areas. Where there is more than one service the annual charge will be multiplied by the number of services;
- 3.10 A General Waste Disposal Charge of \$261 for all rateable and non-rateable properties with the exception of certain Farmland properties that can identify in the manner required by Council that they have a landholding comprised of multiple assessments with a lesser number of residences than assessments; they will be charged for the number of residences. Where there is more than one service the annual charge will be multiplied by the number of services;
- 3.11 A Business Waste Management Charge of \$268 for all rateable and non-rateable Business category properties where a service is rendered. Where there is more than one service the annual charge will be multiplied by the number of services;
- 3.12 Water charges for rateable and non-rateable properties within the water supply area of:

Charge Type	Detail	Amount
Service Availability	20mm meter	\$182
	25mm meter	\$284
	32mm meter	\$466
	40mm meter	\$728
	50mm meter	\$1,138
	80mm meter	\$2,912
	100mm meter	\$4,550
	150mm meter	\$10,238
	200mm meter	\$18,200
Usage - per kL	Residential	\$3.75
	Business	\$3.75
	Raw Water	\$1.55
	Standpipe	\$6.83



Mayor



General Manager

In relation to any multi-unit residential development, including any strata development, each unit will be levied a 20mm service availability charge. In relation to vacant land where a water meter is not connected, each property will be levied with a 20mm service availability charge.

3.13 Sewer charges for rateable and non-rateable properties within the sewer service area of:

Charge Type	Detail	Amount
Service availability	Residential	\$1,026
	Non-Residential	\$573
Usage - Non-Residential	Based on kLs of water that would reasonably be deemed to enter MWRC sewer schemes	\$3.28
Liquid Trade Waste - Annual Charge	Category 1 Discharger	\$113
	Category 2 Discharger	\$225
	Category 3 Discharger	\$745
	Re-inspection Fee	\$110
Liquid Trade Waste - Category 1 without appropriate equipment	Per kilolitre	\$2.15
Liquid Trade Waste - Category 2 with appropriate equipment	Per kilolitre	\$2.15
Liquid Trade Waste - Category 2 without appropriate equipment	Per kilolitre	\$18.80

The motion was carried with the Councillors voting unanimously.

9.8 NEW AND AMENDED FEES AND CHARGES 2024/25

GOV400105, FIN300117

139/24

MOTION: Shelley / Cavalier

That Council:

1. receive the report by the Financial Planning Coordinator on the New and Amended Fees and Charges 2024/25;




2. amend the following fee amounts, as written, and place on public exhibition for 28 days;

Service Type	Amended Fee	Current Fee amount (\$)	Amended fee amount (\$)
Showground Rylstone Showground Hire Fees	High Impact Event	\$1,985.50	\$1,900

3. remove the following fee amounts, as written, and place on public exhibition for 28 days;

Service Type	Fee to remove	Fee amount (\$)
Showground Annual Building Occupancy	Antique Machine Club	\$368
Showground Approved Regular Hirers	Mudgee Dressage Club	\$1,765

4. add the following new fee, as written, and place on public exhibition for 28 days; and

Service Type	New Fee	Fee (Exclusive of GST)	Fee (Inclusive of GST)	Price Policy
Cemeteries	Interment Services Levy for Cremation	\$ 41	\$ 45.10	Per Cremation
Cemeteries	Interment Services Levy for Ash Interment	\$ 63	\$ 69.30	Per Ash Interment
Cemeteries	Interment Services Levy for burial	\$ 156	\$ 171.60	Per Burial

5. endorse the new and amended fees following the 28 day public exhibition period if no submissions are received.

The motion was carried with the Councillors voting unanimously.

9.9 DRAFT LONG TERM FINANCIAL PLAN 2024/25-2033/34
GOV400105, FIN300201

140/24

MOTION: Shelley / Cavalier

That Council:

1. receive the report by the Chief Financial Officer on the Draft Long Term Financial Plan 2024/25-2033/34;




2. **endorse the Draft Long Term Financial Plan 2024/25-2033/34 to go on public exhibition for a period of 28 days;**
3. **request a report be returned to Council after the period of exhibition, if any submissions are received for consideration; and**
4. **adopt the Long Term Financial Plan 2024/25-2033/34 if no submissions are received.**

The motion was carried with the Councillors voting unanimously.

Item 10: Operations

10.1 UNMAINTAINED ROAD - BROADFIELD ROAD - REQUEST FOR MAINTENANCE

GOV400105, R6880001

141/24 MOTION: Shelley / Cavalier

That Council:

1. **receive the report by the Manager Works on the Unmaintained Road - Broadfield Road - Request for Maintenance; and**
2. **include Broadfield Road on the maintenance schedule accepting it at its current standard.**

The motion was carried with the Councillors voting unanimously.

Item 11: Community

The following recommendations (item 11.1 to item 12.3) were adopted as a whole, being moved by Cr Shelley seconded by Cr Palmer and carried with Councillors voting unanimously. Each recommendation is recorded with separate resolution numbers commencing at Resolution No. 142/24 and concluding at Resolution No.150/24.

11.1 POLICY REVIEW- CEMETERIES

GOV400105, GOV1

142/24 MOTION: Shelley / Palmer

That Council:

1. **receive the report by the Manager Recreation Services on the Policy Review- Cemeteries;**
2. **place the revised Cemeteries Policy on public exhibition for 28 days: and**



3. **adopt the draft Cemeteries Policy if no public submissions are received.**

The motion was carried with the Councillors voting unanimously.

11.2 POLICY REVIEW- TREE PLANTING AND TREE REMOVAL AND PRUNING IN PUBLIC PLACES

GOV400105, GOV1

143/24 MOTION: Shelley / Palmer

That Council:

1. **receive the report by the Manager Recreation Services on the Policy Review- Tree Planting and Tree Removal and Pruning in Public Places;**
2. **place the revised 'Tree Planting Policy' and 'Tree Removal and Pruning in Public Places Policy' on public exhibition for 28 days;**
3. **adopt the revised 'Tree Planting Policy' if no public submissions are received; and**
4. **adopt the revised 'Tree Removal and Pruning in Public Places Policy' if no public submissions are received.**

The motion was carried with the Councillors voting unanimously.

11.3 POLICY REVIEW- VANDALISM

GOV400105, Gov1

144/24 MOTION: Shelley / Palmer

That Council:

1. **receive the report by the Manager Recreation Services on the Policy Review- Vandalism;**
2. **place on public exhibition for 28 days the proposed rescinding of the Vandalism Policy; and**
3. **rescind the Vandalism Policy if no public submissions are received.**

The motion was carried with the Councillors voting unanimously.

11.4 POLICY REVIEW- PARKS USAGE

GOV400105, GOV1

145/24 MOTION: Shelley / Palmer

That Council:



1. receive the report by the Manager Recreation Services on the Policy Review- Parks Usage;
2. place the revised Parks Usage Policy on public exhibition for 28 days: and
3. adopt the draft Parks Usage policy if no public submissions are received.

The motion was carried with the Councillors voting unanimously.

11.5 DRAFT RECREATION STRATEGY 2024

GOV400105, GOV1

146/24

MOTION: Shelley / Palmer

That Council:

1. receive the report by the Manager Recreation Services on the Draft Recreation Strategy 2024;
2. note the contents and action plan within the Recreation Strategy;
3. place the draft Recreation Strategy on public exhibition for 28 days to receive public feedback; and
4. endorse the draft Recreation Strategy if no public submissions are received.

The motion was carried with the Councillors voting unanimously.

11.6 SWIMMING POOL SEASON EXTENSION TRIAL 2024/25

GOV400105, GOV1

147/24

MOTION: Shelley / Palmer

That Council:

1. receive the report by the Manager Recreation Services on the Swimming Pool Season Extension Trial 2024/25;
2. operate a trial of extended opening hours for the season at Mudgee Pool including four weeks prior to the regular season and four weeks after the end of the regular pool season;
3. note that this will allow for the trial period from Saturday 31 August 2024 to Friday 27 September 2024 and from Monday 28 April 2025 to Sunday 25 May 2025;
4. note that the opening hours for the trial period will be 6am to 10am each day;
5. amend the 2024/25 operational plan to increase the Mudgee pool operating budget by \$40,000; and



6. request that a report on the outcomes of the extended opening trial be brought back to Council following the pool season.

The motion was carried with the Councillors voting unanimously.

Item 12: Reports from Committees

12.1 AUDIT RISK AND IMPROVEMENT COMMITTEE MINUTES - 24 MAY 2024

GOV400105, COR400236

148/24 MOTION: Shelley / Palmer

That Council:

1. receive the report by the Director Community on the Audit Risk and Improvement Committee Minutes - 24 May 2024;
2. endorse the minutes and recommendations of the Audit Risk and Improvement Committee meeting held on 24 May 2024; and
3. endorse the Audit Risk and Improvement Committee Terms of Reference and Internal Audit Charter.

The motion was carried with the Councillors voting unanimously.

12.2 MID-WESTERN REGIONAL COUNCIL ACCESS COMMITTEE MEETING MAY 2024

GOV400105, GOV400088, COS300797

149/24 MOTION: Shelley / Palmer

That Council:

1. receive the report by the Acting Manager Community & Cultural Services on the Mid-Western Regional Council Access Committee Meeting May 2024;
2. note the minutes of the Mid-Western Regional Council Access Committee meeting convened on 7 May 2024;
3. endorse the membership of new Committee member Simon Staines; and
4. endorse the updated Access Committee Terms of Reference.

The motion was carried with the Councillors voting unanimously.

12.3 YOUTH COUNCIL MEETING MINUTES MAY 2024



GOV400105, GOV400105, COS300610

150/24 MOTION: Shelley / Palmer**That Council:**

1. receive the report by the Acting Manager Community & Cultural Services on the Youth Council Terms of Reference;
2. note the minutes of the Mid-Western Regional Youth Council meeting convened on 14 May 2024; and
3. endorse the updated Youth Council Terms of Reference.

The motion was carried with the Councillors voting unanimously.

Item 13: Urgent Business Without Notice

Mayor Kennedy ruled the matter raised by Cr Shelley, Policing in Kandos, Rylstone and Gulgong, to be Urgent Business Without Notice.

151/24 MOTION: Shelley / Thompson**That Council consider the matter; Policing in Kandos, Rylstone and Gulgong, as Urgent Business Without Notice.**

The motion was carried with the Councillors voting unanimously.

152/24 MOTION: Shelley / Thompson**That Council express its grave concern, through the Mayor and General Manager, to Superintendent Timothy Chinn, Commanding Officer Orana Mid Western Police District, regarding the practise of stripping Police from Kandos, Rylstone and Gulgong to fill shifts in Mudgee, Wellington and Dubbo which puts our communities at risk.**

The motion was carried with the Councillors voting unanimously.

Item 14: Confidential Session**153/24 MOTION: Cavalier / Paine****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 Potential Sale of Council Land - 7 & 11 Goodger Place, Bombira

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

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

Following an enquiry from the Mayor, the General Manager advised that there were no written representations in respect of this matter and that no person in the gallery wished to make verbal representations.

14.1 POTENTIAL SALE OF COUNCIL LAND - 7 & 11 GOODGER PLACE, BOMBIRA

GOV400105, 26231

154/24**MOTION: Shelley / Dicker****That Council:**

- 1. receive the report by the Manager - Property and Revenue on the Potential Sale of Council Land - 7 & 11 Goodger Place, Bombira;**
- 2. approve the sale of 7 & 11 Goodger Place, Bombira being Lots 12 and 13 DP 1271269 as shown in Attachments 1 and 2 of this Report;**
- 3. authorise the General Manager to procure an updated market valuation for 7 & 11 Goodger Place, Bombira being Lots 12 and 13 DP 1271269;**
- 4. authorise the General Manager, to procure a licensed Real Estate Agent to conduct a public auction of 7 & 11 Goodger Place, Bombira being Lots 12 and 13 DP 1271269 with the lots carried over to sale by private treaty if not sold at auction;**
- 5. authorise the General Manager to negotiate the selling prices of 7 & 11 Goodger Place, Bombira being Lots 12 and 13 DP 1271269, for no less than 10% variation of the updated market valuation;**
- 6. authorise the Mayor and General Manager, as required, to sign all documentation necessary in relation to the sale of 7 & 11 Goodger Place, Bombira being Lots 12 and 13 DP 1271269;**
- 7. authorise the Common Seal of Council be affixed to all**



necessary documentation for the sale of 7 & 11 Goodger Place, Bombira being Lots 12 and 13 DP 1271269;

8. amend the Budget for 2024/2025 as written in the Financial section of this report to reflect the anticipated sale proceeds of 7 & 11 Goodger Place, Bombira being Lots 12 and 13 DP 1271269 and the associated valuation and selling costs; and
9. direct all net sale proceeds of 7 & 11 Goodger Place, Bombira being Lots 12 and 13 DP 1271269, to be transferred to the Land Development Reserve.

The motion was carried with the Councillors voting unanimously.

Item 15: Urgent Confidential Business Without Notice

Nil

Item 16: Open Council

155/24 MOTION: Shelley / Thompson

That Council move to Open Council.

The motion was carried with the Councillors voting unanimously.

The General Manager announced the decisions taken in Confidential Session.

Item 17: Closure

There being no further business the meeting concluded at 6.08pm.

