

# Minutes of the Ordinary Meeting of Council

Held at the Council Chambers, 86 Market Street, Mudgee  
on 20 March 2024, commencing at 6.03pm and concluding at 6.30pm.

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 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

Councillor Kennedy declared a pecuniary conflict of interest in item 8.2 as he operates a similar business, and a pecuniary conflict of interest in item 8.5 as he has a family business interest in the property subject of the development application.

### Item 3: Confirmation of Minutes

39/24 MOTION: Shelley / Cavalier

**That the Minutes of the Ordinary Meeting held on 21 February 2024 be taken as read and confirmed.**

*The motion was carried with the Councillors voting unanimously.*

### Item 4: Matters in Progress

Air-Conditioner at Rylstone Hall

40/24 MOTION: Cavalier / Shelley

**That Resolution No.324/23 of the Ordinary Meeting 13/12/2023, Air-Conditioner at Rylstone Hall, 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**

7.1 DELIVERY PROGRAM 2022/26 SIX MONTHLY PROGRESS REPORT

GOV400105, COR400116

41/24 MOTION: Shelley / Cavalier

**That Council receive the report by People and Performance Manager on the Delivery Program 2022/26 Six Monthly Progress Report.**

*The motion was carried with the Councillors voting unanimously.*

**Item 8: Development**

8.1 ME0022/2024 (DA0087/2022) - SECTION 4.55(1A) MODIFICATION TO CONDITIONS OF CONSENT - DEMOLITION OF DWELLING AND CONSTRUCTION OF FOOD AND DRINK PREMISES (KFC) - 33-35 HORATIO STREET, MUDGEE

GOV400105, DA0087/2022

42/24 MOTION: Karavas / Dicker

**That Council:**

**A. receive the report by the Planning Coordinator and Manager Planning on ME0022/2024 Section 4.55(1A) to conditions of DA0087/2022 - Demolition of Dwelling and Construction of Food and Drink Premises (KFC) - 33-35 Horatio Street, Mudgee; and**

**B. refuse ME0022/2024 Section 4.55(1A) to conditions of DA0087/2022 - Demolition of Dwelling and Construction of Food and Drink Premises (KFC) - 33-35 Horatio Street, Mudgee based on the following statement of reasons:**

- **The amendment of condition 30 (relating to the Transport for NSW requirements for a WAD to be obtained and road upgrades in Horatio Street be completed prior to issue of a Construction**

**Certificate for the KFC building) is not supported by Transport for NSW or Councils Development Engineering Department as the intent of the condition is to reduce the impact of construction traffic on the existing classified (State) road network and reduce conflict for road users entering and exiting the site; and**

- **The amendment of condition 31c) (relating to the requirement to construct a 2.5m wide pedestrian pathway at a length of approximately 98m along Horatio Street) to either reduce the width to 1.2m for the full 98m or reduce the total length of the 2.5m pathway to the frontage of the site only is not supported by Council's Development Engineering Department as the site will be a significant generator of pedestrian traffic and given the sites location with respect to the nearest existing footpath, it is considered that a suitable pedestrian linkage must be provided, at the current shared pathway standard of 2.5m wide.**

*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	✓	

Councillor Kennedy declared a pecuniary conflict of interest in item 8.2 as he operates a similar business, and a pecuniary conflict of interest in item 8.5 as he has a family business interest in the property subject of the development application. He left the Chambers at 6.06pm and did not participate in discussion or vote in relation to these two matters.

Deputy Mayor, Councillor Paine, proceeded to Chair the meeting.

8.2 DA0140/2024 - ALTERATIONS AND ADDITIONS TO THE FEDERAL HOTEL INCLUDING NEW DRIVE-THRU BOTTLESHOP, NEW TWO (2) STOREY HOTEL ACCOMMODATION, SIGNAGE, CONSOLIDATION OF LAND AND ANCILLARY WORKS - 34 TO 36, 38 AND 40-42 INGLIS STREET, MUDGEE

GOV400105, DA0140/2024

43/24

**MOTION: Cavalier / Karavas****That Council:**

- A. receive the report by the Planning Coordinator and Manager Planning on the DA0140/2024 - Alterations and Additions to the Federal Hotel including New Drive-Thru Bottleshop, New Two (2) Storey Hotel Accommodation, Signage, Consolidation of Land and Ancillary Works - 34 to 36, 38 and 40-42 Inglis Street, Mudgee; and
- B. approve DA0140/2024 - Alterations and Additions to the Federal Hotel including New Drive-Thru Bottleshop, New Two (2) Storey Hotel Accommodation, Signage, Consolidation of Land and Ancillary Works - 34 to 36, 38 and 40-42 Inglis Street, Mudgee subject to the following conditions and statement of reasons:

**APPROVED PLANS**

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

Title / Name:	Drawing No / Document Ref	Revision / Issue:	Date:	Prepared by:
Cover sheet & site location	DA000	A	13/9/2023	Bergstrom Architects Pty Ltd
Site analysis	DA001	A	13/9/2023	Bergstrom Architects Pty Ltd
Existing photographs	DA002	A	13/9/2023	Bergstrom Architects Pty Ltd
Lot consolidation plan	DA003	A	25/9/2023	Bergstrom Architects Pty Ltd
Existing ground floor plan	DA010	A	13/9/2023	Bergstrom Architects Pty Ltd
Existing level 1 plan	DA011	A	13/9/2023	Bergstrom Architects Pty Ltd
Existing roof plan	DA012	A	13/9/2023	Bergstrom Architects Pty Ltd
Existing elevations - sheet 01	DA050	A	13/9/2023	Bergstrom Architects Pty Ltd

Existing elevations - sheet 02	DA051	A	13/9/2023	Bergstrom Architects Pty Ltd
Demolition plan - ground	DA090	A	13/9/2023	Bergstrom Architects Pty Ltd
Demolition plan - level 1	DA091	A	13/9/2023	Bergstrom Architects Pty Ltd
Proposed lower ground floor plan	DA100	A	13/9/2023	Bergstrom Architects Pty Ltd
Proposed ground floor plan	DA101	A	13/9/2023	Bergstrom Architects Pty Ltd
Proposed level 1 plan	DA102	A	13/9/2023	Bergstrom Architects Pty Ltd
Proposed roof plan	DA103	A	13/9/2023	Bergstrom Architects Pty Ltd
Proposed elevations - pub	DA500	A	13/9/2023	Bergstrom Architects Pty Ltd
Proposed elevations - hotel	DA501	A	13/9/2023	Bergstrom Architects Pty Ltd
Proposed elevations & external finishes - bottle shop	DA502	A	13/9/2023	Bergstrom Architects Pty Ltd
Proposed signage details	DA503	A	13/9/2023	Bergstrom Architects Pty Ltd
Proposed sections	SHEET 01 DA510	A	13/9/2023	Bergstrom Architects Pty Ltd
Proposed sections	SHEET 02 DA511	A	13/9/2023	Bergstrom Architects Pty Ltd
Proposed sections	SHEET 03 DA512	A	13/9/2023	Bergstrom Architects Pty Ltd
3d views sheet 01	DA520	A	13/9/2023	Bergstrom Architects Pty Ltd
3d views sheet 02	DA521	A	13/9/2023	Bergstrom Architects Pty Ltd
Landscape plans	DWG 2401 - SHEETS 1 – 5	A	28/9/2023	Paddock Studio Pty Ltd

Civil concept drawings	NDP-CIV-001	2.0	22/02/2024	NDY (ANNOTATIONS OF PLANS DA100 AND DA101)
Hydraulic drawings	NDP-HSK-001	4.0	22/02/2024	NDY (ANNOTATIONS OF PLANS DA100, DA101, DA102 AND DA103)
Mechanical concept drawings	NDY-CSK-001	1.0	20/10/2023	NDY
Statement of environmental effects	-	REV 4	12/10/2023	Canberra Airport Group
Statement of heritage impact	-	-	October 2023	Sue Rosen Associates
Traffic and parking impact assessment	-	2.0	5/10/2023	SCT Consulting
Noise impact assessment	rp230705c0029	3.1	5/9/2023	NDY
Tree assessment report		1.0	5/10/2023	McArdle and Sons Arboricultural Services Pty Ltd

2. For clarity, this development consent provides approval for demolition works, alterations and additions to the existing Federal Hotel, new drive through bottle shop, 38 room hotel accommodation building, business identification signage and ancillary works including landscaping and fencing of the site.

#### GENERAL

3. This consent does not permit commencement of any site works. Works are not to commence until such time as a Construction Certificate for building works have been obtained, along with the appointment of a Principal Certifier.
4. All building work must be carried out in accordance with the Building Code of Australia.

**Note:** Prescribed condition pursuant to section 4.17(11) of the Environmental Planning and Assessment Act 1979.

5. All demolition works are to be carried out in accordance with AS 2601-2001 "Demolition of structures", with all waste being removed from the site. Hazardous waste such as asbestos cement sheeting etc, shall be handled, conveyed and disposed of in accordance with guidelines and requirements from SafeWork NSW. Disposal of asbestos material at Council's Waste Depot requires prior arrangement for immediate landfilling.
6. All earthworks, filling, building, driveways or other works are to be designed and constructed (including stormwater drainage if necessary) to ensure that at no time any ponding of stormwater occurs on the subject site or adjoining land as a result of this development. Design must also ensure that no diversion of runoff onto other adjacent properties occurs.
7. This section applies to a development consent for development that involves excavation that extends below the level of the base of the footings of a building, structure or work on adjoining land, including a structure or work in a road or rail corridor.
- It is a condition of the development consent that the person having the benefit of the development consent must, at the person's own expense—
- a) protect and support the building, structure or work on adjoining land from possible damage from the excavation, and b.
  - b) if necessary, underpin the building, structure or work on adjoining land to prevent damage from the excavation.
- This section does not apply if—
- a) the person having the benefit of the development consent owns the adjoining land, or
  - b) the owner of the adjoining land gives written consent to the condition not applying.
8. This section applies to a development consent for development involving building work, subdivision work or demolition work.
- It is a condition of the development consent that a sign must be erected in a prominent position on a site on which building work, subdivision work or demolition work is being carried out—
- a) showing the name, address and telephone number of the principal certifier for the work,

and

- b) showing the name of the principal contractor, if any, for the building work and a telephone number on which the principal contractor may be contacted outside working hours, and c. stating that unauthorised entry to the work site is prohibited.

The sign must be—

- a) maintained while the building work, subdivision work or demolition work is being carried out, and
- b) removed when the work has been completed.

This section does not apply in relation to—

- a) Building work, subdivision work or demolition work carried out inside an existing building, if the work does not affect the external walls of the building, or
- b) Crown building work certified to comply with the Building Code of Australia under the Act, Part 6.

- 9. Stormwater drainage is to comply with the Mid-Western Regional Council Development Control Plan 2013 and the standards referenced in Appendix B and D.
- 10. 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.
- 11. Fill placed in residential or commercial lots shall be compacted in accordance with AS3798-2007 Guidelines on Earthworks for Commercial and Residential Developments.
- 12. The only waste derived fill material that may be received at the development site must be:
  - a) Virgin excavated natural material, within the meaning of the Protection of the Environment Operations Act 1997; and
  - b) Any other waste-derived material the subject of a resource recovery exemption under cl.91 of the Protection of the Environment Operations (Waste) Regulation 2014 that is permitted to be used as fill material.
- 13. 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.



**Prior to Issue of CONSTRUCTION Certificate**

14. Prior to the issue of any Construction Certificate, evidence that the lots making up the subject site have been consolidated into a single allotment and registered with NSW Land Registry Services is to be submitted to Council and the Certifier (if applicable). The lots to be consolidated into a single parcel include:
- a) Lot 16 Section 43 DP 758721
  - b) Lot 17 Section 43 DP 758721
  - c) Lot 18 Section 43 DP 758721
  - d) Lot 10 DP 1275386
15. Application shall be made to Council under Part B, 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 Section 68 application shall be considered and approved by Council prior to the release of any Construction Certificate for the development.
16. Prior to issue of any Construction Certificate, a Liquid Trade Waste approval is to be obtained from Mid-Western Regional Council.
17. The developer shall obtain a Certificate of Compliance under the Water Management Act 2000, from Council prior to issue of any Construction Certificate.
- Note: Refer to Advisory Notes in relation to payment of contributions to obtain a Certificate of Compliance noting that further information regard floor areas must be supplied to Council's Water and Sewer Department for confirmation of the applicable Contribution amount payable. Please contact Council's Water and Sewer Department for further information.
18. 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.

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

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

Note: 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](http://www.midwestern.nsw.gov.au) under Council Documents/Strategies and Plans.

20. Prior to issue of a Construction Certificate for the new two (2) storey accommodation building, suitable privacy screens are to be detailed on the plans for all Level 1 windows on the northern and western elevations. The screens may consist of louvers or similar devices with a maximum visual permeability of 20 per cent and install to a minimum height of 1.6m from finished floor level of the upper storey to prevent direct overlooking from rooms to adjacent private open space areas. Alternatively, obscured glazing may also be incorporated to a minimum height of 1.6m for each window. Full details are to be submitted for approval to the Certifier (i.e. Council or a private Certifier) prior to the issue of any Construction Certificate.

21. The acoustic treatment required by the Acoustic Report prepared by NDY Group Details shall be included on all plans submitted with the Construction Certificate application. The plans including acoustic treatments must be certified by the acoustic consultant and written evidence submitted to the Principal Certifier prior to the issue of any Construction Certificate for the hotel accommodation and bottle-shop. Where mechanical plant or condensers are to be included on the western elevations of the buildings, this plant must be suitably enclosed with acoustic treatment or relocated away from the western elevation of the development, prior to issue of any Construction Certificate.

22. Prior to issue of any Construction Certificate for the hotel accommodation or bottle shop buildings, the western boundary fence proposed as a timber fence between the subject land and 44 Inglis Street is to be increased from 1.8m to 2m in height to match the height of the existing boundary fence.
23. A Schedule of Conservation Works, prepared by a suitably qualified conservation architect, including but not limited to the matters listed in the Statement of Heritage Impact, be submitted to and approved by Council's Heritage Adviser before the issue of a Construction Certificate.
24. Prior to issue of a Construction Certificate, details demonstrating compliance with the Disability (Access to Premises – Buildings) Standards 2010 shall be submitted to and approved by the Certifier (i.e. Council or a private Certifier).
25. A schedule of existing and proposed fire safety measures is to be submitted to the Certifier (i.e. Council or a private Certifier) with the application for the Construction Certificate.
26. Pursuant to section 64 of the Environmental Planning and Assessment Regulation 2021, the existing buildings are to be brought into conformity with the following Performance Requirements of the BCA, Volume 1.
- a) C1P2 – Spread of Fire b) D1P4 – Exits
  - b) D1P6 – Paths of Travel to Exits
  - c) E1P1 – Fire Hose Reels
  - d) E1P2 – Fire Extinguishers
  - e) E1P3 - Fire Hydrants
  - f) E4P1 – Visibility in an emergency
  - g) E4P2 – Identification of exits
  - h) E4P3 – Emergency warning and intercom systems.
- Plans and specifications demonstrating compliance are to be submitted to and approved by the Certifier prior to the issue of a construction certificate.
27. All finished surface levels shall be shown on the plans submitted for any Construction Certificate.
28. Prior to the issue of a construction certificate, detailed plans of all food/beverage preparation, serving and storage areas (including for perishable stock, waste, chemicals and

personal belongings) must be prepared by a suitably qualified person.

Plans must be prepared in accordance with the following editions in force on the date of determination and provided to the Certifier (i.e. Council or a Private Certifier):

- 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 4647:2004 (Design, Construction and Fit-out of Food Premises);
- d) AS 1668.2-2012 – The use of ventilation and air conditioning in buildings;
- e) Plumbing Code of Australia and Australian Standard/New Zealand Standard AS/NZS 3500 series on Plumbing and Drainage)
- f) Mid-Western Regional Council's commercial trade wastewater requirements for food premises, and/or
- g) The Building Code of Australia.

29. 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 Inglis Street in accordance with Council's Access to Properties Policy.
- b) Removal of any redundant vehicle crossings, laybacks and subsequent rectification works.
- c) Relocation of any affected services.
- d) Reinstatement and turfing of all disturbed footway areas.
- e) Construction of Lyons Lane to the following standard from Lewis Street to Church Street (a distance of approximately 205m):
  - o A 5.5m wide bitumen sealed formation.
  - o A flexible gravel pavement designed

by an appropriately qualified Geotechnical Engineer.

- o One-way cross fall to a concrete dish drain.
  - o Sub-soil and piped drainage as required.
  - o Modification and reinstatement of any existing private property accesses within Lyons Lane.
  - o Relocation / adjustment of any affected public utilities / services within Lyons Lane.
  - o Reinstatement of all disturbed areas within Lyons Lane.
- f) Upgrade to barrier kerb and footpath along the frontage of the development, both Lewis and Inglis Street subject to heritage assessment.

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

30. Prior to the issue of any Construction Certificate for the development, application shall be made to Council under Section 68 of the Local Government Act 1993 to carry out Stormwater Drainage Works. A detailed engineering design is to be submitted to and approved by Council prior to the issue of a Section 68 approval. The engineering design is to comply with Council's Development Control Plan and the Standards referenced within Appendix B and D.

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

- a) Full details of the proposed relocation of the sewer main within the subject site.
- b) Details of any required connection points to serve the proposed development.
- c) Details of any capping to existing mains / connection points.
- d) Details of an appropriately sized connection and water meter serving the subject site.
- e) Details of an appropriately sized fire service main for the subject site.
- f) Confirmation sufficient pressure exists within the existing water mains to adequately serve the proposed development.

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

31. A Drainage Report prepared in accordance with the Institution of Engineers publication Australian Rainfall and Run-off shall be submitted to and approved by the Certifier (i.e. Council or a private Certifier) prior to the issue of the Construction Certificate. The drainage report and design must comply with the following requirements:
- a) Drainage design for the proposed below ground detention system must be accompanied by fully detailed runoff calculations and a structural design prepared and certified by a suitably qualified professional Engineer.
  - b) Drainage design must also incorporate suitable and appropriate water quality controls to prevent pollution or contamination of downstream environments.
  - c) Drainage report and design must demonstrate that stormwater runoff from the site is not increased beyond the existing undeveloped state up to and including a 1.5/5/20/50/100-year event.
  - d) Drainage design must ensure that no stormwater runoff is permitted to discharge over adjoining properties. Discharge of runoff onto adjoining properties and any works associated with the control of stormwater discharge over and adjoining property must not occur without the consent of the owner of any affected property.
32. An Erosion and Sediment Control Plan 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 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.

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

**The plans shall include the provision of the following:**

- **A total of 38 off-street car parking spaces, including 3 accessible car parking spaces.**
- **Details of the required signage, physical barriers and pavement markings to delineate the customer car parking area from the service vehicle entry off Lyons Lane.**
- **This consent does not constitute approval for the use of Lyons Lane by any vehicle other than those delivery vehicles required to serve the proposed development. Conflict between customer and service delivery vehicles is also to be appropriately managed through the provision of the above-mentioned physical means as well as a Plan of Management for the site.**

34. **Consent from Council must be obtained for all works within the road reserve pursuant to Section 138 of the Roads Act 1993, prior to the issue of any Construction Certificate. The accesses are to be designed and constructed in accordance with Council's Access to Properties Policy.**

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.**

36. **A copy of the Contractor's public liability insurance cover for a minimum of \$20,000,000 (twenty million dollars), is to be provided to Council, prior to issue of any Construction Certificate for all work on public land or infrastructure. The**

**insurance cover shall include the following:**

- a) **Mid-Western Regional Council is to be indemnified against any works carried out by the contractor.**
- b) **Public Liability Insurance is to include Mid-Western Regional Council as an interested party.**
- c) **The copy of the Contractor's public liability insurance cover is to include the Certificate of Currency.**

- 37. The registered proprietor of the land shall prepare a Plan of Management for the car parking area, drive thru bottle shop facilities and service delivery vehicles within the development.**

**The Plan of Management shall set out all required operational parameters for these facilities including the following:**

- **Details of the on-site management of all deliveries and waste collection services associated with the development.**
- **Deliveries and waste collection must ideally occur outside normal operating hours and must not occur during the typical peak periods of midday to 1pm and 5pm to 7pm daily. Deliveries and waste collection services occurring during business hours shall be managed by appropriately trained staff to ensure no conflict with other vehicles occurs.**
- **Details of the management of the service delivery areas and entry off Lyons Lane to ensure inappropriate use by private vehicles does not occur.**
- **Queued vehicles must under no circumstances be allowed to affect the driveway entry to the site or impact upon the circulating carriageway of the car parking areas. Detailed management methods for the operation of the drive thru including queue length management are to be provided.**

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

- 38. The registered proprietor of the land shall prepare a Plan of Management for the OSD facilities within the development. The Plan of Management shall set out all design and operational parameters for the detention facilities including**



design levels, hydrology and hydraulics, inspection and maintenance requirements and time intervals for such inspection and maintenance. The plan shall be submitted to and approved by Council prior to the issue of any Construction Certificate.

39. 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:
- b) Dedicated construction site entrances and exits, controlled by a certified traffic controller, to safely manage pedestrians and construction related vehicles in the frontage roadways.
- c) Turning areas within the site for construction and spoil removal vehicles, allowing a forward egress for all construction vehicles on the site.
- d) The locations of proposed work zones in the frontage roadways.
- e) Location of any proposed crane, concrete pump, truck standing areas on and off the site.
- f) A dedicated unloading and loading point within the site for all construction vehicles, plant and deliveries.
- g) Material, plant and spoil bin storage areas within the site, where all materials are to be dropped off and collected.
- h) An on-site parking area for employees, tradespersons and construction vehicles as far as possible.
- i) 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.
- j) How it is proposed to ensure that soil/excavated material is not transported onto surrounding footpaths and roadways.
- k) 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.
- l) During excavation, demolition and construction phases, noise generated from the site must be controlled.

- m) All site works must comply with the occupational health and safety requirements of the New South Wales WorkCover Authority.
- n) 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.
- o) 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.

- 40. Details of any proposed mechanical exhaust systems, detailing compliance with the relevant requirements of Clause F6D6 or F6D12 of the Building Code of Australia 2022 and AS 1668 Parts 1 and 2 (including exhaust air quantities and discharge location points) are to be provided to the Certifier (ie Council or a private Certifier) prior to the issue of a Construction Certificate.
- 41. Prior to the issue of a Construction Certificate, a survey plan prepared by a registered surveyor is to be submitted to the Certifier, verifying the proposed building footprint does not extend over the property boundary into the neighbouring property.
- 42. Application shall be made to Council under Section 68 of the Local Government Act 1993 to Install a domestic oil or solid fuel heating appliance (other than a portable appliance). The application shall contain details demonstrating compliance with the Building Code of Australia and the manufacturers details/specifications. The Section 68 application shall be considered and approved by Council prior to the installation of the appliance or release of any Construction Certificate for the development.
- 43. Prior to issue of any Construction Certificate, the requirements of Essential Energy, including the following, shall be achieved:
  - a) The Applicant must meet the minimum safety

clearance requirements for the development in accordance with AS/NZS 7000.

- b) The Applicant must meet the requirements of AS2067 for the substation in relation to fire safety. Clearances will be dependent on the building classification. Minimum separation / clearances and segregation for fire risk from the substation to any building, fence, planting, landscaping, retaining walls or other development must be maintained at all times. Refer to AS2067, Essential Energy's policy CEOM7098 Distribution Underground Design Construction Manual and the latest industry guideline currently known as ISSC 20 Guideline for the Management of Activities within Electricity Easements and Close to Infrastructure. The Applicant may want to seek assistance with this from a fire engineer to determine they meet the required clearances.
- c) The easement area for the substation must remain clear of all obstructions. Surface treatment should be grass or wood chip material only and must be lower than the concrete plinth of the substation.
- d) The easement area must be accessible at all times by Essential Energy (24 hours a day / 7 days a week).
- e) Any proposed driveway access and/or exit (concrete crossovers) must remain at least 1.0 metre away from any electricity infrastructure (power pole, streetlight) at all times, to prevent accidental damage.
- f) The Applicant will also need to engage the services of an Accredited Service Provider to ensure adequate provision of power is available to the development in accordance with industry standards.

#### **PRIOR TO THE COMMENCEMENT OF BUILDING WORKS**

44. In accordance with the provisions of the Environmental Planning and Assessment Act 1979 construction works approved by this consent must not commence until:

- a) A Construction Certificate has been issued by the Certifier (i.e. Council or an accredited certifier); and
- b) A Principal Certifier has been appointed by the person having benefit of the development consent in accordance with the Environmental Planning and Assessment Act 1979; and

- c) If Council is not the Principal Certifier, notify Council no later than two (2) days before building work commences as to who is the appointed Principal Certifier; and
- d) At least two (2) days before commencement of building work, the person having benefit of the development consent is to notify Council as to the intention to commence building work.

45. Before demolition work commences, a demolition management plan must be prepared by a suitably qualified person.

Standard 2601 – The Demolition of Structures, the Code of Practice – Demolition Work, and must include the following matters:

- a) The proposed demolition methods
- b) The materials for and location of protective fencing and any hoardings to the perimeter of the site
- c) Details on the provision of safe access to and from the site during demolition work, including pedestrian and vehicular site access points and construction activity zones
- d) Details of demolition traffic management, including proposed truck movements to and from the site, estimated frequency of those movements, and compliance with AS 1742.3 Traffic Control for Works on Roads and parking for vehicles
- e) Protective measures for on-site tree preservation and trees in adjoining public domain (if applicable) including in accordance with AS 4970-2009 Protection of trees on development sites
- f) Erosion and sediment control measures which are to be implemented during demolition and methods to prevent material being tracked off the site onto surrounding roadways
- g) Noise and vibration control measures, in accordance with any Noise and Vibration Control Plan approved under this consent
- h) Details of the equipment that is to be used to carry out demolition work and the method of loading and unloading excavation and other machines
- i) Details of any bulk earthworks to be carried out
- j) Location of any reusable demolition waste

- materials to be stored on-site (pending future use)
- k) Location and type of temporary toilets onsite
  - l) A garbage container with a tight-fitting lid.
46. Before demolition work commences involving the removal of asbestos, a standard commercially manufactured sign containing the words 'DANGER: Asbestos removal in progress' (measuring not less than 400mm x 300mm) must be erected in a prominent position at the entry point/s of the site and maintained for the entire duration of the removal of the asbestos.
47. Prior to the commencement of construction work impacting upon tree canopies located along the common boundary of the subject site and 44 Inglis Street, the adjoining land owner must be formally notified and consulted prior to any tree trimming commencing. Any trees that have not been considered under the Arborist Report dated 5 October 2023 and that require trimming are to be reinspected in consultation with the adjoining land owner to ensure there are no adverse impacts to adjoining land as a result of the approved development.
48. 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.
49. 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**
50. 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 10m<sup>2</sup>) 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.
51. The removal of any asbestos material (less than 10m<sup>2</sup>) 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.
52. 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) involves the enclosure of a public place, then
- 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.
53. Prior to the commencement of works on site, the applicant

shall advise Council's Operations Department, in writing, of any existing damage to Council property.

54. The developer shall be responsible for all costs incurred in the necessary relocation of any services affected by the required construction works. Council and other service authorities should be contacted for specific requirements prior to commencement of any works.
55. 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.
56. Runoff and sediment erosion controls shall be installed prior to commencement of works with the development site to the satisfaction of the Certifier (i.e. Council or the Principle Certifier) and incorporate:-
- a) diversion of uncontaminated up-site runoff around cleared and/or disturbed areas and areas to be cleared and/or disturbed;
  - b) sediment control fences at the downslope perimeter of the cleared and/or disturbed area to prevent sediment and other debris escaping from the land to pollute any stream or body of water; and
  - c) maintenance of all erosion control measures at maximum operational capacity until the land is effectively rehabilitated and stabilized beyond the completion of construction.

#### **DURING WORKS**

57. Demolition or Construction work noise that is audible at other premises is to be restricted to the following times:
- Monday to Saturday - 7.00am to 5.00pm
- No construction work noise is permitted on Sundays or Public Holidays.
58. 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.
59. 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.
60. 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.**

**61. 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.**

**62. 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.**

**63. The civil works associated with the S68 and S138 approvals are to be inspected by Council to monitor compliance with the consent and the relevant standards of construction, encompassing the following stages of construction:**

- a) Installation of sediment and erosion control measures;**
- b) Water and sewer mains installation prior to backfilling;**
- c) Inspection and proof rolling of subgrade and each subsequent pavement layer;**
- d) Prior to pouring of any kerb or concrete dish drain;**
- e) All sub-soil and piped drainage prior to backfill;**
- f) Formwork and steel in place, prior to pouring of any concrete and**
- g) Practical Completion.**

**64. Should any contaminated, scheduled, hazardous or asbestos material be discovered before or during construction works, the applicant and contractor shall ensure the appropriate regulatory authority (e.g. Office of Environment and Heritage (OEH), SafeWork NSW, Council, Fire and Rescue NSW etc) is notified, and that such material is contained, encapsulated, sealed, handled or otherwise disposed of to the requirements of such Authority. Note - such materials cannot be disposed of to landfill unless the facility is specifically licensed by the EPA to receive that type of waste.**

**65. 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.

66. 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.
67. 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.
68. 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.
69. Transportation of contaminated fill or materials from the site on public roads must be carried out in accordance with the requirements of Australian Dangerous Goods Code and Australian Standard 4452 Storage and Handling of Toxic Substances. This must include relevant incident management strategies for transportation on public roads.
70. 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.
71. 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](mailto:council@midwestern.nsw.gov.au) to obtain a quote for the connection of sewer (Private Works Order).

72. 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](mailto:council@midwestern.nsw.gov.au) to obtain a quote for the connection of sewer (Private Works Order).

**Prior to Issue of OCCUPATION Certificate**

73. 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.
74. 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.
75. 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.
76. Prior to use of the development and/or issue of an Occupation Certificate, all works included in the Trade Waste Approval are to be completed.

- 77. Prior to use of the development and/or issue of an Occupation Certificate, the excavated and/or filled areas of the site are to be stabilised and drained, to prevent scouring onto adjacent private or public property. The finished ground around the perimeter of the building is to be graded to prevent ponding of water, and to ensure the free flow of water away from the building and adjoining properties.**
- 78. Before the issue of an occupation certificate, a suitably qualified person must provide details demonstrating compliance to the principal certifier which demonstrates that the mechanical exhaust ventilation system has been constructed and installed in accordance with the approved plans.**
- 79. Prior to issue of the Occupation Certificate, a Certificate of Compliance is to be provided to the Principal Certifier for the illuminated signage to certify that the signage is installed in accordance with AS4282-2019.**
- 80. Before the issue of an Occupation Certificate, the food premises shall be inspected by an Authorised Officer of Council under the Food Act 2003, to determine compliance with the Food Act 2003, Food Safety Standards and Australian Standard 4674:2004: Design, Construction and Fit-out of Food Premises.**
- 81. Before the issue of an Occupation Certificate, council and any other appropriate enforcement agency must be notified of the food business in accordance with the NSW Food Act 2003 and the Australia New Zealand Food Standards Code – 3.2.2 – Food Safety Practices and General Requirements.**
- 82. All landscape works are to be undertaken in accordance with the approved landscape plan and conditions of Development Consent, prior to use of the development and/or issue of an Occupation Certificate.**
- 83. The Schedule of Conservation Works are to be executed to the satisfaction of Council’s Heritage Adviser before the issue of an Occupation Certificate.**
- 84. Prior to commencement of use of the development and/or issue of an Occupation Certificate, all car parking and associated driveway works are to be completed in accordance with the relevant Section 138 Roads Act approval/s.**
- 85. Prior to the issue of an Occupation Certificate, 3m wide easements benefiting Council, including associated Section 88B instruments, are to be created over any existing or newly constructed sewer mains located within**

the subject property.

86. 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.
87. Following completion of the development, work-as-executed plans (WAE) are to be provided to Council in the following formats:
- a) PDF; and
  - b) Dwg format or "AutoCAD Compatible"
  - c) MapInfo tab files with individual layers, supplied in individual tables

All work-as-executed plans shall bear the Consulting Engineer's or Consulting Surveyor's certification stating that all information shown on the plans is accurate.

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

88. Prior to issue of the Occupation Certificate, all acoustic measures required by the Acoustic Report and the conditions of this consent shall be completed in full.

#### **OPERATIONAL / ONGOING**

89. The development shall only operate in accordance with the following hours:

**Bottle Shop:**

- 10am to 10pm, seven days.

**Hotel Accommodation:**

- A check-in desk operated in accordance with the Federal Hotel liquor licence with any after hour check-in prearranged with Federal Hotel staff only.

**Federal Hotel:**

- In accordance with the existing Federal Hotel liquor licence, only.

90. The development must comply with the requirements of the Liquor Act 2007 and all requirements imposed by Liquor and Gaming NSW at all times.

91. All windows and retractable portion of the roof within the

- beer garden addition to the hotel must not be open during the night time periods of operation (after 10pm).
92. No deliveries or waste collections are permitted to occur during the evening / night-time period between 10pm and 7am, daily.
  93. 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.
  94. All loading and unloading in connection with the premises shall be carried out wholly within the site.
  95. 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.
  96. All line-marking for the on-site car parking spaces and footpath areas are to be maintained in a visible condition, at all times.
  97. 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.
  98. Where any essential services are installed in the building a copy of the final Fire Safety Certificate (together with a copy of the current fire safety schedule) is to be given to the Commissioner of Fire and Rescue NSW. A further copy of the Certificate (together with a copy of the current fire safety schedule) is to be prominently displayed in the building.
  99. The premises shall, at all times, be operated and maintained in accordance with Food Safety Standards 3.1.1, 3.2.2 and 3.2.3 prescribed in chapter 3 of the Australia and New Zealand Food Standards Code.
  100. No display or sale of goods is to take place from public areas fronting the premises.
  101. All general waste generated by the proposed development shall be disposed of to a suitably licenced waste facility able to accommodate such wastes.
  102. Garbage areas and mechanical plant are to be adequately

screened from public view with an opaque fence and/or adequate landscaping. All waste must be secured in enclosed containers at all times.

103. 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".
104. 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.
105. The development is to be maintained in a clean and tidy manner, at all times.
106. All approved signage is to be maintained in good condition at all times.
107. The signage is to be securely affixed and is not to flash, move or be objectionably glaring.
108. Measures, such as raised kerb edges or bollards, are to be installed and maintained around all approved landscape areas in order to prevent vehicles driving over them. Landscaping is to be maintained for the life of the development.

#### **COUNCIL ADVISORY NOTES**

1. This development consent requires a Certificate of Compliance under the Water Management Act 2000 to be obtained prior to the issue of any Construction Certificate. A person is to apply to Mid-Western Regional Council, as the water supply authority, for a Certificate of Compliance pursuant to section 305 of the Water Management Act 2000.

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

- a) A monetary contribution, as to be formally confirmed by Councils Water and Sewer Department following supply of further information must be paid to Council in full (including indexation, where applicable). A current estimation based on the DA plans is provided as follows:
  - water contributions – 14.88 ET = \$144,607.14
  - sewer contributions – 16.90 ET = \$74,947.90
- b) The adjustment of existing services or

installation of new services and meters, as required, in compliance with Australian Standard 3500: National Plumbing and Drainage Code. All costs associated with this work shall be borne by the developer.

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

2. The removal of trees within any road reserve requires the separate approval of Council in accordance with the policy "Tree Removal and Pruning - Public Places".
3. The land upon which the subject building is to be constructed may be affected by restrictive covenants. This approval is issued without enquiry by Council as to whether any restrictive covenant affecting the land would be breached by the construction of the building, the subject of this approval. Persons to whom this approval is issued must rely on their own enquiries as to whether or not the building breaches any such covenant.
4. The erection of dividing fences under this consent does not affect the provisions of the Dividing Fences Act 1991. Under this Act, all relevant parties must be in agreement prior to the erection of any approved dividing fence/s under this consent. Council has no regulatory authority in this area and does not adjudicate civil disputes relating to the provision of, or payment for, the erection of dividing fences. If there is a neighbour dispute about the boundary fence and you are seeking mediation, you may contact the Community Justice Centre, or if legal advice or action is required, you may contact the Chamber Magistrate.
5. Division 8.2 of the Environmental Planning and Assessment Act 1979 (EP&A Act) gives you the ability to seek a review of the determination. This request is made to Council and must be made and determined within 6 months after the date on which you receive this notice.
6. If you are dissatisfied with this decision section 8.7 of the EP&A Act gives you the right to appeal to the Land and Environment Court pursuant to section 8.10(1)(b).
7. To ascertain the extent to which the consent is liable to lapse, refer to Section 4.53 of the EP&A Act.

#### **ESSENTIAL ENERGY ADVISORY NOTES**

1. If the proposed development changes, there may be potential safety risks and it is recommended that Essential Energy is consulted for further comment.

2. Any existing encumbrances/easements in favour of Essential Energy (or its predecessors) noted on the title of the above property should be complied with.
3. In addition, Essential Energy's records indicate there is electricity infrastructure located within the properties and within close proximity of the properties. Any activities within these locations must be undertaken in accordance with the latest industry guideline currently known as ISSC 20 Guideline for the Management of Activities within Electricity Easements and Close to Infrastructure. Approval may be required from Essential Energy should activities within the property encroach on the electricity infrastructure.
4. Prior to carrying out any works, a "Dial Before You Dig" enquiry should be undertaken in accordance with the requirements of Part 5E (Protection of Underground Electricity Power Lines) of the Electricity Supply Act 1995 (NSW).
5. Given there is electricity infrastructure in the area, it is the responsibility of the person/s completing any works around powerlines to understand their safety responsibilities. SafeWork NSW ([www.safework.nsw.gov.au](http://www.safework.nsw.gov.au)) has publications that provide guidance when working close to electricity infrastructure. These include the Code of Practice – Work near Overhead Power Lines and Code of Practice – Work near Underground Assets.

#### STATEMENT OF REASONS

The determination decision was reached for the following reasons:

1. The proposed development generally complies with the requirements of the applicable environmental planning instruments and Mid-Western Regional Development Control Plan 2013.
2. The proposed development is considered to be satisfactory in terms of the matters identified in Section 4.15 of the Environmental Planning & Assessment Act 1979.
3. The matters raised within submissions have been addressed in the following manner:
  - Conditions have been imposed to manage fencing, acoustic treatment for mechanical plant and condensers, along with tree trimming of trees along the western boundary.

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

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

44/24

**MOTION: Cavalier / Shelley**

**That Item 8.5 DA0069/2024 – Demolition of existing building and alterations and additions to Pub – The Woolpack Hotel, 67 Market Street, Mudgee NSW 2850 & 15-17 Byron Place, Mudgee NSW be brought forward for consideration.**

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

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

8.5 DA0069/2024 - DEMOLITION OF EXISTING BUILDING AND ALTERATIONS AND ADDITIONS TO PUB - THE WOOLPACK HOTEL, 67 MARKET STREET, MUDGEE NSW 2850 & 15-17 BYRON PLACE, MUDGEE NSW

GOV400105, DA0069/2024

45/24

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

- A. receive the report by the Town Planner and Manager Planning on the DA0069/2024 - Demolition of existing building and alterations and additions to Pub - The Woolpack Hotel, 67 Market Street, Mudgee NSW 2850 & 15-17 Byron Place, Mudgee NSW;
- B. that DA0069/2024 - Demolition of existing building and alterations and additions to Pub - The Woolpack Hotel, 67 Market Street, Mudgee NSW 2850 & 15-17 Byron Place, Mudgee NSW be approved subject to the following conditions and statement of reasons:

**APPROVED PLANS**

1. Development must be carried out in accordance with the following approved plans and documents, except where the conditions of this consent expressly require otherwise.

Title / Name:	Drawing No.	Rev	Date	Prepared by:
Site Plan – Proposed	A02	E	15/08/2023	EJE
Ground Floor Existing / Demolition Plan	A04	E	15/08/2023	EJE
Ground Floor Plan	A05	H	06/03/2024	EJE
First Floor Existing / Demolition Plan	A06	E	15/08/2023	EJE
First Floor Plan	A07	F	15/08/2023	EJE
Roof Existing / Demolition Plan	A08	E	15/08/2023	EJE
Roof Plan	A09	E	15/08/2023	EJE
North & East Elevations	A10	E	15/08/2023	EJE
South & West Elevations	A11	E	15/08/2023	EJE
Section A-A & B-B	A12	E	15/08/2023	EJE
Signage Details	A13	D	15/08/2023	EJE
3D Perspectives 01	A17	E	15/08/2023	EJE
3D Perspectives 02	A18	E	15/08/2023	EJE
Schedule of Materials	A19	D	15/08/2023	EJE

In the event of any inconsistency with the approved plans and a condition of this consent, the condition prevails.

#### GENERAL

2. This development consent provides approval for partial demolition, alterations and additions to the existing pub and associated signage, only.
3. This consent does not permit commencement of any site works. Works are not to commence until such time as a Construction Certificate has been obtained and the appointment of a Principal Certifier.
4. All building work must be carried out in accordance with the Building Code of Australia.
5. The maximum height of the additions must not exceed 8.5 metres above existing ground level.
6. The only waste derived fill material that may be received at the development site must be:
  - a) Virgin excavated natural material, within the meaning of the Protection of the Environment Operations Act 1997; and
  - b) Any other waste-derived material the subject of a resource recovery exemption under cl.91 of the Protection of the Environment

**Operations (Waste) Regulation 2014 that is permitted to be used as fill material.**

- 7. 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.**
- 8. 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.**

**There are to be no works involving cut or fill within the registered easement or within 1.5m of the water or sewer line**
- 9. 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 Certifier appointed for the erection of the building.**
- 10. 1. This section applies to a development consent for development that involves excavation that extends below the level of the base of the footings of a building, structure or work on adjoining land, including a structure or work in a road or rail corridor.**
  - 2. It is a condition of the development consent that the person having the benefit of the development consent must, at the person's own expense—**
    - a) protect and support the building, structure or work on adjoining land from possible damage from the excavation, and**
    - b) if necessary, underpin the building, structure or work on adjoining land to prevent damage from the excavation.**
  - 3. This section does not apply if—**
    - a) the person having the benefit of the development consent owns the adjoining land, or**
    - b) the owner of the adjoining land gives written consent to the condition not applying.**
- 11. 1. This section applies to a development consent for development involving building work, subdivision work or demolition work.**
  - 2. It is a condition of the development consent that a sign must be erected in a prominent position on a site on which building work, subdivision work or demolition work is being carried out—**
    - a) showing the name, address and telephone number of the principal certifier for the work, and**
    - b) showing the name of the principal contractor, if any, for the building work and a telephone number on which the principal contractor may be contacted outside working hours, and**

- c) **stating that unauthorised entry to the work site is prohibited.**

**3. The sign must be—**

- a) **maintained while the building work, subdivision work or demolition work is being carried out, and**
- b) **removed when the work has been completed.**

**4. This section does not apply in relation to—**

- a) **building work, subdivision work or demolition work carried out inside an existing building, if the work does not affect the external walls of the building,**  
**or**
- b) **Crown building work certified to comply with the Building Code of Australia under the Act, Part 6.**

**BEFORE ISSUE OF A CONSTRUCTION CERTIFICATE**

- 12. Application shall be made to Council under Part B, 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 Section 68 application shall be considered and approved by Council prior to the release of any Construction Certificate for the development.**

- 13. 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.**

- 14. Prior to issue of a Construction Certificate, details demonstrating compliance with the Disability (Access to Premises – Buildings) Standards 2010 shall be submitted to and approved by the Certifier (ie Council or a private Certifier).**

- 15. A schedule of existing and proposed fire safety measures is to be submitted to the Certifier (ie Council or a private Certifier) with the application for the Construction Certificate.**

- 16. Pursuant to section 64 of the Environmental Planning and Assessment**

**Regulation 2021, the existing buildings are to be brought into conformity with the following Performance Requirements of the BCA, Volume 1.**

- a) **C1P2 – Spread of Fire**
- b) **D1P4 – Exits**
- c) **D1P6 – Paths of Travel to Exits**
- d) **E1P1 – Fire Hose Reels**
- e) **E1P2 – Fire Extinguishers**
- f) **E1P3 - Fire Hydrants**
- g) **E4P1 – Visibility in an emergency**
- h) **E4P2 – Identification of exits**
- i) **E4P3 – Emergency warning and intercom systems.**

**Plans and specifications demonstrating compliance are to be submitted to and approved by the Certifier prior to the issue of a construction certificate.**

17. **Prior to the issue of a Construction Certificate, a survey plan prepared by a registered surveyor is to be submitted to the Certifier, verifying the proposed building footprint does not extend over the property boundary into the neighbouring property.**
18. **Trade Waste Application will be required to be submitted and approved by Council for the proposed development prior to issue of a construction certificate.**
19. **In accordance with the provisions of Section 7.12 of the Environmental Planning and Assessment Act 1979 and the Mid-Western Regional Contributions Plan 2019, a levy based on the value of works shall be paid to Council in accordance with this condition for the purpose of local infrastructure, prior to issue of a Construction Certificate.**
- The value of works is to be calculated in accordance with Section 2.9.3 and the procedure outlined in Section 4.3 of the Contributions Plan. A report regarding value of works and any necessary certification is to be submitted to Council. Council will calculate and advise of the levy amount following submission of the documents.**
- Note: Based on the proposed cost of works being \$1,654,000 it is estimated the contribution amount will be \$16,540.**
- 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](http://www.midwestern.nsw.gov.au) under Council Documents/Strategies and Plans.**
20. **Prior to the issue of a construction certificate, the developer shall obtain a Certificate of Compliance under the Water Management Act 2000, from Council.**
- Note: Refer to Advisory Notes in relation to payment of contributions to obtain a**

**Certificate of Compliance.**

21. **A copy of the Contractor’s public liability insurance cover for a minimum of \$20,000,000 (twenty million dollars), is to be provided to Council, prior to issue of the Subdivision Works Certificate. The insurance cover shall include the following:**
- Mid-Western Regional Council is to be indemnified against any works carried out by the contractor.**
- Public Liability Insurance is to include Mid-Western Regional Council as an interested party.**
- The copy of the Contractor’s public liability insurance cover is to include the Certificate of Currency.**
22. **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 Subdivision Works Certificate. the Erosion and Sediment Control Plan for the development is to be prepared and implemented in accordance with the LANDCOM guidelines and requirements as outlined in the latest edition of “Soils and Construction – Managing Urban Stormwater”. Points to be considered include, but are not limited to:**
- a) **Saving available topsoil for reuse in the revegetation phase of the development;**
  - b) **Using erosion control measures to prevent on-site damage;**
  - c) **Rehabilitating disturbed areas quickly; and**
  - d) **Maintenance of erosion and sediment control structures.**
23. **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 any Construction Certificate. These details shall comply with the requirements of AS/NZS 2890.1:2004 – Parking Facilities – Part 1: Off-street Car Parking and the relevant conditions of this development consent.**
- The plans shall include the provision of the following:**
- **A total of 10 off-street car parking spaces, including 1 accessible car parking space.**
  - **The provision of a retractable bollard within the accessible car parking space.**
24. **Consent from Council must be obtained for all works within the road reserve pursuant to Section 138 of the Roads Act 1993, prior to the issue of a Construction Certificate. The accesses are to be designed and constructed in accordance with Council’s Access to Properties Policy.**
25. **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.**
26. **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.

27. 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.

28. Prior to the issue of a construction certificate, detailed plans of all food/beverage preparation, serving and storage areas (including for perishable stock, waste, chemicals and personal belongings) must be prepared by a suitably qualified person.

Plans must be prepared in accordance with the following editions in force on the date of determination and provided to the Certifier (ie Council or a Private Certifier)

- 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) Food Premises Design, construction and fit-out guide;
- d) AS 1668.2-2012 – The use of ventilation and air conditioning in buildings;
- e) Plumbing Code of Australia and Australian Standard/New Zealand Standard AS/NZS 3500 series on Plumbing and Drainage)
- f) Mid-Western Regional Council's commercial trade wastewater requirements for food premises, and/or
- g) The Building Code of Australia.

29. Details of any proposed mechanical exhaust systems, detailing compliance with the relevant requirements of Clause F6D6 or F6D12 of the Building Code of Australia 2022 and AS 1668 Parts 1 and 2 (including exhaust air quantities and discharge location points) are to be provided to the Certifier (i.e. Council or a private Certifier) prior to the issue of a Construction Certificate.

#### **PRIOR TO COMMENCEMENT OF WORKS**

30. In accordance with the provisions of the Environmental Planning and Assessment Act 1979 construction works approved by this consent must not commence until:
- a) A Construction Certificate has been issued by the Certifier (i.e. Council or an accredited certifier); and



- b) A Principal Certifier has been appointed by the person having benefit of the development consent in accordance with the Environmental Planning and Assessment Act 1979; and
- c) If Council is not the Principal Certifier, notify Council no later than two (2) days before building work commences as to who is the appointed Principal Certifier; and
- d) At least two (2) days before commencement of building work, the person having benefit of the development consent is to notify Council as to the intention to commence building work.

31. 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**

32. 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) involves the enclosure of a public place, then 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.

33. Prior to the commencement of works on site, the applicant shall advise Council's Operations Department in writing, of any existing damage to Council property.

34. The developer shall be responsible for all costs incurred in the necessary relocation of any services affected by the required construction works. Council and other service authorities should be contacted for specific requirements prior to commencement of any works.

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

#### **DURING CONSTRUCTION**

36. 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.

37. All mandatory inspections required by the Environmental Planning and Assessment Act 1979 and any other inspections deemed necessary by the Principal Certifier shall be carried out during the relevant stage of construction.

38. **Fill material shall not raise the existing surface level within the dedicated easement/s.**
39. **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.**
40. **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.**
41. **Site work must only be carried out between the following times –**
- **8am to 5pm Monday to Saturday**
- No site work is permitted on Sundays or Public Holidays.**
- Site work is not to be carried out outside of these times except where there is an emergency, or for urgent work directed by a police officer or a public authority.**
42. **While building work is being carried out, the work must not continue after each critical stage inspection unless the principal certifier is satisfied the work may proceed in accordance with this consent and the relevant construction certificate.**
43. **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.**
44. **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).

45. 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).

#### **BEFORE THE ISSUE OF AN OCCUPATION CERTIFICATE**

46. Prior to the issue of any Construction Certificate, evidence that the lots making up the subject site have been consolidated into a single allotment and registered with NSW Land Registry Services is to be submitted to Council and the Certifier (if applicable). The lots to be consolidated into a single parcel include:
- a) Lot 111 DP 1136686
  - b) Lot 112 DP 1136686
47. Prior to commencement of use of the development and/or issue of an Occupation Certificate, all approved car parking and associated driveway works are to be completed.
48. Prior to use of the development and/or issue of an Occupation Certificate, a satisfactory final inspection report from the Council must be received by the Certifier, verifying that the building is connected to reticulated water supply, stormwater and/or sewerage in accordance with the relevant section 68 approval/s.
49. Prior to use of the development and/or issue of an Occupation Certificate, the excavated and/or filled areas of the site are to be stabilised and drained, to prevent scouring onto adjacent private or public property. The finished ground around the perimeter of the building is to be graded to prevent ponding of water, and to ensure the free flow of water away from the building and adjoining properties.
50. 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.

51. **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.**
52. **Before the issue of an occupation certificate, a suitably qualified person must provide details demonstrating compliance to the principal certifier which demonstrates that the mechanical exhaust ventilation system has been constructed and installed in accordance with the approved plans.**
53. **Before the issue of an occupation certificate, the food premises shall be inspected by an Authorised Officer of Mid-Western Regional Council under the Food Act 2003, to determine compliance with the Food Act 2003, Food Safety Standards and Australian Standard 4674:2004: Design, Construction and Fit-out of Food Premises.**
54. **Before the issue of an occupation certificate, council and any other appropriate enforcement agency must be notified of the food business in accordance with the NSW Food Act 2003 and the Australia New Zealand Food Standards Code – 3.2.2 – Food Safety Practices and General Requirements.**

#### **ONGOING / OPERATIONAL**

55. **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.**
56. **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.**
57. **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.**
58. **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.**
59. **The premises shall, at all times, be operated and maintained in accordance with Food Safety Standards 3.1.1, 3.2.2 and 3.2.3 prescribed in chapter 3 of the Australia and New Zealand Food Standards Code.**
60. **All exterior lighting associated with the development shall be designed and installed so that no obtrusive light will be cast onto any adjoining property or roadways, in accordance with Australian Standard 4282 “Control of the Obtrusive Effects of Outdoor Lighting”.**

#### **COUNCIL ADVISORY NOTES:**

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

A person may apply to Mid-Western Regional Council as the water supply authority, for a Certificate of Compliance pursuant to section 305 of the Water Management Act 2000.

Please be advised that as a precondition to the granting of a Compliance Certificate, a monetary contribution in accordance with the following Schedule of Contributions must be paid in full (including indexation, where applicable).

Section 64 Contributions	
	Value
Water Headworks	\$63,115.07
Sewer Headworks	\$29,477.23
<b>Total Headworks</b>	<b>\$92,592.30</b>

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

**3) No submissions were received during the public exhibition period.**

Councillor Kennedy returned to the Chambers at 6:09pm and continued to Chair the meeting.

8.3 DA0052/2024 - SUBDIVISION - STAGE 13 - CAERLEON  
ESTATE - 40 HONE CREEK DRIVE, CAERLEON  
GOV400105, DA0052/2024

46/24

**MOTION: Shelley / Stoddart**

**That Council:**

- A. receive the report by the Town Planner on the DA0052/2024 - Subdivision - Stage 13 - Caerleon Estate - 40 Hone Creek Drive, Caerleon;**
- B. that DA0052/2024 - Subdivision - Stage 13 - Caerleon Estate - 40 Hone Creek Drive, Caerleon be approved subject to the following conditions and statement of reasons:**

**APPROVED PLANS**

- 1. Development must be carried out in accordance with the following approved plans and documents, except where the conditions of this consent expressly require otherwise.**

Title / Name:	Drawing No / Ref:	Rev	Date:	Prepared by:
Stage_13 SUBDIVISION PLAN	Stg_13-01	7	06/03/2024	Bathla
Temporary Basin Layout Plan	MKRV0036 -113-C1200	4	18.01.24	Maker Eng
Temporary Basin Sections	MKRV0036 -113-C1210	4	18.01.24	Maker Eng
Swept Path Analysis Layout Plan	MKRV0036 -113-C1706	4	18.01.24	Maker Eng
Biodiversity Development Assessment Report Stage 13 Caerleon Estate Mudgee	ENS5848	1.0	07.08.23	Biodivers ity Australia Pty Ltd

**In the event of any inconsistency with the approved plans / document and a condition of this consent, the condition prevails.**

**GENERAL**

2. In accordance with Section 7.4 of the Environmental Planning and Assessment Act 1979, the development is to be undertaken in accordance with the executed Voluntary Planning Agreement.
3. All lots not fully located within "Area C" identified under Clause 4.1C of the Mid-Western Regional Local Environmental Plan 2012 must have a minimum lot size of at least 450m<sup>2</sup>.

**BUSHFIRE REQUIREMENTS**

4. The approved development shall comply with the following bushfire requirements:

**Asset Protection Zones**

The intent of measure is to provide sufficient space and maintain reduced fuel loads to ensure radiant heat levels at the buildings are below critical limits and prevent direct flame contact.

- a) At the issue of a subdivision certificate, and in perpetuity the entirety of the proposed residential lots must be maintained as an inner protection area in accordance with the requirements of Appendix 4 of Planning for Bush Fire Protection 2019.

When establishing and maintaining an inner protection area, the following requirements apply:

- tree canopy cover should be less than 15% at maturity;
- trees at maturity should not touch or overhang the building;
- lower limbs should be removed up to a height of 2 m above the ground;
- tree canopies should be separated by 2 to 5 m;
- preference should be given to smooth-barked and evergreen trees;
- large discontinuities or gaps in the shrubs layer should be provided to slow down or break the progress of fire towards buildings;
- shrubs should not be located under trees;
- shrubs should not form more than 10% ground cover;
- clumps of shrubs should be separated from exposed windows and doors by a

- distance of at least twice the height of the vegetation;
  - grass should be kept mown (as a guide, grass should be kept to no more than 100mm in height); and
  - leaves and vegetation debris should be removed regularly.
- b) **At the issue of subdivision certificate, a section 88B easement under the Conveyancing Act 1919 is to be created. The easement is to restrict the construction of any habitable part of a building within 10 metres from the western boundaries of lots 1 - 10. The easement is to ensure the lot accommodates the required Asset Protection Zones (APZs) for the future dwelling located on the lot. The name of authority empowered to release, vary, or modify any instrument must be Council.**
- c) **At the issue of a subdivision certificate, a suitably worded instrument(s) must be created pursuant to section 88B of the Conveyancing Act 1919 over Lot 1108 DP1280482 for a distance of 50m to the south of Lots 10, 12-29 to ensure its management as an inner protection area in accordance with Appendix 4 of Planning for Bush Fire Protection 2019.**
- The instrument may be lifted upon commencement of any future proposed development on the adjoining land, but only if the bush fire hazard is removed as part of the proposal. The name of authority empowered to release, vary, or modify the instrument must be Mid-Western Regional Council.**
- d) **Landscaping within the required asset protection zone must comply with Appendix 4 of Planning for Bush Fire Protection 2019. In this regard, the following principles are to be incorporated:**
- **A minimum 1 metre wide area (or to the property boundary where the setbacks are less than 1 metre), suitable for pedestrian traffic, must be provided around the immediate curtilage of the building;**
  - **Planting is limited in the immediate vicinity of the building;**
  - **Planting does not provide a continuous canopy to the building (i.e. trees or shrubs are isolated or located in small clusters);**
  - **Landscape species are chosen to ensure tree canopy cover is less than 15% (IPA), and less than 30% (OPA) at maturity and**



- trees do not touch or overhang buildings;
- Avoid species with rough fibrous bark, or which retain/shed bark in long strips or retain dead material in their canopies;
- Use smooth bark species of trees species which generally do not carry a fire up the bark into the crown;
- Avoid planting of deciduous species that may increase fuel at surface/ ground level (i.e. leaf litter);
- Avoid climbing species to walls and pergolas:
- Locate combustible materials such as woodchips/mulch, flammable fuel stores away from the building;
- Locate combustible structures such as garden sheds, pergolas and materials such as timber garden furniture away from the building; and
- Low flammability vegetation species are used.

#### **Access – Public Roads**

The intent of measure is to provide safe operational access to structures and water supply for emergency services, while residents are seeking to evacuate from an area.

- e) Access roads must comply with the following general requirements of Table 5.3b of Planning for Bush Fire Protection 2019 and the following:
- subdivisions of three or more allotments have more than one access in and out of the development;
  - traffic management devices are constructed to not prohibit access by emergency services vehicles;
  - maximum grades for sealed roads do not exceed 15 degrees and an average grade of not more than 10 degrees or other gradient specified by road design standards, whichever is the lesser gradient;
  - dead end road no. 3 must incorporate a minimum 12 metres outer radius turning circle, and are clearly sign posted as a dead end;

- temporary dead end road no. 1 and Hone Creek Drive must comply with Figure A3.3 of PBP 2019
  - one way only public access roads are no less than 3.5 metres wide and have designated parking bays with hydrants located outside of these areas to ensure accessibility to reticulated water for fire suppression;
  - the capacity of perimeter and non-perimeter road surfaces and any bridges/causeways is sufficient to carry fully loaded firefighting vehicles (up to 23 tonnes); bridges/causeways are to clearly indicate load rating;
  - hydrants are located outside of parking reserves and road carriageways to ensure accessibility to reticulated water for fire suppression;
  - hydrants are provided in accordance with the relevant clauses of AS 2419.1:2021 - Fire hydrant installations System design, installation and commissioning; and
  - there is suitable access for a Category 1 fire appliance to within 4m of the static water supply where no reticulated supply is available.
- f) **Non-perimeter roads must comply with the general requirements of Table 5.3b of Planning for Bush Fire Protection 2019 and the following:**
- minimum 5.5m carriageway width kerb to kerb;
  - parking is provided outside of the carriageway width;
  - hydrants are located clear of parking areas;
  - roads are through roads, and these are linked to the internal road system at an interval of no greater than 500m;
  - curves of roads have a minimum inner radius of 6m;
  - the road crossfall does not exceed 3 degrees; and
  - a minimum vertical clearance of 4m to any overhanging obstructions, including tree

branches, is provided.

### **Water and Utility Services**

The intent of measure is to provide adequate services of water for the protection of buildings during and after the passage of a bush fire, and to locate gas and electricity so as not to contribute to the risk of fire to a building.

- g) The provision of water, electricity and gas must comply with the following in accordance with Table 5.3c of Planning for Bush Fire Protection 2019:
- reticulated water is to be provided to the development where available;
  - fire hydrant, spacing, design and sizing complies with the relevant clauses of Australian Standard AS2419.1:2021;
  - hydrants are not located within any road carriageway;
  - reticulated water supply to urban subdivisions uses a ring main system for areas with perimeter roads;
  - fire hydrant flows and pressures comply with the relevant clauses of AS 2419.1:2021;
  - all above-ground water service pipes are metal, including and up to any taps;
  - where practicable, electrical transmission lines are underground;
  - where overhead, electrical transmission lines are proposed as follows:
    - lines are installed with short pole spacing (30m), unless crossing gullies, gorges or riparian areas; and
    - no part of a tree is closer to a power line than the distance set out in accordance with the specifications in ISSC3 Guideline for Managing Vegetation Near Power Lines.
  - reticulated or bottled gas is installed and maintained in accordance with AS/NZS 1596:2014 - The storage and handling of LP Gas, and the requirements of relevant authorities, and metal piping is used;
  - all fixed gas cylinders are kept clear of all flammable materials to a distance of 10m and shielded on the hazard side;

- connections to and from gas cylinders are metal; polymer-sheathed flexible gas supply lines are not used; and
- above-ground gas service pipes are metal, including and up to any outlets.

If General Terms of Approval are received by NSW Rural Fire Service, for a Bush Fire Safety Authority in accordance with Section 100B of the Rural Fires Act 1997 and differ from the requirements stipulated above, the development shall be carried out in accordance with those General Terms of Approval.

5. The development is to be undertaken at all times in accordance with the mitigation measures and environmental controls set out in Section 5.4 "Measures to Minimise Impact" of the Biodiversity Development Assessment Report, prepared by Biodiversity Australia.
6. 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.
7. 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.
8. All earthworks, filling, building, driveways or other works, are to be designed and constructed (including stormwater drainage if necessary) so that no time will any ponding of stormwater occur on adjoining land as a result of this development.
9. A temporary bus turning area is to be provided off/at the end of Hone Creek Drive, in accordance with one of the options shown on the approved plans. All costs associated with the construction and ongoing maintenance of the temporary turning area is to be borne by the developer until such time as it is no longer required.

#### **PRIOR TO ISSUE OF SUBDIVISION WORKS CERTIFICATE**

10. Prior to issue of the Subdivision Works Certificate, the lot layout of the subdivision is to be updated on all civil plans provided with the application and prepared by Maker Eng so that the layout is in accordance with the approved

Subdivision Plan prepared by Bathla (identified as “Stage\_13 Subdivision Plan” Revision 7 and dated 06/03/2024).

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

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

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

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

Impacted plant community type	Number of ecosystem credits	IBRA sub-region
<p>PCT266 – White Box Grassy woodland in the upper slopes sub-region of the NSW South Western Slopes Bioregion</p> <p>(Like for Like offset trading groups include:</p> <p>White Box - Yellow Box – Blakely’s Red Gum Grassy Woodland and Derived Native Grassland in the NSW North Coast, New England Tableland, Nandewar, Brigalow Belt South, Sydney Basin, South Eastern Highla This includes PCT’s: 74, 75, 83, 250, 266, 267, 268, 270, 274,</p>	<p>18</p>	<p>Inland Slopes, Bogan-Macquarie, Bondo, Capertee Uplands, Capertee Valley, Crookwell, Hill End, Kerrabee, Lower Slopes, Murray Fans, Murrumbateman, Orange, Pilliga, Talbragar Valley and Wollemi. or</p> <p>Any IBRA subregion that is within 100 kilometres of the outer edge of the impacted site.</p>

275, 276, 277, 278, 279, 280, 281, 282, 283, 284, 286, 298, 302, 312, 341, 342, 347, 350, 352, 356, 367, 381, 382, 395, 401, 403, 421, 433, 434, 435, 436, 437, 451, 483, 484, 488, 492, 496, 508, 509, 510, 511, 528, 538, 544, 563, 567, 571, 589, 590, 597, 599, 618, 619, 622, 633, 654, 702, 703, 704, 705, 710, 711, 796, 797, 799, 847, 851, 921, 1099, 1303, 1304, 1307, 1324, 1329, 1330, 1332, 1383, 1606, 1608, 1611, 1691, 1693, 1695, 1698, 3314, 3359, 3363, 3373, 3376, 3387, 3388, 3394, 3395, 3396, 3397, 3398, 3399, 3406, 3415, 3533, 4147, 4149, 4150)		
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12. Prior to issue of the Subdivision Works Certificate the class and number of species credits in the following table must be retired to offset the residual biodiversity impacts of the development.

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

Evidence of the retirement of credits or payment to the Biodiversity Conservation Fund in satisfaction of the requirements in the following table must be provided to Council prior to Subdivision Works Certificate.

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

Impacted species credit species	Number of species credits	IBRA sub-region
Anthochaera	4	Anywhere in

phrygia / Regent Honeyeater		NSW
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13. A detailed engineering design with plans, and “AutoCAD compatible” Plan, (in .dwg format including pen-map), material samples, test reports and specifications are to be prepared in accordance with current AUS-SPEC specifications (as modified by Mid-Western Regional Council) and the conditions of this development consent. The engineering design is to be submitted to and approved by Council prior to the issue of a Subdivision Works Certificate.
14. All finished surface levels shall be shown on the plans submitted for the Subdivision Works Certificate. Where it is proposed to import fill, the material shall be certified as free of hazardous materials and contamination by a suitably qualified geotechnical engineer. Fill placed in residential or commercial lots shall be compacted in accordance with AS3798- 2007 Guidelines on Earthworks for Commercial and residential Developments.
15. A site supervisor is to be nominated by the applicant prior to the issue of the Subdivision Works Certificate.
16. Existing and proposed contours are to be shown on detailed engineering plans.
17. Prior to the issue of a Subdivision Works Certificate, all details relating to the decommissioning of any farm dam in preparation for a residential site, including methods, materials and equipment shall be provided to Council.

#### Stormwater Drainage

18. Prior to the issue of a Subdivision Works Certificate the applicant is to submit a Drainage Report and civil design plans prepared in accordance with the current published version of Australian Rainfall and Runoff for approval prior to the release of the Subdivision Works 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. The Drainage Report shall include:
  - Catchment plans;
  - Hydrological calculations;
  - Hydraulic calculations;
  - Pit, pipe and headwall locations shown on plans;

- Gutter flow does not exceed 80 litres/sec or 2.5m in width;
- Pit bypass less than 15% of flow;
- Pit spacing less than 75m;
- Pipe class is appropriate given cover or depth;
- Pipe grade allows for self-cleansing at low flow velocities;
- Longitudinal sections of all pipelines showing pipe grades and classes, pit names/numbers and type, hydraulic grade etc.
- Plan and sectional views of non-standard drainage structures.
- Downstream owners consent to discharge of stormwater.

19. The trunk drainage system must be designed such that discharge from the subdivision satisfies the following water quality targets:

<b>Post Development Stormwater Pollution Reduction Targets</b>
--

- |  |
|--|
| <ul style="list-style-type: none"> <li>• Total Suspended Solids (TSS) – 85% reduction of the typical annual load</li> <li>• Total Phosphorus (TP) – 65% reduction of the typical annual load</li> <li>• Total Nitrogen (TN) – 45% reduction of the typical annual load</li> <li>• 90% of gross pollutant loads, oil and grease retained on-site</li> </ul> |
|--|

Note: Results from MUSIC modelling or equivalent shall be supplied with Subdivision Works Certificate Issue plans demonstrating that the design meets the above criteria.

20. All internal roads shall comprise roll back concrete kerb and gutter. Sub-surface drainage is required where gutter flows exceed 2.5m width during minor events (1 in 5yr ARI). If required, sub-surface drainage shall be located behind the kerb.

21. Inter-allotment drainage is to be provided to remove stormwater from any lots that cannot discharge to the street in accordance with AusSpec #1. An easement not less than 1.0m shall be created in favour of the upstream allotments for any inter-allotment drainage.



22. One (1) roof-water outlet per allotment is to be provided in the kerb and gutter 2m from the downhill boundary at the time of the installation of the kerb and gutter.
23. An Erosion and Sediment Control Plan or 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:
- drainage reserves are to be turfed;
  - single strip of turf to be laid behind kerb and gutter;
  - saving available topsoil for reuse in the revegetation phase of subdivision;
  - using erosion control measure to prevent on-site damage;
  - rehabilitating disturbed areas quickly;
  - maintenance of erosion and sediment control structures; and
  - a schedule of operations is to be submitted to ensure all appropriate works are undertaken at the correct stage.
24. All stormwater runoff is to be piped into Detention Basins. No outfall using open channel will be permitted except between the lowest detention basin to the culvert under the rail corridor. The use of grassed swales with batter slopes no greater than 1:6 to provide for an overland flow path in the event of very large storms (< 1:100 year ARI) will be permitted.

#### Road Works

25. Internal road pavements shall be designed by a suitably qualified engineer in accordance with AustRoads procedures. Materials and testing requirements shall comply with those set out in AUSPEC Construction Specification C242 with sample locations selected as per RMS Specification Q4. All flexible pavements to be sealed with a two coat Class C170 bitumen flush seal (14/7mm double/double).
26. Internal road reserve and pavement widths for Stage 13 are to conform with the following requirements:

Road	Classification	Road Reserve	Carriage way	Verge	Footpath	Kerb Type
Road No. 1	Local Residential	15.5m	7.5m	2 x 4m	1 x 1.5m	Roll top

Road No. 2	Minor Access Road	16.0m	8.0m	2 x 4m	1 x 1.5m	Roll top
Road No. 3	Minor Access Road	16.0m	8.0m	2 x 4m	1 x 1.5m	Roll top
Road No. 4	Residential Road	18.0m	9.0m	2 x 4.5m	1 x 1.5m	Roll top
Hone Creek Drive (Neighbourhood Centre)	Neighbourhood Centre	23.6m	3m median with landscaping and pedestrian refuge; 2 x 3.5m travel lanes; and 2 x 2.3m parking lanes	2 x 4.5m	2 x 1.5m	Upright

27. The internal road network must be designed with sufficient width to accommodate turning paths for service vehicles, with particular attention to cul-de-sac court bowls that must be provided with a radius suitable for rubbish collection vehicles and that require no reversing movements for collection of rubbish.
28. Internal cross road intersections are to be designed to have:
- Give Way signs, and
  - Line marking
29. On the lesser priority road for pedestrian and cycle safety in accordance with Figure 2.1(a) of AS1742.2-2009 Manual of uniform traffic control devices, part 2 Traffic control devices for general use.
30. Prior to the issue of the Subdivision Works Certificate, plans are to be provided showing the following works relating to Hone Creek Drive:
- a. A suitably designed transition from the existing road formation, footways and footpaths within Hone Creek Drive from the intersection of Shearman Street to the Stage 13 boundary.
  - b. The plans shall show the works required within the existing Hone Creek Drive road reserve to achieve the transition described above including the reconstruction and widening of Hone Creek Drive, relocation of all affected services to their correct allocations, relocation of and transition to the new

footpath allocations and widths and the provision at no cost to Council of the dedication of the additional road widening required to achieve the above.

- c. Such details shall be clearly shown on a set of engineering drawings to be approved in conjunction with an application for approval under S138 of the Roads Act 1993.
- d. No works can commence within Hone Creek Drive until a S138 Road Act approval is issued by Mid-Western Regional Council.

#### **Water and Sewer**

31. Water reticulation shall connect to the trunk main at four points: two where the trunk main enters the development (from the south) and two near its terminal point (in the north). The connections are required to be staggered (i.e. not through cross tee fittings) and the cost of the connections borne by the developer. The developer shall obtain a private works quotation from Council when ready to connect reticulation to the trunk main. All works are to be completed prior to the issue of a Subdivision Certificate.

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

32. Water services are to be located on alternate property boundaries to Telstra / Electricity. The Developer will construct water service to the water meter and prior to the issue of a Subdivision certificate pay for the Water Meter Assembly fee as specified in the current Schedule of Council Fees and Charges for Council to supply and install a meter only for each Lot in the Subdivision.
33. Water supply for Stage 13 is to be obtained by extension of mains constructed within Stage 9 of Neighbourhood 1.
34. Direct connection to the Trunk Main that generally follows proposed spine road alignment is NOT permitted except at existing connection points or as advised by Council's Water and Waste Water directorate.

#### **Footpaths and Cycle Ways**

35. Footpaths no less than 1.5 metres wide are to be provided on at least one side of Road No. 1, 2, 3 and 4, and on both sides of Hone Creek Drive (neighbourhood centre).

#### **Street Trees**

36. Prior to issue of subdivision works certificate a landscape plan is to be prepared by a qualified landscape architect and approved by Council. Street trees of a species approved by Council are to be provided to all streets with

an average of one tree per lot frontage. Corner lots are to have a minimum of two street trees on the secondary frontage. The location of street trees must complement proposed driveway locations and other elements in the public domain (i.e. light poles); maintain adequate lines of sight for vehicles and pedestrians, especially around driveways and street corners; provide appropriate shade; and provide an attractive and interesting landscape character.

37. Street trees are to be approximately 1.5m - 2m in height when planted.

#### **PRIOR TO COMMENCEMENT OF WORK**

38. No construction is to commence before a Subdivision Works Certificate is issued for the subdivision works. The works are to be constructed in accordance with the plans and specifications referred to in the Subdivision Works Certificate.

Note: The Subdivision Works Certificate may be issued by Council. Council's fee for this service is set out in Council's fees and charges.

39. A Traffic Guidance Scheme (TGS) completed by the "Certified Person" for implementing during works is to be submitted to Mid-Western Regional Council prior to any work commencing.
40. Contractor's insurance cover for a minimum of \$20,000,000 is to be sighted and to be shown to Mid-Western Regional Council as an interested party.

#### **DURING WORKS**

41. 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.
42. All construction works shall be undertaken in accordance with the Preliminary Soil Salinity Assessment prepared by Minespex dated May 2012 as approved under DA0428/2013 (and subsequently modified).
43. All utility crossings are to be perpendicular to the road centreline and performed prior to the addition of the base-course.
44. Street signs necessitated by the subdivision are to be installed in accordance with AUS- SPEC Specification and Council's requirements.
45. The subdivision works are to be inspected by Council (or

an Accredited Certifier on behalf of Council) to monitor compliance with the consent and the relevant standards of construction, encompassing the following stages of construction:

- installation of sediment and erosion control measures;
- water and sewer line installation prior to backfilling;
- stormwater pipes installation prior to backfilling;
- water and sewer lines pressure testing;
- sewer manholes vacuum testing;
- establishment of line and level for kerb and gutter replacement;
- road pavement construction;
- road pavement compaction testing;
- road pavement surfacing;
- practical completion

46. Upon completion of each stage of construction, the Developer is also required to ensure that adequate provisions are made for the following:

- Sediment and erosion control measures;
- Traffic control measures; and
- Maintenance of public areas free from unauthorised materials, waste or other obstructions.

47. The applicant shall repair, in accordance with AUS-SPEC Specification and Council Standard Drawings, any part of Council's property damaged during the course of the development.

48. Following the completion of subdivision works, one set of Works As Executed Drawings in PDF format, AutoCAD compatible files in .dwg format, MapInfo files (MGA GDA94 Zone 55/56) and completed Asset Data Template spreadsheets in MS Excel format, are to be submitted to Council. All Works As Executed plans shall bear the consulting engineer's or consulting surveyor's certification stating that all information shown in the plans are accurate.

#### **COVERSHEET**

- **Project Address**
- **Client/Developer**

- **DA Number**
- **Lot Numbers**
- **Subdivision Stage Number (If Applicable)**

#### **INDEX**

- **Section Numbers**

#### **CONTRACTOR DETAILS**

- **Contractor Representative**
- **Contractor Contact Details**

#### **SCOPE OF WORKS**

- **Enter description outlining scope of works completed**

#### **Records to be included as applicable:**

- **Material Certification and Material Test Reports (Sub base, Base course, Water, Sewer, Stormwater, Bitumen etc. for supplied materials)**
- **Concrete mix Details (Concrete Register/ Concrete Test Results required) Bitumen Sealing Reports/Records**
- **Earthworks/Civil Test Reports e.g. compaction tests - (Coordinates and RL required for each test required to be shown on a .dwg)**
- **Dimensional and Tolerance Records (Survey Conformance Reports)**
- **Inspection Documentation (Development Engineer Inspections, ITP's, Lot Identification) Non-conformance reports (Major non-conformances not detailed on council inspections) Work As Executed Drawings must be received and approved by Council. Documents to be submitted to be as follows:**

- **One set of Work As Executed Drawings in PDF soft and hard copy.**
- **AutoCAD compatible files in .dwg format of WAE constructions.**
- **MapInfo files (MGA GDA94 Zone 55/56) of WAE constructions.**
- **Asset Data Spreadsheets with all the asset details in Excel format. (Council will provide the template Excel sheet).**
- **MapInfo files (MGA GDA94 Zone 55/56)**

**Note: Ensure all WAE assets data in Excel**

- sheets correlate with WAE Drawings, AutoCAD and MapInfo files.
- Copy of final inspection report from Council's Development Engineer.

**PRIOR TO THE ISSUE OF THE SUBDIVISION CERTIFICATE**

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

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

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

**Please refer to the Advisory Notes for the contribution to be made to Council in accordance with the Voluntary Planning Agreement for Caerleon.**

**51. The developer is to meet the full cost of water and sewerage reticulations to service the new lots prior to the release of the Subdivision Certificate. Each lot must be provided with separate water and sewer services. All water and sewerage work is required to be carried out in accordance with the requirements of Mid-Western Regional Council (as the Water Supply Authority under the Local Government Act, 1993) and in accordance with the National Specification – Water & Sewerage Codes of Australia.**

**52. Where infrastructure services cross through private land three metre wide easements, including associated Section 88B of the Conveyancing Act 1919 instruments, are to be created in favour of Council over any existing or newly constructed water, or sewerage reticulation components located within the subject property, or extended through adjoining private properties as a result of this subdivision.**

**53. If the Subdivision Certificate is not issued, for any reason, within twelve (12) months of the date of determination, then the charges and contributions contained in this consent will be increased to the current rate at the time of payment.**

**54. Prior to issue of the Subdivision Certificate**

- **All contributions must be paid to Council and all works required by the consent be completed in accordance with the consent, or**

- **An agreement be made between the developer and Council; be paid to Council in accordance with this condition for the purpose of:**
    - **As to the security to be given to Council that the works will be completed or the contribution paid and**
    - **As to when the work will be completed or the contribution paid.**
- 55. Following completion of all engineering works, a defect liability bond of 5% of the value of such works (not carried out by Council) shall be lodged with Council to ensure that any defects in such works are remedied by the developer. The bond shall be lodged with Council, prior to issue of the Subdivision Certificate.**
- 56. The developer is to ensure that all defects in the works that become apparent within twelve (12) months of Council accepting the works on maintenance are remedied to Council's satisfaction. If these defects are not satisfactorily remedied, Council may use bond money to carry out rectification works.**
- Note: Any unspent bond money will be returned to the developer at the end of the twelve (12) months period, less the estimated cost of any outstanding works.**
- 57. The applicants shall, at their own expense, engage a registered surveyor to relocate any survey marks that may be distributed by the development or any associated work. Any information regarding location should be supplied to the Land Titles Office and Council.**
- 58. Underground electricity, street lighting and telecommunication are to be supplied to the subdivision. Prior to issue of the Subdivision Certificate, Council is to be supplied with:**
- a) **A Notice of Arrangements from the appropriate power authority indicating that satisfactory arrangements have been made for provision of electricity supply to the subdivision; and**
  - b) **A certificate from the appropriate telecommunications authorities indicating that satisfactory arrangements have been made for provision of telephone and internet services to the subdivision that are NBN compliant.**
- 59. All roadworks and other associated traffic control measures are to be completed with each stage of the development and prior to the release of the Subdivision**



**Certificate.**

- 60. The developer must provide Council and land purchasers with a site classification for each lots within the subdivision. The classification is to be carried out at a suitable building site on each lot and is to be carried out by a NATA registered laboratory using method (a) of Clause 2.2.3 of AS2870-1996. Results are to be submitted to Council prior to the issued of the Subdivision Certificate.
- 61. A registered surveyor shall provide certification that all services (e.g. drainage, stormwater, water supply, gas, electricity, telephone) as constructed are contained within each lot, or within appropriate easements to accommodate such services. The certification is to be provided to the PCA, prior to the issue of a Subdivision Certificate.
- 62. The developer shall contact Council’s Property and Rating Department to ensure that the Street Addressing for each lot is correctly allocated in accordance with AS4819, prior to issue of the Subdivision Certificate.

**ADVISORY NOTES**

- 1. This development consent requires a Certificate of Compliance under the Water Management Act 2000 to be obtained prior to the issue of a Subdivision Certificate. Please be advised that as a precondition to the granting of a Compliance Certificate, the following is to occur:
  - a) A monetary contribution in accordance with the following Schedule of Contributions must be paid in full (including indexation, where applicable) which has been calculated in accordance with the VPA endorsed by Council:

Section 64 Contributions					
Total of 62 residential lots (61 x small and 1 x medium)					
		ET/Unit	Per Lot	No. lots	Total
Water Head works	Residential allotment (small) <650m <sup>2</sup>	0.75	\$6,802.33	61	\$414,942.13
	Residential allotment (medium)	1	\$9,069.77	1	\$9,069.77

	um) 650m <sup>2</sup> - 1200m <sup>2</sup>				
	<b>Water Headworks Subtotal</b>				<b>\$424,011.90</b>
<b>Sewer Head works</b>	<b>Resid ential allotment (small ) &lt;650m<sup>2</sup></b>	<b>0.75</b>	<b>\$3,088 .26</b>	<b>6 1</b>	<b>\$188,383.86</b>
	<b>Resid ential allotment (medium) 650m<sup>2</sup> - 1200m<sup>2</sup></b>	<b>1</b>	<b>\$4,117 .68</b>	<b>1</b>	<b>\$4,117.68</b>
	<b>Sewer Headworks Subtotal</b>				<b>\$192,501.54</b>
<b>TOTAL HEADWORKS</b>					<b>\$616,513.44</b>

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

2. **The removal of trees within any road reserve requires the separate approval of Council in accordance with the policy "Tree Removal and Pruning - Public Places".**
3. **The land upon which the subject building is to be constructed may be affected by restrictive covenants. This approval is issued without enquiry by Council as to whether any restrictive covenant affecting the land would be breached by the construction of the building, the subject of this approval. Persons to whom this approval is issued must rely on their own enquiries as to whether or not the building breaches any such covenant.**
4. **Division 8.2 of the Environmental Planning and Assessment Act 1979 (EP&A Act) gives you the ability to seek a review of the determination. This request is made to Council and must be made within 6 months after the date on which you receive this notice. The request must be made in writing and lodged with the required fee; please contact Council's Development Department for more information or advice.**
5. **If you are dissatisfied with this decision section 8.7 of the EP&A Act gives you the right to appeal to the Land and**

**Environment Court within 6 months after the date on which you receive this notice, pursuant to section 8.10(1)(b).**

- 6. To ascertain the extent to which the consent is liable to lapse, refer to Section 4.53 of the EP&A Act.**

#### **STATEMENT OF REASONS**

**The determination decision was reached for the following reasons:**

- 1. The proposed development complies with the requirements of the applicable environmental planning instruments and Mid-Western Regional Development Control Plan 2013.**
- 2. The 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. No submissions were received during the public notification period.**

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

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

8.4 DA0078/2024 - PROPOSED SHED - 13 HARVEY STREET, BOMBIRA

GOV400105, DA0078/2024

47/24

**MOTION: Shelley / Karavas**

**That Council:**

- A. receive the report by the Town Planner and Building and Development Co-Ordinator on the Development Application (DA0078/2024 - Proposed Shed - 13 Harvey Street, Bombira;**
- B. decline/refuse the lifting of the restriction of use sixthly referred to in the s88B Instrument for DP1259753; and**
- C. refuse Development Application (DA0078/2024) for a proposed shed 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 achieve compliance with the Mid-Western Regional Development Control Plan 2013 in terms of Part 3.1 'Outbuildings'
2. 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 natural and built environment.
3. The proposed development does not achieve compliance with the Restriction on the Use of Land sixthly referred on the Section 88b Instrument, and will consequently have a negative impact on the rural amenity on approach to the town centre.
4. The close proximity of the shed to Ulan Road will negatively impact on the rural vistas surrounding the Mudgee Township.

AMENDMENT: Thompson / no seconder

That Council:

1. look to lift the conditions of the block so people can build back to the fence; and
2. request the applicant to make appropriate alterations to the shed to fit the area.

*The amendment was lost for want of a seconder.*

*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 8.6 to item 8.7) were adopted as a whole, being moved by Cr Shelley seconded by Cr Paine and carried with Councillors voting unanimously. Each

recommendation is recorded with separate resolution numbers commencing at Resolution No. 48/24 and concluding at Resolution No.49/24.

Note: Item 8.5 moved forward on the agenda, see after item 8.2.

8.6 PLANNING PROPOSAL - REMOVAL OF CLAUSE 4.1C  
EXCEPTION TO MINIMUM SUBDIVISION LOT SIZES  
AROUND ZONE MU1

GOV400105, LAN900187

48/24

**MOTION: Shelley / Paine**

**That Council:**

1. **receive the report by the Manager Strategic Planning on the Planning Proposal - Removal of Clause 4.1C Exception to minimum subdivision lot sizes around Zone MU1 and removal of mapping reference 'Area C' of the Mid-Western Regional Local Environmental Plan 2012;**
2. **provide initial support for the Planning Proposal to amend Mid-Western Regional Local Environmental Plan 2012 and submit to the NSW Department of Planning, Housing and Infrastructure via the NSW Planning Portal seeking a Gateway Determination, in accordance with Section 3.34 of the Environmental Planning and Assessment Act 1979;**
3. **advise the NSW Department of Planning, Housing and Infrastructure that Council's General Manager (or delegate) will be the nominated Local Plan Making Authority for this proposed amendment; and**
4. **undertake community consultation as outlined in any approved Gateway determination.**

*The motion was carried with the Councillors voting unanimously.*

8.7 MONTHLY DEVELOPMENT APPLICATIONS PROCESSING  
AND DETERMINED - FEBRUARY 2024

GOV400105, A0420109

49/24

**MOTION: Shelley / Paine**

**That Council receive the report by the Manager Planning on the Monthly Development Applications Processing and Determined for February 2024.**

*The motion was carried with the Councillors voting unanimously.*

**Item 9: Corporate Services**

The following recommendations (item 9.1 and item 9.2) 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. 50/24 and concluding at Resolution No.51/24.

**9.1 MONTHLY BUDGET REVIEW - FEBRUARY 2024**

GOV400105, FIN300315

**50/24****MOTION: Shelley / Palmer****That Council:**

- 1. receive the report by the Accountant Reporting & Analysis on the Monthly Budget Review - February 2024; and**
- 2. amend the 2023/24 and 2024/25 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 29 FEBRUARY 2024**

GOV400105, FIN300053

**51/24****MOTION: Shelley / Palmer****That Council:**

- 1. receive the report by the Financial Planning Coordinator on the Monthly Statement of Investments as at 29 February 2024; and**
- 2. note the certification of the Responsible Accounting Officer.**

*The motion was carried with the Councillors voting unanimously.*

**9.3 COMMUNITY GRANTS PROGRAM - MARCH 2024**

GOV400105, GRA600009

**52/24****MOTION: Shelley / Palmer****That Council:**

- 1. receive the report by the Financial Planning Co-ordinator on the Community Grants Program - March 2024;**

2. provide financial assistance to the following applications in accordance with the criteria and guidelines of the Community Grants Policy:
- Mudgee Show Society \$ 5,000
  - Lauren Reed \$ 2,000
  - Tully Robertson \$ 500
  - Kanandah Retirement Limited \$13,404
  - Rylstone CWA \$ 2,000

3. not provide financial assistance to the following applicants for the reason provided in the report:

- Rylstone Rodeo

*The motion was carried with the Councillors voting unanimously.*

**53/24 SUPPLEMENTARY MOTION: Karavas / Cavalier**

**That the Community Grants Policy be amended so that the maximum cap amount for the Youth Representative category be increased from \$1,000 to \$2,000.**

*The motion was carried with the Councillors voting unanimously.*

9.4 RFT 2023/40 RETAIL ENERGY SUPPLY CONTRACT  
GOV400105, COR000000

**54/24 MOTION: Shelley / Stoddart**

**That Council:**

1. receive the report by the Manager Procurement & Fleet on the RFT 2023/40 Retail Energy Supply Contract;
2. note the details provided in the Confidential Attachment regarding the weighted assessment of the tender;
3. endorse the Power Pass Through Model for the retail energy supply contract;
4. accept the tender submission from Diamond Energy for the RFT 2023/40 Retail Energy Supply Contract in accordance with clause 178 of the Local Government (General) Regulations 2005 for a contract term of 2 years with 2 x 2 year optional extension periods based on satisfactory performance and agreement by both parties, pending finalisation of minor contractual terms;
5. authorise the Director Corporate Services to finalise and execute the contract on behalf of Council with Diamond

**Energy;**

6. **grant delegation to the Director Corporate Services to approve variations to the contract within approved budgets; and**
7. **notify other tenderers that their tenders were unsuccessful.**

*The motion was carried with the Councillors voting unanimously.*

## 9.5 MORTIMER STREET ACTIVATION PROPOSAL

GOV400105, P22309

**55/24****MOTION: Cavalier / Karavas****That Council:**

1. **receive the report by the Director Corporate Services on the Mortimer Street Activation Proposal;**
2. **endorse the preliminary concept design to activate the area behind the Mortimer St Complex;**
3. **approve initiating community consultation to develop this property;**
4. **apply for grant funding to complete the necessary detailed design, business case and development application;**
5. **require a report be brought back to Council with a Capital Expenditure Review once the business case has been developed; and**
6. **amend the budget as follows, if grant funding is successful:**
  - 6.1 **2024/25: \$750,000, funded from \$600,000 grant funding and \$150,000 from unrestricted cash; and**
  - 6.2 **2025/26: \$1,750,000, funded \$1,400,000 grant funding and \$350,000 from unrestricted cash.**

*The motion was carried with the Councillors voting unanimously.*

The following recommendations (item 9.6 to item 9.8) 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. 56/24 and concluding at Resolution No.58/24.

## 9.6 PROPOSED PARTIAL ROAD CLOSURE AT LEWIS STREET, MUDGEE



GOV400105, ROA100595 PAN360707

56/24

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

1. receive the report by the Property Officer on the Proposed Partial Road Closure at Lewis Street, Mudgee;
2. consent to the proposed Partial Road Closure of a Council Public Road. The subject road to be closed is indicated on Attachment 1 appended to this Report;
3. give notice, pursuant to s38B Roads Act 1993, of the proposal to close the Council Public Road as indicated in Attachment 1 appended to this Report;
4. receive a further report after the notice period has ceased to:
  - 4.1 consider any submissions received; and
  - 4.2 pursuant to s38D Roads Act 1993, determine whether the Council Public Road is to be closed;
5. authorise the General Manager to sign all documentation, where necessary in relation to the Proposed Partial Road closure and subsequent lot consolidation with adjoining Council owned land being Lot 404 DP756894;
6. authorise the Mayor to sign any documentation, where additionally required to do so, in relation to the Proposed Road Closure and subsequent lot consolidation with adjoining Council owned land being Lot 404 DP756894;
7. arrange the preparation, lodgement, and registration of the relevant closure and lot consolidation plan; and
8. authorise the Common Seal of Council be affixed to all documentation, where necessary, in relation to the Proposed Closure and subsequent lot consolidation with Council owned land being Lot 404 DP756894.

*The motion was carried with the Councillors voting unanimously.*

## 9.7 POLICY REVIEW - INVESTMENTS

GOV400105, GOV400047

57/24

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

1. receive the report by the Chief Financial Officer on the Policy Review - Investments;
2. place the revised Investment Policy on public exhibition for 28 days; and
3. adopt the revised Investment Policy if no submissions are received.

*The motion was carried with the Councillors voting unanimously.*

## 9.8 POLICY REVIEW - RISK MANAGEMENT

GOV400105, RM100, RIS900011

**58/24**

**MOTION: Shelley / Cavalier**

**That Council:**

1. receive the report by the WHS and Risk Coordinator on the Policy Review - Risk Management;
2. place the revised Risk Management Policy on public exhibition for 28 days; and
3. adopt the revised Risk Management Policy if no submissions are received.

*The motion was carried with the Councillors voting unanimously.*

## **Item 10: Operations**

### 10.1 ROAD NETWORK MAINTENANCE

GOV400105, GOV400022

**59/24**

**MOTION: Shelley / Paine**

**That Council:**

1. receive the report by the Director Operations on the Road Network Maintenance;
2. allocate an additional \$300,000 funded from unrestricted cash for maintenance grading in the 2024/25 Budget ;
3. investigate a suitable location for a trial of Otta Seal to be funded from the seal extension reserve once suitable funds are available in that reserve;
4. develop a business case for the addition of a second tar patching truck with a further report to be provided to

**Council on the results of the business case; and**

5. **consider as part of the review of the Roads Asset Management Plan the impact of increasing the level of service provided by additional drainage maintenance and re-sheeting.**

*The motion was carried with the Councillors voting unanimously.*

**Item 11: Community****11.1 MRT QUARTERLY REPORT - OCTOBER TO DECEMBER 2023**

GOV400105, F0770077

**60/24 MOTION: Palmer / Shelley****That Council receive the report by the Director Community on the MRT Quarterly Report - October to December 2023.**

*The motion was carried with the Councillors voting unanimously.*

**Item 12: Reports from Committees****12.1 AUDIT RISK AND IMPROVEMENT COMMITTEE MINUTES - 23 FEBRUARY 2024**

GOV400105, COR400236

**61/24 MOTION: Cavalier / Dicker****That Council:**

1. **receive the report by the Director Community on the Audit Risk and Improvement Committee Minutes - 23 February 2024; and**
2. **endorse the minutes and recommendations of the Audit Risk and Improvement Committee meeting held on 23 February 2024.**

*The motion was carried with the Councillors voting unanimously.*

**Item 13: Urgent Business Without Notice**

Nil

**Item 14: Confidential Session**

**62/24 MOTION: Shelley / Cavalier**

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

*The motion was carried with the Councillors voting unanimously.*

Following the motion to close the meeting being moved and seconded, the General Manager announced that the following matters would be considered in confidential session and the reason why it was being dealt with in this way.

**14.1 Major Event Glen Willow Exemption from Tender**

***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 Discussion of this matter in an open meeting would be, on balance, contrary to the public interest as it involves discussion of commercial negotiations.***

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

14.1 MAJOR EVENT GLEN WILLOW EXEMPTION FROM TENDER  
GOV400105, ECO800009

**63/24 MOTION: Shelley / Palmer**

**That Council:**

- 1. receive the report by the Manager Economic Development on the Major Event Glen Willow Exemption from Tender;**
- 2. approve an exemption from tender, in accordance with Section 55(3)(i) of the Local Government Act 1993, for the provision of NRL Entertainment at Glen Willow Regional Stadium due to the limited market and that a tender would not obtain a workable result;**
- 3. authorise the General Manager to engage with the NRL Team detailed within the report to provide NRL football entertainment services for the 2024/25 and 2025/26 financial years; and**
- 4. authorise the General Manager to sign an Agreement with the NRL Team detailed within the report.**

*The motion was carried with the Councillors voting unanimously.*

**Item 15: Urgent Confidential Business Without Notice**

Nil

**Item 16: Open Council**

**64/24 MOTION: Palmer / Paine**

**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 6.30pm.

Unconfirmed