



Business Papers 2023

MID-WESTERN REGIONAL COUNCIL

ORDINARY MEETING

Wednesday 18 October 2023

MINUTES

*A prosperous and progressive
community we proudly call home*



CONFIRMATION OF MINUTES

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Minutes of the Ordinary Meeting of Council

Held at the Council Chambers, 86 Market Street, Mudgee
on 20 September 2023, commencing at 5.31pm and concluding at 6.00pm.

PRESENT Cr S Paine (Chair), 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 Corporate Services (Leonie Van Oosterum), Manager Customer Services Governance (Richard Cushway), Executive Manager People & Performance (Michele George) and Executive Assistant (Mette Sutton).

In the absence of Cr D Kennedy, Acting Mayor Cr S Paine chaired the meeting.

Acknowledgement of Country

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

Item 1: Apologies

An apology was received for Cr D Kennedy.

202/23 MOTION: Shelley / Karavas

That the apology received for Cr D Kennedy be accepted.

The motion was carried with the Councillors voting unanimously.

Item 2: Disclosure of Interest

Councillor K Dicker declared a less than significant non-pecuniary conflict of interest in item 8.3 as she is the parent of a child that attends this school and pays fees.

Councillor R Palmer declared a less than significant non-pecuniary conflict of interest in item 14.1 as his employer (real estate) formerly had this property listed for sale.

Item 3: Confirmation of Minutes

203/23 MOTION: Shelley / Cavalier

That the Minutes of the Ordinary Meeting held on 16 August 2023 be taken as read and confirmed.

The motion was carried with the Councillors voting unanimously.

Item 4: Matters in Progress**Section of Mebul Road to be Cleaned up**

204/23 MOTION: Cavalier / Palmer

That Res. 347/20 of the Ordinary meeting 18/11/2020 - Section of Mebul Road to be cleaned up, be noted as complete.

The motion was carried with the Councillors voting unanimously.

Item 5: Mayoral Minute

Nil

205/23 MOTION: Shelley / Karavas

That item 11.3 Gulgong Natural History Museum Location, be brought forward on the agenda for consideration.

The motion was carried with the Councillors voting unanimously.

11.3 GULGONG NATURAL HISTORY MUSEUM LOCATION

GOV400103, FIN300410, P1114611

206/23 MOTION: Shelley / Karavas

That Council:

1. receive the report by the Director Community on the Gulgong Natural History Museum Location;
2. note the additional possible locations suggested by the local community;
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 motion was put and carried with Councillors voting as follows:

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

AMENDMENT: Thompson

That Council conduct further investigation into the museum.

The amendment was lost for want of a seconder.

Item 6: Notices of Motion or Rescission

6.1 NSW WOMEN'S WEEK GRANTS

GOV400103,

207/23 MOTION: Thompson / Karavas

That Council apply for the NSW Women's Week Grant funding, to fund a women's event to be held in each of the centres: Rylstone, Kandos, Gulgong and Mudgee in March 2024 to coincide with NSW Women's Week 2024, subject to grant funding.

The motion was carried with the Councillors voting unanimously.

Item 7: Office of the General Manager

7.1 COUNCIL MEETING SCHEDULE 2024

GOV400103, GOV400105

208/23 MOTION: Shelley / Palmer

That Council:

1. receive the report by the Director Community on the Council Meeting Schedule 2024;
2. confirm the dates for Meetings of Council for 2024 as follows:
 - Wednesday 21 February 2024 – Council Meeting
 - Wednesday 20 March 2024 – Council Meeting
 - Wednesday 17 April 2024 – Council Meeting
 - Wednesday 15 May 2024 – Council Meeting
 - Wednesday 22 May 2024 – Extraordinary Council Meeting
 - Wednesday 19 June 2024 – Council Meeting
 - Wednesday 17 July 2024 – Council Meeting

- Wednesday 14 August 2024 – Council Meeting
- Wednesday 9 October 2024 – Extraordinary Council Meeting
- Wednesday 16 October 2024 – Council Meeting
- Wednesday 20 November 2024 – Council Meeting
- Wednesday 11 December 2024 – Council Meeting

The motion was carried with the Councillors voting unanimously.

Item 8: Development

8.1 DA0027/2023 - DEMOLITION, SUBDIVISION, DEVELOPMENT OF RETAIL PREMISES (BUNNINGS WAREHOUSE), SIGNAGE AND ANCILLARY WORKS - 134 LIONS DRIVE, BURRUNDULLA

GOV400103, DA0027/2023

209/23

MOTION: Shelley / Cavalier

That Council:

- A.** receive the report by the Town Planner on the DA0027/2023 - Demolition, subdivision, development of retail premises (Bunnings Warehouse), signage and ancillary works - 134 Lions Drive, Burrundulla;
- B.** approve DA0027/2023 - Demolition, subdivision, development of retail premises (Bunnings Warehouse), signage and ancillary works - 134 Lions Drive, Burrundulla subject to the following 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:	Project No.	Drawing No. / Ref	Rev	Date	Prepared by:
Architectural Drawings					
Context Plan	21006	TP-01	C	June 2022	Michael Car Architect Pty Ltd
Site Plan	21006	TP-02	M	June 2022	Michael Car Architect Pty Ltd
Existing and Demo Plan	21006	TP-03	C	June 2022	Michael Car Architect Pty Ltd

Overall Plan	21006	TP-04	C	June 2022	Michael Car Architect Pty Ltd
Roof Plan	21006	TP-05	A	June 2022	Michael Car Architect Pty Ltd
Elevations	21006	TP-06	B	June 2022	Michael Car Architect Pty Ltd
Landscaping					
Landscape Site Plan	-	2907 LP-00	03	20-06-2022	John Lock & Associates Landscape Architecture
Landscape Plan - Sheet 1	-	2907 LP-01	03	20-06-2022	John Lock & Associates Landscape Architecture
Landscape Plan - Sheet 2	-	2907 LP-02	04	20-06-2022	John Lock & Associates Landscape Architecture
Landscape Plan - Sheet 3	-	2907 LP-03	04	20-06-2022	John Lock & Associates Landscape Architecture
Landscape Plan - Sheet 4	-	2907 LP-04	04	20-06-2022	John Lock & Associates Landscape Architecture
Landscape Plan - Sheet 5	-	2907 LP-05	04	20-06-2022	John Lock & Associates Landscape Architecture
Engineering Drawings					
Cover Sheet	HD259	HD00	9	26 May 2022	High Definition Design Pty Ltd
Overall Plan Sheet	HD259	HD01	9	07.11.22	High Definition Design Pty Ltd
Bunnings Lot Site Plan	HD259	HD02	9	07.11.22	High Definition Design Pty Ltd
Aerial Overlay Road Works	HD259	HD03	9	07.11.22	High Definition Design Pty Ltd
Overall Road Works Plan	HD259	HD04	9	07.11.22	High Definition Design Pty Ltd
Road Works Plan Sheet 1 of 2	HD259	HD05	9	07.11.22	High Definition Design Pty Ltd
Road Works Plan Sheet 2 of 2	HD259	HD06	9	07.11.22	High Definition Design Pty Ltd
Channel Long Section	HD259	HD07	9	07.11.22	High Definition

						Design Pty Ltd
Channel Typical Sections	HD259	HD08	9	07.11.22		High Definition Design Pty Ltd
Diversion Channel Cross Section Sheet 1 of 4	HD259	HD08A	9	07.11.22		High Definition Design Pty Ltd
Diversion Channel Cross Section Sheet 2 of 4	HD259	HD08B	9	07.11.22		High Definition Design Pty Ltd
Diversion Channel Cross Section Sheet 3 of 4	HD259	HD08C	9	07.11.22		High Definition Design Pty Ltd
Diversion Channel Cross Section Sheet 4 of 4	HD259	HD08D	9	07.11.22		High Definition Design Pty Ltd
Driveway 1 and 2 Longitudinal Section	HD259	HD09	9	07.11.22		High Definition Design Pty Ltd
Basin Plan	HD259	HD11	9	07.11.22		High Definition Design Pty Ltd
Basin Cross Section	HD259	HD11A	9	07.11.22		High Definition Design Pty Ltd
Tree Removal and Demolition Plan	HD259	HD17	9	07.11.22		High Definition Design Pty Ltd
Cut to Fill Plan	HD259	HD18	9	07.11.22		High Definition Design Pty Ltd
Servicing Plan	HD259	HD19	9	07.11.22		High Definition Design Pty Ltd
Scour Protection Typical Detail	HD259	HD20	9	07.11.22		High Definition Design Pty Ltd
Subdivision Plan						
Proposed Lot Layout	19395	-	B	08.06.22		Delfs Lascelles Consulting Surveyors
Reports						
Operational Noise Emission Assessment	-	5549R001.NW.220705	0	13 July 2022		Acoustic Dynamics
Biodiversity Development Assessment Report	22MUD 2158	-	2	5 July 2022		EcoLogical
Traffic and Parking Assessment	-	19123	H	October 2022		Transport and Traffic

					Planning Associates
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2. For clarity, this development consent approves demolition of existing dwelling and associated structures; Torrens Title subdivision (1 into 4 lots); development of Lot 1 for Bunnings Warehouse including signage; and associated ancillary works including the removal of trees within the site and within the road reserve.

GENERAL

3. 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.
4. Fill placed in residential or commercial lots shall be compacted in accordance with AS3798-2007 Guidelines on Earthworks for Commercial and Residential Developments.
5. 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.
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. 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.

No works involving cut or fill within the registered easement or within 1.5m of the water or sewer line.
8. 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 OEH.

9. Appropriate traffic measures are to be in place during the construction phase of the project to minimise impacts of construction vehicles on traffic efficiency and road safety within the vicinity.
10. Safe Intersection Sight Distance (SISD) is to be provided at all driveway intersections with public roads in accordance with section 3 of Austroads Guide to Road Design Part 4A (Unsignalised and Signalised Intersections) and relevant Australian Standards (i.e. AS2890:1:2004).
11. Loading and unloading activities associated with the site are to occur on-site.
12. All vehicles entering and existing the site must do so in a forward direction.

Stage 1 – 4 Lot subdivision

PRIOR TO ISSUE OF SUBDIVISION WORKS CERTIFICATE

13. Prior to the issue of Subdivision Works Certificate, the developer must enter into a Works Authorisation Deed (WAD) with TfNSW for upgrade works to the intersection of Lions Drive and Castlereagh Highway generally in accordance with drawing HD259 – Revision 9 – dated 07/11/2022 prepared by High Definition Design Pty Ltd.
 - TfNSW will exercise its powers and functions of the road authority, to undertake road works in accordance with Sections 64, 71, 72 and 73 of the Roads Act, as applicable, for all works under the WAD.
 - All works associated with the subject development are to be undertaken at full cost to the developer and at no cost to TfNSW or Council, and to Council's requirements.
 - Discharged stormwater from the development is not to exceed the capacity of the Castlereagh Highway stormwater drainage system (drainage culverts). Any adjustments to the existing system that are required are to be agreed by TfNSW prior to final approval of the development.

Note: The developer is advised that 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.

Note: The WAD process, including acceptance of design documentation and construction, takes time. The developer is to be made aware of this and allow sufficient lead time within the project development program to accommodate this process. It is suggested the developer work through this process as soon as possible with the TfNSW.

14. Prior to the issue of the Subdivision Works Certificate, a detailed engineering design is to be submitted to and approved by the Certifier (ie Council or a Private Certifier) demonstrating the following:
- a 500mm flood protection bund is to be constructed on the eastern side of the proposed flood mitigation channel. The bund shall be provided along the entire length of the subject site common boundary with the adjoining Lot 40 DP 1124695. The bund shall be fully stabilised with topsoil and turf.

- 15 A detailed engineering design is to be submitted to and approved by the Certifier (i.e. Council or a private Certifier) prior to the issue of a Subdivision Works Certificate. The engineering design is to comply with Council's Development Control Plan and the Standards referenced within Appendix B and D.

A Subdivision Works Certificate is required for the following civil works:

- a) Flood mitigation works.
- b) Site filling and regrading.
- c) Water main extensions, sewer main extensions, pressure sewer and fire services.
- d) Stormwater drainage, detention basins and inter-allotment drainage.
- e) Road construction / widening.
- f) Footpath and kerb & gutter.
- g) Landscaping of public reserves.
- h) Concrete driveway access for lots 2,3 and 4.

Note - no works can commence prior to the issue of the Subdivision Works certificate.

16. Prior to the issue of Subdivision Works Certificate the class and number of ecosystem credits in the following table must be retired to offset the residual biodiversity impacts of the development.

The requirement to retire credits may be satisfied by payment to the Biodiversity Conservation Fund of an amount equivalent to the class and number of ecosystem credits, as calculated by the Biodiversity Offsets Payment Calculator.

Evidence of the retirement of credits or payment to the Biodiversity Conservation Fund must be provided to Council prior to issue of a Subdivision Works Certificate.

Table: Ecosystem credits required to be retired – like for like

Impacted plant community type	Number of ecosystem credits
PCT 277 (Low) – Blakely’s Red Gum – Yellow Gum tall woodland of the NSW South Western Slopes Bioregion	6.0

17. A Drainage Report prepared in accordance with the Institution of Engineers publication Australian Rainfall and Run-off shall be submitted to and approved by Council prior to the release of the Subdivision Works Certificate. The drainage report and design must be prepared in consultation with Council and comply with the following requirements:
- a) Drainage design for the proposed detention basin must be accompanied by fully detailed runoff calculations and a structural design for the proposed wall 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 1.5/5/20/100 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.
 - e) The design shall provide for inter-allotment drainage to remove stormwater from any lots that cannot discharge to the street in accordance with Aus Spec #1. The design shall accommodate the provision of 1m wide easements over inter-allotment drainage.
18. A Traffic Management Plan (TMP) completed by a “Certified Person” for implementation during works is to be submitted to Council prior to any work commencing.
19. 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 the Subdivision Works Certificate. 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.**
- 20. 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 Subdivision Works 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.**
- 21. Consent from Council must be obtained for all works within the road reserve, including removal of trees, pursuant to Section 138 of the Roads Act 1993, prior to the issue of a Subdivision Works Certificate. The accesses are to be designed and constructed in accordance with Council's Access to Properties Policy.**
- 22. Details of the internal driveway within the access handles are to be submitted and approved by the Certifier (i.e. Council or a private Certifier) as part of the Subdivision Works Certificate. The details are to comply with the following:**
- a) **An 8m wide concrete crossover is to be provided at the entrance to the access handles for proposed Lots 2,3 and 4.**
 - b) **An 8m wide reinforced concrete driveway with integral kerb is to extend for the full length of the right of carriageway to be provided over the access handles for proposed Lots 2 and 3.**
 - c) **The design of the driveway and crossover is to comply with Aus-Spec #1 and Council's "Access to Properties Policy".**
 - d) **The details are to comply with the relevant provisions of AS2890.1-1993.**
 - e) **Should concrete be used, provide for construction joints and removable panels in the driveway so that the part of the concrete driveway can be removed while maintenance occurs on the sewer within the easement.**

23. Details of the access upgrade, internal driveway and car parking spaces are to be submitted to and approved by the Certifier (i.e. Council or a private Certifier), prior to the issue of a Subdivision Works 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.

PRIOR TO COMMENCEMENT OF WORKS

24. 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.
25. 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.
26. Prior to the commencement of subdivision works, the following actions are to be carried out:
- a) A site supervisor is to be nominated by the applicant;
 - b) Council is to be provided with two (2) days notice of works commencing; and
 - c) Council is to be notified in writing of any existing damage to Council's infrastructure.
- Note - failure to comply with these conditions may result in damage to Council's infrastructure. Any damage will be rectified at the applicant's cost.
27. Runoff and erosion controls shall be installed prior to clearing and incorporate: -
- a) diversion of uncontaminated up-site runoff around cleared and/or disturbed areas and areas to be cleared and/or disturbed;
 - b) sediment control fences at the downslope perimeter of the cleared and/or disturbed area to prevent sediment and other debris escaping from the land to pollute any stream or body of water; and

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

DURING WORKS

- 28. 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) Water and sewer line installation prior to backfilling;
 - c) All stormwater drainage prior to backfilling;
 - d) Detentions systems;
 - e) All concrete prior to pouring (reinforcing in place);
 - f) Establishment of line and level for kerb and gutter placement;
 - g) Road Pavement construction;
 - h) Road Pavement surfacing;
 - i) Any other inspections as directed by Council's Engineer, and
 - j) Practical Completion.
- 29. The developer is to grant Council unrestricted access to the site at all times to enable inspections or testing of the subdivision works.
- 30. An ecologist or fauna spotter is to be onsite during the removal of the four hollow trees to mitigate any potential harm to residing wildlife.
- 31. 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.
- 32. 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.
- 33. 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.
- 34. 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.
- 35. Inter-allotment drainage is to be provided to remove stormwater from any lots that cannot discharge to the street in accordance with Aus Spec #1. Easements not less than 1m wide shall be

created over inter-allotment drainage in favour of upstream allotments.

36. Stormwater is to be conveyed to the existing property stormwater drains by way of a sealed pipe system. The existing drains are to be checked for adequacy and cleared of any obstructions.
37. Stormwater drainage is to comply with the Mid-Western Regional Council Development Control Plan 2013 and the standards referenced in Appendix B and D.
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. The developer is to upgrade the Lions Drive to the extent shown on Drawing HD259 – Revision 9 – dated 07/11/2022 prepared by High Definition Design Pty Ltd, such that it has the following characteristics:

Item	Requirement
Road Pavement Width	10m between kerb faces
Footway Width	Minimum 4.5m
Concrete Footpaths	N/A
Seal	Two-coat flush seal -14/7 mm (Double/Double) as required or asphaltic concrete 40mm thick
Kerb & Gutter	Concrete kerb & gutter
Subsoil Drainage	Behind kerb if required
Underground Drainage	Where gutter flow exceeds 2.5m during minor events or adjacent to intersections.

40. The developer is to provide separate water and sewer reticulation services to each allotment within the subdivision.
41. 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).

42. 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).

43. Following completion of any civil works required by this consent, a defect liability bond of 5% of the value of such works (not carried out by Council) shall be lodged with Council for a twenty-four (24) month period to ensure that any defects in such works are remedied by the developer.

Note – The works subject to bonding shall be works outside the property boundary (i.e. verge, footpath and roadworks) and services / infrastructure works that is intended to be dedicated to Council (e.g. sewer and water supply infrastructure).

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

PRIOR TO ISSUE OF SUBDIVISION CERTIFICATE

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

Note - The fee to issue a Subdivision Certificate is set out in Council's Fees and Charges and the application is to be made by way of submission via the NSW Planning Portal.

45. A linen plan is to be submitted to Council for approval and endorsement by the General Manager, or an appropriate delegate, via the NSW Planning Portal.
46. The developer is to ensure that any defects in the works that become apparent within the 24 months following the registration of the Subdivision Certificate with NSW Land and 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 24-month defects liability period, less the cost of rectification works carried out by Council.
47. The final inspection report shall be submitted to Council with the Subdivision Certificate application.
48. 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, except for the private services referred to in following conditions 57(f) and 57(h).
49. Easements not less than 1 metre wide shall be created over any inter-allotment drainage in favour of upstream allotments. The Section 88B instrument and linen plans submitted with the application are to include details of any required inter-allotment stormwater easements.
50. A Section 88B instrument, providing a reciprocal right of carriageway over the access handles for proposed Lots 2, 3 and 4, for the benefit of Lots 2, 3 and 4, is to be submitted to Council, prior to the issue of a Subdivision Certificate. The reciprocal right of carriageway (ROW) is to comply with the following:
 - a) The reciprocal right of carriageway is to be in accordance with the approved plan of subdivision.
 - b) The location of the reciprocal right of carriageway is to be shown on the linen plans submitted with the application for Subdivision Certificate.
 - c) The terms of the reciprocal right of carriageway are to include the following:
 - (i) State that both the burdened/ benefitted lots are to pay an equal share of the maintenance costs of any works, including driveway surfacing, within the right of carriageway.
51. 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.

52. Following completion of the subdivision works, 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 Subdivision Certificate.

53. Prior to issue of the Subdivision Certificate, Council is to be supplied with:

- a) A Notice of Arrangements 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 area, as opposed to a mapped Fibre to the Node area.**

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

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

55. A registered surveyor shall provide certification that all services (e.g. drainage, stormwater, water supply, gas, electricity, telephone) as constructed are contained within each lot, or within appropriate easements to accommodate such services. The certification is to be provided to the PCA, prior to the issue of a Subdivision Certificate.
56. The owner must dedicate for road purposes, free of cost to Council, a splayed corner at the intersection of the Castlereagh Highway and Lions Drive such that a minimum footway width of 4.5m is maintained at that location. The required widening shall be detailed on the plan of subdivision. This road widening must be represented on the plan submitted for the Subdivision Certificate and registered at the Land and Property Information office.
57. Prior to the issue of a Subdivision Certificate, Council is to be supplied with an instrument containing an appropriate covenant / restriction as to user advising that proposed Lot 1, 2, 3 and 4 have been burdened as follows:
- a) The open channel contained within proposed Lot 1, 2, 3 and 4 must not be altered in any way that may restrict or redirect flows within that channel.
 - b) The maintenance of the channel is the sole responsibility of proposed Lots 1, 2, 3, and 4.
 - c) The channel is to be maintained in perpetuity by the owners proposed of Lots 1, 2, 3, and 4. The channel shall be regularly mown / maintained to ensure flows are not limited by vegetation growth or rubbish build up.
 - d) The channel shall not be filled or blocked by any fencing, retaining wall or structure.
 - e) The channel must not be used for the storage of goods, materials or vehicles.
 - f) The pressure sewer and Line M2 to M3 required to serve proposed Lots 1, 2, 3 and 4 will remain a private service. Council will not accept transfer of this service as an asset, nor will it be responsible for the maintenance thereof.
 - g) The maintenance of the pressure sewer and private sewer line M2 to M3 is the sole responsibility of proposed Lots 1, 2, 3, and 4.
 - h) The water main serving Lots 2, 3 and 4 will remain a private service. Council will not accept transfer of this service as an asset, nor will it be responsible for the maintenance thereof.
 - i) The maintenance of the water main serving Lots 2, 3 and 4 is the sole responsibility of proposed Lots 2, 3, and 4.

Mid-Western Regional Council shall be nominated as the Prescribed Authority with the power to release, vary or modify the covenant.

58. 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, prior to the issue of the Subdivision Certificate.

Stage 2 – Bunnings Warehouse, car parking, landscaping and signage

PRIOR TO ISSUE OF CONSTRUCTION CERTIFICATE

59. Application shall be made to Council under Section 68 of the Local Government Act 1993 to carry out Water Supply, Stormwater and Sewerage Works.

The application shall contain details demonstrating compliance with the Plumbing and Drainage Act 2011 and/or the Plumbing Code of Australia. (The application form and further information is available on Council's website www.midwestern.nsw.gov.au).

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

60. Application shall be made to Council under Section 138 of the Roads Act 1993 for driveway crossover works within the road reserve.

The application shall contain details demonstrating compliance with:

- a) Council's Access to Properties Policy; and
- b) Australian Standard AS/NZS 2890.1:2004 Parking Facilities – Off-street parking facilities.

The Section 138 application shall be considered and approved by Council prior to the release of the Construction Certificate for the development.

61. Prior to the issue of a Construction 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 in relation to the development of Lot 1 for Bunnings Warehouse.

62. 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.

- 63. 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 public facilities, 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 – based on the proposed cost of works being \$17,710,000 it is estimated the contribution amount will be \$177,100.00. 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 – 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.

- 64. Prior to the issue of a Construction Certification, final inspection report/s or written confirmation from the Principal Certifying Authority of the Subdivision Works Certificate is to be submitted to verify that flood mitigation works (comprising the perimeter drainage channel) and regrading of the site approved under the Subdivision Works Certificate have been completed to their satisfaction.**

- 65. A Drainage Report prepared in accordance with the Institution of Engineers publication Australian Rainfall and Run-off shall be submitted to and approved by Council prior to the release of the Construction Certificate. The drainage report and design must be prepared in consultation with Council and comply with the following requirements:**

- a) Drainage design for the proposed detention basin must be accompanied by fully detailed runoff calculations and a**

- structural design for the proposed wall 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 1.5/5/20/100 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.
 - e) The design shall provide for inter-allotment drainage to remove stormwater from any lots that cannot discharge to the street in accordance with Aus Spec #1. The design shall accommodate the provision of 1m wide easements over inter-allotment drainage.
66. A total of 185 spaces (including 4 disabled spaces and 6 car and trailer spaces) are to be provided within the site of the development and comply with AS 2890.1: 2004 – Parking facilities – Part 1: Off-street car parking and the following requirements:
- a) Each parking space is to have minimum dimensions of 5.5m x 2.4m;
 - b) Each disabled car parking space is to be in accordance with the provisions of AS 2890.6: 2009 – Parking facilities – Part 6: Off-street parking for people with disabilities;
 - c) All car parking spaces are to be line-marked and provided with a hard standing, all weather concrete or bitumen surface and must be maintained in a satisfactory condition at all times; and
 - d) Off street parking is to be encouraged by the placement of prominent signs indicating the availability of parking.
67. The aisle widths, internal circulation, ramp widths and grades of the car park are to generally conform to the Roads and Maritime Services (RMS) guidelines and Australian Standard AS 2890.1: 2004 – Parking facilities – Part 1: Off-street car parking. Details of compliance are to be shown on the relevant plans and specifications.
68. 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.

69. A 4 metre high acoustic barrier shall be erected in the location indicated in Appendix A of the approved acoustic assessment (identified as Operational Noise Emission Assessment (ONEA) prepared by Acoustic Dynamics dated 13 July 2022). The acoustic barrier shall be constructed of material as specified in Section 6.1.3 of the approved acoustic assessment. Details of the acoustic barrier shall be submitted to the Principal Certifier prior to issue of any Construction Certificate.
70. Sound insulation shall be installed in the Goods Inwards space in accordance with the recommendations in Sec 6.1.3 of the approved acoustic assessment (identified as Operational Noise Emission Assessment prepared by Acoustic Dynamics dated 13 July 2022). Details of the sound insulation shall be submitted to the Principal Certifier prior to issue of any Construction Certificate.
71. Mechanical plant and associated infrastructure shall be installed in accordance the recommendations in Section 6.1.1 of the approved acoustic assessment (identified as Operational Noise Emission Assessment prepared by Acoustic Dynamics dated 13 July 2022). Details of the mechanical plant shall be submitted to the Principal Certifier prior to issue of any Construction Certificate.
72. Prior to issue of any Construction Certificate, the approved site plan showing proposed signage is to be amended to reduce the overall height of the pylon advertising sign to be no greater than 9.0m.

PRIOR TO COMMENCEMENT OF WORKS

73. 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. The Section 138 application is to be submitted to, and approved by Council, prior to works commencing within the road reserve.

74. 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.
75. Sediment erosion controls shall be installed within the development site, to the satisfaction of the Certifier (i.e. Council or the Principal Certifier), prior to the commencement of works.

PRIOR TO COMMENCEMENT OF WORKS – BUILDING

76. 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.

77. 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

78. 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, 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,

The sign shall be removed when the erection or demolition of the building has been completed.

79. 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.

80. 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

81. 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.
82. All plumbing and drainage work must be carried out by a licensed plumber and drainer and must comply with the Plumbing Code of Australia.
83. 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.
84. 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.
85. 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.
86. All building work is to comply with the requirements of the Access to Premises Standard.
87. The list of measures contained in the schedule attached to the Construction Certificate are required to be installed in the

building or on the land to ensure the safety of persons in the event of fire in accordance with Section 78 of the Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021.

88. Stormwater drainage is to comply with the Mid-Western Regional Council Development Control Plan 2013 and the standards referenced in Appendix B and D.

PRIOR TO ISSUE OF THE OCCUPATION CERTIFICATE

89. 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.
90. 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.
91. 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 the building is connected to reticulated water supply, stormwater and/or sewerage in accordance with the relevant section 68 approval/s.
92. All road works associated with the upgrade of the Castlereagh Highway intersection under the WAD with TfNSW must be completed prior to the issue of the Occupation Certificate.
93. Prior to commencement of use of the development and/or issue of an Occupation Certificate, all approved car parking and associated driveway works are to be completed.
94. Prior to use of the development and/or issue of an Occupation Certificate, three metre wide easements, including associated Section 88B instruments, are to be created over any existing or newly constructed sewerage drainage lines/components located within the subject property, or extended through adjoining private properties as a result of this subdivision. The benefited parties should be those lots immediately up stream of the development and Council.

95. Prior to use of the development and/or issue of an Occupation Certificate, the excavated and/or filled areas of the site are to be stabilised and drained, to prevent scouring onto adjacent private or public property. The finished ground around the perimeter of the building is to be graded to prevent ponding of water, and to ensure the free flow of water away from the building and adjoining properties.
96. Prior to the issue of Occupation Certificate all landscaping in accordance with the approved landscaping plan/s is to be completed.
97. Before the issue of an occupation certificate, a suitably qualified person must provide details demonstrating compliance to the principal certifier that the acoustic measures have been installed in accordance with the acoustic report approved under this consent.
98. Prior to the issue of an Occupation Certificate, a Loading Dock Noise Management Plan shall be developed and submitted to Council.

The Plan shall include the recommendations in Section 6.1.2 of the approved acoustic assessment (identified as Operational Noise Emission Assessment (ONEA) prepared by Acoustic Dynamics dated 13 July 2022) approved for implementation as part of the ongoing operation of the development.
99. Trade Waste Application will be required to be submitted and approved for the proposed ancillary cafe prior to operation.
100. Prior to operation of the development Council shall carry out an inspection of the café area.
101. A Food Business Notification form shall be submitted via Council's website prior to the ancillary café operating.

GENERAL / ONGOING

102. 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.
103. 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.

104. The hours of operation are limited to the following:
 - a) 6:00am to 10:00pm, Monday to Friday; and
 - b) 6:00am to 7:00pm, Saturday, Sunday and Public Holidays; and
 - c) No deliveries are to occur outside of these approved hours.
105. 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.
106. During ongoing use of the premises, the premises must be operated in accordance with the acoustic report approved under this consent.
107. 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.
108. All loading and unloading in connection with the premises shall be carried out wholly within the site.
109. All loading and unloading of vehicles is to be undertaken at the side or rear of the buildings, with the exception of customers loading purchased goods into their own vehicles.
110. All car parking areas, 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.
111. All line-marking for the on-site car parking spaces are to be maintained in a visible condition, at all times.
112. Garbage areas are to be adequately screened from public view with an opaque fence and/or adequate landscaping.
113. Landscaping is to be maintained in accordance with the approved landscape plans.

If any of the vegetation comprising the landscaping dies or is removed, it is to be replaced with vegetation of the same species and similar maturity as the vegetation which has died or was removed.
114. All waste generated by the development is to be disposed of to a Council approved waste facility. All fees and charges for disposal are to be borne by the developer.
115. All exterior lighting associated with the development shall be designed and installed so that no obtrusive light will be cast onto adjoining property or roadways, in accordance with

Australian Standard 4282 “Control of the Obtrusive Effects of Outdoor Lighting”.

116. No display or sale of goods is to take place from public areas or footpaths fronting the premises.
117. Storage of hazardous substances is to be located within an appropriate storage facility in accordance with the requirements of the relevant Material Safety Data Sheet.
118. The approved signage and related components are to be maintained in a clean, tidy and structurally sound manner, at all times.
119. The signage is to be securely affixed and is not to flash, move or be objectionably glaring.
120. Any illumination of signage is to comply with the following requirements:
 - a) Illumination (including cabling) of signs is to be:
 - (i) concealed; or
 - (ii) integral with the sign; or
 - (iii) internally illuminated; or
 - (iv) provided by means of carefully designed and located remote or spot baffled lamps.
 - b) Lighting must comply with Australian Standard AS 4282:1997 – Control of the Obtrusive Effects of Outdoor Lighting.
121. The pylon sign must only be illuminated when the premises are in operation and only during operating hours approved under this consent.

ESSENTIAL ENERGY GENERAL NOTES

1. As part of the subdivision, an easement is created for any existing electrical infrastructure. The easement is to be created using Essential Energy’s standard easement terms current at the time of registration of the plan of subdivision;
2. If the proposed development changes, there may be potential safety risks and it is recommended that Essential Energy is consulted for further comment;
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. Council should ensure that a Notification of Arrangement (confirming satisfactory arrangements have been made for the provision of power) is issued by Essential Energy 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;

5. In addition, Essential Energy's records indicate there is electricity infrastructure located within the property. Any activities within this location must be undertaken in accordance with the latest industry guideline currently known as ISSC 20 Guideline for the Management of Activities within Electricity Easements and Close to Infrastructure;
6. 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);
7. 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 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 monetary contribution in accordance with the following Schedule of Contributions must be paid in full (including indexation, where applicable);

Stage 1 – Subdivision – 4 lots credit for Lot 2 DP1079362		
	ET/Unit	Value
Water Headworks	2.5	\$24,282.50
Sewer Headworks	2.95	\$13,080.30
Total Headworks		\$37,362.80

Stage 2 – Development of Lot 1 for Bunnings Warehouse (Commercial development floor area 9,200m² 0.1ET/100m² credit Lot 1)		
	ET/Unit	Value
Water Headworks	8.2	\$79,646.60
Sewer Headworks	8.2	\$36,358.80
Total Headworks		\$116,005.40

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 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 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.
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 6 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.

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 matters raised within submissions have been addressed in the following manner:
 - Sewer services will be extended from the main located in Wilkins Crescent rather than Castlereagh Highway.
 - The Traffic Report submitted with the application appropriately addressed the issues raised in relation to traffic issues associated with the development. Upgrades to Lions Drive and Castlereagh Highway have been included as conditions of consent.

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

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

- 8.2 MA0009/2023 - MODIFICATION TO MA0046/2020 - PROPOSED DEMOLITION AND 51 LOT RESIDENTIAL SUBDIVISION, 43 SALEYARDS LANE, MUDGEE
GOV400103, DA0248/2014

210/23

RECOMMENDATION

That Council:

- A. receive the report by the Town Planner on the MA0009/2023 - Modification to MA0046/2020 - Proposed demolition and 51 lot residential subdivision, 43 Saleyards Lane, Mudgee;
- B. that MA0009/2023 - Modification to MA0046/2020 - Proposed demolition and 51 lot residential subdivision, 43 Saleyards Lane, Mudgee be approved subject to the following conditions:

Conditions of Consent **(AMENDMENTS IN RED)**

APPROVED DEVELOPMENT

1. Development is to be carried out generally in accordance with the following;

- Subdivision Plans stamped plans (Job No. 1202MU) Sheets 1/3;
- Statement of Environmental Effects dated January 2014;
- Addendum to Statement of Environmental Effects Dated 17thFebruary 2014;
- Traffic Impact Statement by Jabek P/L (BK138) dated March 2014;
- **Amended draft survey subdivision plan 23-1214 – Stage 2 only**
- **Amended plans received by Triaxial Dwg TX16071.00-C3.00 Issue 1 dated 03/04/23 as submitted to Council on 2 August 2023”.**

except as varied by the conditions listed herein. Any minor modification to the approved plans will require the lodgement and consideration by Council of amended plans. Major modifications will require the lodgement of a new development application.

AMENDED BY MA0009/2023

- 1a. **Proposed Lot 29 must be consolidated with Lot 30 DP1267151 on the final plan of subdivision for Stage 2.**

ADDED BY MA0009/2023

DEMOLITION

2. 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 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.

PRIOR TO ISSUE OF CONSTRUCTION CERTIFICATE

3. A masonry retaining wall is to be provided adjacent the northern boundary of the development site to retain the proposed fill. It is to be offset by 750mm from the rear boundary and this area landscaped with Photinias (or other approved species) that will achieve a minimum height of 2 metres and planted 1 metre apart. Details of the retaining wall structure and landscaping are to be provided with the application for Construction Certificate.
4. Prior to development the applicant shall advise Council's Development and Community Services Department, 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.
5. 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.
6. 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.
7. 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.
8. Prior to the commencement of subdivision works, the following actions are to be carried out;
 - A site supervisor is to be nominated by the applicant;
 - Council is to be provided with two (2) days' notice of works commencing.

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

9. A detailed engineering design is to be submitted to and approved by Council prior to the issue of a *Construction Certificate*. The engineering design is to comply with Council's

Development Control Plan and the Standards referenced within Appendix B and D.

10. **The causeway at the eastern end of Saleyards Lane shall be upgraded with culverts with sufficient capacity to facilitate a 1 in 10 yr. ARI rainfall event without inundation of the roadway.**
11. **A Construction Certificate is required for, but not limited to, the following civil works;**
 - **Water and sewer main extensions**
 - **Stormwater drainage such as inter-allotment drainage, detention basins,**
 - **Road construction**
 - **Footpath and kerb & gutter**
 - **Landscaping of public reserves**
 - **Construction of culvert on Saleyards Lane.**

Note: No works can commence prior to the issue of the Construction Certificate.
12. **The subdivision works are to be inspected by the Council (or an *Accredited Certifier* on behalf of Council) to monitor compliance with the consent and the relevant standards of construction, encompassing the following stages of construction:**
 - **Installation of sediment and erosion control measures**
 - **Water and sewer line installation prior to backfilling**
 - **Establishment of line and level for kerb and gutter placement**
 - **Road Pavement construction**
 - **Road Pavement surfacing**
 - **Practical Completion**
13. **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.**
14. **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.**
15. **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*.**
16. **Engineering plans of the water and 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 or connections into ‘live’ mains.

17. 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.
18. The subdivision works are to be inspected by the Council to monitor compliance with the consent and the relevant standards of construction encompassing the following stages of construction:
 - Installation of sediment and erosion control measures
 - Water and sewer line installation prior to backfilling
 - Establishment of line and level for kerb and gutter placement
 - Road and driveway pavement construction (including excavation, formwork and reinforcement)
 - Road pavement surfacing
 - Practical completion
19. 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.
20. The applicant is to submit a Drainage Report prepared in accordance with the Institution of Engineers publication Australian Rainfall and Run-off to the Principal Certifying Authority for approval prior to the release of the Construction Certificate. The report must demonstrate that stormwater runoff from the site is not increased beyond the existing undeveloped state up to and including a 100 year ARI. All storm water detention details including analysis shall be included with the drainage report.
21. The drainage report is to include water quality treatment devices meeting targets as stipulated in the DCP and full details of compliance are to be provided with the Construction Certificate.
22. All utilities and services including telecommunications, water and sewer reticulation, street lighting shall be installed prior to pavement construction.
23. Prior to commencement of works, the submission of three road names/road in order of preference, for the proposed two (2) new roads within the subdivision, are to be submitted to Council for approval.

24. Complete landscaping plans for all public reserve areas are to be submitted for approval prior to issue of a Construction Certificate. All landscaping to consist of appropriately advanced trees and shrubs. All landscaping is to be established prior to occupation of the development. Tree and shrub species should require minimal watering and salt resistant. Alternatively, smaller plant sizes will be considered if irrigation systems are implemented.

STORMWATER DRAINAGE

25. A minimum of two (2) roof-water outlets per allotment are to be provided in the kerb and gutter at the time of installation of kerb and gutter. Such outlets shall be located near the projected line of allotment side boundaries and shall be of no less a quality than kerb adaptors kept at Council's Administration Centre as a guide.
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. Inter-allotment drainage is to be provided to remove stormwater from any lots that cannot discharge to the street in accordance with Aus Spec #1. Easements not less than 1m wide shall be created over inter-allotment drainage in favour of upstream allotments.
29. A minimum of two (2) roof-water outlets per allotment are to be provided in the kerb and gutter at the time of installation of kerb and gutter.

ROADS, KERBS AND VEHICULAR ACCESS

30. Street signs necessitated by the subdivision are to be installed in accordance with Aus-Spec #1 and Council standards.
31. The developer is to upgrade the existing road for the full frontage of the proposed Subdivision and the new roads, such that it has the following characteristics:

Saleyards Lane and internal subdivision roads

Item	Requirement
Full Road Pavement Width	9 m (2 x 3.5m travel lanes with 1m sealed shoulders)
Nature Strip	2 x 4.5m

Concrete Footpaths	1.2m Wide
Seal	Two-coat flush seal -14/7 mm (Double/Double) as required
Kerb & Gutter	Roll back concrete kerb & gutter
Subsoil Drainage	Behind kerb if required
Underground Drainage	Where gutter flow exceeds 2.5m during minor events or adjacent to intersections.
Court Bowl	To be constructed with a minimum radius of 10 metres

AMENDED BY MA0009/2023

- 31a.** Proposed Lots 19 & 20 and 23 & 24 are to be provided with a shared concrete driveway no less than 6 metres wide constructed centrally within the battle-axe handles and to extend the full length of the handle. Plan of Subdivision is to show reciprocal Rights of Way and services for each dwelling are to be provided in a landscaping strip on each side of the driveway.

ADDED BY MA0009/2023

- 31b.** Lots 26 & 27 and Lot 28 are to be provided with a constructed access crossover and concrete driveway constructed at an approved gradient and extending into the Lot sufficient distance to match existing surface. Details are to be generally in accordance with Triaxial Drawings TX16071.00-C9.00 for Lot 28 and Triaxial Drawings TX16071.00-C9.01 for Lots 26 and 27

ADDED BY MA0009/2023

- 32.** The submission to Council of engineering design plans for any road works shall include pavement and wearing surface investigation and design.
- 33.** All utility crossings are to be perpendicular to the road centreline and performed prior to the addition of the base course.
- 34.** 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.
- 35.** Prior to commencement of works, the submission of three possible street/road names in order of preference, for the proposed new road within the subdivision, are to be submitted to Council for approval.
- 36.** Street signs necessitated by the subdivision are to be installed in accordance with Aus-Spec #1 and Council standards. A Give Way sign is required to be installed on the internal subdivision road at the junction with Saleyards Lane.

EARTHWORKS

37. 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.
38. Runoff and erosion controls shall be installed prior to clearing and incorporate:-
- diversion of uncontaminated upsite runoff around cleared and/or disturbed areas and areas to be cleared and/or disturbed;
 - 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;
39. Maintenance of all erosion control measures at maximum operational capacity until the land is effectively rehabilitated and stabilized beyond the completion of construction.
40. The development site is to be managed for the entirety of work in the following manner:
- Appropriate dust control measures;
 - Construction equipment and materials shall be contained wholly within the site unless approval to use the road reserve has been obtained;
 - Toilet facilities are to be provided on the work site at the rate of one toilet for every 20 persons or part of 20 persons employed at the site.
41. 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.

WATER AND SEWER

42. 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.
43. The applicant is to provide separate water and sewer reticulation services to each lot.

44. 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.
45. Water services are to be located on alternate property boundaries to Telstra/Electricity. The developer is to provide a water meter for each lot in the subdivision.

PRIOR TO THE ISSUE OF THE SUBDIVISION CERTIFICATE

46. 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
47. A linen plan and two (2) copies are to be submitted to Council for approval and endorsement by the General Manager.
48. 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.
49. Underground electricity, street lighting and telecommunications are to be supplied to the subdivision.
50. Prior to issue of the Subdivision Certificate, Council is to be supplied with:
 - A certificate from the appropriate power authority indicating that satisfactory arrangements have been made for provision of electricity supply to the subdivision.
 - A certificate from the appropriate telecommunications authorities indicating that satisfactory arrangements have been made for provision of telephone services to the subdivision.
 - all contributions must be paid to Council and all works required by the consent be completed in accordance with the consent, or
 - an agreement be made between the developer and Council;
 - as to the security to be given to Council that the works will be completed or the contribution paid, and
 - as to when the work will be completed or the contribution paid.
51. 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.

- 52. 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.
- 53. In accordance with the provisions of section 94 of the *Environmental Planning and Assessment Act 1979* and the Mid-Western Regional Council Section 94 Developer Contributions Plan, a contribution shall be paid to Council in accordance with this condition for the purpose of: **SUBJECT TO CPI INCREASE**

Transport Management	
Traffic Management	\$54,539
Open Space	
Local Open Space	\$85,618
District Open Space	\$116,249
Community Facilities	
Library Buildings	\$11,206
Library Resources	\$13,448
Administration	
Plan Administration	\$26,148
TOTAL	\$307,208

- 54. 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	\$ 347,083
Sewerage Headworks	\$ 165,631
Total Payable	\$ 512,714
 - 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.
- 55. 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.
- 56. 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.

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

57. The developer is to provide a sewer junction for each lot 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.
58. Where the developer is to construct the sewer main to service a lot, the developer is to provide a new junction for each allotment. **Note:** Council does not permit other bodies to insert new junctions into "live" sewer mains.
59. All earthworks are to be monitored by a qualified cultural heritage officer and a minimum of one (1) weeks' notice given to the engaged officer.
60. The developer must register a positive covenant on the title of the land under the provisions of the *Conveyancing Act 1919*, to require that a 1.8m high timber paling fence be constructed along the northern boundary of proposed Lots 39, 40 and Lots 43-51 (inclusive).

The covenant shall be binding upon the registered proprietors of the subject land and successors in title. The instrument shall nominate Council as the only authority empowered to release, vary or modify the terms of the positive covenant.

This covenant shall include, but not necessarily be limited to, the following:

- a) Prior to the issue of an Occupation Certificate for any residential development, a 1.8 metre high timber paling fence shall be provided along the full length of the northern boundary. The fence is to be constructed above the retaining wall.

Evidence that the required covenant on the title of the land has been created under the provisions of the *Conveyancing Act 1919*, must be provided to Council.

(Amended by MA0046/2020)

PUBLIC RESERVE

61. Two street trees per allotment are to be provided prior to issue of the Subdivision certificate. The species of tree is to be listed on the Construction certificate drawings and approved as part of the Construction Certificate.

62. The proposed public reserve is to be remediated and adapted to make it suitable for public reserve purposes with native grasses sown and soil erosion rehabilitated. The public reserve is to be remediated prior to issue of the Subdivision Certificate and held in private ownership for a period of two years from issue of the Subdivision Certificate to monitor the remediation works.
63. A plan of management for the public reserve is to be prepared and adopted by Council to address cultural heritage, Endangered Ecological Communities and slope prior to issue of the Subdivision Certificate.

STATEMENT OF REASONS

1. The proposed modification complies with the requirements of the applicable environmental planning instruments and *Mid-Western Regional Development Control Plan 2013*.
2. The proposed modification is considered satisfactory in terms of the matters identified in Section 4.55(1A) of the *Environmental Planning and Assessment Act 1979*.
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*.

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

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

8.3 DA0280/2023 - ALTERATIONS AND ADDITIONS TO EXISTING PRESCHOOL - 2 LOVEJOY STREET, MUDGEE
GOV400103, DA0280/2023

211/23

MOTION: Karavas / Dicker

That Council:

- A. receive the report by the Planning Coordinator on the DA0280/2023 - Alterations and Additions to existing Preschool - 2 Lovejoy Street, Mudgee;

- B. approve DA0280/2023 - Alterations and Additions to existing Preschool - 2 Lovejoy Street, Mudgee be approved 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 [dd.mm.yyyy]:	Prepared by:
Site Plan	568PRE-01	C	18.08.2023	SUNRAI Designs
Existing Floor Plan & Existing Fire Safety Measures	568PRE-02	C	18.08.2023	SUNRAI Designs
Demolition Plan	568PRE-03	C	18.08.2023	SUNRAI Designs
Proposed Floor Plan	568PRE-04	C	18.08.2023	SUNRAI Designs
Elevations	568PRE-05	C	18.08.2023	SUNRAI Designs
Window & Door Schedule	568PRE-06	C	18.08.2023	SUNRAI Designs
MPS Floor Plan	568PRE-07	C	18.08.2023	SUNRAI Designs
MPS Elevations	568PRE-08	C	18.08.2023	SUNRAI Designs
MPS Sections	568PRE-09	C	18.08.2023	SUNRAI Designs
MPS Perspectives	568PRE-10	C	18.08.2023	SUNRAI Designs
Access Report	-	Issue A	25 July 2023	SUNRAI Designs
4.6 Variation Written Request	2023/39	-	17 December 2022	Drew Roberts Consulting
Statement of Environmental Effects	2023/39	-	7 December 2022	Drew Roberts Consulting

General

3. This development consent does not include approval for any signage for the development. A separate Development Consent or Complying Development Certificate may be required for signage, if the signage is not exempt development.
4. 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.

5. 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. No works involving cut or fill within the registered easement or within 1.5m of the water or sewer line.
6. 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.
7. 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.
8. 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.
9. 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.

PRIOR TO THE ISSUE OF A CONSTRUCTION CERTIFICATE

10. Pursuant to section 64 of the Environmental Planning and Assessment Regulation 2021, the existing building shall be brought into conformity with the following Performance Requirements of the BCA, Volume 1.
 - EP4.1 / E4P1– To facilitate safe evacuation in an emergency, the building must be provided with a system that ensures a level of visibility sufficient to enable exits, paths of travel to exits and any obstacles along a path of travel to an exit to be identified; and activates instantaneously upon the failure of an artificial lighting system, to the degree necessary, appropriate to the function or use of the building; and the floor area of the building; and the distance of travel to an exit.
 - EP4.2 / E4P2 – To facilitate evacuation, suitable signs or other means of identification, must, to the degree necessary, be provided to identify the location of exits; and, guide occupants to exits; and, be clearly visible to occupants; and, operate in the event of a power failure of the main lighting system for sufficient time for occupants to safely evacuate.

Plans and specifications demonstrating compliance are to be submitted to and approved by the Certifier prior to the issue of a Construction Certificate.

11. 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.
12. Prior to the issue of a Construction Certificate, the developer shall obtain a Certificate of Compliance under the Water Management Act 2000.
13. 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 – based on the proposed cost of works being \$556,345.94, it is estimated the contribution amount will be \$5,636.00

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.

14. 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.

PRIOR TO COMMENCEMENT OF WORKS

15. 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.

16. 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

17. 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, 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.

18. 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.

19. 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.

20. Runoff and erosion controls shall be installed prior to clearing and incorporate:-

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

DURING WORKS

21. 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.

22. All plumbing and drainage work must be carried out by a licensed plumber and drainer and must comply with the Plumbing Code of Australia.

23. 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.

24. 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.

25. 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 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.
26. The strength of the concrete used for the reinforced concrete floor slab must be a minimum 25Mpa.
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.
28. 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.
29. All building work is to comply with the requirements of the Access to Premises Standard.
30. The list of measures contained in the schedule attached to the Construction Certificate are required to be installed in the building or on the land to ensure the safety of persons in the event of fire in accordance with Section 78 of the Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021.
31. Should any contaminated, scheduled, hazardous or asbestos material be discovered before or during construction works, the applicant and contractor shall ensure the appropriate regulatory authority (e.g. Heritage NSW, SafeWork NSW, Council, Fire and Rescue NSW etc.) is notified, and that such material is contained, encapsulated, sealed, handled or otherwise disposed of to the requirements of such Authority.
- Note - such materials cannot be disposed of to landfill unless the facility is specifically licensed by the EPA to receive that type of waste.
32. 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.

prior to issue of 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 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.
35. Prior to use of the development and/or issue of an Occupation Certificate, the excavated and/or filled areas of the site are to be stabilised and drained, to prevent scouring onto adjacent private or public property. The finished ground around the perimeter of the building is to be graded to prevent ponding of water, and to ensure the free flow of water away from the building and adjoining properties.
36. Prior to use of the development and/or issue of an Occupation Certificate, all roof water shall be conducted to the street gutter by means of a sealed pipeline having a minimum diameter of 90mm. Please note this can be achieved by connecting to existing stormwater lines.

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, 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 Development per 100m ²			
	ET/Unit	Value	105.8m ²

Water Headworks	0.1	\$9,713.00	\$1,027.64
Sewer Headworks	0.1	\$4,434.00	\$496.12
Total Headworks			\$1,496.75

- 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. 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.
5. 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).
6. 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 written request to vary a non-numerical standard under clause 4.6 of the Mid-Western Regional Local Environmental Plan 2013 to clause 6.7 Active Street Frontage has been adequately addressed by the applicant and the proposed development will be

in the public interest as it achieves the objectives of clause 6.7 and the objectives of the zone.

3. 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.
4. No submissions were received during public notification of the development application.

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

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

The following recommendations (item 8.4 to item 12.2, excluding items 11.3 and 12.1) 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. 212/23 and concluding at Resolution No. 228/23.

8.4 MONTHLY DEVELOPMENT APPLICATIONS PROCESSING AND DETERMINED

GOV400103, A0420109

212/23

MOTION: Shelley / Cavalier

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

The motion was carried with the Councillors voting unanimously.

8.5 POLICY REVIEW - LOCAL HERITAGE GRANTS

GOV400103, GRA600012

213/23

MOTION: Shelley / Cavalier

That Council:

1. receive the report by the Manager Strategic Planning on the Policy Review - Local Heritage Grants; and
2. adopt the revised Local Heritage Grants Policy.

The motion was carried with the Councillors voting unanimously.

Item 9: Corporate Services

9.1 QUARTERLY BUDGET REVIEW - JUNE 2023

GOV400103, FIN300240

214/23

MOTION: Shelley / Cavalier

That Council:

1. **receive the report by the Chief Financial Officer on the Quarterly Budget Review - June 2023; and**
2. **note the opinion of the Responsible Accounting Officer regarding the satisfactory financial position of Council.**

The motion was carried with the Councillors voting unanimously.

9.2 MONTHLY STATEMENT OF INVESTMENTS AS AT 31 AUGUST 2023

GOV400103, FIN300053

215/23

MOTION: Shelley / Cavalier

That Council:

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

The motion was carried with the Councillors voting unanimously.

9.3 MONTHLY BUDGET REVIEW - AUGUST 2023

GOV400103, FIN300315

216/23

MOTION: Shelley / Cavalier

That Council:

1. **receive the report by the Accountant Reporting & Analysis on the Monthly Budget Review - August 2023; and**
2. **amend the 2023/24 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.

9.4 DRAFT FINANCIAL STATEMENTS 2022/23

GOV400103, FIN300394

217/23

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

1. receive the report by the Chief Financial Officer on the Draft Financial Statements 2022/23;
2. resolve that in its opinion the General Purpose Financial Statements and Special Purpose Financial Statements for the year ended 30 June 2023:
 - 2.1 have been drawn up in accordance with the provisions of the Local Government Act 1993, the Local Government (General) Regulation 2021, the Australian Accounting Standards, and the Local Government Code of Accounting Practice and Financial Reporting;
 - 2.2 present fairly the Council's financial position and operating result for the year;
 - 2.3 accord with the Council's accounting and other records; and
 - 2.4 do not contain any known matter that would make the financial statements false or misleading in any way
3. authorise the Mayor, Deputy Mayor, General Manager and Responsible Accounting Officer to sign the Statement by Councillors and Management on its opinion of the General Purpose Financial Report 2022/23 and Special Purpose Financial Report 2022/23;
4. authorise the General Manager to issue the 2022/23 Financial Reports immediately upon receipt of the Auditors Report; and
5. authorise the General Manager to finalise the date at which the Auditors Report and Financial Statements for 2022/23 are to be presented to the public.

The motion was carried with the Councillors voting unanimously.

9.5 ENTERPRISE RESOURCE PLANNING SYSTEM CONTRACT VARIATION

GOV400103, A0070037

218/23

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

1. receive the report by the Director Corporate Services on the Enterprise Resource Planning System contract variation;
2. vary the contract to include the delivery of integrated Electronic Content Management ;
3. amend the 2023/24 budget to reduce records consulting by \$60,000, to be returned to unrestricted cash;
4. amend the 2024/25 and 2025/26 budgets to increase the IT software implementation budget by \$160,000 per annum, to be funded from unrestricted cash;
5. amend the 2023/24, 2024/25, 2025/26 and 2026/27 budgets to increase the IT software licensing budget by \$50,000 per annum, to be funded from unrestricted cash;
6. approve an exemption from tender, in accordance with Section 55(3)(l) of the Local Government Act 1993, for the delivery of integrated Electronic Content Management software based on the fact that Technology One are the only provider that can provide a software as a service solution that is fully integrated with our ERP system; and
7. authorise the Director of Corporate Services to approve variations to the ERP SaaS contract, if they are within approved budget allocations.

The motion was carried with the Councillors voting unanimously.

9.6 RFT 2023/19 - TRAFFIC CONTROL MANAGEMENT PANEL
GOV400103, COR400617

219/23

MOTION: Shelley / Cavalier

That Council:

1. receive the report by the Procurement Officer on the RFT 2023/19 - Traffic Control Management panel;
2. accept the provision of the Traffic Control Management panel arrangement for 3 years with an 1 year extension, in accordance with Clause 178 of the Local Government (General) Regulation 2005:
3. Tender undertaken as procurement would exceed the threshold for the council's obligation to tender for services. This tender fulfils Council's obligation under the Local Government Act 1993, Section 55, and the Local Government (General) Regulation 2005.
4. delegate authority to the Manager Procurement and Fleet to accept any additional contractors seeking inclusion to the tender 2023/19 for the provision of traffic control management services, during the term of the contract; and

5. adopt the following contractors to provide services under RFT 2023/19 – Traffic Control Management:
 - a) D&D Traffic Management
 - b) Dubbo Traffic Control
 - c) East Coast Traffic Control
 - d) Mid-West Traffic Management
 - e) Platinum Traffic Services
 - f) Watch out Traffic Control
 - g) Workcontrol Operations

The motion was carried with the Councillors voting unanimously.

9.7 EXEMPTION FROM TENDER - LANDFILL COMPACTOR
GOV400103, COR400616

220/23

MOTION: Shelley / Cavalier

That Council:

1. receive the report by the Manager Procurement and Fleet on the Landfill Compactor;
2. approve an exemption from tender, in accordance with Section 55 (3) (i) of the Local Government Act 1993 for the replacement of a landfill (vibrating) compactor; 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 there are very limited suppliers for landfill (vibrating) compactors;
 - 3.2 attempts to seek quotations via a Prescribed Entity with known suppliers failed to provide a response;
4. delegate authority to the Manager Procurement and Fleet to seek quotations directly from any known supplier;
5. delegate authority to the General Manager or their delegate to review a purchase recommendation on completion of an appropriate evaluation process; and

6. **delegate authority to the General Manager or their delegate to amend budgets as required should the recommendation be endorsed**

The motion was carried with the Councillors voting unanimously.

9.8 NEW POLICY - BUSINESS CONTINUITY

GOV400103, RIS900011

221/23

MOTION: Shelley / Cavalier

That Council:

1. **receive the report by the WHS and Risk Coordinator on the New Policy - Business Continuity ; and**
2. **adopt the new Business Continuity Policy.**

The motion was carried with the Councillors voting unanimously.

9.9 NAMING OF A NEW STREET IN A SUBDIVISION OFF
MARSHFIELD LANE, MUDGEE

GOV400103, P12410 R0790141

222/23

MOTION: Shelley / Cavalier

That Council:

1. **receive the report by the Property Support Officer on the naming of a new street in a subdivision off Marshfield Lane, Mudgee;**
2. **name this road Sutherland Grove; and**
3. **advertise the proposed name and 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.

9.10 DRAFT PLAN OF MANAGEMENT OLD GULGONG FIRE
STATION - POST CROWN REVIEW

GOV400103, COU500102, 4532, 8586, 13084

223/23

MOTION: Shelley / Cavalier

That Council:

1. receive the report by the Manager Property and Revenue on the Draft Plan of Management Old Gulgong Fire Station - Post Crown Review ;
2. note and adopt the changes advocated by Department Planning & Environment – Crown Lands & Public Spaces as indicated in this Report to the draft v7 Plan of Management Old Gulgong Fire Station;
3. note that written consent of the draft v7 Plan of Management Old Gulgong Fire Station as amended by Department Planning & Environment – Crown Lands & Public Spaces has been received;
4. place the amended draft v7 Plan of Management Old Gulgong Fire Station on public exhibition, as per s38 of the Local Government Act 1993; and
5. receive a further report at the conclusion of the public exhibition period to consider any submissions received or if substantial changes are recommended for any reason.

The motion was carried with the Councillors voting unanimously.

Item 10: Operations

Nil

Item 11: Community

11.1 AGENCY INFORMATION GUIDE

GOV400103, GOV400098, GOV400047

224/23

MOTION: Shelley / Cavalier

That Council:

1. receive the report by the Governance Co-ordinator on the Agency Information Guide; and
2. adopt the Agency Information Guide.

The motion was carried with the Councillors voting unanimously.

11.2 KILDALLON EDUCATION CENTRE - MUDGEES ARTS
COUNCIL 2022/2023 ANNUAL REPORT

GOV400103, P1122711

225/23

MOTION: Shelley / Cavalier

That Council:

1. **receive the report by the Director Community on the Kildallon Education Centre - Mudgee Arts Council 2022/2023 Annual Report; and**
2. **note the Kildallon Education Annual Report provided by Mudgee Arts Council.**

The motion was carried with the Councillors voting unanimously.

Item 11.3 moved forward on the agenda, see after Item 5: Mayoral Minute.

11.4 POLICY REVIEW - PUBLIC INTEREST DISCLOSURES
GOV400103, GOV400047

226/23 MOTION: Shelley / Cavalier

That Council:

1. **receive the report by the Governance Co-ordinator on the Policy Review - Public Interest Disclosures; and**
2. **adopt the revised Public Interest Disclosures Policy.**

The motion was carried with the Councillors voting unanimously.

11.5 MRT QUARTERLY REPORT: APRIL TO JUNE 2023
GOV400103, F0770077

227/23 MOTION: Shelley / Cavalier

That Council receive the report by the Director Community on the MRT Quarterly Report: April to June 2023.

The motion was carried with the Councillors voting unanimously.

Item 12: Reports from Committees

Item 12.1 – Local Traffic Committee Meeting Minutes – July 2023, see after item 12.2.

12.2 AUDIT RISK AND IMPROVEMENT COMMITTEE MINUTES -
25 AUGUST 2023

GOV400103, COR400236

228/23 MOTION: Shelley / Cavalier

That Council:

1. **receive the Report of the Audit Risk and Improvement Committee on the Audit Risk and Improvement Committee meeting 25 August 2023;** and
2. **endorse the minutes and recommendations of the Audit Risk and Improvement Committee meeting 25 August 2023.**

Procedural Motion automatically included if there are confidential items on the agenda.

The motion was carried with the Councillors voting unanimously.

12.1 LOCAL TRAFFIC COMMITTEE MEETING MINUTES - JULY 2023

GOV400103, A0100009

229/23

MOTION: Thompson / Cavalier

That Council receive the report by the Operations Administration Assistant on the Local Traffic Committee Meeting Minutes for July 2023.

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

Councillors	Ayes	Nays
Cr Paine	✓	
Cr Cavalier	✓	
Cr Dicker	✓	
Cr Karavas	✓	
Cr Palmer	✓	
Cr Shelley	✓	
Cr Stoddart	✓	
Cr Thompson		✓

230/23

SUPPLEMENTARY MOTION: Shelley / Cavalier

That the General Manager take a question on notice regarding the reduced speed limit on Blue Springs Road and Cope Road, and communicate to Councillors the answer.

The motion was carried with the Councillors voting unanimously.

Item 12.2 – Audit Risk and Improvement Committee Meeting Minutes – 25 August 2023, see before item 12.1.

Item 13: Urgent Business Without Notice

Nil

Item 14: Confidential Session

231/23

MOTION: Cavalier / Stoddart

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

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 Purchase of Cabin at Mudgee Riverside Park

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 commercially private transaction.

14.2 Purchase of Land

The reason for dealing with this report confidentially is that it relates to commercial information of a confidential nature that would, if disclosed prejudice the commercial position of the person who supplied it in accordance with Section 10A(2)(d)(i) of the Local Government Act, 1993.

Discussion of this matter in an open meeting would be, on balance, contrary to the public interest as it involves discussion of property arrangements regarding future leasehold land, that could disclose commercial in confidence details of the leaseholders business.

14.3 General Manager's Performance Agreement 2022-23, Final Performance Review

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.

Cr Palmer declared a less than significant non-pecuniary conflict of interest in item 14.1 as his employer (real estate) formerly had this property listed for sale, he left the meeting at 5.55pm and did not participate in discussion or vote in relation to this matter.

14.1 PURCHASE OF CABIN AT MUDGEE RIVERSIDE PARK

GOV400103, COU500018

That Council:

1. receive the report by the Manager - Economic Development on the Purchase of Cabin at Mudgee Riverside Park;
2. approve the purchase of specified cabin at Mudgee Riverside Park at market value;
3. allocate a budget of \$250,000 for the purchase and fit out of specified cabin at Mudgee Riverside Park to be funded from unrestricted cash; and
4. delegate authority to the General Manager to negotiate, finalise and execute the contract of sale for the specified cabin at Mudgee Riverside Park.

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

Councillors	Ayes	Nays
Cr Paine	✓	
Cr Cavalier	✓	
Cr Dicker	✓	
Cr Karavas	✓	
Cr Shelley	✓	
Cr Stoddart	✓	
Cr Thompson	✓	

Cr Palmer returned to the meeting at 5.56pm.

14.2 PURCHASE OF LAND

GOV400103, 20466

233/23

MOTION: Cavalier / Palmer

That Council:

1. receive the report by the Property Coordinator on the Purchase of Land identified in the independent valuation as attached to this report;
2. resolve to purchase the land by agreement with the land owner at the price determined by the independent valuation;
3. authorise the Mayor and the General Manager to finalise negotiations and execute the completion of the property purchase, including signing of a purchase contract, land transfer, and any other relevant documents;
4. amend the 2023/2024 Budget to allocate a budget amount as specified in the valuation report, for the purchase of land, to be funded from the Land Development Reserve;

5. **arrange the preparation, lodgement, and registration of the relevant lot consolidation plan after purchase and land transfer is complete; and**
6. **authorise the Common Seal of Council be affixed to all documentation, where necessary, in relation to the purchase, and including lot consolidation and registration.**

The motion was carried with the Councillors voting unanimously.

14.3 GENERAL MANAGER'S PERFORMANCE AGREEMENT 2022-23, FINAL PERFORMANCE REVIEW
GOV400103, GOV400043, A0381418

234/23

MOTION: Shelley / Cavalier

That Council:

1. **receive the report by the Executive Manager, People and Performance on the General Manager's Performance Agreement 2022-23, Final Performance Review; and**
2. **assess the General Manager's Performance for the year ending 30 June 2023 in accordance with the assessment scale as determined by the Council.**

The motion was carried with the Councillors voting unanimously.

Item 15: Urgent Confidential Business Without Notice

Nil

Item 16: Open Council

235/23

MOTION: Cavalier / Shelley

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 6.00pm.

Minutes of the Extraordinary Meeting of Council

Held at the Council Chambers, 86 Market Street, Mudgee
on 27 September 2023, commencing at 5.30pm and concluding at 5.33pm.

PRESENT Cr D Kennedy, Cr S Paine, 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 Corporate Services (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

An apology was received for Cr P Cavalier.

236/23

MOTION: Shelley / Palmer

That the apology received for Cr P Cavalier be accepted.

The motion was carried with the Councillors voting unanimously.

Item 2: Disclosure of Interest

There were no disclosures of interest.

Item 3: Confirmation of Minutes

Nil

Item 4: Office of the General Manager

The Mayor vacated the Chair and General Manager, Brad Cam, proceeded to Chair the meeting.

4.1 ELECTION OF THE MAYOR

GOV400103, GOV400054, GOV400098

237/23

MOTION: Shelley / Palmer

That Council:

1. **receive the report by the Manager, Customer Services & Governance on the Election of the Mayor;**

2. **determine that the Ballot for the election of the Mayor be by Open Voting/ Ordinary Ballot/Preferential Ballot (not required);**
3. **designate the General Manager as Returning Officer for the election with the election to be conducted by the General Manager and the Manager Customer Services and Governance; and**
4. **elect the Mayor for the term of 27 September 2023 to 14 September 2024.**

The motion was carried with the Councillors voting unanimously.

The General Manager announced that only one nomination had been received for the position of Mayor, that being for Councillor Kennedy. The General Manager declared Councillor Kennedy as the Mayor, unopposed.

4.2 ELECTION OF DEPUTY MAYOR

GOV400103, GOV400054, GOV400098

238/23

MOTION: Shelley / Palmer

That Council:

1. **receive the report by the Manager, Customer Services & Governance on the Election of Deputy Mayor;**
2. **determine that the Ballot for the election of the Deputy Mayor be by Open Voting/ Ordinary Ballot/Preferential Ballot (not required);**
3. **designate the General Manager as the Returning Officer for the election with the election to be conducted by the General Manager and the Manager Customer Services and Governance; and**
4. **elect the Deputy Mayor for the term of 27 September 2023 to 14 September 2024.**

The motion was carried with the Councillors voting unanimously.

The General Manager announced that only one nomination had been received for the position of Deputy Mayor, that being for Councillor Paine. The General Manager declared Councillor Paine as Deputy Mayor, unopposed.

The Mayor resumed the role of Chair for the remainder of the meeting.

Mayor Kennedy thanked Councillors for their support and for attending the meeting tonight. He also thanked the Councillors for showing faith in him for the next 12 months, noting that we have a few challenges ahead, although we are in a very strong place financially which puts us half way across the finish line.

Item 5: Urgent Business Without Notice

Nil

Item 6: Urgent Confidential Business Without Notice

Nil

Item 7: Open Council

Item 8: Closure

There being no further business the meeting concluded at 5.33pm .

Unconfirmed