

Minutes of the Ordinary Meeting of Council

Held at the Council Chambers, 86 Market Street, Mudgee
on 15 November 2023, commencing at 5.45pm and concluding at 6.21pm

PRESENT Cr S Paine, Cr K Dicker, Cr A Karavas, Cr R Palmer, Cr P Shelley, Cr P Stoddart, 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 Administration Assistant (Kate Newbould).

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 and Cr P Cavalier

262/23

MOTION: Karavas / Palmer

That the apologies for the absence of Councillors D Kennedy and P Cavalier be received and leave of absence granted.

The motion was carried with the Councillors voting unanimously.

Item 2: Disclosure of Interest

Cr Stoddart declared a less than significant non-pecuniary conflict of interest in item 8.1 as he is a part owner of an accommodation venue in Mudgee.

Cr Stoddart left the meeting during Open Day at 5.30pm.

Item 3: Confirmation of Minutes

263/23

MOTION: Shelley / Palmer

That the Minutes of the Ordinary Meeting held on 18 October 2023 be taken as read and confirmed.

The motion was carried with the Councillors voting unanimously.

264/23 MOTION: Shelley / Palmer

That item 9.4 Presentation of Financial Statements 2022/23, be brought forward on the agenda for consideration.

The motion was carried with the Councillors voting unanimously.

Presentation of Financial Statements by Luke Malone and Cassie Malone (via Microsoft Teams). Luke thanked Leonie Van Oosterum, Neil Bungate and the Finance team for their hard work, noting that the audit process went well and that Council is in a strong financial position.

9.4 PRESENTATION OF THE 2022/23 FINANCIAL STATEMENTS
GOV400103, FIN300394

265/23 MOTION: Shelley / Stoddart

That Council receive the report by the Financial Operations Co-Ordinator on the Presentation of the 2022/23 Financial Statements.

The motion was carried with the Councillors voting unanimously.

Item 4: Matters in Progress**266/23 MOTION: Shelley / Palmer**

That Res. 272/22 of the Ordinary Meeting 20/07/2022 – that Council removes Emergency Vehicle Parking Only signage from Herbert Street Gulgong; identify and construct a disabled access ramp at a suitable location between the Gulgong Post Office and Gulgong Medical Centre, be noted as complete.

That Res. 206/23 of the Ordinary Meeting 20/09/2023 – that Council request 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, be noted as complete.

The motion was carried with the Councillors voting unanimously.

Item 5: Mayoral Minute

Nil

Item 6: Notices of Motion or Rescission

Nil

Item 7: Office of the General Manager

Nil

Item 8: Development

Cr Stoddart declared a less than significant non-pecuniary conflict of interest in item 8.1 as is a part owner of an accommodation venue in Mudgee, he left the meeting at 5.55pm and did not participate in discussion or vote in relation to this matter.

- 8.1 Development Application (DA0282/2023) - Demolition of Two (2) Dwellings, Construction of Two (2) Storey 58 Room Hotel or Motel Accommodation with Managers Residence, Signage and Ancillary Works - 59, 61 and 63-67 Horatio Street, Mudgee

GOV400103, DA0282/2023

267/23

MOTION: Karavas / Dicker**That Council:**

- A. receive the report by the Planning Coordinator on the Development Application (DA0282/2023) - Demolition of Two (2) Dwellings, Construction of Two (2) Storey 58 Room Hotel or Motel Accommodation with Managers Residence, Signage and Ancillary Works; and
- B. refuse Development Application (DA0282/2023) - Demolition of Two (2) Dwellings, Construction of Two (2) Storey 58 Room Hotel or Motel Accommodation with Managers Residence, Signage and Ancillary Works based on the following statement of reasons:

STATEMENT OF REASONS**The determination decision was reached for the following reasons:**

1. The proposed development does not comply with the aims and objectives of the Mid-Western Regional Local Environmental Plan 2012 and Clause 5.10 Heritage

Conservation of the Mid-Western Regional Local Environmental Plan 2012.

2. The proposed development does not achieve compliance with the Mid-Western Regional Development Control Plan 2013 in terms of Part 4.5 Commercial Development.
3. The proposed development is not considered to be satisfactory in terms of the matters identified in Section 4.15 of the Environmental Planning & Assessment Act 1979 in terms of the likely impacts of the development on the built environment and lack of information provided to address likely impacts of noise on all sensitive receivers.
4. The public submissions made during the notification period have raised the following key concerns which remain unresolved:
 - Impacts to the heritage significance of the conservation area and adjacent heritage item at 44 Horatio Street (Item No. 172 under the LEP 2012); and
 - Retention of the dwelling at 59 Horatio Street due to the lack of affordable rental housing in Mudgee and maintain the façade of the building as it adds to the heritage feel of the street.

AMENDMENT Shelley / Palmer

That Council:

1. The development is to be carried out in accordance with the following stamped plans except as varied by the conditions listed herein. Any minor modification to the approved plans other than as required by following conditions will require the lodgement and consideration by Council of amended plans. Amended plans will need to be accompanied with supporting documentation and calculations where necessary. Major modifications will require the lodgement of a new development application.

Drawing No.	Revision	Plan Title	Sheet	Date
37806-A00	REV G	Cover sheet	01 of 09	18.09.2023
37806-A01	REV B	Existing Site Plan	02 of 09	07.02.2023
37806-A02	REV G	Proposed Site Plan	03 of 09	18.09.2023
37806-A03	REV F	Floor Plan	04 of 09	18.09.2023

37806-A04	REV E	First Floor Plan	05 of 09	07.02.2023
37806-A05	REV G	Elevations	06 of 09	19.04.2023
37806-A06	REV C	Section	07 of 09	07.02.2023
37806-A07	REV B	Signage Details	08 of 09	07.02.2023
37806-A08	REV B	Shadow Diagrams	09 of 09	07.02.2023
37806-A09	REV A	Kitchen Details	10	18.09.2023

2. This development consent provides approval for the demolition of two (2) dwelling-houses, tree removal, construction of hotel or motel accommodation comprising fifty-eight (58) motel units, managers residence, signage, consolidation of land and ancillary works, only.

GENERAL

3. Metal roof/wall cladding shall be provided in a non-reflective colour scheme such as "Colorbond" steel sheeting, zincalume is not to be used onsite.
4. All earthworks, filling, building, driveways or other works, are to be designed and constructed to ensure that at no time any ponding of stormwater occurs on the subject site or adjoining land as a result of this development. Design must also ensure that no diversion of runoff onto other adjacent properties occurs.
5. Costs associated with all development works including any necessary alteration, relocation of services, public utility mains or installations must be met by the developer. The developer is responsible to accurately locate all existing services before any development works commence to satisfy this condition.
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.

PRIOR TO ISSUE OF THE CONSTRUCTION CERTIFICATE – BUILDING

8. Prior to issue of the Construction Certificate, a revised Noise Assessment report is to be prepared, submitted and approved by Council. The revised Noise Assessment Report must include all sources of noise from the operation of the development such as mechanical plant for air conditioning and exhaust systems. Where additional acoustic mitigation measures are to be installed on the building or on the site, the development plans must be updated with all mitigation measures and provided to Council for approval, prior to issue of the Construction Certificate.
9. Prior to issue of the Construction Certificate, an amended plan is to be prepared, submitted and approved by Council which provides full details of the southern boundary fencing treatment with Lyons Lane. The fencing is to be provided for the full extent of the southern boundary with Lyons Lane, without causing obstruction to vehicle sight distance, and shall be of solid construction using masonry, timber or colorbond (or a combination of like materials), with a height of not less than 1.8 metres.
10. Prior to issue of a Construction Certificate, an amended landscape plan is to be prepared, submitted and approved by Council which includes the following minimum requirements:
 - a. Removal of the driveway onto Horatio Street.
 - b. Mature (minimum 100L bags) evergreen tree plantings with a mature growth height of not less than 15 metres are to be located along the front boundary of the development site. Tree spacings along the frontage of the development are to be not more than 6 metres apart and must be non-invasive species that will not cause impact on buildings, pipework or roads.
 - c. Evergreen hedging plants are to be provided along the full frontage of the development reaching a mature height of not less than 1 metre.
 - d. All landscaping must be maintained for the life of the development.
11. Before the issue of a Construction Certificate, detailed plans of all food and beverage preparation, serving and storage areas (including for perishable stock, waste, chemicals and personal belongings) must be prepared by a suitably qualified person.

The detailed plans must be prepared in accordance with the following editions in force on the date of determination and provided to Mid-Western Regional Council:

 - a. Food Standards Code (Australia and Food Safety

- Standard 3.2.3 – Food Premises and Equipment)
- b. Food Act 2003 and Food Regulation 2015
 - c. Australian Standard 4674:2004: Design, Construction and Fit-out of Food Premises
 - d. Plumbing Code of Australia and Australian Standard/New Zealand Standard AS/NZS 3500 series on Plumbing and Drainage
 - e. Mid-Western Regional Council commercial trade wastewater requirements for food premises, and
 - f. any relevant Water Services Association of Australia codes of practice, guidelines, policies and requirements.
12. In accordance with the provisions of Section 7.12 of the Environmental Planning and Assessment Act 1979 and the Mid-Western Regional Contributions Plan 2019, a levy based on the value of works shall be paid to Council in accordance with this condition for the purpose of local infrastructure, prior to issue of a Construction Certificate.
- The value of works is to be calculated in accordance with Section 2.9.3 and the procedure outlined in Section 4.3 of the Contributions Plan. A report regarding value of works and any necessary certification is to be submitted to Council. Council will calculate and advise of the levy amount following submission of the documents.
- Note – the contribution amount will be adjusted by the Consumer Price Index, if not paid in the same financial year the development consent was issued.*
- Note – Mid-Western Regional Contributions Plan 2019 is available for perusal at Council's Administration Centre at 86 Market Street, Mudgee or on Council's website www.midwestern.nsw.gov.au under Council Documents/Strategies and Plans.*
13. 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.*
14. A detailed engineering design is to be submitted to and approved by Council prior to the issue of a S138 Roads Act Approval and prior to the issue of any Construction Certificate for the Development. The engineering design is to comply with Council's Development Control Plan and the Standards referenced within Appendix B and D.
- A S138 Roads Act Approval is required for but not limited to the following civil works:
- a. Commercial vehicular crossings / driveways in accordance with Council's Access to Properties Policy.
 - b. Removal of any redundant vehicle crossings, laybacks and subsequent rectification works.

- c. Construction of a new 2.5m wide reinforced concrete footpath across the Horatio Street frontage of the site to the kerb return in Lewis Street (a distance of approximately 95 metres).
- d. Construction of a new 1.2m wide reinforced concrete footpath across the Lewis Street frontage of the site (a distance of approximately 50 metres).
- e. Construction of eight (8) on-street car parking spaces in Lewis Street including pavement strengthening, widening and sealing, concrete kerb and gutter and piped drainage (a distance of approximately 45 metres).
- f. Relocation (to the east) of the "No Stopping" signage on the Horatio Street frontage to provide improved sight distance for vehicles existing Lewis Street.
- g. Relocation of any affected services.
- h. Reinstatement and turfing of all disturbed footway areas.

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

15. Consent from Council must be obtained for all works within the road reserve pursuant to Section 138 of the *Roads Act 1993*, prior to the issue of a Subdivision Works Certificate. The accesses are to be designed and constructed in accordance with Council's Access to Properties Policy.
16. A Drainage Report prepared in accordance with the Institution of Engineers publication *Australian Rainfall and Run-off* shall be submitted to and approved by the Certifier (i.e. Council or a private Certifier) prior to the issue of the Construction Certificate. The drainage report and design must comply with the following requirements:
 - a. Drainage design for the proposed below ground detention system must be accompanied by fully detailed runoff calculations by a suitably qualified professional Engineer.
 - b. Drainage design must also incorporate suitable and appropriate water quality controls to prevent pollution or contamination of downstream environments.
 - c. Drainage report and design must demonstrate that stormwater runoff from the site is not increased beyond the existing undeveloped state up to and including a 1.5/5/20/50/100 year event.
 - d. Drainage design must ensure that no stormwater runoff is permitted to discharge over adjoining properties. Discharge of runoff onto adjoining properties and any works associated with the control of stormwater discharge over and adjoining property must not occur without the consent of the owner of any affected property.
17. All finished surface levels shall be shown on the plans

submitted for the Construction Certificate.

18. 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 Construction 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.

19. An Erosion and Sediment Control Plan is to be submitted to an approved by the Certifier (ie Council or a private Certifier) prior to the issue of a Construction Certificate. the Erosion and Sediment Control Plan for the development is to be prepared and implemented in accordance with the LANDCOM guidelines and requirements as outlined in the latest edition of "Soils and Construction – Managing Urban Stormwater". Points to be considered include, but are not limited to:
 - a. Saving available topsoil for reuse in the revegetation phase of the development;
 - b. Using erosion control measures to prevent on-site damage;
 - c. Rehabilitating disturbed areas quickly; and
 - d. Maintenance of erosion and sediment control structures.

20. Details of the internal circulating driveway and car parking spaces are to be submitted to and approved by the Certifier (ie Council or a private Certifier), prior to the issue of a Construction Certificate. These details shall comply with the requirements of AS/NZS 2890.1:2004 – Parking Facilities – Part 1: Off-street Car Parking and the relevant conditions of this development consent.

The plans shall include the provision of the following:

 - a. A total of 59 off-street car parking spaces, and
 - b. A total of 8 on-street car parking spaces.

21. Prior to the issue of a Construction Certificate, evidence that the lots making up the subject site have been consolidated into a single allotment and registered with NSW Land Registry Services is to be submitted to Council and the Certifier (if applicable). The lots to be consolidated into a single parcel include:
 - a. Lot 7 Section 44 DP 758721
 - b. Lot 8 Section 44 DP 758721
 - c. Lot 9 Section 44 DP 758721
 - d. Lot 10 Section 44 DP 758721
 - e. Lot 26 DP 1106100

22. Prior to the issue of a Construction Certificate, the applicant must prepare a Construction Management and Traffic Management Plan. The following matters should be addressed in the plan:
- a. A plan view of the entire site and frontage roadways indicating:
 - i. Dedicated construction site entrances and exits, controlled by a certified traffic controller, to safely manage pedestrians and construction related vehicles in the frontage roadways.
 - ii. Turning areas within the site for construction and spoil removal vehicles, allowing a forward egress for all construction vehicles on the site.
 - iii. The locations of proposed work zones in the frontage roadways.
 - iv. Location of any proposed crane, concrete pump, truck standing areas on and off the site.
 - v. A dedicated unloading and loading point within the site for all construction vehicles, plant and deliveries.
 - vi. Material, plant and spoil bin storage areas within the site, where all materials are to be dropped off and collected.
 - vii. An on-site parking area for employees, tradespersons and construction vehicles as far as possible.
 - viii. The proposed areas within the site to be used for the storage of excavated material, construction materials and waste and recycling containers during the construction period.
 - ix. How it is proposed to ensure that soil/excavated material is not transported onto surrounding footpaths and roadways.
 - x. The proposed method of support to any excavation adjacent to adjoining properties, or the road reserve. The proposed method of support is to be designed by a Chartered Civil Engineer.
 - b. During excavation, demolition and construction phases, noise generated from the site must be controlled.
 - c. All site works must comply with the occupational health and safety requirements of the New South Wales WorkCover Authority.
 - d. During excavation, demolition and construction phases, toilet facilities are to be provided on site, at the rate of one (1) toilet for every twenty (20) persons or part of twenty (20) persons employed at the site.
 - e. All traffic control plans must be in accordance with the RMS publication Traffic Control Worksite Manual and prepared by a suitably qualified person (minimum 'red card' qualification). The main stages of the development

requiring specific construction management measures are to be identified and specific traffic control measures identified for each stage.

Approval is to be obtained from Council for any temporary road closures or crane use from public property. Applications to Council shall be made a minimum for six (6) weeks prior to the activity proposed being undertaken.

23. 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.

24. 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.

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

26. 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.

27. 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 - BUILDING

28. 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.

29. 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 commencement of works for the development.

30. 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

31. 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.

32. While site work is being carried out, deliveries of material and equipment must only be carried out between 7am to 5pm, Monday to Saturday.

33. 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.

34. 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.

35. 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.

36. 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.

BUILDING CONSTRUCTION AND DURING WORKS

37. 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.
38. All plumbing and drainage work must be carried out by a licensed plumber and drainer and must comply with the requirements of the Plumbing & Drainage Act 2011 and the Plumbing Code of Australia.

39. 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.
40. 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:
 - i. Council has been provided with a copy of any required Hazardous Substances Management Plan;
 - ii. 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.
41. The removal of any asbestos material (less than 10m²) during the demolition phase of the development is to be in accordance with the requirements of the Workcover Authority and disposed of at an approved waste facility.
42. 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, (eg 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.*

43. 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.
44. The civil works associated with the S138 approval are to be inspected by Council to monitor compliance with the consent and the relevant standards of construction, encompassing the following stages of construction:
- a. Installation of sediment and erosion control measures;
 - b. Water and sewer line installation prior to backfilling;
 - c. All subsoil and piped drainage prior to backfill;
 - d. Subgrade, subbase, base course layers and prior to installation of any kerb and gutter;
 - e. Formwork and steel in place, prior to pouring of any concrete; and
 - f. Practical Completion.
45. The developer is to grant Council unrestricted access to the site at all times to enable inspections or testing of the water, sewer and stormwater works.
46. 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).

47. 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).

48. No construction must take place until and unless appropriate erosion control, dust control and silt collection measures are in place to the satisfaction of Council and to relevant engineering standards. Such erosion control, dust control and silt collection measures must remain onsite and maintained to the satisfaction of Council for the duration of the construction period.
- Any soil / water retention structures are to be constructed prior to the bulk stripping of topsoil to ensure sediment from the whole site is captured.
49. The strength of the concrete used for the reinforced concrete floor slab must be 25Mpa.
50. 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.
51. All building work is to comply with the requirements of the Access to Premises Standard.
52. 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.
53. Prior to the pouring of any in-situ concrete, the building/s shall be set-out by a registered land surveyor in the position as approved by Council.
- A copy of the identification survey shall be provided to the Principal Certifier at time of any pier/footing/slab inspection.
54. 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: A suitably qualified person is required to be present during earthworks to identify whether any artefacts were uncovered.*
55. Internal driveways are to be constructed and configured to ensure that:
- Loading and unloading facilities to be contained within the site and to be able to cater for largest design vehicle.
 - Safe on-site manoeuvring for the largest design vehicle.
 - Vehicle movement and loading areas are to be hard standing all weather compacted gravel to address

environmental impacts.

PRIOR TO ISSUE OF THE OCCUPATION CERTIFICATE

56. 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.
57. Trade Waste Application will be required to be submitted and approved for the proposed development prior to occupation or issue of an Occupation Certificate.
58. Prior to commencement of use and/or issue of an Occupation Certificate, all approved car parking, stormwater, landscaping and associated driveway works are to be completed.
59. 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.
60. Following completion of the works, work-as-executed plans (WAE) are to be provided to Council in the following formats:
- a. PDF;
 - b. Dwg format or "Autocad compatible" and
 - c. MapInfo tab files with individual layers, supplied in individual tables
- All work-as-executed plans shall bear the Consulting Engineer's or Consulting Surveyor's certification stating that all information shown on the plans is accurate.
- To accompany the WAE Drawings, Council also requires the completion of Asset Data Excel Spreadsheets (to be provided by Council) prior to the issue of the Occupation Certificate.
61. 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.

ONGOING / OPERATIONAL CONDITIONS

62. The use of the hotel or motel accommodation is to be managed in a manner that noise does not exceed 5dBA above

- background levels at any time.
63. All signage is to be maintained in good condition at all times.
64. The signage is to be securely affixed and is not to flash, move or be objectionably glaring.
65. The pylon / pillar sign is to be erected and sited in accordance with the plans submitted with the application and in accordance with the following requirements:
- | | |
|--|--------|
| Maximum length | 2000mm |
| Maximum height | 4000mm |
| Bottom to underside of sign (from NGL) | 1500mm |
66. The sign shall not be internally illuminated. Illumination of the sign from an external light source, eg. floodlight, is permitted, provided such floodlight does not create a glare nuisance or distract motor vehicle drivers.
67. There being no interference with the amenity of the neighbourhood by reason of the emission of any "offensive odour", fumes, smoke, vapour, steam, soot, ash or dust, or otherwise as a result of the proposed development.
68. All exterior lighting associated with the development shall be designed and installed so that no obtrusive light will be cast onto any adjoining property or roadways, in accordance with Australian Standard 4282 "Control of the Obtrusive Effects of Outdoor Lighting".
69. All vehicles are required to enter and leave the site in a forward direction at all times. Signage to this effect is to be appropriately located within the site. Signage identifying the driveway and car park as low speed environments is also to be appropriately located within the site.
70. All loading and unloading in connection with the premises shall be carried out wholly within the site.
71. All car parking spaces, loading and unloading areas, vehicle manoeuvring and driveway areas must not be used for the storage of any goods or materials and must be available for their intended use at all times.
72. No display or sale of goods is to take place from public areas fronting the premises.
73. All general waste generated by the proposed development shall be disposed of to suitably licenced waste facility able to accommodate such wastes.
74. Garbage areas are to be adequately screened from public view

with an opaque fence and / or adequate landscaping.

75. Storage of hazardous substances is to be located within an appropriate storage facility in accordance with requirements of the relevant Material Safety Data Sheet.

STATEMENT OF REASONS:

1. The proposed development complies with the requirements of the applicable environmental planning instruments and *Mid-Western Regional Development Control Plan 2013*.
2. The proposed development is considered satisfactory in terms of the matters identified in Section 4.15 of the Environmental Planning and Assessment Act 1979.
3. The proposed development satisfactorily addresses the issues raised in objections received in response to public notification of the development, as follows:
 - a. The proposed development will not have a significantly adverse impact on heritage character or aesthetic impact, subject to conditions to address these impacts.
 - b. The proposed development will not have an adverse noise impact, subject to conditions.
 - c. The proposed development is suitable for the site.

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

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

The motion was put and won on the casting vote of the Acting Mayor, with Councillors voting as follows:

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

Cr Stoddart returned to the meeting at 6.08pm

8.2 DA0333/2023 - ALTERATIONS TO EXISTING CARAVAN PARK
- MUDGEE VALLEY TOURIST PARK 8 BELL STREET
MUDGEE

GOV400103, DA0333/2023

268/23

MOTION: Shelley / Karavas

RECOMMENDATION

That Council:

- A. receive the report by the Town Planner on the DA0333/2023 - Alterations to Existing Caravan Park - Mudgee Valley Tourist Park 8 Bell Street, Mudgee; and
- B. approve DA0333/2023 - Alterations to Existing Caravan Park - Mudgee Valley Tourist Park 8 Bell Street, Mudgee subject to the following conditions and statement of reasons:

CONDITIONS

APPROVED PLANS AND DOCUMENTS

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. Any alterations to the approved development will require the lodgement of a Modification Application in accordance with the Environmental Planning and Assessment Act.

Title / Name:	Drawing No / Document Ref	Revision / Issue:	Date	Prepared by:
Site Layout Plan Set – Overall Site Plan, Site Layout A-O	Ref.0011_ Mudgee, Pages 1 – 16	L	25/10/23	Pieman Design
Concept Stormwater Management Plan	TX17104.0 0, C4.00	B	19/09/23	Triaxial Consulting
Flood Impact Assessment Report	TX17104.0 0-01	Revision 1	19/09/23	Triaxial Consulting

2. For clarity, this development consent provides approval for

alterations to the existing caravan park, only.

Note – The development is to be completed as part of the long-term re-development of the site (which may be constructed in stages) and the long-term sites are progressively modified to short term sites in accordance with this consent.

GENERAL

3. The caravan park and camping ground must be designed, constructed, maintained and operated in accordance with the relevant requirements of Subdivisions 1-8 of Division 3 of the Local Government (*Manufactured Homes Estates, Caravan Parks and Camping Grounds and Moveable Dwellings*) Regulation 2021.
4. An Approval to Operate the Caravan Park is to be obtained prior to the installation of any manufactured homes.
5. All manufactured homes proposed to be located within the caravan park must comply with the provisions of Division 4 of the Local Government (*Manufactured Homes Estates, Caravan Parks, Camping Grounds and Moveable Dwellings*) Regulation 2021.

Community Map

6. A community map is to be prepared with the number, size and location of all sites (nominating long / short term sites) as well as nominated parking spaces. In order to ascertain that all existing and proposed buildings and cabins are located within the specified individual site boundaries, a scaled community map consistent with the layout approved under this consent is to be developed and submitted to Mid-Western Regional Council.

The community map is to accurately identify:

- Access roads;
- Community amenities and buildings;
- The number, size, location and dimensions of all dwelling and camping sites totalling 138 within the development. *Note – Minimum site areas are to comply the Local Government (Manufactured Homes Estates, Caravan Parks and Camping Grounds and Moveable Dwellings) Regulation 2021, 'the Regulation';*
- Location of all off-street parking for visitors and each dwelling or camp site;
- All sites will need to be identified by way of site numbers; and
- All sites are to have boundaries clearly delineated by way of permanent markers.

7. **Lighting is to be designed to not impact on adjoining development and to be in accordance with the Australian and New Zealand Lighting Standards, this includes Australian and New Zealand Lighting Standard 1158.1 – Pedestrian.**

Limit on short term sites (3 month)

8. **The caravan park or camping ground must be designed, constructed, maintained and operated in accordance with the relevant requirements of Subdivisions 1-8 of Division 3 of the Regulation. Specifically, A person must not be permitted to stay in a moveable dwelling that occupies a short-term site or camp site for:**
- (a) a total of more than 150 days in any 12-month period, unless the moveable vehicle is a holiday van and the person is the owner of that holiday van,**
 - (b) The owner of a holiday van that occupies a short-term site or camp site must not be permitted to stay in the holiday van for a total of more than 180 days in any 12-month period,**
 - (c) A person must not be permitted to stay in a moveable dwelling in a primitive camping ground for a total of more than 50 days in any 12-month period,**
 - (d) This clause does not apply to the operation of a caravan park or camping ground for a period of not more than 6 weeks if the caravan park or camping ground is being operated solely in connection with the use of the land for a sporting, recreational or cultural event.**
 - (e) Subclauses (b), (c) and (d) do not apply to a resident owner, manager, operator or caretaker of the caravan park or camping ground.**

Dwelling sites 68-79

9. **To ensure reasonable privacy, any new cabins installed on dwelling sites 68-79 shall have a minimum window sill height of 1.5m above the finished floor level on the southern elevation. Alternatively, the window(s) may be to a lower height with obscure glazing.**

Dwelling sites 1-7

10. **New cabins installed on dwelling sites 1-7 (excluding proposed accessible cabins) must be oriented toward Bell Street with the main entrance to each cabin fronting Bell Street. Dwelling designs for sites 1-7 are to be submitted to Council for endorsement prior to installation. It is recommended that each design include the following:**
- Main entrance to front Bell Street.**
 - Windows to front Bell Street.**

- Articulation in the form of decks, patios and awnings be included.
- Additional landscaping to be provided for accessible cabins.

Flooding

11. Prior to the installation of a manufactured home or associated structure on flood liable land, approval of Council (via a section 68 Approval) will be required.
12. All finished floor levels of the site buildings are to be 500mm above the 1 in 100-year flood level.
13. The development is to comply with Part 5.2 of the DCP, specifically the requirements contained under Appendix A for Tourist Related Development which includes but not limited to:
 - Floor levels are to be equal to or greater than the 100-year ARI plus freeboard.
 - All structures have flood compatible materials below the 100-year flood level.
 - Applicant to demonstrate that any structure can withstand the forces of floodwater, debris and buoyancy up to an including the 100-year flood level plus freeboard.
 - The impact of the development on flooding elsewhere to be considered.
 - Reliable access for pedestrians and vehicles is required during a 100-year flood.
 - Flood plan required where floor levels are below the design floor level.
 - Applicant to demonstrate that area is available to store goods above the 100-year flood level plus freeboard.
 - No external storage of materials below the design flood level which may cause pollution or be potentially hazardous during any flood.

Building materials for amenity building

14. The amenities building may be constructed of Colourbond cladding. Details of the proposed design shall be submitted to Council for endorsement prior to construction.

Disabled bathroom

15. Two (2) disabled unisex facilities are to be provided in accordance with the Regulation.

Trade Waste Agreement

- 16. Prior to the commencement of works, a trade waste agreement shall be submitted and approved for the proposed development (car wash). Please contact Council's Water and Sewer Department for more information.**

Detailed Landscape Plan

- 17. Prior to the commencement of works, a detailed landscape plan is to be prepared and submitted to Council for approval. The plan is to demonstrate compliance with the following:**
- (i) The landscape plan is to incorporate screen planting and fencing in the following locations:**
 - Bell Street frontage.
 - Between the New Shop, Lot 8 and the rear boundary.
 - Between the New Shop and Lot 8.
 - Between the camp kitchen and Lot 38.
 - The new amenities building and Lot 28.
 - The new amenities building and adjoining lots 48 and 49.
 - Between the car wash, playground and adjoining dwelling sites.
 - (ii) The landscape plan is to include a plant schedule.**
 - (iii) Landscaped areas are to incorporate stormwater management devices and Water Sensitive Urban Design principles.**

Access – Temporary caravan spaces

- 18. The vehicular entry and exits to the site are to have a minimum carriageway width of 7 metres. The two (2) caravan parking spaces nominated on the site plan are to be temporary for 'check in' and 'check out' purposes only.**
- 19. This development consent does not include approval for any signage for the approved development. A separate Development Consent or Complying Development Certificate may be required for signage, if the signage is not exempt development.**
- 20. 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.**

21. **Notwithstanding the approved plans all structures are to be located clear of any easements and/or 1.5 metres from any water and sewer mains in accordance with Council Policy.**
- No works involving cut or fill is permitted within a registered easement or within 1.5m the water or sewer infrastructure.***
22. **In accordance with Council's Development Control Plan, Council does not permit the following types of development over an existing sewer main or easement for sewer/stormwater drainage;**
- **Erection of permanent structures,**
 - **Cut or fill of land,**
 - **The planting of trees, or**
 - **Concrete structures**
- Footing design must ensure that footing extended below the zone of influence to ensure that no load is placed on existing infrastructure.**
23. **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.**
24. **Any damage which is caused to Council's infrastructure as a result of the proposed development must be repaired immediately to Council's satisfaction and at no cost to Council.**
25. **Costs associated with all development works including any necessary alteration, relocation of services, public utility mains or installations must be met by the developer. The developer is responsible to accurately locate all existing services before any development works commence to satisfy this condition.**
26. **All stormwater runoff from roof and developed surfaces is to be controlled and the methods of disposal of excess stormwater including overflow from tanks must also include adequate provision for the prevention of erosion and scouring with suitable energy dissipation structures.**
27. **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.**
28. **Where any essential services are installed in the building a copy of the final Fire Safety Certificate (together with a copy of the current fire safety schedule) is to be given to**

the Commissioner of Fire and Rescue NSW 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.

29. Where required, all private sanitary drainage and water supply works which require Council's permit and private stormwater drainage works must be carried out in strict accordance with AS/NZS 3500, Plumbing and Drainage Act 2002 and Plumbing and Drainage Regulations to the complete satisfaction of the Plumbing and Drainage Inspector.
30. The Applicant must ensure that the development does not cause any water pollution, as defined under Section 120 of the Protection of the Environment Operations Act 1997.
31. A minimum of seven (7) visitor car parking spaces, including (1) space per short term site is to be provided within the site of the development and must comply with AS 2890.1: 2004 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 an all-weather surface treatment 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.

PRIOR TO ISSUE OF A CONSTRUCTION CERTIFICATE

32. Prior to the issue of a Construction Certificate for any building works not covered by a Section 68 Activity Approval, 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

33. Building works are not to commence until such time as a Construction Certificate for all works not covered by a Section 68 Activity Approval has been obtained and the appointment of a Principal Certifier.
34. Prior to the commencement of works the development plans shall be modified as follows:
- a) The carwash is to be relocated to achieve a minimum 3m setback to the caravan parks rear boundary. It must further achieve a minimum 5m setback to adjacent dwelling sites.
 - b) The new amenities building is to achieve 5m separation to adjoining dwelling sites 48 and 49. This may require deletion or relocation of adjoining dwelling sites.
 - c) The playground adjoining Lot 40 is to achieve a 5m setback to adjoining dwelling sites. This may require the deletion of the playground.

Amended plans or documentation demonstrating compliance shall be provided to Council and the certifier for endorsement prior to the commencement of works.

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

Detailed plans shall be provided for the following civil works:

- a) 6m wide sealed access roads with concrete kerb and gutter / dish drains (except the northern camp site access road which is to be a permeable pavement).
 - b) Piped drainage, as required.
 - c) Grassed swales and level spreaders / sills at all outlets.
 - d) Car parking and manoeuvring areas (1 car parking space per site).
 - e) Servicing.
 - f) Earthworks as required.
36. A Drainage Report prepared in accordance with the Institution of Engineers publication Australian Rainfall and Run-off shall be submitted to and approved by the Certifier (i.e. Council or a private Certifier) prior to the

commencement of works. The drainage report and design must comply with the following requirements:

- a) Drainage design must be accompanied by fully detailed runoff calculations 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 design must ensure that no concentrated 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.
 - d) All new northern camping sites are to be grassed only with no increase in hard stand area.
 - e) The new access road serving the northern campsites is to be constructed with a permeable surface treatment. The new road is to be constructed at the current natural surface level so as not to cause ponding or concentration of flows.
 - f) Any existing or proposed stormwater outlets on the northern portion of the site shall be reconstructed / constructed as level spreaders or sills to ensure any discharged stormwater is in the form of sheet flow and not concentrated to a single point. Level spreaders and sills must be constructed from long lasting materials such as concrete or rock. The use of earthen berms is not considered appropriate.
37. Engineering design plans for any road works, including pavement and wearing surface investigation and design, are to be submitted to and approved by the Certifier (i.e. Council or a private Certifier).
38. 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 commencement of works. 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.
39. Prior to commencement of works, an application under Section 68 of the Local Government Act for all plumbing, drainage and water supply works shall be submitted to and approved by Council.
40. Prior to the commencement of work, the operator of the caravan park is to submit a Plan of Management (PoM)

which clearly details the operational aspects of the caravan park.

41. 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 the commencement of works.

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

Note – based on the proposed cost of works being \$1,644,011.83, it is estimated the contribution amount will be \$16,440.12.

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.

42. Prior to the commencement of works, run-off and erosion controls must be implemented to prevent soil erosion, water pollution or the discharge of loose sediment onto surrounding land by:
- a) diverting uncontaminated run-off around cleared or disturbed areas, and
 - b) erecting a silt fence and providing any other necessary sediment control measures that will prevent debris escaping into drainage systems, waterways or adjoining properties, and
 - c) preventing the tracking of sediment by vehicles onto road, and
 - d) stockpiling of top soil, excavated materials, construction and landscaping supplies and debris within the lot.

43. 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 commencement of works. 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.

44. The site shall be provided with a waste enclosure (minimum 1800mm X 1800mm X 1200mm) that has a lid or secure covering for the duration of the construction works to ensure that all wastes are contained on the site. The receptacle is to be emptied periodically to reduce the potential for rubbish to leave the site. Council encourages the separation and recycling of suitable materials.

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

45. 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.

DURING WORKS

46. All plumbing and drainage work must be carried out by a licensed plumber and drainer and must comply with the requirements of the Plumbing & Drainage Act 2011 and the Plumbing Code of Australia.
47. Construction work noise that is audible at other premises is to be restricted to the following times:
- a) Monday to Saturday - 7.00am to 5.00pm
- No construction work noise is permitted on Sundays or Public Holidays.
48. While building work is being carried out in accordance with this consent and the relevant construction certificate, the work must not continue after each critical stage inspection unless the principal certifier is satisfied the work may

proceed.

49. The list of fire safety measures contained in the fire safety schedule attached to the relevant development consent for a change of use, construction certificate or complying development certificate, are required to be installed in the building or on the land to ensure the safety of persons in the event of fire.
50. The strength of the concrete used for a reinforced concrete floor slab must be a minimum 25Mpa.
51. All building work is to comply with the requirements of the Access to Premises Standard.
52. All building work must be carried out in accordance with the Building Code of Australia.
53. All stormwater is to discharge a minimum 3m from the building and disposed of in such a way as to not adversely affect the adjoining properties.
54. The building is to be set out by a registered surveyor in the position approved by Council. A copy of the survey report indicating the position of the building as approved, and wholly contained within the subject lot, is to be submitted to the Principal Certifier prior to pouring concrete for the footings or floor slab.
55. Dwelling sites are not to extend greater than 90m from the nearest hydrant.
56. A compliance plate is to be attached to each accessible part of the manufactured homes.
57. A notice of the completion of each manufactured home is to be provided to Council after the installation of each manufactured home.
58. All sullage points provided to short term/serviced sites are to comply with AS3500.2 section 3.17.2 'Connection Points for short term sites'. The works are to be carried out by a licensed plumber who is to submit appropriate paperwork to Council before and after completing the work.
59. All access roads must be adequately lit between sunset and sunrise.
60. No trees on public property (footpaths, roads, reserves etc.) shall be removed or damaged during works.
61. The removal of any asbestos material (less than 10m²) during the demolition phase of the development is to be in accordance with the requirements of the Workcover

Authority and disposed of at an approved waste facility.

62. 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.
63. 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.*
64. In the event of any Aboriginal archaeological material being discovered during earthmoving/construction works, all work in that area shall cease immediately and Heritage NSW notified of the discovery as soon as practicable. Work shall only recommence upon the authorisation of Heritage NSW.
65. Stormwater drainage is to comply with the *Mid-Western Regional Council Development Control Plan 2013* and the standards referenced in Appendix B & D.
66. The developer is to provide separate water and sewer reticulation services to each dwelling site within the caravan park.
67. 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).*

- 68. 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).

- 69. 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.**

PRIOR TO ISSUE OF CERTIFICATE/S OF COMPLETION OR OCCUPATION

- 70. All moveable dwellings shall be installed in accordance with the approved structural engineer’s specifications.**
- 71. Prior to the occupation of a new building, or occupation or use of an altered portion of, or an extension to an existing building covered under a Construction Certificate, an Occupation Certificate is to be obtained from the Principal Certifier appointed for the erection of the building.**
- 72. Prior to occupation or the issue of the Occupation Certificate for all buildings covered under a Construction 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.

73. The holder of an approval to operate a caravan park must give Council written notice of the installation of a moveable dwelling within 7 days after completion of the installation, where relevant. The notice must include:
- a) The site identifier of the site on which the structure has been installed;
 - b) The particulars contained in each compliance plate attached to the dwelling;
 - c) A copy of the engineer's certificate; and
 - d) A fully dimensioned diagram of the site on which the structure is installed, sufficient to indicate compliance with Part 3 of the *Local Government (Manufactured Home Estates, Caravan Parks, Camping Grounds and Moveable Dwellings) Regulation 2021*.
74. A final inspection of all plumbing and drainage work is to be conducted by Council. A notice of Completion form is to be submitted to Council by a licensed plumber as well as a certificate of compliance for all plumbing and drainage works.

PRIOR TO ISSUE OF AN A SECTION 68 APPROVAL TO OPERATE AS A CARAVAN PARK AND CAMPING GROUND

75. Prior to release of the approval to Operate a Caravan Park or Camping Ground, approval pursuant to Section 68 of the Local Government Act, 1993 for Sanitary Plumbing and Drainage is to be obtained from Mid-Western Regional Council.
76. Prior to issue of an Approval to Operate, a final inspection of the new sites are to be conducted by Council. All site numbers, sizes and locations must be specified by reference to a community map that demonstrates compliance with Part 3 of the Local Government (Manufactured Home Estates, Caravan Parks, Camping Grounds and Moveable Dwellings) Regulation 2021.

PRIOR TO OPERATION OR USE OF THE CARAVAN PARK OR CAMPING GROUND

77. A final inspection of all plumbing and drainage work is to be arranged and is to be conducted by Council prior to the

Operation or Use of the Camping Ground. A notice of Completion form is to be submitted to Council by a licensed plumber.

- 78. Prior to the occupation of a moveable dwelling, a Certificate of Completion is to be obtained from Council for the installation of the moveable dwelling.**
- 79. Approval to Operate a Caravan Park or Camping Ground pursuant to Part F, Section 68 of the Local Government Act 1993 is required prior to Operation or Use of the Caravan Park or Camping Ground.**
- An application shall be lodged via the NSW Planning Portal and be supported by plans, specifications, details or the like demonstrating compliance with Division 3, Subdivisions 1 to 8, of the *Local Government (Manufactured Home Estates, Caravan Parks, Camping Grounds and Moveable Dwellings) Regulation 2021*.**
- 80. The following certificates of compliance are to be submitted prior to the Operation or Use of the Camping Ground;**
- All plumbing and drainage works**
 - Fire Hydrant System by an Accredited Practitioner (Fire Safety) pursuant to Section 127 of the *Local Government (Manufactured Home Estates, Caravan Parks, Camping Grounds and Moveable Dwellings) Regulation 2021* and Australian Standard AS2419.1-2005.**
 - Fire Hose Reels by an Accredited Practitioner (Fire Safety) pursuant to Section 128 of the *Local Government (Manufactured Home Estates, Caravan Parks, Camping Grounds and Moveable Dwellings) Regulation 2021* and Australian Standard AS2441-2005.**
- 81. Prior to use of the development and/or issue of an Occupation Certificate, a satisfactory final inspection report from the Council must be received by the Certifier, verifying that all works have been completed in accordance with the relevant Section 68 (Local Government Act 1993) approval/s.**
- 82. All landscape works are to be undertaken in accordance with the approved landscape plan and conditions of this development consent.**
- 83. Prior to commencement of use / occupation, all approved car parking and associated driveway works are to be completed.**

84. Prior to use of the development / occupation, 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.
85. Prior to use of the development / occupation, roof water from the building and any rainwater tank overflow shall be piped clear of the building, without creating any nuisance on the property or to adjoining properties.
86. The applicant shall prepare a flood emergency evacuation and management plan for the proposed development. The plan should advise occupants of flood evacuation procedures and emergency contact telephone numbers. The management plan should avoid the use of the facility during periods of flood emergency or when flood warnings are issued. The applicant should contact Council and the State Emergency Service for advice in the preparation of the management plan.

The evacuation procedures should be permanently fixed to the building(s) in a prominent location and kept up to date at all times.

The management plan shall be submitted to and approved by Mid-Western Regional Council prior to the use / occupation of the development.

ONGOING USE

87. 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.
88. The loading and unloading of all vehicles and equipment must be done entirely within the property boundary.
89. 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 Fire and Rescue NSW with a copy of an Annual Fire Safety Statement certifying that each specified fire safety measure is capable of performing to its specification.
90. A copy of the community map must be displayed in a prominent position in the caravan park or camping ground at all times.
91. All line-marking for the on-site car parking spaces and footpath areas are to be maintained in a visible condition,

at all times.

92. All car parking spaces, loading and unloading areas, vehicle manoeuvring and driveway areas must not be used for the storage of any goods or materials and must be available for their intended use at all times.
93. Garbage areas are to be adequately screened from public view with an opaque fence and/or adequate landscaping. All waste must be secured in enclosed containers.
94. The use and activities within or associated with the operation of the community buildings and recreational facilities must not unreasonably interfere with the amenity of the neighbourhood by reason of emission of noise and shall not give rise to an ‘offensive noise’ as defined under the provisions of the *Protection of the Environmental Operations Act 1997*. Noisy activities audible at any adjacent residential premises must not occur between the hours 10.00pm to 7.00am.
95. 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.
96. Any lighting used on the site in connection with the development is to comply with AS 4282 – Control of the obtrusive effects of Outdoor lighting. The applicant must minimise off-site lighting impacts arising from the development and any external lighting is installed as low intensity lighting except where required for safety or emergency purposes.
97. The development is to be maintained in a clean and tidy manner, at all times.
98. Waste service collection must be provided by a commercial waste service contractor.
99. 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.
100. Landscaping shall be maintained in accordance with the approved landscape plan for the life of the development. If any of the vegetation comprising the approved landscaping dies or is removed, it must be replaced with vegetation of the same species and the same maturity, as the vegetation that died or was removed.
101. No waste water, chemicals or other substances harmful to

the environment shall be permitted to discharge to the waterway that runs through the site, or to Council's stormwater system.

ESSENTIAL ENERGY ADVISORY NOTES

- If the proposed development changes, there may be potential safety risks and it is recommended that Essential Energy is consulted for further comment;
- Any existing encumbrances in favour of Essential Energy (or its predecessors) noted on the title of the above property should be complied with;
- Any activities in proximity to electrical infrastructure 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*;
- 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);
- 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. In the event that there are non-compliances with the Regulations 2021 identified as part of the Section 68 Activity Approval Application, concurrence of the Department of Planning and Environment may be required in accordance with Section 82(3) of the Local Government Act 1993.
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, *Mid-Western Regional Development Control Plan 2013* and Council Policies.
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:
 - The provision of a revised stormwater concept plan and recommended conditions of consent to manage stormwater impacts.
 - Conditions of consent have been imposed in relation to the management of any potential offensive noise and amenity impact.

The provision of fencing and the requirement for additional window treatment to cabins have been included as conditions of consent.

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

Councillors	Ayes	Nayes
Cr Paine	✓	
Cr Dicker	✓	
Cr Karavas	✓	

Cr Palmer	✓
Cr Shelley	✓
Cr Stoddart	✓
Cr Thompson	✓

8.3 PLANNING PROPOSAL LOT 3 DP 1223039 - 277 BLACK SPRINGS ROAD, EURUNDEREE

GOV400103, LAN900155

269/23

MOTION: Shelley / Palmer

That Council:

1. receive the report by the Manager Strategic Planning on the Planning Proposal Lot 3 DP 1223039, 277 Black Springs Road, Eurunderee;
2. provide initial support for the part rezoning from C3 Environmental Management to R5 Large Lot Residential and part change to minimum lot size from 400ha to 12ha of Lot 3 DP 1223039, 277 Black Springs Road, Eurunderee;
3. forward the Planning Proposal to amend the Mid-Western Regional Local Environmental Plan 2012 to the NSW Department of Planning and Environment seeking a Gateway Determination in accordance with Section 3.34 of the Environmental Planning and Assessment Act 1979;
4. suggest as a condition of any future Gateway Determination, that a bushfire hazard assessment report, biodiversity assessment report and a land use conflict risk assessment be required; and
5. undertake community consultation as outlined within any approved Gateway Determination.

The motion was carried with the Councillors voting unanimously.

The following recommendations (item 8.4 to 9.3 and 9.7 to 9.9) were adopted as a whole, being moved by Cr Shelley seconded by Cr Stoddart and carried with Councillors voting unanimously. Each recommendation is recorded with separate resolution numbers commencing at Resolution No. 270/23 and concluding at Resolution No.282/23

8.4 PLANNING PROPOSAL HOUSEKEEPING AMENDMENT - POST EXHIBITION

GOV400103, LAN900121, PP-2022-3462

270/23

MOTION: Shelley / Stoddart

That Council:

1. receive the report by the Manager Strategic Planning on the Planning Proposal Housekeeping Amendment - Post Exhibition; and
2. exercise its delegation in the preparation of the Housekeeping Amendment of the Mid-Western Regional Local Environmental Plan to:
 - a) update the property address and/or legal description of Heritage Items in Schedule 5 Environmental Heritage and remove incorrect listings, with the amendment to the legal description of Quartz Roasting Pits Complex to Lot 1 DP584428, Lot 12 DP756877 & Lot 13 DP756877;
 - b) include 6 Bulga Street, Gulgong (dwelling) – Lot 3 DP 570476 in Schedule 5 Environmental Heritage;
 - c) rezone Lot 3 DP 1172889 and part of a crown road to E1 National Parks and Nature Reserves; and
 - d) include a dwelling entitlement for Lots 4, 5, 6, 7, 8 and 9 DP 271077 in Schedule 1 Additional Permitted uses.

The motion was carried with the Councillors voting unanimously.

8.5 HOUSING STRATEGY FUNDING

GOV400103, LAN900052

271/23

MOTION: Shelley / Stoddart

That Council:

1. receive the report by the Manager Strategic Planning on the Housing Strategy Funding;
2. if successful, accept the grant funding from the Department of Planning and Environment - Regional Housing Strategic Planning Fund (Round 2) for the preparation of a Housing Strategy for \$195,000.00 (excluding GST) and amend the 2023/24 budget and set an expenditure of \$155,000.00 and amend the 2024/25 and set an expenditure of \$40,000.00 and authorise the General Manager to finalise and sign the funding agreement; and
3. if Council is unsuccessful in obtaining the grant funding, amend the 2023/24 budget and set an expenditure of \$155,000.00 and amend the 2024/25 budget and set an expenditure of \$40,000.00 for the preparation of a Housing Strategy of \$195,000.00 funded from unrestricted cash.

The motion was carried with the Councillors voting unanimously.

8.6 SALEYARDS STRATEGIC PLAN REVIEW

GOV400103, ECO800001

272/23

MOTION: Shelley / Stoddart**That Council:**

1. receive the report by the Manager Economic Development on the Saleyards Strategic Plan Review;
2. place the Saleyard Strategic Plan 2023 on public exhibition for 28 days; and
3. receive a further report following conclusion of the public exhibition period to consider any submissions received, or if at the end of the public exhibition period, if no submissions are received, adopt the Saleyards Strategic Plan 2023.

The motion was carried with the Councillors voting unanimously.

8.7 ACCEPTANCE OF GRANT FUNDING

GOV400103, GRA600059

273/23

MOTION: Shelley / Stoddart**That Council:**

1. receive the report by the Manager Economic Development on the Acceptance of Grant Funding;
2. if successful, accept the grant funding from the following grant funding bodies:

Grant Fund	Project	Grant Amount Requested
NSW Government – NSW Football Legacy Fund – Round 2	LED lighting upgrades (fields 5 and 6 at Glen Willow) to 50 lux training standard	\$70,000
National Australia Day Council - Australia Day 2024 Community Grants	MWRC Australia Day Awards and Community Breakfast.	\$10,000

3. if successful, amend the 2023/24 budget as follows:
 - 3.1 2023/24 increase the expenditure budget by \$70,000

to be fully funded by grants for LED lighting upgrades at Glen Willow to 50 lux training standard on fields 5 and 6;

3.2 2023/24 increase the expenditure budget by \$10,000 to be fully funded by grants for the MWRC Australia Day Awards and Community Breakfast.

4. authorise the General Manager to finalise and sign the funding agreements.

The motion was carried with the Councillors voting unanimously.

8.8 EVENTS ASSISTANCE APPLICATIONS

GOV400103, ECO800009, FIN300052

274/23

MOTION: Shelley / Stoddart

That Council:

1. receive the report by the Events Coordinator on the Events Assistance Applications;
2. provide multi-year Events Assistance funding to the below applicant (includes cash and in-kind amounts) for the period of 2024, 2025 and 2026; and

	2024	2025	2026
Cudgegong Cruisers Inc.	\$2,500	\$2,500	\$2,500

3. provide Events Assistance to the below applicants (includes cash and in-kind amounts) for Period 2, January – June 2024:

Mudgee Sporting Clays	\$2,500
CWA of NSW, Kandos Branch	\$2,500

The motion was carried with the Councillors voting unanimously.

8.9 MONTHLY DEVELOPMENT APPLICATIONS PROCESSING AND DETERMINED

GOV400103, A0420109

275/23

MOTION: Shelley / Stoddart

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

The motion was carried with the Councillors voting unanimously.

Item 9: Corporate Services

9.1 MONTHLY BUDGET REVIEW - OCTOBER 2023

GOV400103, FIN300315

276/23 MOTION: Shelley / Stoddart**That Council:**

1. receive the report by the Financial Planning Co-Ordinator on the Monthly Budget Review - October 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.

9.2 MONTHLY STATEMENT OF INVESTMENTS AS AT 31 OCTOBER 2023

GOV400103, FIN300053

277/23 MOTION: Shelley / Stoddart**That Council:**

1. receive the report by the Financial Planning Co-Ordinator on the Monthly Statement of Investments as at 31 October 2023; and
2. note the certification of the Responsible Accounting Officer.

The motion was carried with the Councillors voting unanimously.

9.3 QUARTERLY BUDGET REVIEW - SEPTEMBER 2023

GOV400103, FIN300240

278/23 MOTION: Shelley / Stoddart**That Council:**

1. receive the report by the Financial Planning Co-Ordinator on the Quarterly Budget Review - September 2023;
2. amend the 2023/24 Budget in accordance with the proposed variations as listed in the Quarterly Budget Review Statement attachment to this report; and
3. note the opinion of the Responsible Accounting Officer regarding the satisfactory financial position of Council.

The motion was carried with the Councillors voting unanimously.

Item - 9.4 Presentation of the 2022/23 Financial Statements - has been moved to another part of the document, following Item 3 Confirmation of Minutes.

Item - 9.5 Annual Report 2022/23 - has been moved to another part of the document, following Item 9.9 Data Breach Policy.

9.6 NEW AND AMENDED FEES AND CHARGES 2023/24

GOV400103, FIN300117

279/23

MOTION: Shelley / Stoddart

That Council:

1. receive the report by the Manager Building and Development on the New Fees and Charges 2023/24;
2. add the following new fees, as written, and place on public exhibition for 28 days:

Service Type	New Fee	Fee (Inclusive of GST)	GST	Price Policy
Environmental Health – On-site Sewage Management Systems – Septic Systems – Application Fee for Installation of a Residential On-site Sewage Management System	For the assessment of residential on-site sewage management systems (no more than 10 persons)	\$549	NO	REF
Environmental Health – On-site Sewage Management Systems – Septic Systems – Standard Application Fee for Installation of a *Commercial On-site Sewage Management System up to 5,000 litres per day (lpd) system treatment	For the assessment of commercial on-site sewage management systems which treat less than 5,000 lpd.	\$1100	NO	REF

capacity (STC)				
Environmental Health – On-site Sewerage Management Systems – Septic Systems - Application Fee for Installation of a *Commercial On-site Sewerage Management System greater than 5,000 lpd STC	For the assessment of commercial on-site sewage management systems which treat greater than 5,000 lpd and Council does not employ the necessary staff that are appropriately qualified and/or experienced to assess the proposal and/or for peer review of such proposal	Standard Commercial Application Fee + \$10 for each 1,000 lpd above 5000 lpd + direct costs of all third parties engaged by Council to assess and/or peer review the proposal	NO	REF
*Commercial – system servicing a building used for commercial, industrial or other non-residential purposes.				

3. amend the following fee description (new text in bold), as written, and place on public exhibition for 28 days; and

Service Type	Fee	Fee (inclusive of GST)	Price Policy
Other Building Approvals & Certificates – Application and Inspection Fees for Plumbing and Drainage - Section 68 Application – to be charged for any works involving plumbing and drainage when connecting to Councils reticulated networks	\$183	No	REF
Environmental Health – On-site Sewerage Management Systems – Septic Systems –	\$610	No	ROR

Section 68 application to install new system, including inspection Inspection package for the installation of a new on-site sewage management system (total of 4 inspections)			
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4. endorse the new and amended fees following the 28-day public exhibition period if no submissions are received.

The motion was carried with the Councillors voting unanimously.

9.7 RFT 2023/36 - PROVISION OF CONCRETING SERVICES
GOV400103, COR400639

280/23

MOTION: Shelley / Stoddart

That Council:

1. receive the report by the Procurement Officer on the RFT 2023/36;
2. accept the following contractors , as the successful panel members for tender RFT 2023/36 for the provision of Concreting Services in accordance with Clause 178 of the Local Government (General) Regulation 2005 – Part 7 Tendering:
 - 2.1 Conex Group Pty Ltd
 - 2.2 Kingsline Pty Ltd
 - 2.3 Lynch Built Pty Ltd
 - 2.4 NSW Building and Civil Pty Ltd
3. approve BMR Building Pty Ltd to the panel once they have provided proof of their \$20m Public and Property Liability Insurance;
4. accept the commencement date as 1 December 2023 and the expiry date as 30 November 2026;
Provision be allowed for one-year extension and that the extension will only be executed based on services performance which may take this contract to 30 November 2027.
5. delegate authority to the Procurement Officer or their nominated Council representative to notify contractors of their submission outcomes; and
6. delegate the Manager Procurement and Fleet to approve

additional contractors to the Concreting Services panel.

The motion was carried with the Councillors voting unanimously.

**9.8 NAMING OF A NEW ROAD IN A SUBDIVISION OFF
MARSHFIELD LANE, MUDGEE**

GOV400103, P12410, R0790141

281/23 MOTION: Shelley / Stoddart**That Council:**

- 1. receive the report by the Revenue Officer on the naming of a new street in a subdivision off Marshfield Lane, Mudgee;**
- 2. formally approve the name of Sutherland Grove; and**
- 3. publish formal declaration of the approved name in the NSW Government Gazette, and notify the naming in accordance with Councils Road, Bridge and Place Naming Policy.**

The motion was carried with the Councillors voting unanimously.

9.9 DATA BREACH POLICY

GOV400103, COR400004

282/23 MOTION: Shelley / Stoddart**That Council:**

- 1. receive the report by the Manager, Information Technology on the Data Breach Policy;**
- 2. adopt the Data Breach Policy;**
- 3. place the Data Breach Policy on public exhibition for 28 days for comment; and**
- 4. report any feedback on the Data Breach Policy back to Council.**

The motion was carried with the Councillors voting unanimously.

9.5 ANNUAL REPORT 2022/23

GOV400103, GOV400008

283/23 MOTION: Shelley / Palmer**That Council:**

- 1. receive the report by the Chief Financial Officer on the**

Annual Report 2022/23;

2. receive the late attachment with detailed Developer Contributions expenditure breakdown and add this information to the Annual Report 2022/23;
3. endorse the Annual Report 2022/23; and
4. post a copy of the Annual Report 2022/23 to Council's website and provide to the Minister for Local Government.

The motion was carried with the Councillors voting unanimously.

9.10 **HARDSHIP RELIEF - WAIVER OF FEES FOR REBUILDING
LOST OR DAMAGED BUILDINGS FROM BUSHFIRE**

GOV400103, GOV400067

284/23

MOTION: Shelley / Stoddart

That Council:

1. receive the report by the Director Corporate Services on the Hardship relief - waiver of fees for rebuilding lost or damaged buildings from bushfire;
2. waive the following fees and charges associated with the lodgement of applications for the rebuilding of destroyed and damaged buildings as a direct result of bushfires:
 - a) Development Application;
 - b) Construction Certificate;
 - c) Registration of a Construction Certificate with Council that is issued by a Private Certifier;
 - d) Complying Development Certificate;
 - e) Council appointed as a Principal Certifier undertaking inspections;
 - f) Final Occupation Certificate;
 - g) All plumbing and drainage inspections;
 - h) Section 68 Application under the Local Government Act 1993;
 - i) Section 138 Application and inspections under the Roads Act 1993;
 - j) All archiving and associated administration fees (record search, document management);
 - k) Bushfire Attack Level Certificates;
 - l) Advertising and Neighbour Notification fees; and
 - m) Approval to operate an onsite sewage management system application and inspection fee.
3. amend the General Managers delegation at 3.3, in order to

allow for the waiver of fees above, to:

To determine and write-off rates, fees, charges and other debts up to and including \$5,000 per annum per debt; and

4. amend the Hardship Provision Policy to provide a framework for the waiver of the above fees, as attached to this report;
5. place the amended Hardship Provision Policy on public exhibition for a period of 28 days; and
6. if no submissions are received, endorse the Hardship Provision Policy.

The motion was carried with the Councillors voting unanimously.

Item 10: Operations

10.1 POLICY REVIEWS - OPERATIONS

GOV400103, ROA100072

285/23

MOTION: Shelley / Palmer

That Council:

1. receive the report by the Executive Assistant Operations on the Policy Reviews - Operations;
2. place on public exhibition for 28 days the amended Grids and Gates Policy and Bus Shelters Policy;
3. adopt the Grids and Gates Policy if no submissions are received during the public exhibition period; and
4. adopt the Bus Shelters Policy if no submissions are received during the public exhibition period.

The motion was carried with the Councillors voting unanimously.

10.2 PROCUREMENT BREACH AND REQUEST EXEMPTION FROM TENDER FOR DEVELOPMENT ENGINEER TEMPORARY CONTRACT SERVICES

GOV400103, COR400687

286/23

MOTION: Shelley / Dicker

That Council:

1. receive the report by the Manager, Infrastructure Planning on the Report Procurement Breach and Request Exemption from Tender for Development Engineer Consultancy

Services;

2. receive notification of breach of section 55(3)(n)(ii) of the Local Government Act 1993 for exceeding the limit sum of \$150,000 for a contract involving the provision of services required to cover staff shortages;
3. approve exemption from tender, in accordance with section 55(3)(i) of the Local Government Act 1993, for the Development Engineer temporary contract services, noting that due to extenuating circumstances a satisfactory result would not be achieved by inviting tenders;
4. note the reasons why a satisfactory outcome would not be achieved by inviting tenders are the lack of availability of skilled engineering consultants in the market place who are suitably experienced and skilled in performing the role of a Development Engineer;
5. accept Hunter Valley Development Services contract extension for a period of 12 months; and
6. delegate authority to the General Manager or his delegate, to negotiate, finalise and vary the contract, as required, within approved budgets with Hunter Valley Development Services.

The motion was carried with the Councillors voting unanimously.

Item 11: Community

The following recommendations (item 11.1 – 12.1) were adopted as a whole, being moved by Cr Shelley seconded by Cr Palmer and carried with Councillors voting unanimously. Each recommendation is recorded with separate resolution numbers commencing at Resolution No. 287/23 and concluding at Resolution No.289/23

11.1 MRT QUARTERLY REPORT - JULY TO SEPTEMBER 2024
GOV400103, F0770077

287/23 MOTION: Shelley / Palmer

That Council receive the report by the Director Community on the MRT Quarterly Report - July to September 2024.

The motion was carried with the Councillors voting unanimously.

11.2 LIBRARY SERVICES - QUARTERLY REPORT
GOV400103, F0620020

288/23 MOTION: Shelley / Palmer

That Council receive and note the Library Services - Quarterly Report

by the Manager Library Services.

The motion was carried with the Councillors voting unanimously.

Item 12: Reports from Committees

12.1 RED HILL COMMITTEE MEETING - 27 SEPTEMBER 2023

GOV400103, A0190002

289/23 MOTION: Shelley / Palmer

That Council:

1. receive the report by the Director Community on the Red Hill Committee Meeting held on Wednesday, 27 September 2023; and
2. note the minutes from the Red Hill Committee Meeting held on 27 September 2023.

The motion was carried with the Councillors voting unanimously.

Item 13: Urgent Business Without Notice

Item 14: Confidential Session

290/23 MOTION: Shelley / Dicker

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 Acquisition of Easement Rights over Lots 1, 2 & 3 DP1189235, Gulgong

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

Discussion of this matter in an open meeting would be, on balance, contrary to the public interest as it involves discussion of commercially sensitive information that, if disclosed, could potentially confer a commercial advantage on a person, organisation, or entity with whom Council is conducting business. Protecting this information is essential to ensure fairness in our dealings.

14.2 Gulgong Primary & High Schools - Consideration of Raw Water Charges

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

Discussion of this matter in an open meeting would be, on balance, contrary to the public interest as it involves discussion of information presented in this report may prejudice Councils position should a Court have cause to consider the matter at some future point..

14.3 Loan Funding Mudgee Landfill Extension

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 Quotes and rates provided by the bank which are confidential.

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.

The following recommendations (item 14.1 – 14.3) were adopted as a whole, being moved by Cr Shelley seconded by Cr Palmer and carried with Councillors voting unanimously. Each recommendation is recorded with separate resolution numbers commencing at Resolution No. 292/23 and concluding at Resolution No.294/23

14.1 ACQUISITION OF EASEMENT RIGHTS OVER LOTS 1, 2 & 3 DP1189235, GULGONG

GOV400103, 22482

291/23

MOTION: Shelley / Palmer

That Council:

- 1. receive the report by the Property Coordinator on the easement acquisition for water pipeline at Gulgong;**
- 2. resolve to acquire easement rights traversing three properties, being Lots 1, 2 and 3 DP1189235, equivalent to an area of 573m² for the purpose of water pipeline by agreement with each landowner at a compensation price as determined by independent valuation plus or minus 10 percent;**
- 3. arrange the preparation, lodgement and registration of appropriate subdivision plans related to the easement to be created on Lots 1, 2 and 3 DP1189235;**
- 4. amend the budget to allocate amounts for the purchase of**

easement rights as set out in the Financial Implications section of this report and funded from the Water Fund Unrestricted Cash;

5. authorise the General Manager to finalise negotiations with each land owner;
6. authorise the General Manager to finalise negotiations terms with each land owner to create the easement and subsequently enter into a Heads of Agreement with each land owner to record the parties' agreement in respect to the terms on all relevant matters concerning the easement and the compensation to be paid;
7. authorise the General Manager and the Mayor, if required, to complete and execute all documentation, in relation to the registration of the waterline easement on the plan of subdivision and Certificates of Title for each lot being Lots 1, 2 and 3 DP1189235; and
8. authorise the Common Seal of Council be affixed to all documentation, where necessary, in relation to the registration of the drainage easement on the plan of subdivision.

The motion was carried with the Councillors voting unanimously.

14.2 GULGONG PRIMARY & HIGH SCHOOLS - CONSIDERATION OF RAW WATER CHARGES

GOV400103, P1099711

292/23

MOTION: Shelley / Palmer

That Council:

1. receive the report by the Revenue Coordinator on the Gulgong Primary & High Schools - Consideration of Raw Water Charges;
2. accept payment by NSW Department of Education in the amount of \$38,746.31 in full settlement of raw water usage charges for the period 4 September 2013 to 27 January 2023; and
3. write-off an amount of \$12,915.44 being 25% of the Gulgong Primary & High Schools raw water charges raised for the period 4 September 2013 to 27 January 2023 in accordance with Clause 131(4)(d) of the Local Government (General) Regulation, 2021.

The motion was carried with the Councillors voting unanimously.

14.3 LOAN FUNDING MUDGEES LANDFILL EXTENSION
GOV400103, A0140322, GOV400098

293/23 MOTION: Shelley / Palmer

That Council:

1. receive the report by the Financial Planning Coordinator on the Loan Funding Mudgees Landfill Extension;
2. delegate authority to the General Manager, and Mayor if required, to enter into a finance agreement with the bank that provides the best value loan for the sum of \$4,000,000 for a term of ten years, at the rate supplied;
3. amend the budget to reflect the actual repayments and interest when the loan is entered into; and
4. apply the Common Seal of Council to the Deemed Charge over Council rates, if required.

The motion was carried with the Councillors voting unanimously.

Item 15: Urgent Confidential Business Without Notice

Item 16: Open Council

294/23 MOTION: Shelley / Palmer

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 6.21pm .