

**MINUTES OF THE EXTRAORDINARY MEETING OF COUNCIL HELD IN THE
COUNCIL CHAMBERS, JERILDERIE ON TUESDAY 30 JANUARY 2018
COMMENCING AT 1.00PM**

PRESENT

Present were Councillors R McRae (Mayor), R Black (Deputy Mayor), G Smith, F Bryce, P Wells, G Gilbert, R Curphey and C Chirgwin.

Also present were Craig Moffitt, General Manager, Alison Coe, Assistant General Manager, Corporate and Community Services and Peter Chudek, Assistant General Manager, Infrastructure & Environment.

APOLOGIES

An apology was received from Susan Appleyard, Director of Environmental Services.

- 08/01/18** **Resolved** on the motion of Councillors Chirgwin and Smith that the apology from Susan Appleyard, Director of Environmental Services be received and leave of absence be granted.

GENERAL MANAGER'S REPORT

**DEVELOPMENT APPLICATION NO 08 – 17/18 - 3,883 MEGALITRE
WATER STORAGE DAM DA 08 – 17/18**

Mr Matt Johnson of Habitat Planning joined the meeting.

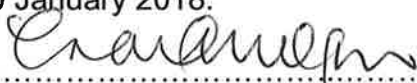
- 09/01/18** **Resolved** on the motion of Councillors Curphey and Gilbert that Development Consent be granted to Development Application No. 08-17/18 for a 3,883ML water storage dam on Lots 35, 36 and 57, DP 750894, 'Mulberrygong Station', 22486 Sturt Highway, Carrathool dated 13 July 2017 and described in details accompanying the Development Application and accompanying Environmental Impact Statement under *Section 80(1) of the Environmental Planning and Assessment Act, 1979*, and subject to the following conditions:

General

1. The development shall take place in accordance with the plans, documentation and Environmental Impact Statement submitted with the application received on 30/08/2017, and further information received on 06/12/2017. A copy of these are held by Council as Plan No. DA08 – 17/18.

Reason: To clarify the extent of the consent.

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..... General Manager Mayor

2. Prior to commencement of any works, the plant operator and/or principal contractor is to be provided with a copy of this consent and Plan No DA08 – 17/18 and made fully aware of the provisions therein. A copy is to be held on site during works and all buffer areas and the exclusion area for the identified Aboriginal Heritage artefact to be retained are to be clearly marked prior to the commencement of operations.

Reason: To ensure on site activity is in accordance with the conditions of consent.

3. Earthworks are to be wholly contained within the property/site. It is the responsibility of the landowner and/or the principal contractor to ensure compliance with the condition.

Reason: To ensure that the development does not encroach onto neighbouring lots.

4. Under the provisions of Section 94A of the Environmental Planning and Assessment Act, Council requires the payment of a monetary contribution towards the provision of public services and amenities as provided for in the Murrumbidgee Council S94A Development Contributions Plan 2017. The contribution has been assessed, as of the date of this consent as follows:

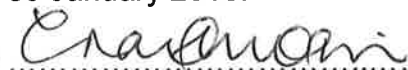
Section 94A: \$5,000.00 (being 1% of the estimated cost of development)

Contributions are due prior to any works commencing on-site and will be calculated or recalculated at the rate applicable under the plan current at the time of payment. A copy of the Murrumbidgee Council S94A Development Contributions Plan 2017 is available for inspection at Council offices or by visiting Council's website: www.murrumbidgee.nsw.gov.au

Reason: To ensure that the development contributes towards the provision of public services and amenities.

5. A Construction Environmental Management Plan (CEMP) (inclusive of an Erosion and Sediment Control Plan) shall be prepared for the site outlining all environmental safeguards and mitigation measures to be adopted. The CEMP shall include, as a minimum, the following:
 - Roles of specific staff;
 - Reporting requirements;
 - Monitoring requirements;
 - Environmental targets and objectives;
 - Auditing and review timetables;

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..... General Manager

..... Mayor

- Emergency response requirements;
- Details of training and inductions required;
- Complaint response procedures;
- Adaptive management mechanisms to encourage continuous improvement; and
- Environmental safeguards and mitigation measures as outlined in Section 7.2 of the EIS.

A copy of this plan shall be submitted and approved by Council prior to any works commencing on-site.

Reason: To ensure that appropriate management and mitigation measures are adopted prior to and during the construction phase of the project.

Water NSW (General Terms of Approval)

6. General

- A. This General Terms of Approval (GTA) only applies to the proposed water supply work(s) described in the plans and associated documents found in Schedule 1, relating to Development Application DA08-17/18 provided by Council to WaterNSW.
 - B. Any amendments or modifications to the proposed water supply work(s) may render the GTA invalid. If the proposed water supply work(s) is amended or modified, WaterNSW, Leeton Office, must be notified in writing to determine if any variations to the GTA will be required.
7. Before constructing or carrying out any proposed water supply work(s), an application must be submitted to WaterNSW, and obtained, for a new or amended water supply work(s) approval under the Water Management Act 2000.
 8. The application for a water supply work(s) approval must include the document(s) listed in Schedule 1.
 9. Any water management work(s) must comply with the conditions of the rules of the Water Sharing Plan where the works are to be constructed and used.
 10. Any water supply work used for conveying or diverting water must be constructed to allow the free passage of floodwaters flowing to or from a river or lake.
 11. Any pipes conveying water from the water supply work(s) must be laid below ground.

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Schedule 1

The plans and associated documentation listed in this schedule are referred to in General Terms of Approval (GTA) issued by WaterNSW for integrated development associated with DA08-17/18 as provided by Council.

- Australian Food and Agriculture Company Ltd, Environmental Impact Statement for Mulberrygong Water Storage Dam, dated July 2017, prepared by GHD Pty Ltd.
- Australian Food and Agriculture Company Ltd, Appendices to Environmental Impact Statement for Mulberrygong Water Storage Dam, dated July 2017, prepared by GHD Pty Ltd.

Please note: the above General Terms of Approval do not constitute an approval under the *Water Management Act 2000*. The Development Consent holder must apply to WaterNSW for a Water Supply Work approval after consent has been issued by Council and before the commencement of any work or activity.

Reason: To ensure compliance with the requirements of WaterNSW.

Department of Industry, Crown Lands and Water Division

12. Irrespective of any Development Consent or approval given by other public authorities, any work or occupation of Crown Land cannot commence without a current tenure from the Department of Industry, Crown Lands and Water Division authorising such work or occupation.
13. No development drainage, overflow or contaminated waste (contaminated runoff or septic) shall impact negatively on the Crown Land or waterway.
14. No materials are permitted to be dumped or stored on Crown Land, roads or waterways.
15. The development is conducted with minimal environmental disturbance to the Crown Land and is to avoid the removal or damage of any native trees located within the subject Crown Lands or waterways.
16. Public access on the Crown Land and waterways is retained and not restricted on and along the Crown Land and waterways.
17. Appropriate pollution control measures shall be provided for the duration of the works. Such measures are not to be located on Crown Lands or waterways.

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18. Measures should be taken by the applicant to ensure that the works do not contribute to the spread of noxious weeds.
19. The proposed works are required to be notified to NTSCORP Limited (the Native Title Service Provider for Aboriginal Traditional Owners in New South Wales) prior to works/activities commencing.

Reason: To ensure compliance with the requirements of NSW Department of Industry, Crown Lands and Water Division.

NSW Office of Environment and Heritage

20. If any Aboriginal object is discovered and/or harmed in, or under the land, while undertaking the proposed development activities, the proponent must:
 - Not further harm the object;
 - Immediately cease all work at the particular location;
 - Secure the area to avoid further harm to the Aboriginal object;
 - Notify OEH as soon as practical on 131555, providing any details of the Aboriginal object and its location; and
 - Not recommence any work at the particular location unless authorized in writing by OEH.

In the event that skeletal remains are unexpectedly encountered during the activity, work must stop immediately, the area secured to prevent unauthorised access and NSW Police and OEH contacted.

Reason: To ensure compliance with the requirements of NSW Office of Environment and Heritage.

Advice to Applicant

21. It is the responsibility of the applicant to check, understand and seek assistance where needed so as to ensure full compliance with the conditions of this Development Consent. Please contact Murrumbidgee Council if there is any difficulty in understanding or complying with any of the above conditions.

There being no further business, the meeting closed at 1.12pm

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 Cr R E McRae
MAYOR

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[Signature] General Manager Mayor

