

Minutes of the Ordinary Meeting of Council

Held at the Council Chambers, 86 Market Street, Mudgee
on 21 May 2025, commencing at 5.30pm and concluding at

PRESENT Cr D Kennedy, Cr M Cornish, Cr K Dicker, Cr A Karavas, Cr E Lang, Cr R Palmer, Cr R Pryor, Cr P Shelley, Cr JP Thompson.

IN ATTENDANCE General Manager (Brad Cam), Acting Director Development (Lindsay Dunstan), Acting Director Operations (Claire Cam), Director Corporate Services (Leonie Van Oosterum), Acting Director Community (Richard Cushway), Acting Manager Customer Services and Governance (Ashleigh Marshall) 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 Thompson declared a less than significant non-pecuniary conflict of interest in item 8.6 as he is a member of the Gulgong Turf Club that is mentioned in the Housing Strategy.

Councillor Palmer declared a less than significant non-pecuniary conflict of interest in item 8.5 as a property mentioned in the Plan is owned by a client of his employer.

Councillor Kennedy declared a significant non-pecuniary conflict of interest in item 8.3 as he has the same type of business as the business conducted at the premise of the DA.

Item 3: Confirmation of Minutes

107/25 MOTION: Palmer / Dicker

That the Minutes of the Ordinary Meeting held on 16 April 2025 be taken as read and confirmed.

The motion was carried with the Councillors voting unanimously.

Item 4: Matters in Progress

Nil

Item 5: Mayoral Minute

Nil

Item 6: Notices of Motion or Rescission**6.1 MID-WESTERN REGION HOUSING STRATEGY -
SUBMISSION INCLUSION**

GOV400113, LAN900177

MOTION: Pryor / Thompson

That the Thornbury submission located at 2589 Castlereagh Highway Gulgong be included in the Mid-Western Region Housing Strategy.

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

Councillors	Ayes	Nays
Cr Kennedy		✓
Cr Cornish		✓
Cr Dicker		✓
Cr Karavas		✓
Cr Lang		✓
Cr Palmer		✓
Cr Pryor	✓	
Cr Shelley		✓
Cr Thompson	✓	

Item 7: Office of the General Manager**7.1 TOURISM SERVICES AND REGIONAL MARKETING**

GOV400113, A000000

108/25

MOTION: Shelley / Palmer

That Council:

1. receive the report by the Director Corporate Services and General Manager on Tourism Services and Regional Marketing;
2. support in principle the changes to the Council organisational structure presented in this report by the General Manager;
3. authorise the General Manager to continue and finalise the consultation process with staff and unions over the changes, including trialling the proposed structure for a period up to 12 months;
4. require a management submission to the draft Community

Strategic Plan – Towards 2040 to include an additional strategy under the theme Building a Strong Local Economy as follows:

- 4.1 Build and grow the visitor economy;**
- 5. require a management submission to the draft Delivery Program 2025/29 and Operational Plan 2025/26 to include relevant servicing actions and budgets for Destination Marketing and Visitor Servicing;**
- 6. accept the assets and liabilities on wind-up of MRT Incorporated; and**
- 7. amend the 2025/26, 2026/27, 2027/28 budgets as listed in the Financial Implications section of this report.**

The motion was carried with the Councillors voting unanimously.

Item 8: Development

8.1 DA0158/2025 DEVELOPMENT APPLICATION - SELF STORAGE UNITS - 3 KNOTT PLACE, CAERLEON NSW 2850 - LOT 10 DP 1277513
 GOV400113, DA0158/2025

109/25 MOTION: Shelley / Lang

That Council:

- A. receive the report by the Planning Coordinator on the DA0158/2025 Development Application - Self Storage Units - 3 Knott Place, Caerleon NSW 2850 - Lot 10 DP 1277513;**
- B. approve DA0158/2025 Development Application - Self Storage Units - 3 Knott Place, Caerleon NSW 2850 - Lot 10 DP 1277513 subject to the following conditions:**

GENERAL CONDITIONS

		Condition			
1.	Approved Plans and Supporting Documentation				
	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 / Document Ref	Rev	Date:	Prepared by:

Area Plan	A001	C	04-03-25	Structor Projects
Site Plan	A002	C	27-02-25	Structor Projects
Floor Plan Stage 1&2	A100	C	27-02-25	Structor Projects
Plan & Elevations Stage 3	A101	C	27-02-25	Structor Projects
Elevations	A200	C	27-02-25	Structor Projects
Signage	A201	-	-	Structor Projects
Cover Sheet & Drawing Schedule	45687- C00	B	27-01-25	Barnson
Proposed Site Plan	45687-C02	C	07-03-25	Barnson
Proposed Bulk Earthworks Plan	45687-C03	C	30-03-25	Barnson
Proposed Bulk Earthworks Specifications	45687-C04	C	27-01-25	Barnson
Proposed Pavement Plan	45687-C05	B	30-03-25	Barnson
Proposed Pavement Specification	45687-C06	B	27-01-2025	Barnson
Proposed Stormwater Management Plan	45687-C07	C	30-03-25	Barnson
Proposed Stormwater Specifications	45687-C08	A	27-01-25	Barnson
Plan showing Powerline Heights	45687-C09	C	30-03-25	Barnson
Proposed Retaining Wall	45687-C10	C	30-03-25	Barnson
Proposed Retaining Wall Specifications	45687-C11	B	27-01-25	Barnson
Proposed Water & Sewer Plan	45687-C12	C	30-03-25	Barnson
Preliminary Fire Services	45687-C13	D	30-03-25	Barnson

	Plan				
	<p>In the event of any inconsistency with the approved plans and a condition of this consent, the condition prevails.</p>				
	<p>Condition Reason: To ensure all parties are aware of the approved plans and supporting documentation that applies to the development.</p>				
2.	Annual Fire Safety Statement				
	<p>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.</p>				
	<p>Condition Reason: To comply with legislative requirements and to safeguard people from illness or injury due to a fire in a building.</p>				
3.	Copies of final Fire Safety Certificate				
	<p>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.</p>				
	<p>Condition Reason: To comply with legislative requirements and to safeguard people from illness or injury due to a fire in a building.</p>				
4.	Compliance with the Building Code of Australia				
	<p>All building work must be carried out in accordance with the Building Code of Australia.</p>				
	<p>Condition Reason: Prescribed condition pursuant to section 4.17(11) of the Environmental Planning and Assessment Act 1979.</p>				
5.	Occupation Certificate				
	<p>Prior to the occupation of a new building, or occupation or use of an altered portion of, or an extension to an existing building, an Occupation Certificate is to be obtained from the Principal Certifier appointed for the erection of the building</p>				
	<p>Condition Reason: To comply with the Environmental Planning and Assessment Act</p>				
6.	Commencement of works				
	<p>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.</p>				

	Condition Reason: To ensure any works are carried out lawfully.
7.	Erection of signs
	<p>1. This section applies to a development consent for development involving building work, subdivision work or demolition work.</p> <p>2. It is a condition of the development consent that a sign must be erected in a prominent position on a site on which building work, subdivision work or demolition work is being carried out—</p> <p>a. showing the name, address and telephone number of the principal certifier for the work, and</p> <p>b. showing the name of the principal contractor, if any, for the building work and a telephone number on which the principal contractor may be contacted outside working hours, and</p> <p>c. stating that unauthorised entry to the work site is prohibited.</p> <p>3. The sign must be—</p> <p>a. maintained while the building work, subdivision work or demolition work is being carried out, and</p> <p>b. removed when the work has been completed.</p> <p>4. This section does not apply in relation to—</p> <p>a. building work, subdivision work or demolition work carried out inside an existing building, if the work does not affect the external walls of the building, or</p> <p>b. Crown building work certified to comply with the Building Code of Australia under the Act, Part 6.</p>
	Condition Reason: Prescribed condition under section 70 of the Environmental Planning and Assessment Regulation 2021.
8.	No Ponding of Stormwater
	<p>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.</p> <p>Condition Reason: To ensure surface water does not become a nuisance.</p>
9.	Stormwater – Compliance with Appendices B and D of DCP.
	<p>Stormwater drainage is to comply with the Mid-Western Regional Council Development Control Plan 2013 and the standards referenced in Appendix B and D.</p> <p>Condition Reason: To ensure all lots are drained in accordance with Council's requirements.</p>
10.	Alterations to Public Utility Services
	<p>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</p>

	<p>authority including the provision of easements over existing and proposed public infrastructure.</p> <p>Condition Reason: To ensure any utility relocation works are carried out without cost to Council and the requirements of the relevant authority.</p>
11.	<p>Clear of easements, water and sewer mains</p> <p>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.</p> <p>There are to be no works involving cut or fill within the registered easement or within 1.5m of the water or sewer line</p> <p>Condition Reason: To preserve the stability and structural adequacy of Councils water and sewer mains, whilst ensuring access is readily available for maintenance and/or construction purposes.</p>
12.	<p>Car parking – compliance with Australian Standards</p> <p>The aisle widths, internal circulation, ramp widths and grades of the car park are to generally conform to the Roads and Maritime Services (RMS) guidelines and Australian Standard AS 2890.1: 2004 – Parking facilities – Part 1: Off-street car parking. Details of compliance are to be shown on the relevant plans and specifications.</p> <p>Condition Reason: To ensure car parking is provided in accordance with RMS and Australian Standards.</p>
13.	<p>Compaction of Fill</p> <p>Fill placed in residential or commercial lots shall be compacted in accordance with AS3798-2007 Guidelines on Earthworks for Commercial and Residential Developments.</p> <p>Condition Reason: To ensure any fill is compacted to an appropriate standard, suitable for future development.</p>
14.	<p>Separate DA for additional signage</p> <p>Any further signage proposed on the site is subject to a separate Development Application, if the additional signage is not exempt development</p> <p>Condition Reason: To require approval of any additional signage.</p>
15.	<p>Outdoor lighting – obtrusive effects</p> <p>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”.</p> <p>Condition Reason: To protect the amenity of the surrounding area.</p>
16.	<p>Setback from Electricity Infrastructure</p> <p>The development must be set back a distance of 15m from the centre conductor (66kv) from the nearest part of the development to Essential Energy’s infrastructure.</p>

	Condition Reason: To ensure safe setbacks from electricity infrastructure.
17.	Signage Maintenance
	The approved signage and related components are to be maintained in a clean, tidy and structurally sound manner, at all times.
	Condition Reason: To ensure signage is maintained and kept in good working order.
18.	Signage Amenity Impacts
	The signage is to be securely affixed and is not to flash, move or be objectionably glaring.
	Condition Reason: To protect the amenity of neighbouring properties.
19.	No illumination
	The sign must not be illuminated, at any time.
	Condition Reason: To protect the amenity of neighbouring properties
20.	Non-reflective finishes
	Metal roof/wall cladding shall be provided in a non-reflective/non-glary colour scheme such as "Colourbond" steel sheeting.
	Condition Reason: To minimise potential reflection, and to protect the amenity of surrounding properties.
21.	Work within easements
	Any work undertaken within a registered easement is to be in accordance with the relevant authority's requirements.
	Condition Reason: To ensure assets are not impacted
22.	Car Parking – Number of Spaces
	A total of 16 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) 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;
	b) All car parking spaces are to be line-marked and provided with a hard standing, concrete or bitumen surface and must be maintained in a satisfactory condition at all times; and
	c) Off street parking is to be encouraged by the placement of prominent signs indicating the availability of parking.
	Condition Reason: To ensure car parking is provide in accordance with Council and Australian Standards.

**BUILDING WORK
BEFORE ISSUE OF A CONSTRUCTION CERTIFICATE**

	Condition
23.	Access to Premises Standard
	<p>Prior to issue of a Construction Certificate, details demonstrating compliance with the Disability (Access to Premises – Buildings) Standards 2010 shall be submitted to and approved by the Certifier (i.e. Council or a private Certifier).</p> <p>Condition Reason: To assist the Certifier in determining the buildings level of compliance with respect to accessibility</p>
24.	Fire Safety Measures
	<p>A schedule of proposed fire safety measures are to be submitted to the Certifier (i.e. Council or a private Certifier) with the application for the Construction Certificate.</p> <p>Condition Reason: To assist the Certifier in determining the buildings level of compliance with respect to fire safety</p>
25.	Section 68 approvals - water supply, stormwater and sewerage
	<p>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.</p> <p>The application shall contain details demonstrating compliance with the Plumbing and Drainage Act 2011 and/or the Plumbing Code of Australia.</p> <p>The Section 68 application shall be considered and approved by Council prior to the release of any Construction Certificate for the development.</p>
	<p>Condition Reason: To ensure the property is adequately serviced and necessary approvals are obtained prior to works commencing onsite.</p>
26.	Detailed Engineering Design
	<p>A detailed engineering design is to be submitted to and approved by the Council's Development Engineering department prior to the issue of a Construction Certificate for the following works:</p> <p>a) Stormwater drainage, stormwater detention/water quality basin.</p> <p>The engineering design is to comply with the Council's Development Control Plan.</p> <p>Note: No works can commence prior to the issue of the Construction Certificate.</p>
	<p>Condition Reason: To ensure engineering works are designed in accordance with the relevant Australian</p>

	Standard and Council's DCP.
27.	<p>Drainage Report and Design</p> <p>A Drainage Report prepared in accordance with the Institution of Engineers publication Australian Rainfall and Run-off shall be submitted to and approved by Council's Development Engineering department prior to the release of the Construction Certificate. The drainage report and design must comply with the following requirements:</p> <ol style="list-style-type: none"> a) Drainage design for the proposed detention basin must be accompanied by fully detailed runoff calculations and a structural design for the proposed wall certified by a suitably qualified professional Engineer. b) Drainage design must also incorporate suitable and appropriate water quality controls to prevent pollution or contamination of downstream environments. c) Drainage report and design must demonstrate that stormwater runoff from the site is not increased beyond the existing undeveloped state up to and including a 1.5/5/20/100 year event. d) Drainage design must ensure that no stormwater runoff is permitted to discharge over adjoining properties. Discharge of runoff onto adjoining properties and any works associated with the control of stormwater discharge over and adjoining property must not occur without the consent of the owner of any affected property. <p>Condition Reason: To ensure works are designed in accordance with the relevant Australian Standard, Australian Rainfall and Runoff and Council's DCP.</p>
28.	<p>Section 138 approval - works within road reserve</p> <p>Application shall be made to the Council under Section 138 of the Roads Act 1993 for the upgrade of industrial driveway crossover works within the road reserve. The application shall contain details demonstrating compliance with:</p> <ol style="list-style-type: none"> a) Council's Access to Properties Policy; and b) Australian Standard AS/NZS 2890.1:2004 Parking Facilities – Off-street parking facilities. <p>The Section 138 application shall be considered and approved by the Council prior to the release of the Construction Certificate for the development.</p> <p>Condition Reason: To ensure appropriate approvals are obtained, prior to works commencing.</p>
29.	Utilities And Services

	<p>Before the issue of a Construction Certificate, written evidence of the following service provider requirements must be provided to Mid-Western Regional Council:</p> <ul style="list-style-type: none"> a) letter from the electricity supply authority demonstrating that satisfactory arrangements can be made for the installation and supply of electricity; b) a response from Mid-Western Regional Council as to whether the development would affect any Council’s infrastructure, and whether further requirements need to be met; c) other relevant utilities or services - that the development as proposed to be carried out is satisfactory to those other service providers, or if it is not, the changes that are required to make the development satisfactory to them. <p>Condition Reason: To ensure relevant utility and service providers’ requirements are provided to the certifier.</p>
<p>30.</p>	<p>Plan of Management for Detention Basin</p> <p>Prior to the issue of construction certificate, a Plan of Management (PoM) must be prepared and submitted to Council’s Development Engineering department to ensure the basin functions as designed and continues to meet stormwater quantity and quality objectives. The PoM must include:</p> <ul style="list-style-type: none"> • Detailed maintenance procedures for the detention basin and related infrastructure; • Inspection schedules and performance benchmarks for operational integrity; • Clear identification of responsibilities for long-term ownership, operation, and upkeep; • Measures to ensure the ongoing function of water quality treatment systems (e.g., gross pollutant traps, bioretention systems). <p>Condition Reason: To ensure the ongoing maintenance and function of the detention basin.</p>
<p>31.</p>	<p>Contributions – Section 7.12</p> <p>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.</p> <p>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.</p>

	<p>Note – based on the proposed cost of works being \$3,741,183.80, it is estimated the contribution amount will be \$37,411.84.</p> <p>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.</p> <p>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.</p> <p>Condition Reason: To comply with legislative requirements.</p>
32.	<p>Detailed landscape plans</p> <p>Prior to the issue of any Construction Certificate that includes above ground works, a landscape plan shall be submitted to and approved by the Certifier (i.e. Council or a private Certifier). The landscaped area must be in accordance with the approved plans (including landscaping within the 5m setback to Hill End Road and within the front setback to Knott Place) and shall be prepared by an appropriately qualified and experienced professional showing and/or achieving the following:</p> <p>a) A planting schedule (including a range of plant sizes).</p> <p>b) A maintenance schedule.</p> <p>c) Re-planting regime for any plants that are damaged, dead, or removed for any reason.</p> <p>d) Utilise endemic species, where practicable, which are appropriate for the site.</p> <p>e) Landscaping within existing / proposed easements to meet the requirements of the relevant authority.</p> <p>Condition Reason: To ensure suitable and appropriate landscaping is provided.</p>
33.	<p>Long Service Levy</p> <p>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.</p> <p>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.</p> <p>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</p>

	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.
	Condition Reason: To ensure the correct levy is paid in accordance with NSW State Government requirements.

BEFORE BUILDING WORK COMMENCES

	Condition
34.	<p>Pre-construction notifications</p> <p>In accordance with the provisions of the Environmental Planning and Assessment Act 1979 construction works approved by this consent must not commence until:</p> <p>a) A Construction Certificate has been issued by the Certifier (i.e. Council or an accredited certifier); and</p> <p>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</p> <p>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</p> <p>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.</p> <p>Condition Reason: Legislative requirement pursuant to Section 6.6 and 6.7 of the EP&A Act 1979</p>
35.	<p>Construction waste enclosure</p> <p>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.</p> <p>NOTE - ALL WASTE GENERATED FROM THE CONSTRUCTION PROCESS IS TO BE CONTAINED ON-SITE</p> <p>Condition Reason: To restrict pollution and protect the amenity of the neighbourhood during construction</p>
36.	Hoarding

	<p>If the work involved in the erection/demolition of the building;</p> <p>a) is likely to cause pedestrian or vehicular traffic in a public place to be obstructed or rendered inconvenient, or</p> <p>b) involves the enclosure of a public place, then a hoarding or fence must be erected between the work site and the public place. If necessary, an awning is to be erected, sufficient to prevent any substance from, or in connection with, the work falling into the public place. Any such hoarding, fence or awning is to be removed when the work has been completed.</p> <p>Condition Reason: To protect the public, and the surrounding environment, during site works and construction</p>
37.	<p>Erosion And Sediment Controls in Place</p> <p>Before any site work commences, Mid-Western Regional Council must be satisfied that the erosion and sediment controls in the erosion and sediment control plan are in place. These controls must remain in place until any bare earth has been restabilised in accordance with 'Managing Urban Stormwater: Soils and Construction' prepared by Landcom (the Blue Book) (as amended from time to time).</p> <p>Condition Reason: To ensure sediment-laden runoff and site debris do not impact local stormwater systems and waterways.</p>
38.	<p>Importation Of Fill Material – During Works</p> <p>Any fill material that is imported to the site must be analysed and classified by an appropriately qualified and experienced environmental consultant in accordance with the relevant NSW EPA Guidelines, including the Waste Classification Guidelines (2014).</p> <p>To ensure that fill material is suitable for the proposed use, only material classified as Virgin Excavated Natural Material (VENM), or Excavated Natural Material (ENM) is permitted to be imported onsite.</p> <p>Condition Reason: To ensure soil imported to the site is not contaminated and is safe for future occupants</p>
39.	<p>Re-Use of Site Soils – During Works</p> <p>Any existing soils to be re-used on the site must be analysed and classified by an appropriately qualified and experienced environmental consultant, in accordance with the relevant EPA guidelines, including the Waste Classification Guidelines (2014), to ensure that the soil is suitable for the proposed residential land use.</p> <p>Condition Reason: To ensure soil imported to the site is not contaminated and is safe for future occupants</p>

DURING BUILDING WORKS

	Condition
40.	Plumbing and Drainage Work
	All plumbing and drainage work must be carried out by a licensed plumber and drainer and must comply with the requirements of the Plumbing & Drainage Act 2011 and the Plumbing Code of Australia.
	Condition Reason: To ensure work is carried out by an authorised person and comply with certain legislation and minimum standards
41.	Construction Noise and Hours
	Construction work noise that is audible at other premises is to be restricted to the following times: a) Monday to Saturday - 7.00am to 5.00pm No construction work noise is permitted on Sundays or Public Holidays.
	Condition Reason: To protect the amenity of the surrounding area
42.	Fire Safety Schedule
	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.
	Condition Reason: To ensure the safety of persons using the building in the event of a fire
43.	Management of Development Site
	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.
	Condition Reason: To protect the amenity of the environment and neighbourhood during construction
44.	Mandatory Inspections
	All mandatory inspections required by the Environmental Planning and Assessment Act 1979 and any other inspections deemed necessary by the Principal Certifier shall be carried out during the relevant stage of construction.
	Condition Reason: To ensure the building work is

	consistent with approvals, endorsed plans, specifications and relevant documentation.
45.	Procedure For Critical Stage Inspections
	While building work is being carried out, the work must not continue after each critical stage inspection unless the principal certifier is satisfied the work may proceed in accordance with this consent and the relevant construction certificate.
	Condition Reason: To require approval to proceed with building work following each critical stage inspection.
46.	Waste Management
	While site work is being carried out:
	<ol style="list-style-type: none"> 1. all waste management must be undertaken in accordance with the waste management plan; and 2. upon disposal of waste, records of the disposal must be compiled and provided to Mid-Western Regional Council, detailing the following: <ol style="list-style-type: none"> a. The contact details of the person(s) who removed the waste; b. The waste carrier vehicle registration; c. The date and time of waste collection; d. A description of the waste (type of waste and estimated quantity) and whether the waste is to be reused, recycled or go to landfill; e. The address of the disposal location(s) where the waste was taken; f. The corresponding tip docket/receipt from the site(s) to which the waste is transferred, noting date and time of delivery, description (type and quantity) of waste. <p>If waste has been removed from the site under an EPA Resource Recovery Order or Exemption, records in relation to that Order or Exemption must be maintained and provided to the principal certifier and Council.</p>
	Condition Reason: To require records to be provided, during site work, documenting the lawful disposal of waste.
47.	Access and Facilities
	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.
	Condition Reason: To ensure the building owners/applicants/occupants are aware of their responsibilities under the Disability Discrimination Act 1992
48.	Existing Damage to Council Property
	Prior to the commencement of works on site, the applicant shall advise Council's Operations Department in writing, of any existing damage to Council property.
	Condition Reason: To ensure any damage to public

	infrastructure is rectified
49.	Full Cost of The Developer
	All works are to be constructed at the full cost of the developer, in a manner consistent with Aus-Spec #1 and Council's standard drawings.
	Condition Reason: To ensure all works are constructed in accordance with Council's standards and at no cost to Council.

BEFORE ISSUE OF OCCUPATION CERTIFICATE

	Condition
50.	Compliance with Section 68 Approvals
	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.
	Condition Reason: To ensure compliance with Council's S68 approvals.
51.	Finish of Surface Around Site
	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.
	Condition Reason: To ensure runoff does not impact on the building or adjoining properties.
52.	Stormwater to the Street
	Prior to use of the development and/or issue of an Occupation Certificate, all roof water shall be conducted to the street gutter by means of a sealed pipeline having a minimum diameter of 90mm. Please note this can be achieved by connecting to existing stormwater lines.
	Condition Reason: To ensure runoff does not impact on the building or adjoining properties.
53.	Completion Of Landscape and Tree Works
	Before the issue of an Occupation Certificate, the principal certifier must be satisfied all landscape and tree-works have been completed in accordance with approved plans and documents and any relevant conditions of this consent.
	Condition Reason: To ensure the approved landscaping works have been completed in accordance with the approved landscaping plan(s).
54.	Fire Safety Certificate
	Prior to occupation or the issue of the Occupation Certificate the owner of the building must cause the

	<p>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.</p> <p>Condition Reason: To comply with legislative requirements and to safeguard people from illness or injury due to a fire in a building.</p>
55.	<p>Completion Of Car Parking and Driveway</p> <p>Prior to the commencement of use of the development and/or the issue of an Occupation Certificate, all approved car parking and associated driveway works are to be completed.</p> <p>Condition Reason: To ensure compliance with the requirements of the consent.</p>
56.	<p>Repair Of Infrastructure</p> <p>Before the issue of an Occupation Certificate:</p> <ol style="list-style-type: none"> 1. any public infrastructure damaged as a result of the carrying out of work approved under this consent (including damage caused by, but not limited to, delivery vehicles, waste collection, contractors, sub-contractors, concreting vehicles) must be fully repaired to the written satisfaction of Council, and at no cost to Council; or 2. if the works in (a) are not carried out to Council's satisfaction, Council may carry out the works required and the costs of any such works must be paid as directed by Council and in the first instance will be paid using the security deposit required to be paid under this consent. <p>Condition Reason: To ensure any damage to public infrastructure is rectified.</p>
57.	<p>Final inspection report</p> <p>The final inspection report shall be submitted to Council with the Subdivision Certificate application.</p> <p>Condition Reason: To ensure compliance with Council's requirements.</p>
58.	<p>Maintenance Of Wastewater and Stormwater Treatment Device</p> <p>During occupation and ongoing use of the building, all wastewater and stormwater treatment devices (including drainage systems, sumps and traps, and on-site detention) must be regularly maintained to remain effective and in accordance with any positive covenant (if applicable).</p> <p>Condition Reason: To protect sewerage and stormwater</p>

	systems.
59.	<p>Restrictions on title – Detention Basin</p> <p>A Section 88B Instrument must be prepared and registered over the land containing the detention basin as a positive covenant to ensure the ongoing maintenance and operation of the stormwater infrastructure. This instrument shall:</p> <ul style="list-style-type: none"> • Assign responsibility for maintenance and compliance to the lot owner/registered proprietor; • Include the Plan of Management (PoM) as an annexure to the instrument, ensuring its requirements are legally binding; • Stipulate that the Mid-Western Regional Council is the sole authority authorised to release, vary, or modify the covenant; • Be submitted to the Council for review and approval prior to the issue of an Occupation Certificate. • The maintenance logbook shall be made available to Council upon request for review to ensure compliance with the approved stormwater management plan and relevant conditions.

OCCUPATION AND ONGOING USE

	Condition
60.	<p>Vehicles – Entry and Exit in A Forward Direction Only</p> <p>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.</p> <p>Condition Reason: To ensure the safe and efficient operation of the site.</p>
61.	<p>Vehicles – Loading Wholly on Site</p> <p>All loading and unloading in connection with the premises shall be carried out wholly within the site. This condition does not apply to garbage collection.</p> <p>Condition Reason: To ensure the safe and efficient operation of the site.</p>
62.	<p>Maintenance Of Pavement Surface and Wheel Stops</p> <p>The pavement surface and wheel stops for the on-site car parking and associated manoeuvring areas are to be maintained in a workable condition at all times. Any damage to the pavement surface is to be repaired as soon as practicable.</p> <p>Condition Reason: To ensure the safe and efficient operation of the car parking areas.</p>
63.	<p>Maintenance Of Line-Marking Within Car Park</p> <p>All line-marking for the on-site car parking spaces and footpath areas are to be maintained in a visible</p>

	<p>condition, at all times.</p> <p>Condition Reason: To ensure the safe and efficient operation of the car parking areas.</p>
64.	<p>All Car Parking Within Site</p> <p>All parking associated with the use is to be contained wholly within the site.</p> <p>Condition Reason: To ensure the safe and efficient operation of the site.</p>
65.	<p>No Storage in Parking Areas</p> <p>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.</p> <p>Condition Reason: To ensure the safe and efficient operation of the site.</p>
66.	<p>Driveways To Be Maintained</p> <p>All access crossings and driveways are to be maintained for the life of the development.</p> <p>Condition Reason: To ensure the safe and efficient operation of the development.</p>
67.	<p>No Interference with Amenity</p> <p>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.</p> <p>Condition Reason: To protect the amenity of the surrounding area.</p>
68.	<p>Clean and Tidy</p> <p>The development is to be maintained in a clean and tidy manner, at all times.</p> <p>Condition Reason: To ensure the site is kept in a clean and tidy state and does not affect the amenity of the surrounding area.</p>
69.	<p>Maintenance of Landscaping</p> <p>Landscaping is to be maintained in accordance with the approved landscape plan 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 the same species and similar maturity as the vegetation which has died or was removed. d</p> <p>Condition Reason: To ensure that any approved landscaping is maintained and preserved for the life of the development.</p>
70.	<p>Bushfire emergency and evacuation plan</p> <p>A bushfire emergency management and evacuation plan is to be developed that addresses the measures to be taken in response to the various bushfire danger ratings issued by the NSW RFA as well as any spot fires that may start up in the vicinity of the property.</p> <p>Condition Reason: To provide for the protection of human life in the event of bushfire</p>

71.	Storage of Hazardous Materials
	Storage of any hazardous materials should be located away from the bushfire hazard where possible.
	Condition Reason: To provide for the protection of human life and assets in the event of bushfire

Essential Energy Comments:

- A distance of 15m from the centre conductor (66kv) from the nearest part of the development to Essential Energy's infrastructure (measured horizontally) is required to ensure that there is no safety risk.

If the applicant would like to submit a request to encroach then they will need to complete a Network Encroachment Form via Essential Energy's website [Encroachments \(essentialenergy.com.au\)](https://www.essentialenergy.com.au) and provide supporting documentation such as a Blowout report which indicates that the proposed structure meets the requirements of AS 7000 created by a level 3 electrical designer. A list of ASPs can be found at: <https://www.energy.nsw.gov.au/households/guides-and-helpful-advice/being-more-energy-efficient/understand-your-energy-bill/altering-supply> Applicants are advised that fees and charges will apply where Essential Energy provides this service.

- It is also essential that all works comply with SafeWork clearance requirements. In this regard it is the responsibility of the person/s completing any works to understand their safety responsibilities. The applicant will need to submit a [Request for Safety Advice](#) if works cannot maintain the safe working clearances set out in the [Working Near Overhead Powerlines Code of Practice](#), or [CEOP8041 - Work Near Essential Energy's Underground Assets](#).
- 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); the location of overhead and underground powerlines are also shown in the Look Up and Live app essentialenergy.com.au/lookupandlive.

Council Advisory Notes

3. 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".
4. The Contractor is required to contact Dial Before You Dig to obtain details of the location of the various services in the vicinity of the subdivision to minimise the chance of disturbing utility services as well as the location of services which require to be relocated. DBYD can be contacted online <https://www.1100.com.au/or> by phone on 1100.
5. 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.
6. 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.
7. 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).
8. To ascertain the extent to which the consent is liable to lapse, refer to Section 4.53 of the EP&A Act.

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

Councillors	Ayes	Nays
Cr Kennedy	✓	
Cr Cornish	✓	
Cr Dicker	✓	
Cr Karavas	✓	
Cr Lang	✓	
Cr Palmer	✓	
Cr Pryor	✓	

Cr Shelley ✓

8.2 DA0049/2025 DEVELOPMENT APPLICATION - DEMOLITION OF EXISTING DWELLING AND CONSTRUCTION OF REPLACEMENT DWELLING - 34 GLADSTONE STREET, MUDGEES NSW 2850 (LOT 100 DP1300907)

GOV400113, DA0049/2025

110/25

MOTION: Shelley / Cornish

That Council:

- A. receive the report by the Planning Coordinator on the DA0049/2025 Development Application - Demolition of existing dwelling and construction of replacement dwelling - 34 Gladstone Street, Mudgee NSW 2850 (Lot 100 DP1300907);**
- B. approve DA0049/2025 Development Application - Demolition of existing dwelling and construction of replacement dwelling - 34 Gladstone Street, Mudgee NSW 2850 (Lot 100 DP1300907); and**
- C with appropriate standard conditions.**

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

Councillors	Ayes	Nays
Cr Kennedy	✓	
Cr Cornish	✓	
Cr Dicker	✓	
Cr Karavas	✓	
Cr Lang	✓	
Cr Palmer	✓	
Cr Pryor	✓	
Cr Shelley	✓	
Cr Thompson	✓	

Councillor Kennedy declared a significant non-pecuniary conflict of interest in item 8.3 as he has the same type of business as the business conducted at the premise of the DA. He left the Chambers at 5:57pm and did not participate in discussion or vote in relation to this matter.

8.3 ME0034/2025 - MODIFICATION TO DA0140/2024 - ALTERATIONS AND ADDITIONS TO FEDERAL HOTEL AND HOTEL/MOTEL ACCOMMODATION - 34-42 INGLIS STREET MUDGEES NSW 2850

GOV400113, DA0140/2024

111/25

MOTION: Shelley / Cornish**That Council:**

- A.** receive the report by the Planning Coordinator on Section 4.55(1A) ME0034/2025 - Modification to DA0140/2024 - Alterations and Additions to Federal Hotel and Hotel/Motel Accommodation - 34-42 Inglis Street Mudgee NSW 2850;
- B.** approve the Section 4.55(1A) Modification (ME0034/2025) to DA0140/2024 Alterations and Additions to Federal Hotel and Hotel/Motel Accommodation - 34-42 Inglis Street Mudgee NSW 2850 subject to the following amended conditions and Statement of Reasons (in blue):

APPROVED PLANS

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

Title / Name:	Drawing No / Document Ref	Revision / Issue :	Date:	Prepared by:
Cover sheet & site location	DA000	A	13/9/2023	Bergstrom Architects Pty Ltd
Site analysis	DA001	A	13/9/2023	Bergstrom Architects Pty Ltd
Existing photographs	DA002	A	13/9/2023	Bergstrom Architects Pty Ltd
Lot consolidation plan	DA003	A	25/9/2023	Bergstrom Architects Pty Ltd
Existing ground floor plan	DA010	A	13/9/2023	Bergstrom Architects Pty Ltd
Existing level 1 plan	DA011	A	13/9/2023	Bergstrom Architects Pty Ltd
Existing roof plan	DA012	A	13/9/2023	Bergstrom Architects Pty Ltd
Existing elevations - sheet 01	DA050	A	13/9/2023	Bergstrom Architects Pty Ltd
Existing elevations - sheet 02	DA051	A	13/9/2023	Bergstrom Architects Pty Ltd

Demolition plan - ground	DA090	A	13/9/2023	Bergstrom Architects Pty Ltd
Demolition plan - level 1	DA091	A B	13/9/2023 17/02/2025	Bergstrom Architects Pty Ltd
Proposed lower ground floor plan	DA100	A B	13/9/2023 17/02/2025	Bergstrom Architects Pty Ltd
Proposed ground floor plan	DA101	A B	13/9/2023 17/02/2025	Bergstrom Architects Pty Ltd
Proposed level 1 plan	DA102	A B	13/9/2023 17/02/2025	Bergstrom Architects Pty Ltd
Proposed roof plan	DA103	A B	13/9/2023 17/02/2025	Bergstrom Architects Pty Ltd
Proposed elevations - pub	DA500	A	13/9/2023	Bergstrom Architects Pty Ltd
Proposed elevations - hotel	DA501	A	13/9/2023	Bergstrom Architects Pty Ltd
Proposed elevations & external finishes - bottle shop	DA502	A B	13/9/2023 17/02/2025	Bergstrom Architects Pty Ltd
Proposed signage details	DA503	A	13/9/2023	Bergstrom Architects Pty Ltd
Proposed sections	SHEET 01 DA510	A B	13/9/2023 17/02/2025	Bergstrom Architects Pty Ltd
Proposed sections	SHEET 02 DA511	A B	13/9/2023 17/02/2025	Bergstrom Architects Pty Ltd
Proposed sections	SHEET 03 DA512	A	13/9/2023	Bergstrom Architects Pty Ltd
3d views sheet 01	DA520	A	13/9/2023	Bergstrom Architects Pty Ltd
3d views sheet 02	DA521	A B	13/9/2023 17/02/2025	Bergstrom Architects Pty Ltd
Landscape plans	DWG 2401 - SHEETS 1 – 5	A	28/9/2023	Paddock Studio Pty Ltd
Civil concept drawings	NDY-CIV-001	2.0	22/02/2024	NDY (ANNOTATIONS OF PLANS DA100 AND DA101)
Hydraulic drawings	NDY-HSK-001	4.0	22/02/2024	NDY (ANNOTATIONS OF PLANS DA100, DA101, DA102 AND DA103)

Mechanical concept drawings	NDY-CSK-001	1.0	20/10/2023	NDY
Statement of environmental effects	-	REV 4	12/10/2023	Canberra Airport Group
Statement of heritage impact	-	-	October 2023	Sue Rosen Associates
Traffic and parking impact assessment	-	2.0	5/10/2023	SCT Consulting
Noise impact assessment	rp230705c0029	3.1	5/9/2023	NDY
Tree assessment report		1.0	5/10/2023	McArdle and Sons Arboricultural Services Pty Ltd
BCA Fire Safety Upgrade Report	Report 2024/1221	1.1	13 December 2024	Steve Watson & Partners

[MODIFIED BY ME0034/2025]

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

GENERAL

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

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

5. All demolition works are to be carried out in accordance with AS 2601-2001 "Demolition of structures", with all waste being removed from the site. Hazardous waste such as asbestos cement sheeting etc, shall be handled, conveyed and disposed of in accordance with guidelines and requirements from SafeWork NSW. Disposal of asbestos material at Council's Waste Depot requires prior arrangement for immediate landfilling.
6. All earthworks, filling, building, driveways or other works are to be designed and constructed (including stormwater drainage if necessary) to ensure that at no time any ponding of stormwater occurs on the subject site or adjoining land as

a result of this development. Design must also ensure that no diversion of runoff onto other adjacent properties occurs.

7. This section applies to a development consent for development that involves excavation that extends below the level of the base of the footings of a building, structure or work on adjoining land, including a structure or work in a road or rail corridor.

It is a condition of the development consent that the person having the benefit of the development consent must, at the person's own expense—

- a) protect and support the building, structure or work on adjoining land from possible damage from the excavation, and b.
- b) if necessary, underpin the building, structure or work on adjoining land to prevent damage from the excavation.

This section does not apply if—

- a) the person having the benefit of the development consent owns the adjoining land, or
- b) the owner of the adjoining land gives written consent to the condition not applying.

8. This section applies to a development consent for development involving building work, subdivision work or demolition work.

It is a condition of the development consent that a sign must be erected in a prominent position on a site on which building work, subdivision work or demolition work is being carried out—

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

The sign must be—

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

This section does not apply in relation to—

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

9. Stormwater drainage is to comply with the Mid-Western

Regional Council Development Control Plan 2013 and the standards referenced in Appendix B and D.

- 10. The footpath and driveway levels are not to be altered outside the property boundary without Council's permission. Driveways installed over public footpaths must match the existing footpath profile.**
- 11. Fill placed in residential or commercial lots shall be compacted in accordance with AS3798-2007 Guidelines on Earthworks for Commercial and Residential Developments.**
- 12. The only waste derived fill material that may be received at the development site must be:**
 - a) Virgin excavated natural material, within the meaning of the Protection of the Environment Operations Act 1997; and**
 - b) Any other waste-derived material the subject of a resource recovery exemption under cl.91 of the Protection of the Environment Operations (Waste) Regulation 2014 that is permitted to be used as fill material.**
- 13. Notwithstanding the approved plans the structure is to be located clear of any easements and/or 1.5 metres from any water and sewer mains in accordance with Council Policy.**

PRIOR TO ISSUE OF CONSTRUCTION CERTIFICATE

- 14. Prior to the issue of any Construction Certificate, evidence that the lots making up the subject site have been consolidated into a single allotment and registered with NSW Land Registry Services is to be submitted to Council and the Certifier (if applicable). The lots to be consolidated into a single parcel include:**
 - a) Lot 16 Section 43 DP 758721**
 - b) Lot 17 Section 43 DP 758721**
 - c) Lot 18 Section 43 DP 758721**
 - d) Lot 10 DP 1275386**
- 15. Application shall be made to Council under Part B, Section 68 of the Local Government Act 1993 to carry out Water Supply, Stormwater and Sewerage Works. The application shall contain details demonstrating compliance with the Plumbing and Drainage Act 2011 and/or the Plumbing Code of Australia. The Section 68 application shall be considered and approved by Council prior to the release of any Construction Certificate for the development.**
- 16. Prior to issue of any Construction Certificate, a Liquid Trade Waste approval is to be obtained from Mid-Western Regional Council.**

17. The developer shall obtain a Certificate of Compliance under the Water Management Act 2000, from Council prior to issue of any Construction Certificate.
Note: Refer to Advisory Notes in relation to payment of contributions to obtain a Certificate of Compliance noting that further information regard floor areas must be supplied to Council's Water and Sewer Department for confirmation of the applicable Contribution amount payable. Please contact Council's Water and Sewer Department for further information.
18. Prior to the issue of a Construction Certificate, the developer shall pay a long service levy at the prescribed rate to either the Long Service Levy Corporation or Council, for any work costing \$250,000 or more.
Note: The amount payable is currently based on 0.25% of the cost of work. This is a State Government Levy and is subject to change.
Note: Council can only accept payment of the Long Service Levy as part of the fees for a Construction Certificate application lodged with Council. If the Construction Certificate is to be issued by a Private Certifier, the long service levy must be paid directly to the Long Service Levy Corporation or paid to the Private Certifier.
19. In accordance with the provisions of Section 7.12 of the Environmental Planning and Assessment Act 1979 and the Mid-Western Regional Contributions Plan 2019, a levy based on the value of works shall be paid to Council in accordance with this condition for the purpose of local infrastructure, prior to issue of any Construction Certificate.
The value of works is to be calculated in accordance with Section 2.9.3 and the procedure outlined in Section 4.3 of the Contributions Plan. A report regarding value of works and any necessary certification is to be submitted to Council. Council will calculate and advise of the levy amount following submission of the documents.
Note: the contribution amount will be adjusted by the Consumer Price Index, if not paid in the same financial year the development consent was issued.
Note: Mid-Western Regional Contributions Plan 2019 is available for perusal at Council's Administration Centre at 86 Market Street, Mudgee or on Council's website www.midwestern.nsw.gov.au under Council Documents/Strategies and Plans.
20. Prior to issue of a Construction Certificate for the new two (2) storey accommodation building, suitable privacy screens are to be detailed on the plans for all Level 1 windows on the

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

21. The acoustic treatment required by the Acoustic Report prepared by NDY Group Details shall be included on all plans submitted with the Construction Certificate application. The plans including acoustic treatments must be certified by the acoustic consultant and written evidence submitted to the Principal Certifier prior to the issue of any Construction Certificate for the hotel accommodation and bottle-shop. Where mechanical plant or condensers are to be included on the western elevations of the buildings, this plant must be suitably enclosed with acoustic treatment or relocated away from the western elevation of the development, prior to issue of any Construction Certificate.
22. Prior to issue of any Construction Certificate for the hotel accommodation or bottle shop buildings, the western boundary fence proposed as a timber fence between the subject land and 44 Inglis Street is to be increased from 1.8m to 2m in height to match the height of the existing boundary fence.
23. A Schedule of Conservation Works, prepared by a suitably qualified conservation architect, including but not limited to the matters listed in the Statement of Heritage Impact, be submitted to and approved by Council's Heritage Adviser before the issue of a Construction Certificate.
24. Prior to issue of a Construction Certificate, details demonstrating compliance with the Disability (Access to Premises – Buildings) Standards 2010 shall be submitted to and approved by the Certifier (i.e. Council or a private Certifier).
25. A schedule of existing and proposed fire safety measures is to be submitted to the Certifier (i.e. Council or a private Certifier) with the application for the Construction Certificate.
26. ~~Pursuant to section 64 of the Environmental Planning and Assessment Regulation 2021, the existing buildings are to be brought into conformity with the following Performance Requirements of the BCA, Volume 1.~~
 - ~~a) C1P2 – Spread of Fire~~
 - ~~b) D1P4 – Exits~~
 - ~~b) D1P6 – Paths of Travel to Exits~~

- ~~c) E1P1 – Fire Hose Reels~~
- ~~d) E1P2 – Fire Extinguishers~~
- ~~e) E1P3 – Fire Hydrants~~
- ~~f) E4P1 – Visibility in an emergency~~
- ~~g) E4P2 – Identification of exits~~
- ~~h) E4P3 – Emergency warning and intercom systems.~~

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

Pursuant to section 64 of the Environmental Planning and Assessment Regulation 2021, the existing building are to be brought into conformity with the recommendations and actions nominated within the BCA Fire Safety Upgrade Report prepared by Steve Watson & Partners, Report No 2024/1221, R1.1 dated 13 December 2024 while noting that all other aspects of the development are to comply with the BCA. Plans and specifications demonstrating compliance are to be submitted to and approved by the Certifier prior to the issue of a Construction Certificate.

[MODIFIED BY ME0034/2025]

27. All finished surface levels shall be shown on the plans submitted for any Construction Certificate.
28. Prior to the issue of a construction certificate, detailed plans of all food/beverage preparation, serving and storage areas (including for perishable stock, waste, chemicals and personal belongings) must be prepared by a suitably qualified person.

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

- a) Food Standards Code (Australia) and Food Safety Standard 3.2.3 – Food Premises and Equipment;
 - b) Food Act 2003 and Food Regulation 2015;
 - c) Australian Standard 4647:2004 (Design, Construction and Fit-out of Food Premises;
 - d) AS 1668.2-2012 – The use of ventilation and air conditioning in buildings;
 - e) Plumbing Code of Australia and Australian Standard/New Zealand Standard AS/NZS 3500 series on Plumbing and Drainage)
 - f) Mid-Western Regional Council's commercial trade wastewater requirements for food premises, and/or
 - g) The Building Code of Australia.
29. A detailed engineering design is to be submitted to and approved by Council prior to the issue of a S138 Roads Act

Approval and prior to the issue of any Construction Certificate for the Development. The engineering design is to comply with Council's Development Control Plan and the Standards referenced within Appendix B and D.

A S138 Roads Act Approval is required for but not limited to the following civil works:

- a) Commercial vehicular crossings / driveways in Inglis Street in accordance with Council's Access to Properties Policy.
- b) Removal of any redundant vehicle crossings, laybacks and subsequent rectification works.
- c) Relocation of any affected services.
- d) Reinstatement and turfing of all disturbed footway areas.
- e) Construction of Lyons Lane to the following standard from Lewis Street to Church Street (a distance of approximately 205m):
 - o A 5.5m wide bitumen sealed formation.
 - o A flexible gravel pavement designed by an appropriately qualified Geotechnical Engineer.
 - o One-way cross fall to a concrete dish drain.
 - o Sub-soil and piped drainage as required.
 - o Modification and reinstatement of any existing private property accesses within Lyons Lane.
 - o Relocation / adjustment of any affected public utilities / services within Lyons Lane.
 - o Reinstatement of all disturbed areas within Lyons Lane.
- f) Upgrade to barrier kerb and footpath along the frontage of the development, both Lewis and Inglis Street subject to heritage assessment.

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

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

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

- a) Full details of the proposed relocation of the sewer main within the subject site.
- b) Details of any required connection points to serve the proposed development.

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

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

31. A Drainage Report prepared in accordance with the Institution of Engineers publication Australian Rainfall and Run-off shall be submitted to and approved by the Certifier (i.e. Council or a private Certifier) prior to the issue of the Construction Certificate. The drainage report and design must comply with the following requirements:
- a) Drainage design for the proposed below ground detention system must be accompanied by fully detailed runoff calculations and a structural design prepared and certified by a suitably qualified professional Engineer.
 - b) Drainage design must also incorporate suitable and appropriate water quality controls to prevent pollution or contamination of downstream environments.
 - c) Drainage report and design must demonstrate that stormwater runoff from the site is not increased beyond the existing undeveloped state up to and including a 1.5/5/20/50/100-year event.
 - d) Drainage design must ensure that no stormwater runoff is permitted to discharge over adjoining properties. Discharge of runoff onto adjoining properties and any works associated with the control of stormwater discharge over and adjoining property must not occur without the consent of the owner of any affected property.
32. An Erosion and Sediment Control Plan is to be submitted to and approved by the Certifier (i.e. Council or a private Certifier) prior to the issue of a Construction Certificate. The Erosion and Sediment Control Plan for the development is to be prepared and implemented in accordance with the LANDCOM guidelines and requirements as outlined in the latest edition of "Soils and Construction – Managing Urban Stormwater". Points to be considered include, but are not limited to:
- a) Saving available topsoil for reuse in the revegetation phase of the development;
 - b) Using erosion control measures to prevent on-site damage;

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

The plans shall include the provision of the following:

- **A total of 38 off-street car parking spaces, including 3 accessible car parking spaces.**
 - **Details of the required signage, physical barriers and pavement markings to delineate the customer car parking area from the service vehicle entry off Lyons Lane.**
 - **This consent does not constitute approval for the use of Lyons Lane by any vehicle other than those delivery vehicles required to serve the proposed development. Conflict between customer and service delivery vehicles is also to be appropriately managed through the provision of the above-mentioned physical means as well as a Plan of Management for the site.**
34. **Consent from Council must be obtained for all works within the road reserve pursuant to Section 138 of the Roads Act 1993, prior to the issue of any Construction Certificate. The accesses are to be designed and constructed in accordance with Council's Access to Properties Policy.**
35. **Vehicular entrances comprising kerb laybacks (where roll kerb and gutter does not exist) and concrete footway crossings are to be provided to each lot at a suitable location. These should be constructed in accordance with Aus-Spec #1 and Council's "Access to Properties" Policy. Concrete must not be poured until the excavation, formwork and reinforcing has been inspected by Council. The contractor/owner must arrange an inspection by contacting Council's Operations Department between 8.00am and 4.30pm Monday to Friday, giving at least twenty four (24) hours' notice. Failure to have the work inspected may result in the access being removed and reconstructed at the contractors / owners expense.**
36. **A copy of the Contractor's public liability insurance cover for a minimum of \$20,000,000 (twenty million dollars), is to be provided to Council, prior to issue of any Construction Certificate for all work on public land or infrastructure. The**

insurance cover shall include the following:

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

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

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

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

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

38. The registered proprietor of the land shall prepare a Plan of Management for the OSD facilities within the development. The Plan of Management shall set out all design and operational parameters for the detention facilities including design levels, hydrology and hydraulics, inspection and maintenance requirements and time intervals for such inspection and maintenance. The plan shall be submitted to and approved by Council prior to the issue of any Construction Certificate.

39. Prior to the issue of a Construction Certificate, the applicant must prepare a Construction Management and Traffic Management Plan. The following matters should be

addressed in the plan:

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

Approval is to be obtained from Council for any temporary road closures or crane use from public property. Applications to Council shall be made a minimum for six (6)

weeks prior to the activity proposed being undertaken.

40. Details of any proposed mechanical exhaust systems, detailing compliance with the relevant requirements of Clause F6D6 or F6D12 of the Building Code of Australia 2022 and AS 1668 Parts 1 and 2 (including exhaust air quantities and discharge location points) are to be provided to the Certifier (ie Council or a private Certifier) prior to the issue of a Construction Certificate.
41. Prior to the issue of a Construction Certificate, a survey plan prepared by a registered surveyor is to be submitted to the Certifier, verifying the proposed building footprint does not extend over the property boundary into the neighbouring property.
42. Application shall be made to Council under Section 68 of the Local Government Act 1993 to Install a domestic oil or solid fuel heating appliance (other than a portable appliance). The application shall contain details demonstrating compliance with the Building Code of Australia and the manufacturers details/specifications. The Section 68 application shall be considered and approved by Council prior to the installation of the appliance or release of any Construction Certificate for the development.
43. Prior to issue of any Construction Certificate, the requirements of Essential Energy, including the following, shall be achieved:
 - a) The Applicant must meet the minimum safety clearance requirements for the development in accordance with AS/NZS 7000.
 - b) The Applicant must meet the requirements of AS2067 for the substation in relation to fire safety. Clearances will be dependent on the building classification. Minimum separation / clearances and segregation for fire risk from the substation to any building, fence, planting, landscaping, retaining walls or other development must be maintained at all times. Refer to AS2067, Essential Energy's policy CEOM7098 Distribution Underground Design Construction Manual and the latest industry guideline currently known as ISSC 20 Guideline for the Management of Activities within Electricity Easements and Close to Infrastructure. The Applicant may want to seek assistance with this from a fire engineer to determine they meet the required clearances.
 - c) The easement area for the substation must remain clear of all obstructions. Surface treatment should be grass or wood chip material only and must be lower than the concrete plinth of the substation.
 - d) The easement area must be accessible at all times by Essential Energy (24 hours a day / 7 days a week).

- e) Any proposed driveway access and/or exit (concrete crossovers) must remain at least 1.0 metre away from any electricity infrastructure (power pole, streetlight) at all times, to prevent accidental damage.
- f) The Applicant will also need to engage the services of an Accredited Service Provider to ensure adequate provision of power is available to the development in accordance with industry standards.

PRIOR TO THE COMMENCEMENT OF BUILDING WORKS

44. In accordance with the provisions of the Environmental Planning and Assessment Act 1979 construction works approved by this consent must not commence until:
- a) A Construction Certificate has been issued by the Certifier (i.e. Council or an accredited certifier); and
 - b) A Principal Certifier has been appointed by the person having benefit of the development consent in accordance with the Environmental Planning and Assessment Act 1979; and
 - c) If Council is not the Principal Certifier, notify Council no later than two (2) days before building work commences as to who is the appointed Principal Certifier; and
 - d) At least two (2) days before commencement of building work, the person having benefit of the development consent is to notify Council as to the intention to commence building work.
45. Before demolition work commences, a demolition management plan must be prepared by a suitably qualified person. Standard 2601 – The Demolition of Structures, the Code of Practice – Demolition Work, and must include the following matters:
- a) The proposed demolition methods
 - b) The materials for and location of protective fencing and any hoardings to the perimeter of the site
 - c) Details on the provision of safe access to and from the site during demolition work, including pedestrian and vehicular site access points and construction activity zones
 - d) Details of demolition traffic management, including proposed truck movements to and from the site, estimated frequency of those movements, and compliance with AS 1742.3 Traffic Control for Works on Roads and parking for vehicles
 - e) Protective measures for on-site tree preservation and trees in adjoining public domain (if applicable) including in accordance with AS 4970-2009 Protection of trees on development sites
 - f) Erosion and sediment control measures which are to be implemented during demolition and methods to prevent material being tracked off the site onto

- surrounding roadways
- g) Noise and vibration control measures, in accordance with any Noise and Vibration Control Plan approved under this consent
 - h) Details of the equipment that is to be used to carry out demolition work and the method of loading and unloading excavation and other machines
 - i) Details of any bulk earthworks to be carried out
 - j) Location of any reusable demolition waste materials to be stored on-site (pending future use)
 - k) Location and type of temporary toilets onsite
 - l) A garbage container with a tight-fitting lid.
46. Before demolition work commences involving the removal of asbestos, a standard commercially manufactured sign containing the words 'DANGER: Asbestos removal in progress' (measuring not less than 400mm x 300mm) must be erected in a prominent position at the entry point/s of the site and maintained for the entire duration of the removal of the asbestos.
47. Prior to the commencement of construction work impacting upon tree canopies located along the common boundary of the subject site and 44 Inglis Street, the adjoining land owner must be formally notified and consulted prior to any tree trimming commencing. Any trees that have not been considered under the Arborist Report dated 5 October 2023 and that require trimming are to be reinspected in consultation with the adjoining land owner to ensure there are no adverse impacts to adjoining land as a result of the approved development.
48. A sign must be erected in a prominent position on any work site on which involved in the erection or demolition of a building is carried out;
- a) stating that unauthorised entry to the work site is prohibited, and
 - b) showing the name of the person in charge of the work site and a telephone number at which that person may be contacted outside working hours.
 - c) the name, address and telephone number of the principal certifying authority for the work,
 - d) The sign shall be removed when the erection or demolition of the building has been completed.
49. The site shall be provided with a waste enclosure (minimum 1800mm X 1800mm X 1200mm) that has a lid or secure covering for the duration of the construction works to ensure that all wastes are contained on the site. The receptacle is to be emptied periodically to reduce the potential for rubbish to leave the site. Council encourages the separation and recycling of suitable materials. **NOTE: ALL WASTE GENERATED FROM THE CONSTRUCTION PROCESS IS TO**

BE CONTAINED ON-SITE.

50. The licensed demolition contractor and/or principal contractor must comply with the following specific requirements in respect of the proposed demolition works:-
- a) Demolition work is not be undertaken until:
 - Council has been provided with a copy of any required Hazardous Substances Management Plan;
 - The licensed demolition contractor and/or principal contractor has inspected the site and is satisfied that all measures are in place to comply with the provisions of such Plan;
 - b) The removal, handling and disposal of any asbestos material (in excess of 10m²) is to be undertaken only by an asbestos removal contractor who holds the appropriate class of Asbestos Licence, issued by WorkCover NSW, and in accordance with the requirements of WorkCover NSW, the Work Health and Safety Act 2011 and Australian Standard 2601-2001
 - c) All asbestos and other hazardous materials are to be appropriately contained and disposed of at a facility holding the appropriate license issued by the NSW Environmental Protection Agency;
 - d) Seven working days' notice in writing is to be given to Council prior to the commencement of any demolition works. Such written notice is to include the date demolition will commence and details of the name, address, contact telephone number and licence details (type of licences held and licence numbers) of any asbestos removal contractor and demolition contractor.
51. The removal of any asbestos material (less than 10m²) during the demolition phase of the development is to be in accordance with the requirements of the Workcover Authority and disposed of at an approved waste facility.
52. If the work involved in the erection/demolition of the building;
- a) is likely to cause pedestrian or vehicular traffic in a public place to be obstructed or rendered inconvenient, or
 - b) involves the enclosure of a public place, then
- a hoarding or fence must be erected between the work site and the public place. If necessary, an awning is to be erected, sufficient to prevent any substance from, or in connection with, the work falling into the public place. Any such hoarding, fence or awning is to be removed when the work has been completed.
53. Prior to the commencement of works on site, the applicant shall advise Council's Operations Department, in writing, of any existing damage to Council property.

54. The developer shall be responsible for all costs incurred in the necessary relocation of any services affected by the required construction works. Council and other service authorities should be contacted for specific requirements prior to commencement of any works.
55. Any necessary alterations to, or relocations of, public utility services to be carried out at no cost to Council and in accordance with the requirements of the relevant authority including the provision of easements over existing and proposed public infrastructure.
56. Runoff and sediment erosion controls shall be installed prior to commencement of works with the development site to the satisfaction of the Certifier (i.e. Council or the Principle Certifier) and incorporate:-
 - a) diversion of uncontaminated up-site runoff around cleared and/or disturbed areas and areas to be cleared and/or disturbed;
 - b) sediment control fences at the downslope perimeter of the cleared and/or disturbed area to prevent sediment and other debris escaping from the land to pollute any stream or body of water; and
 - c) maintenance of all erosion control measures at maximum operational capacity until the land is effectively rehabilitated and stabilized beyond the completion of construction.

DURING WORKS

57. Demolition or Construction work noise that is audible at other premises is to be restricted to the following times:
 - Monday to Saturday - 7.00am to 5.00pmNo construction work noise is permitted on Sundays or Public Holidays.
58. All plumbing and drainage work must be carried out by a licensed plumber and drainer and must comply with the requirements of the Plumbing & Drainage Act 2011 and the Plumbing Code of Australia.
59. All building work must be carried out in accordance with the provisions of the National Construction Code, the Environmental Planning & Assessment Act 1979 and Regulations and all relevant Australian Standards.
60. All mandatory inspections required by the Environmental Planning & Assessment Act and any other inspections deemed necessary by the Principal Certifying Authority being carried out during the relevant stage of construction.
61. This approval does not provide any indemnity to the owner

- or applicant under the Disability Discrimination Act 1992 with respect to the provision of access and facilities for people with disabilities.
62. Prior to the pouring of any in-situ concrete, the building/s shall be set-out by a registered land surveyor in the position as approved by Council. A copy of the identification survey shall be provided to the Principal Certifier at time of any pier/footing/slab inspection.
63. The civil works associated with the S68 and S138 approvals are to be inspected by Council to monitor compliance with the consent and the relevant standards of construction, encompassing the following stages of construction:
- a) Installation of sediment and erosion control measures;
 - b) Water and sewer mains installation prior to backfilling;
 - c) Inspection and proof rolling of subgrade and each subsequent pavement layer;
 - d) Prior to pouring of any kerb or concrete dish drain;
 - e) All sub-soil and piped drainage prior to backfill;
 - f) Formwork and steel in place, prior to pouring of any concrete and
 - g) Practical Completion.
64. Should any contaminated, scheduled, hazardous or asbestos material be discovered before or during construction works, the applicant and contractor shall ensure the appropriate regulatory authority (e.g. Office of Environment and Heritage (OEH), SafeWork NSW, Council, Fire and Rescue NSW etc) is notified, and that such material is contained, encapsulated, sealed, handled or otherwise disposed of to the requirements of such Authority. Note - such materials cannot be disposed of to landfill unless the facility is specifically licensed by the EPA to receive that type of waste.
65. In the event of any Aboriginal archaeological material being discovered during earthmoving/construction works, all work in that area shall cease immediately and the Office of Environment and Heritage (OEH) notified of the discovery as soon as practicable. Work shall only recommence upon the authorisation of the OEH.
66. The development site is to be managed for the entirety of work in the following manner:
- a) Erosion and sediment controls are to be implemented to prevent sediment from leaving the site. The controls are to be maintained until the development is complete and the site stabilised with permanent vegetation;
 - b) Appropriate dust control measures;
 - c) Construction equipment and materials shall be contained wholly within the site unless approval to use the road reserve has been obtained;
 - d) Toilet facilities are to be provided on the work site at

the rate of one toilet for every 20 persons or part of 20 persons employed at the site.

67. The adjustment of existing services or installation of new services and meters, as required, in compliance with Australian Standard 3500: National Plumbing and Drainage Code. All costs associated with this work shall be borne by the developer.
68. All public footways, foot paving, kerbs, gutters and road pavement damaged during the works are to be restored to match existing conditions at the Developer's / Demolisher's expense.
69. Transportation of contaminated fill or materials from the site on public roads must be carried out in accordance with the requirements of Australian Dangerous Goods Code and Australian Standard 4452 Storage and Handling of Toxic Substances. This must include relevant incident management strategies for transportation on public roads.
70. The developer is to grant Council unrestricted access to the site at all times to enable inspections or testing of the water, sewer and stormwater works.
71. The developer is to extend and meet the full cost of water reticulations to service the development plus the cost of connecting to existing services. All water supply work is required to be carried out in accordance with the requirements of Mid-Western Regional Council (as the Water Supply Authority under the Local Government Act 1993) and in accordance with the National Specification – Water Supply Code of Australia. Note: Council does not permit other bodies to insert new junctions into 'live' water and/or sewer mains. Please contact Council's Operations Water and Wastewater Department by calling ☎ 1300 765 002 or 02 6378 2850 or by emailing council@midwestern.nsw.gov.au to obtain a quote for the connection of sewer (Private Works Order).
72. The developer is to extend and meet the full cost of sewer reticulations to service the development plus the cost of connecting to existing services. All sewerage work is required to be carried out in accordance with the requirements of Mid-Western Regional Council (as the Water Supply Authority under the Local Government Act 1993) and in accordance with the National Specification – Sewerage Code of Australia. Note: Council does not permit other bodies to insert new junctions into 'live' water and/or sewer mains. Please contact Council's Operations Water and Wastewater Department by calling ☎ 1300 765 002 or 02 6378 2850 or by emailing council@midwestern.nsw.gov.au to obtain a quote for the connection of sewer (Private Works

Order).

PRIOR TO ISSUE OF OCCUPATION CERTIFICATE

- 73. Prior to the occupation of a new building, or occupation or use of an altered portion of, or an extension to an existing building, an Occupation Certificate is to be obtained from the Principal Certifying Authority appointed for the erection of the building.**
- 74. Prior to occupation or the issue of the Occupation Certificate the owner of the building must cause the Principal Certifier to be given a fire safety certificate (or interim fire safety certificate in the case of a building or part of a building occupied before completion) in accordance with Section 41 of the Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021 for each measure listed in the schedule. The certificate must only be in the form specified by Section 86 of the Regulation. A copy of the certificate is to be given to the Commissioner of the New South Wales Fire Brigade and a copy is to be prominently displayed in the building.**
- 75. Prior to use of the development and/or issue of an Occupation Certificate, a satisfactory final inspection report from the Council must be received by the Certifier, verifying that all works have been completed in accordance with the relevant Section 68 (Local Government Act 1993) approval/s.**
- 76. Prior to use of the development and/or issue of an Occupation Certificate, all works included in the Trade Waste Approval are to be completed.**
- 77. Prior to use of the development and/or issue of an Occupation Certificate, the excavated and/or filled areas of the site are to be stabilised and drained, to prevent scouring onto adjacent private or public property. The finished ground around the perimeter of the building is to be graded to prevent ponding of water, and to ensure the free flow of water away from the building and adjoining properties.**
- 78. Before the issue of an occupation certificate, a suitably qualified person must provide details demonstrating compliance to the principal certifier which demonstrates that the mechanical exhaust ventilation system has been constructed and installed in accordance with the approved plans.**
- 79. Prior to issue of the Occupation Certificate, a Certificate of Compliance is to be provided to the Principal Certifier for the illuminated signage to certify that the signage is installed in accordance with AS4282-2019.**

80. Before the issue of an Occupation Certificate, the food premises shall be inspected by an Authorised Officer of Council under the Food Act 2003, to determine compliance with the Food Act 2003, Food Safety Standards and Australian Standard 4674:2004: Design, Construction and Fit-out of Food Premises.
81. Before the issue of an Occupation Certificate, council and any other appropriate enforcement agency must be notified of the food business in accordance with the NSW Food Act 2003 and the Australia New Zealand Food Standards Code – 3.2.2 – Food Safety Practices and General Requirements.
82. All landscape works are to be undertaken in accordance with the approved landscape plan and conditions of Development Consent, prior to use of the development and/or issue of an Occupation Certificate.
83. The Schedule of Conservation Works are to be executed to the satisfaction of Council's Heritage Adviser before the issue of an Occupation Certificate.
84. Prior to commencement of use of the development and/or issue of an Occupation Certificate, all car parking and associated driveway works are to be completed in accordance with the relevant Section 138 Roads Act approval/s.
85. Prior to the issue of an Occupation Certificate, 3m wide easements benefiting Council, including associated Section 88B instruments, are to be created over any existing or newly constructed sewer mains located within the subject property.
86. The adjustment of existing services or installation of new services and meters, as required, in compliance with Australian Standard 3500: National Plumbing and Drainage Code. All costs associated with this work shall be borne by the developer.
87. Following completion of the development, work-as-executed plans (WAE) are to be provided to Council in the following formats:
 - a) PDF; and
 - b) Dwg format or "AutoCAD Compatible"
 - c) MapInfo tab files with individual layers, supplied in individual tables

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

To accompany the WAE Drawings, Council also requires the

completion of Asset Data Excel Spreadsheets (to be provided by Council) prior to the issue of the Occupation Certificate.

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

OPERATIONAL / ONGOING

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

Bottle Shop:

- 10am to 10pm, seven days.

Hotel Accommodation:

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

Federal Hotel:

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

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

91. All windows and retractable portion of the roof within the beer garden addition to the hotel must not be open during the night time periods of operation (after 10pm).

92. No deliveries or waste collections are permitted to occur during the evening / night-time period between 10pm and 7am, daily.

93. All vehicles are required to enter and leave the site in a forward direction at all times. Signage to this effect is to be appropriately located within the site. Signage identifying the driveway and car park as low speed environments is also to be appropriately located within the site.

94. All loading and unloading in connection with the premises shall be carried out wholly within the site.

95. All car parking spaces, loading and unloading areas, vehicle manoeuvring, and driveway areas must not be used for the storage of any goods or materials and must be available for their intended use at all times.

96. All line-marking for the on-site car parking spaces and footpath areas are to be maintained in a visible condition, at

all times.

97. For every 12-month period after the issue of the Final Fire Safety Certificate the owner/agent of the building must provide the Council and the Commissioner of NSW Fire Brigades with a copy of an Annual Fire Safety Statement certifying that each specified fire safety measure is capable of performing to its specification.
98. Where any essential services are installed in the building a copy of the final Fire Safety Certificate (together with a copy of the current fire safety schedule) is to be given to the Commissioner of Fire and Rescue NSW. A further copy of the Certificate (together with a copy of the current fire safety schedule) is to be prominently displayed in the building.
99. The premises shall, at all times, be operated and maintained in accordance with Food Safety Standards 3.1.1, 3.2.2 and 3.2.3 prescribed in chapter 3 of the Australia and New Zealand Food Standards Code.
100. No display or sale of goods is to take place from public areas fronting the premises.
101. All general waste generated by the proposed development shall be disposed of to a suitably licenced waste facility able to accommodate such wastes.
102. Garbage areas and mechanical plant are to be adequately screened from public view with an opaque fence and/or adequate landscaping. All waste must be secured in enclosed containers at all times.
103. All exterior lighting associated with the development shall be designed and installed so that no obtrusive light will be cast onto any adjoining property or roadways, in accordance with Australian Standard 4282 "Control of the Obtrusive Effects of Outdoor Lighting".
104. There being no interference with the amenity of the neighbourhood by reason of the emission of any "offensive noise", vibration, smell, fumes, smoke, vapour, steam, soot, ash or dust, or otherwise as a result of the proposed development.
105. The development is to be maintained in a clean and tidy manner, at all times.
106. All approved signage is to be maintained in good condition at all times.
107. The signage is to be securely affixed and is not to flash, move or be objectionably glaring.

- 108. Measures, such as raised kerb edges or bollards, are to be installed and maintained around all approved landscape areas in order to prevent vehicles driving over them. Landscaping is to be maintained for the life of the development.**

COUNCIL ADVISORY NOTES

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

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

- a) A monetary contribution, as to be formally confirmed by Councils Water and Sewer Department following supply of further information must be paid to Council in full (including indexation, where applicable). A current estimation based on the DA plans is provided as follows:**
- water contributions – 14.88 ET = \$144,607.14**
 - sewer contributions – 16.90 ET = \$74,947.90**
- b) The adjustment of existing services or installation of new services and meters, as required, in compliance with Australian Standard 3500: National Plumbing and Drainage Code. All costs associated with this work shall be borne by the developer.**

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

- 2. The removal of trees within any road reserve requires the separate approval of Council in accordance with the policy "Tree Removal and Pruning - Public Places".**
- 3. The land upon which the subject building is to be constructed may be affected by restrictive covenants. This approval is issued without enquiry by Council as to whether any restrictive covenant affecting the land would be breached by the construction of the building, the subject of this approval. Persons to whom this approval is issued must rely on their own enquiries as to whether or not the building breaches any such covenant.**
- 4. The erection of dividing fences under this consent does not affect the provisions of the Dividing Fences Act 1991. Under this Act, all relevant parties must be in agreement prior to**

the erection of any approved dividing fence/s under this consent. Council has no regulatory authority in this area and does not adjudicate civil disputes relating to the provision of, or payment for, the erection of dividing fences. If there is a neighbour dispute about the boundary fence and you are seeking mediation, you may contact the Community Justice Centre, or if legal advice or action is required, you may contact the Chamber Magistrate.

5. Division 8.2 of the Environmental Planning and Assessment Act 1979 (EP&A Act) gives you the ability to seek a review of the determination. This request is made to Council and must be made and determined within 6 months after the date on which you receive this notice.
6. If you are dissatisfied with this decision section 8.7 of the EP&A Act gives you the right to appeal to the Land and Environment Court pursuant to section 8.10(1)(b).
7. To ascertain the extent to which the consent is liable to lapse, refer to Section 4.53 of the EP&A Act.

ESSENTIAL ENERGY ADVISORY NOTES

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

infrastructure. These include the Code of Practice – Work near Overhead Power Lines and Code of Practice – Work near Underground Assets.

STATEMENT OF REASONS

The determination decision was reached for the following reasons:

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

STATEMENT OF REASONS (ME0034/2025)

The determination decision was reached for the following reasons:

1. The proposed development complies with the requirements of the applicable environmental planning instruments and Mid-Western Regional Development Control Plan 2013.
2. The proposed development is considered to be satisfactory in terms of the matters identified in Section 4.15 of the Environmental Planning & Assessment Act 1979.
3. The proposed development is considered to be satisfactory in terms of the matters identified in Section 4.55 of the Environmental Planning & Assessment Act 1979.
4. The matter raised within the submission is not a consideration under Section 4.15 of the Environmental Planning and Assessment Act 1979.

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

Councillors	Ayes	Nays
Cr Cornish	✓	
Cr Dicker	✓	
Cr Karavas	✓	
Cr Lang	✓	
Cr Palmer	✓	
Cr Pryor	✓	
Cr Shelley	✓	
Cr Thompson	✓	

Councillor Kennedy returned to the Chambers at 5:58pm.

- 8.4 ME0042/2025 - MODIFICATION TO DA0229/2024 -
PROVISION OF ACCESSIBLE TOILET IN FARM BUILDING -
686 QUEENS PINCH ROAD, MULLAMUDDY
GOV400113, DA0229/2024

112/25

MOTION: Thompson / Cornish**That Council:**

- A. receive the report by the Duty Town Planner on ME0042/2025 - Modification to DA0229/2024 - Provision of Accessible Toilet in Farm Building - 686 Queens Pinch Road, Mullamuddy;
- B. that ME0042/2025 - Modification to DA0229/2024 - Provision of Accessible Toilet in Farm Building - 686 Queens Pinch Road, Mullamuddy be approved subject to the following conditions (with amendments shown in blue text):

Conditions

1. **Approved plans and supporting documentation**
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 / Document Ref:	Revision / Issue:	Date:	Prepared by:
Site Plan	-	-	16 February 2024	Navigate Planning
Ground Floor Plan	Drawing No. 02	C	11.6.24 28 March 2025	No author Navigate Planning
Mezzanine Floor Plan	Drawing No. 03	C	11.6.24	No author
Elevations	Drawing No. 04	C	11.6.24	No author
Building Code of Australia Category 1 Assessment Report #1	-	-	5 June 2024	BCA Performance
Proposed Disabled Amenities	3938-A01	A	Mar 2025	Giselle Denley Drafting Services

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

MODIFIED BY ME0042/2025

2. **Clarification of approved use of the building**

For clarity, this development consent provides approval for the use of the building as a farm building ancillary to the agricultural use of the land, all required building works in accordance with the stamped approved plans and conditions of this consent, only.

The 'farm admin', 'utility room' and 'storage' spaces of the building is to be used solely in conjunction with the approved use of the farm building by the landowner and is not to be adapted or used for any other purpose. The separate use or occupation of these spaces is also not permitted by this consent nor the introduction of new facilities such as a kitchen or portable cooking facilities. Note: This consent does not authorise any plumbing or drainage works as part of the use of the building as a farm building.

3. **Non-reflective finishes**
Metal roof/wall cladding shall be provided in a non-reflective/non-glary colour scheme such as "Colourbond" steel sheeting.
4. **Building not to be used for habitable uses**
The building must not be adapted nor used for habitable, recreational, retail or industrial purposes at any time.
5. **Imported waste derived fill material**
The only waste derived fill material that may be received at the development site must be:
 - a) Virgin excavated natural material, within the meaning of the Protection of the Environment Operations Act 1997; and
 - b) Any other waste-derived material the subject of a resource recovery exemption under cl.91 of the Protection of the Environment Operations (Waste) Regulation 2014 that is permitted to be used as fill material.
6. **Waste Disposal**
All waste generated by the development is to be disposed of to a Council approved waste facility. All fees and charges for disposal are to be borne by the developer.
7. **Hazardous Substances Storage**
Storage of hazardous substances is to be located within an appropriate storage facility in accordance with requirements of the relevant Material Safety Data Sheet.
8. **No ponding of stormwater**
All earthworks, filling, building, driveways or other works are to be designed and constructed (including stormwater drainage if necessary) to ensure that at no time any ponding of stormwater occurs on the subject site or adjoining land as a result of this

development. Design must also ensure that no diversion of runoff onto other adjacent properties occurs.

9. Water Storage

To service this development minimum water tank storage of 60,000 litres is required, of which a minimum of 20,000 litres static water supply is to be retained for firefighting purposes.

10. Occupation Certificate

Prior to the occupation of a new building, or occupation or use of an altered portion of, or an extension to an existing building, an Occupation Certificate is to be obtained from the Principal Certifier appointed for the erection of the building

11. Commencement of works

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.

12. Erection of signs

1. This section applies to a development consent for development involving building work, subdivision work or demolition work.

2. It is a condition of the development consent that a sign must be erected in a prominent position on a site on which building work, subdivision work or demolition work is being carried out—

a) showing the name, address and telephone number of the principal certifier for the work, and

b) showing the name of the principal contractor, if any, for the building work and a telephone number on which the principal contractor may be contacted outside working hours, and

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

3. The sign must be—

a) maintained while the building work, subdivision work or demolition work is being carried out, and

b) removed when the work has been completed.

4. This section does not apply in relation to—

a) building work, subdivision work or demolition work carried out inside an existing building, if the work does not affect the external walls of the building, or

b) Crown building work certified to comply with the Building Code of Australia under the Act, Part 6.

13. Outdoor Lighting – obtrusive effects

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”.

14. Annual Fire Safety Statement

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.

BEFORE ISSUE OF A CONSTRUCTION CERTIFICATE

15. Long Service Levy

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.

16. Section 64 Upgrade – Fire Safety - Building Code of Australia
Pursuant to section 64 of the Environmental Planning and Assessment Regulation 2021, the existing buildings are to be brought into conformity with the following Performance Requirements of the BCA, Volume 1.

- a) D1P4 – Exits**
- b) E4P1 – Visibility in an emergency**
- c) E1P2 – Fire Extinguishers**

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

BEFORE WORK COMMENCES

17. Pre-construction notifications

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.

18. **Construction waste enclosure**
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

19. **Existing damage to council property**
Prior to the commencement of works on site, the applicant shall advise Council's Operations Department in writing, of any existing damage to Council property.
20. **Relocation of services**
The developer shall be responsible for all costs incurred in the necessary relocation of any services affected by the required construction works. Council and other service authorities should be contacted for specific requirements prior to commencement of any works.
21. **Sediment erosion controls**
Sediment erosion controls shall be installed within the development site, to the satisfaction of the Certifier (i.e. Council or the Principal Certifier), prior to the commencement of works.

DURING WORK

22. **Mandatory inspections**
All mandatory inspections required by the Environmental Planning and Assessment Act 1979 and any other inspections deemed necessary by the Principal Certifier shall be carried out during the relevant stage of construction.
23. **Aboriginal material found during construction**

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.

24. Management of Development Site

The development site is to be managed for the entirety of work in the following manner:

- a) Erosion and sediment controls are to be implemented to prevent sediment from leaving the site. The controls are to be maintained until the development is complete and the site stabilised with permanent vegetation;
- b) Appropriate dust control measures;
- c) Construction equipment and materials shall be contained wholly within the site unless approval to use the road reserve has been obtained;
- d) Toilet facilities are to be provided on the work site at the rate of one toilet for every 20 persons or part of 20 persons employed at the site.

25. Hours of work

Site work must only be carried out between the following times

–

- 8am to 5pm Monday to Saturday

No site work is permitted on Sundays or Public Holidays.

Site work is not to be carried out outside of these times except where there is an emergency, or for urgent work directed by a police officer or a public authority.

26. Procedure for critical stage inspections

While building work is being carried out, the work must not continue after each critical stage inspection unless the principal certifier is satisfied the work may proceed in accordance with this consent and the relevant construction certificate.

BEFORE ISSUE OF AN OCCUPATION CERTIFICATE

27. Decommissioning works required

Prior to the issue of any Occupation Certificate, the chimney stack and fireplace is to be permanently decommissioned and/or removed from the building (with the wall reinstated accordingly) to the written satisfaction of Council.

28. OSMS – Inspection for Onsite Sewage Management System

Prior to the use of the premises for the purposes approved by this consent, and prior to the issue of an Occupation

Certificate, a satisfactory final inspection report from the Council must be obtained, verifying the associated onsite wastewater management system has been supplied and installed in accordance with the approval under Section 68 of the Local Government Act 1993.

29. Finish of Surface Around Site

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.

30. Stormwater clear of building and OSSM

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 all buildings and clear of the sewage wastewater disposal area - without creating any nuisance on the property, or to adjoining properties.

31. Car Parking and Driveway

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.

32. Fire Safety Certificate

Prior to occupation the owner of the building must cause the 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.

OCCUPATION AND ONGOING USE

33. All car parking within site

All parking associated with the use is to be contained wholly within the site.

34. Driveways to be maintained

All access crossings and driveways are to be maintained for the life of the development.

35. No interference with amenity

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.

36. Clean and tidy condition

The development is to be maintained in a clean and tidy manner, at all times.

37. Ongoing use of the building

The development is not permitted to operate in any other manner other than as a farm building, being used ancillary to the agricultural use of the land, only. The building is not permitted to be utilized at any time for habitable, recreational, retail or industrial purposes.

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, subject to compliance with conditions of consent.
3. Four submissions were received in response to public notification of the proposed development which have been addressed in the following manner:
 1. The application is for a farm building, ancillary to the agricultural use of the land. The conditions imposed seek to ensure that the future use of the building is consistent with this requirement.
 2. A condition is imposed to decommission and/or remove the chimney stack and fireplace from the building prior to occupation.
 3. Essential fire safety measures are required to be installed in the farm building as the classification of the building has been confirmed by the applicants Building Code of Australia Report to be a class 7 or 8 building (farm building).
4. **The proposed modification is considered to result in minimum environmental impact and is substantially the same development as the originally approved development – thereby satisfying the requirements of Section 4.55(1A)(a) and (b) of the Environmental Planning and Assessment Act 1979.**
ADDED BY ME0042/2025

ADVISORY NOTES

1. The removal of trees within any road reserve requires the separate approval of Council in accordance with the policy "Tree Removal and Pruning – Public Places".
2. The land upon which the subject building is to be constructed may be affected by restrictive covenants. This approval is issued without enquiry by Council as to whether any restrictive covenant affecting the land would be breached by the construction of the building, the subject of this approval. Persons to whom this approval is issued must rely on their own enquiries as to whether or not the building breaches any such covenant.
3. Division 8.2 of the Environmental Planning and Assessment Act (EP&A Act) gives you the ability to seek a review of the determination. This request is made to Council via the NSW Planning Portal and must be made and determined within 6 months after the date on which you receive this notice. Please contact Council's Planning and Development Department for more information or advice.
4. If you are dissatisfied with this decision section 8.7 of the EP&A Act 1979 gives you the right to appeal to the Land and Environment Court.
5. To ascertain the extent to which the consent is liable to lapse, refer to Section 4.53 of the EP&A Act.

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

Councillors	Ayes	Nays
Cr Kennedy	✓	
Cr Cornish	✓	
Cr Dicker	✓	
Cr Karavas	✓	
Cr Lang	✓	
Cr Palmer	✓	
Cr Pryor	✓	
Cr Shelley	✓	
Cr Thompson	✓	

Councillor Palmer declared a less than significant non-pecuniary conflict of interest in item 8.5 as a property mentioned in the Plan is owned by a client of his employer. He left the Chambers at 5:58pm and did not participate in discussion or vote in relation to this matter.

8.5 MUDGEE REGIONAL AIRPORT MASTER PLAN 2025-2035
GOV400113, ECO800001, GOV400113

113/25

MOTION: Shelley / Pryor

That Council:

1. receive the report by the Business Development Coordinator on the Mudgee Regional Airport Master Plan;
2. place the Mudgee Regional Airport Master Plan 2025 on public exhibition for 28 days; and
3. receive a further report following conclusion of the public exhibition period to consider any submissions received, or if at the end of the public exhibition period, if no submissions are received, adopt the Mudgee Regional Airport Master Plan 2025.

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

Councillors	Ayes	Nays
Cr Kennedy	✓	
Cr Cornish	✓	
Cr Dicker	✓	
Cr Karavas	✓	
Cr Lang	✓	
Cr Pryor	✓	
Cr Shelley	✓	
Cr Thompson	✓	

Councillor Palmer returned to the Chambers at 5:59pm.

Councillor Thompson declared a less than significant non-pecuniary conflict of interest in item 8.6 as he is a member of the Gulgong Turf Club which is mentioned in the Housing Strategy and he did not leave the Chambers.

8.6 MID-WESTERN REGION HOUSING STRATEGY - POST EXHIBITION

GOV400113, LAN900177, gov400113

114/25

MOTION: Shelley / Lang

That Council:

1. receive the report by the Manager Strategic Planning on the Mid-Western Region Housing Strategy - Post Exhibition; and
2. adopt the updated Mid-Western Region Housing Strategy; and
3. staff to undertake a review of the Mid-Western Region Housing Strategy within the first 6 months of adoption, engage with Councillors and report to Council.

AMENDMENT: Palmer / Cornish

That Council:

1. receive the report by the Manager Strategic Planning on the Mid-Western Region Housing Strategy - Post Exhibition; and
2. identify the land in the three public submissions as being for 'further investigation';
3. invite those owners who previously made submissions in the Urban Release Strategy Review 2023 to confirm their interest to have those properties included in land for 'further investigation';
4. invite the owners of all land identified as 'further investigation' to submit scoping reports/planning proposals/development applications for further assessment; and
5. staff undertake a review of the progress of the parcels identified as 'future investigation', engage with Councillors and report to Council.

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

Councillors	Ayes	Nays
Cr Kennedy		✓
Cr Cornish	✓	
Cr Dicker		✓
Cr Karavas		✓
Cr Lang		✓
Cr Palmer	✓	
Cr Pryor	✓	
Cr Shelley		✓
Cr Thompson	✓	

The motion, on being put, was carried with Councillors voting as follows:

Councillors	Ayes	Nays
Cr Kennedy	✓	
Cr Cornish	✓	
Cr Dicker	✓	
Cr Karavas	✓	
Cr Lang	✓	
Cr Palmer	✓	
Cr Pryor		✓
Cr Shelley	✓	
Cr Thompson		✓

8.7 EVENTS ASSISTANCE APPLICATIONS PERIOD 1: 1 JULY
2025 - 31 DECEMBER 2025

GOV400113, ECO800009, FIN300052

115/25

MOTION: Palmer / Karavas**That Council:**

1. receive the report by the Events Coordinator on the Events Assistance Applications;
2. provide multi-year Events Assistance to the below late applicant (cash amount) for Period 2, January – June in 2024/25, 2025/26 and 2026/27 financial years;

	2024/25	2025/26	2026/27
	Period 2	Period 2	Period 2
Cudgegong Antique Machinery Club Inc – Mudgee Swap Meet and Car Boot Sale	\$1,000	\$1,000	\$1,000

3. provide multi-year Events Assistance funding to the below applicants (includes cash and in-kind amounts) for Period 1, July - December in 2025/26, 2026/27 and 2027/28 financial years; and

	2025/26	2026/27	2027/28
	Period 1	Period 1	Period 1
Cudgegong Cruisers Inc – Motorfest	\$1,330		\$1,330
Rylstone Street Feast	\$2,500	\$2,500	\$2,500

4. provide Events Assistance funding to the below applicants (includes cash and in-kind amounts) for Period 1, July – December in the 2025/26 financial year.

	2025/26
	Period 1
Mudgee Triathlon Club – Mudgee Running Festival	\$3,000
AREC – 2025 Mudgee Small Farm Field Days	\$3,000

The motion was carried with the Councillors voting unanimously.

8.8 2025 MONTHLY DEVELOPMENT APPLICATIONS PROCESSING AND DETERMINED

GOV400113, A0420109, GOV400113

116/25

MOTION: Shelley / Dicker

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

The motion was carried with the Councillors voting unanimously.

The following recommendations (item 8.9 to item 9.1) were adopted as a whole, being moved by Cr Shelley seconded by Cr Palmer and carried with Councillors voting unanimously. Each recommendation is recorded with separate resolution numbers commencing at Resolution No.117/25 and concluding at Resolution No.121/25.

8.9 POLICY REVIEW - SOCIAL MEDIA POLICY

GOV400113, ECO800001

117/25

MOTION: Shelley / Palmer

That Council:

1. receive the report by the Manager Economic Development on the Policy Review - Social Media Policy;
2. endorse amendments to the Social Media Policy and that the Executive Team be responsible for reviewing and approving requests for new social media accounts, ensuring alignment with Council's strategic communications objectives;
3. place the revised Social Media Policy on public exhibition for 28 days; and
4. adopt the revised Social Media Policy if no submissions are received during the exhibition period.

The motion was carried with the Councillors voting unanimously.

8.10 ACCEPTANCE OF NSW GOVERNMENT GRANT - CHANGING PLACES

GOV400113, GRA600020

118/25

MOTION: Shelley / Palmer

That Council:

1. receive the report by the Manager Economic Development on the Acceptance of NSW Government Grant Funding;
2. if successful, accept funding from the Changing Places – Trache 3: 2024-25 for the construction of 'changing places' facility in Lawson Park Mudgee;
3. if successful, amend the budget as follows:
 - 3.1 2025/26 set an expenditure budget of \$176,692. \$78,804.30 to be funded by grants, and \$97,887.70 to be funded by VPA funds;
 - 3.2 2026/27 set an expenditure budget of \$66,073.

\$33,036.50 to be funded by grants, and \$33,036.50 to be funded by VPA funds; and

- 4. authorise the General Manager to finalise and sign the funding agreement.**

The motion was carried with the Councillors voting unanimously.

8.11 TALLAWANG SOLAR FARM AND BATTERY ENERGY STORAGE SYSTEM (BESS) VOLUNTARY PLANNING AGREEMENT

GOV400113, LAN900133

119/25

MOTION: Shelley / Palmer

That Council:

- 1. receive the report by the Economic Development Coordinator on the Tallawang Solar Farm and Battery Energy Storage System (BESS) Voluntary Planning Agreement;**
- 2. place the draft Voluntary Planning Agreement and Explanatory Note on public exhibition for 28 days;**
- 3. authorise the General Manager to finalise and execute the Voluntary Planning Agreement if no objections are received during the exhibition period; and**
- 4. receive a further report following the exhibition period if objections are received.**

The motion was carried with the Councillors voting unanimously.

8.12 GRANT ACCEPTANCE: NSW DEPARTMENT OF PRIMARY INDUSTRIES AND REGIONAL DEVELOPMENT - EMPLOYMENT LANDS MASTER PLANS

GOV400113, LAN900213, GOV400113

120/25

MOTION: Shelley / Palmer

That Council:

- 1. receive the report by the Manager Strategic Planning on the Grant Acceptance: NSW Department of Primary Industries and Regional Development - Employment Lands Master**

Plans;

2. if successful, accept the grant funding from the NSW Department of Primary Industries and Regional Development for the preparation of draft employment lands master plans;
3. if successful, amend the 2024/25 budget to set an expenditure budget of \$200,000 to be funded by grants; and
4. authorise the General Manager to finalise and sign the funding agreement.

The motion was carried with the Councillors voting unanimously.

Item 9: Corporate Services

9.1 ALCOHOL AND OTHER DRUGS POLICY

GOV400113, PUB600019

121/25

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

1. receive the report by the WHS and Risk Coordinator on the Alcohol and Other Drugs Policy;
2. place the new Policy – Alcohol and Other Drugs Policy on public exhibition for 28 days; and
3. adopt the Policy - Alcohol and Other Drugs Policy if no submissions are received.

The motion was carried with the Councillors voting unanimously.

9.2 QUARTERLY BUDGET REVIEW - MARCH 2025

GOV400113, FIN300240, GOV400113

122/25

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

1. receive the report by the Financial Planning Coordinator and Chief Financial Officer on the Quarterly Budget Review - March 2025;
2. amend the 2024/25 Budget in accordance with the proposed variations as listed in the Quarterly Budget

Review Statement attachment to this report;

3. **note the opinion of the Responsible Accounting Officer regarding the satisfactory financial position of Council;**
4. **amend the Budget as follows:**
 - 4.1 **2024/25 increase the Water Augmentation - Mudgee Headworks budget by \$70,000 with \$28,009 funded from Grants, \$25,195 funded from S64 Water and \$16,796 funded from Water Reserves; and**
 - 4.2 **2025/26 decrease the Water Augmentation - Mudgee Headworks budget by \$70,000 with \$28,009 funded from Grants, \$25,195 funded from S64 Water and \$16,796 funded from Water Reserves.**

AMENDMENT: Cornish / Pryor

That Council defer consideration of the report by the Financial Planning Coordinator and Chief Financial Officer on the Quarterly Budget Review - March 2025, to the Extraordinary meeting being held on 28 May 2025.

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

Councillors	Ayes	Nays
Cr Kennedy		✓
Cr Cornish	✓	
Cr Dicker		✓
Cr Karavas		✓
Cr Lang	✓	
Cr Palmer		✓
Cr Pryor	✓	
Cr Shelley		✓
Cr Thompson	✓	

The motion, on being put, was carried with Councillors voting as follows:

Councillors	Ayes	Nays
Cr Kennedy	✓	
Cr Cornish		✓
Cr Dicker	✓	
Cr Karavas	✓	
Cr Lang		✓
Cr Palmer	✓	
Cr Pryor		✓
Cr Shelley	✓	
Cr Thompson		✓

9.3 MONTHLY BUDGET REVIEW - APRIL 2025

GOV400113, FIN300315, GOV400113

123/25 MOTION: Cornish / Dicker

That Council receive the report by the Accountant Reporting & Analysis on the Monthly Budget Review - April 2025.

The motion was carried with the Councillors voting unanimously.

9.4 MONTHLY STATEMENT OF INVESTMENTS AS AT 30 APRIL 2025

GOV400113, FIN300053, GOV400113

124/25 MOTION: Lang / Palmer**That Council:**

- 1. receive the report by the Financial Planning Coordinator and Chief Financial Officer on the Monthly Statement of Investments as at 30 April 2025; and**
- 2. note the certification of the Responsible Accounting Officer.**

The motion was carried with the Councillors voting unanimously.

9.5 EXPANSION OF LEASED CHILDCARE FACILITIES

GOV400113, A0000000

125/25 MOTION: Shelley / Karavas**That Council:**

- 1. receive the report by the Director Corporate Services on the Expansion of leased childcare facilities;**
- 2. note the revised business case as attached to this report as Attachment 1 (the business case);**
- 3. note that Council was unsuccessful in applying for grant funding to complete the expansion works of the childcare facility noted in the body of this report; and**
- 4. amend the Budget to change the funding source for the childcare facility expansion as follows:**
 - 4.1 2025/26 – change the funding source from grant funding to loan funding for an amount of \$1,000,000 for the construction of expanded childcare facilities;**
 - 4.2 amend the 2025/26, 2026/27, 2027/28, budgets to revise operating allocations as set out in the financial**

implications section of this report.

The motion was carried with the Councillors voting unanimously.

Item 10: Operations

Nil

Item 11: Community

11.1 SPORTS ADVISORY GROUPS UPDATE - MEETINGS MARCH 2025

GOV400113, A0360013, A036003, A0360030, GOV400113

126/25 MOTION: Thompson / Cornish

That Council:

1. **receive the report by the Sport & Recreation Liaison Officer on the Sports Advisory Groups Update - Meetings March 2025;**
2. **note the Meeting Notes from the Kandos and Rylstone, Gulgong, and Mudgee Sports Advisory Groups; and**
3. **endorse the adoption of the Kandos and Rylstone Sports Advisory Group Terms of Reference.**

The motion was carried with the Councillors voting unanimously.

The following recommendations (item 11.2 to item 12.2) were adopted as a whole, being moved by Cr Shelley seconded by Cr Palmer and carried with Councillors voting unanimously. Each recommendation is recorded with separate resolution numbers commencing at Resolution No.127/25 and concluding at Resolution No.134/25.

11.2 LIBRARY SERVICES QUARTERLY REPORT

GOV400113, F0620020, GOV400113

127/25 MOTION: Shelley / Palmer

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

The motion was carried with the Councillors voting unanimously.

11.3 COMMUNITY & CULTURAL SERVICES QUARTERLY UPDATE

GOV400113, COS300010

128/25 MOTION: Shelley / Palmer

That Council:

1. receive the report by the Manager Community & Cultural Services on the Community & Cultural Services Quarterly Update; 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.

11.4 INSTALLATION OF AUSTRALIAN FLAGS AND FLAGPOLES –
RYLSTONE AND GULGONG ADMINISTRATION BUILDINGS
GOV400113, CUS600008

129/25

MOTION: Shelley / Palmer

That Council:

1. receive the report by the Acting Director Community on the Installation of Australian Flags and Flagpoles – Rylstone and Gulgong Administration Buildings;
2. approve the installation of the flagpoles at the proposed locations and, following installation, the flying of the Australian Flag by Council staff in accordance with National Flag protocols; and
3. amend the 2024/25 budget to include an allocation of \$6,000, with \$3,000 each allocated to the Rylstone and Gulgong administration office operational budgets funded from unrestricted cash.

The motion was carried with the Councillors voting unanimously.

11.5 MUDGEES CENTRE OF EXCELLENCE TRAINING CAMP
PROGRESS UPDATE
GOV400113, FIN300368, GOV400113

130/25

MOTION: Shelley / Palmer

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

The motion was carried with the Councillors voting unanimously.

11.6 MUDGEES VALLEY PARK EXPANSION PROJECT PROGRESS

UPDATE

GOV400113, FIN300365, COR400446

131/25 MOTION: Shelley / Palmer

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

The motion was carried with the Councillors voting unanimously.

11.7 SOLAR ARRAY PROGRESS REPORT

GOV400113, ENE100032, GOV400113

132/25 MOTION: Shelley / Palmer

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

The motion was carried with the Councillors voting unanimously.

Item 12: Reports from Committees

12.1 LOCAL TRAFFIC COMMITTEE MEETING MINUTES - APRIL 2025

GOV400113, A0100009, GOV400113

133/25 MOTION: Shelley / Palmer

That Council receive the report by the Administration Assistant - Infrastructure Planning on the Local Traffic Committee Meeting Minutes - April 2025.

The motion was carried with the Councillors voting unanimously.

12.2 GULGONG MEMORIAL HALL COMMITTEE MEETING

GOV400113, A0100024, GOV400105, GOV400113

134/25 MOTION: Shelley / Palmer

That Council:

- 1. receive the report by the Acting Director Community on the Gulgong Memorial Hall Committee Meeting; and**
- 2. note the minutes from the Gulgong Memorial Hall Committee meetings held on Wednesday, 30 April 2025.**

The motion was carried with the Councillors voting unanimously.

Item 13: Urgent Business Without Notice

Nil

Item 14: Confidential Session

135/25 MOTION: Dicker / Palmer

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.

Item 15: Urgent Confidential Business Without Notice15.1 MAYORAL MINUTES: PURCHASE OF COMMERCIAL
PROPERTY

GOV400113, F0610002

136/25 MOTION: Kennedy

That Council:

1. note the broad community benefits of supporting the proposal as set out in this Mayoral Minute;
2. agree to purchase the property as listed in this mayoral minute (the Property);
3. authorise the General Manager to negotiate contract terms for the purchase, lease and management of the Property;
4. amend the 2024/25 Budget to allocate a budget amount as specified in this mayoral minute for the purchase of the Property, to be funded from the Land Development Reserve;
5. authorise the General Manager to execute the completion of the Property purchase, including signing of a purchase contract and any relevant documents, within the approved budget allocation; and
6. note that the details around this commercial opportunity are to remain confidential until the purchase is confirmed or until the opportunity passes, after which the relevant details of this Mayoral Minute will become available to the public.

The motion was carried with the Councillors voting unanimously.

Item 16: Open Council

137/25 MOTION: Shelley / Cornish

That Council move to Open Council.

The motion was carried with the Councillors voting unanimously.

The General Manager announced the decisions taken in Confidential Session.

Item 17: Closure

There being no further business the meeting concluded at 6.28pm.

Unconfirmed