



Business Papers 2024

MID-WESTERN REGIONAL COUNCIL

ORDINARY MEETING

Wednesday 20 March 2024

MINUTES

*A prosperous and progressive
community we proudly call home*



CONFIRMATION OF MINUTES

3.1 Minutes of Ordinary Meeting held on 21 February 2024.....3

Minutes of the Ordinary Meeting of Council

Held at the Council Chambers, 86 Market Street, Mudgee
on 21 February 2024, commencing at 5.36pm and concluding at 5.57pm.

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

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

Acknowledgement of Country

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

Item 1: Apologies

There were no apologies.

Item 2: Disclosure of Interest

Councillor Cavalier declared a pecuniary conflict of interest in item 9.5 as he has a business relationship with one of the applicants.

Councillor Palmer declared a significant non-pecuniary conflict of interest in item 14.1 as he is a real estate agent.

Item 3: Confirmation of Minutes

01/24 **MOTION:** Cavalier / Thompson

That the Minutes of the Ordinary Meeting held on 13 December 2023 be taken as read and confirmed.

The motion was carried with the Councillors voting unanimously.

Item 4: Matters in Progress

Nil

Item 5: Mayoral Minute

5.1 MAYORAL MINUTE - MUDGEE CLASSIC 2024

GOV400105, FIN300457

02/24 **MOTION:** Kennedy

That Council:

1. approve \$8,935 support requested for the Mudgee Classic 2024 cycling event;
2. place its intention to provide support for the Mudgee Classic 2024 event on public exhibition for a period of 28 days;
3. if no public submissions received, provide support of \$8,935 from Glen Willow Carnivals budget; and
4. receive a further report, if any public submissions are received.

The motion was carried with the Councillors voting unanimously.

Item 6: Notices of Motion or Rescission**6.1 NAMING OF THE COMMUNITY GALLERY AT MUDGEES ARTS PRECINCT**

GOV400105, GOV400022, REC8000038

03/24 MOTION: Paine / Cavalier**That Council name the Community Gallery at the Mudgee Arts Precinct the Toni Behrens Community Gallery.**

The motion was carried with the Councillors voting unanimously.

6.2 FEBRUARY 2024 MENTAL HEALTH TRAINING FOR OUR COMMUNITY

GOV400105, GOV400022, PUB600008

04/24 MOTION: Dicker / Karavas**That Council:**

1. undertake the provision of Mental Health First Aid training for up to 16 participants from within the Mid-Western Regional Council area by the end of June 2024; and
2. amend the 2023/24 budget to increase the Healthy Communities budget by \$7500 to be funded from unrestricted cash, for the delivery of this Mental Health First Aid training.

The motion was carried with the Councillors voting unanimously.

6.3 RESUME SEAL EXTENSION PROGRAM

GOV400105, R0790024

MOTION

That Council resume the seal extension program in the rural areas of the shire.

Item 6.3 was withdrawn by Cr Thompson.

6.4 NULLO MOUNTAIN ROAD MAINTENANCE

GOV400105, R9012001, GOV400022

MOTION

That Council immediately bring the Nullo Mountain Road to a reasonable standard.

Item 6.4 was withdrawn by Cr Thompson.

6.5 INCREASE ALLOWABLE HEIGHT TO BUILD AROUND
MUDGE

GOV400105, GOV400022

MOTION

That Council investigate the possibility of increasing the allowable height that you are allowed to build around Mudgee.

Item 6.4 was withdrawn by Cr Thompson.

Item 7: Office of the General Manager

Nil

Item 8: Development

8.1 RVA0002/2024 - SECTION 8.2 REVIEW OF DETERMINATION
ME0040/2023 (DA0135/2012) - TEMPORARY WORKERS
ACCOMMODATION - 94 MAIN STREET, ULAN

GOV400105, P1411461 - Part 4

05/24

MOTION: Shelley / Palmer

That Council:

1. receive the report by the Manager Planning on RVA0002/2024 - Section 8.2 Review of Determination - ME0040/2023 (DA0135/2012) - Temporary Workers Accommodation - 94 Main Street, Ulan; and

2. review the conditions imposed under ME0040/2023 and amend the conditions as follows (highlighted in green):

APPROVED PLANS

1. Development is to be carried out generally in accordance with stamped plans Site Plan (~~Sewer Disposal Plan Drawing No. 17239—CC1 REV. 5, dated 06.02.2024~~), Accommodation Plan (Drawing No. 17239-A301, REV A, dated 03.05.2023) (~~Drawing No.17239_L01, 17239_A01, Revision E, 17239_A02, Revision C, 17239_A03, Revision C and 17239_A04 Revision C, dated 18 October 2011, drawn by Barnson, Site Plan – Dining Room Extension, Drawing No. 17239-A200, Revision B, Dated 07.12.2022, Floor Layout – Dining Room Extension, Drawing No. 17239-A201, Revision B, Dated 07.12.2022, Elevations – Dining Room Extension, Drawing No. 17239-A202, Revision B, Dated 07.12.2022, 40' Ablutions Laundry, Sheets 1 to 6 of 6, REV 3, DWG: RWT-NMD-HS777-001) and Statement of Environmental Effects prepared by Barnson, received by Council on 21 October 2014, the Water Supply Quality Assurance Program dated 14 March 2019, the Statement of Environment Effects prepared by Barnson dated 24 November 2023 except as varied by the conditions listed herein. Any minor modification to the approved plans will require the lodgement and consideration by Council of amended plans. Major modifications will require the lodgement of a new development application.~~

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

[Modified MA0036/2019]
 [Modified ME0024/2023]
 [Modified ME0040/2023]
 [Amended RVA0002/2024]

PLAN AMENDMENTS REQUIRED

- 1a. ~~All laundry facilities shown within the development site are to be removed from the plans submitted with any Section 68 Application or Building Information Certificate.~~
- [Added ME0040/2023]
 [Deleted RVA0002/2024]
- 1b. ~~The site plan (DWG17239-A300 REV B Dated 21.07.2023) is to be updated to include all required setbacks as follows:~~
- ~~• A minimum of 100 metres from the Sewerage Treatment Plant and collection/holding wells from the Goulburn River.~~
 - ~~• A minimum of 250 metres from any dwelling not associated with the development and the Sewerage Treatment Plant and collection/holding wells.~~
 - ~~• A minimum of 150m from the Registered Groundwater Bore GW200870 located on the adjoining lot / to the~~

~~south western boundary.~~

[Added ME0040/2023]

[Deleted RVA0002/2024]

- 1c. ~~The site plan (DWG17239-A300-REV-B-Dated-21.07.2023 Drawing No. 17239-CC1-REV. 5, dated 06.02.2024)~~ is to be updated to include the upgraded Sewerage Treatment Plant which is required to be located ~~a minimum of 100 metres from the Goulburn River and~~ no closer to boundaries or the river than the 20,000L Sewerage Treatment Plant.

[Added ME0040/2023]

[Amended RVA0002/2024]

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

[Added ME0040/2023]

GENERAL

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

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

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

[Added ME0040/2023]

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

[Added ME0040/2023]

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

[Added ME0040/2023]

[Deleted RVA0002/2024]

- 3d. ~~Documentary evidence is to be provided to the satisfaction of Council, on a quarterly basis (first period ending 31 March 2024), for a period of not more than 2 years, demonstrating that the total daily design flow of 20,000L has not been exceeded.~~

~~Documentary evidence is to include, but is not limited to service reports, provided~~

~~and certified by the STP Service Provider, and receipts of any water supply cartage quantities, that occurred during the reporting period.~~

~~[Added ME0040/2023]~~

~~[Deleted RVA0002/2024]~~

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

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

- ~~i. Describes the date, time and nature of the exceedance/incident;~~
- ~~ii. Identifies the cause (or likely cause) of the exceedance/incident;~~
- ~~iii. Describes what action has been taken to date;~~
- ~~iv. Describes the proposed measures to address the exceedance/incident.~~

~~[Added ME0040/2023]~~

~~[Deleted RVA0002/2024]~~

PRIOR TO ISSUE OF THE CONSTRUCTION CERTIFICATE / BUILDING INFORMATION CERTIFICATE

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

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

~~[Deleted MA0036/2019]~~

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

~~[Added ME0040/2023]~~

- 4b. Separate written application must be made under Section 68 of the Local Government Act 1993, as amended, to Council for all water supply, sewerage and drainage work associated with the development. Full details of the method of disposal of the sewerage/grey water must be submitted to the Council for approval prior to the issue of the Construction Certificate Building Information Certificate.

[Modified ME0040/2023]

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

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

[Added ME0040/2023]

[Amended RVA0002/2024]

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

[Modified MA0036/2019]

[Modified ME0040/2023]

[Amended RVA0002/2024]

7. A registered Surveyors Certificate showing the boundaries of the site, ~~and all proposed buildings and sewerage works~~ including the effluent disposal area plotted thereon is to be

submitted to the ~~Principal Certifying Authority Council~~ before issue of a Building Information Certificate ~~construction is commenced.~~

[Modified ME0040/2023]

8. Details of the engineered designed reinforced concrete slab/sand the wall and roof framing structural components of the building must be submitted with the required Construction Certificate.

9. In accordance with the provisions of section ~~94A~~ 7.12 of the Environmental Planning and Assessment Act 1979 and the Mid-Western Regional Council ~~Section 94A Development Contributions Plan~~, a levy of 1% of the cost of carrying out the modified development shall be paid to Council in accordance with this condition, prior to issue of the Building Information Certificate.

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

[Modified ME0040/2023]

10. Prior to the issue of the Construction Certificate, the Principal Certifying Authority (PCA) is to be supplied with certificates from telecommunications and energy service providers stating that suitable arrangements have been made for provision of underground telephone and electricity supplies for the proposed development.

11. The Principal Certifying Authority (PCA) is to be provided with details regarding the provision of essential fire safety services in accordance with the BCA and relevant Australian Standards.

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

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

13. A Traffic Control Plan (TCP) completed by a "Certified Person" for implementation during works is to be submitted to Mid-Western Regional Council prior to any work commencing. Contractor's insurance cover for a minimum of \$10,000,000 (Ten million dollars) is to be sighted and to be shown to Mid-Western Regional Council as an interested party.

14. Complete landscaping plans are to be submitted to

Council for approval prior to issue of a Construction Certificate or Building Information Certificate. All landscaping is to be established prior to occupation of the development and consist of advanced trees and shrubs. Tree and shrub species should be endemic to the Mid-Western Regional Local Government Area, require minimal watering and be salt resistant.

[Modified ME0040/2023]

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

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

[New Condition ME0040/2023]

PRIOR TO THE COMMENCEMENT OF WORKS

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

16. A sign must be erected in a prominent position on any work site on which the erection of a building is being carried out;
- a) stating that unauthorised entry to the work site is prohibited, and
 - b) showing the name of the person in charge of the work site and a telephone number at which that person may be contacted outside working hours.
17. Prior to the commencement of any construction works, the following provisions of the Environmental Planning and Assessment Act 1979 (the Act) are to be complied with:
- a) a Construction Certificate is to be obtained in accordance with Section 81A(2)(a) of the Act.
 - b) a Principal Certifying Authority is to be appointed and Council is to be notified of the appointment in accordance with Section 81A(2)(b) of Act.
 - c) Council is to given at least 2 days' notice of the

- date intended for commencement of:
- d) **building works, in accordance with Section 81A(2)(c) of the Act.**
18. **Run-off and erosion controls must be installed prior to clearing the site and incorporate:**
- a) **diversion of uncontaminated upslope run-off around cleared and/or disturbed areas and areas to be cleared or disturbed.**
 - b) **sediment fences at the downslope perimeter of the cleared or disturbed areas to prevent sediment and other debris escaping from the land to pollute water ways and collection areas.**
 - c) **maintenance of all erosion control measures at maximum operational capacity until the land is effectively rehabilitated and stabilised.**
19. **During construction temporary toilet facilities are to be provided at or in the vicinity of the nominated work site and for this purpose provide either a standard flushing toilet or an approved sewage management facility.**
20. **If the work involved in the erection/demolition of the building is likely to cause pedestrian or vehicular traffic in a public place to be obstructed or rendered inconvenient, or building involves the enclosure of a public place, a hoarding or fence must be erected between the work site and the public place. If necessary, an awning is to be erected, sufficient to prevent any substance from, or in connection with, the work falling into the public place. Any such hoarding, fence or awning is to be removed when the work has been completed.**
21. **The proposed method(s) of compliance with the Building Code of Australia are to be clarified by documentation to be submitted with the Construction Certificate Application. In this regard, it appears that the Development Application plans do not comply with the following deemed-to-satisfy provisions of the BCA;**
- a) **Section F2.4 - Facilities for people with disabilities.**
 - b) **Part D3 - Access for people with disabilities.**
 - c) **Section E - in particular, E1 Firefighting equipment, specifically the provision of fire hydrants and fire hose reels compatible to on-site water storage for firefighting.**
 - d) **E4 Emergency lighting and exit signs.**
 - e) **Section J - Energy efficiency (offices)**
 - f) **Section C- Fire resistance, in particular Type C Fire Resisting Construction of walls within 3 metres of the boundary (including front and rear return walls)**

22. The developer is to make arrangements with an archaeologist or indigenous group representing the locality to have people available onsite during any works that require disturbance to the surface or sub surface of the site. This is required to ensure that no indigenous objects are disturbed or destroyed during construction activities.
23. A construction management plan is to be prepared for the development that has considered the impact of the construction phase of the project on adjoining properties.

BUILDING CONSTRUCTION

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

24. Construction work noise that is audible at other premises is to be restricted to the following times:
- Monday to Friday - 7.00am to 6.00pm
 - Saturday - 8.00am to 1.00pm
- No construction work noise is permitted on Sundays or Public Holidays.
25. All building work must comply with the requirements of the Building Code of Australia 2011, Volume One, together with the relevant Australian standards and also the Environmental Planning and Assessment Act, 1979, as amended, and Regulations.
26. All mandatory inspections required by the Environmental Planning and Assessment Act and any other inspections deemed necessary by the Principal Certifying Authority must be carried out during the relevant stages of construction.
27. All plumbing and drainage work must be carried out by a licensed plumber and drainer and must comply with the requirements of AS 3500 (National Plumbing & Drainage Code) and the NSW Code of Practice- Plumbing & Drainage. The selected plumber/drainer must provide Council with a drainage diagram detailing the location of the drainage system and the relevant connections. All plumbing and drainage inspections must be carried out by Council prior to the covering of any trenches or wall/ceiling linings.
28. The development must be provided with car parking spaces and with adequate means of access for persons with disabilities in order to comply with Australian Standard 2809.6 - 2009 (Parking facilities- Off street parking for people with disabilities) the Building Code of Australia and the Access to Premises Code. Full details must be provided with the Construction Certificate.

29. The development must be provided with sanitary facilities for people with disabilities in order to comply with Australian Standard 1428 2009 (Design for access and mobility), the Building Code of Australia and the Access to Premises Code. Full details must be provided with the required Construction Certificate.
30. All areas not provided with natural ventilation in accordance with the provisions of the Building Code of Australia being provided with an approved mechanical ventilation and/or air conditioning system complying with Australian Standard 1668, Parts 1 and 2.
31. The ~~rainwater~~ water storage tanks used as a potable water supply for human consumption, in particular, the supply to the amenities within the building, must be protected from contamination from industrial and urban traffic emissions, dead animals, mosquitoes, dust, pesticides, bushfires and any other form of contamination.
[Modified MA0036/2019]
32. ~~Details of the method of protection of the water supply from contamination and the method of the subsequent implementation of a testing regime of the water supply must be designed by an approved hydraulic engineer and submitted to Council's Health & Building section prior to the issue of an Occupation Certificate.~~
[Deleted MA0036/2019]
33. A copy of the Final Fire Safety Certificate is to be provided to the Commissioner of NSW Fire Brigades and a further copy of the Certificate is to be prominently displayed in the building.
34. For every 12 month period after the issue of the Final Fire Safety Certificate the owner/agent of the building must provide the Council with a copy of an Annual Fire Safety Statement certifying that specified fire safety measure is capable of performing to its specification.
35. Smoke detector units are to be installed in accordance with the requirements of the Building Code of Australia. The smoke detectors are to be interconnected and connected to a permanent 240 volt power supply and provided with battery backup to activate the alarm units in the event of power failure. A detail of the system is to be submitted to Council for approval prior to installation.
36. All building work must be carried out in accordance with the requirements of the Building Code of Australia. This includes

but is not limited to the following:

- Part C1 Fire Resistance and Stability
- Part D3 Access for People with Disabilities
- Part F2 Sanitary and Other Facilities
- Part F2.4 Facilities for people with disabilities
- Part F5 Sound Transmission and Insulation
- Section J Energy efficiency

ENGINEERING CONSTRUCTION

37. All earthworks, filling, building, driveways or other works, are to be designed and constructed (including stormwater drainage if necessary) so that at no time will any ponding of storm water occur on adjoining land as a result of this development.

38. Vehicular entrances comprising concrete driveways and footway crossings are to be provided to the development. These should be constructed in accordance with Aus-Spec #1 and Council standard drawing M525-Rural Access, as outlined in Council's "Access to Properties Policy".

Concrete must not be poured until the excavation, formwork and reinforcing has been inspected by Council. The contractor/owner must arrange an inspection by contacting Council's Development Engineer between 8.00am and 4.30pm Monday to Friday, giving at least twenty four (24) hours' notice. Failure to have the work inspected may result in the access being removed and reconstructed at the contractors/owners expense.

39. A minimum total of ~~154~~ 163 car parking spaces are to be provided within the site of the development and comply with the following requirements:

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

[Modified ME0040/2023]

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

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

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

[Deleted ME0024/2023]

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

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

The following conditions are to be completed prior to occupation of the building and are provided to ensure that the development is

consistent with the provisions of the Building Code of Australia and the relevant development consent.

46. Prior to the occupation of a new building, or occupation or use of an altered portion of, or an extension to an existing building, an Occupation Certificate is to be obtained from the Principal Certifying Authority appointed for the erection of the building. An application for an Occupation Certificate must be set out in the form of the relevant part of Form 12 of the Environmental Planning and Assessment Regulations and must be accompanied by the relevant information required by Form 12.
- 46a. Prior to the issue of an Occupation Certificate, the applicant is required to arrange for a final inspection of the private water supply and obtain a satisfactory final inspection from Mid-Western Regional Council for the operation of the private water supply work.
[New Condition MA0036/2019]
- 46b. Prior to the issue of an Occupation Certificate, an Approval to Operate the On-Site Sewage Management System granted under Section 68 of the Local Government Act 1993 is to be obtained.
[New Condition MA0036/2019]
47. On completion of the building work, the owner/agent of the building must cause the Council to be provided with a Final Fire Safety Certificate from a competent person with respect to each essential service nominated in the Fire Safety Schedule issued with the Construction Certificate.
48. All building or site works or other written undertaking or obligation indicated in the submitted plans and supporting documentation or otherwise required under the terms of this consent being carried out or implemented prior to the occupation of the premises.
49. The developer and landowner (Crown) shall enter into a Mine Impact Agreement with Ulan Coal Mine Limited prior to the occupation of the development due to the location of the site potentially exceeding noise criterion.
- 49a. **Prior to issue of an Occupation Certificate, Building Information Certificate and/or use of the development, an application shall be lodged and approved by Council pursuant to Section 68 of the Local Government Act, 1993 for the installation of an On-Site Sewer Management System. The application shall be supported by amended Hydraulic Design Plans and supporting calculations of the development. including the removal of all laundry facilities from the site including the dining room extension and**

~~laundry building.~~

[Modified ME0024/2023]
[Modified ME0040/2023]
[Amended RVA0002/2024]

- 49b. ~~The two (2) laundry buildings shall be decommissioned and removed from the site prior to use or occupation of the new buildings. All sanitary plumbing and drainage servicing the laundry buildings shall be removed and backfilled to the satisfaction of Council.~~

[Modified ME0040/2023]
[Deleted RVA0002/2024]

- 49c. ~~All laundry facilities within individual units shall be decommissioned and removed from existing buildings prior to use or occupation of the new buildings. All sanitary plumbing and drainage serving the laundry facilities shall be removed to the satisfaction of Council.~~

[Modified ME0040/2023]
[Deleted RVA0002/2024]

GENERAL

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

50. This approval is limited to twenty-five (25) years from the issue of the Occupation Certificate and the facility shall be decommissioned in accordance with the approved Decommissioning Plan within six (6) months of the closure of the facility.

[Modified ME0024/2023]

51. ~~The proposed development is not to rely on any other water supply other than treated water from the onsite sewerage treatment facility and capturing roof water. Should the development run out of water, then it will close down until water supplies have been supplemented by further rain fall. The proposed development has provided that the water supply will be gained by capturing roof water for a potable water supply and can also be supplemented by treated water for toilets and laundry water supplies.~~

[Deleted MA0036/2019]

- 51a. ~~MA0037/2012 permits the use of piped water from the adjacent property of Ulan water to the facility for use in periods of low rainfall to supplement the onsite water supply. The use of water from Ulan Water is only permitted where the water can be piped from the Ulan water due to the~~

~~location of a bore on the Ulan water site. The trucking in of water is not permitted either to the development site or the adjacent Ulan Water site.~~

~~[Deleted MA0036/2019]~~

52. A Decommissioning Plan in accordance with Council's Temporary Workers Accommodation DCP is to be prepared and approved by Council prior to the issue of the Occupation Certificate for the development.
53. A Management Plan, including the identification of social impacts, in accordance with Council's Temporary Workers Accommodation DCP is to be prepared and approved by Council prior to the issue of the Occupation Certificate for the development.
54. All vehicles are required to enter and leave the site in a forward direction at all times. Signage to this effect is to be appropriately located within the site.
55. All loading and unloading in connection with the premises shall be carried out wholly within the site.
56. All exterior lighting associated with the development shall be designed and installed so that no obtrusive light will be cast onto any adjoining property or roadways, in accordance with Australian Standard 4282 "Control of the Obtrusive Effects of Outdoor Lighting".
57. All waste generated by the proposed development shall be disposed of to an approved location in accordance with the Waste Minimization & Management Act 1995.
58. Security fencing is to be provided to the site and is to be a maximum of 2.1 metres in height and of pre coloured steel fencing. Full details of proposed fencing are to be included on the landscaping plan.
59. Adequate facilities being provided in a screened location within the premises for the storage of garbage, discarded or returnable packaging or other forms of trade wastes and arrangements being made for the regular removal and disposal of same.
60. There being no interference with the amenity of the neighbourhood by reason of the emission of any "offensive noise", vibration, smell, fumes, smoke, vapour, steam, soot, ash or dust, or otherwise as a result of the proposed development.
61. A public address system or sound amplifying equipment shall not, without the consent of Council, be installed in or upon the premises so as to cause or permit the emission of

sound onto any public place or nearby residential area.

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

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

✓

8.2 DA0329/2022 - PARTIAL DEMOLITION,
COMMERCIAL/INDUSTRIAL REDEVELOPMENT AND
SIGNAGE - 19, 21 AND 23 SYDNEY ROAD, MUDGEE
GOV400105, DA0329/2022

06/24

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

- A.** receive the report by the Town Planner on the DA0329/2022 - Partial Demolition, Commercial/Industrial Redevelopment and Signage - 19, 21 and 23 Sydney Road, Mudgee; and
- B.** that DA0329/2022 - Partial Demolition, Commercial/Industrial Redevelopment and Signage - 19, 21 and 23 Sydney Road, Mudgee 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.	Issue	Date	Prepared by:
Site Plan	591ELD-01	K	29.03.23	Sunrai Designs
Demolition Plan	591ELD-02	D	10.07.22	Sunrai Designs
Overall Perspectives	591ELD-03	D	10.07.22	Sunrai Designs
Units 1-2 – Floor Plan, Elevations & Perspectives	591ELD-10	D	10.07.22	Sunrai Designs
Units 1-2 – Section	591ELD-11	D	10.07.22	Sunrai Designs
Unit 3 – Floor Plan, Elevations & Perspectives	591ELD-20	D	10.07.22	Sunrai Designs
Units 4-9 – Floor Plan	591ELD-30	D	10.07.22	Sunrai Designs
Units 4-9 – Elevations	591ELD-31	D	10.07.22	Sunrai Designs

Units 4-9 – Courtyard Elevations	591ELD-32	D	10.07.22	Sunrai Designs
Units 4-9 – Perspectives	591ELD-33	D	10.07.22	Sunrai Designs
Units 4-9 – Section	591ELD-34	D	10.07.22	Sunrai Designs
Units 10-17 – Floor Plan	591ELD-40	D	10.07.22	Sunrai Designs
Units 10-17 – Elevations	591ELD-41	D	10.07.22	Sunrai Designs
Units 10-17 – Perspectives	591ELD-42	D	10.07.22	Sunrai Designs
Units 10-17 – Section	591ELD-43	D	10.07.22	Sunrai Designs
Units 18-21 – Floor Plan	591ELD-50	D	10.07.22	Sunrai Designs
Units 18-21 – Elevations	591ELD-51	D	10.07.22	Sunrai Designs
Units 18-21 – Perspectives	591ELD-52	D	10.07.22	Sunrai Designs
Units 18-21 – Section	591ELD-53	D	10.07.22	Sunrai Designs
Signage	591ELD-SG01	B	14.08.23	Sunrai Designs
Stormwater Management Plan	TX15963.00 – C4.00	A	Feb 22	Triaxial Consulting
Letter of Response of Industrial Complex Development	220665.03 FA	-	18.09.23	McLaren Traffic Engineering

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 the redevelopment of the site for 21 units, associated signage and boundary adjustment. The approved use of each unit is as follows:

Unit Number	Approved Use
1	Vehicle Repair Station (existing)
2	Warehouse
3	Light Industry

4	Specialised Retail Premises
5	Specialised Retail Premises
6	Business Premises
7	Business Premises
8	Warehouse
9	Office Premises
10	Self-Storage
11	Light Industry
12	Light Industry
13	Self-Storage
14	Self-Storage
15	Light Industry
16	Light Industry
17	Self-Storage
18	Specialised Retail Premises
19	Specialised Retail Premises
20	Specialised Retail Premises
21	Specialised Retail Premises

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. Notwithstanding the approved plans the structure is to be located clear of any easements and/or 1.5 metres from any water and sewer mains in accordance with Council Policy.
No works involving cut or fill within the registered easement or within 1.5m of the water or sewer line.
5. 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.
6. The letter of concurrence and conditions issued by TfNSW (TfNSW reference WST22/00099/04 | SF2022/107066), dated 30th November 2023, shall be complied with prior, during and at the completion of the development, as outlined within the concurrence letter.

A copy of the concurrence and conditions is attached to this determination notice.

TfNSW GENERAL CONDITIONS

7. The TWRTL treatment is to be designed in accordance with Austroads Guide to Road Design, maintain appropriate distances and be designed and located to the satisfaction of TfNSW.

8. The development is to provide one (1) dedicated ingress only driveway and one (1) dedicated egress only driveway to the Sydney Road/the state road network with each driveway to be aligned with the internal circulation aisles. The western-most driveway (servicing frontage of Lot 19) is to be ingress only whilst the eastern-most driveway (servicing the frontage of Lots 21 and 23) is to be egress only; to mitigate potential queuing onto the classified road and to promote efficient ingress/egress movements for all vehicles manoeuvring through the site, particularly larger design vehicles. Each driveway is to be appropriately signposted as such. All associated signage related to entry and exiting of the site must be wholly located within the property boundaries and not within the Sydney Road reserve.
9. All other works associated with the construction of the development must be wholly contained within the property boundary and must not interfere with the operation and maintenance of the classified road network.
10. For the life of the development, the largest vehicle that is permitted to gain access to the site is a 20m long AV.
11. The signage required at each driveway to delineate/require egress only and ingress only (as detailed in Condition 8 above) must be in place for the life of the development.

PRIOR TO ISSUE OF CONSTRUCTION CERTIFICATE

12. Prior to the issuing of a Construction Certificate and/or Subdivision Certificate, (whichever comes first) the developer must:

- a) Enter into a Works Authorisation Deed (WAD) with TfNSW, or other suitable arrangement as agreed to by TfNSW, to progress the delivery of all works on Sydney Road as generally shown in plans submitted by McLaren Traffic on 18 September 2023, Project no. 2022/665, Drawing reference 2022-665, Revision A (e.g. the relocation of the existing concrete median and signage located within the Two-Way Right Turn Lane (TWRTL) in front of 23 Sydney Road, Mudgee).

Notes:

- A WAD is a legally binding contract between TfNSW and the developer, authorising the developer to undertake works on a state road.
- To progress the WAD, the developer needs to email a copy of the conditions of development consent to development.west@transport.nsw.gov.au . TfNSW will then appoint a project manager

who will coordinate TfNSW's involvement in the delivery of the works.

- All roadworks and traffic control facilities must be undertaken by a pre-qualified contractor.
- A copy of pre-qualified contractors can be found on the RMS website at: www.rms.nsw.gov.au/business-industry/partners-suppliers/tenders-contracts/prequalified-contractors.html
- Any new services or modifications to existing services associated with this development application that involve works on, over or under Sydney Road must be incorporated into, and managed under, the Works Authorisation Deed for the project. It is the developer's responsibility to identify these works to the TfNSW project manager.
- More information on WADs can be found at: www.rms.nsw.gov.au/documents/projects/fact-sheet-development-process.pdf

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

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

- a) Car parking area for 111 vehicles (including 4 disabled spaces).
- b) Car parking spaces are to be allocated to each unit as shown on the approved plans and the allocation permanently marked on each car parking space.
- c) Site entry, exit and circulating carriageway.
- d) Stormwater drainage and OSD.

Note: No works can commence prior to the issue of the Construction Certificate.

14. 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 release of the Construction Certificate. The drainage report and design must comply with the following requirements:

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

- proposed wall certified by a suitably qualified professional Engineer.
- b) Drainage design must also incorporate suitable and appropriate water quality controls to prevent pollution or contamination of downstream environments.
 - c) Drainage report and design must demonstrate that stormwater runoff from the site is not increased beyond the site's existing undeveloped state up to and including a 1/5/20/50/100 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.
15. A Traffic Control Plan (TCP) completed by a "Certified Person" for implementation during works is to be submitted to Council prior to any work commencing.
16. A copy of the Contractor's public liability insurance cover for a minimum of \$20,000,000 (twenty million dollars), is to be provided to Council, prior to issue of the Construction Certificate. The insurance cover shall include the following:
- a) Mid-Western Regional Council is to be indemnified against any works carried out by the contractor.
 - b) Public Liability Insurance is to include Mid-Western Regional Council as an interested party.
 - c) The copy of the Contractor's public liability insurance cover is to include the Certificate of Currency.
17. 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.

- 18.** Consent from TfNSW / 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. This does not apply to the works associated with the WAD.
- 19.** Details of the access upgrade, internal driveway and car parking spaces are to be submitted to and approved by the Certifier (i.e. Council or a private Certifier), prior to the issue of a 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.
- 20.** Where utilities are to be located within adjoining land, or stormwater discharge to be directed over an overland flow path across an adjoining property, an easement of sufficient width to accommodate the utilities or overland drainage path is to be registered on the title of the effected property, prior to issue of any Construction Certificate. Evidence of the creation of such easement is to be provided to Council and the Certifier (if applicable).
- 21.** 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.
- 22.** 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.
- 23.** 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 \$4,808,560, it is estimated the contribution amount will be \$48,085.60.

Note: The contribution amount will be adjusted by the Consumer Price Index, if not paid in the same financial year the development consent was issued.

Note: Mid-Western Regional Contributions Plan 2019 is available for perusal at Council's Administration Centre at 86 Market Street, Mudgee or on Council's website www.midwestern.nsw.gov.au under Council Documents/Strategies and Plans.

24. 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.

PRIOR TO COMMENCEMENT OF WORKS

25. 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.

26. 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

27. 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.
28. If the work involved in the erection/demolition of the building:
- a) is likely to cause pedestrian or vehicular traffic in a public place to be obstructed or rendered inconvenient, or
 - b) building involves the enclosure of a public place
- A hoarding or fence must be erected between the work site and the public place. If necessary, an awning is to be erected, sufficient to prevent any substance from, or in connection with, the work falling into the public place. Any such hoarding, fence or awning is to be removed when the work has been completed.
29. 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.
30. Prior to commencing works within the Sydney Road/the state classified road reserve, the developer must:

- a) Obtain Section 138 consent under the Roads Act 1993 from TfNSW for the works associated with the WAD.

Note: TfNSW will be exercising its powers under Section 64 of the Roads Act 1993 to become the roads authority for works associated with the WAD and therefore responsible for issuing the Section 138 consent for the works.

- b) Apply for, and obtain a Road Occupancy Licence (ROL) from the TfNSW Road Access Management Team via OPLINK prior to commencing roadworks or any other works that impact a travel lane of Sydney Road.

Notes:

- For information on the ROL process and to lodge an ROL application, please visit <https://myrta.com/oplinc2/pages/security/oplinclLogin.jsf>.
- The applicant will need to create an account (this may take a few days to register) before submitting the ROL application. The applicant must submit the ROL application 10 business days prior to commencing work. It should be noted that receiving approval for the ROL within this 10 business day period is dependent upon TfNSW receiving an accurate and compliant TMP.
- The application will require a Traffic Management Plan (TMP) to be prepared by a person who is certified to prepare Traffic Control Plans. Should the TMP require a reduction of the speed limit, a Speed Zone Authorisation will also be required from the TOU.
- An approved ROL does not constitute an approval to commence works until an authorisation letter for the works has been issued by the TfNSW Project Manager.

31. Any necessary alterations to, or relocations of, public utility services to be carried out at no cost to Council and in accordance with the requirements of the relevant authority including the provision of easements over existing and proposed public infrastructure.

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

- a) diversion of uncontaminated up-site runoff around cleared and/or disturbed areas and areas to be cleared and/or disturbed;

- b) **sediment control fences at the downslope perimeter of the cleared and/or disturbed area to prevent sediment and other debris escaping from the land to pollute any stream or body of water; and**
- c) **Maintenance of all erosion control measures at maximum operational capacity until the land is effectively rehabilitated and stabilized beyond the completion of construction.**

DURING WORKS

- 33. **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.**
- 34. **All plumbing and drainage work must be carried out by a licensed plumber and drainer and must comply with the Plumbing Code of Australia.**
- 35. **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.**
- 36. **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.**
- 37. **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.**
- 38. **All building work is to comply with the requirements of the Access to Premises Standard.**
- 39. **The list of fire safety measures contained in the fire safety schedule attached to the relevant development consent for a change of use, construction certificate or complying development certificate, are required to be installed in the building or on the land to ensure the safety of persons in the event of fire.**
- 40. **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.**

41. **Stormwater drainage is to comply with the Mid-Western Regional Council Development Control Plan 2013 and the standards referenced in Appendix B and D.**
42. **A total of 111 car parking spaces are to be provided within the site of the development and comply with AS 2890.1: 2004 – Parking facilities – Part 1: Off-street car parking and the following requirements:**
 - a) **Each parking space is to have minimum dimensions of 5.5m x 2.4m;**
 - b) **Car parking spaces are to be allocated to each unit in accordance with the approved plans and the allocation permanently marked on each car parking space.**
 - c) **Each disabled car parking space is to be in accordance with the provisions of AS 2890.6: 2009 – Parking facilities – Part 6: Off-street parking for people with disabilities;**
 - d) **All car parking spaces are to be line-marked and provided with a concrete surface and must be maintained in a satisfactory condition at all times; and**
 - e) **Off street parking is to be encouraged by the placement of prominent signs indicating the availability of parking.**
43. **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.
44. **The developer is to provide separate water and sewer reticulation services to each allotment within the development.**
45. **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).

46. The developer is to extend and meet the full cost of sewer reticulations to service the development plus the cost of connecting to existing services. All sewerage work is required to be carried out in accordance with the requirements of Mid-Western Regional Council (as the Water Supply Authority under the Local Government Act 1993) and in accordance with the National Specification – Sewerage Code of Australia.

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

PRIOR TO ISSUE OF SUBDIVISION CERTIFICATE - BOUNDARY ADJUSTMENT

47. 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.

48. Prior to the issue of a Subdivision Certificate, appropriate instruments, easements, covenants or the like are to be submitted to Council to facilitate the legal use of the lots as one development including the following:

- a) Vehicular access, manoeuvring and movements
- b) Access and use of car parking spaces
- c) Access and use of loading facilities
- d) Stormwater drainage and services crossing cadastral boundaries.
- e) Ongoing maintenance responsibilities, as relevant

49. 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.

- 50. Prior to the issuing of an Occupation Certificate or Subdivision Certificate, (whichever comes first), the developer must:**
- a) Complete the works within the Sydney Road reserve. The concrete median and signage associated with the Two-Way Right Turn Lane (TWRTL) is to have been relocated in general accordance with the plans submitted to TfNSW and referenced as 'MTE Concept Plans – Project 2022/665', dated 18 September 2023. Signage must be relocated and installed in accordance with relevant Australian Standards and TfNSW prescriptions.**
 - b) Ensure all redundant driveways and access points associated with the subject site are to be made good with kerb and gutters to match existing in accordance with Council's specifications.**
 - c) Ensure all access across all lots created as a result of the boundary adjustment is via a 'Right of Way' (ROW) legally certified on the title of the burdened lots by way of a Section 88B Instrument under the Conveyancing Act, 1919. The ROW shall be of appropriate size to cater for the swept path of the largest vehicle to enter and exit the site as stipulated in the letter prepared by McLaren Traffic Engineers, dated 18 September 2023 and must contain a provision that it cannot be varied, modified, or released without the written consent of the Council.**

PRIOR TO ISSUE OF OCCUPATION CERTIFICATE

- 51. 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.**
- 52. Prior to 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.**

53. 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.
54. 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.
55. 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.
56. Prior to use of the development and/or issue of an Occupation Certificate, roof water from the building and any rainwater tank overflow shall be piped clear of the building, without creating any nuisance on the property or to adjoining properties.
57. Prior to the use of the development and/or issue of an Occupation Certificate, evidence is to be submitted to Council and the Certifier (if applicable), that the boundary adjustment and relevant requirements set out in Condition 48 of this consent has been registered with NSW Land Registry Services.

SIGNAGE

58. Signage is to be provided in accordance with the approved plans and the following requirements:
- **Sign 1 (19 Sydney Road) – Relocated existing pylon sign**
 - Directory Sign for Units 1 to 3
 - Total advertising area is 4.4sqm
 - Maximum height 5.4m
 - Bottom of sign no less than 3.0m above ground level.
 - **Sign 2 (21 Sydney Road) – Existing pylon sign**
 - Directory Sign for Units 4-17
 - Total advertising area is 7.2sqm
 - Maximum height 6.6m
 - Bottom of sign no less than 3.0m above ground level.
 - **Sign 3 (23 Sydney Road) – New pylon sign**
 - Directory Sign for Units 18-21
 - Total advertising area is 7.2sqm

- **Maximum height 6.6m**
- **Bottom of sign no less than 3.0m above ground level.**

- 59. Each directory pylon sign is to only display:**
- a) **The name of the person or business operating from the relevant Units;**
 - b) **The nature of the business carried on from the relevant Units;**
 - c) **The address of the premises; and/or**
 - d) **A logo or other symbol that identifies the business.**

The signs must not contain any advertising of a general nature or relate to a person or business not operating from the site.

- 60. The approved signage is to be located wholly within the property boundaries of the subject site, with no part of the signage to be located within the road reserve.**

- 61. The signage must not be illuminated, at any time.**

- 62. The approved signage is not to operate as a changeable message sign, at any time.**

- 63. The approved signage and related components are to be maintained in a clean, tidy and structurally sound manner, at all times.**

- 64. The property owner or tenant shall remove and clean any graffiti attacks on the approved signage and related components as soon as practicable, in order to deter future attacks.**

- 65. Any further signage proposed on the site is subject to a separate Development Application, if the additional signage is not exempt development.**

ONGOING USE:

- 66. 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.**

- 67. Where any essential services are installed in the building a copy of the final Fire Safety Certificate (together with a copy of the current fire safety schedule) is to be given to the Commissioner of Fire and Rescue NSW and Council. A further copy of the Certificate (together with a copy of the**

- current fire safety schedule) is to be prominently displayed in the building.
68. The hours of operation of the development are limited to the following:
- a) 7am to 6pm, Monday to Friday; and
 - b) 7am to 1pm, Saturday; and
 - c) No activities are to be undertaken on Sundays and public holidays.
69. All activities in connection with the use of the relevant subject units is to be wholly confined within the building.
70. 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".
71. Garbage areas are to be adequately screened from public view with an opaque fence and/or adequate landscaping. All waste must be secured in enclosed containers.
72. 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.
73. The development is to be maintained in a clean and tidy manner, at all times.
74. No display or sale of goods is to take place from public areas or footpaths fronting the premises.
75. 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.
76. All loading and unloading in connection with the premises shall be carried out wholly within the site.
77. 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.
78. Any external plant (generators, air conditioning plant etc.) shall be enclosed to minimise noise impacts to adjoining residential dwellings.

79. Areas set aside for landscaping as indicated on the approved site plan, are to be reserved for landscaping at all times. The landscaping is to consist of mature trees and lawn which are low maintenance, drought and frost tolerant in nature.
80. Measures, such as raised kerb edges, bollards and/or fencing, are to be installed and maintained around all approved landscaped areas in order to prevent vehicles driving over them.
81. Landscaping is to be maintained for the life of the development. If any of the vegetation comprising the landscaping dies or is removed, it is to be replaced with vegetation of similar maturity as the vegetation which has died or being removed.

ESSENTIAL ENERGY GENERAL COMMENTS:

- If the proposed development changes, there may be potential safety risks and it is recommended that Essential Energy is consulted for further comment;
- Any existing encumbrances in favour of Essential Energy (or its predecessors) noted on the title of the above property should be complied with;
- Any activities in proximity to electrical infrastructure must be undertaken in accordance with the latest industry guideline currently known as ISSC 20 Guideline for the Management of Activities within Electricity Easements and Close to Infrastructure;
- Prior to carrying out any works, a “Dial Before You Dig” enquiry should be undertaken in accordance with the requirements of Part 5E (Protection of Underground Electricity Power Lines) of the Electricity Supply Act 1995 (NSW); and
- It is the responsibility of the person/s completing any works around powerlines to understand their safety responsibilities. SafeWork NSW (www.safework.nsw.gov.au) has publications that provide guidance when working close to electricity infrastructure. These include the Code of Practice – Work near Overhead Power Lines and Code of Practice – Work near Underground Assets.

COUNCIL ADVISORY NOTES:

1. This development consent requires a Certificate of Compliance under the Water Management Act 2000 to be obtained prior to the issue of a 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	\$3,409.00
Sewer Headworks	\$5,644.65
Total Headworks	\$9,053.65

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:

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

3. **The development was not required to be placed on public exhibition in accordance with the Community Participation Plan 2019 and no submissions were received.**

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

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

- 8.3 DA0052/2024 - SUBDIVISION (70 RESIDENTIAL LOTS)
STAGE 13 - CAERLEON ESTATE - 40 HONE CREEK DRIVE,
CAERLEON
GOV400105, DA0052/2024

07/24

MOTION: Shelley / Cavalier

That Council defer DA0052/204 – Subdivision (70 Residential Lots) Stage 13 – Caerleon Estate – 40 Hone Creek Drive, Caerleon to the next Ordinary Meeting of Council. Staff to liaise with applicant to ensure compliant road widths are achieved with consideration of appropriate lot sizes for the area.

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

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

The following recommendations (item 8.4 to item 9.4) were adopted as a whole, being moved by Cr Shelley seconded by Cr Stoddart and carried with Councillors voting unanimously. Each recommendation is recorded with separate resolution numbers commencing at Resolution No. 08/24 and concluding at Resolution No.17/24.

8.4 PLANNING PROPOSAL GULGONG - HEIGHTS OF BUILDINGS AMENDMENT

GOV400105, LAN900046

08/24 MOTION: Shelley / Stoddart

That Council:

1. receive the report by the Manager Strategic Planning on the Planning Proposal Gulgong - Heights of Buildings Amendment;
2. provide initial support for amending the height of buildings map at Gulgong from 5m to 5.5m;
3. forward the Planning Proposal to amend the Mid-Western Regional Local Environmental Plan 2012 to the NSW Department of Planning, Housing and Infrastructure seeking a Gateway Determination in accordance with Section 3.34 of the Environmental Planning and Assessment Act 1979; and
4. undertake community consultation as outlined in any approved Gateway determination.

The motion was carried with the Councillors voting unanimously.

8.5 RENEWABLE ENERGY PLANNING AGREEMENT POLICY - POST PUBLIC EXHIBITION

GOV400105, LAN900113

09/24 MOTION: Shelley / Stoddart

That Council:

1. receive the report by the Economic Development Coordinator on the Renewable Energy Planning Agreement Policy;
2. receive all public submissions to the Renewable Energy Planning Agreement Policy; and
3. do not adopt the Renewable Energy Planning Agreement Policy in current form.

The motion was carried with the Councillors voting unanimously.

8.6 ACCEPTANCE OF NSW GRANT FUNDING

GOV400105, GRA600020

10/24 MOTION: Shelley / Stoddart

That Council:

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

Grant Fund	Project	Grant Amount
Level the Playing Field Program 2023/24	Construction of field 2 lighting at Billy Dunn Sporting Complex Gulgong	\$302,000
ClubGrants Infrastructure Grants 2023-24 Round 2	Cudgegong Waters Park amenities building and camp kitchen	\$250,000
Get NSW Active FY2024/25	New footpath construction projects over three years in Mudgee, Gulgong, Rylstone and Kandos based on the 2016 Pedestrian Access and Mobility Plan and Draft Walking and Cycling Strategy 2023	\$860,288
Active Travel to and from School Program	Upgrade existing pathways that are in poor condition around schools in Mudgee, Gulgong, Rylstone and Kandos	\$800,000

3. if successful, amend the 2023/24 and 2024/25 budgets as follows:
 - 3.1 Level the Playing Field Program 2023/24 - 2024/2025 set an expenditure budget of \$456,000 for field 2 lighting at Billy Dunn Sporting Complex to be funded \$302,000 by grants and \$154,000 from capital reserves program;
 - 3.2 ClubGrants Infrastructure Grants 2023-24 Round 2 - Combine the two existing projects listed below into one budget named Cudgegong Waters amenities and camp kitchen.
 - Cudgegong Waters - Public Toilets (Requires Grant) – project 75158
 - Cudgegong Waters Park Camp Kitchen (Requires Grant) – Project 75162;

- 3.3 Move the income and expenditure budgets for funding of the Cudgegong Waters amenities and camp kitchen from 2023/2024 to 2024/2025;
 - 3.4 Reduce income from grant funding of the Cudgegong Waters amenities and camp kitchen in 2024/2025 by \$150,000 and increase funding from capital reserves by \$150,000;
 - 3.5 Increase the expenditure budget of the Cudgegong Waters amenities and camp kitchen in 2024/2025 by \$215,705 to be funded by capital reserves program;
 - 3.6 Get NSW Active FY2024/25 - 2024/2025 increase the expenditure budget for pedestrian access and mobility plan works by \$860,288 to be funded by grants;
 - 3.7 Active Travel to and from School Program - 2024/2025 increase the expenditure budget for footpath replacement by \$800,000 to be funded by grants; and
4. authorise the General Manager to finalise and sign the funding agreements.

The motion was carried with the Councillors voting unanimously.

8.7 BURIALS ON PRIVATE LAND POLICY

GOV400105, PUB600019

11/24

MOTION: Shelley / Stoddart

That Council:

1. receive the report by the Manager Building and Development on the Burials on Private Land Policy; and
2. place the Burials on Private Land Policy on public exhibition for a period of 28 days; and
3. adopt the Burials on Private Land Policy if no submissions are received during the public exhibition period.

The motion was carried with the Councillors voting unanimously.

8.8 MONTHLY DEVELOPMENT APPLICATIONS PROCESSING AND DETERMINED - DECEMBER 2023

GOV400105, A0420109

12/24

MOTION: Shelley / Stoddart

That Council receive the report by the Manager Planning on the Monthly Development Applications Processing and Determined for December 2023.

The motion was carried with the Councillors voting unanimously.

8.9 MONTHLY DEVELOPMENT APPLICATIONS PROCESSING
AND DETERMINED - JANUARY 2024

GOV400105, A0420109

13/24 MOTION: Shelley / Stoddart

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

The motion was carried with the Councillors voting unanimously.

Item 9: Corporate Services

9.1 MONTHLY STATEMENT OF INVESTMENTS AS AT 31
DECEMBER 2023

GOV400105, FIN300053

14/24 MOTION: Shelley / Stoddart

That Council:

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

The motion was carried with the Councillors voting unanimously.

9.2 MONTHLY STATEMENT OF INVESTMENTS AS AT 31
JANUARY 2024

GOV400105, FIN300053

15/24 MOTION: Shelley / Stoddart

That Council:

- 1. receive the report by the Financial Planning Co-Ordinator on the Monthly Statement of Investments as at 31 January 2024; and**
- 2. note the certification of the Responsible Accounting Officer.**

The motion was carried with the Councillors voting unanimously.

9.3 MONTHLY BUDGET REVIEW - JANUARY 2024

GOV400105, FIN300315

16/24 MOTION: Shelley / Stoddart

That Council receive the report by the Chief Financial Officer on the Monthly Budget Review for January 2024.

The motion was carried with the Councillors voting unanimously.

9.4 QUARTERLY BUDGET REVIEW - DECEMBER 2023

GOV400105, FIN300240

17/24

MOTION: Shelley / Stoddart

That Council:

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

The motion was carried with the Councillors voting unanimously.

Councillor Cavalier declared a pecuniary conflict of interest in item 9.5 as he has a business relationship with one of the applicants. He left the Chambers at 5:46pm and did not vote or participate in discussion in relation to this item.

9.5 COMMUNITY GRANTS PROGRAM - FEBRUARY 2024

GOV400105, GRA600009

18/24

MOTION: Shelley / Thompson

That Council:

- 1. receive the report by the Acting Financial Planning Co-ordinator on the Community Grants Program - February 2024;**
- 2. provide financial assistance to the following applications in accordance with the criteria and guidelines of the Community Grants Policy:**

• Mudgee Aero Club Incorporated	\$4,000
• Gulgong Chamber of Commerce Inc	\$10,000
• Mudgee Fine Foods Incorporated	\$6,000
• Spare Parts Invests in Arts Inc	\$3,150
• Life Charity Focus	\$5,000
- 3. not provide financial assistance to the following applicants for the reason provided in the report:**
 - Cudgegong Antique Machinery Club

The motion was carried with the Councillors voting unanimously.

Councillor Cavalier returned to the Chambers at 5:47pm.

9.6 DEDUCTIBLE GIFT RECIPIENT STATUS FOR MUDGEES ARTS
PRECINCT AND THE MID-WESTERN REGIONAL COUNCIL
LIBRARY

GOV400105, FIN300056

19/24

MOTION: Shelley / Paine

That Council:

1. **receive the report by the Financial Operations Co-ordinator on seeking Deductible Gift Recipient status for the Mudgee Arts Precinct and to the Mid-Western Regional Council Library;**
2. **adopt the attached rules of operation, with minor amendments, for the Mudgee Arts Precinct;**
3. **adopt the attached rules of operation for the Mid-Western Regional Council Library; and**
4. **seek Deductible Gift Recipient status for the above operations from the Australian Tax Office.**

The motion was carried with the Councillors voting unanimously.

The following recommendations (item 9.7 to item 10.3) were adopted as a whole, being moved by Cr Shelley seconded by Cr Stoddart and carried with Councillors voting unanimously. Each recommendation is recorded with separate resolution numbers commencing at Resolution No.20/24 and concluding at Resolution No.25/24.

9.7 PROPOSED PARTIAL ROAD CLOSURE AT SALEYARDS
LANE

GOV400105, ROA100605

20/24

MOTION: Shelley / Stoddart

That Council:

1. **receive the report by the Property Officer on the Proposed Partial Road Closure at Saleyards Lane in Mudgee;**
2. **consent to the Proposed Partial Road Closure of a Council Public Road. The subject road to be closed is indicated on Attachment 2 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 2 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 Road Closure and subsequent lot consolidation with Council owned land being Lot 2 DP 510997, Lot 30 DP1267151, and part Lot 29 DP1267151;
6. authorise the Mayor to sign all documentation where additionally required to do so, in relation to the Proposed Road Closure and subsequent lot consolidation with Council owned land being Lot 2 DP 510997, Lot 30 DP1267151, and part Lot 29 DP1267151;
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 2 DP 510997, Lot 30 DP1267151, and part Lot 29 DP 1267151.

The motion was carried with the Councillors voting unanimously.

9.8 FURTHER AMENDMENT TO ROAD CLOSURE LAND
TRANSFER DEED ULAN-WOLLAR ROAD

GOV400105, ROA100367

21/24

MOTION: Shelley / Stoddart

That Council:

1. receive the report by the Manager Property and Revenue on the Further Amendment to Road Closure Land Transfer Deed Ulan-Wollar Road;
2. agree to the terms in the revised Road Closure Land Transfer Deed 2023 as appended as Attachment 1 to this Report;
3. authorise the General Manager to endorse the revised Road Closure Land Transfer Deed 2023 as appended as Attachment 1 to this Report;
4. require Peabody Pastoral Holdings P/L or Wilpinjong Coal P/L be responsible for all reasonable costs incurred by Council in discharging its tasks in accordance with the revised Road Closure Land Transfer Deed 2023 as appended

as Attachment 1 to this Report, including all legal and other out of pocket costs;

5. authorise the General Manager to sign all documentation, where necessary, to transfer the ownership of the different parts of the Road Closure Land, if and when closed, to the party/parties as cited in the revised Road Closure Land Transfer Deed 2023 appended as Attachment 1 to this Report;
6. authorise the Mayor to sign all documentation, where additionally required to do so, to transfer the ownership of the different parts of the Road Closure Land, if and when closed, to the party/parties as cited in the revised Road Closure Land Transfer Deed 2023 appended as Attachment 1 to this Report; and
7. authorise the Common Seal of Council be affixed to all documentation, where necessary, to transfer the ownership of the different parts of the Road Closure Land, if and when closed, to the party/parties as cited in the revised Road Closure Land Transfer Deed 2023 appended as Attachment 1 to this Report.

The motion was carried with the Councillors voting unanimously.

9.9 CLASSIFICATION OF LAND - LOT 2 DP 510997 AT 292
SALEYARDS LANE, MUDGEE

GOV400105, A0210007, P1991411

22/24

MOTION: Shelley / Stoddart

That Council:

1. receive the report by the Property Officer on the Classification of Land - Lot 2 DP 510997 at 292 Saleyards Lane, Mudgee; and
2. classify Allotment 2 DP510997 at 292 Saleyards Lane, Mudgee as Operational Land in accordance with Chapter 6 Part 2 Division 1 Local Government Act 1993.

The motion was carried with the Councillors voting unanimously.

Item 10: Operations

10.1 SEALING OF SCOTTS LANE, GULGONG

GOV400105, ROA100328

23/24

MOTION: Shelley / Stoddart

That Council:

1. receive the report by the Works Technical Officer on the Sealing of Scotts Lane, Gulgong;
2. approve the sealing of the 500m length of Scotts Lane with a contribution from the applicants for the cost of the seal and a condition that payment is received prior to any works commencing; and
3. amend the 2023/24 Operational Plan to include the sealing of Scotts Lane for \$60,300 to be funded via \$16,830 from the applicants and an additional \$35,000 from Seal Extension Reserve and the balance from unrestricted cash.

The motion was carried with the Councillors voting unanimously.

10.2 DRINKING WATER ANNUAL REPORT AND FACTSHEET
GOV400105, WAT500075

24/24 MOTION: Shelley / Stoddart

That Council:

1. receive the report by the Water Quality Officer on the Drinking Water Annual Report and Factsheet; and
2. note that the Drinking Water Annual Report and Factsheet will be publicly available and updated yearly.

The motion was carried with the Councillors voting unanimously.

10.3 POLICY REVIEWS - OPERATIONS
GOV400105, ROA100072

25/24 MOTION: Shelley / Stoddart

That Council:

1. receive the report by the Executive Assistant Operations on the Policy Reviews - Operations;
2. place on public exhibition for 28 days the amended Asset Management, Water Pipes Across and Alongside Roads, Regulatory and Warning Signage, Grazing of Stock On Roads, Private Works and Public Seating on Footpaths Policy;
3. adopt the Asset Management policy if no submissions are received during the public exhibition period;
4. adopt the Water pipes across and alongside Roads Policy if no submissions are received during the public exhibition period;

5. adopt the Regulatory and Warning Signage Policy if no submissions are received during the public exhibition period;
6. adopt the Grazing of Stock on Roads Policy if no submissions are received during the public exhibition period;
7. adopt the Private Works Policy if no submissions are received during the public exhibition period; and
8. rescind the Public Seating on Footpaths Policy if no submissions are received during the public exhibition period;

The motion was carried with the Councillors voting unanimously.

Item 11: Community

11.1 COSTING FOR AIR CONDITIONING AT RYLSTONE HALL GOV400105, F05900100

26/24 MOTION: Shelley / Palmer

That Council:

1. receive the report by the Director Community on the Costing for Air Conditioning at Rylstone Hall; and
2. approves the inclusion of \$90,000 for option 2, in the 2023/24 budget for the supply and installation of air conditioning at Rylstone Memorial Hall to be funded from unrestricted cash.

The motion was carried with the Councillors voting unanimously.

11.2 MUDGEES CENTRE OF EXCELLENCE TRAINING CAMP PROGRESS UPDATE GOV400105, FIN300368

27/24 MOTION: Karavas / Cavalier

That Council receive and note the report by the Director Community on the Mudgee Centre of Excellence Training Camp Progress Update.

The motion was carried with the Councillors voting unanimously.

11.3 MUDGEES VALLEY PARK EXPANSION PROJECT PROGRESS UPDATE GOV400105, FIN300365, COR400446

28/24 MOTION: Shelley / Dicker

That Council receive the report by the Director Community on the Mudgee Valley Park Expansion Project Progress Update.

The motion was carried with the Councillors voting unanimously.

11.4 COMMUNITY AND CULTURAL SERVICES QUARTERLY REPORT

GOV400105, COS300010

29/24 MOTION: Paine / Cavalier

That Council:

- 1. receive the report by the Director Community on the Community and Cultural Services Quarterly Report; and**
- 2. note the recent services provided and activities coordinated by Council's Community & Cultural Services Team.**

The motion was carried with the Councillors voting unanimously.

11.5 MUDGEE TOWN HALL CINEMA EQUIPMENT

GOV400105, REC800016

30/24 MOTION: Paine / Dicker

That Council:

- 1. receive the report by the Director Community on the Mudgee Town Hall Cinema Equipment; and**
- 2. amend the 2023/24 budget to increase the Town Hall Cinema Operations budget by \$25,000, to be funded from the Asset Replacement Reserve, for equipment for the Town Hall Cinema.**

The motion was carried with the Councillors voting unanimously.

11.6 LIBRARY SERVICES QUARTERLY REPORT

GOV400105, F0620020

31/24 MOTION: Palmer / Dicker

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

The motion was carried with the Councillors voting unanimously.

11.7 REVIEW OF MUDGEE LIBRARY OPENING HOURS

GOV400105, F0620008

32/24 MOTION: Stoddart / Paine

That Council:

1. receive the report by the Manager Library Services on the review of opening hours at Mudgee Library branch;
2. place this report on exhibition for 28 days to seek feedback from the community;
3. note the proposed changes to the opening hours of the Mudgee Library as:
 - 3.1 Monday, Tuesday, Wednesday, Friday: 9:00am – 5:30pm
 - 3.2 Thursday: 9:00am – 7:30pm
 - 3.3 Saturday: 9:30am – 1:30pm; and
4. adopt the proposed change to opening hours if no submissions are received during the exhibition period.

The motion was carried with the Councillors voting unanimously.

Item 12: Reports from Committees**12.1 LOCAL TRAFFIC COMMITTEE MEETING MINUTES -
DECEMBER 2023**

GOV400105, A0100009

33/24 MOTION: Paine / Palmer

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

The motion was carried with the Councillors voting unanimously.

Item 13: Urgent Business Without Notice**34/24 MOTION: Palmer / Dicker**

That Council consider an amendment to the LEP, to delete clause 4.1C of the LEP, to be urgent business without notice.

The motion was carried with the Councillors voting unanimously.

The Mayor ruled the matter to be considered as Urgent Business Without Notice.

13.1 AMENDMENT TO THE LEP – CLAUSE 4.1C

GOV400105,

35/24 MOTION: Palmer / Shelley

That Council prepare an LEP amendment to delete Clause 4.1C of the LEP – which allows no minimum lot size to occur within 100m of zone MU1 - this clause only applies to Caerleon, called Area C.

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		✓

Cr Thompson abstained from voting which is recorded as a nay vote.

Item 14: Confidential Session**36/24 MOTION: Shelley / Stoddart**

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

The motion was carried with the Councillors voting unanimously.

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

14.1 Sale of Land - Stage 2 Saleyards Lane Subdivision

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

Discussion of this matter in an open meeting would be, on balance, contrary to the public interest as it involves discussion of information that could prejudice Council's ability to obtain maximum value during the disposal process.

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.

Councillor Palmer declared a significant non-pecuniary conflict of interest in item 14.1 as he works for a real estate agent. He left the Chambers at 5:55pm and did not vote or participate in discussion in relation to this item.

14.1 SALE OF LAND - STAGE 2 SALEYARDS LANE SUBDIVISION
GOV400105, P23795, P23796

37/24

MOTION: Shelley / Paine

That Council:

1. receive the report by the Property Coordinator on the Sale of Land - Stage 2 Saleyards Lane Subdivision;
2. approve the sale of 22 residential allotments in Stage 2 of the Saleyards Lane subdivision as identified as Lots 7 to 28 (inclusive) in Attachment 1 of this Report;
3. authorise the General Manager, prior to the release of the Linen Plan of the subdivision, to organise and manage the marketing process for the 22 residential allotments in Stage 2 of the Saleyards Lane subdivision as identified in Attachment 1 of this Report, via procurement of an authorised Real Estate Agent;
4. approve the selling prices of the 22 residential allotments in Stage 2 of the Saleyards Lane subdivision as identified in Attachment 1 of this Report, to no less than 10% variation of the valuation as per Attachment 2 dated 13 December 2023 of each allotment;
5. authorise the General Manager to negotiate the selling prices of the 22 residential allotments in Stage 2 of the Saleyards Lane subdivision as identified in Attachment 1 of this Report, for no less than 10% variation of the valuation as per Attachment 2 dated 13 December 2023 of each allotment;
6. authorise the Mayor and General Manager, as required, to sign all documentation necessary in relation to the sale of each of the 22 residential allotments in Stage 2 of the Saleyards Lane subdivision as identified in Attachment 1 of the Report, to the purchasers;
7. authorise the Common Seal of Council be affixed to all necessary documentation for the sale of the 22 residential allotments in Stage 2 of the Saleyards Lane subdivision as identified in Attachment 1 of this Report;
8. amend the Budget for 2024/2025 as written in the Financial section of this report to reflect the anticipated sale proceeds of the 22 allotments in Stage 2 of the Saleyards Lane subdivision as identified in Attachment 1 of this Report; and
9. direct all net sale proceeds of the 22 residential allotments in Stage 2 of the Saleyards Lane subdivision as identified in Attachment 1 of this Report, to be transferred to the Land Development Reserve.

Councillor Palmer returned to the Chambers at 5:56pm.

Item 15: Urgent Confidential Business Without Notice

Nil

Item 16: Open Council

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MOTION: Dicker / Cavalier

That Council move to Open Council.

The General Manager announced the decisions taken in Confidential Session.

Item 17: Closure

There being no further business the meeting concluded at 5.57pm.

Unconfirmed