

# Minutes of the Ordinary Meeting of Council

Held at the Council Chambers, 86 Market Street, Mudgee  
on 13 December 2017, commencing at 6.08pm and concluding at 6.57pm.

PRESENT Cr D Kennedy, Cr E Martens, Cr JP Thompson, Cr P Cavalier, Cr S Paine,  
Cr A Karavas, Cr J O'Neill, Cr R Holden.

IN ATTENDANCE General Manager (Brad Cam), Director Community (Simon Jones), Director  
Development (Julie Robertson), Director Operations (Garry Hemsworth),  
Chief Financial Officer (Leonie Johnson), Manager Governance (Tim  
Johnston) and Executive Assistant (Mette Sutton).

## Item 1: Apologies

An apology was received for Cr Peter Shelley.

**362/17 MOTION: Cavalier / Holden**

**That the apology received for Cr Peter Shelley be accepted.**

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

## Item 2: Disclosure of Interest

Councillor JP Thompson declared a non-pecuniary conflict of interest in Item 8.1 as his grand-daughter has a childminding business in the Shire.

## Item 3: Confirmation of Minutes

**363/17 MOTION: Cavalier / Karavas**

**That the Minutes of the Ordinary Meeting held on 15 November 2017 be taken as read and confirmed.**

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

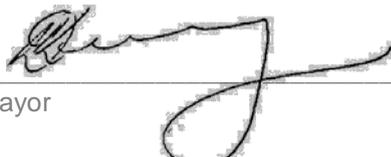
## Item 4: Matters in Progress

### Rylstone Pedestrian Footbridge

**364/17 MOTION: Cavalier / Holden**

**That the Rylstone Pedestrian Footbridge be noted as complete.**

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

  
\_\_\_\_\_  
Mayor

  
\_\_\_\_\_  
General Manager

**Item 5: Mayoral Minute**

Nil

**Item 6: Notices of Motion or Rescission**

6.1 WEEDS ADVISORY COMMITTEE

GOV400064, ENV200042

**365/17 MOTION: Holden / O'Neill**

**Holden/O'Neil**

**That Council, on a quarterly basis, conduct a Weeds Forum and invite the Farmers Association and any other interested parties.**

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

6.2 INTERNATIONAL WOMEN'S DAY LUNCHEON 2018

GOV400064, Gov400064

**366/17 MOTION: Cavalier / Karavas**

**That Councillor Martens attend the International Women's Day Luncheon should she wish to attend.**

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

6.3 AUSTRALIAN LOCAL GOVERNMENT WOMEN'S  
ASSOCIATION (NSW) CONFERENCE - GUNDAGAI

GOV400064, Gov400064

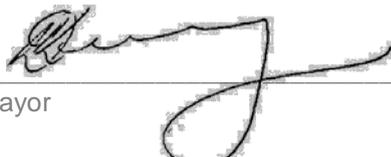
**367/17 MOTION: Cavalier / O'Neill**

**That Cr Martens attend the conference along with any other appropriate staff members.**

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

6.4 COMMUNITY VOLUNTEERS CHRISTMAS PARTY

GOV400064, GOV400064

  
\_\_\_\_\_  
Mayor

  
\_\_\_\_\_  
General Manager

MOTION: Holden

1. That Council re-instate the Community Volunteers Christmas party to be held annually in December.
2. That this event be factored into the 2017-18 and future budgets at \$2000 per annum plus annual CPI increases; and
3. Staff, through MWRC's media facilities, formulate an expression of interest with a defined RSVP date, to formulate a list of interested Community Volunteer organisations as invitees so as final catering and budgets required can be allocated.

*The motion lapsed for want of a seconder.*

## Item 7: Office of the General Manager

### 7.1 JOINT ORGANISATIONS OF COUNCILS

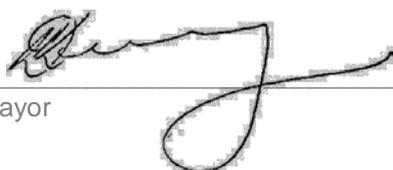
GOV400064, GOR500030

368/17

MOTION: Holden / Martens

**That Council:**

1. **receive the report by the Director Community on the Joint Organisations of Councils;**
2. **inform the Minister for Local Government of the Council's endorsement of the Minister recommending to the Governor the establishment of a Joint Organisation in accordance with the resolution;**
3. **approve the inclusion of the Council's area in the Joint Organisation's area;**
4. **endorse that the Joint Organisation be established to cover the Council's area and any one or more of the following council areas:**
  - **Bogan Shire Council**
  - **Gilgandra Shire Council**
  - **Dubbo Regional Council**
  - **Warren Shire Council**
  - **Warrumbungle Shire Council**

  
\_\_\_\_\_  
Mayor

  
\_\_\_\_\_  
General Manager

- **Narromine Shire Council**
  - **Coonamble Shire Council**
  - **Mid-Western Regional Council;**
5. **endorse that before 28 February 2018, the General Manager provide the Minister with a copy of the resolution including the date on which Council made this resolution; and**
6. **endorse that on the expiry of a period of 28 days from the making of this resolution, the General Manager inform the Minister that this resolution has not been rescinded.**

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

Councillor Thompson declared a non-pecuniary conflict of interest in Item 8.1 as his grand-daughter has a child-minding business in the Shire, left the Chambers at 6:20pm and did not participate in discussion or vote in relation to this matter.

## **Item 8: Development**

8.1 DA0287/2017 - CENTRE-BASED CHILD CARE FACILITY WITH OUT-OF-SCHOOL-HOURS CARE - 272 CHURCH STREET, MUDGEE

GOV400064, DA0287/2017

**369/17 MOTION: Karavas / Paine**

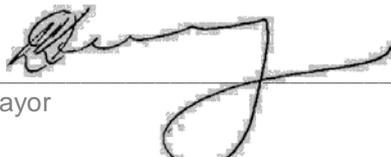
**That Council:**

- A. **receive the report by the Acting Manager Statutory Planning on the DA0287/2017 - Centre-based Child Care Facility with Out-of-School-Hours Care - 272 Church Street, Mudgee;**
- B. **approve DA0287/2017 – Centre-based Child Care Facility with Out-of-School-Hours Care – 272 Church Street, Mudgee, subject to the following conditions:**

### **APPROVED PLANS**

1. **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 herein.**

Title/Name	Drawing No/ Document Ref	Revision/ Issue	Dated	Prepared by
Proposed Site Plan	Drawing No 26740-A02	A	16/10/2017	Barnson
Proposed Floor	Drawing No	A	16/10/2017	Barnson

  
\_\_\_\_\_  
Mayor

  
\_\_\_\_\_  
General Manager

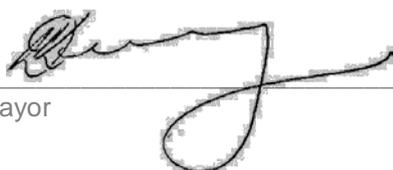
<b>Plan 1</b>	<b>26740-A03</b>			
<b>Proposed Floor Plan 2</b>	<b>Drawing No 26740-A04</b>	<b>A</b>	<b>16/10/2017</b>	<b>Barnson</b>
<b>Elevations</b>	<b>Drawing No 26740-A05</b>	<b>A</b>	<b>16/10/2017</b>	<b>Barnson</b>
<b>Sections</b>	<b>Drawing No 26740-A06</b>	<b>A</b>	<b>16/10/2017</b>	<b>Barnson</b>
<b>AFS Plan and Elevations</b>	<b>Drawing No 26740-A07</b>	<b>A</b>	<b>16/10/2017</b>	<b>Barnson</b>
<b>Street Elevation and Site Section</b>	<b>Drawing No 26740-A08</b>	<b>A</b>	<b>16/10/2017</b>	<b>Barnson</b>
<b>Cut/Fill Plan</b>	<b>Drawing No 26740-A09</b>	<b>A</b>	<b>16/10/2017</b>	<b>Barnson</b>
<b>External Play Area Landscape Plan</b>	<b>Drawing No 26740-A10</b>	<b>A</b>	<b>16/10/2017</b>	<b>Barnson</b>
<b>Erosion and Sediment Control Plan</b>	<b>Drawing No 26740-A11</b>	<b>A</b>	<b>16/10/2017</b>	<b>Barnson</b>
<b>Proposed Sewer Plan</b>	<b>Drawing No 26740-P02</b>	<b>E</b>	<b>16/10/2017</b>	<b>Barnson</b>
<b>Proposed Sewer Details</b>	<b>Drawing No 26740-P03</b>	<b>C</b>	<b>16/11/2017</b>	<b>Barnson</b>
<b>Proposed Stormwater Plan</b>	<b>Drawing No 26740-P04</b>	<b>G</b>	<b>16/11/2017</b>	<b>Barnson</b>
<b>Stormwater Details</b>	<b>Drawing No 26740-P05</b>	<b>B</b>	<b>18/08/2017</b>	<b>Barnson</b>
<b>Fence Height Key/ Proposed Site Plan</b>	<b>Drawing No 26740-A02</b>	<b>A</b>	<b>16/10/2017</b>	<b>Barnson</b>

2. Notwithstanding the approved plans the structure is to be located clear of any easements and/or any water and sewer mains in accordance with Council Policy.

#### LIMITS ON CONSENT

3. 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.
4. This development consent does not include approval for any signage for the approved development. A separate Development Consent or Complying Development Certificate may be required for signage, if the signage is not exempt development.
5. This approval includes approval for:
- The demolition of the existing shed on site.
  - Use of the development as a centre-based child care facility, which includes out-of-school-hours care.
  - Connection of stormwater and sewer through Mulley Park.

#### PRIOR TO ISSUE OF THE CONSTRUCTION CERTIFICATE



Mayor



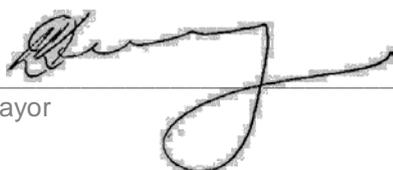
General Manager

## Building

The following conditions must be complied with prior to Council or an accredited Certifier issuing a Construction Certificate for the proposed building.

6. Prior to release of any Construction Certificate, approval pursuant to Section 68 of the Local Government Act, 1993 to carry out water supply, stormwater and sewerage works is to be obtained from Council.
7. Consent from Council must be obtained for all new works within the road reserve, pursuant to Section 138 of the Roads Act 1993.
8. A schedule of existing and proposed fire safety measures is to be submitted to the Principal Certifying Authority with the application for the Construction Certificate for any above-ground building works.
9. All building work is to comply with the requirements of the Access to Premises Standard. Details demonstrating full compliance with the Access to Premises Standard, including continuous path of travel from the entrance to the property, are to be submitted and approved as part of any Construction Certificate.
10. The design, construction and fitout of any proposed kitchen, coolroom/s and associated structures must be constructed in accordance with the relevant requirements of Australian Standard 4674-2004 "Design, Construction and Fitout of Food Premises". Full details are to be submitted for approval with the required Construction Certificate.
11. Prior to the issue of a Construction Certificate for above ground building works, the plans and specifications are to demonstrate compliance with the detailed requirements of Child Care Planning Guideline, prepared by NSW Planning & Environment and dated August 2017. These details are to include, but not be limited to, demonstrating compliance with the following components of the guidelines:
  - a) Surface treatment of pedestrian paths to differ from that of the car park surface;
  - b) Safety fencing;
  - c) External storage space;
  - d) Internal storage space. The storeroom for the Out-of-school-hours building will need to be increased in size to meet these requirements.
  - e) Laundry;
  - f) Toilets;
  - g) Administration space; and
  - h) Emergency Evacuation Plan.

## Contributions and Levies



Mayor



General Manager

12. Prior to the issue of any Construction Certificate, the developer shall obtain a Certificate of Compliance under the Water Management Act 2000. This will require:
- (a) Payment of contributions for water and sewerage headworks in accordance with Council's adopted Fees and Charges.
  - (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 the Consumer Price Index increase at 1 July each year. Please contact Council's Development Directorate regarding any adjustments.**

13. In accordance with 94A of the Environmental Planning and Assessment Act 1979 and the Mid-Western Regional Council Section 94A Development Contributions Plan (the Section 94A Plan), a levy based on the value of works shall be paid to Council in accordance with this condition for the purpose of public facilities, prior to the issue of a Construction Certificate.

The value of the works is to be calculated in accordance with Section 9.0 and the procedure outlined in Appendix 1 of the Section 94A Plan. A report regarding value of works and any necessary certification is to be submitted to Council. Council will calculate and advise of the final levy amount following submission of the documents.

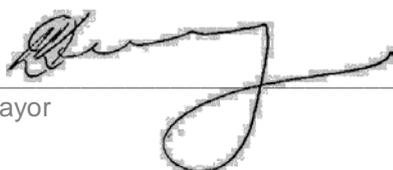
**Note – the levy amount will be adjusted by the Consumer Price Index, if not paid in the same financial year it was calculated. Based on the cost of the proposed development submitted with the DA (\$1,200,000), an indicative total levy of \$12,000 is payable.**

14. Long service levy must be paid to the Long Service Payment Corporation, prior to the issue of any Construction Certificate. The amount payable is currently based on 0.35% of the cost of work. This is a State Government Levy and is subject to change.

These payments may be made at Council's Administration Office. Cheques are to be made payable to Council.

#### Landscaping

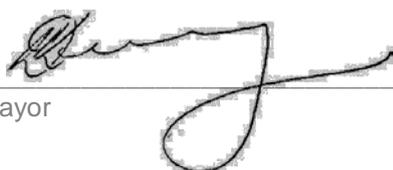
15. Prior to the issue of any Construction Certificate that includes above ground works, a landscape plan shall be submitted to and approved by Council. This landscape plan shall be prepared by an appropriately qualified and experienced professional. The

  
Mayor

  
General Manager

landscaping plan is to show and/or achieve the following:

- a) A planting schedule (including a range of plant sizes).
- b) A maintenance schedule.
- c) Re-planting regime for any plants that are damaged, dead, or removed for any reason.
- d) Provide a minimum 25m long section of screen landscaping along the southern boundary that achieves a minimum height of 4m at maturity. This section of landscaping is to be located within the landscape area adjacent to the southern boundary indicated on the approved site plan.
- e) Provision of landscaping adjacent to and between car parking areas to assist in visually breaking up the expanse of the car park.
- f) Provide landscaping and fencing (if to be provided) within the front boundary landscaped setback that achieves the following:
  - (i) Allows for passive surveillance between the road reserve and the internal car park and entrance to the Child Care Centre building. This may be achieved by using shrubs that have a maximum height of 0.8m at maturity and trees that have a minimum canopy height of 1.7m at maturity.
  - (ii) Assists the development to blend in with the established streetscape and neighbourhood.
- g) Utilise endemic species, where practicable, which are appropriate for the site.
- h) Details of an irrigation system connecting to the on-site rainwater tanks.
- i) Compliance with the detailed natural environment, landscaping, shade and fencing requirements contained in the Child Care Planning Guideline, prepared by NSW Planning & Environment and dated August 2017.
- j) Prevention of overlooking of the outdoor play areas from the adjoining property to the north. This will require relocation of the 3.0m high acoustic fencing from the property boundary to the edge of the outdoor play areas, so that there is a minimum of 1.5m between the property boundary and the acoustic barrier to accommodate landscaping. The plants to be used in this area are to achieve a minimum 4.0m in height at maturity and provide a dense visual screen.
- k) Provision of a proportion of semi-mature trees in landscaping areas key to establishing the streetscape and preserving the privacy of neighbours. In this regard, a minimum of 4 semi-mature trees are to be provided in the front boundary landscape strip. A minimum of 4 semi-mature trees are to be provided between the acoustic barrier and the rear and side boundary fence of the property located at 270A Church Street.
- l) No shrubs or trees are to be provided within the proposed sewer easement.



Mayor



m) Landscaping provided within the existing water easement is to be at the agreement of Council.

16. A landscaping bond of \$1,500 is to be paid to Council prior to the issue of a Construction Certificate for above ground building works. Such bond is to be refunded upon satisfactory completion of the landscaping in accordance with the approved landscaping plan.

#### Earthworks and retaining walls

17. All finished surface levels shall be shown on the plans submitted for a Construction Certificate.
18. Details of all retaining walls shall be shown on the plans submitted for a Construction Certificate.
19. Details of the sewer long-section, showing an adequate depth of cover over the sewer line, are to be submitted to and approved by Council, prior to the issue of a Construction Certificate. These details shall include finished surface levels and bedding details along the entire length of the sewer long-section. The following amended details are to be included in the sewer long-section:
- a) References to outdated standards are to be corrected with the current standard.
  - b) The details of the external Typical External Drop design is to be removed as no drop manholes are proposed.
  - c) The Inspection Hold Points table is not required.

#### Soil Contaminated Investigation

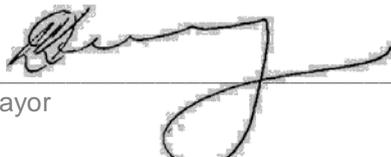
20. Prior to the issue of a Construction Certificate, a Preliminary Investigation Report based on soil sampling and testing, prepared by a qualified industry professional, is to be submitted to and approved by Council. The investigation must be undertaken in accordance with the Managing Land Contamination Planning Guidelines – SEPP 55 – Remediation of Land. Any remediation works identified in the report are to be adhered to.

#### Stormwater

21. A detailed engineering design is to be submitted to and approved by Council prior to the issue of a Construction Certificate. The engineering design is to comply with Council's Development Control Plan and the Standards referenced within Appendix B1, B2 and D.

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

- Water and sewer main extensions

  
\_\_\_\_\_  
Mayor

  
\_\_\_\_\_  
General Manager

- **Stormwater drainage such as, onsite detention, infiltration trench**

**Note 1: No works can commence prior to the issue of the Construction Certificate.**

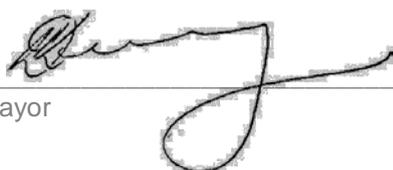
- 22. The applicant is to submit a Drainage Report prepared in accordance with the Institution of Engineers publication Australian Rainfall and Run-off to the Principal Certifying Authority for approval prior to the release of the Construction Certificate. The report must demonstrate that stormwater runoff from the site is not increased beyond the existing undeveloped state up to and including a 10% Annual Exceedance Probability. All storm water detention details including analysis shall be included with the drainage report. The report shall include water quality analysis to determine that post development pollution reduction targets are met in accordance with Development Control Plan.**
- 23. Stormwater discharge is to be piped directly to the stormwater pit located within Lowana Close.**

#### **Access and Parking**

- 24. The aisle widths, internal circulation, ramp widths and grades of the car park are to conform to the Roads and Maritime Services (RMS) guidelines and Australian Standard AS 2890.1 – 1993. Details of compliance are to be shown on the relevant plans and specifications.**
- 25. Each access provided must comply with Council's Access to Properties Policy, AUSTROADS Part 4/4A and any associated RMS supplements.**

#### **Waste Management**

- 26. Prior to the issue of a Construction Certificate that involves above ground works, a Waste Management Plan is to be submitted to and approved by Council. The Waste Management Plan is to include the following details:**
- a) A plan of the garbage bin storage area.**
  - b) Details of the method and regime for washing down the bin storage area.**
  - c) Details of the method and regime for washing bins.**
  - d) A plan delineating the collection area within the street reserve for the bins. This plan is to demonstrate that there will be no conflict with pedestrian pathways or bus stops. The area is to be large enough to accommodate the number of bins required for collection.**
  - e) Details of the amount and type of expected waste generation and storage and collection requirements of each waste stream.**

  
Mayor

  
General Manager

- f) Details of waste collection arrangements from the site, including volume and frequency.
- g) Details of the location of the destination of the waste.
- h) Details of odour control.
- i) Details of vermin control.
- j) Details of insect control.
- k) A monitoring and review regime for the Waste Management Plan.

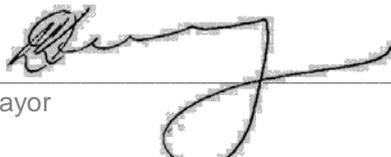
Following commencement of the use, any amended versions of the Waste Management Plan are to be approved by Council.

#### Trade Waste

- 27. A Liquid Trade Waste Application is to be submitted to and approved by Council, for the proposed Centre-based Child Care development, prior to the issue of a Section 68 approval for water supply, stormwater and sewerage works.

#### Noise

- 28. Prior to the issue of a Construction Certificate that involves above ground building works, a Noise Assessment Report, prepared by a suitably qualified person, is to be submitted to and approved by Council. The Noise Assessment Report is to provide acoustic attenuation measures for nominated mechanical plant for the proposed development. The details of the acoustic attenuation measures are to be included in any Construction Certificate issued for above ground building works.
- 29. Prior to the issue of a Construction Certificate for any above ground works, details of the acoustic barrier fencing are to be submitted to and approved by Council. The acoustic barrier fencing is to comply with the following:
  - a) The recommendations contained in Section 5.0 of Environmental Noise Assessment – Proposed Child Care Centre 272 Church Street, Mudgee, NSW – Report Number 6217-1.1R Rev A, prepared by Day Design Pty Ltd and dated 17 October 2017 and the approved Fence Height Key/Proposed Site Plan referred to in Condition 1.
  - b) That part of the acoustic barrier erected above 1.8m above ground level is to be constructed of transparent material, in order to reduce its visual impact.
  - c) The nominated 3.0m high acoustic barrier as shown on the approved Fence Height Key drawing is to be relocated from the property boundary to the edge of the play areas. The minimum separation between the acoustic barrier and the property boundary is to be 1.5m, so that it can accommodate screen landscaping over the long term. A

  
\_\_\_\_\_  
Mayor

  
\_\_\_\_\_  
General Manager

means of providing maintenance access to the landscaped area is to be provided in the amended design of the relocated acoustic barrier.

- d) Acoustic barriers are not to be erected over any proposed sewer manholes.
  - e) The details of the acoustic barrier fencing are to be approved and included in any Construction Certificate issued for any above ground works.
30. Prior to the issue of a Construction Certificate for any above ground works, details of the windows on the southern and western elevations of the main child care centre building are to clearly indicate that they are fixed panels that cannot be opened.

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

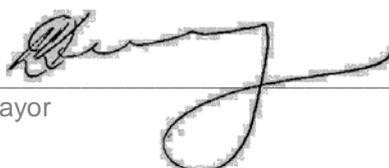
31. No work shall commence until a Construction Certificate has been issued and the applicant has notified Council of:
- a) the appointment of a Principal Certifying Authority and
  - b) the date on which work will commence.

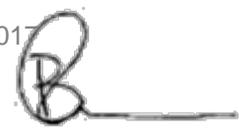
Such notice shall include details of the Principal Certifying Authority and must be submitted to Council at least two (2) days before work commences.

32. 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**

33. A sign must be erected in a prominent position on any work site involved in the erection or demolition of a building is carried out;
- a) stating that unauthorised entry to the work site is prohibited;
  - b) showing the name of the person in charge of the work site and a telephone number at which that person may be contacted outside working hours;
  - c) the name, address and telephone number of the principal certifying authority for the work; and
  - d) the sign shall be removed when the erection or demolition of the building has been completed.
34. Prior to the commencement of works on site, the applicant shall advise Council's Operations Directorate, in writing, of any existing damage to Council property.

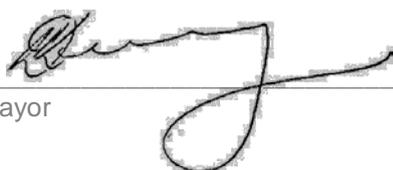
  
\_\_\_\_\_  
Mayor

  
\_\_\_\_\_  
General Manager

- 35. If the work involved in the erection/demolition of the building:**
- a) Is likely to cause pedestrian or vehicular traffic in a public place to be obstructed or rendered inconvenient; or
  - b) Building involves the enclosure of a public place.

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

- 36. 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; and
  - 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.
- 37. An 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.
- 38. Runoff and erosion controls shall be installed prior to clearing and incorporate:**
- a) diversion of uncontaminated upslope 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 stabilised beyond the completion of construction.
- 39. A copy of the Contractor's public liability insurance cover for a**



Mayor



General Manager

minimum of \$20,000,000 (twenty million dollars) is to be provided to Mid-Western Regional Council. Mid-Western Regional Council is to be indemnified against any works carried out by the contractor.

## DURING CONSTRUCTION

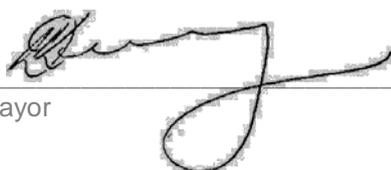
### Demolition

40. The licensed demolition contractor and/or principal contractor must comply with the following specific requirements in respect of the proposed demolition works:

- a) Demolition work is not to be undertaken until:
  - Council has been provided with a copy of the required Hazardous Substances Management Plan; and
  - 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 asbestos material (in excess of 10m<sup>2</sup>) is to be undertaken only by an asbestos removal contractor who holds the appropriate class of Asbestos Licence, issued by WorkCover NSW, and in accordance with the requirements of WorkCover NSW, the Work Health and Safety Act 2011 and Australian Standard 2601-2011.
- 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 (types of licences held and licence numbers) of any asbestos removal contractor and demolition contractor.

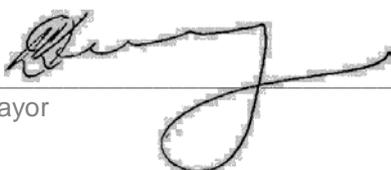
### Building and general works

41. 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.
42. All plumbing and drainage work must be carried out by a licensed plumber and drainer and must comply with the Plumbing Code of Australia.

  
\_\_\_\_\_  
Mayor

  
\_\_\_\_\_  
General Manager

43. Construction work noise that is audible at other premises is to be restricted to the following times:  
Monday to Saturday - 7.00am to 5.00pm  
No construction work noise is permitted on Sundays or Public Holidays.
44. 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.
45. All building work is to comply with the requirements of the Access to Premises Standard.
46. The strength of the concrete used for the reinforced concrete floor slab must be 25Mpa.
47. Building envelopes are not to extend greater than 90m from the nearest hydrant.
48. Structural members subject to attack by subterranean termites shall be protected by one of the methods outlined in AS 3660.1 and a durable notice must be permanently fixed to the building in a prominent location, such as a meter box or the like, indicating:
  - a) the method of protection; and
  - b) the date of installation of the system; and
  - c) where a chemical barrier is used, its life expectancy as listed on the National Registration Authority label; and
  - d) the need to maintain and inspect the system on a regular basis.
49. The list of measures contained in the schedule attached to the Construction Certificate are required to be installed in the building or on the land to ensure the safety of persons in the event of fire in accordance with Clause 168 of the Environmental Planning and Assessment Regulation 2000.
50. The developer shall, at their own expense, engage a registered surveyor to relocate any survey mark that may be disturbed by the development or any associated work. Any information regarding relocation should be supplied to the Land Titles Office and Council.
51. 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.
52. All earthworks, filling, building, driveways or other works, are to be designed and constructed (including stormwater drainage if



---

Mayor



---

General Manager

necessary) so that at no time will any ponding of stormwater occur on adjoining land as a result of this development.

53. No trees on public property (footpaths, roads, reserves etc.) shall be removed or damaged during construction of the works including the erection of any fences or hoardings with the prior approval of Council.
54. 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.
55. If the development involves an excavation that extends below the level of the base of the footings of a building, structure or work (including any structure or work within a road or rail corridor) an adjoining land, 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 from possible damage from excavation; and
  - b) Where necessary, underpin the building, structure or work to prevent such damage.

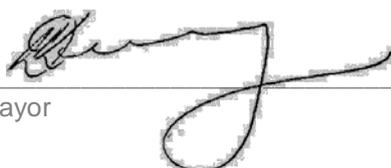
This condition does not apply if the person having the benefit of the development consent owns the adjoining land or the owner of the adjoining land has given consent in writing to that condition not applying.

#### Earthworks

56. 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.
57. Where it is proposed to import fill, the material shall be certified as free of hazardous materials and contamination and be classified as VENM or ENM under the guidelines of the NSW Environmental Protection Authority by a qualified Geotechnical Engineer. Fill placed in residential or commercial lots shall be compacted in accordance with AS3798-2007 Guidelines on Earthworks for Commercial and Residential Developments.

#### Access and Parking

58. 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.
59. A vehicular entrance comprising kerb laybacks (where roll kerb

  
Mayor

  
General Manager

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 Council's "Access to Properties Policy".

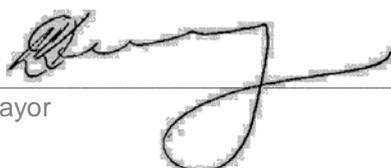
Concrete must not be poured until the excavation, formwork and reinforcing has been inspected by Council. The contractor/owner must arrange an inspection by contacting Council's Development and Community Services Department between 8.00am and 4.30pm Monday to Friday, giving at least twenty four (24) hours notice.

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

60. A total of 40 car parking spaces are to be provided within the site of the development and comply with AS 2890.1:2004 and AS2890.6:2009 and the following requirements:
- a) All vehicles must be provided adequate means to exit the lot in a forward direction.
  - b) Each parking space is to have minimum dimensions of 5.4m x 2.6m;
  - c) Each disabled car parking space is to be in accordance with the provisions of AS 2890.6:2009;
  - d) All car parking spaces are to be line-marked and sealed with a hard standing, all weather material and must be maintained in a satisfactory condition at all times;
  - e) The aisle widths, internal circulation, ramp widths and grades of the car park are to conform to the Roads and Traffic Authority Guide to Traffic Generating Developments 1992 and Australian Standard AS2890.1 – 2004.

#### Water, Stormwater and Sewer Services

61. Council does not permit other bodies to insert new junctions into "live" sewer and water mains. Please contact Council's Operations Water and Waste Department by calling 02 6378 2850 or by emailing [council@midwestern.nsw.gov.au](mailto:council@midwestern.nsw.gov.au) to obtain a quote for the connection of the new sewer extension and water service (Private Works Order).
62. Prior to the commencement of construction works the applicant needs to comply with the requirements of the Local Government Act 1993, section 634 which requires that:
- a) a person must not do any water supply work, sewerage work or stormwater drainage work unless the person;
    - (i) is the holder of an endorsed licence or supervisor certificate in force under the [Home Building Act 1989](#) authorising the holder to do (and to supervise) work of

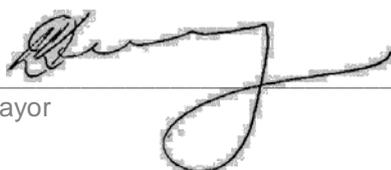
  
Mayor

  
General Manager

- the kind concerned, or
- (ii) is the holder of a tradesperson certificate in force under the **Home Building Act 1989** authorising the holder to do that kind of work under supervision and does that work under the general supervision of the holder of a licence or certificate referred to in paragraph (a), or
  - (iii) does the work under the immediate supervision of a person referred to in paragraph (a).
- b) A person who employs (or uses the services of) another person to do any water supply work, sewerage work or stormwater drainage work is guilty of an offence if the person knows that the other person, in doing the work, contravenes subsection (a).

Documented evidence is required to be supplied prior to commencement of construction along with a Certificate of Currency for Public Liability and Professional Indemnity

63. The works associated with water, sewer and stormwater infrastructure are to be inspected by the Council (or an Accredited Certifier on behalf of Council) to monitor compliance with the consent and the relevant standards of construction, encompassing the following stages of construction:
- a) Installation of sediment and erosion control measures.
  - b) Stormwater and sewer line installation prior to backfilling.
  - c) Acceptance testing of water supply and sewerage infrastructure in accordance with Water Services Association of Australia and Water and Sewerage Codes.
  - d) Practical completion.
64. 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.
65. 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.

  
Mayor

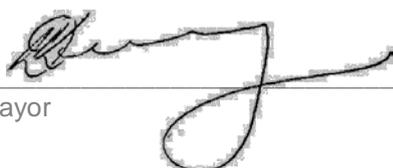
  
General Manager

66. The redundant section of sewer main is to be removed at the completion of the diversion such that no redundant infrastructure remains in place. A dead-end is to be created on the existing sewer by way of manhole within the developed lot.
67. A new sewer junction is to be installed on the new sewer line to service the Lot.
68. Three metre wide easements, including associated Section 88B instruments, are to be created over any existing or newly constructed inter-allotment drainage components located within the subject property, or extended through adjoining private properties as a result of this subdivision. The benefited parties should be those lots immediately up stream of the development.
69. Sediment and debris are to be removed from stormwater before it is allowed to enter the proposed infiltration trench unless it can be demonstrated that the proposed system enables easy removal of accumulated sediment. The selected sediment and debris filter device must be easy to maintain and importantly must be easily and safely accessible.
70. The developer is to place a covenant or restriction as to user over the sediment removing device and infiltration trench, shown on the approved detailed Stormwater Management Plan, so that it shall remain in place and in use.
71. Minimum distance of infiltration trenches from footings shall be in accordance with Table 1 of Appendix B2 of Council's Development Control Plan.
72. Stormwater leaving the site is to discharge directly to the existing stormwater pit at the end of Lowana Close by way of closed pipe system.
73. Following completion of the construction of the water and sewer, one full set of work-as-executed plans, on transparent film suitable for reproduction, and an "Autocadcompatible" work-as-executed Plan, (in dwg format including pen-map), is to be submitted to Council. 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.

#### **PRIOR TO ISSUE OF THE OCCUPATION CERTIFICATE**

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

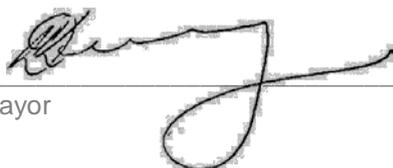
74. Prior to the occupation of a new building, or occupation or use

  
\_\_\_\_\_  
Mayor

  
\_\_\_\_\_  
General Manager

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.

75. Prior to occupation or the issue of the Occupation Certificate (or Interim Occupation Certificate) the owner of the building must cause the Principal Certifying Authority 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 Clause 153 of the Environmental Planning and Assessment Regulation 2000 for each measure listed in the schedule. 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.
76. Prior to the issue of an Occupation Certificate, for any buildings on site, the building is to be connected to reticulated water supply, stormwater and sewerage in accordance with the relevant section 68 approval/s.
77. Metal roof/wall cladding shall be provided in a non-reflective colour scheme such as "Colorbond" steel sheeting.
78. All car parking and associated driveway works are to be completed prior to occupation of the development and/or the commencement of the use.
79. All plants shown on the approved landscape plan/s are to be planted and all hard landscaping (eg rocks, retaining walls, solid garden bed edging) is to be installed prior to occupation of the development and/or commencement of the use.
80. Acoustic fencing is to be erected in accordance with recommendations contained in Section 5.0 of the Acoustic Assessment Report submitted with the development application, as superseded by the acoustic barrier details approved as part of the Construction Certificate - prior to occupation of the development and/or commencement of the use.
81. Prior to the issue of an Occupation Certificate, a Noise Management Plan is to be submitted to and approved by Council. The Noise Management Plan is to:
  - a) Comply with the recommendations contained in Section 5.0 of the Environmental Noise Assessment – Proposed Child Care Centre 272 Church Street, Mudgee, NSW – Report Number 6217-1.1R Rev A, prepared by Day Design Pty Ltd and dated 17 October 2017.
  - b) Detail how the childcare centre will manage noise from children, vehicles on site and out-of-hours drop off/collections, parents and children entering/leaving the



---



---

site, waste collection, deliveries and noise from plant.

82. Prior to the issue of a final Occupation Certificate and the commencement of use of the Child Care Centre building, Section 88B instruments are to be registered on the title of the subject lot, with the effect of the following:
- a) Extinguishing any unnecessary sewer easements over the land.
  - b) Providing a 3m wide easement over operational sewer lines, created in favour of Council.
  - c) Providing easements, as necessary, over stormwater infrastructure servicing the site.

Council must indicate agreement to the proposed easements, prior to registration.

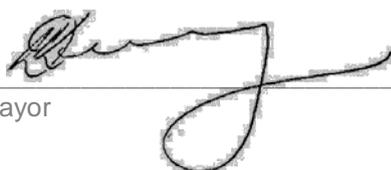
The developer is to pay the full cost for the preparation and registration of the above easements.

Note – the term easements used in this condition may be replaced with any other form of covenant or restriction on title addressed by Section 88B of the Conveyancing Act, with the agreement of Council.

Note – no specific width is proposed for the stormwater easements, as they will vary in width according to the final dimensions of on-site detention and treatment basins.

#### CONDITIONS RELATED TO THE ONGOING USE OF THE SITE

83. The development is limited to the following number of children:
- a) 125 children within the Child Care Centre building; and
  - b) 30 children within the Out-of-school-hours building.
- Any licence from the relevant State/Federal department should not exceed the above numbers.
84. The hours of operation of the development are to be limited to the following:
- a) Child Care Centre: 7am to 7pm, Monday to Fridays.
  - b) Out-of-school-hours: 7am to 8.30am and 3.30pm to 6.30pm, Monday to Fridays.
85. 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.
86. 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.

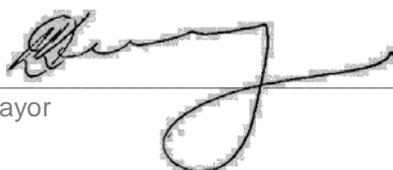
  
Mayor

  
General Manager

87. Children dropped off at the Out-of-school-hours Care Centre are to be transported to and from school in the centre-based mini-bus.
88. Garbage areas are to be adequately screened from public view with an opaque fence and/or adequate landscaping.
89. All waste and waste areas are to be managed in accordance with the approved Waste Management Plan. Should any amenity impacts arise as a result of the bin storage or bin collection, an amended Waste Management Plan, providing solutions to address the identified impacts, is to be submitted to and approved by Council.
90. Directional signage is to be erected in accordance with the following:
- a) Signage at the street entrance to each internal pedestrian path stating the direction of each building within the development.
  - b) Each driveway access is to be clearly identified as either entry only or exit only.
  - c) The exit driveway is to have a Give way to pedestrian sign facing vehicles leaving the site.
91. 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".
92. The site is to be maintained in a clean and tidy condition at all times.
93. Rainwater collected in the on-site rainwater tanks is to be used for maintaining on-site landscaping. The water in the rainwater tanks is to be exhausted prior to Council's water supply being used for landscaping.
- Note – This condition has been applied in order to ensure that the proposed rainwater tanks retain capacity to serve their on-site detention function for stormwater management.**
94. Landscaping is to be maintained in accordance with the approved landscape plan.

#### Noise

95. In the event Council receives a justifiable noise complaint and if directed to by Council - the operator of the Centre-based Child Care facility is to provide certification from a suitably qualified and experienced acoustic consultant, certifying the

  
Mayor

  
General Manager

following:

- a) The acoustic barriers have been constructed in accordance with Section 5.0 of Environmental Noise Assessment – Proposed Child Care Centre 272 Church Street, Mudgee, NSW – Report Number 6217-1.1R Rev A, prepared by Day Design Pty Ltd and dated 17 October 2017, as superseded by the acoustic barrier details approved prior to the issue of the Construction Certificate.
96. The development is to operate in accordance with the approved Noise Management Plan for the development, at all times. Any amendments to the Noise Management Plan are to be submitted to and approved by Mid-Western Regional Council.
97. That part of the acoustic barrier fencing erected above 1.8m above ground level is to be maintained as transparent material, in order to reduce its visual impact.

#### Fencing

98. That part of the fencing on the property boundaries, behind the building line and below 1.8m in height is to be solid screen fencing. That part of the fencing along the property side boundaries and forward of the building line is to be maintained as 1.5m high solid screen fencing.

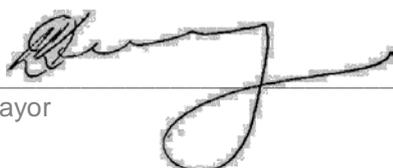
#### Fire Safety Certificate

99. 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 the 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.
100. Where any essential services are installed in the building a copy of the final Fire Safety Certificate (together with a copy of the current fire safety schedule) is to be given to the Commissioner of NSW Fire Brigades and Council. A further copy of the Certificate (together with a copy of the current fire safety schedule) is to be prominently displayed in the building.

#### Food Safety

101. 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.

#### ADVISORY NOTES

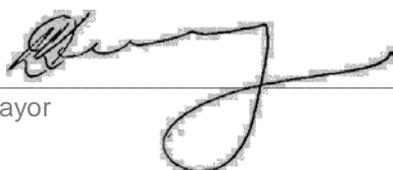
  
Mayor

  
General Manager

- 1 The removal of trees within any road reserve requires 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 Section 82A of the Environmental Planning and Assessment Act 1979 provides 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 Planning and Development Department for more information or advice.
- 4 If you are dissatisfied with this decision, section 97 of the Environmental Planning and Assessment Act 1979 gives you the right to appeal to the Land and Environment Court within 6 months after the date on which you receive this notice.
- 5 To ascertain the date upon which the consent becomes effective, refer to section 83 of the Environmental Planning and Assessment Act 1979.
- 6 To ascertain the extent to which the consent is liable to lapse, refer to section 95 of the Environmental Planning and Assessment Act 1979.
- 7 The development is to operate so as to not emit offensive noise, as defined in the Protection of the Environment Operations Act 1997. For the purposes of the approved development, Project Specific Noise Criteria are contained in Environmental Noise Assessment – Proposed Child Care Centre 272 Church Street, Mudgee, NSW – Report Number 6217-1.1R Rev A, prepared by Day Design Pty Ltd and dated 17 October 2017.

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

Councillors	Ayes	Nayes
Cr Kennedy	✓	
Cr Martens		✓
Cr Cavalier	✓	
Cr Paine	✓	
Cr Karavas	✓	

  
\_\_\_\_\_  
Mayor

  
\_\_\_\_\_  
General Manager

Cr O'Neill	✓
Cr Holden	✓

Councillor Thompson returned to the Chambers at 6:29pm.

8.2 MA0016/2018 (DA0223/2016) - MODIFICATION TO THE LAYOUT OF A SENIORS LIVING DEVELOPMENT - 15 MERAMIE STREET, CAERLEON (FORMERLY 37 HILL END ROAD)

GOV400064, MA0016/2018

370/17

**MOTION:** Paine / Holden

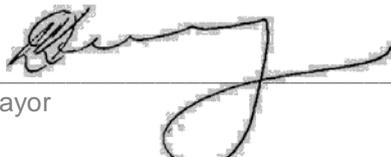
**That Council:**

- A. receive the report by the Senior Town Planner for MA0016/2018 (DA0223/2016) - Modification to the layout of a Seniors Living Development - 15 Meramie Street, Caerleon (formerly 37 Hill End Road);
- B. approve MA0016/2018 (DA0223/2016) - Modification to the layout of a Seniors Living Development - 15 Meramie Street, Caerleon (formerly 37 Hill End Road) subject to the following conditions:

**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 {dd.mm.yyy y}:	Prepared by:
Site Plan	Project 15013 Dwg-CD-1-01	10	05/04/2016	Neil Hudson Architect
Type A Quadplex	Project DA2032 Dwg-01-01	B	11/02/2016	Oak Tree Group
Type B Duplex	Project DA2032 Dwg-01-03	C	20/04/2016	Oak Tree Group
Type B Triplex	Project DA2032 Dwg-01-02	C	20/04/2016	Oak Tree Group
Type C Duplex	Project DA2032 Dwg-01-05	C	20/04/2016	Oak Tree Group
Type C Triplex	Project DA2032 Dwg-01-04	C	20/04/2016	Oak Tree Group
Type D Duplex	Project DA2032 Dwg-01-07	C	20/04/2016	Oak Tree Group
Type D Triplex	Project DA2032 Dwg-01-06	C	20/04/2016	Oak Tree Group
Landscape Masterplan	Job 201532 Page MP01 - MP05	A	18/12/2015	JW Concepts
Pool Standard-	Dwg-D001	B	21/03/2016	Oak Tree Group

  
Mayor

  
General Manager

<b>Plan</b>				
<b>Pool Standard-Sections</b>	Dwg D002	B	21/03/2016	Oak Tree Group
<b>Village Centre</b>	Project DA2032 Dwg CD 2.07	1	17/12/2015	Neil Hudson Architect
<b>Statement of Environmental Effects</b>	Project 1480	N/A	February 2016	Coastplan Consulting
<b>Civil Engineering Services Report (including appendixes)</b>	Ref B14603CR001	N/A	15 February 2016	Lambert & Rehbein

(DELETED MA0016/2018)

1A. 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 [dd.mm.yyyy]:	Prepared by:
Site Layout Plan	Project 2032 Dwg 1.00	A	25/09/2017	Oak Tree Group
Floor Plan	Project 2032 Dwg 2Aii-2Aii	N/A	N/A	Oak Tree Group
Elevations	Project 2032 Dwg 2Aii-2Aii	N/A	N/A	Oak Tree Group
Floor Plan	Project 2032 Dwg 3Aii-3Aii	N/A	N/A	Oak Tree Group
Elevations	Project 2032 Dwg 3Aii-3Aii	N/A	N/A	Oak Tree Group
Floor Plan	Project 2032 Dwg 3AiiPLUS-3AiiPLUS	N/A	N/A	Oak Tree Group
Elevations	Project 2032 Dwg 3AiiPLUS-3AiiPLUS	N/A	N/A	Oak Tree Group
Village Centre Floor Plan	Project 2032 Dwg 01-101	1	15/09/2017	Oak Tree Group
Village Centre Elevations 1 & 2	Project 2032 Dwg 02-201	1	15/09/2017	Oak Tree Group
Village Centre Elevations 3 & 4	Project 2032 Dwg 02-202	1	15/09/2017	Oak Tree Group
Landscape Masterplan (as generally adapted to the new layout)	Job 201532 Page MP01 - MP05	A	18/12/2015	JW Concepts
Pool Standard - Plan	Dwg D001	B	21/03/2016	Oak Tree Group
Pool Standard - Sections	Dwg D002	B	21/03/2016	Oak Tree Group
Statement of Environmental Effects	Project 1480	N/A	February 2016	Coastplan Consulting
Civil Engineering	Ref B14603CR001	N/A	15/02/2016	Lambert & Rehbein

Services Report (as generally adapted to the new layout) (including appendixes)				
---	--	--	--	--

**(AMENDED MA0016/2018)**

2. 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.
3. This consent does not include the provision of lighting to the bowling green.
4. Pathway lighting is to be designed and located to avoid glare for pedestrians and adjacent dwellings and to provide minimum 20 lux at ground level.
5. Peep holes are to be provided to all main entrance doors of all the dwellings.
6. Only the following kinds of people can be accommodated in the approved development:
  - (a) seniors or people who have a disability,
  - (b) people who live within the same household with seniors or people who have a disability,
  - (c) staff employed to assist in the administration of and provision of services to housing subject of this approval.

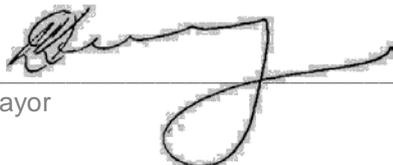
It should be noted that 'seniors', as defined in the seniors SEPP are any of the following:

- (a) people aged 55 or more years,
- (b) people who are resident at a facility at which residential care (within the meaning of the Aged Care Act 1997 of the Commonwealth) is provided,
- (c) people who have been assessed as being eligible to occupy housing for aged persons provided by a social housing provider.

A restriction as to user must be registered against the title of the property on which development is to be carried out prior to occupation, in accordance with Section 88E of the Conveyancing Act 1919 limiting the use of any accommodation to the kinds of people referred to above.

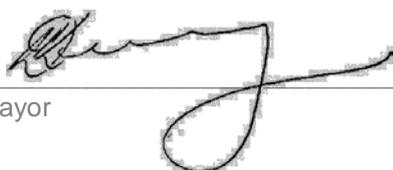
**PRIOR TO ISSUE OF CONSTRUCTION CERTIFICATE - BUILDING**

7. The front boundary fencing is to be an open style to the

  
 \_\_\_\_\_  
 Mayor

  
 \_\_\_\_\_  
 General Manager

- satisfaction of Council. Details of the fence are to be approved by Council staff prior to the issue of a construction certificate.
8. The self-contained dwellings in the approved development must comply with the accessibility and useability standards for self-contained dwellings referenced in Clause 41 and set out in Schedule 3 of State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004. Details of compliance are to be included with the construction certificate documentation.
  9. ~~The design, construction and fitout of any proposed communal kitchen, coolroom/s and associated structures must be constructed in accordance with the relevant requirements of Australian Standard 4674 - 2004 "Design, Construction and Fitout of Food Premises". Full details are to be submitted for approval with the required Construction Certificate.~~  
(DELETED MA0016/2018)
  10. Prior to release of the Construction Certificate, approval pursuant to Section 68 of the Local Government Act, 1993 to carry out water supply, stormwater and sewerage works is to be obtained from Mid-Western Regional Council. Such approval is to be obtained for each separate building.
  11. A schedule of existing and proposed fire safety measures is to be submitted to the Principal Certifying Authority with the application for the Construction Certificate for the Community Centre.
  12. The development shall be designed and constructed so as to comply with the NSW Rural Fire Services requirements dated 21 April 2016. Details shall be submitted to the Principal Certifying Authority with the application for Construction Certificate demonstrating compliance with this requirement and are to include the provision of gutter guarding to the lower level gutters and valleys.  
  
Please note: Compliance with the requirements of Planning for Bush Fire Protections 2006 to prevail in the extent of any inconsistency with the Building Code of Australia.
  13. ~~The Public Swimming pool is to be operated and designed in accordance with the requirements of the Public Health Act 2010 and Public Health Regulations 2012. Details of compliance are to be provided to and approved by the Principal Certifying Authority.~~  
(DELETED MA0016/2018)
  14. The developer shall obtain a Certificate of Compliance under the Water Management Act 2000. This will require:



Mayor



General Manager

- a) Payment of a contribution for water and sewerage headworks at the following rate:

Water Headworks	<b>\$356,182</b>
\$286,614	
Sewerage Headworks	<b>\$243,749</b>
\$209,595	
Total	<b>\$599,931</b>
\$496,209	

- b) The adjustment of existing services or installation of new services and metres, 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 at 1 July each year. Please contact Council's Planning and Development Department regarding any adjustments.**

**(AMENDED MA0016/2018)**

**PRIOR TO COMMENCEMENT OF WORKS - BUILDING**

- 15. No work shall commence until a Construction Certificate has been issued and the applicant has notified Council of:**

- a) the appointment of a Principal Certifying Authority and  
b) the date on which work will commence.

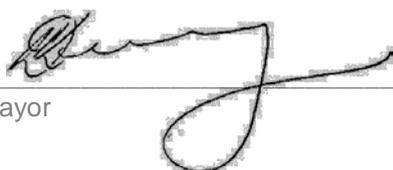
Such notice shall include details of the Principal Certifying Authority and must be submitted to Council at least two (2) days before work commences.

- 16. The site shall be provided with a waste enclose (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**

- 17. A sign must be erected in a prominent position on any work site on which 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.

18. With the exception of work where there is in force an exemption under clause 187 and 188 of the Environmental Planning and Assessment Act 1979 all building work that involves residential building work for which the Home Building Act requires there to be a contract of insurance in force in accordance with Part 6 of that Act, such a contract of insurance is to be in force.

19. If the work involved in the erection/demolition of the building;

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

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

**PRIOR TO ISSUE OF CONSTRUCTION CERTIFICATE – CIVIL**

20. A detailed engineering design is to be submitted to and approved by Council prior to the issue of a Construction Certificate. The engineering design is to comply with Council's Development Control Plan and the Standards referenced within Appendix B and C.

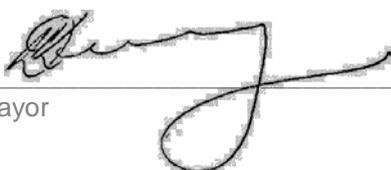
A Construction Certificate is required for but not limited to the following civil works;

- Water and sewer main extensions
- Stormwater drainage such as interallotment drainage, detention basins,
- Road construction
- Footpath and kerb & gutter
- Landscaping of public reserves and road reserves as indicated on the approved plans

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

21. The submission to Council of engineering design plans for any road works shall include pavement and wearing surface investigation and design.

22. All finished surface levels shall be shown on the plans



submitted for the Construction Certificate. Where it is proposed to import fill, the material shall be certified as free of hazardous materials and contamination by a suitably qualified geotechnical engineer. Fill placed in residential or commercial lots shall be compacted in accordance with AS3798-2007 Guidelines on Earthworks for Commercial and Residential Developments.

23. An 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:

- Saving available topsoil for reuse in the revegetation phase of the development;
- Using erosion control measures to prevent on-site damage;
- Rehabilitating disturbed areas quickly;
- Maintenance of erosion and sediment control structures.

24.A Traffic Control Plan (TCP) completed by a "Certified Person" for implementation during works is to be submitted to Mid-Western Regional Council prior to issue of Construction Certificate.

25. 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 Mid-Western Regional Council. Mid-Western Regional Council is to be indemnified against any works carried out by the contractor.

#### **BUILDING CONSTRUCTION**

26. 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.

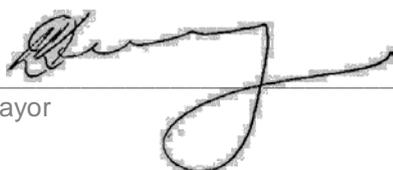
27. Access must be provided in accordance with AS 1428.1 so that a person using a wheelchair can use common areas and common facilities associated with the development.

28. All plumbing and drainage work must be carried out by a licensed plumber and drainer and must comply with the Plumbing Code of Australia.

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

- Monday to Saturday - 7.00am to 5.00pm

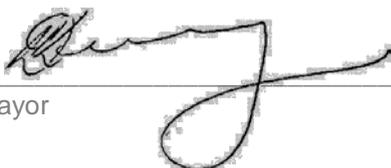
**No construction work noise is permitted on Sundays or Public**

  
Mayor

  
General Manager

**Holidays.**

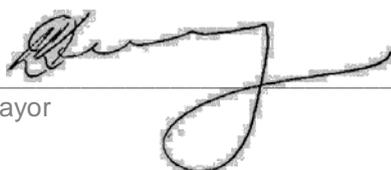
30. All mandatory inspections required by the Environmental Planning & Assessment Act and any other inspections deemed necessary by the Principal Certifying Authority being carried out during the relevant stage of construction.
31. Structural members subject to attack by subterranean termites shall be protected by one of the methods outlined in AS 3660.1 and a durable notice must be permanently fixed to the building in a prominent location, such as a meter box or the like, indicating:
  - a) the method of protection; and
  - b) the date of installation of the system; and
  - c) where a chemical barrier is used, its life expectancy as listed on the National Registration Authority label; and
  - d) the need to maintain and inspect the system on a regular basis.
32. 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.
33. The strength of the concrete used for the reinforced concrete floor slab must be a minimum 25Mpa.
34. The requirements of BASIX Certificate number(s) ~~702772M\_02~~ 702772M\_03 issued on ~~12 February 2016~~ 25 September 2017 must be installed and/or completed in accordance with the commitments contained in that certificate. Any alteration to those commitments will require the submission of an amended BASIX Certificate to the Council and/or the Principal Certifying Authority prior to the commencement of the alteration/s.  
  
(AMENDED MA0016/2018)
35. 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.
36. Building envelopes are not to extend greater than 90 metres from the nearest hydrant.
37. The list of measures contained in the schedule attached to the Construction Certificate are required to be installed in the building or on the land to ensure the safety of persons in the event of fire in accordance with Clause 168 of the Environmental Planning and Assessment Regulation 2000.

  
\_\_\_\_\_  
Mayor  
\_\_\_\_\_  
General Manager

38. The applicants shall, at their own expense, engage a registered surveyor to relocate any survey mark that may be disturbed by the development or any associated work. Any information regarding relocation should be supplied to the Land Titles Office and Council.
39. The swimming pool shall not to be filled with water until a safety fence/barrier complying with the current Swimming Pools Act and Regulations has been installed and an inspection has been carried out and approval given by the Principal Certifying Authority.
40. Where depth of water in the pool exceeds 300mm during construction a temporary barrier or fence in accordance with the current Swimming Pools Act and Regulations is to be erected or other precaution taken so as to prevent entry of children into the pool.

#### PRIOR TO COMMENCEMENT OF WORKS – CIVIL

41. The development site is to be managed for the entirety of work in the following manner:
  1. 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;
  2. Appropriate dust control measures;
  3. Construction equipment and materials shall be contained wholly within the site unless approval to use the road reserve has been obtained;
  4. 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.
42. 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.
43. Prior to the commencement of engineering works, the following actions are to be carried out;
  1. A site supervisor is to be nominated by the applicant;
  2. Council is to be provided with two (2) days' notice of works commencing, and
  3. Council is to be notified in writing of any existing damage to Council's infrastructure.
44. Runoff and erosion controls shall be installed prior to clearing

  
\_\_\_\_\_  
Mayor

  
\_\_\_\_\_  
General Manager

and incorporate:

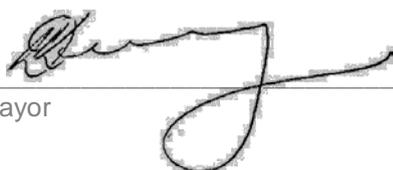
- a) diversion of uncontaminated upsite runoff around cleared and/or disturbed areas and areas to be cleared and/or disturbed;
- b) sediment control fences at the downslope perimeter of the cleared and/or disturbed area to prevent sediment and other debris escaping from the land to pollute any stream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

### **EARTHWORKS**

- 45. Runoff and erosion controls shall be installed prior to clearing and incorporate:
  - a) 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;
  - b) maintenance of all erosion control measures at maximum operational capacity until the land is effectively rehabilitated and stabilized beyond the completion of construction.
- 46. Where it is proposed to import fill, the material shall be certified as free of hazardous materials and contamination by a suitably qualified geotechnical engineer. Fill placed in residential or commercial lots shall be compacted in accordance with AS3798-2007 Guidelines on Earthworks for Commercial and Residential Developments.

### **ROADS, KERBS, PARKING AND VEHICULAR ACCESS**

- 47. All earthworks, filling, building, driveways or other works, are to be designed and constructed (including stormwater drainage if necessary) so that at no time will any ponding or damage caused by stormwater occur on adjoining land as a result of this development.
- 48. Road pavements shall be designed by a suitable qualified engineer in accordance with AUSTRoads procedures. Materials and testing requirements shall comply with those set out in AUSPEC Construction Specification with sample locations selected as RMS Specification Q4.
- 49. The developer is to construct the road for the full frontage of the site prior to being issued an Occupation Certificate, such that it has the following characteristics in accordance with the



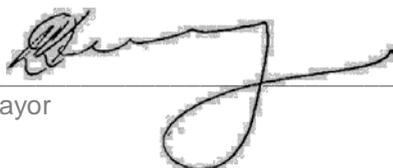
**Caerleon DCP:**

Item	Requirement
Road Reserve	15.5 m
Carriageway	7.5m
Nature Strip (verge)	2 x 4.0m
Concrete Footpaths	1.2m Wide
Seal	Two-coat flush seal -14/7 mm (Double/ Double) as required
Kerb & Gutter	Roll back concrete kerb & gutter
Subsoil Drainage	Behind kerb if required
Underground Drainage	Where gutter flow exceeds 2.5m during minor events or adjacent to intersections.

50. All utility crossings are to be perpendicular to the road centreline and performed prior to the addition of the basecourse.
51. Car parking spaces shall comply with the requirements for parking for persons with a disability as per AS2890 and shall provide 5% of the total number of car parking spaces to be designed to enable the width of the spaces to be increased to 3.8 metres in accordance with SEPP.
52. Where entry to the site is access controlled then it shall be designed in accordance with AS/NZS2890.6.
53. The crossover shall be constructed in accordance with MWRC Access to Properties Policy and standard drawing M525 C – Standard Vehicle Access – Industrial, with an increase to the minimum width of 5.5 metres, if the access is separated e.g via access control pedestal then both entry and exit widths shall be a minimum 3 metres in accordance with AS/NZS2890.1

**STORMWATER DRAINAGE**

54. Stormwater drainage is to be connected to the stormwater drainage system to remove stormwater from the allotment.
55. Three metre wide easements, including associated Section 88B Instruments, are to be created in favour of Council over any existing or newly constructed stormwater reticulation components located within the subject property that will become a Council asset, or extended through any private properties as a result of this subdivision.

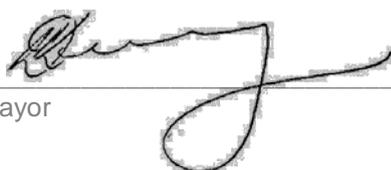
**WATER AND SEWER**



56. The developer is to extend and meet the full cost of water and sewerage reticulations to service the development plus the cost of connecting to existing services. All water and sewerage work is required to be carried out in accordance with the requirements of Mid-Western Regional Council (as the Water Supply Authority under the Local Government Act, 1993) and in accordance with the National Specification – Water & Sewerage Codes of Australia.
57. Three metre wide easements, including associated Section 88B Instruments, are to be created in favour of Council over any existing or newly constructed water or sewerage reticulation components located within the subject property that will become a Council asset, or extended through any private properties as a result of this subdivision.

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

#### ENGINEERING CONSTRUCTION

58. The following works are to be inspected by the Council (or an Accredited Certifier on behalf of Council) to monitor compliance with the consent and the relevant standards of construction, encompassing the following stages of construction:
- Installation of sediment and erosion control measures
  - Water and sewer line installation prior to backfilling
  - Stormwater pipe installation prior to backfilling
  - Water and sewer lines pressure testing
  - Sewer manhole vacuum testing
  - Establishment of line and level for kerb and gutter placement
  - Road Pavement construction
  - Road Pavement compaction testing
  - Road Pavement surfacing
  - Practical Completion
59. 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.
60. All works are to be constructed at the full cost of the developer, in a manner consistent with Aus-Spec #1 and

  
Mayor

  
General Manager

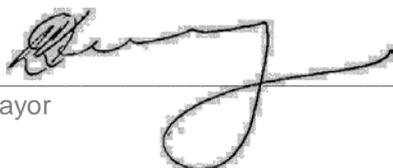
**Council's standard drawings.**

61. Following completion of all engineering works, a defect liability bond of 5% of the value of such works (not carried out by Council) shall be lodged with Council for a twelve month (12) period to ensure that any defects in such works are remedied by the developer.

**Note:** The bond may be provided by way of a monetary deposit with the Council or a bank guarantee to the satisfaction of the Council. The bank guarantee must not specify any time limitations on the operation of the guarantee.

**PRIOR TO ISSUE OF OCCUPATION CERTIFICATE**

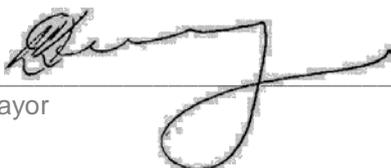
62. Prior to the occupation of a new building, or occupation or use of an altered portion of, or an extension to an existing building, an Occupation Certificate is to be obtained from the Principal Certifying Authority appointed for the erection of the building.
63. All engineering works are to be completed prior to occupation of the development including landscaping within the road reserve.
64. Three metre wide easements, including associated Section 88B instruments, are to be created over any existing or newly constructed inter-allotment drainage components located within the subject property, or extended through adjoining private properties as a result of this subdivision. The benefited parties should be those lots immediately up stream of the development.
65. A bus service is to be provided in perpetuity to the development to service the residents as detailed in the Statement of Environmental Effects lodged with the development application and to ensure compliance with Clause 26 of State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004.
66. The self-contained dwellings in the approved development must comply with the accessibility and useability standards for self-contained dwellings referenced in Clause 41 and set out in Schedule 3 of State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004. Certification of compliance from an appropriately qualified professional is to be provided prior to the issue of an occupation certificate.
67. Prior to occupation or the issue of the Occupation Certificate for the Community Centre (or Interim Occupation Certificate) the owner of the building must cause the Principal Certifying Authority 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 Clause 153 of

  
\_\_\_\_\_  
Mayor  
\_\_\_\_\_  
General Manager

the Environmental Planning and Assessment Regulation 2000 for each measure listed in the schedule. The certificate must only be in the form specified by Clause 174 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.

#### GENERAL

68. All waste is to be collected internally to the site and in a manner that does not prevent the flow of traffic entering and existing the site.
69. The operator of the site is to enter into an agreement with an appropriately licenced waste collection contractor for collection of waste and recycling from the entire site.
70. 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.
71. Where any essential services are installed in the building a copy of the final Fire Safety Certificate (together with a copy of the current fire safety schedule) is to be given to the Commissioner of NSW Fire Brigades and Council. A further copy of the Certificate (together with a copy of the current fire safety schedule) is to be prominently displayed in the building.
72. The domestic air conditioning unit/s must be operated in accordance with the requirements of the Protection of the Environmental Operations Act (Noise Control) Regulations 2000.
73. Metal roof/wall cladding shall be provided in a non-reflective colour scheme such as "Colorbond" steel sheeting.
74. Garbage areas are to be adequately screened from public view with an opaque fence and / or adequate landscaping.
75. A 1.8 metre high screen fence is to be provided to all side and rear boundaries prior to occupation of the development. All fencing is to be provided at full cost to the developer.
76. The design, construction and fitout of the hairdresser premises must be in accordance with the requirement of schedule 2, Part 10 of the Local Government Regulation 2005.
77. The premises are to be registered with Council as a Hairdresser/Beautician Premises (a form for this purpose is available for Council). The premises will be subject to



Mayoral signature



General Manager signature

inspections by Council for which an annual fee will be payable.

~~78. Premises to be registered with Council as a Class A – Food Premises. (A form for this purpose is available from Council). The premises will be subject to inspections by Council for which a fee will be payable.  
(DELETED MA0016/2018)~~

~~79. The community kitchen 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.  
(DELETED MA0016/2018)~~

80. The swimming pool is to be fenced in accordance with the Swimming Pool Act 1992.

81. All waste or backwash water is to be discharged to the sewer system in an approved manner.

82. The pH value of the water is to be maintained between 7.2 and 7.6 and the residual chlorine value is to be not less than 0.1 p.p.m.

83. A hydrostatic valve shall be provided in the pool base.

84. Filtration and chlorination equipment shall be maintained in good condition at all times and operated in accordance with the manufacturer's instructions.

85. Filtration equipment unit shall be enclosed or located so as not to cause a noise nuisance. Any enclosure provided shall comply with provisions of Australian Standard 1055 and the Noise Control Act.

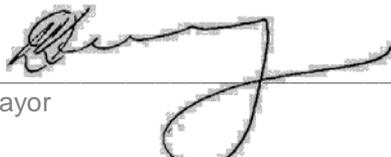
~~86. The public swimming pool is to be registered with Mid-Western Regional Council.  
(DELETED MA0016/2018)~~

~~87. The public swimming pool is to be operated and designed in accordance with the requirements of the Public Health Act 2010 and Public Health Regulations 2012.  
DELETED MA0016/2018~~

#### GENERAL TERMS OF APPROVAL – NSW RURAL FIRE SERVICE

88. At the commencement of building works and in perpetuity the following distances of:

- 50 metres to the west and south of the village and
- The distance between the village and the property boundary to the north and east shall be managed as an inner protection area (IPA) as outlined within Section 4.1.3 and appendix 5 of 'Planning for Bushfire Protection

  
\_\_\_\_\_  
Mayor

  
\_\_\_\_\_  
General Manager

**2006’ and the NSW Rural Fire Service’s document ‘standards for asset protection zones’.**

- 89. Water, electricity and gas are to comply with sections 4.1.3 and 4.2.7 of ‘Planning for Bushfire Protection’.**
- 90. Public roads shall comply with section 4.1.3(1) of ‘Planning for Bushfire Protection 2006’.**
- 91. Internal roads shall comply with section 4.2.7 of ‘Planning for Bushfire Protection 2006’.**
- 92. Arrangements for emergency and evacuation are to comply with section 4.2.7 of ‘Planning for Bushfire Protection 2006’.**
- 93. Landscaping shall comply with appendix 5 of ‘Planning for Bushfire Protection 2006’.**

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

Councillors	Ayes	Nayes
Cr Kennedy	✓	
Cr Martens	✓	
Cr Thompson	✓	
Cr Cavalier	✓	
Cr Paine	✓	
Cr Karavas	✓	
Cr O'Neill	✓	
Cr Holden	✓	

8.3 EVENTS ASSISTANCE APPLICATIONS - PSSA RUGBY LEAGUE AND KANDOS STREET MACHINE

GOV400064, ECO800009; FIN300052

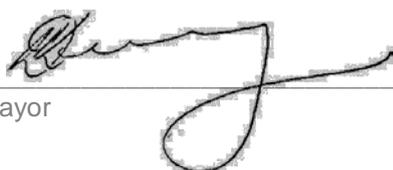
**371/17**

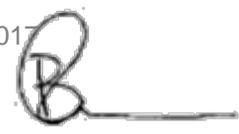
**MOTION: Martens / Paine**

**That Council:**

- 1. receive the report by the Events Coordinator on the Events Assistance Applications - PSSA Rugby League and Kandos Street Machine;**
- 2. amend the 2017/18 operational plan to increase the Events Assistance budget by \$4,000 to be funded from unrestricted cash; and**
- 3. provide Events Assistance to the below applicants (includes cash and in-kind amounts);**

<b>Catholic Primary School Sport</b>	<b>\$1,500.00</b>
<b>Kandos Street Machine</b>	<b>\$2,500.00</b>

  
 Mayor

  
 General Manager

AMENDMENT : O'Neill / Cavalier

That Council:

1. receive the report by the Events Coordinator on the Events Assistance Applications - PSSA Rugby League and Kandos Street Machine;
2. amend the 2017/18 operational plan to increase the Events Assistance budget by \$1,500 to be funded from unrestricted cash; and
3. provide Events Assistance to the below applicant (includes cash and in-kind amounts);

Catholic Primary School Sport	\$1,500.00
-------------------------------	------------

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

Councillors	Ayes	Nayes
Cr Kennedy		✓
Cr Martens		✓
Cr Thompson		✓
Cr Cavalier	✓	
Cr Paine		✓
Cr Karavas	✓	
Cr O'Neill	✓	
Cr Holden	✓	

*The motion on being put was carried with the Councillors voting unanimously.*

#### 8.4 MONTHLY DEVELOPMENT APPLICATIONS PROCESSING AND DETERMINED

GOV400064, A100055, A100056

372/17

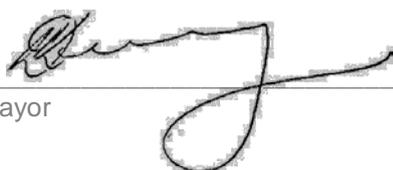
**MOTION: Holden / O'Neill**

**That Council receive the report by the Director Development on the Monthly Development Applications Processing and Determined.**

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

### Item 9: Finance

#### 9.1 FURTHER REPORT ON APPLICATION FOR PROPOSED ROAD CLOSURES OF PART UPPER BYLONG ROAD, PART WOOLLEYS ROAD AND OTHER MATTERS - KEPCO



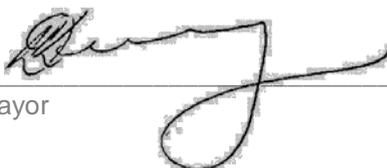

## BYLONG AUSTRALIA

GOV400064, ROA100007

373/17

**MOTION: Holden / Paine****That Council:**

1. receive the report by the Revenue and Property Manager on the Further Report on Application for Proposed Road Closures of Part Upper Bylong Road, Part Woolleys Road and Other Matters - Kepco Bylong Australia;
2. enter into a Memorandum of Understanding with Kepco Bylong Australia Pty Ltd regarding the responsibilities, expectations, timing, processes and contingencies in relation to the matters numbered 2-6 in this Report, subject to terms acceptable to Council's Solicitor;
3. authorise the General Manager to negotiate all terms of the Memorandum of Understanding with Kepco Bylong Australia Pty Ltd;
4. consider Kepco Bylong Australia Pty Ltd's undertaking to dedicate and construct the East Link road, as shown on the plan appended as Attachment 2 to this Report, satisfies the outstanding objections dated 9 September 2016 to the proposed closures of segments of Upper Bylong Road and Woolleys Road;
5. commence formal public consultation as directed by the Roads Act 1993 (s33-38) (the Act) and Department Primary Industries - Lands Road Closing Process - September 2015 in relation to the Applications for proposed closure of those road segments of Upper Bylong Road, Woolleys Road, Unnamed Public Road Road Plan 10984-1603 and Part Upper Bylong Road Reserve and Adjoining Road across the Railway Road Plans 6156-1603, 35061-1603, as shown on the plan appended as Attachment 2 to this Report;
6. invite Kepco Bylong Australia Pty Ltd to submit a commercial proposal for the purchase of the land which will vest in Council as the result of the proposed closure of those road segments of Upper Bylong Road, Woolleys Road, Unnamed Public Road Road Plan 10984-1603 and Part Upper Bylong Road Reserve and Adjoining Road across the Railway Road Plans 6156-1603, 35061-1603, as shown on the plan appended as Attachment 2 to this Report;
7. authorise the General Manager and Mayor to negotiate all terms of the agreement with Kepco Bylong Australia Pty Ltd for the purchase of the land which will vest in Council

  
\_\_\_\_\_  
Mayor  
\_\_\_\_\_  
General Manager

as the result of the proposed closure of those road segments, subject to terms acceptable to Council's Solicitor;

8. agree in principle to exercise the scope of s118 and s138 of the Act with a view to enter into a suitable agreement with Kepco for Early Access to the road segments proposed to be closed, subject to further clarification of the requirements of Kepco Bylong Australia Pty Ltd and the requirements of the Act;
9. authorise the General Manager to negotiate all terms of the agreement with Kepco Bylong Australia Pty Ltd for Early Access to the road segments proposed to be closed, subject to terms acceptable to Council's Solicitor;
10. require all costs, including Council's reasonable legal costs, associated with the procedures, negotiations and agreements listed in matters numbered 1-6 in this Report, to be borne by Kepco Bylong Australia Pty Ltd; and
11. receive a further report on the progress and outcomes of Recommendations numbered 2- 9 of this Report.

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

## 9.2 COMMUNITY GRANTS PROGRAM - DECEMBER

GOV400064, FIN300138

374/17

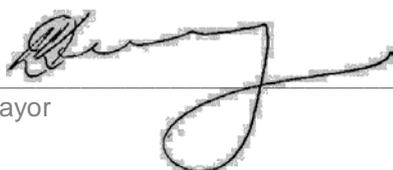
**MOTION:** Karavas / Cavalier

**That Council:**

1. receive the report by the Manager Financial Planning on the Community Grants Program - December ;
2. provide financial assistance to the following applicants in accordance with the criteria and guidelines of the Community Grants Program Policy, subject to those requirements being met;
 

Mudgee Show Society	\$3,000
Gulgong Show Society	\$3,000
Mudgee High School	\$4,086
3. do not support the following requests for financial assistance, for the reasons provided in the report;

**Henry Lawson Society NSW Inc.**

  
 \_\_\_\_\_  
 Mayor

  
 \_\_\_\_\_  
 General Manager

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

9.3 FINANCIAL ASSISTANCE CAMPERVAN & MOTORHOME  
CLUB OF AUSTRALIA SOLO'S NETWORK RALLY  
GOV400064, F0650007, A0180064

**375/17 MOTION: Cavalier / Holden**

**That Council:**

1. receive the report by the Chief Financial Officer on the Financial Assistance Campervan & Motorhome Club of Australia Solo's Network Rally;
2. accept the proposal of \$10,000 inclusive of GST, from the Campervan & Motorhome Club of Australia (CMCA) Solo's Network Rally to be held at the Mudgee Showground from 20 September to 3 October 2018; and
3. provide in-kind financial assistance to the CMCA Solo's Network Rally to the value of \$14,548 inclusive of GST, by way of a partial waiver to Mudgee Showground hire fees.

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

9.4 MONTHLY BUDGET REVIEW OCTOBER 2017  
GOV400064, FIN300117

**376/17 MOTION: O'Neill / Paine**

**That Council:**

1. receive the report by the Manager Financial Planning on the Monthly Budget Review October 2017; and
2. amend the 2017/18 Operational Plan in accordance with the variations as listed in the Monthly Budget Review attachment to this report.

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

9.5 MONTHLY STATEMENT OF INVESTMENT AND BANK  
BALANCES AS AT 30 NOVEMBER 2017  
GOV400064, FIN300053

**377/17 MOTION: Cavalier / Karavas**

**That Council:**

1. receive the report by the Manager Financial Planning on the Monthly Statement of Investment and Bank Balances as at 30 November 2017; and
2. note the certification of the Responsible Accounting Officer.

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

## **Item 10: Operations**

### 10.1 PURCHASE OF LAND FOR ROAD DEDICATION - MUDGEE SEWERAGE AUGMENTATION

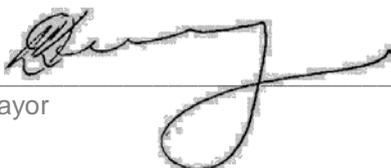
GOV400064, F0740001

378/17

**MOTION: Martens / Karavas**

**That Council:**

1. receive the report by the Manager, Water and Sewer on the Purchase of Land for Road Dedication - Mudgee Sewerage Augmentation;
2. dedicate part of allotment Lots 1 & 2 DP 741740, having an area of 871 m<sup>2</sup> and as shown on Attachment 1 to this Report, as public road pursuant to Section 9 Roads Act 1993;
3. authorise the General Manager to sign all documents necessary in relation to the dedication of that part of allotment Lot 1 & 2 DP 741740 as shown on Attachment 1 to this Report, as public road;
4. authorises the affixing of the Common Seal to all documents necessary in relation to the dedication of that part of allotment Lot 1 & Lot 2 DP 741740 as shown on Attachment 1 to this Report, as public road; and
5. note the previous payment of \$4000.00 as compensation to property owner of 62 Putta Bucca Road Mudgee for the purchase of part of allotment part Lot 1 & 2 DP 741740, having an area of 871 m<sup>2</sup> and as shown on Attachment 1 to this Report.
6. approve the release of existing easement for rising main burdening Lots 1 & 2 DP 741740; and
7. approve the creation of an easement for overhead powerlines 15 wide over Lots 1 & 2 DP 741740



Mayor



General Manager

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

10.2 ASBESTOS DISPOSAL FEES WAIVER - MUDGEES BOWLING CLUB SITE

GOV400064, A0130036

**379/17**

**MOTION: Martens / Paine**

**That Council:**

1. receive the report by the Manager Environmental Services on the Asbestos Disposal Fees Wavier - Mudgee Bowling Club Site; and
2. decline the request from Barnson for the waiving of disposal fees for Asbestos disposal from the former Bowling Club Site.

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

The following recommendations (item 11.1 to item 12.2) were adopted as a whole, being moved by Cr Holden, seconded by Cr Cavalier and carried with Councillors voting unanimously. Each recommendation is recorded with separate resolution numbers commencing at Resolution No.380/17 and concluding with Resolution No. 383/17.

**Item 11: Community**

11.1 COMPANION ANIMALS POLICY AND ANNUAL WORK PLAN

GOV400064, LAW100018

**380/17**

**MOTION: Holden / Cavalier**

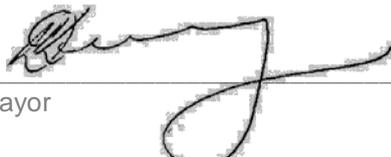
**That Council:**

1. receive the report by the Manager Governance on the Companion Animals Annual Work Plan 2017/18;
2. adopt the revisions to the Companion Animals Policy and place on public exhibition; and
3. note the development of the 2017/18 Companion Animals Annual Work Plan.

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

11.2 COMMUNITY TRANSPORT - ADDITIONAL FEES AND CHARGES

GOV400064, COS300013/COS300185

  
\_\_\_\_\_  
Mayor

  
\_\_\_\_\_  
General Manager

**381/17**                    **MOTION:     Holden / Cavalier**

**That Council:**

- 1.            receive the report by the Manager, Community Services on the Community Transport - Additional fees and charges;**
- 2.            place on public exhibition of 28 days seeking community feedback the proposal for new fees and charges to be listed in Council's Fees and Charges in respect of NDIS Participant and Full Fare Passenger charges and Point to Point Passenger levies; and**
- 3.            adopt these new fees and charges if no submissions are received as a result of the public exhibition process.**

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

## **Item 12:                Reports from Committees**

### 12.1    RYLSTONE AND KANDOS ACCESS COMMITTEE

GOV400064, A0060129

**382/17**                    **MOTION:     Holden / Cavalier**

**That Council:**

- 1.            receive the report by the Manager, Community Services on the Rylstone and Kandos Access Committee; and**
- 2.            note the minutes of the Rylstone and Kandos Access Committee meeting convened on 14 November 2017.**

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

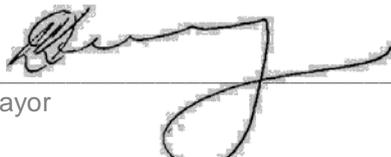
### 12.2    YOUTH COUNCIL

GOV400064, COS300610

**383/17**                    **MOTION:     Holden / Cavalier**

**That Council:**

- 1.            receive the report by the Manager, Community Services on the Youth Council;**
- 2.            note the minutes of the Youth Council meeting convened on 14 November 2017;**

  
\_\_\_\_\_  
Mayor

  
\_\_\_\_\_  
General Manager

3. re-confirm the appointment of continuing Youth Councillors Brody Munday, Angus Blackwell, Louise Blackwell, Evangeline Endacott, Dylan Hayes-Weber, Nicola Hayes-Weber, Andrea Holden, Chloe Staub, Campbell Stubbs and Daniel Trevethan;
4. endorse Brody Munday as the Mid-Western Regional Youth Mayor;
5. endorse Angus Blackwell as the Mid-Western Regional Deputy Youth Mayor;
6. endorse the nominations of Aliya Della Libera, Angus Standfield and Emma Wisser as Youth Councillors; and
7. endorse the updated Youth Council Terms of Reference.

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

12.3 LOCAL TRAFFIC COMMITTEE MEETING - NOVEMBER 2017  
GOV400064, A0100009

**384/17 MOTION: Holden / Martens**

**That Council receive the report by the Manager Development Engineering on the Local Traffic Committee Meeting - November 2017.**

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

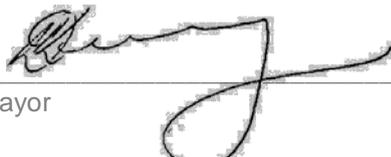
12.4 MUDGEES SHOWGROUND MANAGEMENT COMMITTEE  
GOV400064, F0650007

**385/17 MOTION: Holden / Karavas**

**That Council:**

1. receive the report by the Manager, Plant and Facilities on the Mudgee Showground Management Committee; and
2. note the contents of the minutes of the Mudgee Showground Management Committee Meeting held on the 7 November 2017;

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

  
\_\_\_\_\_  
Mayor

  
\_\_\_\_\_  
General Manager

**Item 13: Urgent Business Without Notice****386/17 MOTION: Holden / Karavas**

**That Council consider the item Ulan Road Funding Agreement as Urgent Business Without Notice.**

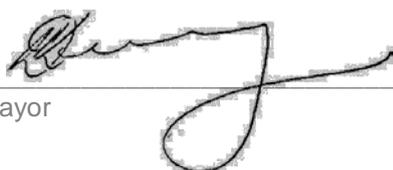
*The motion was carried with the Councillors voting unanimously.*

**ULAN ROAD FUNDING AGREEMENT**

GOV400064, GOV400064

**387/17 MOTION: Cavalier / Holden****That Council:**

- 1. receive the report by the Chief Financial Officer and Director Operations on the Ulan Road Funding Agreement;**
- 2. authorise the General Manager to negotiate terms of an amendment to the Ulan Road Funding Agreement in order to complete the fourth overtaking lane on the Ulan Road Upgrade project;**
- 3. authorise the General Manager to finalise terms, within the approved budget, and sign the amended funding agreement and any associated documentation required to complete the construction of the fourth overtaking lane on Ulan Road;**
- 4. amend the 2017/18 Operational Plan to allocate \$500,000 to construction of the fourth overtaking lane on the Ulan Road Upgrade project, funded from the Ulan Road Strategy Reserve;**
- 5. require that funds utilised from the Ulan Road Strategy Reserve for the construction of the fourth overtaking lane on Ulan Road be repaid by Ulan Coal Mine, Moolarben Coal Operation, Wilpinjong Coal and Council, to be negotiated by the General Manager and the mine representatives, before the 30 June 2020;**
- 6. amend the 2017/21 Delivery Program to include a budget allocation for Council's co-contribution of \$125,000, towards the Ulan Road Strategy Reserve, to be funded from Regional Road reseals in 2018/19, with exact timing to be revised and amended during preparation of the 2018/19 Operational Plan and revision of the 2017/21 Delivery Program; and**

  
\_\_\_\_\_  
Mayor  
\_\_\_\_\_  
General Manager

7. amend the 2017/21 Delivery Program to include a budget allocation for mine contribution's, up to \$375,000, towards the Ulan Road Strategy Reserve in 2018/19, with exact timing to be revised during preparation of the 2018/19 Operational Plan and revision of the 2017/21 Delivery Program.

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

## Item 14: Confidential Session

388/17 MOTION: Cavalier / O'Neill

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

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

### 14.1 Update on LEC Matter MA0030/2017

***The reason for dealing with this report confidentially is that it relates to advice concerning litigation, or advice as comprises a discussion of this matter, that would otherwise be privileged from production in legal proceedings on the ground of legal professional privilege in accordance with Section 10A(2)(g) of the Local Government Act, 1993.***

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

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

### 14.1 UPDATE ON LEC MATTER MA0030/2017

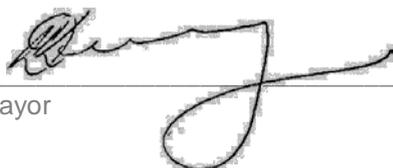
GOV400064, MA0030/2017

389/17 MOTION: Cavalier / Paine

**That Council:**

1. receive the report by the Director Development on the Update on LEC Matter MA0030/2017; and
2. adopt the recommendation contained in the confidential report to Council's 13 December 2017 meeting.

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




Councillors	Ayes	Nayes
Cr Kennedy	✓	
Cr Martens		✓
Cr Thompson		✓
Cr Cavalier	✓	
Cr Paine	✓	
Cr Karavas	✓	
Cr O'Neill	✓	
Cr Holden		✓

**390/17 SUPPLEMENTARY MOTION: Martens / Holden**

**That Council staff review the current road standards for subdivisions and that a report be brought back to Council for consideration.**

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

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

Nil

**Item 16: Open Council**

**391/17 MOTION: Cavalier / Paine**

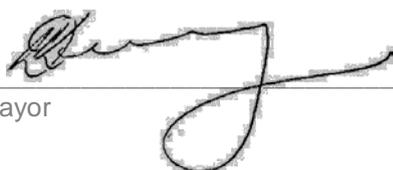
**That: Council move to Open Council.**

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

The General Manager announced the decisions taken in Confidential Session.

**Item 17: Closure**

There being no further business the meeting concluded at 6.57pm.

  
Mayor

  
General Manager