

Minutes of the Ordinary Meeting of Council

Held at the Council Chambers, 86 Market Street, Mudgee
on 16 June 2021, commencing at 6.17pm and concluding at 7.46pm.

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

IN ATTENDANCE Director Community (Simon Jones), Director Development (Julie Robertson), Chief Financial Officer (Leonie Johnson), Executive Manager Human Resources (Michele George), Governance Coordinator (Tim Johnston) and Executive Assistant (Mette Sutton).

Item 1: Apologies

Apologies were received for General Manager, Brad Cam and Director Operations, Garry Hemsworth.

168/21 MOTION: Cavalier / Holden

That the apologies received for Brad Cam and Garry Hemsworth be accepted.

The motion was carried with the Councillors voting unanimously.

Item 2: Disclosure of Interest

Cr J O'Neill declared a significant non-pecuniary conflict of interest in item 8.1 as he resides in close proximity to the proposed development. He also declared a significant non-pecuniary conflict of interest in item 8.2 as has a personal non commercial relationship with the proponent.

Cr JP Thompson declared a non-significant conflict of interest in item 6.4 as he is President of the Gulgong Turf Club which joins the pony club grounds, his mother secured the land used by the pony club many years ago, and he is also a qualified pony club instructor.

Item 3: Confirmation of Minutes

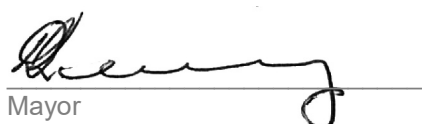
169/21 MOTION: Shelley / Paine

That the Minutes of the Ordinary Meeting held on 19 May 2021 be taken as read and confirmed.

That the Minutes of the Extraordinary Meeting held on 26 May 2021 be taken as read and confirmed, with the following amendment:

- **Councillor Martens and Councillor Thompson be recorded as voting against the Operational Plan.**

The motion was carried with the Councillors voting unanimously.


Mayor


General Manager

Item 4: Matters in Progress

Nil

Item 5: Mayoral Minute

Nil

Item 6: Notices of Motion or Rescission**6.1 BETTER BUILDING FINANCE**

GOV400088, A0100035; GOV400022; GRA600044

MOTION: Shelley / Cavalier

That Council resolves to support Environmental Upgrade Agreements and begins offering them to eligible businesses within the local government area through a two-year trial period.

170/21

AMENDMENT: Thompson / Martens

That a business plan be completed and a report be brought back to Council to ascertain the cost and benefit of endorsing Environmental Upgrade Agreements.

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

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

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

6.2 MUDGE 200 CELEBRATIONS

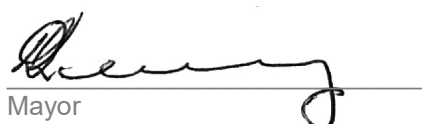
GOV400088, CMR200040

Notice of Motion withdrawn by Councillor Holden.

6.3 WATER SHARING PLAN

GOV400088, A0100035; GOV400022; WAT500007

171/21

MOTION: Holden / Thompson


Mayor



General Manager

That Council write to Water NSW (formerly State Water) and formally request that negotiations for a renewed Water Sharing Plan commence immediately.

The motion was carried with the Councillors voting unanimously.

Cr JP Thompson declared a non-significant conflict of interest in item 6.3 as he is President of the Gulgong Turf Club which joins the pony club grounds, his mother secured the land used by the pony club many years ago, and he is also a qualified pony club instructor. Cr Thompson did not leave the room.

6.4 GULGONG PONY CLUB

GOV400088, A0100035; GOV400022; P0504511

172/21

MOTION: Cavalier / Thompson

That Council:

1. **provides in principle support for the Gulgong Pony Club and their intention to upgrade their facilities, acknowledging the significant economic benefit provided to the region by the same; and**
2. **provide support and advice to the Gulgong Pony Club in compiling and submitting applications for grant funding, including letters of support.**

The motion was carried with the Councillors voting unanimously.

6.5 ADDITIONAL MAINTENANCE FUNDING FOR UNSEALED ROAD NETWORK

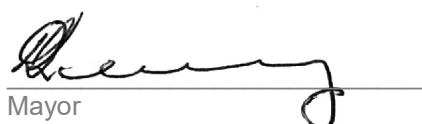
GOV400088, FIN300201

MOTION: Thompson / Martens

That Council increase the amount recommended in the 2021/22 Operational Plan by \$1 million for additional rural gravel road maintenance.

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

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


Mayor


General Manager

Item 7: Office of the General Manager**7.1 FIXING OF ANNUAL FEES FOR COUNCILLORS AND THE MAYOR**

GOV400088, GOV400010

173/21 MOTION: Shelley / Cavalier**That Council:**

- 1. receive the report by the Governance Coordinator on the Fixing of Annual Fees for Councillors and the Mayor; and**
- 2. fix fees for Councillors and the Mayor for the period of July 2021 to June 2022 at \$20,690 for Councillors and an additional \$45,140 for the Mayor;**
 - 2.1 Council pay the Deputy Mayor a fee, to be deducted from the additional fee payable to the Mayor, for periods of 7 days or more, where the Mayor is unable to carry out the duties of Mayor, such fee to be for the period that the Deputy Mayor acts in the role of the Mayor;**
 - 2.2 the calculation of this fee to be determined at a pro rata rate of the Mayor's Additional fee.**

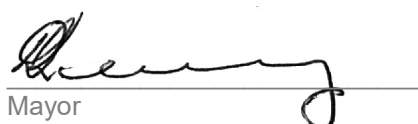
The motion was carried with the Councillors voting unanimously.

Item 8: Development

Cr J O'Neill declared a significant non-pecuniary conflict of interest in item 8.1 as he resides in close proximity to the proposed development, and a significant non-pecuniary conflict of interest in item 8.2 as has a personal non commercial relationship with the proponent. He left the room at 6.43pm and did not participate in discussion or vote in relation to these matters.

8.1 DA0086/2020 - TORRENS TITLE SUBDIVISION (1 INTO 13 LOTS) - MIXED RESIDENTIAL DEVELOPMENT (SINGLE DWELLINGS, DUAL OCCUPANCY AND MULTI-DWELLING HOUSING), NEW CHILD CARE CENTRE AND ASSOCIATED WORKS AT 50 BROADHEAD ROAD, MUDGEE

GOV400088, DA0086/2020



Mayor

General Manager

174/21

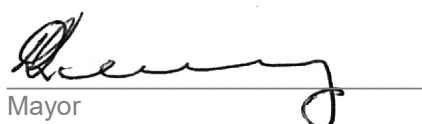
MOTION: Shelley / Paine**That Council:**

- A. receive the report by the Planning Coordinator on DA0086/2020 - Torrens Title Subdivision (1 into 13 Lots) - Mixed Residential Development (Single Dwellings, Dual Occupancy and Multi-Dwelling Housing), New Child Care Centre and Associated Works at 50 Broadhead Road, Mudgee;
- B. approve DA0086/2020 - Torrens Title Subdivision (1 into 13 Lots) - Mixed Residential Development (Single Dwellings, Dual Occupancy and Multi-Dwelling Housing), New Child Care Centre and Associated Works at 50 Broadhead Road, Mudgee subject to the following conditions and Statement of Reasons:

Approved Plans

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

Title/Name	Drawing No/ Document Ref	Revision/ Issue	Dated	Prepared by
Location Plan	DA-101	REV 9	12.03.2021	Place Studio AU PTY LTD
Site Analysis	DA-102	REV 9	12.03.2021	Place Studio AU PTY LTD
Demo Ground Floor Plan	DA-120	REV 9	12.03.2021	Place Studio AU PTY LTD
Proposed Site Plan	DA-200	REV 9	12.03.2021	Place Studio AU PTY LTD
Proposed Roof Plan	DA-201	REV 9	12.03.2021	Place Studio AU PTY LTD
Dwelling Type A	DA-501	REV 9	12.03.2021	Place Studio AU PTY LTD
Dwelling Type B	DA-502	REV 9	12.03.2021	Place Studio AU PTY LTD
Dwelling Type C	DA-503	REV 9	12.03.2021	Place Studio AU PTY LTD
Dwelling Type D	DA-504	REV 9	12.03.2021	Place Studio AU PTY LTD
Dwelling Type E	DA-505	REV 9	12.03.2021	Place Studio AU PTY LTD
Dwelling Type F	DA-506	REV 9	12.03.2021	Place Studio AU PTY LTD
Townhouse Type 1	DA-507	REV 9	12.03.2021	Place Studio AU PTY LTD
Townhouse Type 2	DA-508	REV 9	12.03.2021	Place Studio AU PTY LTD
Townhouse	DA-509	REV 9	12.03.2021	Place Studio

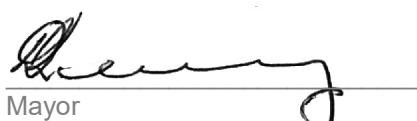


Mayor



General Manager

Type 3				AU PTY LTD
Childcare Plans	DA-300	REV 9	12.03.2021	Place Studio AU PTY LTD
Childcare Area Plans	DA-301	REV 9	12.03.2021	Place Studio AU PTY LTD
Childcare Sections	DA-302	REV 9	12.03.2021	Place Studio AU PTY LTD
Childcare Elevations	DA-303	REV 9	12.03.2021	Place Studio AU PTY LTD
Childcare Elevations	DA-304	REV 9	12.03.2021	Place Studio AU PTY LTD
Childcare Shade Details	DA-305	REV 9	12.03.2021	Place Studio AU PTY LTD
Broadhead Road - Elevation	DA-400	REV 9	12.03.2021	Place Studio AU PTY LTD
New Road - North Elevation	DA-401	REV 9	12.03.2021	Place Studio AU PTY LTD
New Road - South Elevation	DA-402	REV 9	12.03.2021	Place Studio AU PTY LTD
Townhouse Elevation	DA-403	REV 9	12.03.2021	Place Studio AU PTY LTD
Fence Detail	DA-404	REV 9	12.03.2021	Place Studio AU PTY LTD
Dwelling Type A Elevation	DA-601	REV 9	12.03.2021	Place Studio AU PTY LTD
Dwelling Type B Elevation	DA-602	REV 9	12.03.2021	Place Studio AU PTY LTD
Dwelling Type C Elevation	DA-603	REV 9	12.03.2021	Place Studio AU PTY LTD
Dwelling Type D Elevation	DA-604	REV 9	12.03.2021	Place Studio AU PTY LTD
Dwelling Type E Elevation	DA-605	REV 9	12.03.2021	Place Studio AU PTY LTD
Dwelling Type F Elevation	DA-606	REV 9	12.03.2021	Place Studio AU PTY LTD
Townhouse Type 1	DA-607	REV 9	12.03.2021	Place Studio AU PTY LTD
Townhouse Type 2	DA-608	REV 9	12.03.2021	Place Studio AU PTY LTD
Townhouse Type 3	DA-609	REV 9	12.03.2021	Place Studio AU PTY LTD
Exterior Finishes Schedule	-	-	20/10/20	Place Studio AU PTY LTD
Street Tree Plan	248-DA-001	Issue E	18/03/2021	The Green Boutique
Street Tree Plan	248-DA-002	Issue E	18/03/2021	The Green Boutique
Street Tree Plan	248-DA-003	Issue E	18/03/2021	The Green Boutique
Street Tree Plan	248-DA-004	Issue E	18/03/2021	The Green Boutique
Street Tree Plan	248-DA-005	Issue E	18/03/2021	The Green Boutique



Mayor

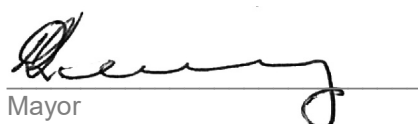


General Manager

BASIX Certificate	1121579M_02	-	23 March 2021	Gradwell Consulting
BASIX Certificate	1124750M_03	-	23 March 2021	Gradwell Consulting
BASIX Certificate	1124752M_02	-	23 March 2021	Gradwell Consulting
BASIX Certificate	1124764M_02	-	23 March 2021	Gradwell Consulting
BASIX Certificate	1124955M_02	-	23 March 2021	Gradwell Consulting
BASIX Certificate	1125111S_02	-	23 March 2021	Gradwell Consulting
BASIX Certificate	1186908S	-	23 March 2021	Gradwell Consulting
BASIX Certificate	1186910S	-	23 March 2021	Gradwell Consulting
BASIX Certificate	1186911S	-	23 March 2021	Gradwell Consulting
BASIX Certificate	1186912S	-	23 March 2021	Gradwell Consulting
BASIX Certificate	1186914S	-	23 March 2021	Gradwell Consulting
Combine Utilities and Services Plan – P1907519	PS01-F100	REV D	18/03/2021	Martens & Associates Pty Ltd
DA Acoustic Report	ID:11705 R01v1	R01	8 January 2020	PKA Acoustic Consulting
Detailed Site Contamination Assessment	33043 ER00-A	A	-	Barnson Pty Ltd
Desktop Aboriginal Heritage Due Diligence Assessment	19MUD-14756	1	20 December 2019	Eco Logical Australia
Traffic Impact Assessment	19219	V01	18 March 2021	Transport Planning Partnership

Any minor modification to the approved plans other than as required by the following conditions will require the lodgement and consideration by Council of amended plans. Amended plans will need to be accompanied with supporting documentation and calculations where necessary. Major modifications will require the lodgement of a new development application.

2. 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.
3. This consent does not permit commencement of any site works. Works are not to commence until such time as a



Mayor



General Manager

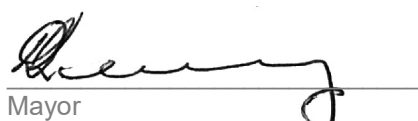
Construction Certificate has been obtained and the appointment of a Principal Certifier.

4. **For clarity, this development consent provides approval for the following only:**
- a) **Demolition of a number of outbuildings located on the site;**
 - b) **Subdivision of Lot 1 in DP808587 into 13 Torrens title allotments ranging from 601m² up to 4079m²;**
 - c) **Retention of the existing dwelling-house on proposed Lot 3;**
 - d) **Construction of a new internal road from Broadhead Road, landscaping and associated works to service the development;**
 - e) **Construction of six (6) single storey dwellings comprising either 3 or 4 bedrooms over new Lots 2, 4, 5, 6, 7 and 8;**
 - f) **Construction of four (4) attached dual occupancies comprising either 3 or 4 bedrooms over new Lots 1, 10, 11 and 12;**
 - g) **Construction of nine (9) single storey multi-dwelling housing units comprising either 3 or 4 bedrooms over new Lot 13; and**
 - h) **Construction of a child care centre to cater for up to 52 children (ages 0 to 5 years) within new Lot 9.**

GENERAL

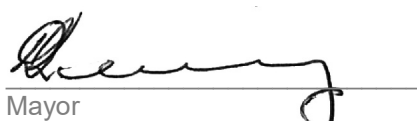
The developer must comply with the following conditions associated with carrying out the development.

5. **The internal driveway serving the multi-unit development is to be a minimum of 6m wide, for the entire length. That part of the driveway running in a north-south direction is to be offset/curved, so as to prevent a 'gun barrel' style access road. Appropriate landscaping is to be provided, on either side of the internal access road, to soften the hardstand area.**
- Note: The inlet point of the internal driveway off the proposed access road is to be as shown on the approved plans, and must not be relocated.**
6. **All building work is to comply with the requirements of the Access to Premises Standard, where relevant.**
7. **Switchboards for gas, electricity, etc., must not be attached to the front or street facing elevations of any buildings.**


Mayor


General Manager

8. **Notwithstanding the approved plans, all structures are to be located clear of any easements and/or 1.5 metres from any water and sewer mains in accordance with Council Policy.**
9. **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;**
 - **Erection of permanent structures,**
 - **Cut or fill of land,**
 - **The planting of trees, or**
 - **Concrete structures.**
10. **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.**
11. **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. DBYD can be contacted online <https://www.1100.com.au/> or by phone on 1100.**
12. **Metal roof/wall cladding shall be provided in a non-reflective colour scheme such as "Colorbond" steel sheeting. Zinalume, or similarly glary finishes, are not to be employed in roof or wall finishes.**
13. **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.**
14. **Costs associated with all development works including any necessary alterations, or relocations 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.**
15. **All costs associated with preparation of a Survey Plan and associated easement documentation are to be borne by the developer.**
16. **Any damage which is caused to Council's infrastructure as a result of the proposed development must be repaired**

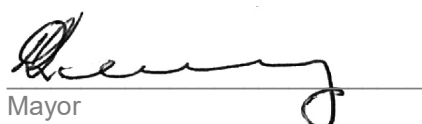


Mayor



General Manager

- immediately to Council's satisfaction and at no cost to Council.
17. 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.
 18. All demolition works are to be carried out in accordance with AS2601-2001 "Demolition of structures", with all waste being removed from the site. Hazardous waste such as asbestos cement sheeting etc., must be handled, conveyed and disposed of in accordance with guidelines and requirements from SafeWork NSW. Disposal of asbestos material at Council's Waste Depot requires prior arrangement for immediate landfilling.
 19. The licensed demolition contractor and/or principal contractor must comply with the following specific requirements in respect of the proposed demolition works:
 - a) Demolition work is not to be undertaken until:
 - Council has been provided with a copy of any required Hazardous Substances Management Plan;
 - The licensed demolition contractor and/or principal contractor has inspected the site and is satisfied that all measures are in place to comply with the provisions of such Plan;
 - b) The removal, handling and disposal of any asbestos material (in excess of 10m²) is to be undertaken only by an asbestos removal contractor who holds the appropriate class of Asbestos Licence, issued by WorkCover NSW, and in accordance with the requirements of WorkCover NSW, the Work Health and Safety Act 2011 and Australian Standard 2601-2001;
 - c) All asbestos and other hazardous materials are to be appropriately contained and disposed of at a facility holding the appropriate license issued by the NSW Environmental Protection Agency;
 - d) Seven working days' notice in writing is to be given to Council prior to the commencement of any demolition works. Such written notice is to include the date demolition will commence and details of the name, address, contact telephone number and licence details (type of licences held and licence numbers) of any asbestos removal contractor and demolition contractor.
 20. The removal of any asbestos material (less than 10m²) during the demolition phase of the development is to be in accordance with the requirements of the Workcover Authority and disposed of at an approved waste facility.
 21. The height and construction of the dividing fence may require agreement between the owners of the subject land and the



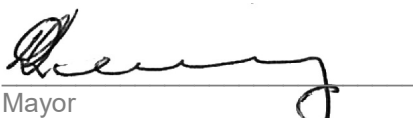
Mayor



General Manager

- respective owners of adjacent properties. Legal advice should be sought in the case of any doubt.
22. Fill placed in residential or commercial lots shall be compacted in accordance with AS3798-2007 Guidelines on Earthworks for Commercial and Residential Developments.
 23. 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.
 24. The developer shall provide separate water and sewer services for each allotment within the subdivision.
 25. The developer is to ensure that any defects in the works that become apparent within the 6 months following the registration of the Subdivision Certificate with NSW Land Registry Services, are remedied to Council's satisfaction. If these defects are not satisfactorily remedied, Council may use bond money to carry out rectification works.

Any unspent bond money will be returned to the developer at the end of the 6 month defects liability period, less the cost of rectification works carried out by Council.
 26. Street trees approved by Council are to be provided at a minimum rate of two trees per allotment.
 27. 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 and Aus Spec #1.
 28. Where discrepancies between the Drawings, current Development Consent or Council's Development Control Plan occur, the works must comply with the written requirements of the current Development Consent.
 29. Any necessary alterations to or relocation of public utility services to be carried at no cost to Council and in accordance with the requirements of the relevant authority including the provision of easements over existing and proposed 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.
 30. The registered proprietor of the land shall place engineered fill



Mayor



General Manager

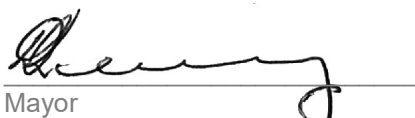
on the site as required. The fill shall be placed in accordance with Council's Development Engineering Specifications and Australian Standard AS 3798 'Guidelines on Earthworks for Commercial and Residential Developments'.

31. 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.

PRIOR TO ISSUE OF THE SUBDIVISION WORKS CERTIFICATE

The following conditions must be complied with prior to Council or an accredited Certifier issuing a Subdivision Works Certificate for the proposed development.

32. Prior to issue of the Subdivision Works Certificate, the recommendations of the Desktop Aboriginal Heritage Due Diligence Assessment (reference 19MUD-14756) dated 20 December 2019 prepared by Eco Logical Australia shall be complied with to the satisfaction of Council. The Detailed Aboriginal Heritage Due Diligence Assessment Report with findings of the site survey (recommendations 1) shall be provided to Council with the application of the Subdivision Works Certificate Application.
33. Prior to issue of the Subdivision Works Certificate, all remediation works and recommendations identified by the Detailed Site Contamination Assessment report prepared by Barnson Pty Ltd (Reference: 33043 ER00_A) shall be complied with to the satisfaction Council. Once remediation works are completed, a Clearance Inspection Report is to be provided to Council and submitted with the Subdivision Works Certificate Application.
34. All finished surface levels and contours to Australian Height Datum (AHD) shall be shown on the plans submitted for the Subdivision Works Certificate.
35. A Traffic Management Plan completed by a certified person for implementation during the works is to be submitted to Mid-Western Regional Council for assessment by Council's Local Traffic Committee prior to the granting of the Subdivision Works Certificate.
36. 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 the Streets Opening Conference Guideline 2009 Section 6.2.
37. The fee payable for a Subdivision Works Certificate is charged on a per lot basis in accordance with Council's current Fees and Charges.

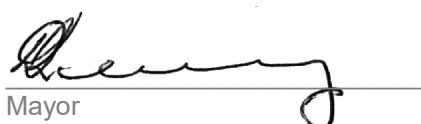


Mayor



General Manager

38. One (1) A1 size set of the Water Reticulation Plans shall accompany the Application for the Subdivision Works Certificate for examination by Council. Specific inclusions required in the drawings are provided in the Application Guidelines with a checklist to ensure all information is provided. All Drawings must be signed by Consultant engaged by the Developer.
39. The detailed design plans submitted with the Subdivision Works Certificate must show all finished surface levels. Where it is proposed to import fill, the material shall be certified as free of hazardous materials and contamination by a suitably qualified geotechnical engineer. Fill placed in residential or commercial lots shall be compacted in accordance with AS3798-2007 Guidelines on Earthworks for Commercial and Residential Developments.
40. All works are to be constructed at the full cost of the developer, in a manner consistent with AUS-SPEC #1 and Council's standard drawings.
41. 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.
42. A detailed Engineering Design, prepared and certified by a suitably qualified engineer, is to be submitted to and approved by Council prior to the issue of a Subdivision Works Certificate. The Engineering Design is to comply with Council's Development Control Plan, Guidelines and Standards referenced here within. A Subdivision Works Certificate is required for, but not limited to the following Civil Works:
- Water and Sewer Extensions;
 - Stormwater Drainage, including Inter-allotment Drainage, Detention Basins and bio-retention Devices;
 - Road Construction including shoulder;
 - Kerb and Gutter;
 - Earth works for the Subdivision;
 - Landscaping of road verges and Public Reserves
- NOTE: No work is permitted to commence prior to the issue of the Subdivision Works Certificate.**
43. The Applicant must provide to Council detailed design and documentation demonstrating that the proposed sewer 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.



Mayor



General Manager

44. A modified water reticulation plan is to be submitted with the Subdivision Works Certificate Application to ensure that the site is serviced by a water reticulation main of not less than a 100mm diameter pipe along Broadhead Road and the new proposed road. For this, the pipe size along Broadhead Road must be upgraded to 100mm and is to be connected to the trunk main of 200mm ID which will be available towards the eastern side of Broadhead Road as a result of the St Matthews development. The proposed pipe of 50mm diameter along the internal road must also be amended to a 100mm diameter pipe.

NOTE: If the 200mmID water main is not constructed by other parties by the time that this development (DA0086/2020) has progressed, then it will be the responsibility of the developer to construct the water main of 200mmID as per the current water servicing plan submitted for assessment.

NOTE: No tapping into the main is permitted along Bruce Road to service this development

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

- Details of sedimentation and erosion control.
- Details of haulage routes shall be provide to Council for approval.

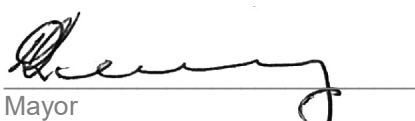
Note: All trucks and machinery must be free from all foreign material where such material is likely to cause pollution. An area must be set aside for the cleaning of concrete agitator trucks.

- Details of dust mitigation and access roads.
- Location and phone number of the site office.

Reason: To reduce the environmental impact on the site during the construction period.

46. The applicant shall demonstrate that the development will not increase the limits of upstream and downstream flooding for the 1 in 1 year to 1 in 100 year Average Recurrence Interval (ARI) storm events by the inclusion of on-site stormwater detention controls. Additionally, the provision of a water quality control system to treat stormwater runoff from the development as outlined in Council's DCP water quality performance guidelines is to be provided. Supporting documentation shall be submitted with the Subdivision Works Certificate Application.

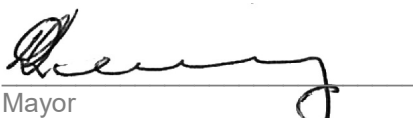
47. A detailed drainage design shall be prepared for the disposal


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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.

48. 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 are to be provided and approved prior to the release of a Subdivision Works Certificate.
49. Inter-allotment drainage 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.
50. A grated pit of 600x600 mm with glue capped 90mm stormwater stub, is to be provided on the lower corner of every allotment for which roof and paved areas cannot drain naturally to the public roadway.
51. Easements are required over Council's sewer mains crossing private property. The Developer is required to obtain all necessary easements from other land, where required. The Subdivision Works Certificate will only be released when the above requirements have been achieved. The Developer should transfer to Council any sewer easements needed for the subdivision and execute a transfer and grant of easement in favour of Council in accordance with Section 88B of the Conveyancing Act 1919. The minimum sewer easement width is to be 3 metres. This 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.
52. All road crossing are to be constructed using Reinforced Concrete Pipe (RCP).
53. The applicant shall provide an inter-allotment drainage easement at least 1m wide as per Council standard to drain proposed Lots that do not naturally drain to the roads to provide the necessary legal right to drain through adjoining lots where necessary. Construction of the drainage line


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together with the necessary grated yard inlet pits shall be carried out in accordance with Council's Development Engineering Specifications - full details shall be submitted to and approved by Council prior to release of the Subdivision Works Certificate.

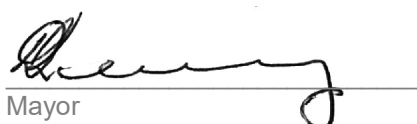
NOTES:

- A suitable section 88B instrument creating the easement, in accordance with the requirements of the Conveyancing Act 1919, shall be submitted to Council prior to the issue of a Subdivision Certificate.
 - Construction shall be completed prior to the issue of a Subdivision Certificate.
 - The owner/s of each new lot being created must ensure that all building development is constructed to provide a stormwater drainage system that includes stormwater quality treatment devices and On Site Detention tanks or similar that provides for the required quantity of temporary stormwater storage as determined in the approved Stormwater Management Plan. Stormwater quality and Detention devices must be maintained at all times to the satisfaction of Council to ensure appropriate detention quantities are maintained.
54. The Applicant shall submit a report outlining the proposal to provide a water supply service to each lot within the proposed subdivision, prior to issue of a Subdivision Works Certificate. The report is to be prepared in concurrence with the Water Supply Code of Australia WSA 03-2011.
55. The Applicant shall submit a report outlining the proposals to provide a Waste Water Service to each lot within the proposed subdivision. The report is to be prepared in concurrence with the Gravity Sewer Code of Australia WSA02-2014. Where Pressure Sewer is being proposed the report is to be prepared in concurrence with the Pressure Code of Australia WSA 07-2007.

PRIOR TO COMMENCEMENT AND DURING CIVIL WORKS

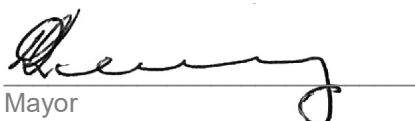
The following conditions must be complied with prior to commencing and during all civil works associated with the development.

56. 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


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- applicant.
- c) A Traffic Management Plan (TMP) completed by a “Certified Person” for implementation during the works is to be submitted to Mid-Western Regional Council prior to the commencement of works.
 - d) 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.
 - e) Appropriate dust control measures.
 - f) Construction equipment and materials shall be contained wholly within the site unless approval to use the road reserve has been obtained.
 - g) 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.
 - h) Subdivision Works Certificate approval must be obtained from Council for works including but not limited to road, kerb, gutter, water and sewer works.
57. It is the responsibility of the Applicant and/or the Principal Contractor to:
- a) Provide for the overall supervision and quality of the works.
 - b) Advise Council offices regarding:
 - 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
 - The assessment of any risk that has not been eliminated, and
 - The measures taken to control any such risks, and
 - 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:
 - A sign indicating the name and telephone number (both during and outside working hours) of the Principal Contractor, and
 - The name and phone number of the Principal Certifying Authority.
58. Any soil / water retention structures are to be constructed prior

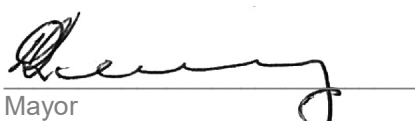


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- to the bulk stripping of topsoil to ensure sediment from the whole site is captured.
59. All service connections should cross the road perpendicular to the road centreline.
 60. Where the sewer main is located outside of the residential block, the 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 1.0 metre into the boundary.
 61. The developer is to grant Council unrestricted access to the site at all times to enable inspections or testing of the subdivision works.
 62. Construction of Broadhead Road upgrade for the full abuttal of the property and internal road are to be undertaken generally in accordance with the approved Drawings, Engineering Design and AUS-SPEC #1 & 2.
 63. 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 Broadhead Road.
 64. All traffic control including setup and removal of traffic control devices and/or regulation of traffic is to be carried out by suitably qualified persons. The developer/contractor must produce upon request evidence that all staff involved in the above have such accreditation.
 65. All required earthworks for roads associated with the subdivision must have compaction testing in compliance with RMS Q4 and AUS-SPEC.
 66. 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 or damage caused by stormwater occur on adjoining land as a result of this development.
 67. The developer is to upgrade Broadhead Road, such that it will have the following characteristics:


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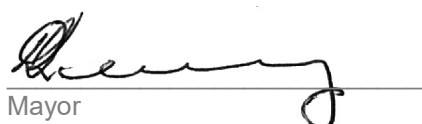

General Manager

Item	Requirement
Full Road Pavement Width	Existing pavement has to be saw cut and widened to match with existing road, up to roll over kerb and gutter, and is to be extended up to the full abuttal of the property
Nature Strip (verge)	4.5m
Concrete Footpaths	1.2 m Wide to extend the full length of Broadhead Road (2.5% slope)
Seal	Two-coat flush seal -14/7 mm (Double/ Double) as required
Kerb & Gutter	Roll back concrete kerb & gutter
Subsoil Drainage	Where gutter flow exceeds 2.5m during minor events or adjacent to intersections. To be installed behind kerb

68. The developer is to provide the new road into the development, such that it will have the following characteristics:

Item	Requirement
Full Road Pavement Width	9 m (2 x 3.5m travel lanes and 2 x 1m sealed shoulders)
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 & gutter
Subsoil Drainage	Where gutter flow exceeds 2.5m during minor events or adjacent to intersections. To be installed behind kerb

69. Where footpaths are provided the roof-water outlet shall be extended under the footpath and extend past the edge of the footpath sufficient to allow connection.
70. Street signs necessitated by the subdivision are to be installed in accordance with AUS-SPEC #1 and Council standards.
71. 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.
72. A turf strip of minimum 600mm 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 600mm provided above the footpath.



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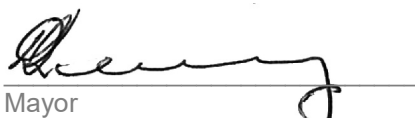


General Manager

PRIOR TO THE ISSUE OF A SUBDIVISION CERTIFICATE

The following conditions must be complied with prior to Council issuing a Subdivision Certificate for the proposed allotments.

73. 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
74. A linen plan and two (2) copies are to be submitted to Council for approval and endorsement by the General Manager.
75. The final inspection report shall be submitted to Council with the Subdivision Certificate application.
76. 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.
77. 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.
78. Prior to the issue of a Subdivision Certificate, a survey plan prepared by a registered surveyor is to be submitted to the Council, verifying the building footprint of the existing dwelling is wholly located within proposed Lot 3 and retains side setbacks of no less than 900mm.
79. Following completion of all engineering works, a defect liability bond of 5% of the value of such works shall be lodged with Council for a twelve (12) month period to ensure that any defects in such works are remedied by the developer. For the purpose of defining the Defects Liability period, the works (or the part of works in the subject stage) are considered to be "completed" when the Subdivision Certificate is registered.
Note: The bond may be provided by way of monetary deposit with the Council or an unconditional bank guarantee.
80. Three metre wide easements, including associated Section 88B instruments, are to be created in favour of Council over any existing or newly constructed water or sewerage reticulation components located within the subject property, or extended through adjoining private properties as a result of this subdivision.



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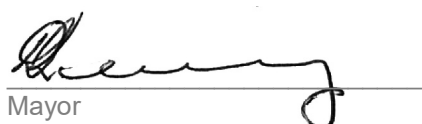
General Manager

81. 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.
82. The developer shall obtain a Certificate of Compliance under the Water Management Act 2000, from Council prior to issue of a Subdivision Certificate.

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

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

85. Underground electricity, street lighting and telecommunications are to be supplied to the Subdivision in accordance with the relevant authorities' standards.

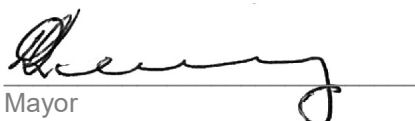


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86. The adjustment of existing services or installation of new services and metres, as required, in compliance with Australian Standard 3500: National Plumbing and Drainage Code. All costs associated with this work shall be borne by the developer.
87. The developer shall provide for a minimum 1.8 metre lapped and capped timber fence along the full southern boundary of the site (proposed Lots 1 to proposed Lot 8) adjoining Lot 2 DP 808587, prior to issue of a Subdivision Certificate.
88. At the completion of construction and prior to issue of a Subdivision Certificate, Council requires lodgement of a Quality Register in electronic format on a CD or Flash Drive with all of 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(Sub base, 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 dwg).
 - 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).



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- Copy of final inspection report from Council's Development Engineer.
89. Following the completion of subdivision works and prior to issue of a Subdivision Certificate, one set of Works As Executed Drawings in PDF format, AutoCAD compatible files in DWG format, MapInfo files (MGA GDA94 Zone 55/56) and completed Asset Data Template spreadsheets in MS Excel format, are to be submitted to Council. All Works As Executed plans shall bear the consulting engineer's or consulting surveyor's certification stating that all information shown in the plans are accurate.
90. In accordance with the provisions of Section 7.11 of the Environmental Planning and Assessment Act 1979 and Mid-Western Regional 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 any Subdivision Certificate. Contributions are subject to increase in accordance with the consumer price index and are payable at the rate applicable at the time of payment.

Section 7.11 Contributions		
Mudgee Catchment (credit applied for 1 x existing lot)		
	Per 2 or more bed dwelling or per lot charge	Total Contributions (12 new lots)
Public Amenity or Service		
Transport facilities	\$4,347.00	\$52,164.00
Recreation and Open Space	\$ 2,182.00	\$ 26,184.00
Community Facilities	\$ 635.00	\$ 7,620.00
Stormwater Management	\$ 458.00	\$ 5,496.00
Plan Administration	\$ 995.00	\$ 11,940.00
Total	\$ 8,617.00	\$ 103,404.00

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.

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.

PRIOR TO ISSUE OF THE CONSTRUCTION CERTIFICATE

The following conditions must be complied with prior to Council or an accredited Certifier issuing a Construction Certificate for the

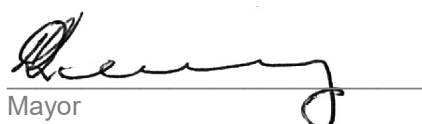

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proposed building/s.

91. Prior to release of the Construction Certificate, approval pursuant to Section 68 of the Local Government Act, 1993 to carry out water supply, stormwater and sewerage works is to be obtained from Mid-Western Regional Council.
92. Consent from Council must be obtained for all works within the road reserve pursuant to Section 138 of the Roads Act 1993, prior to the issue of a Construction Certificate. Note: A separate fee is payable for each Section 138 application.
93. All building work for the child care centre is to comply with the requirements of the Access to Premises Standard. Details demonstrating full compliance with the Access to Premises Standard, including continuous path of travel from the entrance to the property, are to be submitted and approved as part of any Construction Certificate.
94. Details of all retaining walls shall be shown on the plans submitted for a Construction Certificate which are limited to 600mm high, incorporate appropriate drainage measures and must be setback a minimum of 300mm from any boundary.
95. A Construction Certificate for the child care centre is not to be issued until any necessary approvals under Section 68 of the Local Government Act 1993 to dispose of waste into a sewer of the Council (e.g. liquid trade waste) have been obtained.
96. The child care centre plans shall be amended to include all recommendations of the Acoustic Report prepared by PKA Acoustic Consulting, dated 8 January 2020. The amended plans shall be provided with the application for the Construction Certificate.
97. The design, construction and fit-out of any proposed kitchen, coolroom/s and associated structures for the child care centre must be constructed in accordance with the relevant requirements of:
 - a) Food Act 2003;
 - b) Food Regulation 2015;
 - c) Food Standards Australia and New Zealand – Food Standards Code 2003;
 - d) AS 4674-2004 for Design, Construction and Fit out of Food Premises;
 - e) AS 1668.2-2012 – The use of ventilation and air conditioning in buildings; and
 - f) The Building Code of Australia.

Full details are to be submitted for approval to the Certifier (i.e. Council or a private Certifier) prior to the issue of a



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Construction Certificate.

The information that will need to be submitted, includes, but is not limited to, the location of hand-basins, wash-up sinks, any exhaust hoods, floor finishes, wall finishes and ceiling finishes.

98. 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 \$25,000 or more.

Note - The amount payable is currently based on 0.35% 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.

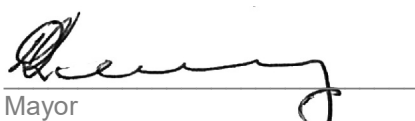
99. In accordance with the provisions of Section 7.12 of the Environmental Planning and Assessment Act 1979 and the Mid-Western Regional Contributions Plan 2019, a levy based on the value of works shall be paid to Council in accordance with this condition for the purpose of local infrastructure, prior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

The value of works is to be calculated in accordance with Section 2.9.3 and the procedure outlined in Section 4.3 of the Contributions Plan. A report regarding value of works and any necessary certification is to be submitted to Council. Council will calculate and advise of the levy amount following submission of the documents.

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 under Council Documents/Strategies and Plans.

100. In accordance with the provisions of Section 7.11 of the Environmental Planning and Assessment Act 1979 and Mid-Western Regional 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 any Construction Certificate for


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the dual occupancy or multi-dwelling housing development. Contributions are subject to increase in accordance the consumer price index and are payable at the rate applicable at the time of payment.

Section 7.11 Contributions		
Mudgee Catchment (credit applied for 5 x lots created under the subdivision approved for Dual Occupancy and Multi-Dwelling Housing of 9 new units)		
	Per 2 or more bed dwelling or per lot charge	Total Contributions (12 additional dwellings)
Public Amenity or Service		
Transport facilities	\$4,347.00	\$52,164.00
Recreation and Open Space	\$2,182.00	\$ 26,184.00
Community Facilities	\$635.00	\$ 7,620.00
Stormwater Management	\$458.00	\$ 5,496.00
Plan Administration	\$995.00	\$ 11,940.00
Total	\$8,617.00	\$ 103,404.00

Note – This condition does not apply to any single dwelling-house constructed on lots 2, 4, 5, 6, 7 or 8. This condition only applies to the dual occupancy (attached) and multi-dwelling housing development.

Note – the contribution amount will be adjusted by the Consumer Price Index, if not paid in the same financial year the development consent was issued.

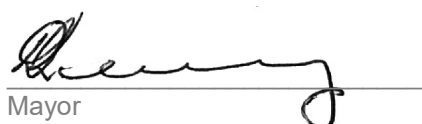
Note – Council’s Mid-Western Regional Contributions Plan 2019 is available for perusal at Council’s Administration Centre at 86 Market Street, Mudgee or on Council’s website www.midwestern.nsw.gov.au under Council Documents/Strategies and Plans.

- 101. 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 THE COMMENCEMENT OF WORKS (BUILDING)

The following conditions must be complied with prior to commencing building work.

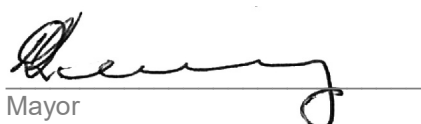
- 102. No work shall commence until a Construction Certificate has been issued and the applicant has notified Council of:**
- a) the appointment of a Principal Certifying Authority; and**
 - b) the date on which work will commence.**


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Such notice shall include details of the Principal Certifying Authority and must be submitted to Council at least two (2) days before work commences.

103. The registered proprietor of the land 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.
104. 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.**
105. With the exception of work where there is in force an exemption under clause 187 and 188 of the Environmental Planning and Assessment Act 1979 all building work that involves residential building work for which the Home Building Act requires there to be a contract of insurance in force in accordance with Part 6 of that Act, such a contract of insurance is to be in force.
106. Prior to the commencement of works, approval pursuant to Section 68 of the Local Government Act, 1993 to carry out water supply, stormwater and sewerage works is to be obtained from Mid-Western Regional Council.
107. Prior to the commencement of works, erosion and sediment controls are to be installed in accordance with the approved Erosion and Sediment Control Plan for the development.
108. A sign must be erected in a prominent position on any work site on which the erection or demolition of a building is carried out:
 - a) stating that unauthorised entry to the work site is prohibited;
 - b) showing the name of the person in charge of the work site and a telephone number at which that person may be contacted outside working hours;
 - c) the name, address and telephone number of the principal certifying authority for the work; and
 - d) The sign shall be removed when the erection or demolition of the building has been completed.
109. Prior to the commencement of works on site, the applicant shall advise Council's Operations Directorate, in writing, of any



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existing damage to Council property.

110. If the work involved in the erection/demolition of the building:
- a) Is likely to cause pedestrian or vehicular traffic in a public place to be obstructed or rendered inconvenient, or
 - b) Building involves the enclosure of a public place.

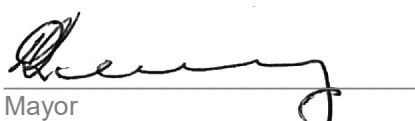
A hoarding or fence must be erected between the work site and the public place. If necessary, an awning is to be erected, sufficient to prevent any substance from, or in connection with, the work falling into the public place. Any such hoarding, fence or awning is to be removed when the work has been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

DURING CONSTRUCTION

The following conditions must be complied with during building works.

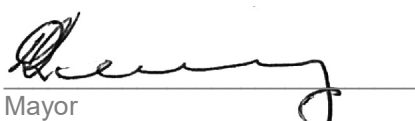
111. The building is to be set out by a registered surveyor in the position approved by Council. A copy of the survey report indicating the position of the building as approved, and wholly contained within the subject lot, is to be submitted to the Principal Certifier prior to pouring concrete for the footings or floor slab.
112. All building, earth and pavement works 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.
113. All plumbing and drainage work must be carried out by a licensed plumber and drainer and must comply with the Plumbing Code of Australia.
114. The applicant's 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.
115. All mandatory inspections required by the Environmental Planning & Assessment Act and any other inspections deemed necessary by the Principal Certifying Authority being carried out during the relevant stage of construction.
116. Construction work noise that is audible at other premises is to be restricted to the following times:
- Monday to Saturday - 7.00am to 5.00pm

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


Mayor


General Manager

117. **Structural members subject to attack by subterranean termites shall be protected by one of the methods outlined in AS 3660.1 and a durable notice must be permanently fixed to the building in a prominent location, such as a meter box or the like, indicating:**
- a) **the method of protection; and**
 - b) **the date of installation of the system; and**
 - c) **where a chemical barrier is used, its life expectancy as listed on the National Registration Authority label; and**
 - d) **the need to maintain and inspect the system on a regular basis.**
118. **The strength of the concrete used for the reinforced concrete floor slab must be a minimum 25Mpa.**
119. **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 Clause 168 of the Environmental Planning and Assessment Regulation 2000.**
120. **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.**
121. **Within three (3) months after the completion of construction all exposed surfaces caused by earthworks must be stabilised using established engineering methods and landscaping/planting to prevent erosion and scouring.**
122. **All public footways, foot paving, kerbs, gutters and road pavement damaged during the works are to be restored to match existing conditions at the Developer's/Demolisher's expense.**
123. **No trees on public property (footpaths, roads, reserves etc.) shall be removed or damaged during construction of the approved development, including the erection of any fences or hoardings.**



Mayor



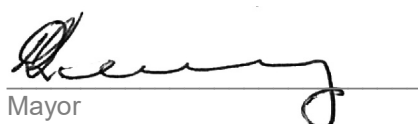
General Manager

124. The requirements of the BASIX Certificates issued on 23 March 2021 to support the development must be installed and/or completed in accordance with the commitments contained in that certificate. Any alteration to those commitments will require the submission of an amended BASIX Certificate to the Council and/or the Principal Certifying Authority prior to the commencement of the alteration/s.
125. All building work is to comply with the requirements of the Access to Premises Standard, where relevant.
126. The list of measures contained in the schedule attached to the Construction Certificate for the childcare centre 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 Clause 168 of the Environmental Planning and Assessment Regulation 2000.
127. 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.
128. Where it is proposed to import fill, the material shall be certified as free of hazardous materials and contamination and be classified as VENM or ENM under the guidelines of the NSW Environmental Protection Authority by a qualified Geotechnical Engineer. Fill placed in residential or commercial lots shall be compacted in accordance with AS3798-2007 Guidelines on Earthworks for Commercial and Residential Developments.
129. Vehicular entrances comprising kerb laybacks (where roll kerb and gutter does not exist) and concrete footway crossings are to be provided in accordance with the approved plans. These should be constructed in accordance with Aus-Spec #1, Council's "Access to Properties" Policy and any approval issued in accordance with Section 138 of the Roads Act 1993.

Concrete must not be poured until the excavation, formwork and reinforcing has been inspected by Council. The contractor/owner must arrange an inspection by contacting Council's Operations Directorate between 8.00am and 4.30pm Monday to Friday, giving at least twenty four (24) hours' notice.

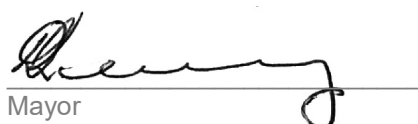
Failure to have the work inspected may result in the access being removed and reconstructed at the contractors/owners expense.

130. A minimum of fifteen (15) car parking spaces, including one (1) accessible parking space are to be provided within the site of the child care centre and comply with AS 2890.1:2004 and AS2890.6:2009 and the following requirements:


Mayor


General Manager

- a) All vehicles must be provided adequate means to exit the lot in a forward direction.
 - b) Each car parking space is to have minimum dimensions of 5.4m x 2.6m;
 - c) Each disabled car parking space is to be in accordance with the provisions of AS 2890.6:2009;
 - d) All car parking spaces, accesses and vehicle manoeuvring areas are to be line-marked and sealed with bitumen or concrete, and must be maintained in a satisfactory condition at all times;
 - e) The aisle widths, internal circulation, ramp widths and grades of the car park are to conform to the Roads and Traffic Authority Guide to Traffic Generating Developments 1992 and Australian Standard AS2890.1 – 2004.
131. 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.
132. Council does not permit other bodies to insert new junctions into “live” Sewer and water mains. Please contact Council’s Operations Water and Waste Department by calling 02 6378 2850 or by emailing council@midwestern.nsw.gov.au to obtain a quote for the connection of the new sewer extension and water service (Private Works Order).
133. The developer is to extend and meet the full cost of water reticulations to service the development plus the cost of connecting to existing services. All water supply work is required to be carried out in accordance with the requirements 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.
134. The developer is to extend and meet the full cost of sewer reticulations to service the development plus the cost of connecting to existing services. All sewerage work is required to be carried out in accordance with the requirements of Mid-Western Regional Council (as the Water Supply Authority under the Local Government Act, 1993) and in accordance with the National Specification – Sewerage Code of Australia.
135. All stormwater is to discharge a minimum 3m from the building and disposed of in such a way as to not adversely affect the adjoining properties.
136. The footpath and driveway levels are not to be altered outside the property boundary without Council's permission. Driveways installed over public footpaths must match the existing footpath profile.



Mayor

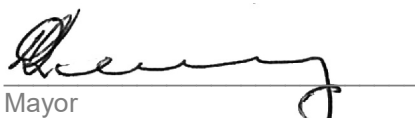


General Manager

PRIOR TO ISSUE OF THE OCCUPATION CERTIFICATE

The following conditions are to be completed prior to occupation of the building and are provided to ensure that the development is consistent with the provisions of the Building Code of Australia and the relevant development consent.

137. 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 Certifying Authority appointed for the erection of the building.
138. Prior to the issue of an Occupation Certificate, the following works in relation to access, car parking and associated manoeuvring areas are to be completed:
 - a) Internal car parking spaces and associated manoeuvring areas are to be provided with a bitumen or concrete surface.
 - b) The car parking area must be set out and clearly delineated in accordance with the requirements of AS 2890.1:2004 Parking Facilities Part 1: Off-street Car Parking.
 - c) Physical measures, such as wheel stops, shall be provided to ensure parked vehicles do not overhang and obstruct internal footpaths, where required.
139. Prior to occupation or the issue of the Occupation Certificate the owner of the child care building must cause the Principal Certifying Authority 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 Clause 153 of the Environmental Planning and Assessment Regulation 2000 for each measure listed in the schedule. The certificate must only be in the form specified by Clause 174 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.
140. Prior to the issue of an Occupation Certificate, for any buildings on site, the building is to be connected to reticulated water supply, stormwater and sewerage in accordance with the relevant section 68 approval/s.
141. Prior to issue of an Occupation Certificate, an Emergency and Evacuation Plan for the Child Care Centre shall be prepared and submitted to the Principal Certifying Authority. A copy of the Plan shall be kept within the premise at all times.
142. All plants shown on the approved landscape plan/s are to be planted and all hard landscaping (e.g. rocks, retaining walls, solid garden bed edging) is to be installed prior to occupation of the development and/or commencement of the use.



Mayor



General Manager

143. The recommendations of the Acoustic Report prepared by PKA Acoustic Consulting, dated 8 January 2020 shall be complied with for the child care centre development, prior to issue of an Occupation Certificate.
144. Prior to use of the development and/or issue of an Occupation Certificate, all retaining walls and associated drainage shall be installed and completed.
145. Following completion of the civil works (including water and sewer connections to the property) and prior to the issue of an Occupation Certificate, 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

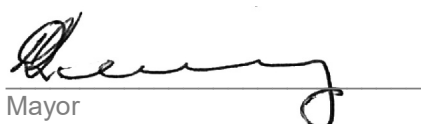
To accompany the WAE Drawings, Council also requires the completion of Asset Data Excel Spreadsheets (to be provided by Council) prior to the issue of an Occupation Certificate. All work-as-executed plans shall bear the Consulting Engineer's or Consulting Surveyor's certification stating that all information shown on the plans is accurate.

146. The developer is to ensure that any defects in the works that become apparent before and within the succeeding twelve (12) months after the issue of the Occupation Certificate, are remedied to Council's satisfaction. If these defects are not satisfactorily remedied, Council may use bond money to carry out rectification works.

Any unspent bond money will be returned to the developer at the end of the twelve (12) month period, less the cost of any rectification works carried out by Council.

147. Prior to use of the development and/or issue of an Occupation Certificate, certification from an appropriately qualified person verifying the site has been fully remediated in accordance with the recommendations of the Remedial Action Plan / Site Validation Report shall be completed and submitted to Council within 30 days of the completion of the remedial works.
148. Prior to use of the development and/or issue of an Occupation Certificate, all requirements of BASIX Certificates issued on 23 March 2021 to support the development, and the associated plans and specifications approved as part of the Construction Certificate, shall be completed in full.

In the case where a Private Certifier is issuing the Occupation Certificate, the Private Certifier must provide Council with a copy of a BASIX Completion Receipt, prior to issuing the


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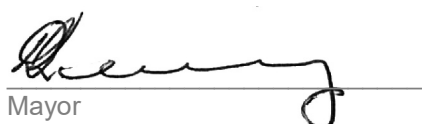
Occupation Certificate. The BASIX Completion Receipt is to be obtained in accordance with the requirements of Clause 154C of the Environmental Planning and Assessment Regulation 2000.

- 149. Roof water from the development shall be conducted to the water storage tanks in accordance with the BASIX requirements. Any additional roof water, and overflow from the water storage tank, shall be conducted to the street gutter by means of a sealed pipeline having a minimum diameter of 90mm, prior to use of the development and/or issue of an Occupation Certificate.**
- 150. A 1.8 metre high screen fence is to be provided between the private open space areas of the dwellings, prior to occupation of the development.**
- 151. Outdoor drying facilities and letterboxes are to be provided for each dwelling / unit prior to occupation.**

OPERATIONAL CONDITIONS

The following conditions are to be complied with for the ongoing operation and life of the development.

- 152. For every 12 month period after the issue of the Final Fire Safety Certificate the owner/agent of the child care centre 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.**
- 153. Where any essential services are installed in the child care centre 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.**
- 154. The hours of operation of the child care centre are limited to the following:
 - a) 7am to 6pm, Monday to Friday only.****
- 155. All vehicles are required to enter and leave the child care centre site in a forward direction at all times. Signage to this effect is to be appropriately located within the site. Signage identifying the driveway and car park as low speed environments is also to be appropriately located within the site.**
- 156. All exterior lighting associated with the development shall be designed and installed so that no obtrusive light will be cast**



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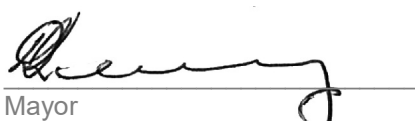
General Manager

onto any adjoining property or roadways, in accordance with Australian Standard 4282 "Control of the Obtrusive Effects of Outdoor Lighting".

157. The pavement surface and wheel stops for the child care centre on-site car parking and associated manoeuvring areas are to be maintained in a workable condition at all times. Any damage to the pavement surface is to be repaired as soon as practicable.
158. All line-marking for the child care centre on-site car parking spaces and footpath areas are to be maintained in a visible condition, at all times.
159. All loading and unloading in connection with the child care centre shall be carried out wholly within the site. This condition does not apply to garbage collection.
160. There being no interference with the amenity of the neighbourhood by reason of the emission of any "offensive noise", vibration, smell, fumes, smoke, vapour, steam, soot, ash or dust, or otherwise as a result of the proposed development.
161. Garbage areas are to be adequately screened from public view with an opaque fence and/or adequate landscaping.
162. The development is to be maintained in a clean and tidy manner, at all times.
163. Landscaping is to be maintained in accordance with the approved landscape plan.
164. The child care centre shall, at all times, be operated and maintained in accordance with Food Safety Standards 3.1.1, 3.2.2 and 3.2.3 prescribed in chapter 3 of the Australia and New Zealand Food Standards Code.

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. As part of the subdivision, easement/s are to be created for any existing or new electrical infrastructure, 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.
3. Any existing encumbrances in favour of Essential Energy (or its predecessors) noted on the title of the above property should be complied with.
4. A Notification of Arrangement (confirming satisfactory


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General Manager

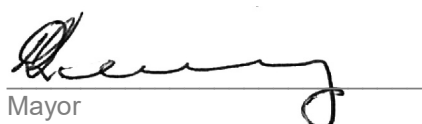
arrangements have been made for the provision of power) is required to be issued by Essential Energy and provided to Council with respect to all proposed lots which will form part of the subdivision, prior to Council releasing the Subdivision Certificate. It is the Applicant's responsibility to make the appropriate application with Essential Energy for the supply of electricity to the subdivision, which may include the payment of fees and contributions and if required, new designated electrical infrastructure, such as a padmount substation. If it is deemed that designated electrical infrastructure is required, then all fees for such infrastructure (which may be substantial) will be borne by the Applicant. Refer Essential Energy's Contestable Works team for requirements. Despite Essential Energy not having any safety concerns, there may be issues with respect to the subdivision layout, which will also require Essential Energy's approval.

5. Any proposed landscaping in the vicinity of any existing or new electrical infrastructure must comply with the latest industry guideline currently known as ISSC 20 Guideline for the Management of Activities within Electricity Easements and Close to Infrastructure.
6. The Applicant will need to engage the services of an Accredited Service Provider to ensure adequate provision of power is available to all proposed dwellings in accordance with the NSW Service and Installation Rules.
7. In addition, Essential Energy's records indicate there is electricity infrastructure located within the property and within close proximity to the property. Any activities within these locations must be undertaken in accordance with 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.
8. 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).
9. 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) 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.

COUNCIL ADVISORY NOTES

1. 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


Mayor


General Manager

to section 305 of the Water Management Act 2000.

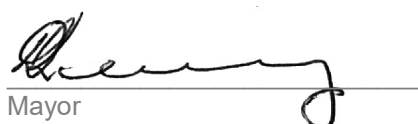
Please be advised that as a precondition to the granting of a Compliance Certificate, the following is to occur:

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

Section 64 Contributions		
	Total ET Values	Total Contributions
Water Headworks	19.87	\$172,685.19
Sewer Headworks	23.87	\$94,692.29
Total Headworks Payable		\$267,377.48

Note - Section 64 Developer Contributions are subject to Consumer Price Index increase at 1 July each year.

2. 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".
3. 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.
4. Sections 8.2, 8.3, 8.4 and 8.5 of the Environmental Planning and Assessment Act 1979 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.
5. If you are dissatisfied with this decision sections 8.7 and 8.10 of the Environmental Planning and Assessment 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.
6. To ascertain the extent to which the consent is liable to lapse, refer to Section 4.53 of the Environmental Planning and Assessment Act 1979.
7. The development is to operate so as to not emit offensive noise, as defined in the Protection of the Environment Operations Act 1997. For the purposes of the approved development, Project Specific Noise Criteria are contained in the DA Acoustic Report – 50 Broadhead Road, Mudgee – ID: 11705 R01v1, prepared by PKA Acoustic Consulting and dated 8 January 2020.
8. This application has been assessed in accordance with the Environmental Planning and Assessment Act 1979. No guarantee is given that the proposal complies with the Disability


 Mayor


 General Manager

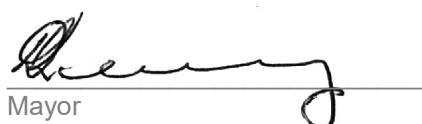
Discrimination Act 1992. The applicant/owner is responsible for ensuring compliance with this, and other, anti-discrimination legislation. The Disability Discrimination Act 1992 covers disabilities not catered for in the minimum standards called up in the Building Code of Australia which references AS 1428.1 - Design for Access and Mobility. AS1428 Parts 2, 3 & 4 provide the most comprehensive technical guidance under the Disability Discrimination Act 1992 currently available in Australia.

- 9. The erection of dividing fences under this consent does not affect the provisions of the Dividing Fences Act 1991. Under this Act, all relevant parties must be in agreement prior to the erection of any approved dividing fence/s under this consent. Council has no regulatory authority in this area and does not adjudicate civil disputes relating to the provision of, or payment for, the erection of dividing fences. If there is a neighbour dispute about the boundary fence and you are seeking mediation, you may contact the Community Justice Centre, or if legal advice or action is required, you may contact the Chamber Magistrate.**

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 satisfactory in terms of the matters identified in Section 4.15 of the Environmental Planning and Assessment Act 1979.**
- 3. The proposed development satisfactorily addresses the issues raised in objections received in response to public notification of the development, as follows:**
 - a) The traffic and parking impacts of the development are acceptable.**
 - b) Vehicle access into and out of the site will be satisfactory.**
 - c) Sufficient detail has been provided to enable an assessment of the application.**
 - d) The proposed development will not have an adverse aesthetic impact on the locality, subject to conditions.**
 - e) The proposal is required to provide boundary fencing at the full cost of the developer, including along the southern boundary to reduce potential impacts associated with the development.**
 - f) The proposed development will not have an adverse noise impact, subject to conditions.**
 - g) The proposal development will not have an adverse social or economic impact.**
 - h) The proposed development is suitable for the site.**


Mayor


General Manager

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

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

8.2 DA0191/2021 - TORRENS TITLE SUBDIVISION (1 INTO 25 LOTS) AT 209 ROBERTSON ROAD, SPRING FLAT
GOV400088, DA0191/2021

175/21

MOTION: Shelley / Paine

That Council:

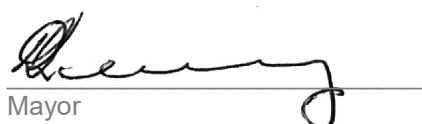
- A. receive the report by the Planning Coordinator and Manager, Planning on the DA0191/2021 - Torrens Title Subdivision (1 into 25 Lots) at 209 Robertson Road, Spring Flat;
- B. approve DA0191/2021 - Torrens Title Subdivision (1 into 25 Lots) at 209 Robertson Road, Spring Flat subject to the following conditions and Statement of Reasons:

CONDITIONS

PARAMETERS OF CONSENT

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

Title/Name	Drawing No/ Document Ref	Revision/ Issue	Dated	Prepared by
Figure 1 – Proposed Subdivision	BK630	-	14/07/2020	Robert John Crooks
Proposed Site Plan	TX14774.00 – C2.01	A	14/08/20	Triaxial Consulting
Road xxx Longitudinal Sections – Sheets 1	TX14774.00 – C5.00	A	14/08/20	Triaxial Consulting
Plenty Road Longitudinal	TX14774.00 – C5.10	A	12/04/21	Triaxial Consulting


Mayor

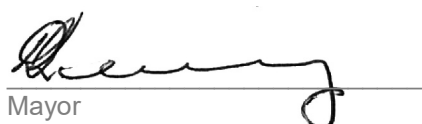

General Manager

Sections – Sheets 1				
Stormwater Management Plan	TX14774.00 – C6.00	B	12/04/21	Triaxial Consulting
Sewer Plan	TX14774.00 – C7.00	A	14/08/20	Triaxial Consulting
Sewer Longitudinal Sections	TX14774.00 – C7.01	A	14/08/20	Triaxial Consulting
Sewer Longitudinal Sections	TX14774.00 – C7.02	B	12/04/21	Triaxial Consulting
Sewer Longitudinal Sections	TX14774.00 – C7.03	A	14/08/20	Triaxial Consulting
Sewer Longitudinal Sections	TX14774.00 – C7.04	A	14/08/20	Triaxial Consulting
Sewer Longitudinal Sections	TX14774.00 – C7.05	A	14/08/20	Triaxial Consulting
Water Plan	TX14774.00 – C8.00	B	12/04/21	Triaxial Consulting

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

GENERAL

4. **Proposed Lots 1 to 25 are to have a minimum area of 2,000 m².**
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**



Mayor



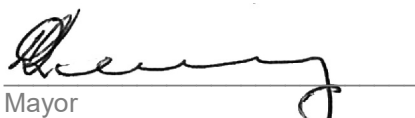
General Manager

and at the completion of the development, as required.

The General Terms of Approval include the following:

- a) **General Terms of Approval, issued by NSW Rural Fire Service, for a Bush Fire Safety Authority in accordance with Section 100B of the Rural Fires Act 1997.**
 - b) **General Terms of Approval, issued by the Natural Resources Access Regulator, for a Controlled Activity Approval in accordance with Section 91 of the Water Management Act 2000.**
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.


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Stormwater

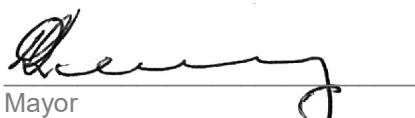
15. The Developer must provide for the design and construction of all stormwater drainage infrastructure to service the development.
16. All stormwater runoff from roof and developed surfaces is to be controlled in such a manner so as not to flow or discharge over adjacent properties. Methods of disposal 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.



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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.

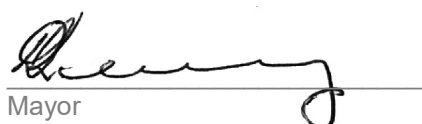
Roads and footpaths

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)



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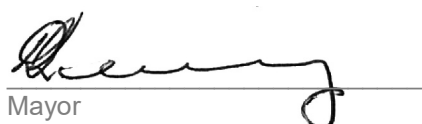
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Cul-de-sac	Radius not less than 10m
Nature Strip (verge)	2 x 4.5m
Concrete Footpaths	1.2m wide to extend the full length of new road (2.5% slope)
Seal	Two-coat flush seal -14/7 mm (Double/Double) as required
Kerb & Gutter	Roll back concrete kerb and gutter
Subsoil Drainage	Where gutter flow exceeds 2.5m during minor events or adjacent to intersections. To be installed behind kerb.

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**



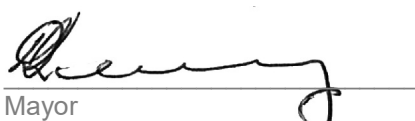
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technical and performance requirements of Council's Development Control Plan and the Standards referenced within Appendix B and D of that document. A Subdivision Works Certificate is required for, but not limited to, the following civil works:

- 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 waste water 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


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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.

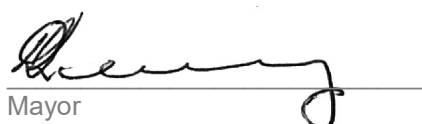
39. A construction management plan shall be submitted with the application for the Subdivision Works Certificate. The management plan shall include:

- 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.

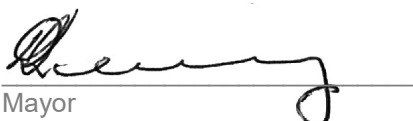
40. A Drainage Report in support of detailed drainage design must be prepared in accordance with the Institution of Engineers publication Australian Rainfall and Run-off and be submitted to the Principal Certifier for approval prior to the issue of a Subdivision Works Certificate. The Drainage Report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


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- 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)**



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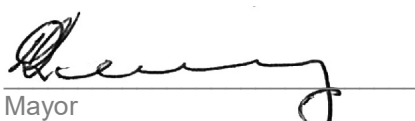
shall be shown on the plans submitted for the Subdivision Works Certificate.

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

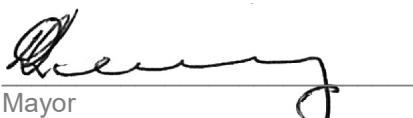
48. Prior to the commencement of construction of infrastructure, the developer must obtain a Subdivision Works Certificate.
49. Prior to the commencement of works, the submission of three possible street/road names in order of preference, for the proposed new road within the subdivision, are to be submitted 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.


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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



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- paragraph (a), or
(c) does the work under the immediate supervision of a person referred to in paragraph (a).

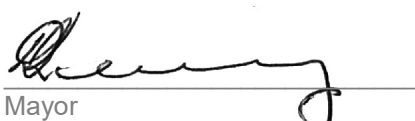
- (2) A person who employs (or uses the services of) another person to do any water supply work, sewerage work or stormwater drainage work is guilty of an offence if the person knows that the other person, in doing the work, contravenes subsection (1).

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.

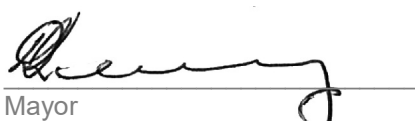
DURING CONSTRUCTION

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.


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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.



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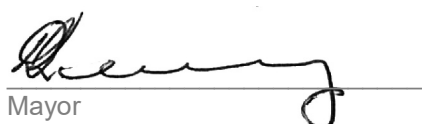


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67. In the event that *Acacia ausfeldii* (Ausfeld's Wattle) plants are discovered during earthmoving/construction works, all work on that area shall cease immediately and the Office of Environment and Heritage (OEH) notified of the discovery as soon 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.

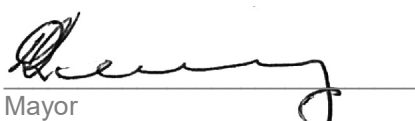
PRIOR TO ISSUE OF THE SUBDIVISION CERTIFICATE

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.


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77. Prior to the issue of a Subdivision Certificate, the developer must provide for the construction of all of the following works, relevant to the stage of subdivision. Such works are to be completed to the satisfaction of Council.
- a) Road 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 of the QA documentation in accordance with Aus Spec and the requirements outlined below:



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- 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 (Sub base, 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.

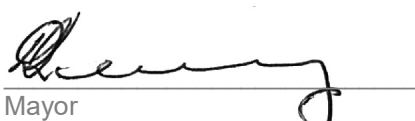
For the purposes of defining the defects liability period, the works are considered to be completed when the Subdivision Certificate is registered with NSW Land Registry Services.

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.


Mayor


General Manager

Section 94 Contributions		
25 additional lots (minus credit for existing)		
Mudgee Catchment	Per Lot	24 Lots
Public Amenity or Service		
Transport facilities	\$4,347.00	\$104,328.00
Recreation and Open Space	\$2,182.00	\$52,368.00
Community Facilities	\$635.00	\$15,240.00
Stormwater Management	\$458.00	\$10,992.00
Plan Administration	\$995.00	\$23,880.00
Total	\$8,617.00	\$206,808.00

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.

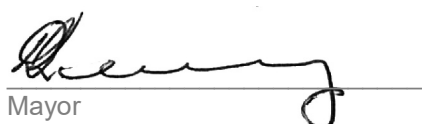
- 87. The developer shall obtain a Certificate of Compliance under the Water Management Act 2000, from Council.**

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.**

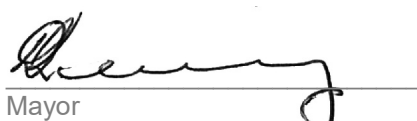

Mayor


General Manager

90. A covenant, or similar instrument, is to be applied to Lots 1 to 25 requiring compliance with the relevant terms of the General Terms of Approval issued by NSW Rural Fire Service.
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 so as to enable fibre to be readily connected to any premises that may be constructed on those lots. This will need to include confirmation in writing from the carrier that they are satisfied that the fibre ready facilities are fit for purpose; and
 - c) Satisfactory evidence (usually by way of an agreement with a carrier) that arrangements have been made for the provision of fixed-line telecommunications infrastructure in the fibre-ready facilities to all individual lots; or


Mayor


General Manager

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

Road Dedication

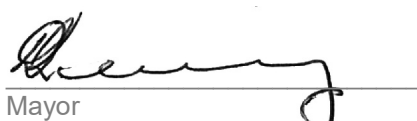
95. The proposed road/cul-de-sac within the subdivision and the proposed extension to Plenty Road shall be dedicated as a public road at no cost to Council. The public road shall be delineated on the final plan of subdivision submitted with the application for a Subdivision Certificate.

Other dedications

96. Proposed Lots 26 and 27 are to be dedicated as a drainage reserve.

STATEMENT OF REASONS

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


Mayor


General Manager

- 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.

OTHER APPROVALS

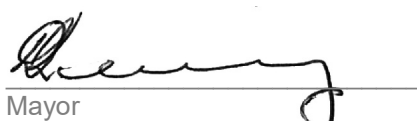
General Terms of Approval

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

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

ADVISORY NOTES

1. **The removal of trees within any road reserve requires the separate approval of Council in accordance with the policy "Tree Removal and Pruning – Public Places".**
2. **The land upon which the subject building is to be constructed may be affected by restrictive covenants. This approval is issued without enquiry by Council as to whether any restrictive covenant affecting the land would be breached by the construction of the building, the subject of this approval. Persons to whom this approval is issued must rely on their own enquiries as to whether or not the building breaches any such covenant.**
3. **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**



Mayor



General Manager

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.

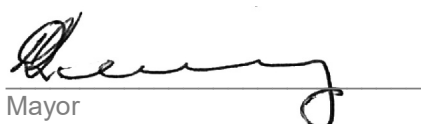
7. This development consent requires a Certificate of Compliance under the Water Management Act 2000 to be obtained prior to the issue of a Subdivision Certificate.

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			
25 Additional Lots (credit for existing lot)			
	Additional ET/Unit	Value/ET	Payment Due
Water Headworks	36	\$8,689.00	\$312,804
Sewer Headworks	25.2	\$3,967.00	\$99,968.40
Total Headworks			\$412,805.90


 Mayor


 General Manager

- 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.

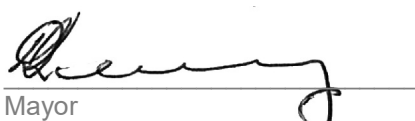
Note - Section 64 Developer Contributions are subject to Consumer Price Index increase at 1 July each year. Please contact Council's Planning and Development Department regarding any adjustments.

Essential Energy Advice

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


Mayor


General Manager

- (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.

AMENDMENT: Thompson / Holden

That Council defer making a determination until the July Council meeting and request additional information on the impacts on Stormwater Catchment A throughout the development and the surrounding region. Also, the effects of water pressure on this development and the adjoining developments within the area.

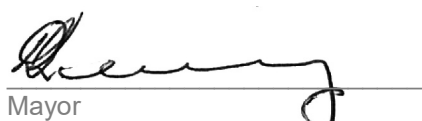
The amendment was put and lost on the casting vote of the Mayor, with Councillors voting as follows:

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

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

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

Cr J O'Neill returned to the Chambers at 7:04pm.


Mayor


General Manager

8.3 DA0204/2021 - FUNCTION CENTRE, AMENITIES BUILDING AND CHANGE OF USE TO BED AND BREAKFAST ACCOMMODATION AT 345 SPRING FLAT ROAD, SPRING FLAT

GOV400088, DA0204/2021

176/21

MOTION: Shelley / Holden

That Council:

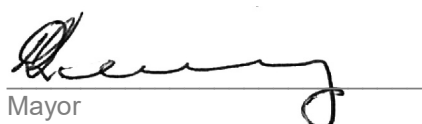
- A. receive the report by the Planning Coordinator on DA0204/2021 - Function Centre, Amenities Building and Change of Use to Bed and Breakfast Accommodation at 345 Spring Flat Road, Spring Flat;
- B. approve DA0204/2021 - Function Centre, Amenities Building and Change of Use to Bed and Breakfast Accommodation at 345 Spring Flat Road, Spring Flat, subject to the following conditions and Statement of Reasons:

CONDITIONS

Approved plans

1. 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.

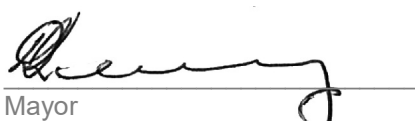
Title / Name:	Drawing No / Document Ref	Revision / Issue:	Sheet No:	Date [dd.mm.yy]:	Prepared by:
Overall Site Plan	35146-A01	D	Sheet 2 of 5	01.06.2021	Barnson
Part Site Plan	35146-A02	D	Sheet 3 of 5	01.06.2021	Barnson
Tent Floor Plan & Elevation	35146-A03	B	Sheet 4 of 4	14.12.2020	Barnson
Amenities Floor Plan & Elevations	35146-A04	B	Sheet 5 of 5	14.12.2020	Barnson
Proposed Floor Layout	1132-A1	A	-	19/03/2021	On Point Building Design
Plan of Management	-	-	-	-	AGSR Escapes T/A Yurali House Mudgee


Mayor


General Manager

Traffic Impact Assessment Report	35146-TIA01_0	-	-	15.03.2021	Barnson
Visual Impact Assessment	35145-VIA01_A	-	-	6/03/2021	Barnson
Noise Impact Assessment	MAC21129 8-01RP1D1	-	-	March 2021	Muller Acoustic Consulting

2. 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.
3. This consent does not permit commencement of any site works. Works are not to commence until such time as a Construction Certificate has been obtained and the appointment of a Principal Certifier.
4. For clarity, this development consent provides approval for a function centre, amenities building and change of use to Bed and Breakfast Accommodation which is limited to three (3) bedrooms of the dwelling only.
5. This development consent limits the function centre operations to the following:
 - A maximum of 60 functions per year.
 - A maximum of 120 guests at any one function.
 - All amplified music is to cease at 11.00pm for an event held on Friday or Saturday.
 - All amplified music is to cease at 10.00pm for each event held Monday to Thursday, and also Sunday.
 - All event guests are required to vacate the premises at 12midnight.
 - All music and speaker systems are restricted to operate within the marquees only.
 - The marquees are to be enclosed during the evening and night periods (6pm to 12midnight) on the north-eastern and western facing facades during each event.
 - No outdoor events or activities are permitted to occur on the site in conjunction with any function held within the marquees.
 - Where there is no event scheduled to occur within 28 days of the previous event, the marquees are to be disassembled.
 - During each event, an event manager is required to be onsite at all times and shall be responsible for event coordination, security, emergencies and to ensure compliance with the operational conditions of consent at all times.



Mayor



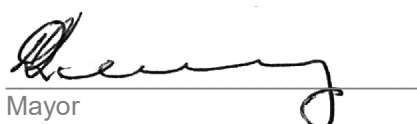
General Manager

GENERAL

6. In recognition that an unreliable reticulated water supply exists, a 20,000 litre dedicated water supply tank (non-flammable) shall be provided on the site. An RFS standard 65mm metal Storz outlet with a ball valve shall be provided.
7. Under Section 138 of the Roads Act 1993, should any work on the verge, footpath, public road reserve, or public reserve (open space) be required, an approval in accordance with Section 138 of the Roads Act 1993 will need to be obtained from Council. In this regard, the applicant is to make a formal application to Council for the installation of warning signage within the road reserve. The Section 138 application is to be submitted to, and approved by Council, prior to works commencing within the road reserve.

NOTE: The existing crossover does not comply with sight distance requirements 100km/hr design speed. Therefore, to improve the sight distance requirement, the applicant must install "Slow Down Driveway Ahead" (W2-207 Guide Signage for Eastbound Vehicles) Signage.

8. No native vegetation clearing is authorised by this development consent.
9. The development is to be managed in accordance with the mitigation methods contained within the Visual Impact Assessment dated 6/03/2021 and the following requirements:
 - Building materials are to be selected to reduce colour contrast and blend new and existing structures into the surrounding landscape; and
 - The existing vegetation established on the site are to be retained and supplementary planting incorporated with use of endemic flora species which integrate with the existing landscape character.
10. The development must be managed in accordance with the recommendations of the Noise Impact Assessment dated March 2021 at all times which is to include:
 - Appropriately managing noisy patrons during functions at the project site;
 - All amplified music would be situated within the pavilions/marquees;
 - The marquees should be fitted with removable panels made from weatherproof fabric and loaded vinyl (2mm Sonicclear curtain or equivalent). These panels should be utilised during the evening and night periods (6pm to



Mayor



General Manager

12am) on all sides, to minimise noise transmission to sensitive receivers during noise enhancing conditions; and

- Amplified music will only consist of DJ, trio/duet or medium level amplified music (i.e. ipod music and speakers). Larger band (i.e. rock bands) are not recommended for the project.

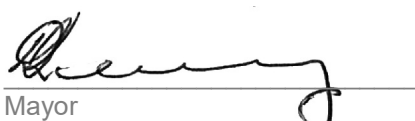
PRIOR TO ISSUE OF A CONSTRUCTION CERTIFICATE

11. 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 \$25,000 or more.

Note - The amount payable is currently based on 0.35% 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.

12. Prior to release of the Construction Certificate, approval pursuant to Section 68 of the Local Government Act 1993 for the installation of an On Site Sewer Management System is to be obtained from Council.
13. Details of compliance with the National Construction Code (Building Code of Australia) shall be provided to the Certifying Authority prior to the issue of a Construction Certificate.
14. The function centre and demountable toilet as well as the accessible paths of travel to those amenities from the carpark shall comply with Part D3 of the BCA and Australian Standard AS1428.1-2009 Design for Access and Mobility Part 1: General Requirement for access – New building work. In this regard, details of compliance shall be provided to the Certifying Authority prior to the issue of a Construction Certificate **which must include all paths of travel from the car parking area to the development to be sealed (concrete or bitumen).**
15. Prior to issue of the Construction Certificate, details of the marquees provided with removable panels made from weatherproof fabric and loaded vinyl (2mm Sonicclear curtain or equivalent) as recommended by the Noise Impact Assessment dated March 2021 is to be provided to the Certifying Authority.


Mayor


General Manager

16. Prior to issue of the Construction Certificate, details of the marquees demonstrating compliance with the Visual Impact Assessment dated 6/03/2021 and containing only colours to blend the structures into the rural landscape is to be provided to the Certifying Authority.
17. 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.

The value of works is to be calculated in accordance with Section 2.9.3 and the procedure outlined in Section 4.3 of the Contributions Plan. A report regarding value of works and any necessary certification is to be submitted to Council. Council will calculate and advise of the levy amount following submission of the documents.

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 under Council Documents/Strategies and Plans.

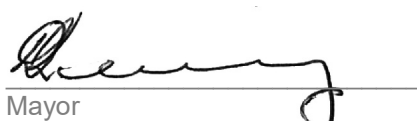
PRIOR TO COMMENCEMENT OF WORKS – BUILDING

18. No work shall commence until a Construction Certificate has been issued and the applicant has notified Council of:
 - a) the appointment of a Principal Certifying Authority and
 - b) the date on which work will commence.

Such notice shall include details of the Principal Certifying Authority and must be submitted to Council at least two (2) days before work commences.

19. 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

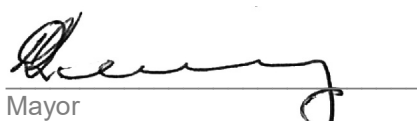

Mayor


General Manager

20. A sign must be erected in a prominent position on any work site on which in the erection or demolition of a building is carried out;
- a) stating that unauthorised entry to the work site is prohibited, and
 - b) showing the name of the person in charge of the work site and a telephone number at which that person may be contacted outside working hours.
 - c) the name, address and telephone number of the principal certifying authority for the work,
 - d) The sign shall be removed when the erection or demolition of the building has been completed.
21. If the work involved in the erection/demolition of the building;
- a) is likely to cause pedestrian or vehicular traffic in a public place to be obstructed or rendered inconvenient, or
 - b) building involves the enclosure of a public place
- A hoarding or fence must be erected between the work site and the public place. If necessary, an awning is to be erected, sufficient to prevent any substance from, or in connection with, the work falling into the public place. Any such hoarding, fence or awning is to be removed when the work has been completed.
22. The development site is to be managed for the entirety of work in the following manner:
1. 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;
 2. Appropriate dust control measures;
 3. Construction equipment and materials shall be contained wholly within the site unless approval to use the road reserve has been obtained;
 4. 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.

BUILDING CONSTRUCTION

23. 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.
24. In the event of any Aboriginal archaeological material being discovered during construction works, all work in that area shall cease immediately and Heritage NSW notified of the discovery


Mayor


General Manager

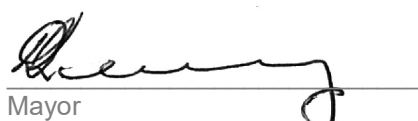
as soon as practicable. Work shall only recommence upon the authorisation of the Heritage NSW.

25. 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.

26. 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.
27. 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.
28. 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.
29. A total of 42 car parking spaces (including two (2) disabled parking spaces) are to be provided within the site of the development and comply with AS 2890.1: 2004 and the following requirements:
- Each parking space is to have minimum dimensions of 5.5m x 2.4m;
 - Each disabled car parking space is to be in accordance with the provisions of AS 2890.6: 2009 and **must be sealed, sign posted** and line marked;
 - Line marking, wheel stop and signage has to be installed as per the relevant Australian Standard;
 - **All other car parking spaces** are to be provided with a hard


Mayor

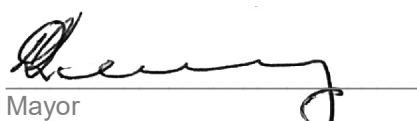

General Manager

standing all weather compacted gravel surface and must be maintained in a satisfactory condition at all times.

30. 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.
31. All plumbing and drainage work must be carried out by a licensed plumber and drainer and must comply with the Plumbing Code of Australia.
32. Construction work noise that is audible at other premises is to be restricted to the following times:
 - Monday to Saturday - 7.00am to 5.00pm
33. No construction work noise is permitted on Sundays or Public Holidays.
34. All mandatory inspections required by the Environmental Planning & Assessment Act 1979 and any other inspections deemed necessary by the Principal Certifying Authority being carried out during the relevant stage of construction.
35. All stormwater is to discharge a minimum 3m from the building and disposed of in such a way as to not adversely affect the adjoining properties.
36. 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.
37. All building work is to comply with the requirements of the Access to Premises Standard.
38. 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 Clause 168 of the Environmental Planning and Assessment Regulation 2000.

PRIOR TO ISSUE OF THE OCCUPATION CERTIFICATE

39. 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 Certifying Authority appointed for the erection of the building.
40. **Prior to an Occupation Certificate being issued, Spring Flat Road**

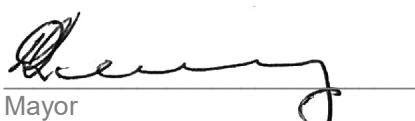

Mayor


General Manager

is to be upgraded, from the end of the existing road seal, to the front gate of the subject site (approximately 1100m).

Note: The developer will need to enter into a Private Works Agreement with Council, who will carry out the required works.

41. Prior to occupation or the issue of the Occupation Certificate, the owner of the building must cause the Principal Certifying Authority 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 Clause 153 of the Environmental Planning and Assessment Regulation 2000 for each measure listed in the schedule. The certificate must only be in the form specified by Clause 174 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.
42. Prior to the issue of an Occupation Certificate, pursuant to Clause 93 of the Environmental Planning and Assessment Regulations 2000, the Bed and Breakfast Accommodation is to be brought into conformity with the Category 1 fire safety provisions as are applicable to the buildings use. In this regard, the building shall comply with;
 - a) Performance Requirement P2.3.2 'Fire Detection and early warning' of BCA, Volume 2.
 - b) Performance requirement EP2.2 of BCA Volume 1.
43. Prior to issue of an Occupation Certificate, an Operational Management Plan for the development is to be prepared and submitted to Council for approval. The Plan shall also include Bushfire and Emergency Management details, ensuring that no events are held during high and catastrophic bushfire danger periods.
44. All car parking and associated driveway works are to be completed prior to occupation of the development.
45. Prior to the issue of an Occupation Certificate, an Approval to Operate the On-Site Sewage Management System granted under Section 68 of the Local Government Act 1993 is to be obtained.
46. Prior to issue of an Occupation Certificate, the installation of roadside warning signage is required to be completed in accordance with the Section 138 approval of Council.
47. Prior to issue of an Occupation Certificate, the developer is required to prepare a Bushfire and Emergency Management Plan and this plan must ensure that no events are held during high and catastrophic bushfire danger periods.
48. Prior to issue of an Occupation Certificate, the 20,000 litre

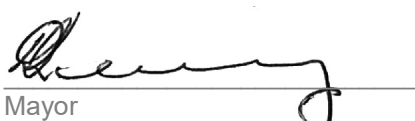

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dedicated water supply tank (non-flammable) with an RFS standard 65mm metal Storz outlet and ball valve shall be provided on the site.

ONGOING USE

49. 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.
50. 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.
51. All vehicles are required to enter and leave the site in a forward direction at all times. Signage to this effect is to be appropriately located within the site.
52. All loading and unloading in connection with the premises shall be carried out wholly within the site.
53. All exterior lighting associated with the development shall be designed and installed so that no obtrusive light will be cast onto any adjoining property or roadways, in accordance with Australian Standard 4282 "Control of the Obtrusive Effects of Outdoor Lighting".
54. There being no interference with the amenity of the neighbourhood by reason of the emission of any "offensive noise", vibration, smell, fumes, smoke, vapour, steam, soot, ash or dust, or otherwise as a result of the proposed development.
55. The developer must provide for independent noise monitoring to be undertaken during each function held on the site. In the event of a complaint being received, the noise monitoring data shall be provided to Council and Muller Acoustic Consulting (or another preferred acoustic consultant at no cost to Council) to verify that there has been no breach of noise control requirements imposed by this consent and the recommendations of the Noise Impact Assessment dated March 2021.
56. The Bed and Breakfast Accommodation approved under this consent is limited to the use of three (3) bedrooms of the dwelling-house only. The additional bedroom / media room / study is to be utilised by the permanent resident of the dwelling only.


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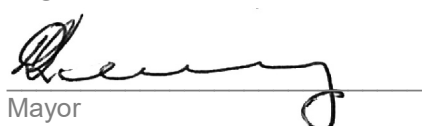
57. **The Bed and Breakfast Accommodation is to be used for temporary or short-term accommodation only in association with the use of the dwelling by the permanent residents.**
58. **The developer is required to maintain a guest register for the Bed and Breakfast Accommodation. The register must record all stays including guest numbers, contact information and the duration of each stay for the life of the development. The register must be made available to Council at any time on request.**
59. **All waste generated by the development is to be disposed of to an appropriately licenced waste facility. Local Transfer Stations are not to be utilised for waste disposal by this development at any time. All fees and charges for disposal are to be borne by the developer.**
60. **The development is to be maintained in a clean and tidy manner, at all times.**
61. **Event or function centre guests are not to trespass on to adjoining private property.**
62. **No fireworks are authorised to occur in conjunction with any event held on the site.**
63. **The development must operate in accordance with the approved Operational Management Plan at all times.**
64. **In the event of any complaints being lodged relating to the site or its operations, a complaints register must be kept by the developer clearly recording all relevant information and reasons for the complaint. The log book must be made available to Council at any time on request.**

The complaints 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.**

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.**



Mayor



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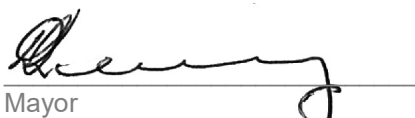
Persons to whom this approval is issued must rely on their own enquiries as to whether or not the building breaches any such covenant.

3. Division 8.2 of the Environmental Planning and Assessment Act (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 Development Department for more information or advice.
4. If you are dissatisfied with this decision section 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 development is to operate so as to not emit offensive noise, as defined in the Protection of the Environment Operations Act 1997.

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 of the Environmental Planning & Assessment Act 1979.
3. The proposed development satisfactorily addresses the issues raised in objections received in response to public notification of the development, as follows:
 - (a) The traffic and parking impacts of the development are acceptable.
 - (b) Vehicle access into and out of the site is acceptable.
 - (c) Sufficient detail has been provided to enable an assessment of the application.
 - (d) The proposed development will not have an adverse impact on the visual amenity of the area, subject to conditions.
 - (e) The proposed development will not have an adverse noise impact, subject to conditions.
 - (f) The proposed development is suitable for the site.
 - (g) The proposed development will not have an adverse economic impact.


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AMENDMENT O'Neill / Thompson

That Council:

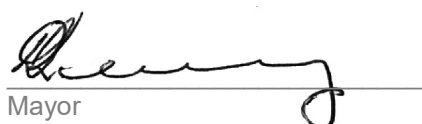
- A. receive the report by the Planning Coordinator on DA0204/2021 - Function Centre, Amenities Building and Change of Use to Bed and Breakfast Accommodation at 345 Spring Flat Road, Spring Flat;
- B. approve DA0204/2021 - Function Centre, Amenities Building and Change of Use to Bed and Breakfast Accommodation at 345 Spring Flat Road, Spring Flat, subject to the following conditions and Statement of Reasons:

CONDITIONS

Approved plans

1. 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:	Sheet No:	Date [dd.mm.yyy y]:	Prepared by:
Overall Site Plan	35146-A01	D	Sheet 2 of 5	01.06.2021	Barnson
Part Site Plan	35146-A02	D	Sheet 3 of 5	01.06.2021	Barnson
Tent Floor Plan & Elevation	35146-A03	B	Sheet 4 of 4	14.12.2020	Barnson
Amenities Floor Plan & Elevations	35146-A04	B	Sheet 5 of 5	14.12.2020	Barnson
Proposed Floor Layout	1132-A1	A	-	19/03/2021	On Point Building Design
Plan of Management	-	-	-	-	AGSR Escapes T/A Yurali House Mudgee
Traffic Impact Assessment Report	35146-TIA01_0	-	-	15.03.2021	Barnson



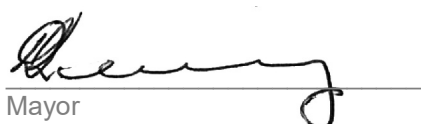
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Visual Impact Assessment	35145-VIA01_A	-	-	6/03/2021	Barnson
Noise Impact Assessment	MAC21129 8-01RP1D1	-	-	March 2021	Muller Acoustic Consulting

2. 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.
3. This consent does not permit commencement of any site works. Works are not to commence until such time as a Construction Certificate has been obtained and the appointment of a Principal Certifier.
4. For clarity, this development consent provides approval for a function centre, amenities building and change of use to Bed and Breakfast Accommodation which is limited to three (3) bedrooms of the dwelling only.
5. This development consent limits the function centre operations to the following:
 - A maximum of 20 functions per year.
 - A maximum of 100 guests at any one function.
 - All amplified music is to cease at 9.45pm for an event held on Friday or Saturday.
 - All amplified music is to cease at 9.45pm for each event held Monday to Thursday, and also Sunday.
 - All event guests are required to vacate the premises at 10pm.
 - All music and speaker systems are restricted to operate within the marquees only.
 - The marquees are to be enclosed during the evening and night periods (6pm to 12midnight) on the north-eastern and western facing facades during each event.
 - No outdoor events or activities are permitted to occur on the site in conjunction with any function held within the marquees.
 - Where there is no event scheduled to occur within 28 days of the previous event, the marquees are to be disassembled.
 - During each event, an event manager is required to be onsite at all times and shall be responsible for event coordination, security, emergencies and to ensure compliance with the operational conditions of consent at all times.



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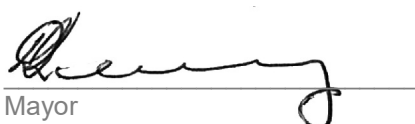
General Manager

GENERAL

6. In recognition that an unreliable reticulated water supply exists, a 20,000 litre dedicated water supply tank (non-flammable) shall be provided on the site. An RFS standard 65mm metal Storz outlet with a ball valve shall be provided.
7. Under Section 138 of the *Roads Act 1993*, should any work on the verge, footpath, public road reserve, or public reserve (open space) be required, an approval in accordance with Section 138 of the *Roads Act 1993* will need to be obtained from Council. In this regard, the applicant is to make a formal application to Council for the installation of warning signage within the road reserve. The Section 138 application is to be submitted to, and approved by Council, prior to works commencing within the road reserve.

NOTE: The existing crossover does not comply with sight distance requirements 100km/hr design speed. Therefore, to improve the sight distance requirement, the applicant must install "Slow Down Driveway Ahead" (W2-207 Guide Signage for Eastbound Vehicles) Signage.

8. No native vegetation clearing is authorised by this development consent.
9. The development is to be managed in accordance with the mitigation methods contained within the Visual Impact Assessment dated 6/03/2021 and the following requirements:
 - Building materials are to be selected to reduce colour contrast and blend new and existing structures into the surrounding landscape; and
 - The existing vegetation established on the site are to be retained and supplementary planting incorporated with use of endemic flora species which integrate with the existing landscape character.
10. The development must be managed in accordance with the recommendations of the Noise Impact Assessment dated March 2021 at all times which is to include:
 - Appropriately managing noisy patrons during functions at the project site;
 - All amplified music would be situated within the pavilions/marquees;
 - The marquees should be fitted with removable panels made from weatherproof fabric and loaded vinyl (2mm Sonicclear curtain or equivalent). These panels should be utilised during the evening and night periods (6pm to 12am) on the north-eastern and western facing facades to minimise noise


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transmission to sensitive receivers during noise enhancing conditions; and

- Amplified music will only consist of DJ, trio/duet or medium level amplified music (i.e. ipod music and speakers). Larger band (i.e. rock bands) are not recommended for the project.

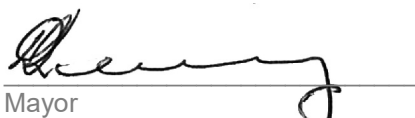
PRIOR TO ISSUE OF A CONSTRUCTION CERTIFICATE

11. 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 \$25,000 or more.

Note - The amount payable is currently based on 0.35% 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.

12. Prior to release of the Construction Certificate, approval pursuant to Section 68 of the *Local Government Act 1993* for the installation of an On Site Sewer Management System is to be obtained from Council.
13. Details of compliance with the National Construction Code (Building Code of Australia) shall be provided to the Certifying Authority prior to the issue of a Construction Certificate.
14. The function centre and demountable toilet as well as the accessible paths of travel to those amenities from the carpark shall comply with Part D3 of the BCA and Australian Standard *AS1428.1-2009 Design for Access and Mobility Part 1: General Requirement for access – New building work*. In this regard, details of compliance shall be provided to the Certifying Authority prior to the issue of a Construction Certificate **which must include all paths of travel from the car parking area to the development to be sealed (concrete or bitumen).**
15. Prior to issue of the Construction Certificate, details of the marquees provided with removable panels made from weatherproof fabric and loaded vinyl (2mm Sonicclear curtain or equivalent) as recommended by the Noise Impact Assessment dated March 2021 is to be provided to the Certifying Authority.
16. Prior to issue of the Construction Certificate, details of the marquees demonstrating compliance with the Visual Impact Assessment dated 6/03/2021 and containing only colours to blend the structures into the rural landscape is to be provided to the Certifying Authority.
17. In accordance with the provisions of Section 7.12 of the


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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.

The value of works is to be calculated in accordance with Section 2.9.3 and the procedure outlined in Section 4.3 of the Contributions Plan. A report regarding value of works and any necessary certification is to be submitted to Council. Council will calculate and advise of the levy amount following submission of the documents.

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 under Council Documents/Strategies and Plans.

PRIOR TO COMMENCEMENT OF WORKS – BUILDING

18. No work shall commence until a Construction Certificate has been issued and the applicant has notified Council of:
- a) the appointment of a Principal Certifying Authority and
 - b) the date on which work will commence.

Such notice shall include details of the Principal Certifying Authority and must be submitted to Council at least two (2) days before work commences.

19. 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

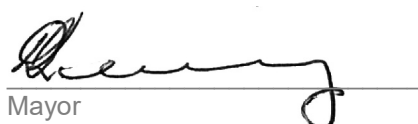
20. A sign must be erected in a prominent position on any work site on which in the erection or demolition of a building is carried out;
- a) stating that unauthorised entry to the work site is prohibited, and
 - b) showing the name of the person in charge of the work site and a telephone number at which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

- d) The sign shall be removed when the erection or demolition of the building has been completed.
21. If the work involved in the erection/demolition of the building;
- a) is likely to cause pedestrian or vehicular traffic in a public place to be obstructed or rendered inconvenient, or
 - b) building involves the enclosure of a public place
- A hoarding or fence must be erected between the work site and the public place. If necessary, an awning is to be erected, sufficient to prevent any substance from, or in connection with, the work falling into the public place. Any such hoarding, fence or awning is to be removed when the work has been completed.
22. The development site is to be managed for the entirety of work in the following manner:
1. 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;
 2. Appropriate dust control measures;
 3. Construction equipment and materials shall be contained wholly within the site unless approval to use the road reserve has been obtained;
 4. 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.

BUILDING CONSTRUCTION

23. 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.
24. In the event of any Aboriginal archaeological material being discovered during construction works, all work in that area shall cease immediately and Heritage NSW notified of the discovery as soon as practicable. Work shall only recommence upon the authorisation of the Heritage NSW.
25. 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.

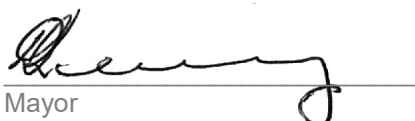
The contaminated land situation is to be evaluated by the supervising environmental consultant and an appropriate response determined in consultation with the developer, which is agreed to by Council.


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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.

26. 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.
27. 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.
28. 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.
29. A total of 42 car parking spaces (including two (2) disabled parking spaces) are to be provided within the site of the development and comply with AS 2890.1: 2004 and the following requirements:
 - Each parking space is to have minimum dimensions of 5.5m x 2.4m;
 - Each disabled car parking space is to be in accordance with the provisions of AS 2890.6: 2009 and must be sealed, sign posted and line marked;
 - Line marking, wheel stop and signage has to be installed as per the relevant Australian Standard;
 - All other car parking spaces are to be provided with a hard standing all weather compacted gravel surface and must be maintained in a satisfactory condition at all times.
30. 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.
31. All plumbing and drainage work must be carried out by a licensed plumber and drainer and must comply with the Plumbing Code of Australia.
32. Construction work noise that is audible at other premises is to be restricted to the following times:


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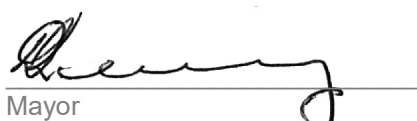
- Monday to Saturday - 7.00am to 5.00pm
33. No construction work noise is permitted on Sundays or Public Holidays.
 34. All mandatory inspections required by the *Environmental Planning & Assessment Act 1979* and any other inspections deemed necessary by the Principal Certifying Authority being carried out during the relevant stage of construction.
 35. All stormwater is to discharge a minimum 3m from the building and disposed of in such a way as to not adversely affect the adjoining properties.
 36. 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.
 37. All building work is to comply with the requirements of the Access to Premises Standard.
 38. 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 Clause 168 of the *Environmental Planning and Assessment Regulation 2000*.

PRIOR TO ISSUE OF THE OCCUPATION CERTIFICATE

39. 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 Certifying Authority appointed for the erection of the building.
40. Prior to an Occupation Certificate being issued, Spring Flat Road is to be upgraded, from the end of the existing road seal, to the front gate of the subject site (approximately 1100m).

Note: The developer will need to enter into a Private Works Agreement with Council, who will carry out the required works.

41. Prior to occupation or the issue of the Occupation Certificate, the owner of the building must cause the Principal Certifying Authority 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 Clause 153 of the *Environmental Planning and Assessment Regulation 2000* for each measure listed in the schedule. The certificate must only be in the form specified by Clause 174 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.

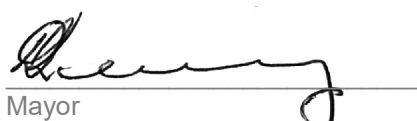

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General Manager

42. Prior to the issue of an Occupation Certificate, pursuant to Clause 93 of the *Environmental Planning and Assessment Regulations 2000*, the Bed and Breakfast Accommodation is to be brought into conformity with the Category 1 fire safety provisions as are applicable to the buildings use. In this regard, the building shall comply with;
 - a) Performance Requirement P2.3.2 'Fire Detection and early warning' of BCA, Volume 2.
 - b) Performance requirement EP2.2 of BCA Volume 1.
43. Prior to issue of an Occupation Certificate, an Operational Management Plan for the development is to be prepared and submitted to Council for approval. The Plan shall also include Bushfire and Emergency Management details, ensuring that no events are held during high and catastrophic bushfire danger periods.
44. All car parking and associated driveway works are to be completed prior to occupation of the development.
45. Prior to the issue of an Occupation Certificate, an Approval to Operate the On-Site Sewage Management System granted under Section 68 of the *Local Government Act 1993* is to be obtained.
46. Prior to issue of an Occupation Certificate, the installation of roadside warning signage is required to be completed in accordance with the Section 138 approval of Council.
47. Prior to issue of an Occupation Certificate, the developer is required to prepare a Bushfire and Emergency Management Plan and this plan must ensure that no events are held during high and catastrophic bushfire danger periods.
48. Prior to issue of an Occupation Certificate, the 20,000 litre dedicated water supply tank (non-flammable) with an RFS standard 65mm metal Storz outlet and ball valve shall be provided on the site.

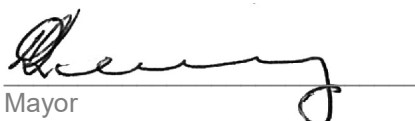
ONGOING USE

49. 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.
50. 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.
51. All vehicles are required to enter and leave the site in a forward direction at all times. Signage to this effect is to be appropriately


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- located within the site.
52. All loading and unloading in connection with the premises shall be carried out wholly within the site.
 53. All exterior lighting associated with the development shall be designed and installed so that no obtrusive light will be cast onto any adjoining property or roadways, in accordance with Australian Standard 4282 "Control of the Obtrusive Effects of Outdoor Lighting".
 54. There being no interference with the amenity of the neighbourhood by reason of the emission of any "offensive noise", vibration, smell, fumes, smoke, vapour, steam, soot, ash or dust, or otherwise as a result of the proposed development.
 55. The developer must provide for independent noise monitoring to be undertaken during each function held on the site. In the event of a complaint being received, the noise monitoring data shall be provided to Council and Muller Acoustic Consulting (or another preferred acoustic consultant at no cost to Council) to verify that there has been no breach of noise control requirements imposed by this consent and the recommendations of the Noise Impact Assessment dated March 2021.
 56. The Bed and Breakfast Accommodation approved under this consent is limited to the use of three (3) bedrooms of the dwelling-house only. The additional bedroom / media room / study is to be utilised by the permanent resident of the dwelling only.
 57. The Bed and Breakfast Accommodation is to be used for temporary or short-term accommodation only in association with the use of the dwelling by the permanent residents.
 58. The developer is required to maintain a guest register for the Bed and Breakfast Accommodation. The register must record all stays including guest numbers, contact information and the duration of each stay for the life of the development. The register must be made available to Council at any time on request.
 59. All waste generated by the development is to be disposed of to an appropriately licenced waste facility. Local Transfer Stations are not to be utilised for waste disposal by this development at any time. All fees and charges for disposal are to be borne by the developer.
 60. The development is to be maintained in a clean and tidy manner, at all times.
 61. Event or function centre guests are not to trespass on to adjoining private property.
 62. No fireworks are authorised to occur in conjunction with any event held on the site.


Mayor


General Manager

63. The development must operate in accordance with the approved Operational Management Plan at all times.
64. In the event of any complaints being lodged relating to the site or its operations, a complaints register must be kept by the developer clearly recording all relevant information and reasons for the complaint. The log book must be made available to Council at any time on request.

The complaints 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.

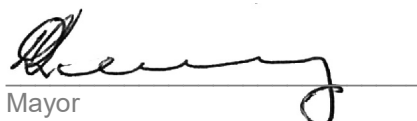
ADVISORY NOTES

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* (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 Development Department for more information or advice.
4. If you are dissatisfied with this decision section 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 development is to operate so as to not emit offensive noise, as defined in the *Protection of the Environment Operations Act 1997*.

STATEMENT OF REASONS

The determination decision was reached for the following reasons:

1. The proposed development complies with the requirements of the


Mayor


General Manager

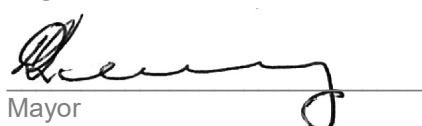
- applicable environmental planning instruments and Mid-Western Regional Development Control Plan 2013.
2. The proposed development is considered to be satisfactory in terms of the matters identified in Section 4.15 of the Environmental Planning & Assessment Act 1979.
 3. The proposed development satisfactorily addresses the issues raised in objections received in response to public notification of the development, as follows:
 - (a) The traffic and parking impacts of the development are acceptable.
 - (b) Vehicle access into and out of the site is acceptable.
 - (c) Sufficient detail has been provided to enable an assessment of the application.
 - (d) The proposed development will not have an adverse impact on the visual amenity of the area, subject to conditions.
 - (e) The proposed development will not have an adverse noise impact, subject to conditions.
 - (f) The proposed development is suitable for the site.
 - (g) The proposed development will not have an adverse economic impact.

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

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

The motion, on being put, was carried with Councillors voting as follows:

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


Mayor


General Manager

8.4 DA0371/2021 - DUAL OCCUPANCY (ATTACHED) AND
TORRENS TITLE SUBDIVISION (1 INTO 2 LOTS) AT 21
MARSKELL CIRCUIT, MUDGEES (LOT 4 DP 1267151)
GOV400088, DA0371/2021

177/21

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

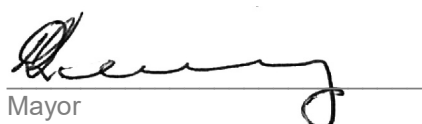
- A. receive the report by the Town Planner on the DA0371/2021 - Dual Occupancy (Attached) and Torrens Title Subdivision (1 into 2 Lots); and
- B. approve DA0371/2021 - Dual Occupancy (Attached) and Torrens Title Subdivision (1 into 2 Lots) subject to the following conditions and statement of reasons:

Conditions**APPROVED PLANS**

1. 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:	Rev:	Date:	Prepared by:
Site Plan/Analysis	01	D	04/05/21	A J Design & Draft
Lower Floor Plan	02	D	04/05/21	A J Design & Draft
Ground/First Floor Plan	03	D	04/05/21	A J Design & Draft
North-West & South-East Elevations	04	D	04/05/21	A J Design & Draft
North-East & South-West Elevations	05	D	04/05/21	A J Design & Draft
Section A-A	06	D	04/05/21	A J Design & Draft
Shadow Analysis	07	D	04/05/21	A J Design & Draft
Subdivision & Driveway Section	08	D	04/05/21	A J Design & Draft
Schedule of Finishes	09	E	20/5/21	A J Design & Draft
Landscape Concept Plan	21095 DA 1	A	5.5.21	Vision Dynamics

2. This development consent provides approval for the dual occupancy (attached) and Torrens Title subdivision – 1 into 2 Lots, only.



Mayor

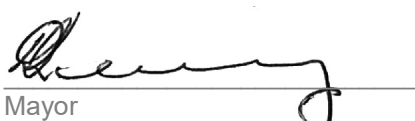


General Manager

3. Structures are to be located at least 1500mm away from the centreline of the sewer/stormwater pipe, such that the structures do not encroach in to any easement. The footing for the wall must be of sufficient depth to extend below the Zone of Influence to ensure no additional loading is placed on any existing or proposed pipe.
4. 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;
 - Erection of permanent structures,
 - Cut or fill of land,
 - The planting of trees, or
 - Concrete structures.
5. 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.
6. 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.
7. 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
8. All costs associated with the preparation of the Survey Plan and associated easement documentation are to be borne by the developer.
9. Switchboards for gas, electricity, etc., must not be attached to the front or street facing elevations of the buildings.

PRIOR TO ISSUE OF A CONSTRUCTION CERTIFICATE

10. Prior to the issue of a Construction Certificate, approval pursuant to Section 68 of the Local Government Act 1993 to carry out water supply, stormwater and sewerage works is to be obtained from Mid-Western Regional Council.
11. 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 \$25,000 or more.


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Note - The amount payable is currently based on 0.35% 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.

- 12. All finished surface levels shall be shown on the plans submitted for the Construction Certificate. Where it is proposed to import fill, the material shall be certified as free of hazardous materials and contamination by a suitably qualified geotechnical engineer. Fill placed in residential or commercial lots shall be compacted in accordance with AS3798-2007 Guidelines on Earthworks for Commercial and Residential Developments. The finished surface levels shown on the plan are to demonstrate compliance with the following:**
- Any retaining walls are to be located a minimum of 0.3m from the boundary; and
 - The depth of any fill must not exceed 0.6m; and
 - No cut or fill is to occur within water, stormwater or sewer easements; and
 - Cut shall not exceed a depth of 1.0m.

PRIOR TO THE COMMENCEMENT OF WORKS

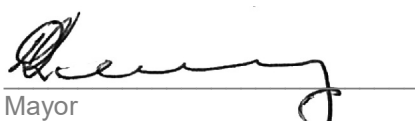
- 13. No work shall commence until a Construction Certificate has been issued and the applicant has notified Council of:**
- a) the appointment of a Principal Certifying Authority and
 - b) the date on which work will commence.

Such notice shall include details of the Principal Certifying Authority and must be submitted to Council at least two (2) days before work commences.

- 14. 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

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


Mayor


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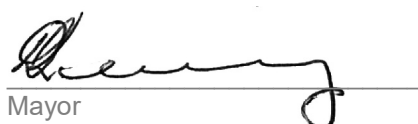
- a) stating that unauthorised entry to the work site is prohibited;
 - b) showing the name of the person in charge of the work site and a telephone number at which that person may be contacted outside working hours;
 - c) the name, address and telephone number of the principal certifying authority for the work; and
 - d) the sign shall be removed when the erection or demolition of the building has been completed.
16. With the exception of work where there is in force an exemption under clause 187 and 188 of the Environmental Planning and Assessment Regulations 2000, all building work that involves residential building work for which the Home Building Act requires there to be a contract of insurance in force in accordance with Part 6 of that Act, such a contract of insurance is to be in force.
17. If the work involved in the erection/demolition of the building;
- a) is likely to cause pedestrian or vehicular traffic in a public place to be obstructed or rendered inconvenient; or
 - b) building involves the enclosure of a public place.

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

18. 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.

BUILDING CONSTRUCTION

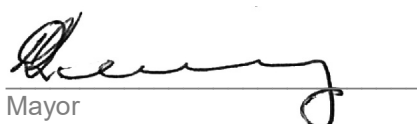
19. All building work must be carried out in accordance with the provisions of the National Construction Code, the Environmental Planning & Assessment Act 1979 and


Mayor


General Manager

Regulations and all relevant Australian Standards.

20. All plumbing and drainage work must be carried out by a licensed plumber and drainer and must comply with the Plumbing Code of Australia.
21. Construction work noise that is audible at other premises is to be restricted to the following times:
- Monday to Saturday - 7.00am to 5.00pm
- No construction work noise is permitted on Sundays or Public Holidays.
22. All mandatory inspections required by the Environmental Planning & Assessment Act 1979 and any other inspections deemed necessary by the Principal Certifying Authority being carried out during the relevant stage of construction.
23. The strength of the concrete used for the reinforced concrete floor slab must be a minimum 25Mpa.
24. The following applicable works shall be inspected and passed by an officer of Council, irrespective of any other inspection works undertaken by an accredited certifier, prior to them being covered. In this regard, at least 24 hours' notice shall be given to Council for inspection of such works. When requesting an inspection please telephone Council's Customer Counter on 6378 2850 and quote Council's DA reference number located on the front page of this consent.
- a. Internal and external sanitary plumbing and drainage under hydraulic test.
 - b. Water plumbing under hydraulic test.
 - c. Final inspection of the installed sanitary and water plumbing fixtures upon the building's completion prior to its occupation or use.
25. Structural members subject to attack by subterranean termites shall be protected by one of the methods outlined in AS 3660.1 and a durable notice must be permanently fixed to the building in a prominent location, such as a meter box or the like, indicating:
- a) the method of protection; and
 - b) the date of installation of the system; and
 - c) where a chemical barrier is used, its life expectancy as listed on the National Registration Authority label; and
 - d) the need to maintain and inspect the system on a regular basis.
26. The requirements of BASIX Certificate numbers 1199700M issued on 6 May 2021 must be installed and/or completed in



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General Manager

accordance with the commitments contained in that certificate. Any alteration to those commitments will require the submission of an amended BASIX Certificate to the Council and/or the Principal Certifying Authority prior to the commencement of the alteration/s.

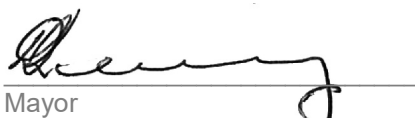
27. All stormwater is to discharge to the street gutter with the use of non-flexible kerb adaptors. Alternatively, stormwater is to be connected to the approved inter-allotment drainage system. In this instance, a grated pit of 600mm x 600mm with a 90mm glue capped stormwater stub is to be provided on the lower corner of each allotment to dispose of stormwater that cannot drain naturally to a public roadway or watercourse.
28. Metal roof/wall cladding shall be provided in a non-reflective colour scheme such as "Colorbond" steel sheeting.
29. The buildings are to be set out by a registered surveyor in the position approved by Council. A copy of the survey report indicating the position of the buildings as approved, wholly contained within the subject lots is to be submitted to the Principal Certifier prior to the pouring of any in-situ concrete.
30. 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.

CUT AND FILL

31. 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. The site shall be graded so that it is free draining.
32. 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.

PRIOR TO ISSUE OF THE OCCUPATION CERTIFICATE

33. 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 Certifying Authority appointed for the erection of the building.
34. Prior to the issue of an Occupation Certificate, the Developer must construct a new sealed crossover to each of the dwellings from Marskell Circuit. Separate approval is required from Council under the provisions of Section 138 of the Roads Act


Mayor

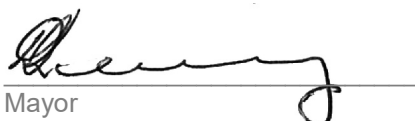

General Manager

1993 and Council's Access to Properties Policy, prior to any works being undertaken.

- 35. Prior to issue of an Occupation Certificate, all approved car parking and associated driveway works are to be completed.**
- 36. Outdoor drying facilities and letterboxes are to be provided for each unit prior to occupation of each building. The developer shall contact Council to ensure that the Street Addressing for each dwelling is correctly allocated in accordance with AS4819.**
- 37. A 1.8 metre high screen fence is to be provided to all side and rear boundaries behind the building line prior to occupation of the development. All fencing is to be provided at full cost to the developer.**

FENCING CONDITIONS

- 38. Fencing shall be provided for the development in accordance with the following requirements:**
 - a) A 1.8 metre high screen fence is to be provided to all side and rear boundaries, behind the front building line.**
 - b) A 1.8 metre high screen fence is to be provided between the private open space areas of the units.**
 - c) Fencing provided along property boundaries and between courtyards must not disrupt overland flow of stormwater and floodwater. Boundary fencing forward of the building line shall be a maximum height of 1.2m.**
 - d) For corner allotments – no fences, structures or landscaping exceeding 1 metre in height are to be located within the triangle formed by a sight line 6 metres x 6 metres from the intersection of the two street boundary lines.**
 - e) Any fencing provided forward of the front building line shall comply with the following requirements:**
 - (i) The fences shall be constructed of open panels or a combination of open panels and masonry columns.**
 - (ii) The fences shall be of timber or masonry construction. No Colorbond is to be used in fencing located forward of the building line.**
 - f) All required fencing shall be provided prior to occupation of the dwelling unit.**
 - g) All fencing shall be provided at the full cost of the developer.**
 - h) All required fencing shall be maintained at all times.**
 - i) Fencing is to be consistent in design and style with the dwelling in terms of style, colour, materials, textures, openings and finishes.**


Mayor


General Manager

PRIOR TO THE ISSUE OF A SUBDIVISION CERTIFICATE

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

Note: The fee to issue a Subdivision Certificate is set out in Council's Fees and Charges

40. A linen plan and two (2) copies are to be submitted to Council for approval and endorsement by the General Manager.

41. Prior to issue of a Subdivision Certificate, the developer shall obtain a Certificate of Compliance under the Water Management Act 2000, from Council.

Note - Refer to Advisory Notes in relation to payment of contributions to obtain a Certificate of Compliance.

42. The applicant is to provide separate water and sewer reticulation services to each allotment within the subdivision.

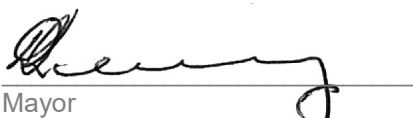
43. Prior to issue of a Subdivision Certificate, the developer is to provide a separate sewer junction for each dwelling. This can be achieved by making payment to council in accordance with Council's adopted fees and charges per new junction to cover the cost of installing a junction in an existing main. (SUBJECT TO CPI INCREASE).

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

44. Prior to issue of a Subdivision Certificate, the developer is to provide a water service and meter for each dwelling. 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

45. In accordance with the provisions of Section 7.11 of the Environmental Planning and Assessment Act 1979 and the Council's 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.


Mayor


General Manager

Section 7.11 contribution rates – Mudgee

	1 New 4 x Bedroom Dwelling (1 x credit for existing Lot)
Transport facilities	\$4,347.00
Recreation and open space	\$2,182.00
Community facilities	\$635.00
Stormwater management	\$458.00
Plan administration	\$995.00
Total	\$8,617.00

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.

Note – Council’s 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.

- 46. 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.

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.

To accompany the WAE Drawings, Council also requires the completion of Asset Data Excel Spreadsheets (to be provided by Council) prior to the issue of Subdivision Certificate.

- 47. Prior to issue of the Subdivision Certificate, Council is to be supplied with:**

- a) The final inspection report shall be submitted to Council with the Subdivision Certificate application.
- b) All contributions must be paid to Council and all works required by the consent be completed in accordance with the consent.

- 48. Prior to issue of the Subdivision Certificate, Council is to be supplied with:**

- a) A certificate of acceptance from the appropriate power


Mayor


General Manager

authority indicating that satisfactory arrangements have been made for provision of electricity supply to the subdivision; and

- b) Satisfactory evidence that arrangements have been for the installation of fibre-ready facilities to all individual lots so as to enable fibre to be readily connected to any premises that may be constructed on those lots. This will need to include confirmation in writing from the carrier that they are satisfied that the fibre ready facilities are fit for purpose; and
- c) Satisfactory evidence (usually by way of an agreement with a carrier) that arrangements have been made for the provision of fixed-line telecommunications infrastructure in the fibre-ready facilities to all individual lots.

Other Approvals

Not Applicable.

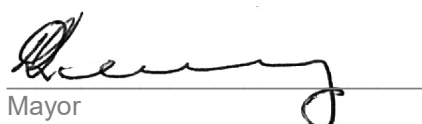
ADVISORY NOTES

1. This development consent requires a Certificate of Compliance under the Water Management Act 2000 to be obtained prior to the issue of a Construction 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		
2 Residences (One credit for existing Lot)	ET/Unit	Value
Water Headworks	0.5	\$4,344.50
Sewer Headworks	0.5	\$1,983.50
Total Headworks		\$6,328.00

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.

2. 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".
3. 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


Mayor


General Manager

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.

4. It is recommended that all stormwater runoff from new roof surfaces be directed to a rainwater tank of sufficient capacity to provide for detention storage requirements no less than 1,500 litres, i.e., tank capacity 3,000 litres with restricted orifice for discharge set at 1,500 litres. Runoff should be discharged from the tank through a restricted outlet of no greater than 25 mm. Runoff from the restricted orifice and tank overflow should be directed to the existing point of discharge.
5. 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 Development Department for more information or advice.
6. If you are dissatisfied with this decision Section 8.7 of the EP&A Act gives you the right to appeal to the Land and Environment Court within 12 months after the date on which you receive this notice.
7. To ascertain the extent to which the consent is liable to lapse, refer to Section 4.53 of the EP&A Act.

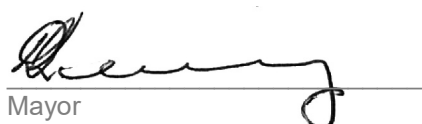
STATEMENT OF REASONS

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 of the Environmental Planning & Assessment Act 1979.

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

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


Mayor


General Manager

8.5 MA0043/2021 - TORRENS TITLE SUBDIVISION & ERECTION
OF INDUSTRIAL BUILDINGS

GOV400088, MA0043/2021

178/21

MOTION: Holden / Karavas

That Council:

- A. receive the report by the Town Planner on the MA0043/2021 - Torrens Title Subdivision & Erection of Industrial Buildings;**
- B. approve MA0043/2021 - Torrens Title Subdivision & Erection of Industrial Buildings to do the following:**
- I. Amend the approved plans, for the buildings on proposed Lots 2, 3 and 4; and**
 - II. Amend Condition 1A to refer to the amended plans; and**
 - III. Revised Statement of Reasons.**

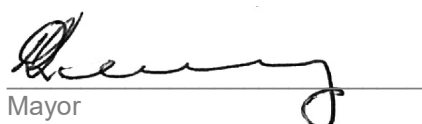
Conditions of Consent (AMENDMENTS IN BLUE)

PARAMETERS OF CONSENT

Approved Plans

- 1A. 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:
Site Plan (Lot 6)	3312-A01	A	April 2013	Giselle Denley Drafting Services
Ground Floor Plan (Lot 6)	3312-A02	B	Nov 2017	Giselle Denley Drafting Services
Elevations (Lot 6)	3312-A03	B	Nov 2017	Giselle Denley Drafting Services
Site Plan (Lots 1-4)	3312-A02	D	Feb 2021	Giselle Denley Drafting Services
Ground Floor Plan, South East Elevation and South West Elevation (Lot 1)	3312-A03	D	Sep 2019	Giselle Denley Drafting Services


Mayor

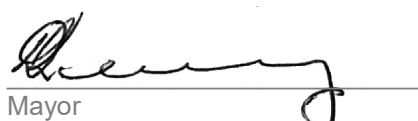

General Manager

Ground Floor Plan, First Floor Plan & Elevations (Lots 2 and 3)	3312-A04	E	Feb 2021	Giselle Denley Drafting Services
Ground Floor Plan, First Floor Plan & South East Elevation (Lot 4)	3312-A05	D	Feb 2021	Giselle Denley Drafting Services
Shed 4 South West, North East & North West Elevation	3312-A14	A	May 2021	Giselle Denley Drafting Services
Master Plan	3312-A01	A	April 2013	Giselle Denley Drafting Services
Storage Shed Typical Floor Plan & Storage Shed Front Elevation	3312-A09	A	April 2013	Giselle Denley Drafting Services
Proposed subdivision Showing Existing Improvements	BK041.dwg Sheet 1 of 4	-	14/10/2013	Jabek Pty Ltd
Layout Industrial Development Lots 1-6 (Stage 2)	BK041.dwg Sheet 2 of 4	-	14/10/2013	Jabek Pty Ltd
Service Layout	BK041.dwg Sheet 3 of 4	-	14/10/2013	Jabek Pty Ltd
Detail Lot 7	BK041.dwg Sheet 4 of 4	-	14/10/2013	Jabek Pty Ltd

The following plans/drawings supersede the above listed plans/drawings in relation to the road layout, stormwater drainage concept, proposed lot boundaries, boundary setbacks, car parking layout and landscaping.

Title / Name:	Drawing No / Document Ref	Revision / Issue:	Date:	Prepared by:
Concept Stormwater Plan	MX-10284.01-C2.0	B	17/11/17	Triaxial Consulting
Concept Stormwater Plan Basin Details	MX-10284.01-C2.1	B	17/11/17	Triaxial Consulting
Turning Circle Plan Sheet 1 of 2	MX-10284.01-C3.0	B	17/11/17	Triaxial Consulting
Turning Circle Plan Sheet 2 of 2	MX-10284.01-C3.1	B	17/11/17	Triaxial Consulting
Landscaping Plan	MX-10284.01-C4.0	C	23/03/18	Triaxial Consulting

(AMENDED MA0043/2021)


Mayor


General Manager

2. Notwithstanding the approved plans the structure is to be located clear of any easements and/or any water and sewer mains in accordance with Council Policy.
- 2A. The following limits apply to the proportion of the building on proposed Lot 6 that may be used for industrial premises or warehouse purposes:
- a) A maximum of 2,000m² of the building on proposed Lot 6 may be used as industrial premises, with the remainder able to be used for warehouse/storage purposes; or
 - b) Any amount of the building less than the cumulative total of 2,000m² may be used as industrial premises, with the remainder able to be used for warehouse/storage purposes; or
 - c) The total floor area of the building on proposed Lot 6 may be used for warehouse/storage purposes.

Note – this condition is applied to ensure that the use of the building matches the number of car parking spaces shown on the approved plans.

(ADDED MA0020/2017)

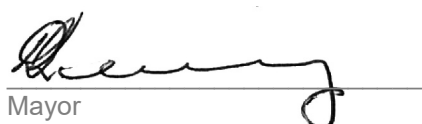
- 2C. Landscaping is to be provided in all areas identified as landscaping within the following plan:

Landscaping Plan	MX-10284.01-C4.0	C	23/03/18	Triaxial Consulting
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(ADDED MA0020/2017)

AMENDMENTS TO APPROVED PLANS

3. The maximum fill permitted to be placed on proposed Lot 1 is limited to 500mm above the existing natural ground level as shown on Plan No.BK041.dwg, Sheet 3 of 4.
4. **No roller-doors are to be constructed in the north-western wall of the proposed sheds on Lots 1 - 4, that adjoin the golf course and residential area at the north-eastern end of Inverness Avenue.**
(AMENDED MA0043/2021)
5. A minimum 1.8 metre high lapped and capped timber fence is to be provided along the western and southern boundaries (Golf Club land and adjoining industrial development to the south) of the development prior to the commencement of any works on the site. The timber fence is to be erected along the western boundary of proposed Lots 1 to 4. The remainder of the western boundary adjoining proposed Lot 7 may be fenced with a chain mesh fence.


Mayor


General Manager

(ADDED MA0017/2020)

- 5A. All lots in the approved subdivision shall have a minimum lot size of 2,000m².**

Note – Proposed Lot 5 on the approved plans has a lot size of 1,870m². Lot 5 may be readily increased to 2,000m² by adjusting the boundary between Lots 4 and 5. Amended plans demonstrating compliance shall be provided prior to the issue of a Subdivision Certificate involving Lot 5.

(ADDED MA0020/2017)

- 5B. Amended plans are to be submitted to and approved by Council, indicating that a minimum of 16 parking spaces are provided on proposed Lot 4. Such plans are to be approved by Council prior to the issue of a Construction Certificate for any development on proposed Lot 4.**

(ADDED MA0020/2017)

PRIOR TO ISSUE OF CONSTRUCTION CERTIFICATE - CIVIL

- 6. The submission to Council of engineering design plans for any road works shall include pavement and wearing surface investigation and design, sedimentation and erosion control plans, and a detailed construction plan. These plans are to be approved by the Council prior to the issue of a Construction Certificate.**

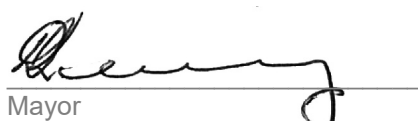
- 7. A detailed engineering design (including sediment and erosion control) supported by plans, and an “Autocad compatible” Plan, (in dwg format including pen-map), material samples, test reports and specifications are to be prepared in accordance with AUS-SPEC #1 (as modified by Mid-Western Regional Council) and the conditions of this development consent. The engineering design is to be submitted to and approved by Council or an Accredited Certifier prior to the issue of a Construction Certificate.**

- 8. Engineering plans of the sewer mains extension are to be submitted to and approved by Council or an accredited certifier prior to the issue of a Construction Certificate.**

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

Note 2: Council does not permit other bodies to insert new junctions into ‘live’ sewer mains.

- 9. 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**


Mayor


General Manager

Authority for approval prior to the release of the Construction Certificate. The report must demonstrate that stormwater runoff from the site is not increased beyond the existing undeveloped state up to and including a 1.5 year ARI. All storm water detention details including analysis shall be included with the drainage report.

10. The Cul-de-sac proposed at the end of Depot road must be designed pursuant to "AUSTROADS Design Vehicles and Turning Path Templates Guide 2013" to accommodate at least a B-Double turning radius (15m) when travelling between 5-15km/hr. The turning path plan must be submitted to Council prior to the issue of the Construction Certificate.
11. All finished surface levels shall be shown on the plans submitted for the Construction Certificate. Where it is proposed to import fill, the material shall be certified as free of hazardous materials and contamination by a suitably qualified geotechnical engineer. Fill placed in residential or commercial lots shall be compacted in accordance with AS3798-2007 Guidelines on Earthworks for Commercial and Residential Developments.

PRIOR TO ISSUE OF THE CONSTRUCTION CERTIFICATE - BUILDING

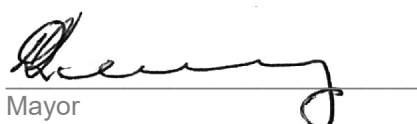
The following conditions must be compiled with prior to Council or an accredited Certifier issuing a Construction certificate for the proposed building.

12. Prior to release of the Construction Certificate, approval pursuant to Section 68 of the Local Government Act, 1993 to carry out water supply, stormwater and sewerage works is to be obtained from Mid-Western Regional Council.
13. A schedule of existing and proposed fire safety measures is to be submitted to the Principal Certifying Authority with the application for the Construction Certificate.
14. The developer shall obtain a Certificate of Compliance under the Water Management Act. This will require:
 - (a) Payment of a contribution for water and sewerage headworks at the following rate:

Water Headworks	\$55,426.00
Sewerage Headworks	\$26,959.00
Total Payable	\$82,385.00

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.

- (b) The adjustment of existing services or installation of new


Mayor


General Manager

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.

(AMENDED MA0020/2017)

- 14A. In accordance with the provisions of section 94A of the Environmental Planning and Assessment Act 1979 and the Mid-Western Regional Council Section 94A Development Contributions Plan (the Section 94A Plan), a levy based on the value of works shall be paid to Council in accordance with this condition for the purpose of public facilities, prior to the issue of a Construction Certificate.

The value of the works is to be calculated in accordance with Section 9.0 and the procedure outlined in Appendix 1 of the Section 94A Plan. A report regarding value of works and any necessary certification is to be submitted to Council. Council will calculate and advise of the final levy amount following submission of the documents.

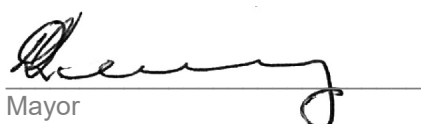
Note – the levy amount will be adjusted by the Consumer Price Index, if not paid in the same financial year it was calculated. Based on the cost of the proposed development submitted with the DA (\$2,450,000), an indicative total levy of \$24,500 is payable.

A pro-rata portion of the Section 94A contribution may be paid prior to the issue of a Construction Certificate for only part of the total development.

(ADDED MA0020/2017)

- 14B. Prior to the issue of any Construction Certificate that includes above ground works, a landscape plan shall be submitted to and approved by Council. This landscape plan shall be prepared by an appropriately qualified and experienced professional. The landscaping plan is to show and/or achieve the following:

- a) A planting schedule (including a range of plant sizes).
- b) A maintenance schedule.
- c) Re-planting regime for any plants that are damaged, dead, or removed for any reason.
- d) Provision of landscaping adjacent to and between car parking areas to assist in visually breaking up the expanse of the car park.
- e) Provide landscaping and fencing (if to be provided) within the front boundary landscaped setback that achieves the following:
 - (i) Allows for passive surveillance between the road reserve and the internal car park and entrance to buildings. This may be achieved by using shrubs that have a maximum height of 0.8m at maturity and trees that have a minimum canopy height of 1.7m at


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- maturity.
- (ii) Includes a mixture of trees, shrubs and groundcovers to create mass of vegetation with an average height of 2m at maturity, within the approved landscaped areas.

- f) Utilise endemic species, where practicable, which are appropriate for the site.
- g) Details of an irrigation system connecting to the on-site rainwater tanks.

(ADDED MA0020/2017)

- 14C. A landscaping bond of \$1,500 is to be paid to Council prior to the issue of a Construction Certificate for above ground building works. Such bond is to be refunded upon satisfactory completion of the landscaping in accordance with the approved landscaping plan.

(ADDED MA0020/2017)

PRIOR TO THE COMMENCEMENT OF WORKS – CIVIL

15. Prior to development the applicant shall advise Council's Operations Directorate, in writing, of any existing damage to Council property before commencement of works. The applicant shall repair (at their own expense) any part of Council's property damaged during the course of this development in accordance with AUS-Spec #1/2 (as modified by Mid-Western Regional Council) and any relevant Australian Standards.

(AMENDED MA0020/2017)

16. 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.

17. A copy of the Contractor's public liability insurance cover for a minimum of \$20,000,000 is to be provided to Mid-Western Regional Council as an interested party. All work is to be at no cost to Council.

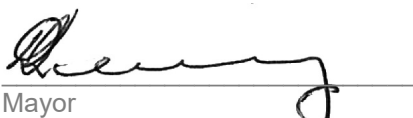
PRIOR TO THE COMMENCEMENT OF WORKS – BUILDING

18. No work shall commence until a Construction Certificate has been issued and the applicant has notified Council of:

- a) the appointment of a Principal Certifying Authority and
b) the date on which work will commence.

Such notice shall include details of the Principal Certifying Authority and must be submitted to Council at least two (2) days before work commences.

19. 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


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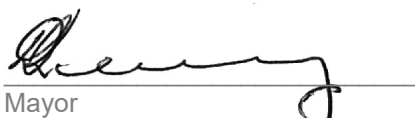
the site. Council encourages the separation and recycling of suitable materials.

NOTE: ALL WASTE GENERATED FROM THE CONSTRUCTION PROCESS IS TO BE CONTAINED ON-SITE

20. A sign must be erected in a prominent position on any work site on which involved in the erection or demolition of a building is carried out;
- a) stating that unauthorised entry to the work site is prohibited;
 - b) showing the name of the person in charge of the work site and a telephone number at which that person may be contacted outside working hours;
 - c) the name, address and telephone number of the principal certifying authority for the work; and
 - d) The sign shall be removed when the erection or demolition of the building has been completed.
21. Prior to the commencement of works on site, the applicant shall advise Council's Operations Directorate, in writing, of any existing damage to Council property.
(AMENDED MA0020/2017)

CIVIL CONSTRUCTION

- 21A. 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.
(NUMBERED MA0020/2017)
22. 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.
23. The developer is to grant Council (or an Accredited Certifier on behalf of Council) unrestricted access to the site at all times to enable inspections or testing of the subdivision works.
24. The subdivision works are to be inspected by the Council (or Accredited Certifier on behalf of Council) to monitor compliance with the consent and the relevant standards of construction encompassing the following stages of construction:
- a) Installation of sediment and erosion control measures.
 - b) Water and sewer line installation prior to backfilling.
 - c) Establishment of line and level for kerb and gutter placement.
 - d) Road and driveway pavement construction (including excavation, formwork and reinforcement).
 - e) Road pavement surfacing.
 - f) Practical completion.


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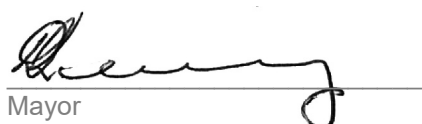

General Manager

25. The contractor/owner must arrange an inspection by contacting Council's Development and Community Services Department between 8.30am and 4.30pm Monday to Friday, giving at least twenty four (24) hours' notice. Failure to have the work inspected may result in the access being removed and reconstructed at the contractors/owners expense.
26. All earthworks, filling, building, driveways or other works, are to be designed and constructed (including stormwater drainage if necessary) so that at no time will any ponding of stormwater occur on adjoining land as a result of this development.
27. Interallotment drainage is to be provided to remove stormwater from any lots that cannot discharge to the street in accordance with Aus Spec #1. Easements not less than 1m wide shall be created over interallotment drainage in favour of upstream allotments.
28. The requirements for stormwater quality, as specified in the DCP, shall be addressed in the design prior to issue of the Construction Certificate. The design shall be such that there is no increased maintenance burden on Council.
- 29A. The developer must construct the full length of the proposed new extension of Depot Road located in Lot 210 DP775001, to the following standard:

Item	Requirement
Road Reserve Width	21.6 m
Pavement Width	13m (invert to invert)
Court Bowl/ Cul-de-sac Head Seal	15m radius to invert (i) All parts of the cul-de-sac head that is wider than 18m: Asphalt (Hot mix) (ii) The remainder of the Depot Road extension: Two coat bitumen seal
Drainage	Direct stormwater runoff to subdivision drainage design in accordance with Section 5.3 of the Development Control Plan

(ADDED MA0020/2017)

30. Car parking for lots 1-6 must comply with the following standards:
- All vehicles must be provided adequate means to exit the lot in a forward direction;
 - Each parking space is to have minimum dimensions of 5.5m x 2.4m;
 - Each disabled car parking space is to be in accordance with


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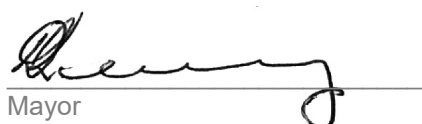
- the provisions of Clause D3.5 of the Building Code of Australia and Australian Standard AS 2890.6 – 2004;
- d) All car parking spaces are to be line-marked and sealed with a hard standing, all weather material and must be maintained in a satisfactory condition at all times; and
 - e) The aisle widths, internal circulation, ramp widths and grades of the car park are to generally conform to the Roads and Traffic Authority Guide to Traffic Generating Developments 1992 and Australian Standard AS2890.1 – 2004. Details of compliance are to be shown on the relevant plans and specifications.
31. If any aboriginal artefacts are uncovered or identified during construction earthworks, such work is to cease immediately and the local aboriginal community and National Parks and Wildlife Service are to be notified.

Note: The applicant should contact the Aboriginal Land Council and consult a suitably qualified individual to determine if artefacts were uncovered.

32. Runoff and erosion controls shall be installed prior to clearing and incorporate:
- a) diversion of uncontaminated upslope 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.

WATER AND SEWER

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


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General Manager

through adjoining private properties as a result of this subdivision.

BUILDING CONSTRUCTION

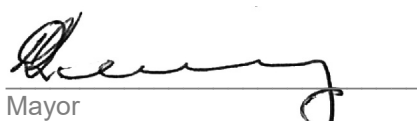
36. All building work must be carried out in accordance with the provisions of the National Construction Code, the Environmental Planning & Assessment Act 1979 and Regulations and all relevant Australian Standards.
37. All plumbing and drainage work must be carried out by a licensed plumber and drainer and must comply with the Plumbing Code of Australia.
38. Construction work noise that is audible at other premises is to be restricted to the following times:
Monday to Saturday - 7.00am to 5.00pm
No construction work noise is permitted on Sundays or Public Holidays.
39. All mandatory inspections required by the Environmental Planning & Assessment Act and any other inspections deemed necessary by the Principal Certifying Authority being carried out during the relevant stage of construction.
40. The strength of the concrete used for the reinforced concrete floor slab must be 25Mpa.
41. 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 Clause 168 of the Environmental Planning and Assessment Regulation 2000.

PRIOR TO THE ISSUE OF THE SUBDIVISION CERTIFICATE

42. 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

43. A linen plan and two (2) copies are to be submitted to Council for approval and endorsement by the General Manager.
44. 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.
45. Underground electricity, street lighting and telecommunications



Mayor



General Manager

are to be supplied to the subdivision.

- 46. Prior to issue of the Subdivision Certificate, Council is to be supplied with:
 - a) A certificate from the appropriate power authority indicating that satisfactory arrangements have been made for provision of electricity supply to the subdivision;
 - b) A certificate from the appropriate telecommunications authorities indicating that satisfactory arrangements have been made for provision of telephone services to the subdivision;
 - c) All contributions must be paid to Council and all works required by the consent be completed in accordance with the consent, or an agreement be made between the developer and Council;
 - d) As to the security to be given to Council that the works will be completed or the contribution paid; and
 - e) As to when the work will be completed or the contribution paid.

- 47. Following completion of the subdivision works, one full set of work-as-executed plans, on transparent film suitable for reproduction, and an "Autocad compatible" work-as-executed Plan, (in dwg format including pen-map), is to be submitted to Council. All work-as-executed plans shall bear the Consulting Engineer's or Consulting Surveyor's certification stating that all information shown on the plans is accurate.

- 48. 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.

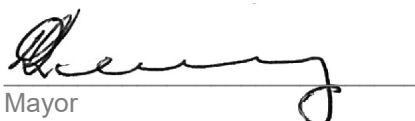
- 49. (DELETED MA0020/2017 – AMENDED CONDITION MOVED TO CONDITION 14A)

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

TOTAL PAYABLE 6 x \$1650 = \$9,900

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

OR



Mayor



General Manager

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

TOTAL PAYABLE 6 x \$370 = \$2,220

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

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

TOTAL PAYABLE 6 x \$1,450.00 = \$8,700

Note: Council does not permit other bodies to insert new junctions into "live" sewer mains.

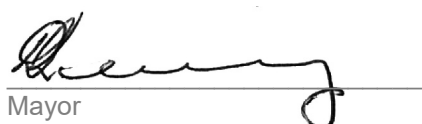
PRIOR TO ISSUE OF THE OCCUPATION CERTIFICATE

The following conditions are to be completed prior to occupation of the building and are provided to ensure that the development is consistent with the provisions of the Building Code of Australia and the relevant development consent.

53. 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 Certifying Authority appointed for the erection of the building.
54. All car parking and associated driveway works are to be completed prior to occupation of the development.
- 54A. All plants shown on the approved landscape plan/s are to be planted and all hard landscaping (eg rocks, retaining walls, solid garden bed edging) is to be installed prior to the issue of an Occupation Certificate.
(ADDED MA0020/2017)

CONDITIONS RELATED TO THE ONGOING USE OF THE SITE

55. All vehicles are required to enter and leave the site in a forward direction at all times. Signage to this effect is to be appropriately located within the site.
56. All loading and unloading in connection with the premises shall be carried out wholly within the site.
57. Garbage areas are to be adequately screened from public view



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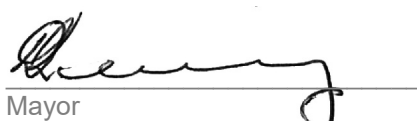
General Manager

with an opaque fence and / or adequate landscaping.

58. All waste generated by the proposed development shall be disposed of to an approved location in accordance with the Waste Minimisation & Management Act 1995.
59. All security fencing is to be pre-coloured or powder coated. Security fencing to the public road frontage is to be erected on or behind the front building line. Full details of proposed fencing is to be included on the landscaping plan.
60. All exterior lighting associated with the development shall be designed and installed so that no obtrusive light will be cast onto any adjoining property or roadways, in accordance with Australian Standard 4282 "Control of the Obtrusive Effects of Outdoor Lighting".
61. No display or sale of goods is to take place from public areas or footpaths fronting the premises.
62. All 'Colorbond' material for the proposed sheds is to be non-reflective.
63. Hours of operation of the industrial buildings are restricted to the following times;
Monday to Saturday 7.00am to 6.00pm
No work is permitted on Sundays or Public Holidays
64. The combined maximum permitted noise level for all activities within the subject industrial development is 5dB(A) above the background noise level of 39dB(A) as measured at the property boundary of Lot 210 DP 775001 and the Mudgee Golf Course and the residentially zoned land.
65. Measures, such as raised kerb edges, bollards and/or fencing, are to be installed and maintained around all approved landscape areas in order to prevent vehicles driving over them.
(ADDED MA0020/2017)
66. Landscaping is to be maintained in accordance with the approved landscape plan.
(ADDED MA0020/2017)

ADVISORY NOTES

- 1 The removal of trees within any road reserve requires 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


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General Manager

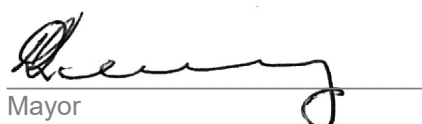
construction of the building, the subject of this approval. Persons to whom this approval is issued must rely on their own enquiries as to whether or not the building breaches any such covenant.

- 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 Development Department for more information or advice.
(MODIFIED MA0043/2021)
- 4 If you are dissatisfied with this decision section 8.7 of the EP&A Act 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).
(MODIFIED MA0043/2021)
- 5 To ascertain the date upon which the consent becomes effective, refer to section 83 of the EP&A Act.
- 6 To ascertain the extent to which the consent is liable to lapse, refer to section 95 of the EP&A Act.
- 7 The development is to operate so as to not emit offensive noise, as defined in the Protection of the Environment Operations Act 1997.
(ADDED MA0020/2017)

STATEMENT OF REASONS

The determination decision was reached for the following reasons:

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 proposed modification is considered satisfactory in terms of the matters identified in Section 4.15 of the Environmental Planning and Assessment Act 1979.
(NEW STATEMENT OF REASONS MA0043/2021)


Mayor


General Manager

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

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

The following recommendations (item 8.6 to item 9.2) 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.179/21 and concluding at Resolution No. 182/21.

8.6 EVENTS ASSISTANCE - NSW POLICE RUGBY LEAGUE
GOV400088, ECO800009

179/21 MOTION: Shelley / Cavalier

That Council:

1. receive the report by the Manager Economic Development on the Events Assistance - NSW Police Rugby League; and
2. provide in-kind Events Assistance to NSW Police Rugby League of \$1800.

The motion was carried with the Councillors voting unanimously.

8.7 MONTHLY DEVELOPMENT APPLICATIONS PROCESSING
AND DETERMINED
GOV400088, A0420109

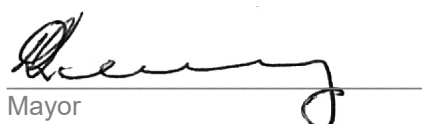
180/21 MOTION: Shelley / Cavalier

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

The motion was carried with the Councillors voting unanimously.

Item 9: Finance

9.1 WRITE-OFF OF DEBTS - PERIOD 20/5/2020 TO 25/5/2021
GOV400088, GOV400087, GOV400067, A0140197


Mayor


General Manager

181/21 **MOTION: Shelley / Cavalier**

That Council:

1. receive the report by the Revenue Coordinator on the Write-off of Debts - Period 20/5/2020 to 25/5/2021;
2. note the write-offs totalling \$3,636.46 made under delegated authority as stipulated in Attachment 1 to this Report for the period 20/5/2020 to 25/5/2021; and
3. authorise the write-off of those debts greater than \$2,500 and totalling \$3,308.00 as stipulated in Attachment 1 to this Report for the period 20/5/2020 to 25/5/2021.

The motion was carried with the Councillors voting unanimously.

9.2 RENAMING OF A SECTION OF UPPER TURON ROAD
RAISED BY LITHGOW CITY COUNCIL

GOV400088, R0790041 R0009025

182/21 **MOTION: Shelley / Cavalier**

That Council:

1. receive the report by the Property Support Officer on the renaming of a section of Upper Turon Road raised by Lithgow City Council; and
2. support the proposal by Lithgow City Council so long as their public consultation process includes the affected property owners within the Mid-Western Regional Council area and the majority of affected property owners within Bathurst, Mid-Western and Lithgow areas agree with the proposal.

The motion was carried with the Councillors voting unanimously.

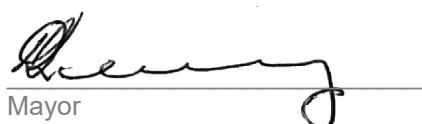
9.3 2021/22 OPERATIONAL PLAN AND 2017/22 DELIVERY
PROGRAM

GOV400088, A0000000

183/21 **MOTION: Shelley / Paine**

That Council:

1. receive the report by the Manager Finance on the 2021/22 Operational Plan and 2017/22 Delivery Program;
2. adopt the Operational Plan for 2021/22 and Revised



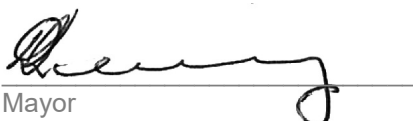
Mayor



General Manager

Delivery Program for 2017-2022, including the Fees & Charges Schedule;

3. makes the following rates and charges for the 2021/22 financial year:
- 3.1 A Residential Rural Rate of 0.621094 cents in the dollar on the land value as at 1 July 2021 of all land so categorised as Residential, with a minimum rate of \$708.78;
 - 3.2 A Residential Urban Rate of 0.621094 cents in the dollar on the land value as at 1 July 2021 of all land so categorised as Residential and further subcategorised as Residential Urban, with a minimum rate of \$708.78;
 - 3.3 A Farmland Rate of 0.442077 cents in the dollar on the land value as at 1 July 2021 of all land so categorised as Farmland, with a minimum rate of \$708.78;
 - 3.4 A Business Rate of 0.839604 cents in the dollar on the land value as at 1 July 2021 of all land so categorised as Business, with a minimum rate of 708.78;
 - 3.5 A Business Rylstone Aeropark Rate of 0.289731 cents in the dollar on the land value as at 1 July 2021 of all land so categorised as Business and further subcategorised as Business Rylstone Aeropark, with a minimum rate of \$232.67;
 - 3.6 A Mining Rate of 2.402869 cents in the dollar on the land value as at 1 July 2021 of all land so categorised as Mining, with a minimum rate of \$708.78;
 - 3.7 A Hunter Valley Catchment Contribution Rate of 0.00964 cents in the dollar on the land value as at 1 July 2021 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 6% per annum for the 2021-22 financial year, on a daily simple interest basis;
 - 3.9 A Domestic Waste Management Charge of \$304 for all



Mayor



General Manager

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 \$226 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;

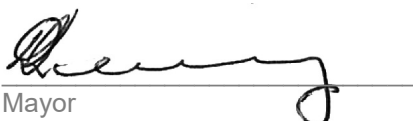
3.11 A Business Waste Management Charge of \$235 for all rateable and non-rateable Business category properties where a service is rendered. Where there is more than one service the annual charge will be multiplied by the number of services;

3.12 Water charges for rateable and non-rateable properties within the water supply area of:

Charge Type	Detail	Amount
Service Availability	20mm meter	\$168
	25mm meter	\$263
	32mm meter	\$430
	40mm meter	\$672
	50mm meter	\$1,050
	80mm meter	\$2,688
	100mm meter	\$4,200
	150mm meter	\$9,450
Usage - per kL	Residential	\$3.30
	Business	\$3.30
	Raw Water	\$1.35
	Standpipe	\$6.11

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:



 Mayor



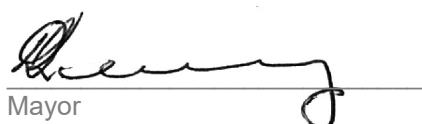
 General Manager

Charge Type	Detail	Amount
Service availability	Residential	\$912
	Non-Residential	\$509
Usage - Non Residential	Based on kLs of water that would reasonably be deemed to enter MWRC sewer schemes	\$2.92
Liquid Trade Waste - Annual Charge	Category 1 Discharger	\$100
	Category 2 Discharger	\$200
	Large Discharger	\$665
	Industrial Discharger	\$201.5 - \$662
	Re-inspection Fee	\$98
Liquid Trade Waste - Category 1 without appropriate equipment	Per kilolitre	\$1.85
Liquid Trade Waste - Category 2 with appropriate equipment	Per kilolitre	\$1.85
Liquid Trade Waste - Category 2 without appropriate equipment	Per kilolitre	\$17

AMENDMENT: Martens / Thompson

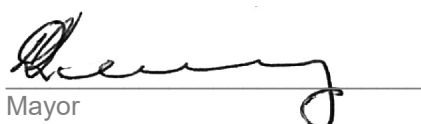
That Council:

1. receive the report by the Manager Finance on the 2021/22 Operational Plan and 2017/22 Delivery Program;
2. adopt the Operational Plan for 2021/22 and Revised Delivery Program for 2017-2022, including the Fees & Charges Schedule;
- 3a. amend the below rates to those in Rate model 3 for no increase to farmland rates;
- 3b. makes the following rates and charges for the 2021/22 financial year:
 - 3.1 A Residential Rural Rate of 0.621094 cents in the dollar on the land value as at 1 July 2021 of all land so categorised as Residential, with a minimum rate of \$708.78;
 - 3.2 A Residential Urban Rate of 0.621094 cents in the dollar on the land value as at 1 July 2021 of all land so categorised as Residential and further subcategorised as


Mayor


General Manager

- Residential Urban, with a minimum rate of \$708.78;
- 3.3 A Farmland Rate of 0.442077 cents in the dollar on the land value as at 1 July 2021 of all land so categorised as Farmland, with a minimum rate of \$708.78;
 - 3.4 A Business Rate of 0.839604 cents in the dollar on the land value as at 1 July 2021 of all land so categorised as Business, with a minimum rate of 708.78;
 - 3.5 A Business Rylstone Aeropark Rate of 0.289731 cents in the dollar on the land value as at 1 July 2021 of all land so categorised as Business and further subcategorised as Business Rylstone Aeropark, with a minimum rate of \$232.67;
 - 3.6 A Mining Rate of 2.402869 cents in the dollar on the land value as at 1 July 2021 of all land so categorised as Mining, with a minimum rate of \$708.78;
 - 3.7 A Hunter Valley Catchment Contribution Rate of 0.00964 cents in the dollar on the land value as at 1 July 2021 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 6% per annum for the 2021-22 financial year, on a daily simple interest basis;
 - 3.9 A Domestic Waste Management Charge of \$304 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 \$226 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 \$235 for all rateable and non-rateable Business category properties where a service is rendered. Where there is more than



Mayor



General Manager

one service the annual charge will be multiplied by the number of services;

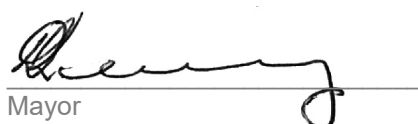
3.12 Water charges for rateable and non-rateable properties within the water supply area of:

Charge Type	Detail	Amount
Service Availability	20mm meter	\$168
	25mm meter	\$263
	32mm meter	\$430
	40mm meter	\$672
	50mm meter	\$1,050
	80mm meter	\$2,688
	100mm meter	\$4,200
	150mm meter	\$9,450
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	Business	\$3.30
	Raw Water	\$1.35
	Standpipe	\$6.11

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	\$912
	Non-Residential	\$509
Usage - Non Residential	Based on kLs of water that would reasonably be deemed to enter MWRC sewer schemes	\$2.92
Liquid Trade Waste - Annual Charge	Category 1 Discharger	\$100
	Category 2 Discharger	\$200
	Large Discharger	\$665
	Industrial Discharger	\$201.5 - \$662
	Re-inspection Fee	\$98
Liquid Trade Waste - Category 1 without appropriate	Per kilolitre	\$1.85


Mayor


General Manager

equipment		
Liquid Trade Waste - Category 2 with appropriate equipment	Per kilolitre	\$1.85
Liquid Trade Waste - Category 2 without appropriate equipment	Per kilolitre	\$17

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

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

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

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

The following recommendations (item 9.4 to item 11.3) were adopted as a whole, being moved by Cr Shelley, seconded by Cr Paine and carried with Councillors voting unanimously. Each recommendation is recorded with separate resolution numbers commencing at Resolution No.184/21 and concluding at Resolution No. 191/21.

9.4 MONTHLY BUDGET REVIEW - MAY 2021

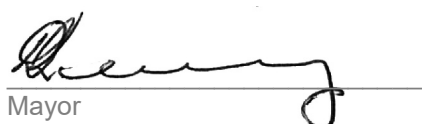
GOV400088, FIN300240

184/21

MOTION: Shelley / Paine

That Council

- 1. receive the report by the Manager Finance on the Monthly Budget Review - May 2021;**


Mayor


General Manager

2. amend the 2020/21 budget in accordance with the variations as listed in the Monthly Budget Review attachment to this report; and
3. amend the 2021/22 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 2021

GOV400088, FIN300053

185/21 MOTION: Shelley / Paine

That Council:

1. receive the report by Manager Finance the on the Monthly Statement of Investments as at 31 May 2021; and
2. note the certification of the Responsible Accounting Officer.

The motion was carried with the Councillors voting unanimously.

9.6 COMMUNITY GRANTS PROGRAM - JUNE 2021

GOV400088, FIN3000159

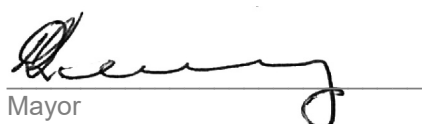
186/21 MOTION: Shelley / Paine

That Council:

1. receive the report by the Manager Finance on the Community Grants Program - June 2021; and
2. provide financial assistance to the following applications in accordance with the criteria and guidelines of the Community Grants Policy;

Goolma Amenities Committee	6,750
Hargraves and District Progress Association Inc.	6,310

The motion was carried with the Councillors voting unanimously.


Mayor


General Manager

Item 10: Operations

10.1 RURAL CUSTOMER WATER FILL STATIONS UPGRADES

GOV400088, WAT500087

187/21 MOTION: Shelley / Paine**That Council:**

1. receive the report by the Manager Water and Sewer on the Rural Customer Water Fill Stations Upgrades;
2. commence registering customers for the use of the Rural Customer Water Fill Stations following completion of upgrades; and
3. prepare a report in six months reviewing the introductory period, Customer Water Fill Station procedures and operational costs.

The motion was carried with the Councillors voting unanimously.

10.2 DRINKING WATER ANNUAL REPORT AND FACTSHEET

GOV400088, WAT500075

188/21 MOTION: Shelley / Paine**That Council:**

1. receive the report by the Water Quality officer on the Drinking Water Annual Report and Factsheet; and
2. note that the Drinking Water Annual Report and Factsheet will be publicly available and updated yearly.

The motion was carried with the Councillors voting unanimously.

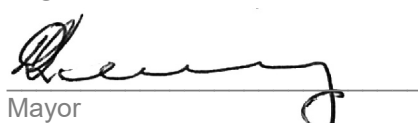
Item 11: Community

11.1 ACCEPTANCE OF GRANT FUNDING FOR COMMUNITY RECOVERY OFFICER

GOV400088, A0060099

189/21 MOTION: Shelley / Paine**That Council:**

1. receive the report by the Manager, Community & Cultural Services on the Acceptance of Grant Funding for Community Recovery Officer;
2. accept the offer from Resilience NSW for up to \$330,000 funding for deployment of a Community Recovery Officer;



Mayor

General Manager

and

3. **amend the 2021/22 budget to create a new budget for Community Recovery expenditure for \$220,000 to be grant funded.**

The motion was carried with the Councillors voting unanimously.

11.2 MUDGEES ARTS PRECINCT LOGO

GOV400088, REC800038

190/21 MOTION: Shelley / Paine

That Council:

1. **receive the report by the Manager, Community & Cultural Services on the Mudgee Arts Precinct Logo; and**
2. **endorse logo 1B for Mudgee Arts Precinct.**

The motion was carried with the Councillors voting unanimously.

11.3 LIBRARY SERVICES - QUARTERLY REPORT

GOV400088, F0620020

191/21 MOTION: Shelley / Paine

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

The motion was carried with the Councillors voting unanimously.

11.4 LOCAL GOVERNMENT NSW MEMBERSHIP RENEWAL 2021/22

GOV400088, A0040005

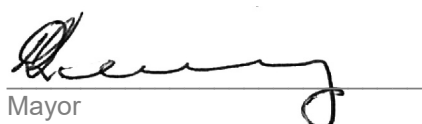
192/21 MOTION: Shelley / Kennedy

That Council:

1. **receive the report by the Director Community on the Local Government NSW Membership Renewal 2021/22; and**
2. **does not re-join Local Government NSW for the 2021/22 financial year**

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

Councillors	Ayes	Nayes
Cr Kennedy	✓	
Cr Paine		✓
Cr Cavalier	✓	
Cr Holden	✓	
Cr Karavas	✓	


Mayor


General Manager

Cr Martens	✓
Cr O'Neill	✓
Cr Shelley	✓
Cr Thompson	✓

The following recommendations (item 12.1 to item 12.4) 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.193/21 and concluding at Resolution No. 196/21.

Item 12: Reports from Committees

12.1 AUDIT RISK AND IMPROVEMENT COMMITTEE MINUTES 14 MAY 2021

GOV400088, COR400236

193/21 MOTION: Shelley / Cavalier

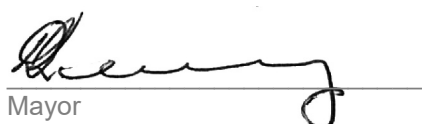
That Council:

1. **receive the report by the Executive Manager, People and Performance on the Audit Risk and Improvement Committee Minutes 14 May 2021;**
2. **endorse the minutes and recommendations of the Audit Risk and Improvement Committee meeting 14 May 2021;**
3. **endorse the following ARIC meeting schedule for the next twelve months:**
 - **6 August 2021**
 - **26 November 2021**
 - **25 February 2022**
 - **20 May 2022**
4. **endorse the following internal audit plan for 2021/2022:**
 - **Conduct of Private Works**
 - **Audit of Tourism Services**
 - - **Internal Development Application Process**

The motion was carried with the Councillors voting unanimously.

12.2 MID-WESTERN REGIONAL COUNCIL ACCESS COMMITTEE GOV400088, COS300797

194/21 MOTION: Shelley / Cavalier


Mayor


General Manager

That Council:

1. receive the report by the Manager, Community & Cultural Services on the Mid-Western Regional Council Access Committee; and
2. note the minutes of the Mid-Western Regional Council Access Committee meetings convened on 2 February, 2 March, 6 April, 4 May and 1 June 2021.

The motion was carried with the Councillors voting unanimously.

12.3 LOCAL TRAFFIC COMMITTEE MEETING MINUTES - MAY 2021

GOV400088, A0100009

195/21**MOTION: Shelley / Cavalier****That Council:**

1. receive the report by the Executive Assistant, Operations on the Local Traffic Committee Meeting Minutes - May 2021;
2. provide clearer plans of the Water Filling Station Upgrade – regulatory signage to the Committee due to minor change;
3. approve the installation of Australia Post only loading zone in Robertson Lane Gulgong with the following times permitting: Monday – Friday 7am to 8am and 2pm – 5pm; and
4. approve to further investigate traffic calming measures at the southern approach of the bridge of Reedy Creek Road Bridge.

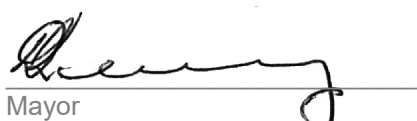
The motion was carried with the Councillors voting unanimously.

12.4 MID-WESTERN REGIONAL YOUTH COUNCIL

GOV400088, COS300610

196/21**MOTION: Shelley / Cavalier****That Council:**

1. receive the report by the Manager, Community & Cultural Services on the Mid-Western Regional Youth Council;
2. note the minutes of the Mid-Western Regional Youth Council meetings convene on 9 February, 9 March and


Mayor
General Manager

11 May 2021;

3. endorse Imogen Barrett as Mid-Western Regional Youth Council Mayor;
4. endorse Kirilee Besant as Mid-Western Regional Deputy Youth Council Mayor; and
5. note the resignations of Nicola Hayes and Christopher Barry from Mid-Western Regional Youth Council.

The motion was carried with the Councillors voting unanimously.

Item 13: Urgent Business Without Notice

Nil

Item 14: Confidential Session

197/21 MOTION: Shelley / Cavalier

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 Stubbo Solar Voluntary Planning Agreement

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.

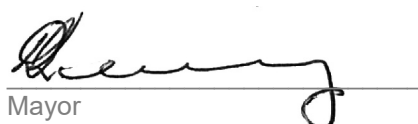
Discussion of this matter in an open meeting would be, on balance, contrary to the public interest as it involves discussion of a proposal subject to Council negotiation.

14.2 Classification of Land for future development.

The reason for dealing with this report confidentially is that it relates to information that would, if disclosed, confer a commercial advantage on a competitor of the council in accordance with Section 10A(2)(d)(ii) of the Local Government Act, 1993.

Discussion of this matter in an open meeting would be, on balance, contrary to the public interest as it involves discussion of a Council property purchase which has not yet settled.

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.


Mayor


General Manager

14.1 STUBBO SOLAR VOLUNTARY PLANNING AGREEMENT

GOV400088, LAN900125

198/21

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

1. receive the report by the Director Development on the Stubbo Solar Voluntary Planning Agreement;
2. provide in-principle support to enter into a Voluntary Planning Agreement with UPC Renewables Australia Pty Ltd for the Stubbo Solar Farm based on the terms outlined in the proposal dated 6 May 2021;
3. advise UPC Renewables Australia Pty Ltd to commence preparation of a draft Voluntary Planning Agreement and Explanatory Note; and
4. receive a further report to review the draft Voluntary Planning Agreement and Explanatory Note prior to placing it on public exhibition in accordance with the requirements of the Environmental Planning and Assessment Act 1979.

The motion was carried with the Councillors voting unanimously.

14.2 CLASSIFICATION OF LAND FOR FUTURE DEVELOPMENT.

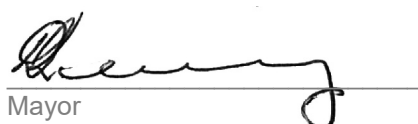
GOV400088, GOV400088

199/21

MOTION: Paine / Holden**That Council:**

1. receive the report by the Property Officer on the Classification of Land for future development.;
2. notify the public of its intention to classify Lot 63 DP618063 as Operational land in accordance with Chapter 6, Part 2, Division 1 Local Government Act 1993 by exhibiting the proposal for 28 days; and
3. receive a further report after the public notice 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.



Mayor

General Manager

Item 15: Urgent Confidential Business Without Notice

Nil

Item 16: Open Council

200/21 MOTION: Shelley / Martens

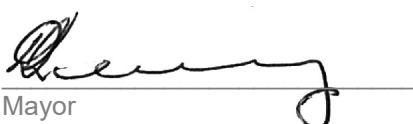
That: Council move to Open Council.

The motion was carried with the Councillors voting unanimously.

The General Manager announced the decisions taken in Confidential Session.

Item 17: Closure

There being no further business the meeting concluded at 7.46pm.


Mayor


General Manager