



Business Papers 2024

MID-WESTERN REGIONAL COUNCIL

ORDINARY MEETING

Wednesday 21 February 2024

MINUTES

*A prosperous and progressive
community we proudly call home*



CONFIRMATION OF MINUTES

3.1 Minutes of Ordinary Meeting held on 13 December 2023.....3

Minutes of the Ordinary Meeting of Council

Held at the Council Chambers, 86 Market Street, Mudgee
on 13 December 2023, commencing at 5.34pm and concluding at 6.19pm.

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

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

Acknowledgement of Country

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

Item 1: Apologies

There were no apologies.

Item 2: Disclosure of Interest

There were no disclosures of interest.

Item 3: Confirmation of Minutes

295/23 MOTION: Shelley / Palmer

That the Minutes of the Ordinary Meeting held on 15 November 2023 be taken as read and confirmed.

The motion was carried with the Councillors voting unanimously.

Item 4: Matters in Progress

Nil

Item 5: Mayoral Minute

Nil

Item 6: Notices of Motion or Rescission

Nil

Item 7: Office of the General Manager

Nil

Item 8: Development

8.1 DA0251/2023 - ALTERATIONS AND ADDITIONS TO DWELLING AND NEW SHED AT 74 MAYNE STREET, GULGONG

GOV400105, DA0251/2023

296/23

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

- A. receive the report by the Planning Coordinator and Manager Planning on the DA0251/2023 - Alterations and Additions to Dwelling and New Shed; and,
- B. approve DA0251/2023 - Alterations and Additions to Dwelling and New Shed be approved subject to the following conditions and statement of reasons:

APPROVED PLANS

1. The development is to be carried out in accordance with the following plans endorsed with Council's Stamp as well as the documentation listed below, except as varied by the conditions listed herein and/or any plan notations.

Title / Name:	Drawin g No.	Sheet No.	Revision/ Issue:	Date:	Prepared by:
Site Plan	3796-A01	-	C	NOV 2023	Giselle Denley Drafting Services
Floor Plans	3796-A02	-	C	NOV 2023	Giselle Denley Drafting Services
Elevatio ns	3796-A03	-	C	NOV 2023	Giselle Denley Drafting Services
Typical Section	3796-A04	-	B	SEPT 2023	Giselle Denley

					Drafting Services
Shed Floor Plan, Elevations and Section	3796-A05	-	B	SEPT 2023	Giselle Denley Drafting Services
BASIX Certificate	A480977	-	-	5 JAN 2023	Rohrs Refrigeration
Stormwater Management Plan	BTE-230077	-	02	8 SEPT 2023	BTE Consulting Pty Ltd
Clause 4.6 Variation Request	-	-	-	23 NOV 2023	de Witt Consulting

2. For clarity, this development consent provides approval for alterations and additions to the existing dwelling house and new detached shed, only.

GENERAL

3. 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.
4. Notwithstanding the approved plans the structure is to be located clear of any easements and/or 1.5 metres from any water and sewer mains in accordance with Council Policy.
5. 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.
6. The detached shed is not to be used or adapted for habitable purposes at any time without the prior approval of Council.

PRIOR TO ISSUE OF A CONSTRUCTION CERTIFICATE

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

The application shall contain details demonstrating compliance with:

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

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

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

A Construction Certificate is required for but not limited to the following civil works:

- a) Stormwater drainage design.

9. 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 6 Section 30 DP758482
- b) Lot 7 Section 30 DP758482

10. 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 issue of a Construction Certificate.

11. All finished surface levels shall be shown on the plans submitted for the Construction Certificate.

PRIOR TO COMMENCEMENT OF WORKS – BUILDING

12. No work shall commence until a Construction Certificate has been issued and the applicant has notified Council of:
 - i. the appointment of a Principal Certifying Authority and
 - ii. 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.

13. In the case of residential building work for which the Home Building Act 1989 requires there to be a contract of insurance in force in accordance with Part 6 of that Act, that such a contract of insurance is in force before any building work authorised to be carried out by the consent commences.
14. The site shall be provided with a waste enclosure (minimum 1800mm X 1800mm X 1200mm) that has a lid or secure covering for the duration of the construction works to ensure that all wastes are contained on the site. The receptacle is to be emptied periodically to reduce the potential for rubbish to leave the site. Council encourages the separation and recycling of suitable materials.
NOTE: ALL WASTE GENERATED FROM THE CONSTRUCTION PROCESS IS TO BE CONTAINED ON-SITE
15. A sign must be erected in a prominent position on any work site on which involved in the erection or demolition of a building is carried out:
 - a) stating that unauthorised entry to the work site is prohibited;
 - b) showing the name of the person in charge of the work site and a telephone number at which that person may be contacted outside working hours;
 - c) the name, address and telephone number of the principal certifying authority for the work; and
 - d) The sign shall be removed when the erection or demolition of the building has been completed.
16. 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.
17. If the work involved in the erection/demolition of the building;

- a) is likely to cause pedestrian or vehicular traffic in a public place to be obstructed or rendered inconvenient, or
- b) building involves the enclosure of a public place

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

18. 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.
19. 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

20. 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.
21. 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.
22. Construction work noise that is audible at other premises is to be restricted to the following times:
 - a) Monday to Saturday - 7.00am to 5.00pmNo construction work noise is permitted on Sundays or Public Holidays.
23. All mandatory inspections required by the Environmental Planning and Assessment Act 1979 and any other

inspections deemed necessary by the Principal Certifier being carried out during the relevant stage of construction.

24. Commitments listed in BASIX Certificate number(s) A480977 dated 5 January 2023 prepared by Rohrs Refrigeration must be installed and/or completed in accordance with the requirements contained in that certificate.
25. The licensed demolition contractor and/or principal contractor must comply with the following specific requirements in respect of the proposed demolition works:-
- a) Demolition work is not be undertaken until:
 - Council has been provided with a copy of any required Hazardous Substances Management Plan;
 - The licensed demolition contractor and/or principal contractor has inspected the site and is satisfied that all measures are in place to comply with the provisions of such Plan;
 - b) The removal, handling and disposal of any asbestos material (in excess of 10m²) is to be undertaken only by an asbestos removal contractor who holds the appropriate class of Asbestos Licence, issued by WorkCover NSW, and in accordance with the requirements of WorkCover NSW, the Work Health and Safety Act 2011 and Australian Standard 2601-2001;
 - c) All asbestos and other hazardous materials are to be appropriately contained and disposed of at a facility holding the appropriate license issued by the NSW Environmental Protection Agency; and
 - d) Seven working days' notice in writing is to be given to Council prior to the commencement of any demolition works. Such written notice is to include the date demolition will commence and details of the name, address, contact telephone number and licence details (type of licences held and licence numbers) of any asbestos removal contractor and demolition contractor.
26. The 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.
27. Structural members subject to attack by subterranean termites shall be protected by one of the methods outlined in AS 3660.1 and a durable notice must be permanently fixed to the building in a prominent location, such as a meter box or the like, indicating:
- a) the method of protection; and

- b) the date of installation of the system; and
 - c) where a chemical barrier is used, its life expectancy as listed on the National Registration Authority label; and
 - d) the need to maintain and inspect the system on a regular basis.
28. The strength of the concrete used for the reinforced concrete floor slab must be a minimum 25Mpa.
29. In the event of any Aboriginal archaeological material being discovered during earthmoving/construction works, all work in that area shall cease immediately and the Office of Environment and Heritage (OEH) notified of the discovery as soon as practicable. Work shall only recommence upon the authorisation of the OEH.
30. Metal roof/wall cladding shall be provided in a non-reflective colour scheme such as “Colorbond” steel sheeting.

Stormwater Drainage

31. All earthworks, filling, building, driveways or other works, are to be designed and constructed to ensure that at no time any ponding of stormwater occurs on the subject site or adjoining land as a result of this development. Design must also ensure that no diversion of runoff onto other adjacent properties occurs.
32. All works are to be constructed at the full cost of the developer, in a manner consistent with Aus-Spec #1 and Council’s standard drawings.
33. All public footways, foot paving, kerbs, gutters and road pavement damaged during the works are to be restored to match existing conditions at the developer’s/demolisher’s expense.
34. Stormwater drainage is to comply with the Mid-Western Regional Council Development Control Plan 2013 and the standards referenced in Appendix B and D.

Access to Property - Driveway Crossover

35. Vehicular entrances comprising kerb laybacks (where roll kerb and gutter does not exist) and concrete footway crossings are to be provided to each lot at a suitable location. These should be constructed in accordance with Aus-Spec #1 and Council’s “Access to Properties” Policy.
- Concrete Must not be poured until the excavation, formwork and reinforcing has been inspected by Council. The contractor/owner must arrange an inspection by contacting Council's Operations Department between 8.00am and

4.30pm Monday to Friday, giving at least twenty four (24) hours' notice.

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

PRIOR TO ISSUE OF AN OCCUPATION CERTIFICATE

- 36. 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.**
- 37. 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.**
- 38. Prior to use of the development and/or issue of an Occupation Certificate, all roof water shall be conducted to the street gutter by means of a sealed pipeline having a minimum diameter of 90mm. Please note this can be achieved by connecting to existing stormwater lines.**
- 39. Prior to use of the development and/or issue of an Occupation Certificate, all requirements of BASIX Certificate No. A480977 dated 5 January 2023 prepared by Rohrs Refrigeration, and the associated plans and specifications approved as part of the Construction Certificate, shall be completed in full.**
- 40. Roof water from the dwelling and shed shall be conducted to the water storage tank/s in accordance with the BASIX requirements. Any additional roof water, and overflow from the water storage tank/s, shall be conducted to the street gutter by means of a sealed pipeline having a minimum diameter of 90mm, prior to use of the development and/or issue of an Occupation Certificate.**
- 41. 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.**

ADVISORY NOTES

- 42. 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".**

43. 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.
44. 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.
45. 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).
46. 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:

47. The proposed development generally complies with the requirements of the applicable environmental planning instruments and Mid-Western Regional Development Control Plan 2013.
48. The justification provided to support the variation to clause 4.3 Height of Buildings of the Mid-Western Regional Local Environmental Plan is considered to be satisfactory in the circumstances of the case.
49. 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.
50. No submissions were received during the public exhibition period.

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

Councillors	Ayes	Nayes
Cr Kennedy	✓	
Cr Paine	✓	
Cr Cavalier	✓	
Cr Dicker	✓	
Cr Karavas	✓	
Cr Palmer	✓	

Cr Shelley	✓
Cr Stoddart	✓
Cr Thompson	✓

- 8.2 ME0040/2023 - SECTION 4.55(1A) MODIFICATION TO DA0135/2012 - TEMPORARY WORKERS ACCOMMODATION - INCREASE FROM 144 TO 200 BEDS - LOT 32 DP 750773 - 94 MAIN STREET, ULAN
GOV400105, P1411461 - Part 4

297/23 MOTION: Shelley / Cavalier

That Council move item 8.2 to the Confidential section of the meeting.

The motion was carried with the Councillors voting unanimously.

- 8.3 DEVELOPMENT CONTROL PLAN 2013 - AMENDMENT 7
GOV400105, LAN900108

298/23 MOTION: Shelley / Paine

That Council:

1. receive the report by the Manager Planning on the draft Development Control Plan 2013 - Amendment 7;
2. endorse and support the retention of the existing sewer treatment plant buffer at 1 Odour Unit; delete the Note; and commentary on a revised odour assessment, from Section 7.4 Odour, of Appendix C Caerleon DCP;
3. endorse and publicly exhibit the proposed amendments to Mid-Western Regional Development Control Plan (DCP) 2013 outlined in this report, pursuant to Part 3, Division 3.6 of the Environmental Planning and Assessment Act 1979 and Part 2 of the Environmental Planning and Assessment Regulation 2021;
4. 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, no submissions are received, adopt the changes to the DCP as proposed; and
5. staff investigate the removal of the Caerleon DCP and VPA and provide a report back to Council at a future meeting.

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

Councillors	Ayes	Nayes
Cr Kennedy	✓	
Cr Paine	✓	
Cr Cavalier	✓	
Cr Dicker	✓	

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

The following recommendations (item 8.4 to item 9.9) were adopted as a whole, being moved by Cr Shelley seconded by Cr Cavalier and carried with Councillors voting unanimously. Each recommendation is recorded with separate resolution numbers commencing at Resolution No. 299/23 and concluding at Resolution No.312/23.

8.4 IMPACTS OF STATE SIGNIFICANT DEVELOPMENT REPORT GOV400105, LAN900072

299/23 MOTION: Shelley / Cavalier

That Council:

1. receive the report by the Manager Economic Development on the Impacts of State Significant Development Report;
2. note the report, Impacts of State Significant Development prepared by PWC; and
3. publish the report, Impacts of State Significant Development on Council website.

The motion was carried with the Councillors voting unanimously.

8.5 EVENTS ASSISTANCE APPLICATION GOV400105, ECO800009

300/23 MOTION: Shelley / Cavalier

That Council:

1. receive the report by the Manager Economic Development on the Events Assistance Application; and
2. provide Events Assistance to the below applicant (includes in-kind amount only) for Period 1, July – December 2023:
 - Rylstone Kandos and District Dog Club Inc. \$625

The motion was carried with the Councillors voting unanimously.

8.6 AIRPORT - HANGAR 4 ACCESS TO TAXIWAY GOV400105, F0470025

301/23 MOTION: Shelley / Cavalier

That Council:

1. receive the report by the Manager Economic Development on the Airport - Hangar 4 Access to Taxiway;
2. approve the recommendation to concrete the grass access apron from Hangar 4 to the taxiway; and
3. amend the 2023/2024 budget to set an expenditure budget of \$14,000 for the construction of the concrete accessway to be funded by unrestricted cash.

The motion was carried with the Councillors voting unanimously.

8.7 ACCEPTANCE OF NSW GRANT FUNDING

GOV400105, GRA300060

302/23

MOTION: Shelley / Cavalier

That Council:

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

Grant Fund	Project	Grant Amount
NSW NLIS (Sheep and Goats) eID Infrastructure Saleyard Rebate Scheme	Mudgee Saleyards - Purchase and installation of sheep and goat electronic identification tagging equipment.	\$48,000
Crown Reserves Improvement Fund 2023-24	Cudgegong Waters Park amenities building (with camp kitchen) construction, and boom gate relocation	\$646,210

3. if successful, amend the 2023/24 and 2024/25 budgets as follows:
 - 3.1 2023/24 set an expenditure budget of \$48,000 to be funded by grants for the purchase and installation of sheep and goat eID tagging equipment;
 - 3.2 Combine the two existing projects listed below into one budget named Cudgegong Waters amenities, camp kitchen and boom gate relocation.
 - Cudgegong Waters - Public Toilets (Requires Grant) – project 75158

- Cudgegong Waters Park Camp Kitchen (Requires Grant) – Project 75162;
- 3.3 move the income and expenditure budgets for funding of the Cudgegong Waters amenities, camp kitchen and boom gate relocation from 2023/2024 to 2024/2025;
 - 3.4 increase the expenditure budget of the Cudgegong Waters amenities, camp kitchen and boom gate relocation in 2024/2025 by \$215,705 to be funded by grants;
 - 3.5 increase the grant funding budget of the Cudgegong Waters amenities, camp kitchen and boom gate relocation by \$30,505; and
4. authorise the General Manager to finalise and sign the funding agreements.

The motion was carried with the Councillors voting unanimously.

8.8 MONTHLY DEVELOPMENT APPLICATIONS PROCESSING AND DETERMINED

GOV400105, A0420109

303/23 MOTION: Shelley / Cavalier

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

The motion was carried with the Councillors voting unanimously.

Item 9: Corporate Services

9.1 MONTHLY BUDGET REVIEW - NOVEMBER 2023

GOV400105, FIN300315

304/23 MOTION: Shelley / Cavalier

That Council:

1. receive the report by the Financial Planning Co-Ordinator on the Monthly Budget Review - November 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 30
NOVEMBER 2023

GOV400105, FIN300053

305/23

MOTION: Shelley / Cavalier

That Council:

1. **receive the report by the Financial Planning Co-Ordinator and Chief Financial Officer on the Monthly Statement of Investments as at 30 November 2023; and**
2. **note the certification of the Responsible Accounting Officer.**

The motion was carried with the Councillors voting unanimously.

9.3 CLASSIFICATION OF LAND - LOT 2 DP510997 AT 292
SALEYARDS LANE MUDGEE

GOV400105, A0210007, P1991411

306/23

MOTION: Shelley / Cavalier

That Council:

1. **receive the report by the Property Officer on the Classification of Land - Lot 2 DP510997 at 292 Saleyards Lane Mudgee;**
2. **give public notice of a proposed resolution to classify Lot 2 DP510997 at 292 Saleyards Lane, Mudgee as Operational Land in accordance with Chapter 6, Part 2, Division 1 Local Government Act 1993 (the Act); and**
3. **receive a further report after the exhibition period to consider any submissions and deal with the next steps in the classification process as required by the Act.**

The motion was carried with the Councillors voting unanimously.

9.4 SALE OF LAND TO RECOVER OVERDUE RATES AND
CHARGES - CHAPTER 17, PART 2, DIVISION 5, SECTION
713 LOCAL GOVERNMENT ACT, 1993

GOV400105, A0340011

307/23

MOTION: Shelley / Cavalier

That Council:

1. **receive the report by the Revenue Coordinator on the Sale of Land to Recover Overdue Rates and Charges - Chapter**

- 17, Part 2, Division 5, Section 713 Local Government Act, 1993;**
- 2. agree to sell under Chapter 17, Part 2, Division 5, Section 713 of the Local Government Act, 1993, the lands held under the following Property Numbers: 1161, 2589, 3275, 6662 and 13737 and note that the General Manager has signed the General Manager's Certificates for each of the properties;**
 - 3. approve Friday 3rd May 2024, as the date for the Auction;**
 - 4. authorise the General Manager to appoint an Auctioneer and determine the time and venue for the Auction on 3rd May 2024;**
 - 5. authorise the General Manager to arrange the publication of the mandatory advertisement in accordance with Section 715(1) Local Government Act 1993;**
 - 6. authorise the General Manager to exercise delegated authority to deal with matters arising out of the sale process so as to ensure continuous and smooth running of the Sale process;**
 - 7. authorise the General Manager to determine any reserve prices;**
 - 8. authorise the General Manager to negotiate the sale of any property, by private treaty in accordance with Section 716(2) Local Government Act 1993, which fails to sell at the Auction on 3 May 2024;**
 - 9. authorise the General Manager to consider arrangements for payment of rates and charges and to withdraw properties from the Auction where satisfactory arrangements have been accepted or where a property no longer meets the requirements for sale under Chapter 17, Part 2, Division 5, Sections 713-726 of the Local Government Act, 1993;**
 - 10. authorise the General Manager to execute the contract documents on behalf of Council in relation to all properties that are sold at the Auction on 3rd May 2024 and to execute the contract documents on behalf of Council in relation any properties that fail to sell at the Auction, but are subsequently sold by private treaty, as negotiated by the General Manager at Recommendation 8;**
 - 11. authorise the General Manager to take such action, if necessary, (including court proceedings if required) as may reasonably be required to give vacant possession of any properties sold at the Auction on 3rd May 2024 and to take such action, if necessary, (including court proceedings if required) as may reasonably be required to give vacant possession to any properties that fail to sell at the Auction,**

but are subsequently sold by private treaty, as negotiated by the General Manager at Recommendation 8;

12. authorise the General Manager and Mayor to sign all documentation necessary to facilitate the processes under Chapter 17, Part 2, Division 5, Sections 713-726 of the Local Government Act 1993 and; to sign all documentation relating to any properties that fail to sell at the Auction, but are subsequently sold by private treaty, as negotiated by the General Manager at Recommendation 8;
13. authorise the Common Seal of Council be affixed to all documentation necessary to facilitate the processes under Chapter 17, Part 2, Division 5, Sections 713-726 of the Local Government Act 1993 and; to all documentation relating to any properties that fail to sell at the Auction, but are subsequently sold by private treaty, as negotiated by the General Manager at Recommendation 8; and
14. authorise the General Manager to appoint a legal representative in this matter.

The motion was carried with the Councillors voting unanimously.

9.5 DRAFT PLAN OF MANAGEMENT OLD GULGONG FIRE STATION - ADOPTION

GOV400105, COU500102, 4532, 8586, 13084

308/23

MOTION: Shelley / Cavalier

That Council:

1. receive the report by the Manager Property and Revenue on the Draft Plan of Management Old Gulgong Fire Station - Adoption;
2. note the submission received during the exhibition period as cited in Attachment 3 to this Report and accept the recommendations proposed by staff;
3. note that further Native Title Manager advice as cited in Attachment 4 to this Report has been considered in relation to the draft v8 Plan of Management Old Gulgong Fire Station, Crown Reserves 90876 and 90877 and Dedication 520110;
4. adopt the draft v8 Plan of Management Old Gulgong Fire Station as cited in Attachment 1 to this Report, in accordance with Section 40 of the Local Government Act 1993 and in accordance with Section 3.23(6) of the Crown Land Management Act 2016;
5. authorise the General Manager to make minor editorial modifications in the finalisation of the draft v8 Plan of

Management Old Gulgong Fire Station Plan of Management if necessary; and

6. **forward the adopted Plan of Management Old Gulgong Fire Station to the NSW Department of Planning and Environment – NSW Crown Lands for information.**

The motion was carried with the Councillors voting unanimously.

9.6 DRAFT PLAN OF MANAGEMENT COMMUNITY LAND - POST CROWN REVIEW

GOV400105, COU500102

309/23

MOTION: Shelley / Cavalier

That Council:

1. **receive the report by the Manager Property and Revenue on the Draft Plan of Management Community Land - Post Crown Review;**
2. **note and adopt the changes advocated by Department Planning & Environment – Crown Lands as indicated in this Report;**
3. **note that written consent of the draft v2.0 Plan of Management Community Land as amended by Department Planning & Environment – Crown Lands has been received and endorsed to proceed to public exhibition;**
4. **place the amended draft v2.0 Plan of Management Community Land on public exhibition, as per s38 of the Local Government Act 1993 and conduct a public hearing, as required, in accordance with s40A Local Government Act 1993; and**
5. **receive a further report at the conclusion of the public exhibition period and public hearing period to consider any submissions received or if substantial changes are recommended for any reason to:**
 - 5.1 **seek the Minister administering the Crown Land Management Act 2016 further consent if necessary, to adopt the draft Plan; or**
 - 5.2 **recommend that Council adopt the Draft Plan of Management Community Land pursuant to s40 Local Government Act 1993 in accordance with s3.23(6) Crown Land Management Act 2016, if there are no submissions or substantial proposed changes.**

The motion was carried with the Councillors voting unanimously.

9.7 NAMING OF A NEW ROAD IN A SUBDIVISION OFF RIFLE
RANGE ROAD, MUDGEE

GOV400105, R0790141

310/23

MOTION: Shelley / Cavalier

That Council:

1. receive the report by the Revenue Officer on the naming of this road Wilton Grove;
2. name this road Wilton Grove;
3. approve staff to submit Wiltonville Grove as an alternative road name if Wilton is rejected by the Geographical Names Board; and
4. advertise the proposed name and receive a further report at the end of the exhibition period to formalise the name of the road.

The motion was carried with the Councillors voting unanimously.

9.8 POLICY REVIEWS - REVENUE

GOV400105, GOV400047

311/23

MOTION: Shelley / Cavalier

That Council:

1. receive the report by the Manager Property and Revenue on the Policy Reviews - Revenue;
2. place on public exhibition for 28 days the revised Road, Bridge and Place Naming Policy, Pensioner Concessions Policy, Debt Management and Recovery Policy and Credit Policy; and
3. adopt the revised Road, Bridge and Place Naming Policy, Pensioner Concessions Policy, Debt Management and Recovery Policy and Credit Policy if no submissions are received during the exhibition period.

The motion was carried with the Councillors voting unanimously.

9.9 POLICY REVIEW - FRAUD AND CORRUPTION CONTROL

GOV400105, COR400272

312/23

MOTION: Shelley / Cavalier

That Council:

1. receive the report by the Director Corporate Services on the Policy Review - Fraud and Corruption Control;
2. place on public exhibition for 28 days the revised Fraud and Corruption Control Policy; and
3. adopt the revised Fraud and Corruption Control Policy if no submissions are received during the exhibition period.

The motion was carried with the Councillors voting unanimously.

9.10 GENERAL MANAGER PERFORMANCE REVIEW PANEL

GOV400105, A0381418

313/23

MOTION: Shelley / Palmer

That Council:

1. receive the report by the People & Performance Manager on the General Manager Performance Review Panel;
2. appoint a Performance Review Panel ('panel') in line with the Guidelines for the Appointment and Oversight of General Managers 2022 ('Guidelines');
3. notes that the General Manager's nominated Councillor be appointed by Council;
4. appoints the Mayor, the Deputy Mayor, Councillor Palmer and Councillor Cavalier to the panel;
5. delegates the responsibility of performance management of the General Manager under the Guidelines to the panel; and
6. receive a report back to Council with an updated annual performance agreement that adheres to all requirements of the Guidelines, outlines the performance review process undertaken, and provides the findings and recommendations of the performance review process.

The motion was carried with the Councillors voting unanimously.

Item 10: Operations

10.1 POLICY REVIEWS - OPERATIONS

GOV400105, ROA100072

314/23

MOTION: Palmer / Dicker

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 Access to Properties, Advice to Residents on Road Works/Conditions, Informational and Directional Signage, Road Encroachments on Private Land and Unmaintained and Unformed Roads;
3. adopt the Access to Properties policy if no submissions are received during the public exhibition period;
4. adopt the Advice to Residents on Road Works/Conditions policy if no submissions are received during the public exhibition period;
5. adopt the Informational and Directional Signage policy if no submissions are received during the public exhibition period;
6. adopt the Road Encroachments on Private Land policy if no submissions are received during the public exhibition period; and
7. adopt the Unmaintained and Unformed Roads policy if no submissions are received during the public exhibition period.

The motion was carried with the Councillors voting unanimously.

10.2 POLICY REVIEW - DRINKING WATER

GOV400105, GOV400088

315/23

MOTION: Shelley / Paine

That Council:

1. receive the report by the Water Quality Officer on the Policy Review - Drinking Water;
2. place the Drinking Water Policy on public exhibition for 28 days; and
3. adopt the Drinking Water Quality Policy if no submissions are received during the public exhibition period.

The motion was carried with the Councillors voting unanimously.

Item 11: Community

11.1 DELEGATION OF AUTHORITY GENERAL MANAGER - DECEMBER 2023 - JANUARY 2024

GOV400105, A0230005

316/23

MOTION: Shelley / Cavalier

That Council:

1. receive the report by the Director Community on the Delegation of Authority General Manager - December 2023 - January 2024; and
2. suspend the operation of the exclusions listed in Part 4 of the General Manager's Delegations of Authority for the period 1 December 2023 to 31 January 2024.

The motion was carried with the Councillors voting unanimously.

11.2 AUSTRALIA DAY AWARDS SELECTION PANEL

GOV400105, CMR200046

317/23

MOTION: Cavalier / Palmer**That Council:**

1. receive the report by the Director Community on the Australia Day Awards Selection Panel;
2. endorse the Mayor, Deputy Mayor and Cr Dicker to be representatives on the Australia Day Awards Selection Panel; and
3. delegate decisions on Award recipients to the Australia Day Awards Selection Panel.

The motion was carried with the Councillors voting unanimously.

11.3 COUNCILLOR REPRESENTATIVE ON THE CRUDINE RIDGE WIND FARM COMMUNITY CONSULTATIVE COMMITTEE

GOV400105, A0420255

318/23

MOTION: Shelley / Karavas**That Council:**

1. receive the report by the Director Community on the Councillor Representative on the Crudine Ridge Wind Farm Community Consultative Committee; and
2. appoint Cr Kennedy as the alternate Councillor representative to the Crudine Ridge Wind Farm Community Consultative Committee.

The motion was carried with the Councillors voting unanimously.

11.4 SOLAR ARRAY PROGRESS REPORT

GOV400105, ENE100032

319/23

MOTION: Palmer / Cavalier

That Council receive and note the report by the Director Community on the Solar Array Progress Report.

The motion was carried with the Councillors voting unanimously.

The following recommendations (item 12.1 to item 12.4) were adopted as a whole, being moved by Cr Shelley seconded by Cr Karavas and carried with Councillors voting unanimously. Each recommendation is recorded with separate resolution numbers commencing at Resolution No. 320/23 and concluding at Resolution No.323/23.

Item 12: Reports from Committees

12.1 AUDIT RISK AND IMPROVEMENT COMMITTEE MINUTES -
24 NOVEMBER 2023

GOV400105, COR400236

320/23 MOTION: Shelley / Karavas

That Council:

- 1. receive the report by the Director Community on the Audit Risk and Improvement Committee Minutes - 24 November 2023; and**
- 2. endorse the minutes and recommendations of the Audit Risk and Improvement Committee meeting 24 November 2023.**

The motion was carried with the Councillors voting unanimously.

12.2 BOTOBOLAR COMMUNITY COMMITTEE MEETING MINUTES
- 24 OCTOBER 2023

GOV400105, A0060107

321/23 MOTION: Shelley / Karavas

That Council:

- 1. receive the report by the Director Community on the Botobolar Community Committee Meeting Minutes - 24 October 2023; and**
- 2. endorse the minutes of the Botobolar Community Committee meeting held on 24 October 2023.**

The motion was carried with the Councillors voting unanimously.

12.3 GULGONG MEMORIAL HALL COMMITTEE MEETING

GOV400105, A0100024

322/23 MOTION: Shelley / Karavas

That Council:

1. receive the report by the Director Community on the Gulgong Memorial Hall Committee Meeting; and
2. note the minutes from the Gulgong Memorial Hall Committee meetings held on 25 October 2023.

The motion was carried with the Councillors voting unanimously.

12.4 RAIL COMMITTEE MINUTES - 3 NOVEMBER 2023

GOV400105, TRA300009

323/23**MOTION: Shelley / Karavas****That Council:**

1. receive the report by the Director Community on the Rail Committee Minutes - 3 November 2023; and
2. endorse the minutes of the Rail Committee Meeting 3rd November 2023.

The motion was carried with the Councillors voting unanimously.

Item 13: Urgent Business Without Notice

Cr Shelley raised the matter of airconditioning required in the Rylstone Hall.

The Mayor accepted this matter as Urgent Business Without Notice.

13.1 AIRCONDITIONER AT RYLSTONE HALL

GOV400105,

324/23**MOTION: Shelley / Cavalier**

That Council obtain estimates for airconditioning costs for the Rylstone Hall and report back to Council.

The motion was carried with the Councillors voting unanimously.

Item 14: Confidential Session**325/23****MOTION: Cavalier / Shelley**

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 matter would be considered in confidential session and the reason why it was being dealt with in this way.

8.2 ME0040/2023 – Section 4.55(1A) Modification to DA135/2012 – Temporary Workers Accommodation – increase from 144 to 200 beds – Lot 32 DP 750773 – 94 Main Street, Ulan

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 occupancy rates.

8.2 ME0040/2023 - SECTION 4.55(1A) MODIFICATION TO
DA0135/2012 - TEMPORARY WORKERS ACCOMMODATION
- INCREASE FROM 144 TO 200 BEDS - LOT 32 DP 750773 -
94 MAIN STREET, ULAN

GOV400105, P1411461 - Part 4

MOTION: Paine / Cavalier

That Council defer consideration of item 8.2 until February 2024 or until an Extraordinary meeting is held between now and the February meeting.

326/23

SUSPENSION OF STANDING ORDERS: Shelley / Cavalier

That Council suspend standing orders in accordance with the Code of Meeting Practice

The motion was carried with the Councillors voting unanimously.

327/23

RESUMPTION OF STANDING ORDERS: Shelley / Cavalier

That Council recommence standing orders in accordance with the Code of Meeting Practice.

The motion was carried with the Councillors voting unanimously.

AMENDMENT: Thompson /

That Council approve ME0040/2023 - Section 4.55(1A) Modification to DA0135/2012 - Temporary Workers Accommodation - Lot 32 DP 750773 - 94 Main Street, Ulan with the original setback from the river and the original flow.

The amendment lapsed for want of a seconder.

328/23

AMENDMENT: Shelley / Palmer

That Council:

- A. Receive the report by the Manager Planning on ME0040/2023 - Section 4.55(1A) Modification to DA0135/2012 - Temporary Workers Accommodation - Lot 32 DP 750773 - 94 Main Street, Ulan;**
- B. Approve ME0040/2023 - Section 4.55(1A) Modification to DA0135/2012 - Temporary Workers Accommodation - Lot 32 DP 750773 - 94 Main Street, Ulan subject to the following Statement of Reasons;**

CONDITIONS

APPROVED PLANS

1. Development is to be carried out generally in accordance with stamped plans Site Plan (Drawing No. 17239-A300 REV. B, dated 21.07.2023), Accommodation Plan (Drawing No. 17239-A301, REV A, dated 03.05.2023) (~~Drawing No. 17239_L01, 17239_A01, Revision E, 17239_A02, Revision C, 17239_A03, Revision C and 17239_A04 Revision C, dated 18 October 2011, drawn by Barnson, Site Plan - Dining Room Extension, Drawing No. 17239-A200, Revision B, Dated 07.12.2022, Floor Layout - Dining Room Extension, Drawing No. 17239-A201, Revision B, Dated 07.12.2022, Elevations - Dining Room Extension, Drawing No. 17239-A202, Revision B, Dated 07.12.2022, 40' Ablutions Laundry, Sheets 1 to 6 of 6, REV 3, DWG: RWT-NMD-HS777-001) and Statement of Environmental Effects prepared by Barnson, received by Council on 21 October 2011, the Water Supply Quality Assurance Program dated 14 March 2019, the Statement of Environment Effects prepared by Barnson dated 24 November 2023 except as varied by the conditions listed herein. Any minor modification to the approved plans will require the lodgement and consideration by Council of amended plans. Major modifications will require the lodgement of a new development application.~~

Note: this consent does not authorise any works within 40 metres of a watercourse as defined under the Water Management Act 2000.

[Modified MA0036/2019]

[Modified ME0024/2023]

[Modified ME0040/2023]

PLAN AMENDMENTS REQUIRED

- 1A. All laundry facilities shown within the development site are to be removed from the plans submitted with any Section 68 Application

or Building Information Certificate.

[Added ME0040/2023]

- 1B. The site plan (DWG17239-A300 REV B Dated 21.07.2023) is to be updated to include all required setbacks as follows:
- A minimum of 100 metres from the Sewerage Treatment Plant and collection/holding wells from the Goulburn River.
 - A minimum of 250 metres from any dwelling not associated with the development and the Sewerage Treatment Plant and collection/holding wells.
 - A minimum of 150m from the Registered Groundwater Bore GW200870 located on the adjoining lot / to the south western boundary.

[Added ME0040/2023]

- 1C. The site plan (DWG17239-A300 REV B Dated 21.07.2023) is to be updated to include the upgraded Sewerage Treatment Plant which is required to be located a minimum of 100 metres from the Goulburn River and no closer to boundaries or the river than the 20,000L Sewerage Treatment Plant.

[Added ME0040/2023]

- 1D. The approved plans are to be updated to demonstrate full compliance with the requirements of the NSW Rural Fire Service General Terms of Approval dated 26 June 2023 (Ref: DA-2011-04713-S4.55-1) are achieved onsite prior to and at all times during operations of the development – a copy of the General Terms of Approval are attached to this Notice.

[Added ME0040/2023]

GENERAL

2. Accessible units are to be provided within the development site in accordance with AS 1428.1 2009, the Building Code of Australia and the Access to Premises Code.
3. Communal facilities are to be provided with accessible features in accordance with the AS 1428.1 2009, the Building Code of Australia and the Access to Premises Code.

- 3A. No more than two hundred (guests) and six (6) staff members shall be on-site at one time.

[Added ME0040/2023]

- 3B. Overflow from the on-site detention basins shall not adversely impact the effluent disposal areas. Suitable mitigation measures such as diversions drains shall be implemented prior to use or occupation.

[Added ME0040/2023]

- 3C. Potable water supply to the site shall be limited to 82 litres per person per day.

[Added ME0040/2023]

- 3D. Documentary evidence is to be provided to the satisfaction of Council, on a quarterly basis (first period ending 31 March 2024),

for a period of not more than 2 years, demonstrating that the total daily design flow of 20,000L has not been exceeded.

Documentary evidence is to include, but is not limited to service reports, provided and certified by the STP Service Provider, and receipts of any water supply cartage quantities, that occurred during the reporting period.

[Added ME0040/2023]

- 3E. Incident Reporting – Within 72 hours of detecting an exceedance of the daily flow rates of this approval, or the occurrence of an incident that causes (or may cause) harm to the environment, the proponent shall notify Council and other relevant agencies of the exceedance/incident.

Within 14 days of notifying the Council and/or other relevant agencies of an exceedance/incident, the Proponent shall provide to Council a written report that:

- a) Describes the date, time and nature of the exceedance/incident;
- b) Identifies the cause (or likely cause) of the exceedance/incident;
- c) Describes what action has been taken to date;
- d) Describes the proposed measures to address the exceedance/incident.

[Added ME0040/2023]

PRIOR TO ISSUE OF THE CONSTRUCTION CERTIFICATE / BUILDING INFORMATION CERTIFICATE

~~The following conditions must be complied with prior to the Principal Certifying Authority (PCA) issuing a Construction Certificate or Building Information Certificate. The conditions are required to satisfy the PCA that the proposal is consistent with the applicable development consent, the Building Code of Australia and any Australian Standards that are relevant.~~

- ~~4. The applicant is to demonstrate that there is the ability to provide a water supply to the development from roof storm water. This assessment is to be undertaken by a professional engineer report and is to indicate the harvest potential available, the likely water supply demand for the development and alternate supplies should the demand exceed the harvest potential.~~

~~[Deleted MA0036/2019]~~

- 4A. Prior to issue of a Building Information Certificate, the applicant must demonstrate full compliance with the requirements of the NSW Rural Fire Service General Terms of Approval dated 26 June 2023 (Ref: DA-2011-04713-S4.55-1).

[Added ME0040/2023]

5. Separate written application must be made under Section 68 of the Local Government Act 1993, as amended, to Council for all water supply, sewerage and drainage work associated with the

development. Full details of the method of disposal of the sewerage/grey water must be submitted to the Council for approval prior to the issue of the ~~Construction Certificate~~ Building Information Certificate.

[Modified ME0040/2023]

- 5A. Prior to use or occupation and prior to the issue of a Building Information Certificate, a survey plan prepared by a registered land surveyor shall be provided to Council delineating the location of an effluent disposal area (land application area) with a minimum area of 6857 square meters (m²).

The land application area is to be setback a minimum 15 meters from all habitable buildings, a minimum of 150 meters from any groundwater bore, 6 meters from the northern boundary, 5 meters from all onsite detention basins (OSDs) and outside the 40 meter buffer from the Goulburn River.

[Added ME0040/2023]

6. The proposed sewerage treatment system and irrigation areas are to comply with the Environmental Guidelines - Use of Effluent for Irrigation by the Department of Environment and Conservation. A report shall be prepared and submitted to Council for approval with the application under Section 68 of the Local Government Act for an onsite sewage management system. Note: The lid level of the Sewerage Treatment Plant shall be 418.5 416.0m AHD and ~~the~~ Sewerage Treatment Plant must be located a minimum of 100 metres from the Goulburn River, 150 metres from the adjoining groundwater bore (GW200870) a minimum of 250 metres from a dwelling not associated with the development. The report and section 68 application must clearly demonstrate a minimum effluent disposal area of 6857 square meters (m²) is available onsite to support the development that achieves compliant setbacks from the river, site boundaries, detention basin/s, car parking and from all accommodation units.

[Modified MA0036/2019]

[Modified ME0040/2023]

7. A registered Surveyors Certificate showing the boundaries of the site, ~~and all proposed buildings and sewerage works including the effluent disposal area plotted thereon is to be submitted to the Principal Certifying Authority Council before issue of a Building Information Certificate construction is commenced.~~

[Modified ME0040/2023]

8. Details of the engineered designed reinforced concrete slab/sand the wall and roof framing structural components of the building must be submitted with the required Construction Certificate.
9. In accordance with the provisions of section ~~94A~~ 7.12 of the Environmental Planning and Assessment Act 1979 and the Mid-Western Regional Council ~~Section 94A Development Contributions~~

Plan, a levy of 1% of the cost of carrying out the modified development shall be paid to Council in accordance with this condition, **prior to issue of the Building Information Certificate.**

The levy is: \$14,000.00 based on the estimated cost of the modified development of \$ 1,400,000.00.

[Modified ME0040/2023]

10. Prior to the issue of the Construction Certificate, the Principal Certifying Authority (PCA) is to be supplied with certificates from telecommunications and energy service providers stating that suitable arrangements have been made for provision of underground telephone and electricity supplies for the proposed development.
11. The Principal Certifying Authority (PCA) is to be provided with details regarding the provision of essential fire safety services in accordance with the BCA and relevant Australian Standards.
12. If the Construction Certificate is not issued, for any reason whatsoever, within twelve (12) months of the date of determination, then the charges and contributions contained in this consent, may be increased to the current rate at the time of payment.

A site supervisor is to be nominated by the applicant prior to issue of the Construction Certificate.

13. A Traffic Control Plan (TCP) completed by a "Certified Person" for implementation during works is to be submitted to Mid-Western Regional Council prior to any work commencing. Contractor's insurance cover for a minimum of \$10,000,000 (Ten million dollars) is to be sighted and to be shown to Mid-Western Regional Council as an interested party.
14. Complete landscaping plans are to be submitted to Council for approval prior to issue of a Construction Certificate or Building Information Certificate. All landscaping is to be established prior to occupation of the development and consist of advanced trees and shrubs. Tree and shrub species should be endemic to the Mid-Western Regional Local Government Area, require minimal watering and be salt resistant.

[Modified ME0040/2023]

15. The applicant is to submit a Drainage Report prepared in accordance with the Institution of Engineers publication Australian Rainfall and Run-off to the Principal Certifying Authority for approval prior to the release of the Construction Certificate. The report must demonstrate that stormwater runoff from the site is not increased beyond the existing undeveloped state up to and including a 100-year ARI. All storm water detention details including analysis shall be included with the drainage report.

- 15A. The on-site detention system is to be constructed generally in accordance with the Surface Stormwater Management concept plan as shown on Drawing No. 17239 HD32, Revision 1, dated 04/07/2023 prepared by Barnson. Full details shall be submitted to and approved by Council prior to the issue of the Building Information Certificate.

[New Condition ME0040/2023]

PRIOR TO THE COMMENCEMENT OF WORKS

These conditions are required to ensure that the site is ready for construction works to commence and satisfy the provisions of the Environmental Planning and Assessment Act 1979 and the Building Code of Australia.

16. A sign must be erected in a prominent position on any work site on which the erection of a building is being 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.
17. Prior to the commencement of any construction works, the following provisions of the Environmental Planning and Assessment Act 1979 (the Act) are to be complied with:
- a) a Construction Certificate is to be obtained in accordance with Section 81A(2)(a) of the Act.
 - b) a Principal Certifying Authority is to be appointed and Council is to be notified of the appointment in accordance with Section 81A(2)(b) of the Act.
 - c) Council is to be given at least 2 days' notice of the date intended for commencement of
 - d) building works, in accordance with Section 81A(2)(c) of the Act.
18. Run-off and erosion controls must be installed prior to clearing the site and incorporate:
- a) diversion of uncontaminated upslope run-off around cleared and/or disturbed areas and areas to be cleared or disturbed.
 - b) sediment fences at the downslope perimeter of the cleared or disturbed areas to prevent sediment and other debris escaping from the land to pollute water ways and collection areas.
 - c) maintenance of all erosion control measures at maximum operational capacity until the land is effectively rehabilitated and stabilised.
19. During construction temporary toilet facilities are to be provided at or in the vicinity of the nominated work site and for this purpose provide either a standard flushing toilet or an approved sewage management facility.

20. If the work involved in the erection/demolition of the building is likely to cause pedestrian or vehicular traffic in a public place to be obstructed or rendered inconvenient, or 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.
21. The proposed method(s) of compliance with the Building Code of Australia are to be clarified by documentation to be submitted with the Construction Certificate Application. In this regard, it appears that the Development Application plans do not comply with the following deemed-to-satisfy provisions of the BCA;
- a) Section F2.4 -Facilities for people with disabilities.
 - b) Part D3 -Access for people with disabilities.
 - c) Section E- in particular, E1 Firefighting equipment, specifically the provision of fire hydrants and fire hose reels compatible to on-site water storage for firefighting.
 - d) E4 Emergency lighting and exit signs.
 - e) Section J - Energy efficiency (offices)
 - f) Section C- Fire resistance, in particular Type C Fire Resisting Construction of walls within 3 metres of the boundary (including front & rear return walls)
22. The developer is to make arrangements with an archaeologist or indigenous group representing the locality to have people available onsite during any works that require disturbance to the surface or sub surface of the site. This is required to ensure that no indigenous objects are disturbed or destroyed during construction activities.
23. A construction management plan is to be prepared for the development that has considered the impact of the construction phase of the project on adjoining properties.

BUILDING CONSTRUCTION

These conditions are provided to ensure that adequate standards are being observed during the construction phase of the development.

24. Construction work noise that is audible at other premises is to be restricted to the following times:

Monday to Friday	7.00am to 6.00pm
Saturday	8.00am to 1.00pm

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

25. All building work must comply with the requirements of the

Building Code of Australia 2011, Volume One, together with the relevant Australian standards and also the Environmental Planning and Assessment Act, 1979, as amended, and Regulations.

26. All mandatory inspections required by the Environmental Planning and Assessment Act and any other inspections deemed necessary by the Principal Certifying Authority must be carried out during the relevant stages of construction.
27. All plumbing and drainage work must be carried out by a licensed plumber and drainer and must comply with the requirements of AS 3500 (National Plumbing & Drainage Code) and the NSW Code of Practice- Plumbing & Drainage. The selected plumber/drainer must provide Council with a drainage diagram detailing the location of the drainage system and the relevant connections. All plumbing and drainage inspections must be carried out by Council prior to the covering of any trenches or wall/ceiling linings.
28. The development must be provided with car parking spaces and with adequate means of access for persons with disabilities in order to comply with Australian Standard 2809.6 - 2009 (Parking facilities- Off street parking for people with disabilities) the Building Code of Australia and the Access to Premises Code. Full details must be provided with the Construction Certificate.
29. The development must be provided with sanitary facilities for people with disabilities in order to comply with Australian Standard 1428 2009 (Design for access and mobility), the Building Code of Australia and the Access to Premises Code. Full details must be provided with the required Construction Certificate.
30. All areas not provided with natural ventilation in accordance with the provisions of the Building Code of Australia being provided with an approved mechanical ventilation and/or air conditioning system complying with Australian Standard 1668, Parts 1 and 2.
31. The ~~rainwater~~ water storage tanks used as a potable water supply for human consumption, in particular, the supply to the amenities within the building, must be protected from contamination from industrial and urban traffic emissions, dead animals, mosquitoes, dust, pesticides, bushfires and any other form of contamination.
[Modified MA0036/2019]
- ~~32. Details of the method of protection of the water supply from contamination and the method of the subsequent implementation of a testing regime of the water supply must be~~

~~designed by an approved hydraulic engineer and submitted to Council's Health & Building section prior to the issue of an Occupation Certificate.~~

[Deleted MA0036/2019]

33. A copy of the Final Fire Safety Certificate is to be provided to the Commissioner of NSW Fire Brigades and a further copy of the Certificate is to be prominently displayed in the building.
34. For every 12 month period after the issue of the Final Fire Safety Certificate the owner/agent of the building must provide the Council with a copy of an Annual Fire Safety Statement certifying that specified fire safety measure is capable of performing to its specification.
35. Smoke detector units are to be installed in accordance with the requirements of the Building Code of Australia. The smoke detectors are to be interconnected and connected to a permanent 240 volt power supply and provided with battery backup to activate the alarm units in the event of power failure. A detail of the system is to be submitted to Council for approval prior to installation.
36. All building work must be carried out in accordance with the requirements of the Building Code of Australia. This includes but is not limited to the following:
 - Part C1 Fire Resistance and Stability
 - Part D3 Access for People with Disabilities
 - Part F2 Sanitary and Other Facilities
 - Part F2.4 Facilities for people with disabilities
 - Part F5 Sound Transmission and Insulation
 - Section J Energy efficiency

ENGINEERING CONSTRUCTION

37. All earthworks, filling, building, driveways or other works, are to be designed and constructed (including stormwater drainage if necessary) so that at no time will any ponding of storm water occur on adjoining land as a result of this development.
38. Vehicular entrances comprising concrete driveways and footway crossings are to be provided to the development. These should be constructed in accordance with Aus-Spec #1 and Council standard drawing M525-Rural Access, as outlined in 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 Development Engineer between 8.00am and 4.30pm Monday to Friday, giving at least twenty four (24) hours' notice. Failure to have the work inspected may result in the access

being removed and reconstructed at the contractors/owners expense.

39. A minimum ~~total~~ of 154 163 car parking spaces are to be provided within the site of the development and comply with the following requirements:
- a) Each parking space is to have minimum dimensions of 5.5m x 2.6m;
 - b) Each disabled car parking space is to be in accordance with the provisions of Councils Development Control Plan - Design for Accessibility.
 - c) All car parking spaces are to be line-marked and provided with a two coat bitumen seal and must be maintained in a satisfactory condition at all times;
 - d) Off street parking is to be encouraged by the placement of prominent signs indicating the available of parking.

(Modified ME0040/2023)

40. The aisle widths, internal circulation, ramp widths and grades of the car park are to generally conform to the Roads and Traffic Authority (RTA) guidelines and Australian Standard AS 2890.1 -1993. Details of compliance are to be shown on the relevant plans and specifications.
41. The developer is to upgrade the school zone signage of the Ulan Public school such that it is provided with flashing lights during designated school zone times. All installation and approval requirements through the Local Traffic Committee shall be carried out by the developer sat full cost to the developer.
42. The developer is to upgrade Main Street for the full frontage of the proposed development, such that it has the following characteristics:

	Requirement
Half Road Pavement Width	6.5 metres (6.5 metre seal)
Concrete Footpaths Seal	N/A
Table Drains	Two-coat flush seal-14/7 mm (Double/ Double) as required
Subsoil Drainage	Austrroads
Underground Drainage	N/A
	N/A

- ~~43. The Developer shall provide a 1.2 metre wide concrete footpath from the development site to the centre of the Ulan village. Full details are to be provided with the application for Construction~~

Certificate.

[Deleted ME0024/2023]

44. Internal Roads shall be sealed with a minimum of 6 metres for two way traffic and 3.5 for one way. Turning heads shall be a minimum radius of 8.5 m. Provision of Kerb and Gutter is optional for internal access roads, but if provided shall comply with Council's Residential Standards.
45. Internal roads shall be designed to a 40km/h minimum speed. Actual speed limits within the development should be limited to 10km/hr for shared zones and signposted accordingly. Traffic regulatory, warning and guide signs throughout the development should be in accordance with AS1742.

PRIOR TO ISSUE OF THE OCCUPATION CERTIFICATE / USE OF THE PREMISES

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

46. 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. An application for an Occupation Certificate must be set out in the form of the relevant part of Form 12 of the Environmental Planning and Assessment Regulations and must be accompanied by the relevant information required by Form 12.
- 46a. Prior to the issue of an Occupation Certificate, the applicant is required to arrange for a final inspection of the private water supply and obtain a satisfactory final inspection from Mid-Western Regional Council for the operation of the private water supply work.
[New Condition MA0036/2019]
- 46b. Prior to the issue of an Occupation Certificate, an Approval to Operate the On-Site Sewage Management System granted under Section 68 of the Local Government Act 1993 is to be obtained.
[New Condition MA0036/2019]
47. On completion of the building work, the owner/agent of the building must cause the Council to be provided with a Final Fire Safety Certificate from a competent person with respect to each essential service nominated in the Fire Safety Schedule issued with the Construction Certificate.
48. All building or site works or other written undertaking or obligation indicated in the submitted plans and supporting documentation or otherwise required under the terms of this consent being carried out or implemented prior to the occupation of the premises.

49. The developer and landowner (Crown) shall enter into a Mine Impact Agreement with Ulan Coal Mine Limited prior to the occupation of the development due to the location of the site potentially exceeding noise criterion.
- 49a. Prior to issue of an Occupation Certificate, Building Information Certificate and/or use of the development, an application shall be lodged and approved by Council pursuant to Section 68 of the Local Government Act, 1993 for the installation of an On-Site Sewer Management System. The application shall be supported by amended Hydraulic Design Plans and supporting calculations of the development, including the removal of all laundry facilities from the site ~~including the dining room extension and laundry building.~~
- [Modified ME0024/2023]**
[Modified ME0040/2023]
- 49B. The two (2) laundry buildings shall be decommissioned and removed from the site prior to use or occupation of the new buildings. All sanitary plumbing and drainage servicing the laundry buildings shall be removed and backfilled to the satisfaction of Council.
- [Modified ME0040/2023]**
- 49C. All laundry facilities within individual units shall be decommissioned and removed from existing buildings prior to use or occupation to the new buildings. All sanitary plumbing and drainage serving the laundry facilities shall be removed to the satisfaction of Council.
- [Modified ME0040/2023]**

GENERAL

The following conditions have been applied to ensure that the use of the land and/or building is carried out in a manner that is consistent with the aims and objectives of the environmental planning instrument affecting the land.

50. This approval is limited to twenty-five (25) years from the issue of the Occupation Certificate and the facility shall be decommissioned in accordance with the approved Decommissioning Plan within six (6) months of the closure of the facility.
- [Modified ME0024/2023]**
- ~~51. The proposed development is not to rely on any other water supply other than treated water from the onsite sewerage treatment facility and capturing roof water. Should the development run out of water, then it will close down until water supplies have been supplemented by further rain fall. The proposed development has provided that the water supply will be gained by capturing roof water for a potable water supply and can also be supplemented by treated water for toilets and laundry water supplies.~~
- [Deleted MA0036/2019]**

- 51a. ~~MA0037/2012 permits the use of piped water from the adjacent property of Ulan water to the facility for use in periods of low rainfall to supplement the onsite water supply. The use of water from Ulan Water is only permitted where the water can be piped from the Ulan water due to the location of a bore on the Ulan water site. The trucking in of water is not permitted either to the development site or the adjacent Ulan Water site.~~
[Deleted MA0036/2019]
52. A Decommissioning Plan in accordance with Council's Temporary Workers Accommodation DCP is to be prepared and approved by Council prior to the issue of the Occupation Certificate for the development.
53. A Management Plan, including the identification of social impacts, in accordance with Council's Temporary Workers Accommodation DCP is to be prepared and approved by Council prior to the issue of the Occupation Certificate for the development.
54. 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.
55. All loading and unloading in connection with the premises shall be carried out wholly within the site.
56. 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".
57. All waste generated by the proposed development shall be disposed of to an approved location in accordance with the Waste Minimization & Management Act 1995.
58. Security fencing is to be provided to the site and is to be a maximum of 2.1 metres in height and of pre coloured steel fencing. Full details of proposed fencing are to be included on the landscaping plan.
59. Adequate facilities being provided in a screened location within the premises for the storage of garbage, discarded or returnable packaging or other forms of trade wastes and arrangements being made for the regular removal and disposal of same.
60. 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.
61. A public address system or sound amplifying equipment shall not, without the consent of Council, be installed in or upon the premises

so as to cause or permit the emission of sound onto any public place or nearby residential area.

62. The proposed sewerage treatment plant is to be located at least 100 metres from the Goulburn River to ensure compliance with the Environmental Planning and Assessment Regulations 2000.
63. 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 would be required to be present during earthworks to identify whether any artefacts were uncovered).
64. The existing community facilities (tennis court, grandstand and community building) are to be made available to the local community for community events at no cost for the life of the development.
65. The private water supply for the site is to be designed, installed and maintained in accordance with the Public Health Act 2010 and the Public Health Regulations 2012 at all times.
[New Condition MA0036/2019]
66. The sites operators are to maintain and operate the private water supply in accordance with the quality assurance program (QAP) and which complies with the Public Health Regulations 2012. A Copy of the QAP is to be provided to the NSW Public Health Unit and records relating to managing the safety of the drinking water supply are to be kept onsite and made available on request of the Local Council or the NSW Public Health Unit.
[New Condition MA0036/2019]
67. Any truck movements associated with supplying potable water to the site are to occur during normal business hours only and are limited to no more than two (2) movements per day.
[New Condition MA0036/2019]

STATEMENT OF REASONS

1. The proposed development is considered satisfactory in terms of the matters identified in Section 4.55(1A) of the Environmental Planning and Assessment Act 1979.
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. No submissions were received during the public exhibition period.

ADVISORY NOTES

1. The removal of trees within any road reserve requires the separate approval of Council in accordance with the policy "Tree

Removal and Pruning- Public Places".

2. The land upon which the subject building is to be constructed may be affected by restrictive covenants. This approval is issued without enquiry by Council as to whether any restrictive covenant affecting the land would be breached by the construction of the building, the subject of this approval. Persons to whom this approval is issued must rely on their own enquiries as to whether or not the building breaches any such covenant.
3. Any development in proximity to Essential Energy's infrastructure should comply with the latest industry guideline currently known as ISSC 20 Guideline for the Management of Activities within Electricity Easements and Close to Infrastructure. A copy of this guideline can be located at www.resourcesandenergy.nsw.gov.au.
4. The development is subject to the requirements of the Rural Fires Act 1997 and separate approvals shall be obtained from the NSW Rural Fire Service, as relevant.
5. Section 8.3 of the Environmental Planning and Assessment Act (EP&A Act) gives you the ability to seek a review of the determination. This request is made to Council and must be made within 12 months after the date on which you receive this notice. The request must be made in writing and lodged with the required fee; please contact Council's Planning and Development Department for more information or advice.
6. If you are dissatisfied with this decision section 8.7 of the EP&A Act 1979 gives you the right to appeal to the Land and Environment Court within 12 months after the date on which you receive this notice.
7. To ascertain the date upon which the consent becomes effective, refer to Section 4.20 of the EP&AAct.
8. To ascertain the extent to which the consent is liable to lapse, refer to Section 4.53 of the EP&AAct.

OTHER APPROVALS

(DA0135/2012)
 (MA0037/2012)
 (MA0036/2019)
 (ME0024/2023)

Cr Thompson left the Chambers at 6.17pm and did not return.

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

Councillors	Ayes	Nayes
Cr Kennedy	✓	
Cr Paine		✓

Cr Cavalier		✓
Cr Dicker	✓	
Cr Karavas		✓
Cr Palmer	✓	
Cr Shelley	✓	
Cr Stoddart	✓	

The amendment, on becoming the motion, was put and carried with Councillors voting as follows:

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

Item 15: Urgent Confidential Business Without Notice

Nil

Item 16: Open Council

329/23

MOTION: Cavalier / Palmer

That Council move to Open Council.

The motion was carried with the Councillors voting unanimously.

Item 17: Closure

There being no further business the meeting concluded at 6.19pm.