

Minutes of the Ordinary Meeting of Council

Held at the Council Chambers, 86 Market Street, Mudgee
on 13 October 2021, commencing at 5.42pm and concluding at 6.02pm.

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

IN ATTENDANCE General Manager (Brad Cam), Director, Community (Simon Jones), Director Development (Julie Robertson), Director Operations (Julian Geddes), Chief Financial Officer (Leonie Johnson), Executive Manager Human Resources (Michele George), Governance Manager (Tim Johnston), Manager Customer Service and Governance (Richard Cushway) and Executive Assistant (Mette Sutton).

In accordance with section 4.21 – 4.27 of the Code of Conduct. Designated Persons must make disclosures of interest in written returns and those returns must be tabled at the Council meeting after the return is lodged. Those returns were tabled at this meeting. With appropriate redacting in accordance with IPC Guideline 1 those returns will be published on Council's website.

Item 1: Apologies

There were no apologies.

Item 2: Disclosure of Interest

Councillor Cavalier declared a pecuniary conflict of interest in item 8.5 as he has a business relationship with the proponent. He also declared a pecuniary conflict of interest in item 8.3 as he has a business relationship with an objector.

Councillor Thompson declared a less than significant non-pecuniary conflict of interest in item 8.5 as he is president of the Gulgong Turf Club who receive sponsorship and have provided lime to the Club for an extensive period.

Item 3: Confirmation of Minutes

291/21 MOTION: Shelley / Paine

That the Minutes of the Ordinary Meeting held on 15 September 2021 be taken as read and confirmed.

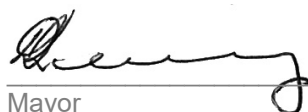
The motion was carried with the Councillors voting unanimously.

Item 4: Matters in Progress

Kandos Lookout

292/21 MOTION: O'Neill / Martens

That Council note the Kandos Lookout matter is now complete,



Mayor



General Manager

resolution number 203/21 from the 21 July 2021 Ordinary meeting of Council.

The motion was carried with the Councillors voting unanimously.

Item 5: Mayoral Minute

Nil

Item 6: Notices of Motion or Rescission

6.1 PARKING CONTRIBUTION FUND

GOV400088, GOV400088

MOTION

That Council re-establish a parking contribution fund.

This item was withdrawn by Cr Thompson.

Item 7: Office of the General Manager

7.1 MRT QUARTERLY REPORT: APRIL TO JUNE 2021

GOV400088, F0770077

293/21 MOTION: Shelley / Cavalier

That Council receive the report by the General Manager on the MRT Quarterly Report April to June 2021.

The motion was carried with the Councillors voting unanimously.

Item 8: Development

8.1 DA0059/2022 - EXTENSION TO ANIMAL POUND - MUDGE
WASTE FACILITY 31 BLAIN ROAD, CAERLEON, LOT 107 DP
44920

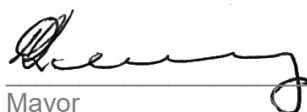
GOV400088, DA0059/2022

294/21 MOTION: Shelley / Holden

That Council:

A. receive the report by the Town Planner on DA0059/2022 - Extension to Animal Pound - Mudgee Waste Facility 31 Blain Road, Caerleon - Lot 107 DP 44920; and

B. approve DA0059/2022 - Extension to Animal Pound - Mudgee Waste Facility 31 Blain Road, Caerleon - Lot 107 DP 44920 subject to the following conditions and statement



Mayor



General Manager

of reasons:

APPROVED PLANS

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

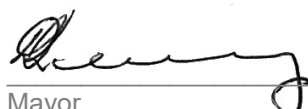
Title / Name:	Job No.	Drawing No.	Revision / Issue:	No. in set	Date [dd.mm.yyyy]:	Prepared by:
Site Detail	21.89	3	B	4	24-9-21	Not specified
Proposed and Existing Floor Plan	21.89	1	B	4	24-9-21	Reliable Drafting Service
Elevations and Section	21.89	2	B	4	24-9-21	Not specified

GENERAL

2. A total of five (5) car parking spaces are to be provided within the site of the development and comply with AS 2890.1: 2004 and the following requirements:
 - a) Each parking space is to have minimum dimensions of 5.5m x 2.4m;
 - b) Each disabled car parking space is to be in accordance with the provisions of AS 2890.6: 2009;
 - c) All car parking spaces are to be line-marked and provided with a hard standing, all weather compacted gravel surface and must be maintained in a satisfactory condition at all times;
 - d) Off street parking is to be encouraged by the placement of prominent signs indicating the available of parking.
3. The aisle widths, internal circulation, ramp widths and grades of the car park are to generally conform to the Roads and Maritime Services (RMS) guidelines and Australian Standard AS 2890.1 – 2004. Details of compliance are to be shown on the relevant plans and specifications.
4. 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.

PRIOR TO THE ISSUE OF A CONSTRUCTION CERTIFICATE

5. Prior to release of the Construction Certificate, approval pursuant to Section 68 of the Local Government Act 1993 for the installation of an On Site Sewer Management System is to be obtained from Mid-Western Regional Council.





6. Prior to the issue of a Construction Certificate, the developer shall pay a long service levy at the prescribed rate to either the Long Service Levy Corporation or Council, for any work costing \$25,000 or more.

Note: 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.

Note: Council can only accept payment of the Long Service Levy as part of the fees for a Construction Certificate application lodged with Council. If the Construction Certificate is to be issued by a Private Certifier, the long service levy must be paid directly to the Long Service Levy Corporation or paid to the Private Certifier.

7. 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.
8. Pursuant to clause 94 of the Environmental Planning and Assessment Regulation 2000, the existing building shall be brought into partial conformity with the following Performance Requirements of the BCA, Volume 1:
- DP4 – Exits must be provided to allow occupants to evacuate safely, with their number, location and dimensions appropriate to the travel distance, the number, mobility and other characteristics of occupants, the function or use of the building, the height of the building and whether the exit is from above or below ground level.
 - DP6 – In order to allow occupants to safely evacuate the building, paths of travel to exits must have dimensions appropriate to the number, mobility and other characteristics of occupants; and the function or use of the building.
 - EP1.2 – Fire extinguishers must be installed to the degree necessary to allow occupants to undertake initial attack on a fire appropriate to the function or use of the building; and, any other fire safety systems installed in the building; and, the fire hazard.
 - EP4.1 – To facilitate evacuation, the building shall be provided with a system that ensures a level of visibility sufficient to enable exits, paths of travel to exits and any obstacles along a path of travel to an exit to be identified; and, activates instantaneously upon the failure of an artificial lighting system, to the degree necessary, appropriate to – the function of the building, the floor area of the building and the distance of travel to an exit.
 - EP4.2 – To facilitate evacuation, suitable signs or other means of identification, must, to the degree necessary, be provided to identify the location of exits; and, guide occupants to exits; and, be clearly visible to occupants; and, operate in the event of a power failure of the main lighting system for sufficient time for occupants to safely evacuate.





Plans and specifications demonstrating conformity shall be submitted to and approved by the certifying authority prior to the issue of a construction certificate for the building works.

PRIOR TO COMMENCEMENT OF WORKS – BUILDING

9. 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.

10. 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

11. 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;
- 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.

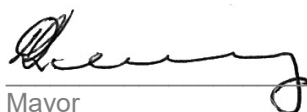
12. If the work involved in the erection/demolition of the building:

- 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.

13. 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



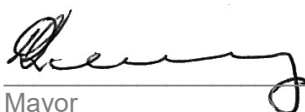
Mayor

General Manager

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

BUILDING CONSTRUCTION

- 14. 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.
- 15. All plumbing and drainage work must be carried out by a licensed plumber and drainer and must comply with the Plumbing Code of Australia.
- 16. Construction work noise that is audible at other premises is to be restricted to the following times:
 - Monday to Saturday - 7.00am to 5.00pmNo construction work noise is permitted on Sundays or Public Holidays.
- 17. All mandatory inspections required by the Environmental Planning & Assessment Act 1979 and any other inspections deemed necessary by the Principal Certifying Authority being carried out during the relevant stage of construction.
- 18. All stormwater is to discharge a minimum 3m from the building and disposed of in such a way as to not adversely affect the adjoining properties.
- 19. 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.
- 20. All building work is to comply with the requirements of the Access to Premises Standard.
- 21. 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.

22. 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.

PRIOR TO ISSUE OF THE OCCUPATION CERTIFICATE


23. 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.
24. Prior to occupation or the issue of the Occupation Certificate the owner of the building must cause the Principal Certifying Authority to be given a fire safety certificate in accordance with Clause 153 of 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.

ONGOING

25. 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.
26. 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.
27. There being no interference with the amenity of the neighbourhood by reason of the emission of any "offensive noise", vibration, smell, fumes, smoke, vapour, steam, soot, ash or dust, or otherwise as a result of the proposed development.

ADVISORY NOTES

1. The removal of trees within any road reserve requires the separate approval of Council in accordance with the policy "Tree Removal and Pruning - Public Places".
2. The land upon which the subject building is to be constructed may be affected by restrictive covenants. This approval is issued without enquiry by Council as to whether any restrictive covenant affecting the land would be breached by the



Mayor

General Manager

construction of the building, the subject of this approval. Persons to whom this approval is issued must rely on their own enquiries as to whether or not the building breaches any such covenant.

3. Division 8.2 of the Environmental Planning and Assessment Act 1979 (EP&A Act) gives you the ability to seek a review of the determination. This request is made to Council and must be made within 12 months after the date on which you receive this notice. The request must be made in writing and lodged with the required fee; please contact Council's Development Department for more information or advice.
4. If you are dissatisfied with this decision section 8.7 of the EP&A Act gives you the right to appeal to the Land and Environment Court within 12 months after the date on which you receive this notice, pursuant to section 8.10(1)(b).
5. To ascertain the extent to which the consent is liable to lapse, refer to Section 4.53 of the EP&A Act.

STATEMENT OF REASONS

The determination decision was reached for the following reasons:

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

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

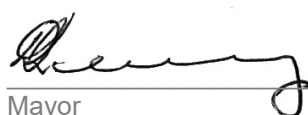
Councillors	Ayes	Nayes
Cr Kennedy	✓	
Cr Paine	✓	
Cr Cavalier	✓	
Cr Holden	✓	
Cr Karavas	✓	
Cr Martens	✓	
Cr O'Neill	✓	
Cr Shelley	✓	
Cr Thompson	✓	

8.2 DA0415/2021 - SHOP TOP HOUSING (3 COMMERCIAL PREMISES AND 3 DWELLINGS) - 23 LEWIS STREET, MUDGEES - LOT 1 DP 59498

GOV400088, DA0415/2021

295/21

MOTION: Paine / Cavalier


Mayor


General Manager

That Council:

- A. receive the report by the Planning Coordinator on the DA0415/2021 - Shop Top Housing (3 Commercial premises and 3 dwellings) - 23 Lewis Street, Mudgee - Lot 1 DP 59498; and
- B. approve DA0415/2021 - Shop Top Housing (3 Commercial premises and 3 dwellings) - 23 Lewis Street, Mudgee - Lot 1 DP 59498 subject to the following conditions and statement of reasons:

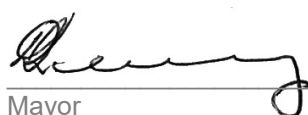
CONDITIONS

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. Any modification otherwise required to the approved plans will require the submission of a modification application under Section 4.55 of the Environmental Planning and Assessment Act.

Title/Name	Drawing No/ Document Ref	Revision/ Issue	Dated	Prepared by
Cover Sheet	35200-A00	D	26.08.2021	Barnson
Site Plan	35200-A01	F	26.08.2021	Barnson
Lower Floor Plan	35200-A02	D	26.08.2021	Barnson
Upper Floor Plan	35200-A03	B	18.06.2021	Barnson
Elevation	35200-A04	F	26.08.2021	Barnson
Sections	35200-A05	E	18.06.2021	Barnson
Shadow Diagrams	35200-A06	C	27.05.2021	Barnson
Shadow Diagrams	35200-A07	C	27.05.2021	Barnson
BASIX Certificate	1205619M	-	01 June 2021	Certified Energy 1
Stormwater Management Plan	35200-C04	1	23.08.2021	Barnson
Sewer Reticulation Plan	35200-C06	1	23.08.2021	Barnson
Water Reticulation Plan	35200-C08	1	23.08.2021	Barnson

GENERAL

2. This development consent includes approval for demolition works and construction of Shop top housing, comprising three (3) x 2 bedroom dwellings and three (3) commercial premises.



Mayor




General Manager

NOTE: The commercial uses limited by this consent include a Business Premise or Shops only to reinforce the parking requirements of the development. Where building alterations or a change of use is required, a separate development consent or complying development certificate must be approved prior to commencing works / the use.

3. This development consent includes approval for the balcony fascia signage and wall sign, as shown on the approved plans. A separate Development Consent or Complying Development Certificate may be required for alternative or additional signage if the signage is not identified as exempt development. The fascia balcony signage is to advertise only the name of the business and product traded from the premises. No approved signage shall be illuminated.
4. The height and construction of the dividing fence may require agreement between the owners of the subject land and the respective owners of adjacent properties. Legal advice should be sought in the case of any doubt.
5. All demolition works are to be carried out in accordance with AS 2601-2001 "Demolition of structures", with all waste being removed from the site. Hazardous waste such as asbestos cement sheeting etc., should be handled, conveyed and disposed of in accordance with guidelines and requirements from SafeWork NSW. Disposal of asbestos material at Council's Waste Depot requires prior arrangement for immediate landfilling.
6. 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.
7. Costs associated with all development works including any necessary alterations, relocations of services, public utility mains or installations must be met by the developer. The developer is responsible to accurately locate all existing services before any development works commence to satisfy this condition.
8. 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) on 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 the excavation, and
 - b) where necessary, underpin the building, structure or work to prevent any such damage.


Note - Prescribed condition pursuant to clause 98E of the





Environmental Planning and Assessment Regulation 2000 and Council requirement to preserve the stability of adjoining roads/public places.

9. **This consent does not permit commencement of any site works. Works are not to commence until such time as a Construction Certificate has been obtained.**
10. **No structures or earthworks are permitted to encroach within any easements for the purposes of utility infrastructure as specified in Council's Development Control Plan.**
11. **All earthworks, filling, building, driveways or other works, are to be designed and constructed (including stormwater drainage if necessary) to ensure that at no time any ponding of stormwater occurs on the subject site or adjoining land as a result of this development. Design must also ensure that no diversion of runoff onto other adjacent properties occurs.**
12. **All trafficable pavements are to be constructed and sealed with an impervious surface, either bitumen or concrete, and maintained to the satisfaction of Council at all times.**
13. **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.**
14. **A minimum of three (3) car parking spaces are to be provided on the site of the development reserved for the purposes of the residential dwellings and comply with AS 2890.1: 2004 – Parking facilities – Part 1: Off-street car parking and the following requirements:**
 - **Each parking space is to have minimum dimensions of 5.5m x 2.4m;**
 - **Line marking, wheel stop and signage is to be installed as per the relevant Australian Standard;**
 - **All car parking spaces are to be sealed and must be maintained in a satisfactory condition at all times.**
15. **Costs associated with all development works including any necessary alteration, relocation of services, public utility mains or installations must be met by the developer. The developer is responsible to accurately locate all existing services before any development works commence to satisfy this condition.**
16. **The only waste derived material that may be received at the development site must be:**
 - a) **Virgin excavated natural material, within the meaning of Protection of the Environment Operations Act 1997; and**
 - b) **Any other waste-derived material the subject of a resource**






recovery exemption under cl.91 of the Protection of the Environment Operations (Waste) Regulation 2014 that is permitted to be used as fill material.

PRIOR TO ISSUE OF A CONSTRUCTION CERTIFICATE

17. **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.**
18. **All building work is to comply with the requirements of the Access to Premises Standard.**
19. **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.**
20. **A detailed schedule of colours and finishes is to be submitted to and approved by Council's Heritage Adviser prior to the issue of a Construction Certificate. The blended bricks indicated on the elevation drawings are not supported. A monotone brick, in a mid-brown range or other approved tone, or bag and paint finish is to be used.**
21. **Details of an interpretation panel designed by suitably qualified heritage consultant are to be submitted to and approved by Council's Heritage Adviser prior to the issue of a Construction Certificate.**
22. **Prior to the issue of any Construction Certificate, or commencement of any site works, the Developer must enter into an arrangement with the relevant Electricity Supply Authority to alter / amend the existing Electric Light Pole (ELP) and any other public electricity supply infrastructure. Alterations to public / street lighting must also be approved by Council as the relevant Road Authority. The Developer must provide for and bear all costs associated with any alteration of electricity services and public lighting arrangements.**
23. **Prior to the issue of a Construction Certificate, the applicant must provide for approval by the Certifier (i.e. Council or a private Certifier), a detailed pavement and car parking plan showing:**
 - **plan and cross sections of pavement with details of any necessary retaining wall structure,**
 - **plans to show existing and designed finished surface levels,**
 - **kerbing for the control of surface stormwater runoff,**
 - **line-marking,**
 - **dimensioned car parking spaces,**
 - **swept path templates,**





- any provision for loading areas for use by the commercial premises,
- full details of fencing to replace the existing high brick wall on the eastern boundary,
- any landscaping buffer or screening, and
- details of any protection for the fence in case of accidental damage to or collision by a manoeuvring vehicle.

Details shall comply with the requirements of AS/NZS 2890.1:2004 – Parking Facilities – Part 1: Off-street Car Parking and the relevant conditions of this development consent. Internal driveways are to be configured to ensure that:

- Loading and unloading facilities are to be contained within the site and to be able to cater for largest design vehicle.
- Safe on-site manoeuvring area for the largest design vehicle.
- Vehicle movement areas are to be sealed to address environmental impacts.

24. Prior to the issue of a Construction Certificate, the Developer must provide for Council approval a detailed sewer design including long section to ensure that the proposed internal sewer arrangement can provide appropriate grades to drain to the existing internal connection point (boundary riser). The plan must also show a Manhole installed immediately upstream of the existing internal connection point (boundary riser) to provide for maintenance access.


Note: Any proposed work downstream of (and including) the existing boundary riser will effectively be works on 'live' mains. This work on 'live' mains must be undertaken by Council after payment of relevant and quoted Private Works charges.

25. Prior to the issue of a Construction Certificate, the developer shall pay a long service levy at the prescribed rate to either the Long Service Levy Corporation or Council, for any work costing \$25,000 or more.

Note: 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.

Note: Council can only accept payment of the Long Service Levy as part of the fees for a Construction Certificate application lodged with Council. If the Construction Certificate is to be issued by a Private Certifier, the long service levy must be paid directly to the Long Service Levy Corporation or paid to the Private Certifier.

26. In accordance with the provisions of section 7.11 of the Environmental Planning and Assessment Act 1979 and the



Mayor



General Manager

Mid-Western Regional Council Contributions Plan 2019, a contribution shall be paid to Council in accordance with this condition as detailed in the table below. The contribution shall be paid to Council prior to the issue of a Construction Certificate. Contributions are subject to the consumer price index and are payable at the rate applicable at the time of payment.

Section 7.11 Contributions		
3 x Dwellings (minus 1 credit for vacant lot)		
Mudgee Catchment	Per Lot	2 Dwellings
Transport Facilities	\$ 4,379.00	\$ 8,758.00
Recreation and Open Space	\$ 2,199.00	\$ 4,398.00
Community Facilities	\$ 640.00	\$ 1,280.00
Stormwater Management	\$ 462.00	\$ 924.00
Plan Administration	\$ 1,003.00	\$ 2,006.00
TOTALS	\$ 8,683.00	\$ 17,366.00

Note: the contribution amount will be adjusted by the Consumer Price Index, if not paid in the same financial year the development consent was issued or where lots are released in different financial years.

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

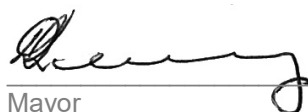
27. Any unpaid Contributions or charges nominated in the development consent will be indexed to CPI at the beginning of each new financial year.
28. Prior to the issue of a Construction Certificate, the developer shall obtain a Certificate of Compliance under the Water Management Act 2000, from Council.

Note: Refer to Advisory Notes in relation to the payment of contributions to obtain a Certificate of Compliance.

PRIOR TO THE COMMENCEMENT OF WORKS

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



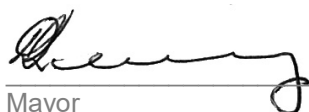
 Mayor



 General Manager

days before work commences.

30. 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 PRIOR TO SUBSEQUENT DISPOSAL AT AN APPROVED WASTE DISPOSAL FACILITY.
31. 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;
 - 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.
32. Prior to the commencement of any works within the road reserve the Developer must obtain approval under the provisions of Section 138 of the Roads Act 1993. Site plans showing all proposed works within the road reserve must be provided with this application. This includes works within the footpath associated with the balcony and any relocation of Council infrastructure. Approved bollards must also be included at the base of all balcony posts to protect from rear parking of vehicles for the life of the development.
33. Prior to the commencement of any works on public land 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.
34. 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;



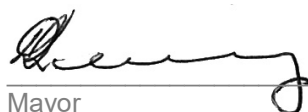


- c) Construction equipment and materials shall be contained wholly within the site unless approval to use the road reserve has been obtained; and
 - d) Toilet facilities are to be provided on the work site at the rate of one toilet for every 20 persons or part of 20 persons employed at the site.
35. Prior to the commencement of works on site, the applicant shall advise Council's Operations Department, in writing, of any existing damage to Council property.
36. 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; then

A hoarding or fence must be erected between the work site and the public place. If necessary, an awning is to be erected, sufficient to prevent any substance from, or in connection with, the work falling into the public place. Any such hoarding, fence or awning is to be removed when the work has been completed. Where necessary, signage and devices (e.g. temporary kerb ramps) advising and indicating alternative and DDA compliant pedestrian detours is to be installed and maintained at all times as required.


DURING CONSTRUCTION

37. 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.
38. 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.
39. The requirements of BASIX Certificate number 1205619M issued on 1 June 2021 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.
40. 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.
41. The footpath and driveway levels are not to be altered outside





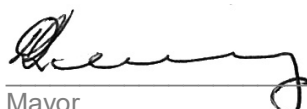
- the property boundary without Council's permission.
42. Switchboards for gas, electricity, etc., must not be attached to the front or street facing elevations of the building.
 43. No trees on public property (footpaths, roads, reserves etc.) shall be removed or damaged during construction works including the erection of any fences or hoardings.
 44. 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.
 45. In the event of any archaeological material being discovered during earthmoving/construction works, all work in that area is to cease immediately and Heritage NSW is to be notified as soon as practicable. Work may only resume upon the authorisation of Heritage NSW.
 46. All plumbing and drainage work must be carried out by a licensed plumber and drainer and must comply with the Plumbing Code of Australia.
 47. The strength of the concrete used for the reinforced concrete floor slab must be a minimum 25Mpa.
 48. Metal roof/wall cladding shall be provided in a non-reflective colour scheme such as "Colorbond" steel sheeting.
 49. Backflow Prevention to protect against a high risk use will be required on the subject land (at the location of the water meter) in accordance with AS3500 and AS2845. A separate Backflow Prevention device for fire services at the development, where these are proposed will also be required.
 50. 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.
 51. Construction work noise that is audible at other premises is to be restricted to the following times:
 - a) Monday to Saturday - 7:00am to 5:00pmNo construction work noise is permitted on Sundays or Public Holidays.
 52. 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.

53. All stormwater from developed surfaces including overflow from water tank (detention plus retention) is to be discharged to Lewis and Mortimer Street with the use of non-flexible kerb adaptors as per the stormwater management plan prepared by Barnson Drawing Number 35200 – C04 rev 1.
54. The developer is to 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.
55. The developer is to 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.
56. The Applicant, to re-locate the power pole, will have to meet the requirements of Essential Energy's Contestable Works process. Clearances can be determined through this process. The clearances for the conductor, under worst case conditions, needs to be determined before Essential Energy can state if the pole position is satisfactory. The Applicant should engage, at their own expense, a Level 3 Accredited Service Provider to complete these works. Refer Essential Energy's Contestable Works Team for requirements via email contestableworks@essentialenergy.com.au.
57. The Applicant will also need to engage the services of an Accredited Service Provider to ensure that the service to the proposal complies with the NSW Service and Installation Rules. This may mean that the existing service will need to be re-located/upgraded, at the Applicant's expense. A Level 2 Electrician will be able to advise on these requirements and carry out the required work to ensure compliance.
58. The Applicant must comply with SafeWork NSW clearances when constructing the development (this is 3.0 metres for ordinary people, 4.0 metres for scaffolding).
59. The Developer is required to provide for all on-site parking and driveways as shown on approved plans. Pavements must be sealed with an impervious surface (bitumen or concrete) and



Mayor



General Manager


be drained in accordance with an approved drainage plan. Internal pavements and line-marking must be maintained to the satisfaction of Council at all times.

60. The Developer is required to provide for the line-marking and signage for all on-street car parking immediately adjacent the site in accordance with an approved Line-marking and signage plan. A kerb / pram ramp must also be provided adjacent any Disabled car parking space. Kerb / pram ramps must also be provided in accordance with the requirements of the relevant Australian Standards (AS 1428).

NOTE: The areas of road pavement proposed to be line-marked for on-street parking must be provided with a bitumen re-seal to provide a consistent and uniform surface prior to the application of line-marking. Line-marking is to be installed in accordance with the requirements of relevant standards for both Parking (AS 2890) and Traffic Controls (AS 1742).

PRIOR TO ISSUE OF THE OCCUPATION CERTIFICATE

61. 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.
62. Prior to the issue of an Occupation Certificate all access, car parking and associated manoeuvring areas are to be completed. New sealed access from Mortimer Street is to be constructed in accordance with Council requirements and standards. Separate approval for this work must be obtained under the provisions of Section 138 of the Roads Act 1993.
63. The existing access crossovers from Lewis Street and Mortimer Street are to be made redundant and restored to match existing barrier kerb and gutter with nature strip, prior to issue of an Occupation Certificate.
64. The interpretation panel is required to be affixed in the approved location by Council's Heritage Advisor prior to the issue of an Occupation Certificate.
65. Prior to occupation or the issue of the Occupation Certificate the owner of the building must cause the Principal Certifying Authority to be given a fire safety certificate in accordance with Clause 153 of 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 Fire and Rescue NSW and a copy is to be prominently displayed in the building.
66. 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.

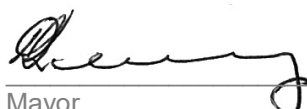
67. Prior to issue of an Occupation Certificate, all fencing, plantings and hard landscaping (e.g. rocks, retaining walls, solid garden bed edging) is to be installed. Landscaping must comprise low maintenance, drought and frost resistant species.
68. Outdoor drying facilities and letterboxes are to be provided for the dwellings prior to occupation.

OPERATIONAL/ ONGOING CONDITIONS

69. 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.
70. Where any essential services are installed in the building a copy of the final Fire Safety Certificate (together with a copy of the current fire safety schedule) is to be given to the Commissioner of Fire and Rescue NSW. A further copy of the Certificate (together with a copy of the current fire safety schedule) is to be prominently displayed in the building.
71. The hours of operation of all ground floor premises are limited to :
 - o 7am to 7pm, Monday to Friday and
 - o 8am to 1pm Saturday.

No operations are permitted on Sundays or Public Holidays.

72. There being no interference with the amenity of the neighbourhood by reason of the emission of any "offensive noise", vibration, smell, fumes, smoke, vapour, steam, soot, ash or dust, or otherwise as a result of the proposed development.
73. All vehicles are required to enter and leave the site in a forward direction at all times.
74. All line-marking for the on-site car parking spaces and footpath areas are to be maintained in a visible condition, at all times.
75. All loading and unloading in connection with the premises shall be carried out wholly within the site and at the approved loading dock.





76. All car parking spaces, loading and unloading areas, vehicle manoeuvring and driveway areas must not be used for the storage of any goods or materials and must be available for their intended use at all times.
77. 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".
78. No display, signage or sale of goods is to take place from public areas or footpaths fronting the premises.
79. All approved signage is to be maintained in good condition at all times.
80. The signage is to be securely affixed and is not to flash, move or be objectionably glaring.
81. The development is to be maintained in a clean and tidy manner, at all times.
82. The balcony above public land must be maintained in a safe condition by the landowner for the life of the development.
83. The bollards located in front of each balcony post must be maintained in a safe condition to protect from rear parking of vehicles for the life of the development. All damaged / unsightly bollards must be replaced immediately at the full cost of the developer.

COUNCIL ADVISORY NOTES

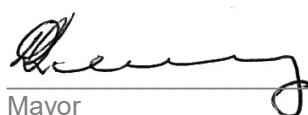
1. This development consent requires a Certificate of Compliance under the Water Management Act 2000 to be obtained prior to the issue of a Construction Certificate.

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

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

- a) A monetary contribution in accordance with the following Schedule of Contributions must be paid in full (including indexation, where applicable):

Section 64 Contributions		
	ET's with Credits	Charge
Water Headworks	1.409 ET	\$12,337



 Mayor



 General Manager

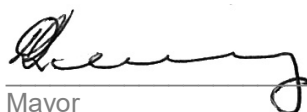
Sewer Headworks	2.408 ET	\$9,625
TOTAL HEADWORKS		\$21,962

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

2. The removal of trees within any road reserve requires the separate approval of Council in accordance with the policy "Tree Removal and Pruning - Public Places".
3. Council has no regulatory authority in regards to dividing fences under the Dividing Fences Act 1991 and does not adjudicate civil disputes relating to the provision of, or payment for, the erection of dividing fences. If there is a neighbour dispute about the boundary fence and you are seeking mediation, you may contact the Community Justice Centre, or if legal advice or action is required, you may contact the Chamber Magistrate.
4. 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.
5. Division 8.2 of the Environmental Planning and Assessment Act (EP&A Act) gives you the ability to seek a review of the determination. This request is made to Council and must be made within 12 months after the date on which you receive this notice. The request must be made in writing and lodged with the required fee; please contact Council's Development Department for more information or advice.
6. If you are dissatisfied with this decision section 8.7 of the EP&A Act 1979 gives you the right to appeal to the Land and Environment Court within 12 months after the date on which you receive this notice, pursuant to section 8.10(1)(b).
7. To ascertain the extent to which the consent is liable to lapse, refer to Section 4.53 of the EP&A Act.

ESSENTIAL ENERGY ADVICE

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




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

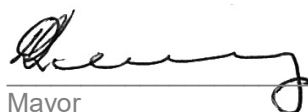
STATEMENT OF REASONS

The determination decision was reached for the following reasons:

1. The proposed development complies with the requirements of the applicable environmental planning instruments and Mid-Western Regional Development Control Plan 2013.
2. The proposed development is considered to be satisfactory in terms of the matters identified in Section 4.15 of the Environmental Planning & Assessment Act 1979.
3. The matters raised within submissions have been addressed in the following manner:
 - Conditions have been imposed to limit hours of operation for the ground floor premises, and
 - Conditions have been imposed to limit construction hours.

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

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



 Mayor



 General Manager

Cr Karavas	✓	
Cr Martens		✓
Cr O'Neill	✓	
Cr Shelley	✓	
Cr Thompson		✓

Councillor Cavalier declared a pecuniary conflict of interest in item 8.3 as he has a business relationship with an objector. He left the Chambers at 5.51pm and did not participate in discussion or vote in relation to this matter.

8.3 MA0001/2022 (DA0214/2014) - MODIFICATION TO 7 LOT
SUBDIVISION AND INDUSTRIAL DEVELOPMENT - HOURS
OF OPERATION AT 86 DEPOT ROAD, MUDGEE
GOV400088, DA0214/2014

296/21

MOTION: Holden / Shelley

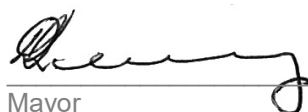
That Council:

- A. receive the report by the Planning Coordinator on MA0001/2022 (DA0214/2014) - Modification to 7 Lot Subdivision and Industrial Development - Hours of Operation at 86 Depot Road, Mudgee; and**
- B. approve MA0001/2022 (DA0214/2014) - Modification to 7 Lot Subdivision and Industrial Development - Hours of Operation at 86 Depot Road, Mudgee subject to:**
- the following amended conditions of consent and statement of reasons (in green);
 - replace existing condition 63 with a new condition 63, which allows hours of operation 7 days per week including Sundays and public holidays with restriction on all roller doors, doors and windows to be closed between 6pm and 6am;
 - update conditions 5, 54B, 59 and statement of reasons 4, to remove the requirement to provide a 2.5m high timber fence on the southern boundary; and
 - update conditions 14D, 54C and 63A, to specify that the evening and night time period means between 6pm and 6am.

PARAMETERS OF CONSENT

APPROVED PLANS

- 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.**



Mayor

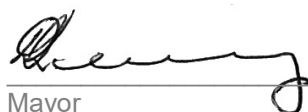


General Manager

Title / Name:	Drawing No / Document Ref	Revision / Issue:	Date:	Prepared by:
Site Plan (Lot 6)	3312-A01	A	April 2013	Giselle Denley Drafting Services
Ground Floor Plan (Lot 6)	3312-A02	B	Nov 2017	Giselle Denley Drafting Services
Elevations (Lot 6)	3312-A03	B	Nov 2017	Giselle Denley Drafting Services
Site Plan (Lots 1-4)	3312-A02	D	Feb 2021	Giselle Denley Drafting Services
Ground Floor Plan, South East Elevation and South West Elevation (Lot 1)	3312-A03	D	Sep 2019	Giselle Denley Drafting Services
Ground Floor Plan, First Floor Plan & Elevations (Lots 2 and 3)	3312-A04	E	Feb 2021	Giselle Denley Drafting Services
Ground Floor Plan, First Floor Plan & South East Elevation (Lot 4)	3312-A05	D	Feb 2021	Giselle Denley Drafting Services
Shed 4 South West, North East & North West Elevation	3312-A14	A	May 2021	Giselle Denley Drafting Services
Master Plan	3312-A01	A	April 2013	Giselle Denley Drafting Services
Storage Shed Typical Floor Plan & Storage Shed Front Elevation	3312-A09	A	April 2013	Giselle Denley Drafting Services
Proposed subdivision Showing Existing Improvements	BK041.dwg Sheet 1 of 4	-	14/10/2013	Jabek Pty Ltd
Layout Industrial Development Lots 1-6 (Stage 2)	BK041.dwg Sheet 2 of 4	-	14/10/2013	Jabek Pty Ltd
Service Layout	BK041.dwg Sheet 3 of 4	-	14/10/2013	Jabek Pty Ltd
Detail Lot 7	BK041.dwg Sheet 4 of 4	-	14/10/2013	Jabek Pty Ltd

The following plans/drawings supersede the above listed plans/drawings in relation to the road layout, stormwater drainage concept, proposed lot boundaries, boundary setbacks, car parking layout and landscaping.

Title / Name:	Drawing No / Document Ref	Revision / Issue:	Date:	Prepared by:
Concept Stormwater Plan	MX-10284.01-C2.0	B	17/11/17	Triaxial Consulting
Concept Stormwater Plan Basin Details	MX-10284.01-C2.1	B	17/11/17	Triaxial Consulting
Turning Circle Plan Sheet 1 of 2	MX-10284.01-C3.0	B	17/11/17	Triaxial Consulting
Turning Circle Plan	MX-10284.01-C3.1	B	17/11/17	Triaxial




Sheet 2 of 2				Consulting
Landscaping Plan	MX-10284.01-C4.0	C	23/03/18	Triaxial Consulting

(AMENDED MA0043/2021)

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.
- 2A. The following limits apply to the proportion of the building on proposed Lot 6 that may be used for industrial premises or warehouse purposes:
- A maximum of 2,000m² of the building on proposed Lot 6 may be used as industrial premises, with the remainder able to be used for warehouse/storage purposes; or
 - Any amount of the building less than the cumulative total of 2,000m² may be used as industrial premises, with the remainder able to be used for warehouse/storage purposes; or
 - The total floor area of the building on proposed Lot 6 may be used for warehouse/storage purposes.

Note – this condition is applied to ensure that the use of the building matches the number of car parking spaces shown on the approved plans.

(ADDED MA0020/2017)

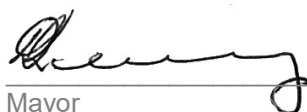
- 2C. Landscaping is to be provided in all areas identified as landscaping within the following plan:

Landscaping Plan	MX-10284.01-C4.0	C	23/03/18	Triaxial Consulting
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(ADDED MA0020/2017)

AMENDMENTS TO APPROVED PLANS

3. The maximum fill permitted to be placed on proposed Lot 1 is limited to 500mm above the existing natural ground level as shown on Plan No.BK041.dwg, Sheet 3 of 4.
- ~~4. No roller doors are to be constructed in the north-western wall of the proposed sheds on Lots 1 – 4, that adjoin the golf course and residential area at the north-eastern end of Inverness Avenue.~~
(AMENDED MA0043/2021)
(DELETED MA0001/2022)
5. A ~~minimum 1.8~~ 2.5 metre high lapped and capped timber fence with minimum 12mm palings and 25% overlap each side along the full western boundary of the site is to be provided along the western boundary (residential land, Golf Club land) of the development prior to the commencement of any works on the




~~site. The timber fence is to be erected along the western boundary of proposed Lots 1 to 4. The remainder of the western boundary adjoining proposed Lot 7 may be fenced with a chain mesh fence.~~

(ADDED MA0017/2020)

(AMENDED MA0001/2022)

- 5A. All lots in the approved subdivision shall have a minimum lot size of 2,000m².

Note – Proposed Lot 5 on the approved plans has a lot size of 1,870m². Lot 5 may be readily increased to 2,000m² by adjusting the boundary between Lots 4 and 5. Amended plans demonstrating compliance shall be provided prior to the issue of a Subdivision Certificate involving Lot 5.

(ADDED MA0020/2017)

- 5B. Amended plans are to be submitted to and approved by Council, indicating that a minimum of 16 parking spaces are provided on proposed Lot 4. Such plans are to be approved by Council prior to the issue of a Construction Certificate for any development on proposed Lot 4.


(ADDED MA0020/2017)

PRIOR TO ISSUE OF CONSTRUCTION CERTIFICATE - CIVIL

6. The submission to Council of engineering design plans for any road works shall include pavement and wearing surface investigation and design, sedimentation and erosion control plans, and a detailed construction plan. These plans are to be approved by the Council prior to the issue of a Construction Certificate.
7. A detailed engineering design (including sediment and erosion control) supported by plans, and an “AutoCAD compatible” Plan, (in dwg format including pen-map), material samples, test reports and specifications are to be prepared in accordance with AUS-SPEC #1 (as modified by Mid-Western Regional Council) and the conditions of this development consent. The engineering design is to be submitted to and approved by Council or an Accredited Certifier prior to the issue of a Construction Certificate.
8. Engineering plans of the sewer mains extension are to be submitted to and approved by Council or an accredited certifier prior to the issue of a Construction Certificate.

Note 1: Council will quote on connecting any sewer or water main extension to the existing “live” main on receipt and approval of engineering plans.

Note 2: Council does not permit other bodies to insert new junctions into ‘live’ sewer mains.



9. 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 1.5 year ARI. All storm water detention details including analysis shall be included with the drainage report.
10. The Cul-de-sac proposed at the end of Depot road must be designed pursuant to "AUSTRROADS Design Vehicles and Turning Path Templates Guide 2013" to accommodate at least a B-Double turning radius (15m) when travelling between 5-15km/hr. The turning path plan must be submitted to Council prior to the issue of the Construction Certificate.
11. 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.

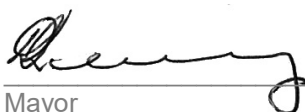
PRIOR TO ISSUE OF THE CONSTRUCTION CERTIFICATE - BUILDING

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

12. 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.
13. 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.
14. The developer shall obtain a Certificate of Compliance under the Water Management Act. This will require:
 - (a) Payment of a contribution for water and sewerage headworks at the following rate:

Water Headworks	\$55,426.00
Sewerage Headworks	\$26,959.00
Total Payable	\$82,385.00

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



 Mayor



 General Manager

contact Council's planning and Development Department regarding any adjustments.

- (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.

(AMENDED MA0020/2017)

- 14A. In accordance with the provisions of section 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.

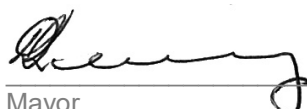
Note – the levy amount will be adjusted by the Consumer Price Index, if not paid in the same financial year it was calculated. Based on the cost of the proposed development submitted with the DA (\$2,450,000), an indicative total levy of \$24,500 is payable.

A pro-rata portion of the Section 94A contribution may be paid prior to the issue of a Construction Certificate for only part of the total development.

(ADDED MA0020/2017)

- 14B. 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 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) Provision of landscaping adjacent to and between car parking areas to assist in visually breaking up the expanse of the car park.
- e) Provide landscaping and fencing (if to be provided) within the front boundary landscaped setback that achieves the following:



Mayor



General Manager

- (i) Allows for passive surveillance between the road reserve and the internal car park and entrance to buildings. 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) Includes a mixture of trees, shrubs and groundcovers to create mass of vegetation with an average height of 2m at maturity, within the approved landscaped areas.
- f) Utilise endemic species, where practicable, which are appropriate for the site.
- g) Details of an irrigation system connecting to the on-site rainwater tanks.

(ADDED MA0020/2017)

14C. 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.

(ADDED MA0020/2017)

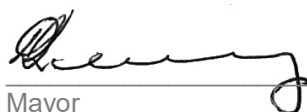
14D. Prior to issue of a Construction Certificate for Sheds 1 to 4, and where it is proposed to operate the premise in the evening and night-time periods (6pm to 6am) each shed must include the following acoustic measures, also in accordance with the report prepared by Spectrum Acoustics:

- Lining the internal walls (or parts of the walls where workshop equipment or work benches are to be located) with acoustic shielding on the southern and/or western walls;
- Isolating particularly noisy plant, equipment or activities and acoustically shielding these;
- Locating noisy plant or activities “behind” internal partitions or offices relative to receivers; or
- Sourcing noise attenuation equipment specific to a particular plant item, e.g. mufflers, attenuator guards, cowlings etc.

(ADDED MA0001/2022)

PRIOR TO THE COMMENCEMENT OF WORKS – CIVIL

15. Prior to development the applicant shall advise Council’s Operations Directorate, in writing, of any existing damage to Council property before commencement of works. The applicant shall repair (at their own expense) any part of Council’s property



Mayor



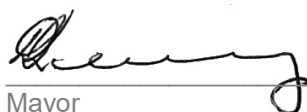
General Manager

damaged during the course of this development in accordance with AUS-Spec #1/2 (as modified by Mid-Western Regional Council) and any relevant Australian Standards.
(AMENDED MA0020/2017)

16. A Traffic Control Plan (TCP) completed by a “Certified Person” for implementation during works is to be submitted to Mid-Western Regional Council prior to any work commencing.
17. A copy of the Contractor’s public liability insurance cover for a minimum of \$20,000,000 is to be provided to Mid-Western Regional Council as an interested party. All work is to be at no cost to Council.

PRIOR TO THE COMMENCEMENT OF WORKS – BUILDING


18. 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.
19. 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.
20. A sign must be erected in a prominent position on any work site on which involved in the erection or demolition of a building is carried out;
 - a) stating that unauthorised entry to the work site is prohibited;
 - b) showing the name of the person in charge of the work site and a telephone number at which that person may be contacted outside working hours;
 - c) the name, address and telephone number of the principal certifying authority for the work; and
 - d) The sign shall be removed when the erection or demolition of the building has been completed.
21. 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.
(AMENDED MA0020/2017)





CIVIL CONSTRUCTION

- 21A. 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.
(NUMBERED MA0020/2017)**
- 22. All works are to be constructed at the full cost of the developer, in a manner consistent with Aus-Spec #1 and Council's standard drawings.**
- 23. The developer is to grant Council (or an Accredited Certifier on behalf of Council) unrestricted access to the site at all times to enable inspections or testing of the subdivision works.**
- 24. The subdivision works are to be inspected by the Council (or 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) Water and sewer line installation prior to backfilling.**
 - c) Establishment of line and level for kerb and gutter placement.**
 - d) Road and driveway pavement construction (including excavation, formwork and reinforcement).**
 - e) Road pavement surfacing.**
 - f) Practical completion.**
- 25. The contractor/owner must arrange an inspection by contacting Council's Development and Community Services Department between 8.30am 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.**
- 26. All earthworks, filling, building, driveways or other works, are to be designed and constructed (including stormwater drainage if necessary) so that at no time will any ponding of stormwater occur on adjoining land as a result of this development.**
- 27. Interallotment drainage is to be provided to remove stormwater from any lots that cannot discharge to the street in accordance with Aus Spec #1. Easements not less than 1m wide shall be created over interallotment drainage in favour of upstream allotments.**
- 28. The requirements for stormwater quality, as specified in the DCP, shall be addressed in the design prior to issue of the Construction Certificate. The design shall be such that there is**



Mayor

General Manager

no increased maintenance burden on Council.

- 29A. The developer must construct the full length of the proposed new extension of Depot Road located in Lot 210 DP775001, to the following standard:

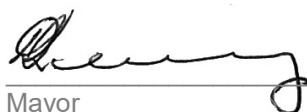
Item	Requirement
Road Reserve Width	21.6 m
Pavement Width	13m (invert to invert)
Court Bowl/ Cul-de-sac Head	15m radius to invert
Seal	(i) All parts of the cul-de-sac head that is wider than 18m: Asphalt (Hot mix) (ii) The remainder of the Depot Road extension: Two coat bitumen seal
Drainage	Direct stormwater runoff to subdivision drainage design in accordance with Section 5.3 of the Development Control Plan.

(ADDED MA0020/2017)

30. Car parking for lots 1-6 must comply with the following standards:
- 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 5.5m x 2.4m;
 - c) Each disabled car parking space is to be in accordance with the provisions of Clause D3.5 of the Building Code of Australia and Australian Standard as 2890.6 – 2004;
 - 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; and
 - e) The aisle widths, internal circulation, ramp widths and grades of the car park are to generally conform to the Roads and Traffic Authority Guide to Traffic Generating Developments 1992 and Australian Standard AS2890.1 – 2004. Details of compliance are to be shown on the relevant plans and specifications.
31. If any aboriginal artefacts are uncovered or identified during construction earthworks, such work is to cease immediately and the local aboriginal community and National Parks and Wildlife Service are to be notified.

Note: The applicant should contact the Aboriginal Land Council and consult a suitably qualified individual to determine if artefacts were uncovered.

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



Mayor



General Manager

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 stabilized beyond the completion of construction.

WATER AND SEWER

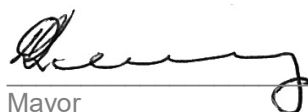
33. The developer is to extend and meet the full cost of water and sewerage reticulations to service the development plus the cost of connecting to existing services. All water and sewerage work is required to be carried out in accordance with the requirements of Mid-Western Regional Council (as the Water Supply Authority under the Local Government Act, 1993) and in accordance with the National Specification – Water & Sewerage Codes of Australia.
34. The applicant is to provide separate water and sewer reticulation services to each lot.
35. 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, or extended through adjoining private properties as a result of this subdivision.

BUILDING CONSTRUCTION

36. 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.
37. All plumbing and drainage work must be carried out by a licensed plumber and drainer and must comply with the Plumbing Code of Australia.
38. 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.



Mayor



General Manager

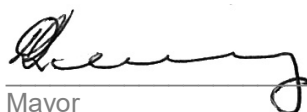
39. All mandatory inspections required by the Environmental Planning & Assessment Act and any other inspections deemed necessary by the Principal Certifying Authority being carried out during the relevant stage of construction.
40. The strength of the concrete used for the reinforced concrete floor slab must be 25Mpa.
41. 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.

PRIOR TO THE ISSUE OF THE SUBDIVISION CERTIFICATE

42. Under the Environmental Planning & Assessment Act, 1979, a Subdivision Certificate is required before the linen plan of subdivision can be registered with the Land Titles Office.

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

43. A linen plan and two (2) copies are to be submitted to Council for approval and endorsement by the General Manager.
44. If the Subdivision Certificate is not issued, for any reason whatsoever, by the end of the financial year immediately following the date of determination, then the charges and contributions contained in this consent, may be increased to the current rate at the time of payment.
45. Underground electricity, street lighting and telecommunications are to be supplied to the subdivision.
46. Prior to issue of the Subdivision Certificate, Council is to be supplied with:
 - a) A certificate from the appropriate power authority indicating that satisfactory arrangements have been made for provision of electricity supply to the subdivision;
 - b) A certificate from the appropriate telecommunications authorities indicating that satisfactory arrangements have been made for provision of telephone services to the subdivision;
 - c) All contributions must be paid to Council and all works required by the consent be completed in accordance with the consent, or an agreement be made between the developer and Council;
 - d) As to the security to be given to Council that the works will be completed or the contribution paid; and
 - e) As to when the work will be completed or the contribution paid.





47. Following completion of the subdivision works, one full set of work-as-executed plans, on transparent film suitable for reproduction, and an "AutoCAD compatible" 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.
48. The developer must provide Council and land purchasers with a site classification for each lot within the subdivision. The classification is to be carried out at a suitable building site on each lot and is to be carried out by a NATA registered laboratory using method (a) of Clause of AS2870 - 2011. Results are to be submitted to Council prior to issue of the Subdivision Certificate.
49. (DELETED MA0020/2017 – AMENDED CONDITION MOVED TO CONDITION 14A)
50. The developer is to provide a water service and meter for each lot in the subdivision. This can be achieved by making a payment to Council of \$1650 per lot to cover the cost of installing both the service and a 20mm meter on the water main.

TOTAL PAYABLE 6 x \$1650 = \$9,900

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

OR

51. Where the water service has been provided by the developer. The developer is to provide a water meter for each lot in the subdivision. This can be achieved through providing a water service ending with a lockable ball valve to each lot and make a payment to Council of \$370.00 per lot to cover the cost of a 20mm meter and installation.

TOTAL PAYABLE 6 x \$370 = \$2,220

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

52. The developer is to provide a sewer junction for each dwelling in the subdivision. This can be achieved by making a payment to Council of \$1,450.00 per new junction to cover the cost of Council installing a junction in an existing main.

TOTAL PAYABLE 6 x \$1,450.00 = \$8,700

Note: Council does not permit other bodies to insert new junctions into "live" sewer mains.



 Mayor



General Manager


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.

53. 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.
54. All car parking and associated driveway works are to be completed prior to occupation of the development.
- 54A. All plants shown on the approved landscape plan/s are to be planted and all hard landscaping (e.g. rocks, retaining walls, solid garden bed edging) is to be installed prior to the issue of an Occupation Certificate.
(ADDED MA0020/2017)
- 54B. The 2.5 metre high timber acoustic fencing along the western boundary of the site shall be completed prior to issue of an Occupation Certificate for Sheds 1 to 4, in accordance with the recommendations of the Noise Impact Assessment Report prepared by Spectrum Acoustics dated July 2021.
(ADDED MA0001/2022)
- 54.C. Prior to issue of an Occupation Certificate for Sheds 1 to 4 and where operations are proposed between 6pm and 6am (evening and night time periods), all acoustic measures required by this consent shall be installed within the building to the satisfaction of the Principal Certifying Authority.
(ADDED MA0001/2022)

CONDITIONS RELATED TO THE ONGOING USE OF THE SITE

55. 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.
56. All loading and unloading in connection with the premises shall be carried out wholly within the site.
57. Garbage areas are to be adequately screened from public view with an opaque fence and / or adequate landscaping.
58. All waste generated by the proposed development shall be disposed of to an approved location in accordance with the Waste Minimisation & Management Act 1995.
59. All security fencing (excluding the western boundary adjoining the Golf Course land – currently identified as Lot 27 DP1165146)



Mayor

General Manager

is to be pre-coloured or powder coated. Security fencing to the public road frontage is to be erected on or behind the front building line. Full details of proposed fencing is to be included on the landscaping plan.
(AMENDED MA0001/2022)

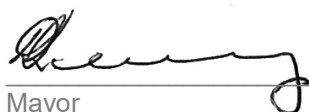
60. All exterior lighting associated with the development shall be designed and installed so that no obtrusive light will be cast onto any adjoining property or roadways, in accordance with Australian Standard 4282 "Control of the Obtrusive Effects of Outdoor Lighting".
61. No display or sale of goods is to take place from public areas or footpaths fronting the premises.
62. All 'Colorbond' material for the proposed sheds is to be non-reflective.
63. Hours of operation of the industrial buildings are restricted to the following times and conditions:

~~Monday to Saturday 7.00am to 6.00pm~~
~~No work is permitted on Sundays or Public Holidays~~

- a) Monday to Sunday - 6.00am to 10.00pm; however, all doors and windows must be kept closed from 6.00pm daily; and
- b) Operations from within the industrial buildings are permitted Monday to Sunday- 10.00pm to 6.00am subject to the following conditions;
- i. Any deliveries that must occur during the hours of Monday to Sunday - 10.00pm to 6.00am must be undertaken within the building frontages to Depot Road only; and
 - ii. All roller doors and windows are to be kept fully closed (other than for the entry or exiting the building by staff);
 - iii. Any mechanical plant or equipment installed on the buildings must ensure that suitable acoustic covers / shielding devices are installed by a suitably qualified person and maintained for the life of the development.

(AMENDED MA0001/2022)

- 63A Where operations during the hours of 6.00pm to 6.00am creates excessive noise or inconvenience to the amenity of the area, the operations are to cease immediately during the evening and night time periods. The operations are to be managed so there is no interference with the amenity of the neighbourhood by reason of the emission of any "offensive noise", vibration, smell, fumes, smoke, vapour, steam, soot, ash or dust, or otherwise as a result of the proposed development.
(ADDED MA0001/2022)



Mayor



General Manager

63B The applicant is responsible for the preparation and management of a complaints register for the life of operations which must record the following information:

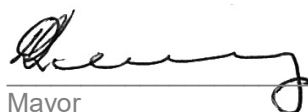
- a. Name, address and contact details of the complainant;
- b. Description of complaint (e.g. type/character and volume);
- c. Frequency and duration of complaint; and
- d. Any actions taken to resolve complaint.

**The complaints register must be made available to Council at any time on request.
(ADDED MA0001/2022)**

64. **The combined maximum permitted noise level for all activities within the subject industrial development is 5dB(A) above the background noise level of 39dB(A) as measured at the property boundary of Lot 210 DP 775001 and the Mudgee Golf Course and the residentially zoned land.**
65. **Measures, such as raised kerb edges, bollards and/or fencing, are to be installed and maintained around all approved landscape areas in order to prevent vehicles driving over them.
(ADDED MA0020/2017)**
66. **Landscaping is to be maintained in accordance with the approved landscape plan.
(ADDED MA0020/2017)**

ADVISORY NOTES

- 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 **Division 8.2 of the Environmental Planning and Assessment Act 1979 (EP&A Act) gives you the ability to seek a review of the determination. This request is made to Council and must be made within 12 months after the date on which you receive this notice. The request must be made in writing and lodged with the required fee; please contact Council's Development Department for more information or advice.
(MODIFIED MA0043/2021)**



Mayor



General Manager

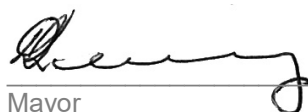
- 4 If you are dissatisfied with this decision section 8.7 of the EP&A Act gives you the right to appeal to the Land and Environment Court within 12 months after the date on which you receive this notice, pursuant to section 8.10(1)(b).
(MODIFIED MA0043/2021)
- 5 To ascertain the date upon which the consent becomes effective, refer to section 83 of the EP&A Act.
- 6 To ascertain the extent to which the consent is liable to lapse, refer to section 95 of the EP&A Act.
- 7 The development is to operate so as to not emit offensive noise, as defined in the Protection of the Environment Operations Act 1997.
(ADDED MA0020/2017)

STATEMENT OF REASONS

The determination decision was reached for the following reasons:

1. The proposed modification is considered to result in minimal environmental impact and is substantially the same development as the originally approved development – thereby satisfying the requirements of Section 4.55(1A)(a) and (b) of the Environmental Planning and Assessment Act 1979.
2. The proposed modification complies with the requirements of the applicable environmental planning instruments and Mid-Western Regional Development Control Plan 2013.
3. The proposed modification is considered satisfactory in terms of the matters identified in Section 4.15 of the Environmental Planning and Assessment Act 1979.
(NEW STATEMENT OF REASONS MA0043/2021)
4. The proposed development satisfactorily addresses the issues raised in the objections received in response to public notification of the development, as follows:
 - a) The proposed development will not have an adverse noise or amenity impact, subject to compliance with the amended conditions of consent and this includes construction of a 2.5m timber fence along the western boundary of the site, closing all roller doors and windows during the evening and night periods of operation along with upgrade of the buildings with acoustic measures such as shielding and lining of the walls.
(ADDED MA0001/2022)

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



Mayor



General Manager

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

Councillor Cavalier returned to the chambers at 5.53pm.

8.4 PLANNING PROPOSAL 705 SPRINGFIELD LANE, GULGONG (LOTS 277-282, 285, 286 DP 755433, LOTS 64, 70, 71, 138 DP 755434, LOTS 15-17 DP 1172228), REZONE TO R5 LARGE LOT RESIDENTIAL AND CHANGE MINIMUM LOT SIZE TO 12HA - POST EXHIBITION

GOV400088, LAN900120

297/21

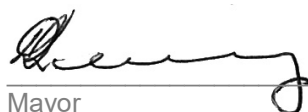
MOTION: Shelley / Paine

That Council:

- A. receive the report by the Town Planner on the Planning Proposal 705 Springfield Lane, Gulgong (Lots 277-282, 285, 286 DP 755433, Lots 64, 70, 71, 138 DP 755434, Lots 15-17 DP 1172228), Rezone to R5 Large Lot Residential and Change Minimum Lot Size to 12Ha - Post Exhibition;**
- B. exercise its delegation in the preparation of the amendment to the Mid-Western Regional Local Environmental Plan 2012 in relation to the rezoning of 705 Springfield Lane, Gulgong; Lots 277-282, 285, 286 DP755433, Lots 64, 70, 71, 138 DP755434, Lots 15-17 DP1172228 from RU1 Primary Production to R5 Large Lot Residential and change the minimum lot size from 100 hectares to 12 hectares subject to the Opinion issued by Parliamentary Counsel.**

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

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



 Mayor



 General Manager

Councillor Cavalier declared a pecuniary conflict of interest in item 8.5 as he has a business relationship with the proponent and Councillor Thompson declared a less than significant non-pecuniary conflict of interest in item 8.5 as he is president of the Gulgong Turf Club who receive sponsorship and have provided lime to the Club for an extensive period.

Councillors Cavalier and Thompson left the Chambers at 5:53pm and did not participate in discussion or vote in relation to this matter.

8.5 PLANNING PROPOSAL 540 BUCKAROO ROAD, BUCKAROO
(LOT 2 DP 1227923) - ADDITIONAL PERMITTED USE, BULK
STORAGE AND RELOAD FACILITY

GOV400088, LAN900136

298/21

MOTION: Holden / Paine

That Council:

1. **receive the report by the Manager, Strategic Planning on the Planning Proposal 540 Buckaroo Road, Buckaroo (Lot 2 DP 1227923) - Additional Permitted Use, Bulk Storage and Reload Facility;**
2. **provide initial support for a Planning Proposal to enable the future land use of a bulk storage and reload facility;**
3. **forward the Planning Proposal to amend the Mid-Western Regional Local Environmental Plan 2012 to the NSW Department of Planning Industry and Environment seeking a Gateway Determination, in accordance with Section 3.34 of the Environmental Planning and Assessment Act 1979; and**
4. **undertake community consultation as outlined within any approved Gateway Determination.**

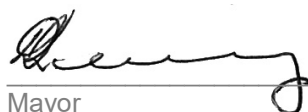
The motion was put and carried with Councillors voting as follows:

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

Councillors Cavalier and Thompson returned to the chambers at 5.54pm.

8.6 MONTHLY DEVELOPMENT APPLICATIONS PROCESSING
AND DETERMINED

GOV400088, A0420109



Mayor



General Manager

299/21 MOTION: Shelley / Martens

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.

8.7 AUSTRALIA DAY AWARDS

GOV400088, CMR200036

300/21 MOTION: Shelley / O'Neill
That Council:

1. receive the report by the Manager Economic Development on the Australia Day Awards;
2. appoint an Australia Day Selection Committee of Mayor, Deputy Mayor and Councillor Cavalier to represent the Community in the 2021 Australia Day award selection; and
3. approve recommended criteria for Wall of Reflections recognition.

The motion was carried with the Councillors voting unanimously.

Item 9: Finance

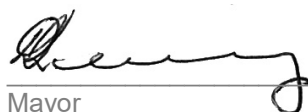
9.1 ENVIRONMENTAL UPGRADE AGREEMENTS

GOV400088, A0000000

301/21 MOTION: Shelley / Paine

That Council:

1. receive the report by the Chief Financial Officer on the Environmental Upgrade Agreements; and
2. endorses the implementation of Environmental Upgrade Agreements for the Mid-Western Regional local government area;
3. delegates the General Manager to appoint a third-party provider to administer Environmental Upgrade Agreements for Council, for a trial period of two years;
4. requests an Environmental upgrade Agreement Policy be developed and brought back to Council for consideration;
5. supports the integration of Environmental Upgrade



Mayor



General Manager

Agreements within Council's finance systems; and

6. **requests a report be brought back to Council at the end of the trial period on the performance of the Environmental Upgrade Agreements.**

The motion was carried with the Councillors voting unanimously.

The following recommendations (item 9.2 to item 12.1, excluding item 9.5) were adopted as a whole, being moved by Cr Paine seconded by Cr Shelley and carried with Councillors voting unanimously. Each recommendation is recorded with separate resolution numbers commencing at Resolution No. 302/21 and concluding at Resolution No. 312/21

9.2 NEW AND AMENDED FEES AND CHARGES 2021/22

GOV400088, FIN300117

302/21

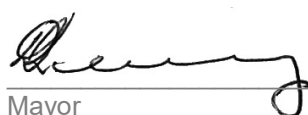
MOTION: Paine / Shelley**That Council:**

1. **receive the report by the Financial Planning Coordinator and Senior Environmental Health Officer on the New and Amended Fees and Charges 2021/22; and**
2. **add the following new fees, as written, and place on public exhibition for 28 days;**

Service Type	New Fee	Fee (\$ Inclusive of GST)	GST	Price Policy
Environmental Health – Public Health & Food Hygiene.	Cooling Towers - Inspection fee.	212.00	No	DCR.
Environmental Health – Public Health & Food Hygiene.	Cooling Towers - Notification fee.	115.00	No	STAT.
Environmental Health – Public Health & Food Hygiene.	Public Swimming Pools & Spas - Inspection fee.	212.00	No	DCR.
Environmental Health – Public Health & Food Hygiene.	Public Swimming Pools & Spas - Notification fee.	100.00	No	STAT.

3. **amend the following fee amount, as written and place on public exhibition for 28 days;**

Service Type /Fee	Fee amount (\$)	Amended fee amount (\$)



Mayor



General Manager

New registration – barbers, hairdresser, beauticians (No skin penetration procedures).	135.00	100.00
New notification – skin penetration.	135.00	100.00

4. remove the following fees from 2021/22 Fees and Charges;

Service Type /Fee	Fee Amount (\$)	Condition
New registration – All food premises, whether fixed, temporary, mobile or home based.	67.00	Per registration

5. endorse the new fees following the 28 day public exhibition period if no submissions are received.

The motion was carried with the Councillors voting unanimously.

9.3 MONTHLY BUDGET REVIEW - SEPTEMBER 2021

GOV400088, FIN300315

303/21 MOTION: Paine / Shelley

That Council:

- 1. receive the report by the Financial Planning Coordinator on the Monthly Budget Review - September 2021; and**
- 2. amend the 2021/22 budget in accordance with the variations as listed in the Monthly Budget Review attachment to this report.**

The motion was carried with the Councillors voting unanimously.

9.4 MONTHLY STATEMENT OF INVESTMENTS AS AT 30 SEPTEMBER 2021

GOV400088, FIN300053

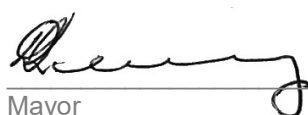
304/21 MOTION: Paine / Shelley

That Council:

- 1. receive the report by the Financial Planning Coordinator on the Monthly Statement of Investments as at 30 September 2021; and**
- 2. note the certification of the Responsible Accounting Officer.**

The motion was carried with the Councillors voting unanimously.

9.5 Community Grants Program - October 2021 (considered after item 12.1)



Mayor



General Manager

9.6 **HARDSHIP PROVISION POLICY - REVIEW FOR COVID-19 RELIEF**

GOV400088, RAT700035

305/21 MOTION: Paine / Shelley

That Council:

- 1. receive the report by the Chief Financial Officer on the Hardship Provision Policy - Review for COVID-19 Relief;**
- 2. place the revised Hardship Provision Policy on public exhibition for 28 days;**
- 3. adopt the revised Hardship Provision Policy if no submissions are received; and**
- 4. authorise the General Manager to approve fee reductions under the Hardship category of Covid-19 Relief, within the restrictions imposed by the Hardship Provision Policy.**

The motion was carried with the Councillors voting unanimously.

9.7 **RETAIL & OTHER COMMERCIAL LEASES (COVID-19) AMENDMENT REGULATION NSW 2021**

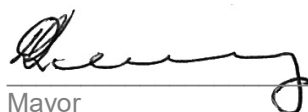
GOV400088, COU500044, PUB600025

306/21 MOTION: Paine / Shelley

That Council:

- 1. receive the report by the Manager Property and Revenue and Property Officer on the enacted Retail and Other Commercial Leases (COVID-19) Amendment Regulation 2021;**
- 2. authorise the General Manager to receive, negotiate, determine and approve all commercial or retail rent relief offers that meet the eligibility criteria in accordance with the Retail and Other Commercial Leases (COVID-19) Amendment Regulation 2021 (NSW) during the period between 13 July 2021 and 13 January 2022; and**
- 3. receive further reports documenting the amounts waived by the General Manager during the prescribed period between 13 July 2021 and 13 January 2022.**

The motion was carried with the Councillors voting unanimously.



Mayor



General Manager

Item 10: Operations10.1 EXEMPTION FROM TENDERING – PROVISION OF
HYDRATED LIME, GRAYMONT LIMITED

GOV400088, WAT50001

307/21 **MOTION: Paine / Shelley****That Council:**

1. receive the report by the Project Officer, Water and Sewer on the Exemption from Tendering – Provision of Hydrated Lime, Graymont Limited;
2. approve an exemption from tender, in accordance with Section 55(3)(l) of the Local Government Act 1993, for the purchase of Hydrated Lime directly from the Graymont Limited; based on the unavailability of competitive or reliable tenderers;
3. approve an exemption timeframe of 5 years, after which time the continued need for this exemption will be assessed and another report brought back to council, if required; and
4. note that staff will consider alternative suppliers (mined elsewhere) if/when they become evident in the market.

The motion was carried with the Councillors voting unanimously.

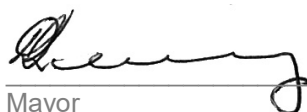
10.2 GATE APPLICATION ON THE ROAD RESERVE OFF QUEENS
PINCH ROAD


GOV400088, R0790016

308/21 **MOTION: Paine / Shelley****That Council:**

1. receive the report by the Manager Works on the Gate Application on the road reserve off Queens Pinch Road; and
2. reject the Gate Application in line with Council's "Grids and Gates" policy, as the road reserve is fenced on both sides.

The motion was carried with the Councillors voting unanimously.



Mayor

General Manager

Item 11: Community**11.1 MUDGEE ARTS PRECINCT PROJECT UPDATE**

GOV400088, GOV400088, COR400301, REC800038

309/21 MOTION: Paine / Shelley**That Council:**

- 1. receive and note the report by the Director Community on the Mudgee Arts Precinct Project Update.**

*The motion was carried with the Councillors voting unanimously.***11.2 GLEN WILLOW STAGE 2 UPDATE**GOV400088, GOV400088, COR400303, COR400277, COR400332,
PAR300585, COR400273**310/21 MOTION: Paine / Shelley****That Council:**

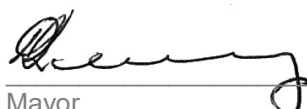
- 1. Receive and note the report by the Director Community on the Glen Willow Stage 2 Update.**

*The motion was carried with the Councillors voting unanimously.***11.3 EXEMPTION FROM TENDER - CUDGEGONG WATERS PARK HOUSE**

GOV400088, P2044711

311/21 MOTION: Paine / Shelley**That Council:**

- 1. receive the report by the Director Community on the Exemption from Tender - Cudgegong Waters Park House;**
- 2. approve an exemption from tender, in accordance with section 55 (3) (i) of the Local Government Act 1993, for the construction of a house at the Cudgegong Waters Park, noting that due to the unavailability of competitive or reliable tenderers, a satisfactory result would not be achieved by inviting tenders;**
- 3. note the reasons why a satisfactory outcome would not be achieved by inviting tenders are:**
 - a) the market has already been tested appropriately, via public marketplace on VendorPanel – 99 suppliers over 3 categories selecting all suppliers under these**



Mayor

General Manager

categories;

- b) the same organisations would be targeted if we had tendered (via VendorPanel which picks from the marketplace) so there is no benefit in readvertising as a tender;
 - c) the response time on the Request For Quote was already extended by two weeks in the hope of receiving additional responses;
- 4. accept Taylor Made Buildings Pty Ltd for the supply & install a modular dwelling in accordance with Clause 178 of the Local Government (General) Regulation 2005 – Part 7 for the price of \$271,055 inc GST; and
 - 5. delegate authority to the Director Community to finalise the contract and approve variations to an accumulative total of +/-10% of the finalised contract sum.

The motion was carried with the Councillors voting unanimously.

Item 12: Reports from Committees

12.1 LOCAL TRAFFIC COMMITTEE MEETING MINUTES - 17 SEPTEMBER 2021

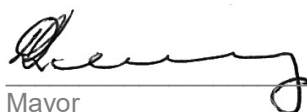
GOV400088, A0100009

312/21

MOTION: Paine / Shelley

That Council :

- 1. receive the report by the Executive Assistant, Operations on the Local Traffic Committee Meeting Minutes - 17 September 2021;
- 2. approve the event 'Mudgee Triathlon Race Season 2021/22;
- 3. approve in principle the installation of the roundabout on Putta Bucca Road;
- 4. approve the temporary suspension of 'Alcohol Free' zone during the event Flavours of Mudgee;
- 5. note feedback in relation to the Mudgee Parking Study report; and
- 6. approve the event 'Sunset Sound' at Craigmoor Wines on 30 October 2021 approve the event 'Flavours of Mudgee Street Festival.



Mayor



General Manager

The motion was carried with the Councillors voting unanimously.

9.5 COMMUNITY GRANTS PROGRAM - OCTOBER 2021

GOV400088, FIN3000159

313/21

MOTION: Shelley / Paine

That Council:

1. receive the report by the Financial Planning Coordinator on the Community Grants Program - October 2021;
2. provide financial assistance to the following applications in accordance with the criteria and guidelines of the Community Grants Policy;

Mudgee Triathlon Club	\$1,113
Kandos Rylstone Men's Shed Inc.	\$1,138
Mudgee Lions Club	\$2,500
Gulgong Chamber of Commerce	\$12,000
Kandos Rylstone Community Radio Inc	\$2,000

3. amend the following fee description as written to additionally allow a fee waiver for Little Wings, and place on public exhibition for 28 days; and

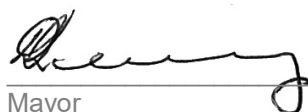
Service Type /Fee	Fee Amount (\$)
Mudgee Airport – Landing Fees – CareFlight, Child Flight, Sydney SLSA, Air Ambulance, Angel Flight or RFS nSW or charity flights	No charge

4. endorse the amended fee following the 28 days exhibition period if no submissions are received.

The motion was carried with the Councillors voting unanimously.

Item 13: Urgent Business Without Notice

Nil



Mayor



General Manager

Item 14: Confidential Session

Nil

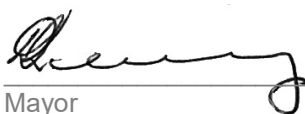
Item 15: Urgent Confidential Business Without Notice

Nil


Item 16: Open Council

Item 17: Closure

There being no further business the meeting concluded at 6.02pm.



Mayor



General Manager