



Business Papers 2023

MID-WESTERN REGIONAL COUNCIL

ORDINARY MEETING

Wednesday 20 September 2023

MINUTES

*A prosperous and progressive
community we proudly call home*



CONFIRMATION OF MINUTES

3.1 Minutes of Ordinary Meeting held on 16 August 20233

Minutes of the Ordinary Meeting of Council

Held at the Council Chambers, 86 Market Street, Mudgee
on 16 August 2023, commencing at 5.44pm and concluding at 6.29pm.

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

IN ATTENDANCE General Manager (Brad Cam), Director Community (Simon Jones), Director
Development (Alina Azar), Director Operations (Julian Geddes), Chief
Financial Officer (Leonie Van Oosterum), Manager Customer Services and
Governance (Richard Cushway) and Executive Assistant (Mette Sutton).

Acknowledgement of Country

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

Item 1: Apologies

There were no apologies.

Item 2: Disclosure of Interest

There were no disclosures of interest.

Item 3: Confirmation of Minutes

174/23 **MOTION:** Cavalier / Palmer

That the Minutes of the Ordinary Meeting held on 19 July 2023 be taken as read and confirmed.

The motion was carried with the Councillors voting unanimously.

Item 4: Matters in Progress

Nil

Item 5: Mayoral Minute

5.1 MAYORAL MINUTE: PROPOSED CENTRAL-WEST ORANA
RENEWABLE ENERGY ZONE (REZ) DECLARATION
AMENDMENT

GOV400103, LAN900113

175/23 **MOTION:** Kennedy

That Council provides a submission to the proposed Central-West Orana Renewable Energy Zone (REZ) Declaration Amendment.

The motion was carried with the Councillors voting unanimously.

176/23 MOTION: Shelley / Cavalier

That item 11.1 - Gulgong Natural History Museum Survey Results, be brought forward on the agenda.

The motion was carried with the Councillors voting unanimously.

11.1 GULGONG NATURAL HISTORY MUSEUM SURVEY RESULTS

GOV400103, FIN300410, P1114611

177/23 MOTION: Cavalier / Thompson

That Council:

- 1. receive the report by the Director Community on the Gulgong Natural History Museum Survey Results;**
- 2. note the overall support from the Gulgong community for the development of the Natural History Museum at Red Hill; and**
- 3. conduct further community consultation in response to the feedback received to date and carry out further investigation into alternative sites for the construction of the Gulgong Natural History Museum, and provide a report back to Council.**

AMENDMENT: Kennedy / Palmer

That Council:

1. receive the report by the Director Community on the Gulgong Natural History Museum Survey Results;
2. note the overall support from the Gulgong community for the development of the Natural History Museum at Red Hill; and
3. endorse the Red Hill precinct as the location for the Gulgong Natural History Museum; and
4. request that further information be provided to Council on the design of the Museum, the Museum collection and the future operation of the Museum as a visitor destination.

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

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

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

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

Item 6:

Notices of Motion or Rescission

6.1 STREETS IN GULGONG

GOV400103, A0100035

The motion was withdrawn by Cr Thompson.

6.2 SUPPORT FOR THE REOPENING OF GULGONG - RYLSTONE RAIL LINE

GOV400103, A0100035

178/23

MOTION: Dicker / Shelley

That Council formally write to the NSW Minister for Regional Roads and Transport the Hon. Jenny Aitchison asking that funds for the reopening of the Gulgong – Rylstone line to existing 25 TAL standards, be included in the NSW budget estimates session commencing 24 October 2023.

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

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

Item 7: Office of the General Manager

7.1 MAYORAL AND DEPUTY MAYORAL ELECTIONS GOV400103, GOV400006

179/23 MOTION: Cavalier / Shelley

That Council:

1. receive the report by the Director Community on the Mayoral and Deputy Mayoral Elections;
2. note Circular to Councils 23-09 received from the Office of Local Government advising that Mayoral elections are to be held in September 2023 for the final year of the Council term; and
3. determine to hold an Extraordinary meeting of Council on 27 September 2023 for the purposes of holding elections for the Mayor and Deputy Mayor.

The motion was carried with the Councillors voting unanimously.

Item 8: Development

8.1 DA0087/2022 - DEMOLITION OF DWELLING AND CONSTRUCTION OF FOOD AND DRINK PREMISES (KFC) AT 33-35 HORATIO STREET, MUDGEE GOV400103, DA0087/2022

180/23 MOTION: Palmer / Karavas

That Council:

- A. receive the report by the Planning Coordinator and Manager Planning on DA0087/2022 - Demolition of Dwelling and Construction of Food and Drink Premises (KFC) at 33-35 Horatio Street, Mudgee; and

- B. approve DA0087/2022 - Demolition of Dwelling and Construction of Food and Drink Premises (KFC) at 33-35 Horatio Street, Mudgee subject to the following conditions and statement of reasons:

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: | Date: | Prepared by: |
|----------------------------------------|------------------------------------------|-------------------|-------------------------|----------------------------------|
| Proposed Site Plan | TP100 | P2 | 7 June 2023 | Baldasso Cortese P/L |
| Proposed Landscape Plan | TP110 | P2 | 16 December 2021 | Baldasso Cortese P/L |
| Proposed Floor Plan | TP200 | P2 | 7 June 2023 | Baldasso Cortese P/L |
| Proposed Roof Plan | TP201 | P1 | 27 August 2021 | Baldasso Cortese P/L |
| Proposed Elevations Sheet 1 | TP300 | P2 | 7 June 2023 | Baldasso Cortese P/L |
| Proposed Elevations Sheet 2 | TP301 | P2 | 7 June 2023 | Baldasso Cortese P/L |
| Proposed 3D Views | TP302 | P1 | 27 August 2021 | Baldasso Cortese P/L |
| Signage Details | TP400 | P1 | 27 August 2021 | Baldasso Cortese P/L |
| Civil Drawings | TX15361.00-C1.00, C1.01, C2.00 and C3.00 | A | 30 August 2021 | Triaxial Consulting |
| Statement of Environmental Effects | - | 002 | September 2021 | Atlas Environment and Planning |
| Waste Management Plan | - | - | - | Applicant |
| Statement of Heritage Impact | 9188 | 3 | 24 August 2021 | Heritage 21 |
| Odour Assessment Report | - | - | 19 November 2021 | The Odour Unit |
| Illuminated Signage General Assessment | - | - | 6 November 2021 | C-Level Design and Engineering |
| Social Impact Assessment | 660.30161.00000-R01 | v1.1 | 14 December 2021 | SLR Consulting Australia Pty Ltd |
| Noise Impact Assessment | 212155R | - | November 2021 _ Addendu | Spectrum Acoustics |

| | | | | |
|--------------------------------------------------|-------------------------|------|-----------------|-----------------------------|
| | | | m July 2023 | |
| Peer Review and Supplementary Traffic Advice | 2204876.01 FA | - | 15 July 2022 | McLaren Traffic Engineering |
| Further Supplementary Traffic and Parking Advice | 220486.03FA | - | 31 January 2023 | McLaren Traffic Engineering |
| Flood Modelling Report | TX15361.00.rpt.jd-Rev 4 | REV4 | 6 July 2023 | Triaxial Consulting Ltd |

2. For clarity, this development consent provides approval for the demolition of a dwelling house and outbuildings, tree removal, construction of a food and drink premises, advertising signage and ancillary works.

Note: This approval does not give consent to the proposed 'banner' signs located within the front setback.

GENERAL

3. This consent does not permit commencement of any site works. Works are not to commence until such time as a Section 68 Approval for drainage works and Construction Certificate for building works have been obtained, along with the appointment of a Principal Certifier.
4. All building work must be carried out in accordance with the Building Code of Australia.
- Note: Prescribed condition pursuant to section 4.17(11) of the Environmental Planning and Assessment Act 1979.
5. All demolition works are to be carried out in accordance with AS 2601-2001 "Demolition of structures", with all waste being removed from the site. Hazardous waste such as asbestos cement sheeting etc, shall 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.
6. 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.
7. 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.

8. **Fill placed in residential or commercial lots shall be compacted in accordance with AS3798-2007 Guidelines on Earthworks for Commercial and Residential Developments.**
9. **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.**
10. **Notwithstanding the approved plans the structure is to be located clear of any easements and/or 1.5 metres from any water and sewer mains in accordance with Council Policy.**
11. **All external colour and finishes are to consist of non-reflective materials and colours.**
12. **Mature landscaping shall be provided to the development in accordance with the approved plan and following requirements:**
 - a) **All open space areas on the site are to be landscaped with mature or advance plant species (minimum pot size of 200mm for shrubs and 100 Litre bags for trees). Landscaping enhances the development for acoustic and visual privacy, as well as shade and blends the development into the established streetscape and neighbourhood.**
 - b) **The replacement street trees are to be mature species of minimum 200 Litre bags and must be protected via appropriate tree barriers at all times until established.**
 - c) **Landscaping must be water efficient.**
 - d) **Landscaping utilises, where practicable, endemic species which are appropriate for the site.**
 - e) **Landscaping allows for continued casual surveillance of the internal driveway, car parking areas and street, where practicable, from within the development.**
 - f) **Landscaping softens the visual impacts of the parking spaces.**
 - g) **Landscaping shall not provide opportunities for concealment of people.**
 - h) **Landscaping is to be provided to the development prior to occupation.**
 - i) **Landscaping shall be maintained at all times. Should any planting die or be removed for any reason, it shall be replaced by a like replacement planting.**

Prior to Issue of CONSTRUCTION Certificate

13. **Prior to issue of any Construction Certificate, the signage plan is to be amended to reduce the overall height of the pylon 'KFC bucket' advertising sign to be no greater than 7.0m.**
14. **Prior to issue of any Construction Certificate, the proposed 'banner signage' as shown within the submitted signage and site plan are to be removed.**
15. **Prior to issue of any Construction Certificate, the detailed signage design must include reference to the installation of 'dimnable drivers' in accordance with the Lighting Assessment provided by C-Level Design and Engineering dated 6 November 2021.**
16. **Finished floor heights of the proposed building and car parking finished surface levels and internal car park kerb heights are to be in accordance with that specified within the Flood Modelling Report (Revision 4 dated 6th July 2023) prepared by Triaxial Consulting Pty Ltd. The car parking area shall be designed and constructed to allow overland flow through the site as specified within the abovementioned Flood Modelling report by Triaxial Consulting Pty Ltd. Full details are to be submitted to and approved by the Certifier (i.e. Council or Private Certifier), prior to the issue of the Construction Certificate.**
17. **Prior to release of any 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.**
18. **Prior to issue of any Construction Certificate, a Liquid Trade Waste approval is to be obtained from Mid-Western Regional Council.**
19. **The developer shall obtain a Certificate of Compliance under the Water Management Act 2000, from Council prior to issue of any Construction Certificate.**

Note: Refer to Advisory Notes in relation to payment of contributions to obtain a Certificate of Compliance.
20. **Prior to the issue of a Construction Certificate, the developer shall pay a long service levy at the prescribed rate to either the Long Service Levy Corporation or Council, for any work costing \$250,000 or more.**

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

Note: Council can only accept payment of the Long Service Levy as part of the fees for a Construction Certificate application lodged with Council. If the Construction Certificate is to be issued by a Private Certifier, the long service levy must be paid

directly to the Long Service Levy Corporation or paid to the Private Certifier.

21. 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 any 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: based on the proposed cost of works being \$1,800,000.00, it is estimated the contribution amount will be \$18,000.00.

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: 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.

22. A 2 metre high acoustic barrier/ fence shall be erected on the eastern, western and southern boundaries of the site along with a 300mm high bund constructed adjacent to the drive-through area of the development. The material of the barrier/fence shall have a minimum surface density of 15kg/square metre. Acceptable forms of construction are: lapped and capped timber palings with 12.5mm thick palings and 25% overlap each side, or masonry of single 110mm brick in accordance with the Noise Impact Assessment report prepared by Spectrum Acoustics (Amended July 2023). Details of the acoustic barrier shall be submitted to the Principal Certifier prior to issue of any Construction Certificate.

23. The mechanical plant area is to be fitted with acoustic louvres to comply with Table 14 of the Noise Impact Assessment report by Spectrum Acoustics (Amended July 2023). Details of the louvres shall be approved by the acoustic consultant and submitted to the Principal Certifier prior to the issue of any Construction Certificate.

24. The proposed parapet walls adjacent to the kitchen exhaust shall be 4.5m high above ground. This shall be confirmed by the Principal Certifier on the relevant plans prior to the issue of any Construction Certificate.

25. The main kitchen exhaust hood (H-01) shall be designed to include an exhaust air emission control system with provision for ozone dosing. The dosing shall be dosed at a location that maximises contact time between the ozone and exhaust airstream (minimum 2 seconds). Details of the design shall be submitted to the Principal Certifier prior to the issue of any Construction Certificate.
26. The registered proprietor of the land shall prepare a Plan of Management for the development including the car parking area and drive through facilities.

The Plan of Management shall set out all required operational parameters including, but not limited to the following:

- Details of the on-site management of all deliveries and waste collection services associated with the development.
- Deliveries and waste collection must occur outside normal operating hours (excluding the evening period of 10pm to 7am), must not occur during the typical peak periods of midday to 1pm and 5pm to 7pm, daily. Deliveries and waste collection services occurring during business hours shall be managed by appropriately trained staff to ensure no conflict with other vehicles occurs.
- Maintenance checks of the noise mitigation measures required in accordance with the approved Noise Impact Assessment.
- Maintenance checks of the signage output levels in accordance with the Illuminated Signage General Assessment.
- Daily litter checks of the site, street frontage and line of sight from the premises.
- Regular maintenance of landscaping and a replacement planting program for dying plants.
- Staff training on safety procedures and protocols including waste and traffic management, site maintenance, illumination of signage, crime or antisocial behaviour, and complaints handling.
- Details of the on-site management of the drive through and car parking areas during times of peak demand. Queuing of vehicles within the drive through must not be allowed to exceed 9 vehicles at any time and queued vehicles must not impact upon the orderly operation of Horatio Street.
- The Plan of Management is to include details pertaining to the management of queue lengths through the use of dedicated waiting bays or other available car parking spaces on-site.
- The use of appropriately trained staff to “marshal” vehicles in the drive thru queues and car parking areas and if necessary close the drive thru entry until such time as queues have returned to an acceptable level.

- Queued vehicles must under no circumstances be allowed to affect the driveway entry to the site or extend onto the Horatio Street.

The plan of management shall be submitted to and approved by Council prior to the issue of any Construction Certificate.

27. All building work is to comply with the requirements of the Access to Premises Standard. Details of compliance is to be indicated on plans and submitted for assessment with the Construction Certificate.
28. All finished surface levels shall be shown on the plans submitted for any Construction Certificate.
29. The design, construction and fit out of any proposed kitchen, cool room/s and associated structures 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 any 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.

30. A channelised right turn lane (CHR) on the eastbound approach of Horatio Street generally in accordance with drawing titled Intersection Design Plan, numbered C3.00 Issue A, prepared by Triaxial Consulting (dated 30 August 2021) is to be constructed to TfNSW satisfaction and completed prior to the commencement of any construction works.

As road works are required on Horatio Street, road works will be subject to the developer entering into the Works Authorisation Deed (WAD) with TfNSW prior to the commencement of any construction. TfNSW will exercise the function of the road authority under Section 64 of the Roads Act 1993, in addition to its concurrence with respect to a classified road.

Note: Conditions of Consent do not guarantee TfNSW's final consent to the specific road work, traffic control facilities and other structures or works, for which it is responsible, on the road network. TfNSW must provide a final consent for each specific change to the classified (State) road network prior to the

commencement of any work. The WAD process, including acceptance of design documentation and construction, can take time. The developer should be aware of this and allow sufficient lead time within the project development program to accommodate this process. It is therefore suggested that the developer work through this process as soon as possible with the TfNSW.

All road works under the WAD shall be completed prior to issue of any Construction Certificate associated with the approved development.

All works associated with the subject development shall be undertaken at full cost to the developer and at no cost to TfNSW or Council.

The access driveway and layback are to be constructed in accordance with Mid-Western Regional Council Engineering standards, match existing road levels and must not adversely interfere with existing road drainage.

31. A detailed engineering design is to be submitted to and approved by Council prior to the issue of a S.138 Roads Act Approval and prior to the issue of any Construction Certificate for the Development. The engineering design is to comply with Council's Development Control Plan and the Standards referenced within Appendix B and D.

A S.138 Roads Act Approval is required for but not limited to the following civil works:

- a) Commercial vehicular crossings / driveways in accordance with Council's Access to Properties Policy.
- b) Removal of any redundant vehicle crossings, laybacks and subsequent rectification works.
- c) Construction of a 2.5m wide reinforced concrete shared path from the eastern boundary of Lot 2 DP 743615 to the kerb return in Lawson Street (a distance of approximately 98 metres).
- d) Relocation and replacement of any affected street trees or services.
- e) Reinstatement and turfing of all disturbed footway areas.

Note: no works can commence prior to the issue of the S138 Roads Act Approval.

32. Prior to the issue of any Construction Certificate for the development, application shall be made to Council under Section 68 of the Local Government Act 1993 to carry out Stormwater Drainage Works.

A detailed engineering design is to be submitted to and approved by Council prior to the issue of a Section 68 approval. The engineering design is to comply with Council's Development Control Plan and the Standards referenced within Appendix B and D.

The work required for but not limited to the following civil works:

- a) Full details (civil / structural) of the proposed reinforced concrete box culvert units and base slab.
- b) Design and certification of the box culvert units and base slab with respect to the expected vehicular loading from the largest expected service delivery / waste collection vehicle.
- c) Details of the proposed pits at the culvert entry and connection to the existing culvert under Horatio Street.
- d) All culvert units and base slabs shall have a design life of not less than 100 years.

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

33. A Drainage Report prepared in accordance with the Institution of Engineers publication Australian Rainfall and Run-off shall be submitted to and approved by the Certifier (i.e. Council or a private Certifier) prior to the issue of the Construction Certificate. The drainage report and design must comply with the following requirements:
 - a) Drainage design for the proposed below ground detention system must be accompanied by fully detailed runoff calculations and a structural design prepared and certified by a suitably qualified professional Engineer.
 - b) Drainage design must also incorporate suitable and appropriate water quality controls to prevent pollution or contamination of downstream environments.
 - c) Drainage report and design must demonstrate that stormwater runoff from the site is not increased beyond the existing undeveloped state up to and including a 1.5/5/20/50/100 year event.
 - d) Drainage design must ensure that no stormwater runoff is permitted to discharge over adjoining properties. Discharge of runoff onto adjoining properties and any works associated with the control of stormwater discharge over and adjoining property must not occur without the consent of the owner of any affected property.
34. An Erosion and Sediment Control Plan is to be submitted to an approved by the Certifier (i.e. Council or a private Certifier) prior to the issue of a Construction Certificate. The Erosion and Sediment Control Plan for the development is to be prepared and implemented in accordance with the LANDCOM guidelines and requirements as outlined in the latest edition of "Soils and Construction – Managing Urban Stormwater". Points to be considered include, but are not limited to:
 - a) Saving available topsoil for reuse in the revegetation phase of the development;

- b) Using erosion control measures to prevent on-site damage;
 - c) Rehabilitating disturbed areas quickly; and
 - d) Maintenance of erosion and sediment control structures.
35. Details of the internal circulating driveway, car parking spaces and waiting bays are to be submitted to and approved by the Certifier (i.e. Council or a private Certifier), prior to the issue of any Construction Certificate. These details shall comply with the requirements of AS/NZS 2890.1:2004 – Parking Facilities – Part 1: Off-street Car Parking and the relevant conditions of this development consent.

The plans shall include the provision of the following:

- A total of 23 car parking spaces.
 - A minimum of 1 disabled car parking space.
 - The provision of 2 marked drive thru waiting bays (spaces 22 and 23).
36. Consent from Council must be obtained for all works within the road reserve pursuant to Section 138 of the Roads Act 1993, prior to the issue of any Construction Certificate. The accesses are to be designed and constructed in accordance with Council's Access to Properties Policy.
37. Prior to the issue of any Construction Certificate, evidence that the lots making up the subject site have been consolidated into a single allotment and registered with NSW Land Registry Services is to be submitted to Council and the Certifier (if applicable).

The lots to be consolidated into a single parcel include:

- a) Lot 2 DP743615
 - b) Lot 3 DP743615
38. Vehicular entrances comprising kerb laybacks (where roll kerb and gutter does not exist) and concrete footway crossings are to be provided to each lot at a suitable location. These should be constructed in accordance with Aus-Spec #1 and Council's "Access to Properties" Policy.

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 Department 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.

39. 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 Council, prior to issue of any Construction Certificate for all work on public land or infrastructure. The insurance cover shall include the following:

- a) Mid-Western Regional Council is to be indemnified against any works carried out by the contractor.
 - b) Public Liability Insurance is to include Mid-Western Regional Council as an interested party.
 - c) The copy of the Contractor's public liability insurance cover is to include the Certificate of Currency.
40. In accordance with the requirements of Essential Energy, the following shall be demonstrated on the plans, prior to issue of any Construction Certificate:
- a) The Applicant must meet the requirements of AS2067 for the substation in relation to fire safety. Clearances will be dependent on the building classification. Minimum separation / clearances and segregation for fire risk from the substation to any building, fence, planting, landscaping, retaining walls or other development must be maintained at all times. Refer to AS2067, Essential Energy's policy CEOM7098 Distribution Underground Design Construction Manual and the latest industry guideline currently known as ISSC 20 Guideline for the Management of Activities within Electricity Easements and Close to Infrastructure. The Applicant may want to seek assistance with this from a fire engineer to determine they meet the required clearances.
 - b) The easement area for the substation must remain clear of all obstructions. Surface treatment should be grass or wood chip material only and must be lower than the concrete plinth of the substation.
 - c) The easement area must be accessible at all times by Essential Energy (24 hours a day / 7 days a week).
 - d) Any proposed driveway access and/or exit (concrete crossovers) must remain at least 1.0 metre away from any electricity infrastructure (power pole, streetlight) at all times, to prevent accidental damage.
 - e) Prior to any demolition works commencing, any service line/s to the properties must be disconnected.
 - f) The Applicant will also need to engage the services of an Accredited Service Provider to ensure adequate provision of power is available to the development in accordance with industry standards.

PRIOR TO THE COMMENCEMENT OF BUILDING WORKS

41. No building works 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.

42. Prior to the commencement of construction work impacting traffic on Horatio Street (HW18), the proponent is to contact the TfNSW Road Access Unit at road.access@transport.nsw.gov.au to determine if a Road Occupancy Licence (ROL) is required. In the event an ROL is required, the proponent is to provide the consent number in the ROL application. Please note that up to 10 working days is required for ROL applications to be assessed and processed. See TfNSW website for further information: <https://roads-waterways.transport.nsw.gov.au/business-industry/road-occupancy-licence/index.html>.

Adequate safety measures are to be implemented on the road network for construction traffic. Heavy vehicle movements should be limited during school peak periods.

43. 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;
- stating that unauthorised entry to the work site is prohibited, and
 - 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.
 - the name, address and telephone number of the principal certifying authority for the work,
 - The sign shall be removed when the erection or demolition of the building has been completed.

44. 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

45. The licensed demolition contractor and/or principal contractor must comply with the following specific requirements in respect of the proposed demolition works:-
- Demolition work is not be undertaken until:
 - Council has been provided with a copy of any required Hazardous Substances Management Plan;
 - The licensed demolition contractor and/or principal contractor has inspected the site and is satisfied that all measures are in place to comply with the provisions of such Plan;
 - 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.
46. 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.
47. 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.
48. Prior to the commencement of works on site, the applicant shall advise Council's Operations Department, in writing, of any existing damage to Council property.
49. The developer shall be responsible for all costs incurred in the necessary relocation of any services affected by the required construction works. Council and other service authorities should be contacted for specific requirements prior to commencement of any works.
50. 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.
51. Runoff and sediment erosion controls shall be installed prior to commencement of works with the development site to the satisfaction of the Certifier (i.e. Council or the Principle Certifier) and incorporate:-

- a) diversion of uncontaminated up-site runoff around cleared and/or disturbed areas and areas to be cleared and/or disturbed;
- b) sediment control fences at the downslope perimeter of the cleared and/or disturbed area to prevent sediment and other debris escaping from the land to pollute any stream or body of water; and
- c) maintenance of all erosion control measures at maximum operational capacity until the land is effectively rehabilitated and stabilized beyond the completion of construction.

DURING WORKS

52. Demolition or 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.

53. All plumbing and drainage work must be carried out by a licensed plumber and drainer and must comply with the requirements of the Plumbing & Drainage Act 2011 and the Plumbing Code of Australia.

54. 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.

55. 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.

56. Prior to the pouring of any in-situ concrete, the building/s shall be set-out by a registered land surveyor in the position as approved by Council.

A copy of the identification survey shall be provided to the Principal Certifier at time of any pier/footing/slab inspection.

57. Should any contaminated, scheduled, hazardous or asbestos material be discovered before or during construction works, the applicant and contractor shall ensure the appropriate regulatory authority (e.g. Office of Environment and Heritage (OEH), SafeWork NSW, Council, Fire and Rescue NSW etc) is notified, and that such material is contained, encapsulated, sealed, handled or otherwise disposed of to the requirements of such Authority.

58. 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.

59. 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.
60. 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.
61. 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.
62. Transportation of contaminated fill or materials from the site on public roads must be carried out in accordance with the requirements of Australian Dangerous Goods Code and Australian Standard 4452 Storage and Handling of Toxic Substances. This must include relevant incident management strategies for transportation on public roads.
63. The civil works associated with the S68 and S138 approvals are to be inspected by 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) All box culverts / drainage prior to backfill;
 - d) Formwork and steel in place, prior to pouring of any concrete and
 - e) Practical Completion.
64. The developer is to grant Council unrestricted access to the site at all times to enable inspections or testing of the water, sewer and stormwater works.
65. 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.

Note: Council does not permit other bodies to insert new junctions into 'live' water and/or sewer mains. Please contact Council's Operations Water and Wastewater Department by calling ☎ 1300 765 002 or 02 6378 2850 or by emailing council@midwestern.nsw.gov.au to obtain a quote for the connection of sewer (Private Works Order).

66. 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.

Note: Council does not permit other bodies to insert new junctions into 'live' water and/or sewer mains. Please contact Council's Operations Water and Wastewater Department by calling ☎ 1300 765 002 or 02 6378 2850 or by emailing council@midwestern.nsw.gov.au to obtain a quote for the connection of sewer (Private Works Order).

Prior to Issue of OCCUPATION Certificate

67. 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.
68. Prior to occupation or the issue of the Occupation Certificate the owner of the building must cause the Principal Certifier to be given a fire safety certificate (or interim fire safety certificate in the case of a building or part of a building occupied before completion) in accordance with Section 41 of the Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021 for each measure listed in the schedule. The certificate must only be in the form specified by Section 86 of the Regulation. A copy of the certificate is to be given to the Commissioner of the New South Wales Fire Brigade and a copy is to be prominently displayed in the building.
69. Prior to use of the development and/or issue of an Occupation Certificate, a satisfactory final inspection report from the Council must be received by the Certifier, verifying that all works have been completed in accordance with the relevant Section 68 (Local Government Act 1993) approval/s.
70. Prior to use of the development and/or issue of an Occupation Certificate, all works included in the Trade Waste Approval are to be completed.
71. Prior to issue of the Occupation Certificate, a Certificate of Compliance is to be provided to the Principal Certifier for the

illuminated signage to certify that the signage is installed in accordance with AS4282-2019, will not have a negative impact on surrounding properties in accordance with the recommendations of the Lighting Assessment provided by C-Level Design and Engineering dated 6 November 2021.

72. A Certificate of Compliance is to be provided to the Principal Certifier for the mechanical exhaust system to certify that the installation complies with AS1668.1 & AS1668.2 as per the Building Code of Australia Volume 1 Part F4.12.
73. All landscape works are to be undertaken in accordance with the approved landscape plan and conditions of Development Consent, prior to use of the development and/or issue of an Occupation Certificate.
74. Prior to commencement of use of the development and/or issue of an Occupation Certificate, all car parking and associated driveway works are to be completed in accordance with the relevant Section 138 Roads Act approval/s.
75. A 'No Stopping' zone must be provided to the east of the egress driveway on the southern side of Horatio Street to maximise sight distance for vehicles exiting the subject site with approval to be sought from the Local Traffic Committee prior to issue of any Occupation Certificate.
76. Two (2) waiting bays must be appropriately signposted / line marked to Council's satisfaction, prior to issue of the Occupation Certificate.
77. Prior to the issue of an Occupation Certificate, easements benefiting Council, including associated Section 88B instruments, are to be created over any existing or newly constructed drainage components located within the subject property.
78. Following completion of the development, work-as-executed plans (WAE) are to be provided to Council in the following formats:
 - a) PDF; and
 - b) Dwg format or "AutoCAD Compatible"
 - c) MapInfo tab files with individual layers, supplied in individual tables

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 the Occupation Certificate.

OPERATIONAL / ONGOING

79. The facility shall only operate from Monday to Sunday - 10.30am to 10.00pm only.
Note: All illuminated signage on the site must be turned off at strictly 10.00pm.
80. Deliveries must only occur outside the daytime peak periods of:
 - a) Midday to 1pm and 5pm to 7pm, daily.
81. No deliveries or waste collections are permitted to occur during the evening / night-time period between 10pm and 7am, daily.
82. 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. Signage identifying the driveway and car park as low speed environments is also to be appropriately located within the site.
83. All loading and unloading in connection with the premises shall be carried out wholly within the site.
84. All car parking spaces, loading and unloading areas, vehicle manoeuvring and driveway areas must not be used for the storage of any goods or materials and must be available for their intended use at all times.
85. All line-marking for the on-site car parking spaces and footpath areas are to be maintained in a visible condition, at all times.
86. 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.
87. 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 Fire and Rescue NSW. A further copy of the Certificate (together with a copy of the current fire safety schedule) is to be prominently displayed in the building.
88. No display or sale of goods is to take place from public areas fronting the premises.
89. All general waste generated by the proposed development shall be disposed of to a suitably licenced waste facility able to accommodate such wastes.
90. Garbage areas are to be adequately screened from public view with an opaque fence and/or adequate landscaping. All waste must be secured in enclosed containers at all times.
91. 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".

92. 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.

Note: If Council receives odour complaints, a field-based investigation study shall be completed by a suitably qualified odour control engineer consisting of the components specified on page 22 of the Odour Assessment Report by The Odour Unit dated 19 November 2021 at full cost to the developer.

93. The development is to be maintained in a clean and tidy manner, at all times.
94. All approved signage is to be maintained in good condition at all times.
95. The signage is to be securely affixed and is not to flash, move or be objectionably glaring.
96. Measures, such as raised kerb edges or bollards, are to be installed and maintained around all approved landscape areas in order to prevent vehicles driving over them. Landscaping is to be maintained for the life of the development.

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 any Construction Certificate.

A person is to 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, 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 | | | |
|----------------------------------------------------------|---------|----------------|------------------------------------------|
| Commercial Restaurant (Per 100m ² floor area) | | | |
| | ET/Unit | Value 22/23 | 273m ² Floor Area Proposed |
| Water Headworks | 0.8 | \$6,478.57 | \$21,213.19 |
| Sewer Headworks | 0.8 | \$3,547.20 | \$9,683.86 |
| Total Headworks | | | \$30,897.05 |

- 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.

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. 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.
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 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 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 6 months after the date on which you receive this notice, pursuant to section 8.10(1)(b).
7. To ascertain the extent to which the consent is liable to lapse, refer to Section 4.53 of the EP&A Act.

ESSENTIAL ENERGY ADVISORY NOTES

1. If the proposed development changes, there may be potential safety risks and it is recommended that Essential Energy is consulted for further comment.
2. Any existing encumbrances/easements in favour of Essential Energy (or its predecessors) noted on the title of the above property should be complied with.
3. In addition, Essential Energy's records indicate there is electricity infrastructure located within the properties and within close proximity of the properties. Any activities within 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.
4. 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).
5. 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.

STATEMENT OF REASONS

The determination decision was reached for the following reasons:

1. The proposed development generally complies with the requirements of the applicable environmental planning instruments and Mid-Western Regional Development Control Plan 2013.
2. 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 matters raised within submissions have been addressed in the following manner:
 - Conditions have been imposed to limit the proposed advertising signage, the design of the access and stormwater management over the site, hours of construction and operation for the premises, and requirement for a new shared path to be installed within Horatio Street.
 - Independent specialist reports have been provided to satisfactorily address the following key concerns:

- o Traffic and parking;
- o Noise impacts;
- o Odour impacts;
- o Illumination;
- o Waste management;
- o Heritage impacts;
- o Crime and antisocial behaviour; and
- o Stormwater drainage and flooding.

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

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

8.2 PLANNING PROPOSAL TOURIST AND VISITOR ACCOMMODATION - POST EXHIBITION

GOV400103, LAN900151

181/23

MOTION: Shelley / Cavalier

That Council:

1. receive the report by the Manager Strategic Planning on the Planning Proposal Tourist and Visitor Accommodation - Post Exhibition; and
2. request the Department of Planning and Environment to draft and finalise the amendment to the Mid-Western Regional Local Environmental Plan 2012 to include a provision requiring the land on which tourist and visitor accommodation occurs to satisfy Clause 4.2A erection of dwelling houses and dual occupancies on land in certain zones.

The motion was carried with the Councillors voting unanimously.

8.3 PLANNING PROPOSAL LOT 101 DP 1221461 - 148 WYOMING ROAD, STUBBO

GOV400103, LAN900153

182/23

MOTION: Cavalier / Palmer

That Council:

1. receive the report by the Manager, Strategic Planning on the Planning Proposal Lot 101 DP 1221461, 148 Wyoming Road, Stubbo;
2. provide initial support for the rezoning from RU1 Primary Production to R5 Large Lot Residential and change to minimum lot size from 100ha to 12ha of Lot 101 DP 1221461, 148 Wyoming Road, Stubbo;
3. forward the Planning Proposal to amend the Mid-Western Regional Local Environmental Plan 2012 to the NSW Department of Planning and Environment seeking a Gateway Determination in accordance with Section 3.34 of the Environmental Planning and Assessment Act 1979;
4. suggest as a condition of Gateway Determination, that a Biodiversity Assessment report be required; and
5. undertake community consultation as outlined within any approved Gateway Determination.

The motion was carried with the Councillors voting unanimously.

8.4 BUDGET ALLOCATION FOR THE PREPARATION OF A
GULGONG BUILDING HEIGHTS PLANNING PROPOSAL
GOV400103, LAN900046

183/23

MOTION: Cavalier / Palmer

That Council:

1. receive the report by the Manager Strategic Planning on the Budget allocation for the preparation of a Gulgong building heights Planning Proposal ; and
2. amend the 2023/2024 budget to allocate \$10,000.00 for the preparation of a Planning Proposal to review and look to increase the maximum building height in Gulgong funded from unrestricted cash

The motion was carried with the Councillors voting unanimously.

8.5 MONTHLY DEVELOPMENT APPLICATIONS PROCESSING
AND DETERMINED

GOV400103, A0420109

184/23

MOTION: Dicker / Palmer

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

The motion was carried with the Councillors voting unanimously.

Item 9: Corporate Services

The following recommendations (item 9.1 to item 11.6, excluding item 11.1) were adopted as a whole, being moved by Cr Shelley seconded by Cr Cavalier and carried with Councillors voting as indicated. Each recommendation is recorded with separate resolution numbers commencing at Resolution No. 185/23 and concluding at Resolution No. 198/23.

9.1 NEW AND AMENDED FEES AND CHARGES 2023/24
GOV400103, FIN300117

185/23 MOTION: Shelley / Cavalier

That Council:

1. receive the report by the Accountant Reporting & Analysis on the New and Amended Fees and Charges 2023/24;
2. add the following new fee, as written, and place on public exhibition for 28 days; and

| Service Type | New Fee | Fee (Inclusive of GST) | GST | Price Policy |
|--------------------------------------------------|------------------------|------------------------|-----|--------------|
| Hire of Mudgee Showground main pavilion bar area | Main Pavilion Bar Area | \$ 125 | Yes | Per Day |

3. endorse the new fee following the 28 day public exhibition period if no submissions are received.

The motion was carried with the Councillors voting unanimously.

9.2 MONTHLY BUDGET REVIEW - JULY 2023
GOV400103, FIN300315

186/23 MOTION: Shelley / Cavalier

That Council:

1. receive the report by the Accountant Reporting & Analysis on the Monthly Budget Review - July 2023;
2. amend the 2023/24 budget in accordance with the variations as listed in the Monthly Budget Review attachment to this report; and

3. note that the General Manager used the emergency delegation conveyed to him at 3.1 of his delegation to authorise the budget to cover the cost of emergency replacement of Mudgee Saleyards scanner.

The motion was carried with the Councillors voting unanimously.

9.3 MONTHLY STATEMENT OF INVESTMENTS AS AT 31 JULY
2023

GOV400103, FIN300053

187/23 MOTION: Shelley / Cavalier

That Council:

1. receive the report by the Acting Chief Financial Officer on the Monthly Statement of Investments as at 31 July 2023; and
2. note the certification of the Responsible Accounting Officer.

The motion was carried with the Councillors voting unanimously.

9.4 NAMING OF A BRIDGE ON BURRENDONG DAM ROAD
OVER MEROO CREEK, YARRABIN

GOV400103, ROA100071

188/23 MOTION: Shelley / Cavalier

That Council:

1. receive the report by the Revenue Officer on the naming of a Bridge on Burrendong Dam Road over Meroo Creek, Yarrabin;
2. support the name of Flynn Bridge;
3. provide public notification of the proposed name and call for further submissions in accordance with the Road, Bridge & Place Naming Policy; and
4. receive a further report at the end of the exhibition period to formalise the name of the road.

The motion was carried with the Councillors voting unanimously.

9.5 POLICY REVIEW - WORK HEALTH AND SAFETY

GOV400103, A0100021

189/23 MOTION: Shelley / Cavalier

That Council:

1. **receive the report by the WHS and Risk Coordinator on the Policy Review - Work Health and Safety; and**
2. **adopt the revised Work Health and Safety Policy**

The motion was carried with the Councillors voting unanimously.

9.6 BUDGET REVOTES FROM 2022/23 TO 2023/24
GOV400103, FIN300315

190/23 MOTION: Shelley / Cavalier

That Council:

1. **receive the report by the Acting Chief Financial Officer on the Budget Revotes from 2022/23 to 2023/24;**
2. **amend the 2023/24 budget to reflect the revote of \$9,121,187 capital expenditure as identified in the attachment to this report; and**
3. **amend the 2023/24 budget to reflect the revote of \$4,716,338 operating expenditure as identified in the attachment to this report.**

The motion was carried with the Councillors voting unanimously.

Item 10: Operations

10.1 CROWN LAND BERYLS RESERVE
GOV400103, A0220005, P0930111

191/23 MOTION: Shelley / Cavalier

That Council:

1. **receive the report by the Director Operations on Crown Land Beryls Reserve; and**
2. **complete the matters in progress No 347/20.**

The motion was carried with the Councillors voting unanimously.

10.2 POLICY REVIEWS - OPERATIONS
GOV400103, GOV400047

192/23 MOTION: Shelley / Cavalier

That Council:

1. receive the report by the Director Operations on the Policy Reviews - Operations;
2. place on public exhibition for 28 days the amended 'Bitumen Sealing of Gravel Roads Policy' and 'Protective Fencing and Overhead Protective Structures in Public Places Policy', and if no submissions are received adopt the amended policies; and
3. place on public exhibition for 28 days the proposed rescinding of 'Construction of New Pathways Policy', 'Kerb and Guttering and Footpath Charges Policy' and 'Sign Inspection and Replacement Policy' and if no submissions are received rescind these policies.

The motion was carried with the Councillors voting unanimously.

10.3 MAJOR PROJECT ROADS UPGRADE POLICY

GOV400103, GOV400047

193/23

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

1. receive the report by the Director Operations on the Major Project Roads Upgrade Policy;
2. place the Major Project Roads Upgrade Policy on public exhibition for 28 days; and
3. subject to no submissions being received, adopt the policy at the conclusion of the exhibition period.

The motion was carried with the Councillors voting unanimously.

Item 11: Community

Item 11. 1 moved forward on the agenda following the Mayoral Minute.

11.2 MEALS ON WHEELS POLICY

GOV400103, COS300025

194/23

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

1. receive the report by the Manager, Community & Cultural Services on the Meals on Wheels Policy; and

2. endorse the Mudgee Meals on Wheels Policy.

The motion was carried with the Councillors voting unanimously.

11.3 POLICY REVIEW - COMPANION ANIMALS MANAGEMENT

GOV400103, GOV400047

195/23 MOTION: Shelley / Cavalier

That Council:

- 1. receive the report by the Manager, Customer Services & Governance on the Policy Review - Companion Animals Management;**
- 2. place the revised Companion Animals Management Policy and Annual Work Plan 2023 on exhibition for 28 days; and**
- 3. adopt the Companion Animals Management Policy and Annual Work Plan if no submissions are received.**

The motion was carried with the Councillors voting unanimously.

11.4 LIBRARY SERVICES - QUARTERLY REPORT

GOV400103, F0620020

196/23 MOTION: Shelley / Cavalier

That Council receive and note the Library Services - Quarterly Report by the Manager Library Services.

The motion was carried with the Councillors voting unanimously.

11.5 LIBRARY STRATEGIC PLAN 2023-2030

GOV400103, F0620008

197/23 MOTION: Shelley / Cavalier

That Council:

- 1. receive the report by the Manager Library Services on the Library Strategic Plan;**
- 2. place the Library Strategic Plan on exhibition for 28 days to seek feedback from the community; and**
- 3. adopt the Library Strategic Plan if no submissions are received during the exhibition period.**

The motion was carried with the Councillors voting unanimously.

11.6 REQUEST FOR EXEMPTION FROM TENDER - GLEN
WILLOW STADIUM FIELD RENOVATION

GOV400103, COR400615

198/23

MOTION: Shelley / Cavalier

That Council:

1. receive the report by the Manager Recreation Services on the Request for Exemption from Tender - Glen Willow Stadium Field Renovation;
2. approve an exemption from tender, in accordance with section 55 (3) (i) of the Local Government Act 1993, for the Glen Willow Stadium field renovation project; noting that due to extenuating circumstances, a satisfactory result would not be achieved by inviting tenders;
3. note the reasons why a satisfactory outcome would not be achieved by inviting tenders are:
 - 3.1 specification could not be altered in such a way to invite other suppliers to competitively compete without impacting the desired outcome;
 - 3.2 supplier has sole rights over a product and service that provides significant advantageous conditions to field life expectancy, capacity limits and risk mitigation; and
 - 3.3 that with a significant amount of existing field infrastructure at Glen Willow already being constructed by Evergreen Turf, efficiencies in ongoing maintenance can be achieved by working with the same supplier;
4. delegate authority to the General Manager or their delegate to enter negotiations with Evergreen Turf; and
5. delegate authority to the General Manager or their delegate to finalise the contract for the Glen Willow Stadium field renovation and approve contract variations within the approved budget for the project, provided satisfactory can be negotiated with Evergreen Turf.

The motion was carried with the Councillors voting unanimously.

Item 12: Reports from Committees

Nil

Item 13: Urgent Business Without Notice

Nil

Item 14: Confidential Session**199/23 MOTION: Cavalier / Stoddart**

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

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 General Manager's Performance Agreement 2023-2024

The reason for dealing with this report confidentially is that it relates to personnel matters concerning particular individuals (other than Councillors) in accordance with Section 10A(2)(a) 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 an individual, namely the performance of the General Manager.

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

14.1 GENERAL MANAGER'S PERFORMANCE AGREEMENT 2023-2024

GOV400103, A0381418

200/23 MOTION: Paine / Dicker**That Council:**

- 1. receive the report by the Executive Assistant, to the General Manager & Mayor on the General Manager's Performance Agreement 2023-2024; and**
- 2. adopt the attached General Manager's Performance Agreement for the Financial Year 2023-2024.**

Item 15: Urgent Confidential Business Without Notice

Nil

Item 16: Open Council**201/23 MOTION: Stoddart / Karavas****That Council move to Open Council.**

The motion was carried with the Councillors voting unanimously.

The General Manager announced the decisions taken in Confidential Session.

Item 17: Closure

There being no further business the meeting concluded at 6.29pm.

Unconfirmed