

Minutes of the Ordinary Meeting of Council

Held at the Council Chambers, 86 Market Street, Mudgee
on 19 September 2018, commencing at 5:50pm and concluding at 6.43pm.

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

IN ATTENDANCE General Manager (Brad Cam), Director Community (Simon Jones), Director Development (Julie Robertson), Director Operations (Garry Hemsworth), Acting Chief Financial Officer (Neil Bungate), Manager Human Resources (Michele George), Manager Governance (Tim Johnston) and Executive Assistant (Mette Sutton).

Mayor Kennedy commended Councillors Events Team for winning the RH Dougherty Award for the MWRC Flavours of Mudgee event.

Item 1: Apologies

An apology was received for Cr JP Thompson.

245/18 MOTION: Martens / Shelley

That the apology for Cr JP Thomson be received.

The motion was carried with the Councillors voting unanimously.

246/18 MOTION: Shelley / Cavalier

That items 7.1, 7.2 and 7.3 be brought forward on the agenda.

The motion was carried with the Councillors voting unanimously.

Councillor Kennedy vacated the Chair. The General Manager proceeded to chair the meeting.

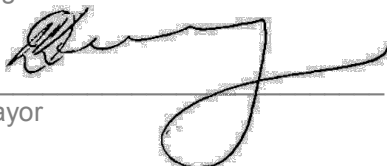
7.1 DELEGATIONS OF THE MAYOR

GOV400066, GOV400054


247/18 MOTION: Shelley / O'Neill

That Council:

- 1. receive the report by the Manager Governance on the Delegations of the Mayor;**
- 2. pursuant to the provisions of Section 377 of the Local Government Act, 1993, delegate to the Mayor authority:**
 - a) to monitor the General Manager in the exercise of the**



Mayor



General Manager

General Manager's powers, duties and functions;

- b) to authorise expenditure on works approved in the Operational Plan for an amount up to \$20,000;
- c) to authorise work, not approved in the Operational Plan, which in the Mayor's opinion is urgent, at a cost not exceeding \$20,000 except in the case of Bush Fire Emergency where the limit is \$50,000;
- d) to approve the attendance of any Councillor at meetings or functions between Council meetings, that the Mayor would normally attend on behalf of Council;
- e) to approve professional development activities, including conference attendance, within the budget limits of the Professional Development Program.
- f) to affix and witness the Common Seal of Council, in response to a resolution of Council, to any necessary documents in conjunction with the General Manager or another councillor; and

3. adopt the attached delegations for the Mayor.

The motion was carried with the Councillors voting unanimously.

248/18**7.2 ELECTION OF THE MAYOR**

GOV400066, GOV400054

That Council:

- 1. receive the report by the Manager Governance on the Election of the Mayor;
- 2. determine that the Ballot for the election of the Mayor be by Open Voting/ Ordinary Ballot/Preferential Ballot (delete two); and
- 3. designate the General Manager as Returning Officer for the election with the election to be conducted by the General Manager and the Manager Governance.

The General Manager announced that only one nomination for the position of Mayor had been received and that was from Councillor Kennedy. **He then declared Councillor Kennedy re-elected unopposed as Mayor from September 2018 to September 2020.**

The General Manager announced that he had received two nominations for the position of Deputy Mayor, from Councillor Karavas and Councillor Paine.

Cr Cavalier addressed the meeting stating that for the past five years that he has been Deputy Mayor he thanked the community and Councillors for putting their trust in him during that time. He advised he has taken up a fulltime position in the Commissioner's Office of Fire and Rescue NSW and he doesn't feel he could take on the responsibility of the Deputy Mayor's position with the new workload. He thanked the community for the opportunity to serve as Deputy Mayor.

7.3 ELECTION OF DEPUTY MAYOR

GOV400066, GOV400054

249/18 MOTION: Shelley / Cavalier

That Council:

- 1. receive the report by the Manager Governance on the Election of Deputy Mayor;**
- 2. determine that the Ballot for the election of the Deputy Mayor be by Open Voting;**
- 3. elect the Deputy Mayor for the Mayoral term (2 years) or less; and**
- 4. designate the General Manager as the Returning Officer for the election with the election to be conducted by the General Manager and the Manger Governance.**

The motion was carried with the Councillors voting unanimously.

The General Manager placed the names of the two candidates in a box and withdrew Cr Paine's name first, followed by Cr Karavas.

The ballot was then conducted with five votes in favour of Councillor Paine's nomination, being Councillors Cavalier, Holden, Kennedy, O'Neill, Paine and Shelley, and two votes in favour of Cr Karavas being Karavas and Martens.

The General Manager declared Councillor Paine elected as Deputy Mayor for the ensuing two years.

Councillor Kennedy resumed the Chair.

Item 2: Disclosure of Interest

Councillor P Cavalier declared a pecuniary conflict of interest in item 8.1 as he has a business relationship with one of the existing car wash businesses in the region.

Councillor R Holden declared a less than significant non-pecuniary conflict of interest in item 6.2 as he is a Director of DNCO which employs a director of Cementa. He also declared a pecuniary conflict of interest in items 7.6 and 9.7 as he does business with two directors of MRTI.

Councillor D Kennedy declared a pecuniary conflict of interest in item 8.3 as the developer is purchasing the property, through deferred settlement, which is owned by Cr Kennedy.

Councillor S Paine declared a significant non-pecuniary conflict of interest in item 9.6 as he is part of the event seeking funding.

Item 3: Confirmation of Minutes

250/18 MOTION: Shelley / Cavalier

That the Minutes of the Ordinary Meeting held on 15 August 2018 be taken as read and confirmed.

The motion was carried with the Councillors voting unanimously.

Item 4: Matters in Progress

Water Modelling – Res 132/18 Ordinary Meeting 20 June 2018

Council Representations at Funerals – Res 133/18 Ordinary Meeting 20 June 2018

Iron Barks Road – Res 143/18 Ordinary Meeting 20 June 2018

251/18 MOTION: Shelley / Martens

That Minute nos. 132/18, 133/18 and 143/18 be noted as complete.

The motion was carried with the Councillors voting unanimously.

Item 5: Mayoral Minute

Nil

Item 6: Notices of Motion or Rescission

6.1 CAMPING TREE FOOTPATH

GOV400066, A0100035, P0935911

252/18 MOTION: Paine / Shelley

That Council investigate the viability and cost of extending the footpath network to the camping tree.

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

Councillors	Ayes	Nayes
Cr Shelley	✓	
Cr Kennedy	✓	
Cr Martens		✓
Cr Cavalier	✓	

Cr Paine	✓
Cr Karavas	✓
Cr O'Neill	✓
Cr Holden	✓

6.2 MULTI-USE ART FACILITY - KANDOS.

GOV400066, A0100035, P1538911

253/18 MOTION: O'Neill / Paine

That Council support in principle the concept of working with Cementa on the multi-use art facility proposal and purchase of 71 Angus Avenue, Kandos, dependent on relevant valuations and Council resolutions related to any expenditure.

AMENDMENT: Martens

That Council support in principle the concept of working with Cementa on the multi-use art facility proposal and enter into a partnership for the purchase of 71 Angus Avenue, Kandos, dependent on relevant valuations and Council resolutions related to any expenditure.

The amendment lapsed for want of a seconder.

The motion was put and carried with the Councillors voting unanimously.

Item 7: Office of the General Manager

7.4 COUNCIL MEETING SCHEDULE FOR 2019

GOV400066, GOV400054

254/18 MOTION: Shelley / Cavalier

That Council:

- 1. receive the report by the Director Community on the Council Meeting Schedule for 2019; and**
- 2. confirm the Council Meetings for 2019 as follows:**
 - Wednesday 20 February 2019**
 - Wednesday 20 March 2019**
 - Wednesday 17 April 2019**
 - Wednesday 15 May 2019**

Wednesday 19 June 2019

Wednesday 17 July 2019

Wednesday 21 August 2019

Wednesday 18 September 2019

Wednesday 16 October 2019

Wednesday 20 November 2019

Wednesday 11 December 2019

The motion was carried with the Councillors voting unanimously.

7.5 INTERNAL AUDIT POLICY AND AUDIT, RISK AND
IMPROVEMENT COMMITTEE CHARTER

GOV400066, COR400001

255/18

MOTION: Paine / Cavalier

That Council:

1. receive the report by the Executive Manager, Human Resources on the Internal Audit Policy and Audit, Risk and Improvement Committee Charter;
2. adopt the Internal Audit Policy;
3. adopt the Audit, Risk and Improvement Committee Charter;
4. nominate Councillor O'Neill on the Audit, Risk and Improvement Committee;
5. advertise for expressions of interest for independent Audit, Risk and Improvement Committee Members; and
6. receive a further report following the expressions of interest to consider any applications for independent members and to appoint the independent members.

The motion was carried with the Councillors voting unanimously.

Councillor Holden declared a pecuniary conflict of interest in item 7.6 as he is a Director of DNCO which employs a director of Cementa, left the Chambers at 6:07pm and did not participate in discussion or vote in relation to this matter.

7.6 MRTI QUARTERLY REPORT - APRIL 2018 TO JUNE 2018

GOV400066, F0770077

256/18

MOTION: Shelley / Martens

That Council receive the report by the General Manager on the MRTI Quarterly Report - April 2018 to June 2018.

The motion was carried with the Councillors voting unanimously.

Councillor Holden returned to the Chambers at 6:08pm.

Councillor Cavalier declared a pecuniary conflict of interest in item 8.1 as he has a business relationship with one of the existing car wash businesses in the region, left the Chambers at 6:08pm and did not participate in discussion or vote in relation to this matter

Item 8: Development

8.1 DA0220/2018 - CHANGE OF USE - RMS OFFICE TO VALET CAR WASH AND CAFE - 13 PERRY STREET, MUDGEE
GOV400066, DA0220/2018

257/18 MOTION: Shelley / Karavas

That Council:

- A. receive the report by the Senior Town Planner on the DA0220/2018 - Change of Use - RMS Office to Valet Car Wash and Cafe - 13 Perry Street, Mudgee;**
- B. approve DA0220/2018 - Change of Use - RMS Office to Valet Car Wash and Cafe - 13 Perry Street, Mudgee subject to the following conditions, and statement of reasons:**

CONDITIONS

PARAMETERS OF CONSENT

- 1. Development is to be carried out in accordance with the following plans endorsed with Council's Stamp as well as the documentation listed below, except as varied by the conditions herein.**

Title/Name	Drawing No/ Document Ref	Revision/ Issue	Dated	Prepared by
Existing and Demolition Overall Plan	SK-01	P4	14/06/18	Michael Carr Architect
Proposed Overall Plan	SK-02	P4	14/06/18	Michael Carr Architect
Proposed Local Plan	SK-03	P4	14/06/18	Michael Carr

				Architect
Elevations	SK-04	P3	14/06/18	Michael Carr Architect
Title Sheet & Site Locality	C001	C	12/06/18	Geolyse
Proposed Site Layout Plan	C003	C	12/06/18	Geolyse
Vehicle Turning Paths, Sheet 1 of 2	C004	C	12/06/18	Geolyse
Vehicle Turning Paths, Sheet 2 of 2	C005	C	12/06/18	Geolyse
Proposed Stormwater Layout Plan	C006	C	12/06/18	Geolyse
Proposed Trade Waste Treatment Layout Plan	C007	C	12/06/18	Geolyse
Trade Waste Process Flow Chart for Café Kitchen	C008	C	12/06/18	Geolyse
Trade Waste Process Flow Chart for Car Washing Area	C009	C	12/06/18	Geolyse

2. 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.
3. This development consent does not include approval for any signage for the approved development. A separate Development Consent or Complying Development Certificate may be required for signage, if the signage is not exempt development.

Note: Only business identification signs are permissible on the subject site.

4. This approval includes approval for:
 - a) The use and development of the site for the purposes of a valet car washing service and ancillary café.
 - b) The provision of on-site parking and vehicle holding bays to accommodate the needs of the development.
 - c) The widening of driveway crossovers.
 - d) The use of 2 on-street car parking spaces, directly in front of the site, for the purposes of the approved development.
 - e) Connection of water, sewer and stormwater services to the development.
5. This consent does not permit commencement of any site

works. Works are not to commence until such time as a Construction Certificate has been obtained and the appointment of a Principal Certifier.

GENERAL

- 6. All building work is to comply with the requirements of the Access to Premises Standard.**
- 7. 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.**
- 8. All building, earth and pavement 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.**
- 9. 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.**
- 10. The car wash facility must be designed and operated in accordance with the following:**
 - a) Staff are to undertake all washing of vehicles on the premises.**
 - b) No self-serve customer washing of vehicles is to occur.**
 - c) No coin operated car washing facilities are to be provided on the subject site.**
 - d) The car wash facility is to be operated in conjunction with the on-site café at all times.**
 - e) A late fee, or alternative deterrent, is to be used to ensure that customers remove cleaned vehicles from the site in a timely manner.**
 - f) Only two (2) car washing bays are to be in use at any one time.**
- 11. Costs associated with all development works including any necessary alterations to, or 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.**
- 12. Any damage which is caused to Council's infrastructure as a result of the proposed development must be repaired immediately to Council's satisfaction and at no cost to Council.**

PRIOR TO ISSUE OF THE CONSTRUCTION CERTIFICATE

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

Building

13. 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 Council.
14. Consent from Council must be obtained for all works within the road reserve pursuant to Section 138 of the Roads Act 1993, prior to the issue of a Construction Certificate.
 - a) Details of the provision of tactile surface indicators for the blind, located at all edges between the concrete footpath and the driveway crossovers for the development. The details of the tactile surface indicators must comply with the provisions of Australian Standard AS/NZS 1428.4.1:2009 – Design for access and mobility – Means to assist the orientation of people with vision impairment – Tactile ground surface indicators.
 - b) The works to be covered by this approval are to include alteration of crossovers and drainage works.

Note: A separate fee is payable for the Section 138 application.

15. Pursuant to clause 94 of the Environmental Planning and Assessment Regulation 2000, the existing building shall be brought into conformity with the following Performance Requirements of the BCA, Volume 1:
 - a) DP4 – Exits must be provided to allow occupants to evacuate safely.
 - b) DP6 – So that occupants can safely evacuate the building, paths of travel to exits must have dimensions appropriate to:
 - (i) the number, mobility and other characteristics of occupants; and
 - (ii) the function or use of the building.
 - c) EP1.2 – Fire extinguishers must be installed to the degree necessary to allow occupants to undertake initial attack on a fire appropriate to:
 - (i) the function or use of the building; and
 - (ii) the fire hazard.

- d) **EP4.2 – To facilitate evacuation, suitable signs or other means of identification, must, to the degree necessary, be provided to:**
- (i) **identify the location of exits;**
 - (ii) **guide occupants to exits;**
 - (iii) **be clearly visible to occupants; and**
 - (iv) **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.

Pedestrian Link

16. **Prior to the issue of a Construction Certificate involving above-ground building works, details of the pedestrian link between the car-holding bays at the Perry Street entrance to the property and the al-fresco café area are to be submitted to and approved by Council.**

Heritage

17. **Prior to the issue of a Construction Certificate involving above-ground building works, the details of the external materials and colours used for the following building elements are to be submitted to and approved by Council:**
- a) **Shade structure.**
 - b) **Car wash roof structure.**
 - c) **Pergola over al fresco area.**
 - d) **Changes to the façade of the existing building.**
 - e) **Pedestrian link between the holding bays and the pergola.**

Note: The proposed use of yellow on the columns and fascia is not supported.

Trade Waste

18. **A Construction Certificate for the approved use is not to be issued until any necessary approvals under Section 68 of the Local Government Act 1993 to dispose of waste into a sewer of the council (eg liquid trade waste) have been obtained.**

Contributions and Levies

19. **Long service levy must be paid to the Long Service Payment Corporation, prior to the issue of any Construction Certificate. The amount payable is currently based on 0.35% of the cost of**

work. This is a State Government Levy and is subject to change.

20. Prior to the issue of any Construction Certificate, the developer shall obtain a Certificate of Compliance under the Water Management Act 2000. This will require:

- a) Payment of contributions for water and sewerage headworks at the following rate, subject to adjustment:

Section 64 Contributions			
Proposed Car Wash Service and Café			
	ET's	2018-2019 Rate	Contribution Payable
Water Headworks	3.844	\$8,407.00	\$31,316.50
Sewer Headworks	3.844	\$3,838.00	\$14,753.27
Total Headworks			\$46,069.77

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

Note: Section 64 Developer Contributions are subject to the Consumer Price Index increase at 1 July each year. Please contact Council's Development Directorate regarding any adjustments.

21. In accordance with the provisions of Section 7.11 of the Environmental Planning & Assessment Act 1979 and the Council's Section 94 Development Contributions Plan 2005-2021, 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 increase in accordance the consumer price index and are payable at the rate applicable

Section 94 Contributions		
Commercial (increase in commercial floor area of 68m ² – pergola for café)		
Mudgee Town Centre (Catchment 1)	Per m ²	68m ²
Civic Improvements		
Civic Improvements	\$192.00	\$13,056.00
Administration		
Plan Administration	\$10.00	\$680.00

at the time of payment.

Total	\$202.00	\$13,736.00

Note - any unpaid Contributions or charges nominated in the development consent will be indexed to CPI at the beginning of each new financial year.

Stormwater

- 22. Details of the drainage and pavement works are to be submitted to and approved by Council, prior to the issue of a Construction Certificate for civil works.**
- 23. A detailed Operational Management Plan is to be submitted to and approved by Council, prior to the issue of a Construction Certificate involving civil works. The Operational Management Plan must specifically provide procedures and control measures to address, but not be limited to, the following matters:**
- a) A schedule for the inspection, servicing and cleaning of waste water treatment, oil separation and grease trap devices installed for both the café and car wash areas; and**
 - b) A specific procedure to be carried out, including control measures, in the event of failure or blockage of the collection sump, solids settlement tank, wash bay pump and oil/water separator that may result in overflow or discharge of contaminated liquids entering Council's stormwater drainage system; and**
 - c) The steps to be taken to prevent bunded wash areas filling and overflowing into the stormwater drainage system in the event of failure or blockage.**

Food Premises

- 24. To ensure that adequate provision is made for the cleanliness and maintenance of all food preparation areas, all work involving construction or fitting out of the premises shall comply with the requirements of Australian Standard 4674-2004 – "Design, Construction and Fit-Out of Food Premises", Food Act 2003, the provisions of the Food Safety Standards Code (Australia) and the conditions of development consent. Details demonstrating compliance are to be submitted to the Principal Certifier prior to release of the Construction Certificate.**

Access and Parking

- 25. The aisle widths, internal circulation, ramp widths and grades**

of the car park are to conform to the Roads and Maritime Services (RMS) guidelines and Australian Standard AS 2890.1 – 1993. Details of compliance are to be shown on the relevant plans and specifications.

26. Each access provided must comply with Council's Access to Properties Policy, AUSTRROADS Part 4/4A and any associated RMS supplements.

Waste Management

27. Prior to the issue of a Construction Certificate that involves above ground works, a Waste Management Plan is to be submitted to and approved by Council. The Waste Management Plan is to include the following details:
- a) Waste management during construction.
 - b) A plan of the garbage bin storage area.
 - c) Details of the method and regime for washing down the bin storage area.
 - d) Details of the method and regime for washing bins.
 - e) Details of how and where refuse will be collected from the bins. Refuse collection must involve no conflict with pedestrian pathways.
 - f) Details of the amount and type of expected waste generation and storage and collection requirements of each waste stream.
 - g) Details of waste collection arrangements from the site, including volume and frequency.
 - h) Details of the location of the destination of the waste.
 - i) Details of odour control.
 - j) A monitoring and review regime for the Waste Management Plan.

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

Noise

28. Prior to the issue of a Construction Certificate for any above ground works, details of the acoustic barrier fencing are to be submitted to and approved by Council. The acoustic barrier fencing is to comply with the recommendations of Development Application (DA) Noise Assessment, Report No BA180507, Version B (Blackett Acoustics, June 2018) [the Blackett Acoustics Report], including:
- a) The acoustic barrier fence is to be located as shown in Figure 6-2 of the Blackett Acoustics Report. The fence may extend further than the extent shown in Figure 6-2, but not lesser than the extent shown in Figure 6-2.
 - b) The acoustic barrier fence shall have a minimum height

- of 1.8m above the finished surface level of the adjacent vacuum bay.
- c) The acoustic barrier fence is to be constructed from any of the following materials:
- (i) Solid brick masonry;
 - (ii) Aerated concrete masonry;
 - (iii) Fibre cement sheet at least 6mm thick;
 - (iv) 20mm thick solid plywood;
 - (v) Minimum 15mm thick acrylic;
 - (vi) Minimum 6mm thick glass;
 - (vii) Other material with a mass-per-unit-area of at least 10kg/m²; or
 - (viii) Any combination of the above.
- d) The details of the acoustic barrier fencing are to be approved and included in any Construction Certificate issued for any above ground works.

PRIOR TO THE COMMENCEMENT OF WORKS - BUILDING

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

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

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

30. 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.
31. 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 a public place. Any such hoarding, fence or awning is to be removed when the work has been completed.

32. The site shall be provided with a waste enclosure (minimum 1800mm X 1800mm X 1200mm) that has a lid or secure covering for the duration of the construction works to ensure that all wastes are contained on the site. The receptacle is to be emptied periodically to reduce the potential for rubbish to leave the site. Council encourages the separation and recycling of suitable materials.
NOTE: ALL WASTE GENERATED FROM THE CONSTRUCTION PROCESS IS TO BE CONTAINED ON-SITE.
33. 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.

DURING CONSTRUCTION

Demolition

34. Demolition works are to be carried out in accordance with the relevant provisions of Australian Standard AS2601:2001: Demolition of structures.

Building and General Works

35. All plumbing and drainage work must be carried out by a licensed plumber and drainer and must comply with the Plumbing Code of Australia.
36. All mandatory inspections required by the Environmental Planning & Assessment Act 1979 and any other inspections deemed necessary by the Principal Certifier being carried out during the relevant stage of construction.
37. All stormwater is to discharge to the street with the use of non-flexible kerb adaptors. Please note this can be achieved by connecting to existing stormwater lines.
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.
39. 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.

40. The development site is to be managed for the entirety of work in the following manner:
- a) Erosion and sediment controls are to be implemented to prevent sediment from leaving the site. The controls are to be maintained until the development is complete and the site stabilised with permanent vegetation;
 - b) Appropriate dust control measures;
 - c) Construction equipment and materials shall be contained wholly within the site unless approval to use the road reserve has been obtained; 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.
41. 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.
42. If the development involves an excavation that extends below the level of the base of the footings of a building, structure or work (including any structure or work within a road or rail corridor) an adjoining land, the person having the benefit of the development consent must, at the person's own expense:
- a) Protect and support the building, structure or work from possible damage from excavation; and
 - b) Where necessary, underpin the building, structure or work to prevent such damage.

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

Access and Parking

43. The footpath and driveway levels are not to be altered outside the property boundary without Council's permission. Driveways installed over public footpaths must match the existing footpath profile.
44. Vehicular entrances comprising kerb laybacks (where roll kerb and gutter does not exist) and concrete footway crossings are to be provided in accordance with the approved plans. These should be constructed in accordance with Aus-Spec #1, Council's "Access to Properties" Policy and any approval issued in accordance with Section 138 of the Roads Act 1993.

Concrete must not be poured until the excavation, formwork

and reinforcing has been inspected by Council. The contractor/owner must arrange an inspection by contacting Council's Operations Directorate between 8.00am and 4.30pm Monday to Friday, giving at least twenty four (24) hours notice.

Failure to have the work inspected may result in the access being removed and reconstructed at the contractor's/owner's expense.

45. A total of 17 on-site car parking spaces, including one disabled access parking space are to be provided within the site of the development and comply with AS 2890.1:2004 and AS2890.6:2009 and the following requirements:
- a) All vehicles must be provided adequate means to exit the lot in a forward direction.
 - b) Each car parking space is to have minimum dimensions of 5.4m x 2.6m;
 - c) Each disabled car parking space is to be in accordance with the provisions of AS 2890.6:2009;
 - d) All car parking spaces, accesses and vehicle manoeuvring areas are to be line-marked and sealed with bitumen or concrete; and
 - e) The aisle widths, internal circulation, ramp widths and grades of the car park are to conform to the Roads and Traffic Authority Guide to Traffic Generating Developments 1992 and Australian Standard AS2890.1 – 2004.

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.

46. Prior to the occupation of a new building, or occupation or use of an altered portion of, or an extension to an existing building, an Occupation Certificate is to be obtained from the Principal Certifier appointed for the erection of the building.
47. Prior to the issue of an Occupation Certificate or the commencement of use, the following works in relation to access, car parking, associated manoeuvring areas and pedestrian safety are to be completed:
- a) The car parking area must be set out and clearly delineated in accordance with the requirements of Australian Standard AS 2890.1:2004 Parking Facilities Part 1: Off-street Car Parking.
 - b) Signage to indicate that an 8.8m long vehicle is the largest vehicle that may enter the site is to be erected so that it is clearly visible from the Perry Street entry into the

- property.
- c) **Signage (external and internal) to indicate direction of traffic flow and the entry and exit points is to be provided. The signage must be provided in accordance with the standards and requirements set out in Australian Standard AS 1742.1-2014 Manual of uniform traffic control devices, Part 1: General introduction and index of signs.**
 - d) **Driveway accesses are to be widened in accordance with the Section 138 Roads Act 1993 approval.**
 - e) **Tactile surface indicator for the blind are to be provided at the edges between the footpath and driveway crossovers in accordance with the Section 138 Roads Act 1993 approval.**
48. **Prior to occupation or the issue of the Occupation Certificate the owner of the building must cause the Principal Certifier to be given a fire safety certificate (or interim fire safety certificate in the case of a building or part of a building occupied before completion) in accordance with 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 Fire and Rescue NSW and a copy is to be prominently displayed in the building.**
49. **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.**
50. **Prior to the commencement of use, the Developer must construct all stormwater drainage and systems for the collection of wash bay runoff in accordance with the details as shown on the approved plans.**
51. **Prior to commencement of use, water efficient tapware and water closets are to be installed within the development. The pressure washers provided for the wash bay are to be high pressure washers, such as Kerrick EI151CW pressure washers.**
52. **All unsealed open spaces on the site are to be landscaped, prior to commencement of the use.**
53. **Acoustic fencing is to be erected in accordance with recommendations contained in Development Application (DA) Noise Assessment, Report No BA180507, Version B (Blackett Acoustics, June 2018) [the Blackett Acoustics Report], as superseded by the acoustic barrier details approved as part of the Construction Certificate - prior to occupation of the development and/or commencement of the use.**

GENERAL/OPERATIONAL CONDITIONS

- 54. For every 12 month period after the issue of the Final Fire Safety Certificate the owner/agent of the building must provide the Council and the Commissioner of Fire and Rescue NSW with a copy of an Annual Fire Safety Statement certifying that each specified fire safety measure is capable of performing to its specification.**
- 55. Where any essential services are installed in the building a copy of the final Fire Safety Certificate (together with a copy of the current fire safety schedule) is to be given to the Commissioner of Fire and Rescue NSW and Council. A further copy of the Certificate (together with a copy of the current fire safety schedule) is to be prominently displayed in the building.**
- 56. The hours of operation of the whole development are to be limited to the following:
 - a) 7am to 6pm, seven (7) days per week.****
- 57. The hours of operation of the café component of the use are to be at least the following:
 - a) 7am to 3pm, seven (7) days per week.****
- 58. The operator shall ensure that perimeter gates to the development site are to be closed and locked outside the operating hours of the development.**
- 59. 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.**
- 60. The pavement surface for the on-site car parking and associated manoeuvring areas are to be maintained in a workable condition at all times. Any damage to the pavement surface is to be repaired as soon as practicable.**
- 61. All line-marking for the on-site car parking spaces and footpath areas are to be maintained in a visible condition, at all times.**
- 62. All loading and unloading in connection with the premises shall be carried out wholly within the site. This condition does not apply to garbage collection.**
- 63. All vehicles for cleaning and being stored for pick up are to be stored within on-site parking spaces. Parking spaces within Byron Place public car park are not to be used for the car washing operation.**
- 64. 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.

65. Garbage areas are to be adequately screened from public view with an opaque fence and/or adequate landscaping.
66. All requirements of the Operational Management Plan must be implemented prior to the commencement of use and maintained to Council satisfaction for the duration of the approved activities on the premises.
67. Car washing operations are to be undertaken in such a manner that adjoining roads, parking areas and developments are not adversely affected by spray drift.
68. All waste and waste areas are to be managed in accordance with the approved Waste Management Plan. Should any amenity impacts arise as a result of the bin storage or bin collection, an amended Waste Management Plan, providing solutions to address the identified impacts, is to be submitted to and approved by Council.
69. Bulk detergents, degreasers and any other volatile substances used in the car wash facility must be kept in a bunded area/container with a storage capacity equal to 110% of the volume of liquid to be stored.
70. The development is to be maintained in a clean and tidy manner, at all times.

Food Safety

71. The premises shall, at all times, be operated and maintained in accordance with Food Safety Standards 3.1.1, 3.2.2 and 3.2.3 prescribed in chapter 3 of the Australia and New Zealand Food Standards Code.

ADVISORY NOTES

- 1 The removal of trees within any road reserve requires the separate approval of Council in accordance with the policy "Tree Removal and Pruning – Public Places".
- 2 The land upon which the subject building is to be constructed may be affected by restrictive covenants. This approval is issued without enquiry by Council as to whether any restrictive covenant affecting the land would be breached by the construction of the building, the subject of this approval. Persons to whom this approval is issued must rely on their own enquiries as to whether or not the building breaches any such covenant.

- 3 Sections 8.2, 8.3, 8.4 and 8.5 of the Environmental Planning and Assessment Act 1979 gives you the ability to seek a review of the determination. This request is made to Council and must be made within 6 months after the date on which you receive this notice. The request must be made in writing and lodged with the required fee; please contact Council's Planning and Development Department for more information or advice.
- 4 If you are dissatisfied with this decision Sections 8.7 and 8.10 of the Environmental Planning and Assessment Act 1979 gives you the right to appeal to the Land and Environment Court within 6 months after the date on which you receive this notice.
- 5 To ascertain the date upon which the consent becomes effective, refer to Sections 4.20 and 8.13 of the Environmental Planning and Assessment Act 1979.
- 6 To ascertain the extent to which the consent is liable to lapse, refer to Section 4.53 of the Environmental Planning and Assessment Act 1979.
- 7 The development is to operate so as to not emit offensive noise, as defined in the Protection of the Environment Operations Act 1997.
- 8 The development is to operate so as to not emit offensive noise, as defined in the Protection of the Environment Operations Act 1997.

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 proposed development satisfactorily addresses the issues raised in objections received in response to public notification of the proposed development, as follows:
 - (a) The traffic and parking impacts of the development are acceptable.
 - (b) Vehicle access into and out of the site will be safe.
 - (c) There will be no unreasonable impact on pedestrian safety.
 - (d) Conditions on the development consent will

- require the provision of tactile surface indicators in the footpath to improve the safety of blind people.
- (e) Sufficient detail has been provided to enable an assessment of the application.
 - (f) The proposed development will not have an adverse impact on heritage character or aesthetic impact, subject to conditions.
 - (g) The proposed development will not have an adverse noise impact, subject to conditions.
 - (h) The proposed development is suitable for the site.
 - (i) The proposed development will not have an adverse impact on tourism.
 - (j) The proposal development will not have an adverse economic impact.

The motion was carried with the Councillors voting unanimously.

Councillor Cavalier returned to the Chambers at 6:09pm.

8.2 DA0305/2018 - HOME INDUSTRY - BUTCHER - 226
MELROSE ROAD, MOUNT FROME

GOV400066, DA0305/2018

258/18

MOTION: Shelley / Karavas

That Council:

- A. receive the report by the Town Planner on DA0305/2018 - Home Industry - Butcher - 226 Melrose Road, Mount Frome;
- B. approve DA0305/2018 - Home Industry - Butcher - 226 Melrose Road, Mount Frome subject to the following conditions, and statement of reasons:

APPROVED PLANS

1. Development is to be carried out in accordance with the following plans endorsed with Council's Stamp as well as the documentation listed below except as varied by the conditions herein.

Title/Name	Plan No.	Rev	Dated	Prepared by
Site Plan (as amended in red)	-	-	-	Applicant
Floor Plan (as amended in red)	-	-	-	Applicant

2. This development consent provides approval for a home industry - butcher, only.

PRIOR TO THE ISSUE OF A CONSTRUCTION CERTIFICATE

3. To ensure that adequate provision is made for the cleanliness and maintenance of all food preparation areas, all work involving construction or fitting out of the premises shall comply with the requirements of Australian Standard 4674-2004 – “Design, Construction and Fit-Out of Food Premises”, Food Act 2003, the provisions of the Food Safety Standards Code (Australia) and the conditions of development consent. Details demonstrating compliance are to be submitted to the Principal Certifier prior to release of the Construction Certificate.
4. 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.

PRIOR TO THE COMMENCEMENT OF BUILDING WORKS

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

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

6. 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

7. 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 Certifier for the work; and
 - d) the sign shall be removed when the erection or demolition of the building has been completed.

BUILDING CONSTRUCTION

8. 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.
9. All plumbing and drainage work must be carried out by a licensed plumber and drainer and must comply with the Plumbing Code of Australia.
10. 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.
11. All mandatory inspections required by the Environmental Planning & Assessment Act 1979 and any other inspections deemed necessary by the Principal Certifier being carried out during the relevant stage of construction.
12. 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 & Assessment Regulation 2000.

GENERAL

13. 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.
14. The approved hours of operation for the home industry – butcher are restricted to:
 - 6am - 8pm Monday – Sunday.
15. The premises shall be limited to processing a maximum of four (4) beasts per week. All work and storage is limited to the approved 22m² floor area.
16. Any sink associated with the home industry shall be fitted with a commercial grade sink arrestor.
17. Any excess solid waste, including that collected from sink arrestors, is to be disposed of at a licensed waste facility.

- 18. The premises shall be at all times operated and maintained in accordance with the NSW Food Act 2003, Food Regulation 2015, Australia & New Zealand Food Standards Code and any other requirements of the NSW Food Authority.
Note. The applicant is required to conform should the Food Authority require any amendments or improvements to the fitout of the premises**
- 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. For every 12 month period after the issue of the Final Fire Safety Certificate the owner/agent of the building must provide the Council and the Commissioner of Fire and Rescue NSW with a copy of an Annual Fire Safety Statement certifying that each specified fire safety measure is capable of performing to its specification.**
- 21. Where any essential services are installed in the building a copy of the final Fire Safety Certificate (together with a copy of the current fire safety schedule) is to be given to the Commissioner of Fire and Rescue NSW and Council. A further copy of the Certificate (together with a copy of the current fire safety schedule) is to be prominently displayed in the building.**

PRIOR TO ISSUE OF THE OCCUPATION CERTIFICATE

- 22. Prior to the occupation of a new building, or occupation or use of an altered portion of, or an extension to an existing building, an Occupation Certificate is to be obtained from the Principal Certifier appointed for the erection of the building.**
- 23. Prior to occupation or the issue of the Occupation Certificate (or Interim Occupation Certificate) the owner of the building must cause the Principal Certifier to be given a fire safety certificate (or interim fire safety certificate in the case of a building or part of a building occupied before completion) in accordance with Clause 153 of the Environmental Planning & 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 Fire and Rescue NSW and a copy is to be prominently displayed in the building.**
- 24. Occupation of the premises shall not occur until:**
 - Notification of the food premises to the NSW Food Authority under Standard 3.2.2 Division 2 Section 4 Notification. This requirement is to be met by notifying through the following website www.foodnotify.nsw.gov.au;**

and

- Evidence of compliance of the above shall be submitted to Council prior to commencement of business.

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.

AMENDMENT: O'Neill / Martens

That Council:

- A. receive the report by the Town Planner on DA0305/2018 - Home Industry - Butcher - 226 Melrose Road, Mount Frome;
- B. approve DA0305/2018 - Home Industry - Butcher - 226 Melrose Road, Mount Frome subject to the following conditions, and statement of reasons:

APPROVED PLANS

1. Development is to be carried out in accordance with the following plans endorsed with Council's Stamp as well as the documentation listed below except as varied by the conditions herein.

<i>Title/Name</i>	<i>Plan No.</i>	<i>Rev</i>	<i>Dated</i>	<i>Prepared by</i>
Site Plan (as amended in red)	-	-	-	Applicant
Floor Plan (as amended in red)	-	-	-	Applicant

2. This development consent provides approval for a home industry - butcher, only.

PRIOR TO THE ISSUE OF A CONSTRUCTION CERTIFICATE

3. To ensure that adequate provision is made for the cleanliness and maintenance of all food preparation areas, all work involving construction or fitting out of the premises shall comply with the requirements of *Australian Standard 4674-2004 – "Design, Construction and Fit-Out of Food Premises"*, *Food Act 2003*, the provisions of the *Food Safety Standards Code (Australia)* and the conditions of development consent. Details demonstrating

compliance are to be submitted to the Principal Certifier prior to release of the Construction Certificate.

4. 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.

PRIOR TO THE COMMENCEMENT OF BUILDING WORKS

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

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

6. 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

7. 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 Certifier for the work; and
 - d) the sign shall be removed when the erection or demolition of the building has been completed.

BUILDING CONSTRUCTION

8. 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.
9. All plumbing and drainage work must be carried out by a licensed plumber and drainer and must comply with the Plumbing Code of Australia.
10. Construction work noise that is audible at other premises is to be

restricted to the following times:

- a) Monday to Saturday – 7.00am to 5.00pm

No construction work noise is permitted on Sundays or Public Holidays.

11. All mandatory inspections required by the *Environmental Planning & Assessment Act 1979* and any other inspections deemed necessary by the Principal Certifier being carried out during the relevant stage of construction.
12. 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 & Assessment Regulation 2000*.

GENERAL

13. 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.
14. The approved hours of operation for the home industry – butcher are restricted to:
 - 8am - 6pm Monday – Sunday.
15. The premises shall be limited to processing a maximum of four (4) beasts per week. All work and storage is limited to the approved 22m² floor area.
16. Any sink associated with the home industry shall be fitted with a commercial grade sink arrestor.
17. Any excess solid waste, including that collected from sink arrestors, is to be disposed of at a licensed waste facility.
18. The premises shall be at all times operated and maintained in accordance with the *NSW Food Act 2003, Food Regulation 2015*, Australia & New Zealand Food Standards Code and any other requirements of the NSW Food Authority.
Note. The applicant is required to conform should the Food Authority require any amendments or improvements to the fitout of the premises
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. For every 12 month period after the issue of the Final Fire Safety Certificate the owner/agent of the building must provide the Council and the Commissioner of Fire and Rescue NSW with a copy of an Annual Fire Safety Statement certifying that each specified fire safety measure is capable of performing to its specification.
21. Where any essential services are installed in the building a copy of the final Fire Safety Certificate (together with a copy of the current fire safety schedule) is to be given to the Commissioner of Fire and Rescue NSW and Council. A further copy of the Certificate (together with a copy of the current fire safety schedule) is to be prominently displayed in the building.

PRIOR TO ISSUE OF THE OCCUPATION CERTIFICATE

22. Prior to the occupation of a new building, or occupation or use of an altered portion of, or an extension to an existing building, an Occupation Certificate is to be obtained from the Principal Certifier appointed for the erection of the building.
23. Prior to occupation or the issue of the Occupation Certificate (or Interim Occupation Certificate) the owner of the building must cause the Principal Certifier to be given a fire safety certificate (or interim fire safety certificate in the case of a building or part of a building occupied before completion) in accordance with Clause 153 of the *Environmental Planning & 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 Fire and Rescue NSW and a copy is to be prominently displayed in the building.
24. Occupation of the premises shall not occur until:
 - Notification of the food premises to the NSW Food Authority under Standard 3.2.2 Division 2 Section 4 Notification. This requirement is to be met by notifying through the following website www.foodnotify.nsw.gov.au; and
 - Evidence of compliance of the above shall be submitted to Council prior to commencement of business.

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 amendment was put and lost with Councillors voting as follows:

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

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

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

Councillor Kennedy declared a pecuniary conflict of interest in item 8.3 as the developer is purchasing the property, through deferred settlement, which is owned by Cr Kennedy. He left the Chambers at 6:15pm and did not participate in discussion or vote in relation to this matter.

Deputy Mayor, Cr Paine proceeded to chair the meeting.

8.3 DA0225/2018 - RESIDENTIAL SUBDIVISION - 77 AND 81 BELLEVUE ROAD, MUDGEES

GOV400066, DA0225/2018

259/18 MOTION: Shelley / Karavas

That Council:

- A. receive the report by the Senior Town Planner on the DA0225/2018 - Residential Subdivision - 77 and 81 Bellevue Road, Mudgee;**
- B. approve the request to defer payments of S94 and S64 contributions for a maximum period of 6 months as specified in recommended condition 56; and**
- C. approve DA0225/2018 - Residential Subdivision - 77 and 81 Bellevue Road, Mudgee subject to the following conditions, and statement of reasons:**

GENERAL CONDITIONS

1. Development is to be carried out generally in accordance with the following stamped plans, except where amended as required by following conditions. Approved documentation may include any Planning or Engineering reports submitted with and in support of the Application as detailed below.

Plan / Drawing No.	Plan Title	Rev.	Date	Prepared by
28469_P02	Existing Site Plan Sheet 1 of 4	F	12.06.2018	Barnson
28469_P02	Plan of Proposed Subdivision Sheet 2 of 4	F	12.06.2018	Barnson
28469_P02	Proposed Water Reticulation Plan Sheet 3 of 4	F	12.06.2018	Barnson
28469_P02	Proposed Sewer Plan Sheet 4 of 4	F	12.06.2018	Barnson
118186	Proposed Stormwater Management Plan – Sheet C001 of C003	01E	31.05.2018	Geolyse
118186	Upstream Stormwater Catchments Sheet C002 of C003	01E	31.05.2018	Geolyse
118186	Subdivision Stormwater Pre & Post development Catchment Plans – Sheet C003 of C003	01E	31.05.2018	Geolyse

Any minor modification to the approved plans other than as required by the following conditions will require the lodgement and consideration by Council of amended plans. Amended plans will need to be accompanied with supporting documentation and calculations where necessary. Major modifications will require the lodgement of a new development application.

2. The Proposed Concrete (or similar) Protection Wall (variable height) running along the southern and western boundaries of proposed Lot 1 and Lots 19 – 28, as shown on the approved Proposed Stormwater Management Plan, prepared by GEOLYSE do not form part of this approval.
3. Notwithstanding approved plans, 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.

4. The plan of proposed subdivision must be amended to the satisfaction of Council to provide only sufficient area of land required for stormwater control and construction of detention basin to be included in the drainage reserve lot. Any land not to be included in the drainage reserve lot is to be consolidated with proposed lot 5.

ROAD CONSTRUCTION

5. The Developer must provide for the design and construction for an upgrade of Bellevue Road for the full frontage of the proposed subdivision, such that the constructed road pavement has the following characteristics:

Item	Requirement
Road Pavement Width	11 m (Invert to Invert)
Seal	Two-coat flush seal -14/7 mm (Double/Double) as required
Kerb & Gutter	Roll back concrete kerb & gutter
Subsoil Drainage	Behind kerb if required
Underground Drainage	Where gutter flow exceeds 2.5m during minor events or adjacent to intersections.
Footpath	1.2m

6. The Developer must provide for the design and construction of all new roads in the subdivision in accordance with the following:

Item	Requirement
Road Pavement Width	9 m
Footpath Width	2 x 4.5 m
Concrete Footpaths	1.5 m wide
Seal	Two-coat flush seal -14/7 mm (Double/Double) as required
Kerb & Gutter	Roll back concrete kerb & gutter
Subsoil Drainage	Behind kerb if required
Underground Drainage	Where gutter flow exceeds 2.5m during minor events or adjacent to intersections.
Footpath (Road 1 only)	1.2m

7. The intersection of the new internal road with Bellevue Road is to be designed and constructed to include a median splitter island with signage to provide traffic control.
8. All road crossings for services and utilities are to cross perpendicular to the road alignment and must be installed prior to the commencement of construction of base course and kerb

and channel.

9. The internal road network must be designed with sufficient width to accommodate turning paths for service vehicles, with particular attention to cul-de-sac court bowls that must be provided with a radius suitable for rubbish collection vehicles and that require no reversing movements for collection of rubbish.
10. The finished surface of all nature strips and verges must be graded to fall toward the kerb and channel and formed with a minimum 100 mm thick layer of clean topsoil free of stones and other impurities. Nature strips and verges are to be seeded or hydro-mulched with an approved grass prior to the issue of a Certificate of Practical Completion.
11. Street trees of an approved species are to be provided at a minimum rate of two trees per allotment.
12. Street signs necessitated by the subdivision are to be installed in accordance with Aus-Spec #1 and Council standards.

STORMWATER

13. The Developer must provide for the design and construction of all stormwater drainage infrastructure to service the development. Drainage design must provide for control of runoff from all external upstream catchments. Drainage design must provide for sufficient detention capacity and restricted outlets to limit the rate of runoff from the development to existing un-developed levels for all large storm events up to and including a 1:100 year ARI storm event.
14. Drainage design for the proposed detention basin must be accompanied by fully detailed runoff calculations and a structural design for the proposed wall certified by a suitably qualified professional Engineer.
15. Drainage design must also incorporate suitable and appropriate water quality controls to prevent pollution or contamination of downstream environments.
16. Drainage design must ensure that no stormwater runoff is permitted to discharge over adjoining properties. Discharge of runoff onto adjoining properties and any works associated with the control of stormwater discharge over any adjoining property must not occur without the consent of the owner of any affected property.
17. Inter-allotment 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 3 metres wide shall be created over inter-allotment drainage in

favour of upstream allotments.

- 18. A minimum of two (2) approved roof-water outlets per allotment are to be provided in the kerb and gutter at the time of installation of kerb and gutter. Such outlets shall be located near the projected line of allotment side boundaries.**

WATER AND SEWER SERVICES

- 19. The applicant is to provide separate water and sewer reticulation services to each allotment within the subdivision.**
- 20. The developer is to extend and meet the full cost of water reticulations to service the development plus the cost of connecting to existing services. All water supply work is required to be carried out in accordance with the requirements of Mid-Western Regional Council (as the Water Supply Authority under the Local Government Act, 1993) and in accordance with the National Specification – Water Supply Code of Australia.**
- 21. The developer is to extend and meet the full cost of sewer reticulations to service the development plus the cost of connecting to existing services. All sewerage work is required to be carried out in accordance with the requirements of Mid-Western Regional Council (as the Water Supply Authority under the Local Government Act, 1993) and in accordance with the National Specification – Sewerage Code of Australia.**
- 22. 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 \$1844 per lot to cover the cost of installing both the service and a 20mm meter on the water main.**

Note: Council does not permit other bodies to insert new connections into 'live' water mains.

- 23. In the case of any lots that will be serviced by a water main constructed by the developer, a full water service is not required and the developer can elect to pay for a meter assembly only at a cost of \$390 for a 20 mm water meter.**
- 24. In the case of any lots that will be serviced by a sewer main constructed by the developer the sewer junctions required to service the proposed lots must be installed by the developer.**

CULTURAL HERITAGE

- 25. If any aboriginal artefacts are uncovered or identified during construction earthworks, such work is to cease immediately and the local aboriginal community and National Parks and Wildlife Service are to be notified.**

(Note: A suitably qualified person is required to be present during earthworks to identify whether any artefacts were uncovered).

PRIOR TO THE ISSUE OF A CONSTRUCTION CERTIFICATE – CIVIL

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

- Water and sewer main extensions
- Stormwater drainage such as inter-allotment drainage and detention basins
- Road construction
- Footpath and kerb & gutter
- Landscaping of public reserves

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

NOTE: Additional permits and approvals may also be required under other legislation, e.g. Plumbing and Drainage Act 2011, and Plumbing and Drainage Regulation 2017 for water and sewer infrastructure works.

27. Prior to the issue of a Construction Certificate a detailed engineering design, specifications, supporting documentation / reports and calculations, and schedules are to be submitted to and approved by Council. The engineering design is to comply with the technical and performance requirements of Council's Development Control Plan and the Standards referenced within Appendix B and D of that document.

Detailed documentation including, but not limited to the following matters, must be submitted with the detailed design. These documents include:

- Pavement design calculations (including an assessment of wearing surface)
- Runoff calculations
- Structural design for the proposed Stormwater detention basin certified by a suitably qualified professional Engineer

28. A Drainage Report submitted in support of detailed drainage design must be prepared in accordance with the Institution of Engineers publication Australian Rainfall and Run-off to the Principal Certifying Authority for approval prior to the issue of a 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, 5, 20 and 100 year ARI event. All stormwater detention details including analysis shall be included with the drainage report.

- 29. Prior to the issue of a Construction Certificate a Traffic Control Plan (TCP) completed by a "Certified Person" for implementation during works is to be submitted to Mid-Western Regional Council. All requirements of the Traffic Control Plan must be put in place and implemented prior to any work commencing.**
- 30. Prior to the commencement of any works 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.**
- 31. The detailed design plans submitted for the issue of a Construction Certificate must show all finished surface levels. 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.**
- 32. 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.**
- 33. An Erosion and Sediment Control Plan for the development is to be prepared and implemented in accordance with the LANDCOM guidelines and requirements as outlined in the latest edition of "Soils and Construction – Managing Urban Stormwater". Points to be considered include, but are not limited to:**
 - Saving available topsoil for reuse in the revegetation phase of the development;**
 - Using erosion control measures to prevent on-site damage;**
 - Rehabilitating disturbed areas quickly; and**
 - Maintenance of erosion and sediment control structures.**
- 34. Prior to the issue of the Construction Certificate, Council is to be provided with the certified copies of the Electrical and Telecommunications distribution network design for the subdivision.**
- 35. Prior to the commencement of any works within 40 metres of a prescribed waterway or creek (as defined in the Water management Act 2000), the proponent shall obtain a Section 91**

Activity Approval under the Water Management Act 2000 to carry out those works.

Note: Please contact the NSW Office of Water for more information in relation to this matter.

PRIOR TO COMMENCEMENT OF WORKS – CIVIL

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

- **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;**
- **Appropriate dust control measures;**
- **Construction equipment and materials shall be contained wholly within the site unless approval to use the road reserve has been obtained;**
- **Toilet facilities are to be provided on the work site at the rate of one toilet for every 20 persons or part of 20 persons employed at the site.**

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

38. Prior to commencement of works, the submission of three possible street/road names in order of preference, for the proposed new road within the subdivision, are to be submitted to Council for approval.

39. Prior to the commencement of subdivision works, the following actions are to be carried out:

- **A site supervisor is to be nominated by the applicant;**
- **Council is to be provided with two (2) days' notice of works commencing; and**
- **Council is to be notified in writing of any existing damage to Council's infrastructure.**

Note: Failure to comply with these conditions may result in damage to Council's infrastructure. Any damage will be rectified at the applicant's cost.

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

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

- b) **sediment control fences at the downslope perimeter of the cleared and/or disturbed area to prevent sediment and other debris escaping from the land to pollute any stream or body of water; 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.**

ENGINEERING CONSTRUCTION

- 41. The subdivision works are to be inspected by the Council (or an Accredited Certifier on behalf of Council) to monitor compliance with the consent and the relevant standards of construction, encompassing the following stages of construction:**
- **Installation of sediment and erosion control measures**
 - **Water and sewer line installation prior to backfilling**
 - **Establishment of line and level for kerb and gutter placement**
 - **Road Pavement construction**
 - **Road Pavement surfacing**
 - **Practical Completion**
- 42. The footpath and driveway levels are not to be altered outside the property boundary without Council's permission. Driveways installed over public footpaths must match the existing footpath profile.**
- 43. No trees on public property (footpaths, roads, reserves etc.) shall be removed or damaged during construction of the subdivision works including the erection of any fences or hoardings.**
- 44. 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.**
- 45. 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.**
- 46. 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.**
- 47. The works are to be undertaken in accordance with any Transgrid requirements.**

DEVELOPMENT CONTRIBUTIONS

48. In accordance with the provisions of the Environmental Planning and Assessment Act 1979 and the Mid-Western Regional Council Section 94 Development Contributions Plan, a contribution shall be paid to Council in accordance with this condition (annually adjusted for CPI) for the purpose of:

Catchment No. 2

Mudgee Catchments 1 & 2

Section 94 Contributions	Per Lot
Transport Management	
Traffic Management	\$1,282.00
Open Space	
Local Open Space	\$2,013.00
District Open Space	\$2,732.00
Community Facilities	
Library Buildings	\$263.00
Library Resources	\$316.00
Drainage	
Drainage Works	\$0.00
Administration	
Plan Administration	\$614.00
Total Per Lot	\$7,220.00

49. The developer shall obtain a Certificate of Compliance under the Water Management Act 2000. This will require:

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

Water Headworks	\$197,564.50
Sewerage Headworks	\$85,011.70
Total	\$282,576.20

Note: The above figures are calculated on the final number and sizes of lots and have included credits for the original two lots. Should only a partial number of the lots be released it will be necessary to obtain a quote from Council prior to payment.

PRIOR TO THE ISSUE OF SUBDIVISION CERTIFICATE

50. 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)

#. The final inspection report shall be submitted to Council with the Subdivision Certificate application.

51. A linen plan and two (2) copies are to be submitted to Council for approval and endorsement by the General Manager or other authorised person.

52. 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.

53. Following completion of the subdivision works, work-as-executed plans (WAE) are to be provided to Council in the following formats:

- PDF
- Dwg format or “Autocad compatible”

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.

54. Following completion of all engineering works a Defects Liability bond in a form acceptable to Council to the value of 5% of the value of all works must be lodged with Council to be held for a period of twenty-four (24) months to ensure any defects that become apparent during that time are remedied by the developer.

55. Any unpaid Contributions or charges nominated in the development consent will be indexed to CPI at the beginning of the new financial year.

56. Prior to issue of the Subdivision Certificate, Council is to be supplied with:

- a) A certificate of acceptance from the appropriate power authority indicating that satisfactory arrangements have been made for provision of reticulated electricity supply to each lot in the subdivision;
- b) Satisfactory evidence that arrangements have been made for the installation of fibre-ready facilities to all individual lots so as to enable fibre to be readily connected to any premises that may be constructed on those lots. This will need to include confirmation in writing from the carrier that they are satisfied that the fibre ready facilities are fit for purpose;
- c) Satisfactory evidence (usually by way of an agreement with a carrier) that arrangements have been made for the provision of fixed-line telecommunications infrastructure in the fibre-ready facilities to all

- individual lots; and
- d) All contributions must be paid to Council and all works required by the consent be completed in accordance with the consent. Alternatively, Council receives a bank guarantee for the contributions payable in respect of a stage which meets the requirements set out in clause 1.10 of the CP (94 & 64 plans) the contributions for that stage will be payable 6 months after the date of issue of the Subdivision Certificate for the stage.

57. Underground electricity, street lighting and telecommunications are to be supplied to the Subdivision in accordance with the relevant authorities' standards.

58. 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.

59. The developer is to grant Council unrestricted access to the site at all times to enable inspections or testing of the subdivision works.

60. The developer must provide Council and land purchasers with a site classification for each vacant 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 2.2.3 of AS 2870 - 1996. Results are to be submitted to Council prior to issue of the Subdivision Certificate.

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 Shelley	✓	
Cr Kennedy	✓	
Cr Martens		✓
Cr Cavalier	✓	

Cr Paine	✓
Cr Karavas	✓
Cr O'Neill	✓
Cr Holden	✓

Councillor Kennedy returned to the Chambers at 6:16pm and resumed the chair.

- 8.4 MA0005/2019 (DA121/87) - MODIFICATION TO QUARRY, PROCESSING PLANT, CONCRETE BATCHING PLANT AND PRE-COAT PLANT - 513 SPRING CREEK ROAD, GULGONG
GOV400066, P0270211

260/18

MOTION: Shelley / Karavas

That Council:

- A. receive the report by the Senior Town Planner for MA0005/2019 (DA121/87) - Modification to Quarry, Processing Plant, Concrete Batching Plant and Pre-coat Plant - 513 Spring Creek Road, Gulgong; and**
- B. approve in part MA0005/2019 (DA121/87) - Modification to Quarry, Processing Plant, Concrete Batching Plant and Pre-coat Plant - 513 Spring Creek Road, Gulgong, as follows:**
- I. Refuse the proposed removal of Condition 24.**
 - II. Amend Condition 28 as follows.**
- 28. The operator shall pay a cash contribution to Council based on the amount of material extracted and transported from the land, towards the upgrading and maintenance of Council's road system, with the following provisions to apply:**
- a) Submission of a return to Council relating to the amount of material in tonnes extracted and transported from the land within each financial year and thereafter for each financial year. Such return is to be submitted within fourteen days of the anniversary of each financial year and is to be in the form of a Statutory Declaration given by the owner or operator (or if the owner or operator is a Corporation, by a Director of that Corporation) and is to include:**
 - (i) Copies of all invoices and Company records relating to the amount extracted and transported.**
 - (ii) A detailed topographic survey by a**

registered surveyor indicating surface levels of the extraction areas immediately prior to the anniversary of the financial year, including a calculation of the amount extracted in the preceding twelve (12) months. Such calculation is to be made by a suitably qualified engineer or surveyor.

- b) **Payment of the contribution is to be made within thirty (30) days of Council's written notification of the amount of the contribution payable following submission of the required returns.**
 - (i) **The contribution is only applicable to the amount of material exceeding 50,000 tonnes per annum.**

Note: the current 2018-2019 contribution rate is \$0.87 per tonne of material removed from the site.

- c) **The contribution rate shall be subject to indexation in accordance with the Consumer Price Index.**
- d) **Council shall have the right to request and inspect all relevant records at any time, subject to prior written notice being provided by Council.**

**This condition has been imposed in accordance with Council's Section 94 Development Contributions Plan 2005-2021.
ADDED BY MA0012/2018 (P0270211).
AMENDED BY MA0005/2019 (P0270211).**

C. endorse the following Reasons for Decision to be added to the modified development consent, following the Advices.

- 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.
4. No submissions were received in response to public exhibition of the proposed development.
5. The decision is consistent with the comments received from Roads and Maritime Services.
6. There is insufficient justification to modify the haulage rate.

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

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

8.5 DA0292/2018 - CHILDCARE CENTRE ALTERATIONS & ADDITIONS - 27 FLEMING STREET, KANDOS
GOV400066, DA0292/2018

261/18

MOTION: Shelley / Martens

That Council:

- A. receive the report by the Senior Town Planner on the DA0292/2018 - Childcare Centre Alterations & Additions - 27 Fleming Street, Kandos; and
- B. approve DA0292/2018 - Childcare Centre Alterations & Additions - 27 Fleming Street, Kandos subject to the following conditions, and statement of reasons:

APPROVED PLANS

- 1 Development is to be carried out generally in accordance with the following plans prepared by Reliable Drafting Service, except where amended as required by following conditions. Approved documentation may include any Planning or Engineering reports submitted with and in support of the Application as detailed below.

Job / Drawing No.	Plan Title	Revision	Date
16.109 Dwg 1	Site Plan	A	22/2/18
16.109 Dwg 2	Proposed Floor Plan	A	22/2/18
16.109 Dwg 3	Sections	A	22/2/18
16.109 Dwg 1	Notes		22/2/18

Any minor modification to the approved plans other than as required by following conditions will require the lodgement and consideration by Council of amended plans. Amended plans will need to be accompanied with supporting documentation and calculations where necessary. Major modifications will require the lodgement of a new development application.

2. **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.**

3. **All stormwater runoff from roof surfaces is to be directed to a rainwater tank of sufficient capacity to provide for detention storage requirements no less than 2,500 litres. Runoff must be discharged from the tank through a restricted outlet no greater than 25 mm. Runoff from the restricted orifice and tank overflow must be directed to the existing point of discharge.**

Note: To comply with this requirement a larger tank may be utilised to provide for some storage and re-use with the restricted orifice / outlet set at a level to ensure 2,500 litres of detention storage is provided.

4. **The Floor Level for the proposed addition must be set at a level no less than the existing Child Care Centre.**

5. **All pedestrian ramps and paths must be constructed with grades, ramps, landings and platforms to comply with relevant BCA and DDA requirements.**

6. **Within three (3) months after the completion of construction all exposed surfaces caused by earthworks, including construction of the bund / embankment, must be stabilised using established engineering methods and landscaping / planting to prevent erosion and scouring.**

7. **Any damage which is caused to Council's infrastructure as a result of the proposed development must be repaired immediately to Council's satisfaction and at no cost to Council.**

8. **Habitable floor levels to be equal to or greater than the 100 year ARI flood (plus freeboard) (RL 633.43 metres).**
9. **All structures to have flood compatible building components below or at the 100 year ARI flood level (plus freeboard)(RL 633.43 metres).**

PRIOR TO ISSUE OF THE CONSTRUCTION CERTIFICATE

10. **Prior to the issue of a Construction Certificate for above ground building works, the plans and specifications are to demonstrate compliance with the detailed requirements of the Child Care Centre Planning Guideline, prepared by NSW Planning & Environment and dated August 2017. These details are to include, but not be limited to, demonstrating compliance with the following components of the guidelines:**
 - a) **Safety fencing;**
 - b) **External storage space;**
 - c) **Internal storage space;**
 - d) **Laundry;**
 - e) **Toilets;**
 - f) **Any nappy changing facilities required;**
 - g) **Administration space; and**
 - h) **Emergency Evacuation Plan.**
11. **The applicant is to demonstrate to Council's satisfaction that any structure can withstand the forces of floodwater, debris & buoyancy up to and including the 100 year AR flood (plus freeboard) (RL 633.43 metres).**
12. **In accordance with 94A of the Environmental Planning & 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 (\$200,000), an indicative total levy of \$2,000 is

payable.

PRIOR TO THE COMMENCEMENT OF WORKS - BUILDING

13. 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.

14. The site shall be provided with a waste enclose (minimum 1800mm X 1800mm X 1200mm) that has a lid or secure covering for the duration of the construction works to ensure that all wastes are contained on the site. The receptacle is to be emptied periodically to reduce the potential for rubbish to leave the site. Council encourages the separation and recycling of suitable materials.

NOTE: ALL WASTE GENERATED FROM THE CONSTRUCTION PROCESS IS TO BE CONTAINED ON-SITE

15. 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.

16. 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.

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

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

BUILDING CONSTRUCTION

18. 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.
19. 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.
20. 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.
21. The licensed demolition contractor and/or principal contractor must comply with the following specific requirements in respect of the proposed demolition works:
 - a) Demolition work is not to be undertaken until:
 - Council has been provided with a copy of any required Hazardous Substances Management Plan; and
 - The licensed demolition contractor and/or principal contractor has inspected the site and is satisfied that all measures are in place to comply with the provisions of such Plan;
 - b) The removal, handling and disposal of any asbestos material (in excess of 10m²) is to be undertaken only by an asbestos removal contractor who holds the appropriate class of Asbestos Licence, issued by WorkCover NSW, and in accordance with the requirements of WorkCover NSW, the Work Health and Safety Act 2011 and Australian Standard 2601-2001;
 - c) All asbestos and other hazardous materials are to be appropriately contained and disposed of at a facility holding the appropriate license issued by the NSW

- Environmental Protection Agency; and**
- d) Seven working days' notice in writing is to be given to Council prior to the commencement of any demolition works. Such written notice is to include the date demolition will commence and details of the name, address, contact telephone number and licence details (type of licences held and licence numbers) of any asbestos removal contractor and demolition contractor.**

- 22. The removal of any asbestos material (less than 10m²) during the demolition phase of the development is to be in accordance with the requirements of the Workcover Authority and disposed of at an approved waste facility.**
- 23. Any demolition is to be undertaken in accordance with the relevant Australian Standards.**
- 24. 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.**
- 25. All building work is to comply with the requirements of the Access to Premises Standard.**
- 26. 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 ISSUE OF THE OCCUPATION CERTIFICATE

- 27. 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.**
- 28. Prior to occupation or the issue of the Occupation Certificate (or Interim Occupation Certificate) the owner of the building must cause the Principal Certifying Authority to be given a fire safety certificate (or interim fire safety certificate in the case of a building or part of a building occupied before completion) in accordance with Clause 153 of the Environmental Planning and Assessment Regulation 2000 for each measure listed in the schedule. 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.**
- 29. Lots 11 and 12 in DP 9704 are to be consolidated prior to the**

issue of an Occupation Certificate.**GENERAL**

- 30. 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.**
- 31. 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.**
- 32. The development is limited to 40 children. Any licence from the relevant State/Federal department should not exceed the above numbers.**
- 33. The hours of operation of the development are to be limited to 8:30am to 4:00pm, Monday to Fridays.**

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 Shelley	✓	
Cr Kennedy	✓	
Cr Martens	✓	
Cr Cavalier	✓	
Cr Paine	✓	
Cr Karavas	✓	
Cr O'Neill	✓	
Cr Holden	✓	

The following recommendations (items 8.6 to 8.9) were adopted as a whole, being moved by Cr Shelley, seconded by Cr Cavalier and carried with Councillors voting unanimously. Each

recommendation is recorded with a separate resolution number commencing at Resolution No. 262/18 and concluding with Resolution No. 265/18.

8.6 2018-19 LOCAL HERITAGE GRANT ALLOCATION

GOV400066, GRA600032

262/18

MOTION: Shelley / Cavalier

That Council:

1. receive the report by the Manager, Strategic Planning on the 2018-19 Local Heritage Grant Allocation;
2. provide a Local Heritage Grant to the following projects:
 - a) \$2,000 for restoration works and external painting at 161 Mayne Street, Gulgong;
 - b) \$2,000 for restoration works and painting at 1 Brown Street, Windeyer;
 - c) \$2,000 for external painting at 227 Melrose Road, Mount Frome;
 - d) \$2,000 for window repair at 5 Ilford Road, Rylstone;
 - e) \$1,500 for replacement of existing with sympathetic front windows at 24 Louee Street, Rylstone;
 - f) \$1,500 for restoration work and painting at 6 Church Street, Mudgee;
 - g) \$1,000 for verandah Restoration at 106 Denison Street, Mudgee;
 - h) \$1,000 for roof replacement and chimney repair at 15 Lynne Street, Gulgong;
 - i) \$1,000 for external painting including roof at 56 Medley Street, Gulgong;
 - j) \$500 for replacement of existing with a sympathetic front door and window restoration at 100 Gladstone Street, Mudgee;
 - k) \$500 for replacement of existing with a sympathetic front door at 64 Lewis Street, Mudgee.

The motion was carried with the Councillors voting unanimously.

8.7 LOW RISE MEDIUM DENSITY HOUSING CODE SUBMISSION

GOV400066, LAN900013

263/18 MOTION: Shelley / Cavalier**That Council:**

1. receive the report by the Manager, Strategic Planning on the Low Rise Medium Density Housing Code Submission ; and
2. endorse the submission to be sent to the NSW Department of Planning and Environment on the future application of the Low Rise Medium Density Housing Code within the Mid-Western Regional Local Government Area.

The motion was carried with the Councillors voting unanimously.

8.8 ACCEPTANCE OF BUILDING BETTER REGIONS GRANT

GOV400066, GRA600002

264/18 MOTION: Shelley / Cavalier**That Council:**

1. receive the report by the Manager Economic Development on the Acceptance of Building Better Regions Grant;
2. accept grant funding of \$20,000 plus GST from the Federal Government's Building Better Regions Fund, to host a Young Entrepreneurs Summit in July 2019;
3. authorise the Mayor and General Manger to finalise and sign the funding agreement with the Federal Government; and
4. amend the 2018/19 Operational Plan and Delivery Program 2017/21 as follows:
 - in 2018/19 allocate a project expenditure budget for a Young Entrepreneurs Summit of \$8,000 and increase grant funding income by \$8,000;
 - in 2019/20 allocate a project expenditure budget for a Young Entrepreneurs Summit of \$12,000 and increase grant funding income by \$12,000.

The motion was carried with the Councillors voting unanimously.

8.9 STRONGER COUNTRY COMMUNITIES FUND ROUND 2 - ACCEPTANCE OF GRANT FUNDING

GOV400066, GOV400066, GRA600031

265/18

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

1. receive the report by the Manager Economic Development on the Stronger Country Communities Fund Round 2 - Acceptance of Grant Funding;
2. accept \$1,722,222 in grant funding from the NSW State Government, for Putta Bucca Eco Trail, Mudgee Shared Cycleway, Billy Dunn Oval Fence, Gulgong Victoria Park Lighting, Pedestrian Footbridge Rylstone, Waratah Park Kandos Boundary Fence, Anzac Park Pathway and Shade Sails, and Town Entrance Signage;
3. authorise the Mayor and General Manager to finalise and sign funding agreements with the NSW Government, for Putta Bucca Eco Trail, Mudgee Shared Cycleway, Billy Dunn Oval Fence, Gulgong Victoria Park Lighting, Pedestrian Footbridge Rylstone, Waratah Park Kandos Boundary Fence, Anzac Park Pathway and Shade Sails, and Town Entrance Signage;
4. amend the 2018/19 Operational Plan and 2017-2021 Delivery Program as follows:
 - In 2018/19 for the Putta Bucca Eco Trail project, set the expenditure budget at \$400,000 to to be funded \$326,159 from grant income and \$73,841 funded from Capital Program Reserve;
 - In 2018/19 for the Mudgee Shared Cycleway/Walking 8km loop project, set the expenditure budget at \$308,000 to be funded \$207,945 from grant income and \$100,055 from unrestricted cash;
 - In 2018/19 for the Town Entrance Signage project, increase the expenditure budget by \$100,000 to be funded by \$120,000 from grant income and remove \$20,000 in funding from Capital Program Reserve;
 - In 2019/20 and 2020/21 remove the budget allocation of \$20,000 per year for the Town Entrance Signage project funded from Capital Program Reserve;
 - In 2018/19 for the Pedestrian Footbridge Rylstone project, set the expenditure budget at \$532,500 to be funded \$432,108 from grant income and \$100,392 from unrestricted cash;
 - In 2019/20 remove the budget allocation of \$450,000

for the Pedestrian Footbridge Rylstone project funded \$250,000 from grant income and \$200,000 from unrestricted cash;

- In 2018/19 for the Sports Field lighting – Victoria Park project, set the expenditure budget at \$580,000 to be funded \$480,000 from grant income and \$100,000 from Capital Program Reserve;
- In 2019/20 remove the budget allocation of \$500,000 for the Sports Field lighting – Victoria Park project funded \$250,000 from grant income and \$250,000 from Capital Program Reserve;
- In 2018/19 for the Anzac Park Upgrade project, set the expenditure budget at \$55,500 to be funded \$50,500 from grant funding and \$5,000 from Voluntary Planning Agreement contributions;
- In 2019/20 remove the budget allocation of \$15,000 for the Anzac Park Upgrade project funded \$7,176 from Voluntary Planning Agreement contributions and \$7,824 from Capital Program Reserve;
- In 2018/19 for the Waratah Park Boundary Fence project, set the expenditure budget at \$53,500 to be funded \$50,000 from grant funding and \$3,500 from Voluntary Planning Agreement contributions;
- In 2018/19 for the Billy Dunn Oval Fence project, set the expenditure budget at \$65,500 to be funded \$55,510 from grant funding and \$9,990 from Voluntary Planning Agreement contributions; and
- In 2019/20 remove the budget allocation of \$97,254 for the Billy Dunn Oval Fence project funded entirely from Voluntary Planning Agreement contributions.

The motion was carried with the Councillors voting unanimously.

8.10 EVENTS ASSISTANCE APPLICATION - MUDGEES TOUCH ASSOCIATION

GOV400066, ECO800009; FIN300052

266/18

MOTION: O'Neill / Paine

That Council:

1. receive the report by the Events Coordinator on the Events Assistance Application - Mudgee Touch Association; and

2. **provide Events Assistance funding of \$2,000 (in-kind) to Mudgee Touch Association Inc. for the waiver of Glen Willow Hire Fees.**

The motion was carried with the Councillors voting unanimously.

The following recommendations (items 8.11 to 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 a separate resolution number commencing at Resolution No. 267/18 and concluding with Resolution No. 272/18.

8.11 MONTHLY DEVELOPMENT APPLICATIONS PROCESSING AND DETERMINED

GOV400066, A100055, A100056

267/18 MOTION: Paine / Shelley

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

The motion was carried with the Councillors voting unanimously.

Item 9: Finance

9.1 DRAFT FINANCIAL STATEMENTS 2017/18

GOV400066, FIN300135

268/18 MOTION: Paine / Shelley

That Council:

1. **receive the report by the Acting Chief Financial Officer on the Draft Financial Statements 2017/18;**
2. **resolves that in its opinion the General Purpose Financial Statements and Special Purpose Financial Statements for the year ended 30 June 2018:**
 - 2.1 **have been drawn up in accordance with the provisions of the Local Government Act 1993, the Local Government (General) Regulation 2005, the Australian Accounting Standards, and the Local Government Code of Accounting Practice and Financial Reporting;**
 - 2.2 **present fairly the Council's financial position and operating result for the year;**
 - 2.3 **accord with the Council's accounting and other**

records; and

- 2.4 do not contain any known matter that would make the financial statements false or misleading in any way**
- 3. authorise the Mayor, Deputy Mayor, General Manager and Responsible Accounting Officer to sign the Statement by Councillors and Management on its opinion of the General Purpose Financial Report 2017/18 and Special Purpose Financial Report 2017/18;**
- 4. authorise the General Manager to issue the 2017/18 Financial Reports immediately upon receipt of the Auditors Report, subject to there being no material audit adjustments or audit issues;**
- 5. authorise the General Manager to finalise the date at which the Auditors Report and Financial Statements for 2017/18 are to be presented to the public; and**
- 6. approve the transfer of \$200,000 to the State Roads Warranty Reserve for the 2017/18 financial year.**

The motion was carried with the Councillors voting unanimously.

9.2 QUARTERLY BUDGET REVIEW JUNE 2018

GOV400066, FIN300117

269/18

MOTION: Paine / Shelley

That Council:

- 1. receive the report by the Acting Manager Financial Planning on the Quarterly Budget Review June 2018; and**
- 2. note the opinion by the Responsible Accounting Officer regarding the satisfactory financial position of Council.**

The motion was carried with the Councillors voting unanimously.

9.3 MONTHLY BUDGET REVIEW - JULY 2018

GOV400066, FIN300179

270/18

MOTION: Paine / Shelley

That Council receive the report by the Acting Manager Financial Planning on the Monthly Budget Review - July 2018.

The motion was carried with the Councillors voting unanimously.

9.4 MONTHLY STATEMENT OF INVESTMENT AND BANK
BALANCES AS AT 31 AUGUST 2018

GOV400066, FIN300053

271/18 MOTION: Paine / Shelley

That Council:

- 1. receive the report by the Acting Manager Financial Planning on the Monthly Statement of Investment and Bank Balances as at 31 August 2018; and**
- 2. note the certification of the Responsible Accounting Officer.**

The motion was carried with the Councillors voting unanimously.

9.5 GRANTS COMMISSION FINANCIAL ASSISTANCE GRANT
2018-19

GOV400066, GRA600031

272/18 MOTION: Paine / Shelley

That Council:

- 1. receive the report by the Acting Chief Financial Officer on the Grants Commission Financial Assistance Grant 2018-19;**
- 2. note the correspondence received from the Local Government Grants Commission attached to this report;**
- 3. amend the 2018/19 Operational Plan to recognise a transfer from unspent grants due to the advance payment of part of the 2018/19 financial assistance grant being a general purpose component of \$1,953,789 and roads component of \$1,204,586 and offset with an equal amount of reduction in grant income; and**
- 4. amend the 2018/19 Operational Plan to increase grant income for the general purpose component by \$175,934 and the roads component by \$61,860.**

The motion was carried with the Councillors voting unanimously.

Councillor Paine declared a significant non-pecuniary conflict of interest in item 9.6 as he is part of the event seeking funding, left the Chambers at 6:19pm and did not participate in discussion or vote in relation to the matter.

9.6 COMMUNITY GRANT PROGRAM

273/18

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

1. receive the report by the Graduate Accountant - Grants & Contributions on the Community Grant Program;
2. provide financial assistance to the following applications in accordance with the criteria and guidelines of the Community Grants Program Policy, subject to those requirements being met; and

**McGrath Foundation – Pink Up \$850
Rylstone Gala**

Mudgee Lions Club \$5,000

Rotary Clubs of Mudgee \$7,000

Gulgong Show Society \$3,000

Kandos Rylstone Men’s Shed \$1,059

Gulgong High School \$250

Rotary Club of Rylstone Kandos \$3,000

**Mudgee Chamber of Commerce for \$1,000
Pink Up Mid-Western**

Mudgee Chamber of Commerce \$4,000

Gulgong Liquor Accord \$4,000

3. do not collect a facility hire bond from the following applicant for the event detailed in this report;

McGrath Foundation

Mudgee Lions Club – 200 Bales ‘Day in the Dirt’

4. do not support the following requests for financial assistance, for the reasons provided in the report;

BreastScreen NSW

5. that a report be brought back to Council on funding assistance provided by Council to Business Associations.

The motion was carried with the Councillors voting unanimously.

Councillor Paine returned to the Chambers at 6:23pm.

Councillor Holden declared a pecuniary conflict of interest in item 9.7 as he does business with two directors of MRTI, left the Chambers at 6:23pm and did not participate in discussion or vote in relation to this matter.

9.7 MUDGEE REGION TOURISM INC. CONTRACT AMENDMENT
REQUEST

GOV400066, ECO800015

274/18 MOTION: Shelley / Karavas

That Council:

1. receive the report by the Acting Chief Financial Officer on the Mudgee Region Tourism Inc. Contract Amendment Request;
2. decline the request for an increase to the annual contract amount;
3. authorise a one-off additional sum of \$50,000 to the Mudgee Region Tourism Inc. contract in 2018/19; and
4. amend the 2018/19 Operational Plan to increase the Tourism Operations budget by \$50,000 funded from unrestricted cash.

The motion was carried with the Councillors voting unanimously.

Councillor Holden returned to the Chambers at 6:24pm.

The following recommendations (items 10.1 to 10.3) were adopted as a whole, being moved by Cr Shelley, seconded by Cr Cavalier and carried with Councillors voting unanimously. Each recommendation is recorded with a separate resolution number commencing at Resolution No. 274/18 and concluding with Resolution No. 276/18.

Item 10: Operations

10.1 GRANT ACCEPTANCE CENTRAL TABLELANDS
ENVIRONMENT AND WATERWAYS ALLIANCE

GOV400066, ENV200031

275/18 MOTION: Shelley / Cavalier

That Council:

1. receive the report by the Environment Officer on the Grant acceptance Central Tablelands Environment and

Waterways Alliance;

2. **accept grant funding for project titled 'Cudgegong River Regeneration' \$19,832; and**
3. **amend the Operational Plan 2018/19 to include an expenditure budget of \$25,192 funded \$19,832 from grant income and \$5,360 unrestricted cash.**

The motion was carried with the Councillors voting unanimously.

10.2 STAGE 1 ULAN WOLLAR ROAD REALIGNMENT

GOV400066, R4022001

276/18**MOTION: Shelley / Cavalier****That Council:**

1. **receive the report by the Manager Works on the Stage 1 Ulan Wollar Road Realignment;**
2. **accept funding of \$5,511,000 from Peabody Energy for the construction of Stage 1 of the Ulan Wollar Realignment Project;**
3. **amend the 2018/19 Operational Plan to increase the budget for Stage 1 of the Ulan Wollar Realignment Project by \$1,511,000 funded by Peabody Energy Contribution; and**
4. **authorise the General Manager to negotiate final terms and sign all necessary contractual documentation to formally accept the funds from Peabody Energy.**

The motion was carried with the Councillors voting unanimously.

**10.3 CUDGEGONG (HOLYOAKE) FOOTBRIDGE VARIATIONS
CLAIM SETTLEMENT**

GOV400066, COR400130

277/18**MOTION: Shelley / Cavalier****That Council:**

1. **receive the report by the Manager Works on the Cudgegong (Holyoake) Footbridge Variations Claim Settlement; and**
2. **amend the 2018/19 Operational Plan to include an additional budget of \$20,000 for the Cudgegong (Holyoake)**

Footbridge to be funded from unrestricted cash.

The motion was carried with the Councillors voting unanimously.

11.1 ACCESS COMMITTEE

GOV400066, COS300015; A0060129

MOTION: Paine / Karavas

That Council:

1. receive the report by the Director Community on the Access Committee;
2. merge the Mudgee & Gulgong Access Committee and the Rylstone & Kandos Access Committee together to become the Mid-Western Regional Council Access Committee;
3. appoint Councillors Karavas, Martens and Paine as representatives to the Mid-Western Regional Council Access Committee;
4. endorse the draft Terms of Reference for the Mid-Western Regional Council Access Committee; and
5. appoint all current community members of the two Committees to be members of the Mid-Western Regional Council Access Committee.

278/18**AMENDMENT Shelley / Holden****That Council:**

1. **receive the report by the Director Community on the Access Committee;**
2. **merge the Mudgee & Gulgong Access Committee and the Rylstone & Kandos Access Committee together to become the Mid-Western Regional Council Access Committee;**
3. **appoint Councillors Karavas and Paine as representatives to the Mid-Western Regional Council Access Committee;**
4. **endorse the draft Terms of Reference for the Mid-Western Regional Council Access Committee; and**
5. **disband the Rylstone and Kandos Access Committee, thank the Committee members, and that expressions of interest be sought from Rylstone and Kandos residents to sit on the Mid-Western Regional Council Access**

Committee.

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

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

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

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

The following recommendations (items 12.1 to 12.6) were adopted as a whole, being moved by Cr Shelley, seconded by Cr Paine and carried with Councillors voting unanimously. Each recommendation is recorded with a separate resolution number commencing at Resolution No. 277/18 and concluding with Resolution No. 282/18.

Item 12: Reports from Committees

12.1 RED HILL COMMITTEE MINUTES 25 JULY 2018

GOV400066, P0860011

279/18 MOTION: Shelley / Paine

That Council:

1. receive the report by the Director Community on the Red Hill Committee Minutes 25 July 2018; and
2. note the minutes of the Red Hill Committee meeting held on 25 July 2018.

The motion was carried with the Councillors voting unanimously.

12.2 MUDGEES SPORTS COUNCIL MEETINGS 31 JULY AND 26

AUGUST 2018

GOV400066, A0360013

280/18 MOTION: Shelley / Paine**That Council:**

1. receive the report by the Director Community on the Mudgee Sports Council Meetings 31 July and 26 August 2018; and
2. note the minutes for the Mudgee Sports Council meetings 31 July and 26 August, 2018.

The motion was carried with the Councillors voting unanimously.

12.3 RYLSTONE AND KANDOS SPORTS COUNCIL MEETING 1
AUGUST 2018

GOV400066, A0360030

281/18 MOTION: Shelley / Paine**That Council:**

1. receive the report by the Director Community on the Rylstone and Kandos Sports Council Meeting 1 August 2018;
2. note the minutes of the Rylstone and Kandos Sports Council meeting held on 1 August 2018, and
3. endorse the amended Terms of Reference for the Rylstone and Kandos Sports Council.

The motion was carried with the Councillors voting unanimously.

12.4 HERITAGE COMMITTEE MEETING MINUTES FOR JULY AND
SEPTEMBER 2018

GOV400066, DEV700020

282/18 MOTION: Shelley / Paine**That Council:**

1. receive the report by the Manager, Strategic Planning on the Heritage Committee Meeting Minutes for July and September 2018; and
2. note the minutes of the July and September 2018 Heritage

Committee Meetings.

The motion was carried with the Councillors voting unanimously.

**12.5 MUDGEE SHOWGROUND MANAGEMENT COMMITTEE
MINUTES**

GOV400066, F0650007

283/18 MOTION: Shelley / Paine**That Council:**

- 1. receive the report by the Manager, Plant and Facilities on the Mudgee Showground Management Committee Minutes;**
- 2. note the contents of the minutes of the Mudgee Showground Management Committee Meeting held on the 7 August 2018; and**
- 3. that a member of the RDA to be included in the Mudgee Showground Management Committee Meeting.**

The motion was carried with the Councillors voting unanimously.

12.6 LOCAL TRAFFIC COMMITTEE MEETING - 17 AUGUST 2018

GOV400066, A0100009

284/18 MOTION: Shelley / Paine**That Council:**

- 1. Note the contents of the minutes of the previous Local Traffic Committee held on 20 July 2018 be taken as read and confirmed.**
- 2. Council approve the event – “Mudgee Triathlon Race Season 2018/19, be classified as a Class 2 Event under the “Guide to Traffic and Transport Management for Special Events Version 3.4”and proceeds with the following conditions:**
 - a) Events are to be undertaken in accordance with the “Guidelines for Bicycle Road Races”;**
 - b) A Special Events Transport Management Plan (TMP), is to be prepared in accordance with the “Guide to Traffic and Transport Management for Special Events Version 3.4 and submitted to and approved by Council prior to the event;**
 - c) Events are to be undertaken in accordance with the requirements of the NSW Police Force with their approval documentation forwarded to Council for notation;**
 - d) Controlling noise as required by the Protection of the**

- Environment Operations (Noise Control) Regulation 2000;**
- e) Reimbursing Council for the cost of damage repairs;**
 - f) Complying with any of Council's Law Enforcement Officers reasonable directives;**
 - g) Maintain areas in a clean and tidy condition. No obstructions are to be left on the roadways or footpaths;**
 - h) A Traffic Control Plan (TCP) certified by a person with a 'Select & Modify' or a 'Design and Audit' Certificate be included in the TMP;**
 - i) Any person directing traffic on a public road is required to possess an appropriate traffic controller's certificate;**
 - j) Council must be provided with a current copy of a public liability insurance policy in the amount of at least \$20 million. Such a policy is to note that Council, RMS and NSW Police Force is indemnified against any possible action as the result of the event;**
 - k) The event convener is to notify all affected businesses and residents adjacent to the proposed closure indicating the period during which their accesses will be affected. Such notification is to be in writing;**
 - l) Maintain a four-metre wide emergency vehicle lane;**
 - m) Advertise the proposed event in local newspapers with relevant information at least 2 weeks prior to the date;**
 - n) The organiser is to have a debrief with Council and Police with all traffic control documentation and controls tabled for review; and**
 - o) A copy of the TMP including the TCP is to be forwarded to the Traffic Operations Manager at the Regional RMS Office in Parkes for information.**
- 3. Council approve the event – Rylstone Street Feast, 3 November 2018 – be classified as a Class 2 Event under the 'Guide to Traffic and Transport Management' for Special Events Version 3.4 and proceeds with the following conditions:**
- a) A Special Events Transport Management Plan (TMP), is to be prepared in accordance with the Guide to Traffic and Transport Management for Special Events Version 3.4 and submitted to and approved by Council prior to the event;**
 - b) Events are to be undertaken in accordance with the requirements of the NSW Police Force with their approval. Documentation forwarded to Council for notation;**
 - c) Controlling noise as required by the Protection of The Environment Operations (Noise Control) Regulation 2000;**
 - d) Reimbursing Council for the cost of damage repairs;**
 - e) Complying with Council's Law Enforcement Officer's reasonable directives;**
 - f) Maintain areas in a clean and tidy condition. No obstructions are to be left on the roadways or footpaths;**
 - g) Any person directing traffic on a public road is required to possess an appropriate traffic controller's certificate;**
 - h) The event convener is to notify all affected businesses and residents adjacent to the proposed closure indicating the period during which their accesses will be affected. Such notification is to be writing;**
 - i) Maintain a four-metre wide emergency vehicle lane;**
 - j) Advertise the proposed event in local newspapers with relevant**

- information at least 2 weeks prior to the date;
- k) The organiser is to have a debrief with Council and Police with all traffic control documentation and controls tabled for review;
 - l) The organiser is to notify NSW Fire and Rescue and the NSW Ambulance Service of the event; and
 - m) Council must be provided with a current copy of a Public Liability Insurance policy in the amount of at least \$20 million. Such a policy it to note Council, Roads and Maritime Services and NSW Police Force as interested parties on the policy.

The motion was carried with the Councillors voting unanimously.

Item 13: Urgent Business Without Notice

Nil

Item 14: Confidential Session

285/18 MOTION: Shelley / Cavalier

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

The motion was carried with the Councillors voting unanimously.

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

14.1 General Manager's Performance Agreement 2017-2018

The reason for dealing with this report confidentially is that it relates to personnel matters concerning particular individuals (other than Councillors) in accordance with Section 10A(2)(a) of the Local Government Act, 1993.

Discussion of this matter in an open meeting would be, on balance, contrary to the public interest as it involves discussion of an individual, namely the performance of the General Manager.

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

All Senior staff left the Chambers at 6.30pm, except the Executive Manager Human Resources.

14.1 GENERAL MANAGER'S PERFORMANCE AGREEMENT 2017-2018

GOV400066, GOV400043, A0381418

286/18 MOTION: Cavalier / Paine

That Council:

1. **receive the report by the Executive Manager, Human Resources on the General Manager's Performance Agreement 2017-2018; and**
2. **assess the General Manager's Performance for the year ending 30 June 2018 at 4 out of 5 in accordance with the assessment scale included in the General Manager's Performance Agreement for the year ending 30 June 2018.**

The motion was carried with the Councillors voting unanimously.

All senior staff returned to the Chambers at 6.42pm.

Item 15: Urgent Confidential Business Without Notice

Nil.

Item 16: Open Council

287/18 MOTION: Cavalier / Paine

That: Council move to Open Council.

The motion was carried with the Councillors voting unanimously.

The General Manager announced the decisions taken in Confidential Session.

Item 17: Closure

There being no further business the meeting concluded at 6.43pm.