

Minutes of the Ordinary Meeting of Council

Held at the Council Chambers, 86 Market Street, Mudgee
on 11 December 2019, commencing at 6:10pm and concluding at 7:26pm.

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

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

Item 1: Apologies

There were no apologies.

Item 2: Disclosure of Interest

Councillor Cavalier declared a pecuniary conflict of interest in item 8.1 as he has an existing business relationship with family of the proponent. He also declared a significant conflict of interest in item 9.8 as he is a Councillor representative on the Joint Regional Planning Panel that will be the determining body for the solar array, and a pecuniary conflict of interest in item 11.3 as he has an existing business relationship with the requestor.

Councillor Holden declared a less than significant non-pecuniary conflict of interest in item 9.5 as he is a neighbour of the Mudgee Civilian Rifle and Smallbore Club Inc. He also declared a significant conflict of interest in item 9.8 as he is a Councillor representative on the Joint Regional Planning Panel that will be the determining body for the solar array.

Councillor Kennedy declared a significant pecuniary conflict of interest in item 8.1 as his business partner is an objector of this development application.

Councillor Paine declared a significant conflict of interest in item 9.8 as he is the alternate Councillor representative on the Joint Regional Planning Panel that will be the determining body for the solar array.

Item 3: Confirmation of Minutes

380/19 MOTION: Shelley / Paine

That the Minutes of the Ordinary Meeting held on 20 November 2019 be taken as read and confirmed.

The motion was carried with the Councillors voting unanimously.



Item 4: Matters in Progress

Solar Energy Options – Res 127/17, Ordinary Meeting 17/05/17

Draft Community Participation Plan – Res 312/19, Ordinary Meeting 16/10/19

Local Heritage Grants Policy Review – Res 313/19, Ordinary Meeting 16/10/19

Classification of Land – Chapter 6, Part 2, Division 1 Local Government Act 1993, Ordinary Meeting 16/10/19

381/19 MOTION: Shelley / Cavalier

That resolution nos. 127/17, 312/19, 313/19, 334/19 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 CODE OF MEETING PRACTICE - PUBLIC FORUM
GOV400067, A0100035

382/19 RECISSION MOTION: Holden / Karavas

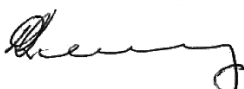
We, the undersigned Councillors, give notice of our intention that the resolution of the Council Meeting on 20 November 2019 in relation to:

The decision that Council not amend the Code of Meeting Practice to reinstate the opportunity for community members to address the Council during the Public Forum on matters that are not listed in the Business Paper.

Be and is hereby rescinded.

In the event that this Rescission Motion is carried, we propose to move the following motion:

That Council amend the current Code of Meeting Practice to include the following points and place said amendments to the Code of Meeting Practice on 28 day exhibition:



1. Council allow speakers to address the Council at "Open Day" prior to the commencement of each and every council meeting regardless of whether the speakers nominated item is on the agenda for the meeting or not.
2. The number of speakers is not restricted on any one item.
3. Council restrict speakers to a maximum of 5 minutes – unless an extension is voted on and carried by the Council.
4. Speakers be required to register to speak no later than 2 ½ hours prior to the scheduled commencement time of any Council meeting.
5. Speakers are required to clearly articulate the nature of their address at the time of booking to speak.
6. Staff may, if the items the community members wishes to speak on, assess if the item can be addressed by way of a works request or any other normal operation of Council to assist with both fast tracking the community member's item and prevent unnecessary time addressing simple operational matters during open day. Notwithstanding the community member's right to address the Council if they still so wish.

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

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

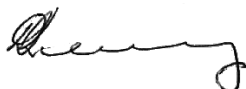
383/19

MOTION: Paine / Cavalier

That Council amend the current Code of Meeting Practice to include the following point and place the said amendment to the Code of Meeting Practice on 28 day exhibition:

1. the phrase 'items of business to be considered at the meeting' be removed from point 4.1 of the Code of Meeting Practice.

AMENDMENT: Holden / Karavas




That Council amend the current Code of Meeting Practice to include the following points and place said amendments to the Code of Meeting Practice on 28 day exhibition:

1. Council allow speakers to address the Council at “Open Day” prior to the commencement of each and every council meeting regardless of whether the speakers nominated item is on the agenda for the meeting or not.
2. The number of speakers is not restricted on any one item.
3. Council restrict speakers to a maximum of 5 minutes – unless an extension is voted on and carried by the Council.
4. Speakers be required to register to speak no later than 2 ½ hours prior to the scheduled commencement time of any Council meeting.
5. Speakers are required to clearly articulate the nature of their address at the time of booking to speak.
6. Staff may, if the items the community members wishes to speak on, assess if the item can be addressed by way of a works request or any other normal operation of Council to assist with both fast tracking the community member’s item and prevent unnecessary time addressing simple operational matters during open day. Notwithstanding the community member’s right to address the Council if they still so wish.

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

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

Motion 383/19 was put and carried with Councillors voting unanimously.

The following recommendations (item 7.1 to item 7.3) were adopted as a whole, being moved by Cr Shelley, seconded by Cr O’Neill and carried with Councillors voting unanimously. Each recommendation is recorded with separate resolution numbers commencing at Resolution No. 384/19 and concluding at Resolution No. 386/19.




Item 7: Office of the General Manager

7.1 INTERNAL AUDIT PLAN 2020-2021

GOV400067, COR400236

384/19 MOTION: Shelley / O'Neill**That Council:**

1. receive the report by the Executive Manager, Human Resources on the Internal Audit Plan 2020-2021; and
2. approve the Internal Audit Plan as follows:
 - a) Legislative Compliance: July 2020 – September 2020
 - b) Monitoring of the Delivery Program and Operational Plan: October 2020 – December 2020
 - c) IT Disaster Recovery Plan and Business Continuity Plan: January 2021 – March 2021
 - d) Conduct of Private Works: April 2021 – June 2021

The motion was carried with the Councillors voting unanimously.

7.2 MRT QUARTERLY REPORT: JULY TO SEPTEMBER 2019

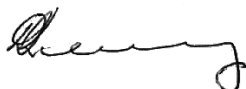
GOV400067, F0770077

385/19 MOTION: Shelley / O'Neill**That Council receive the report by the General Manager on the MRT Quarterly Report: July to September 2019.**

The motion was carried with the Councillors voting unanimously.

7.3 RISK MANAGEMENT AND INTERNAL AUDIT FRAMEWORK FOR LOCAL GOVERNMENT

GOV400067, COR400236

386/19 MOTION: Shelley / O'Neill**That Council:**

1. receive the report by the Executive Manager, Human Resources on the Risk Management and Internal Audit Framework for Local Government;
2. endorse the submission to be made on behalf of Council to the Office of Local Government on the proposed framework.

The motion was carried with the Councillors voting unanimously.

Item 8: Development

Councillor Kennedy declared a significant pecuniary conflict of interest in item 8.1 as his business partner is an objector of this development application. He left the Chambers at 6:39pm and did not participate in discussion or vote in relation to this matter.

8.1 DA0146/2018 FUNCTION CENTRE AND BUSINESS IDENTIFICATION SIGNAGE

GOV400067, DA0146/2018

MOTION: Thompson / Martens

That Council:

- A. receive the report by the Town Planner on the DA0146/2018 Function Centre and Business Identification Signage;
- B. approve DA0146/2018 Function Centre and Business Identification Signage subject to the following conditions:

APPROVED PLANS

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

Title/Name	Plan No.	Rev	Dated	Prepared by
Site & Landscaping Plan	3538-A01	E	Sept 2019	Giselle Denley Drafting Services
Lodge Floor Plan	3538-A08	C	Sept 2019	Giselle Denley Drafting Services
Training Room/Lodge East & South Elevation	3538-A09	C	Sept 2019	Giselle Denley Drafting Services
Training Room Lodge West & North Elevation	3538-A10	C	Sept 2019	Giselle Denley Drafting Services




Advertising Sign	3538-A12	A	June 2018	Giselle Denley Drafting Services
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GENERAL

2. This development consent provides approval for a function centre and business identification signage, only.
3. At least 1 month prior to staging the first event, an Operations Management Plan is to be submitted to and approved by Council. The Operations Management Plan is to be reviewed and modified as appropriate by the proponent, and submitted to Council on an annual basis.

The Operations Management Plan is to address, but not be limited to, the following:

- a) Telephone and email contact details for the on-site manager.
 - b) Details of a complaints contact, and format for a complaints register.
 - c) A methodology for recording the number of guests to the site.
 - d) Procedures for weddings or party events, including location and timings of ceremonies, reception, the conclusion of the event, and prompt and orderly direction of guests to their transport.
 - e) Hazard, fire and emergency management.
 - f) Lighting to and within the event.
 - g) Waste management.
 - h) Liquor licencing and alcohol management.
 - i) Specific measures to ensure the safety of guests from the on-site quarry, including appropriate fencing.
 - j) Dust control.
4. 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.
 5. 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.

NOISE REGULATION

6. The proponent shall ensure that the noise generated from the function centre does not exceed the criteria in the Table at any residence on privately owned land. The allowable noise limits are applicable to the function centre.

Table – Maximum Allowable Noise Limits dB(A)




Location	Day/Evening and Night
	$L_{Aeq}(15 \text{ minute})$
Private residence	35

Noise generated by the Development is to be measured in accordance with the relevant procedures and exemptions (including certain meteorological conditions) of the Noise Policy for Industry 2017.

7. Prior to an application being made for a construction certificate for the Development, a report prepared by a suitably qualified acoustic engineer is to be submitted to the Council specifying a maximum allowable noise limit within the Function Centre that will ensure that the Development does not contravene the noise criteria specified in the table to condition 6 of this Consent. The maximum allowable noise limit within the Function Centre is to be determined by reference to the detailed plans and specifications accompanying the application for the construction certificate.
8. An onsite, suitably and regularly calibrated noise monitoring device is required to be used in the function centre, during all functions. The monitoring device is to be used to measure and monitor sound pressure levels within the function centre, to ensure all noise is kept below the Maximum Allowable Noise Limit, established in the acoustic assessment report, required by condition 7.

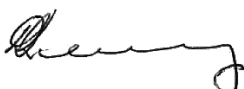
The data shall be made available to Council upon request, and will be used to demonstrate compliance with the required noise parameters, should complaints be received.

9. The proponent shall undertake verification testing of not less than 1 week's duration, and shall be undertaken by suitably qualified acoustic engineer, to verify compliance with Condition 6.

Testing shall be taken either from:

- a) 30m from the most affected residence; or
- b) If owner's permission cannot be obtained to enter the affected property, the boundary closest to the most affected residence,

The testing is to be undertaken within 6 months of occupation of the function centre, and where there are a minimum of 2 wedding or




party events within the week. Results of the testing shall be submitted to Council.

Where verification testing indicates that the facility is not compliant, additional acoustic treatments are to be implemented within 2 months of the non-compliance being identified, with details being provided to Council.

Further verification testing will be required within 6 months of the implementation of any additional acoustic treatments, to confirm compliance with Condition 6, and the results submitted to Council.

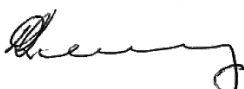
10. The '4m Wide Glass Wall/Door' located at the western end of the 'Lodge', as shown on the approved Lodge Floor Plan 3538-A08, shall be kept closed at all times whilst a function is occurring.
11. The proponent shall provide to all adjoining, adjacent and nearby residents a contact number that can be used by a complainant to contact the manager of the function centre in the event of a noise complaint. A complaints management plan, forming part of Condition 3, is to be established to include the following:
 - a. The manager will record all verbal and telephone complaints in writing including details of the circumstance leading to the complaint and all subsequent actions.
 - b. The manager and owner will investigate the complaint in order to determine whether a criterion exceedance has occurred or whether noise has occurred unnecessarily.
 - c. If excessive or unnecessary noise has been caused, corrective action will be planned and implemented by the project manager.
 - d. Complainants will be informed by the manager that their complaints are being addressed, and (if appropriate) that corrective action is being taken.

The complaints management plan is to be implemented and the record of complaints and subsequent actions is to be made available for inspection by Council upon request.

12. For functions carried out at the 'Lodge', all food must be served and consumed within the building. No outdoor dining is permitted.

This condition has been imposed, in the absence of the noise report addressing the external preparation, serving and consumption of food.

PRIOR TO ISSUE OF THE CONSTRUCTION CERTIFICATE



13. Prior to release of the Construction Certificate, approval pursuant to Section 68 of the Local Government Act 1993 for the installation of an On-Site Sewer Management System is to be obtained from Mid-Western Regional Council.
14. In accordance with the provisions of Section 7.12 of the Environmental Planning and Assessment Act 1979 and the Mid-Western Regional Contributions Plan 2019 (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 issue of a Construction Certificate.

The value of works is to be calculated in accordance with Table 6 and the procedure outlined in Figure 1 of the Contributions Plan. A report regarding value of works and any necessary certification is to be submitted to Council. Council will calculate and advise of the levy amount following submission of the documents.

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

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

15. Prior to the issue of any Construction Certificate that includes above ground works, a landscape plan shall be submitted to and approved by the Certifier (i.e. Council or a private Certifier). This landscape plan shall be prepared by an appropriately qualified and experienced professional. The landscaping plan is to show and/or achieve the following:
 - a) A planting schedule (including a range of plant sizes).
 - b) A maintenance schedule.
 - c) Re-planting regime for any plants that are damaged, dead, or removed for any reason.
 - d) Utilise endemic species, where practicable, which are appropriate for the site.
16. Prior to issue of a Construction Certificate, details of a designated catering/servicing area shall be provided to Council, in a suitable location that limits disturbance to the amenity of the area.

PRIOR TO THE COMMENCEMENT OF WORKS

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



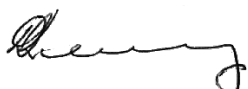
- a) the appointment of a Principal Certifying Authority and
- b) the date on which work will commence.

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

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

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

19. 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.
20. With the exception of work where there is in force an exemption under clause 187 and 188 of the Environmental Planning and Assessment Act 1979, all building work that involves residential building work for which the Home Building Act 1989 requires there to be a contract of insurance in force in accordance with Part 6 of that Act, such a contract of insurance is to be in force.
21. 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

22. If unexpected soil contaminants are discovered during works, which has the potential to alter previous conclusions regarding site contamination; work must cease and Council or NSW Environmental Protection Authority must be notified immediately.

The site is to be inspected by a suitably qualified person to identify any contaminated or hazardous material present. A proposal for remediation is to be prepared, which may include preparation of a Remedial Action Plan, and remediation is to be carried out in accordance with the proposal. A Validation Report, prepared in accordance with Environment Protection Authority requirements, is to be obtained from a qualified expert on completion of the remediation work to verify that the site is suitable for the intended use. A copy of the Validation Report is to be provided to Council on completion of the remediation works.

Note – Council may also request that a NSW Environmental Protection Authority accredited site auditor is involved to assist with the assessment of the contaminated land situation and review any new contamination information. The developer must also adhere to any additional conditions which may be imposed by the accredited site auditor.

23. 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.
24. All plumbing and drainage work must be carried out by a licensed plumber and drainer and must comply with the Plumbing Code of Australia.
25. 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.
26. 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.
27. All stormwater is to discharge a minimum 3m from the building and disposed of in such a way as to not adversely affect the adjoining properties.



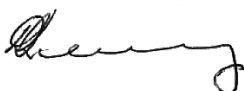
28. All building work is to comply with the requirements of the Access to Premises Standard.
29. The list of measures contained in the schedule attached to the Construction Certificate are required to be installed in the building or on the land to ensure the safety of persons in the event of fire in accordance with Clause 168 of the Environmental Planning and Assessment Regulation 2000.

ENGINEERING CONDITIONS

30. 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.
31. All stormwater runoff from roof surfaces is to be directed to rainwater tanks for storage and re-use. All runoff from rainwater tank overflow and other developed surfaces is to be controlled in such a manner so as not to flow or discharge over adjacent properties. Methods of disposal of excess stormwater must also include adequate provision for prevention of erosion and scouring.
32. Prior to the commencement of construction of the internal driveway a design showing appropriate grades and alignment must be submitted to Council for assessment and approval. The design must provide an alignment with level or flat grades to ensure headlight spill from exiting vehicles does not create nuisance for nearby housing.
33. Sealed access crossovers and driveways must be constructed from Rocky Waterhole Road to provide access to the proposed development. Consent from Council must be obtained for all works within the road reserve pursuant to Section 138 of the Roads Act 1993. Construction must be in accordance with the requirements of Council's "Access to Properties". Access to the development (crossovers and internal driveways), should require double lane access, and are to be maintained and upgraded as necessary to provide an all-weather trafficable surface to the satisfaction of Council at all times.

The access crossover must also provide turning lanes for entering and exiting vehicles with localised shoulder widening to provide for a 'slip lane' for south bound traffic in the event of a queued vehicle waiting to enter.

34. A total of 55 car parking spaces are to be provided within the site of the development and comply with AS 2890.1: 2004 and the following requirements:



- Each parking space is to have minimum dimensions of 5.5m x 2.4m;
- Each disabled car parking space is to be in accordance with the provisions of AS 2890.6: 2009.
- Line marking, wheel stop and signage has to be installed as per the relevant Australian Standard

The car parking area must be constructed and sealed with an all-weather surface with provision made for the control of surface runoff. The layout should also provide for a suitably sized bus turning and parking area. Pavements and line marking must be maintained to the satisfaction of Council at all times.

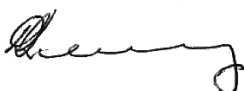
PRIOR TO ISSUE OF THE OCCUPATION CERTIFICATE

35. 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.
36. Prior to occupation or the issue of the Occupation Certificate the owner of the building must cause the Principal Certifying Authority to be given a fire safety certificate in accordance with Clause 153 of the Environmental Planning and Assessment Regulation 2000 for each measure listed in the schedule. The certificate must only be in the form specified by Clause 174 of the Regulation. A copy of the certificate is to be given to the Commissioner of the New South Wales Fire Brigade and a copy is to be prominently displayed in the building.

ONGOING / OPERATIONAL

37. Leadership and business functions to be carried out in the proposed Lodge must operate in accordance with the following:
 - a. Be for a maximum of 50 people,
 - b. Not have any amplified music at any time.
 - c. The approved hours of operation are:

8am – 10pm Monday – Saturday;
8am – 6pm Sunday.
38. Weddings, party events or the like shall operate in accordance with the following:
 - Be for a maximum of 100 people, at any time.
 - No more than 20 events are permitted in each calendar year.

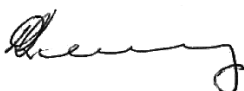


- The 20 allowable wedding or party events shall be limited to Fridays and Saturdays, between the hours of 8am-10pm.
- The proponent shall keep a record of frequency of events and attendance numbers for each wedding or party event, and shall be made available to Council upon request.
- A site manager, employed by the site operators, shall be on the site at all times during events.
- Amplified music is permitted during the 20 allowable events only.
- All amplified noise will cease at 9:45pm, and all weddings and party events shall conclude no later than 10pm.
- Any proposed bar, that is to serve liquor, must be located within the function centre building only. No beverages shall be served outside.

Note - Any function with over 50 attendees will be classed as a wedding or party event, and be included in the 20 allowable party events.

39. The functions shall be conducted in the function centre/lodge and curtilage, as shown in the approved site plan. The layout of the function centre/lodge shall be arranged such that the amplification equipment is orientated away from residences on neighbouring properties, and angled downwards to reduce noise spillage.
40. At the conclusion of any function or event, guests shall be ushered to their transport in a prompt and orderly fashion, to avoid neighbourhood disturbance.
41. Guests shall utilise the nominated driveway entry/exit point only. The Right of Carriageway traversing the site is only to be used by guests in emergency situations.
42. All food that is served ancillary to a function, in accordance with Condition 13, is to be either:
 - a) prepared off site by a registered food premises, transported and stored onsite in accordance with the NSW Food Act 2003 and the Food Standards Code, or
 - b) prepared and stored onsite in a temporary food stall or mobile food vending vehicle, in accordance with NSW Food Authorities 'Guidelines for Mobile Food Vending Vehicles and Food Businesses at Temporary Events'

There shall be no preparation or storage of food within the proposed building unless separate consent is granted for such activities.



43. 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".
44. All waste generated by the development is to be disposed of to an appropriately licenced waste facility. All fees and charges for disposal are to be borne by the developer.
45. The development is to be maintained in a clean and tidy manner, at all times.
46. Landscaping is to be maintained in perpetuity, in accordance with the approved landscape plan.
47. 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.
48. All loading and unloading in connection with the premises shall be carried out wholly within the site.
49. All vehicles are required to enter and leave the site in a forward direction at all times. Signage to this effect is to be appropriately located within the site.

Signage

50. The sign is to be erected and sited in accordance with the plans submitted with the application, and in accordance with the following requirements:

Pylon Sign Display Area

Maximum length/width	2m
Maximum height	1.1m

Pylon Sign Overall

Maximum Height	2.2m
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51. The approved Business Identification Sign is to only display the name of the business carried out at the premises or the nature of the business carried out at the premises. The signage may include the address of the premises and/or a business logo.
52. The sign must not be illuminated at any time, and shall not include the use of bright or fluorescent colours, or highly reflective materials.



53. The approved signage and related components are to be maintained in a clean, tidy and structurally sound manner, at all times.
54. Any graffiti attacks on the approved signage and related components are to be removed and cleaned as soon as practicable, in order to deter future attacks.

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 issues raised in submissions received in response to public notification of the development have been sufficiently addressed as follows:
 - Conditions 6-12, 37-40, 43, 45-47, have been imposed in relation to noise management, hours of operation and impacts to the amenity of the area;
 - Conditions 32-34, 41, 48, 49 have been imposed in relation to traffic and access;
 - Conditions 3, 11, 37-49 have been imposed to regulate the operational management of the site.

ADVISORY NOTE

- The development is to operate so as to not emit offensive noise, as defined in the Protection of the Environment Operations Act 1997.

FURTHER APPROVALS REQUIRED

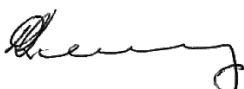
- Section 138 Driveway Crossover for work in Road Reserve

387/19

AMENDMENT Holden / Karavas

That Council:

- A. receive the report by the Town Planner on the DA0146/2018 Function Centre and Business Identification Signage;**



- B. approve DA0146/2018 Function Centre and Business Identification Signage subject to the following conditions:**

APPROVED PLANS

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

<i>Title/Name</i>	<i>Plan No.</i>	<i>Rev</i>	<i>Dated</i>	<i>Prepared by</i>
Site & Landscaping Plan	3538-A01	E	Sept 2019	Giselle Denley Drafting Services
Lodge Floor Plan	3538-A08	C	Sept 2019	Giselle Denley Drafting Services
Training Room/Lodge East & South Elevation	3538-A09	C	Sept 2019	Giselle Denley Drafting Services
Training Room Lodge West & North Elevation	3538-A10	C	Sept 2019	Giselle Denley Drafting Services
Advertising Sign	3538-A12	A	June 2018	Giselle Denley Drafting Services

GENERAL

2. This development consent provides approval for a function centre and business identification signage, only. The function centre may comprise of corporate training, leadership courses, retreats, conferences and general functions.

This consent does not permit wedding or party events, or the use of amplified music.

3. At least 1 month prior to staging the first event, an Operations Management Plan is to be submitted to and approved by Council. The Operations Management Plan is to be reviewed and modified as appropriate by the proponent, and submitted to Council on an annual basis.

The Operations Management Plan is to address, but not be limited to, the following:

- a) Telephone and email contact details for the on-site manager.
- b) Details of a complaints contact, and format for a complaints register.




- c) A methodology for recording the number of guests to the site.
 - d) Hazard, fire and emergency management.
 - e) Lighting to and within the event.
 - f) Waste management.
 - g) Liquor licencing and alcohol management.
 - h) Specific measures to ensure the safety of guests from the on-site quarry, including appropriate fencing.
 - i) Dust control.
4. 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.
5. 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.

NOISE REGULATION

6. The proponent shall ensure that the noise generated from the function centre does not exceed the criteria in the Table at any residence on privately owned land. The allowable noise limits are applicable to the function centre.

Table – Maximum Allowable Noise Limits dB(A)

Location	Day	Evening
	L _{Aeq} (15 minute)	L _{Aeq} (15 minute)
Private residence	40	35

Noise generated by the Development is to be measured in accordance with the relevant procedures and exemptions (including certain meteorological conditions) of the *Noise Policy for Industry 2017*.

7. For functions carried out at the 'Lodge', all food must be served and consumed within the building. No outdoor dining is permitted.

This condition has been imposed, in the absence of the noise report addressing the external preparation, serving and consumption of food.

PRIOR TO ISSUE OF THE CONSTRUCTION CERTIFICATE

8. Prior to release of the Construction Certificate, approval pursuant to Section 68 of the *Local Government Act 1993* for the




installation of an On-Site Sewer Management System is to be obtained from Mid-Western Regional Council.

9. In accordance with the provisions of Section 7.12 of the *Environmental Planning and Assessment Act 1979* and the *Mid-Western Regional Contributions Plan 2019* (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 issue of a Construction Certificate.

The value of works is to be calculated in accordance with Table 6 and the procedure outlined in Figure 1 of the Contributions Plan. A report regarding value of works and any necessary certification is to be submitted to Council. Council will calculate and advise of the levy amount following submission of the documents.

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

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

10. Prior to the issue of any Construction Certificate that includes above ground works, a landscape plan shall be submitted to and approved by the Certifier (i.e. Council or a private Certifier). This landscape plan shall be prepared by an appropriately qualified and experienced professional. The landscaping plan is to show and/or achieve the following:

- a) A planting schedule (including a range of plant sizes).
- b) A maintenance schedule.
- c) Re-planting regime for any plants that are damaged, dead, or removed for any reason.
- d) Utilise endemic species, where practicable, which are appropriate for the site.

11. Prior to issue of a Construction Certificate, details of a designated catering/servicing area shall be provided to Council, in a suitable location that limits disturbance to the amenity of the area.

PRIOR TO THE COMMENCEMENT OF WORKS

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



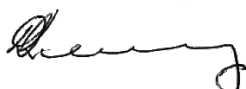
- a) the appointment of a Principal Certifying Authority and
- b) the date on which work will commence.

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

13. 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

14. 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.
15. With the exception of work where there is in force an exemption under clause 187 and 188 of the *Environmental Planning and Assessment Act 1979*, all building work that involves residential building work for which the *Home Building Act 1989* requires there to be a contract of insurance in force in accordance with Part 6 of that Act, such a contract of insurance is to be in force.
16. 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.

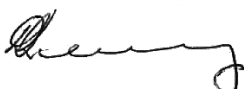
BUILDING CONSTRUCTION

17. If unexpected soil contaminants are discovered during works, which has the potential to alter previous conclusions regarding site contamination; work must cease and Council or NSW Environmental Protection Authority must be notified immediately.

The site is to be inspected by a suitably qualified person to identify any contaminated or hazardous material present. A proposal for remediation is to be prepared, which may include preparation of a Remedial Action Plan, and remediation is to be carried out in accordance with the proposal. A Validation Report, prepared in accordance with Environment Protection Authority requirements, is to be obtained from a qualified expert on completion of the remediation work to verify that the site is suitable for the intended use. A copy of the Validation Report is to be provided to Council on completion of the remediation works.

Note – Council may also request that a NSW Environmental Protection Authority accredited site auditor is involved to assist with the assessment of the contaminated land situation and review any new contamination information. The developer must also adhere to any additional conditions which may be imposed by the accredited site auditor.

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. All plumbing and drainage work must be carried out by a licensed plumber and drainer and must comply with the Plumbing Code of Australia.
20. 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.
21. 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.

22. All stormwater is to discharge a minimum 3m from the building and disposed of in such a way as to not adversely affect the adjoining properties.
23. All building work is to comply with the requirements of the Access to Premises Standard.
24. 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*.

ENGINEERING CONDITIONS

25. 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.
26. All stormwater runoff from roof surfaces is to be directed to rainwater tanks for storage and re-use. All runoff from rainwater tank overflow and other developed surfaces is to be controlled in such a manner so as not to flow or discharge over adjacent properties. Methods of disposal of excess stormwater must also include adequate provision for prevention of erosion and scouring.
27. Prior to the commencement of construction of the internal driveway a design showing appropriate grades and alignment must be submitted to Council for assessment and approval. The design must provide an alignment with level or flat grades to ensure headlight spill from exiting vehicles does not create nuisance for nearby housing.
28. Prior to the commencement of use the applicant is to construct sealed access crossovers and driveways from Rocky Waterhole Road to provide access to the proposed development. Consent from Council must be obtained for all works within the road reserve pursuant to Section 138 of the Roads Act 1993. Construction must be in accordance with the requirements of Council's "Access to Properties". Access to the development (crossovers and internal driveways), should require double lane access, and are to be maintained and upgraded as necessary to provide an all-weather trafficable surface to the satisfaction of Council at all times.



29. Prior to the commencement of use to mitigate the risk of rear end collisions, the applicant is to construct a Basic Right (BAR) turn treatment into site including a widened sealed shoulder must be constructed, in accordance with Figure A 28 from *Austrroads Guide to Road Design Part 4: Intersections and Crossings General*.
30. Prior to the commencement of use to improve the safety of users, the applicant is to construct a Basic Left (BAL) turn treatment into site including a widened sealed shoulder must be constructed, in accordance with Figure 8.2 from *Austrroads Guide to Road Design Part 4A: Unsignalised and Signalised Intersections*.
31. A total of 55 car parking spaces are to be provided within the site of the development and comply with AS 2890.1: 2004 and the following requirements:
- Each parking space is to have minimum dimensions of 5.5m x 2.4m;
 - Each disabled car parking space is to be in accordance with the provisions of AS 2890.6: 2009.
 - Line marking, wheel stop and signage has to be installed as per the relevant Australian Standard
- The car parking area must be constructed and sealed with an all-weather surface with provision made for the control of surface runoff. The layout should also provide for a suitably sized bus turning and parking area. Pavements and line marking must be maintained to the satisfaction of Council at all times.

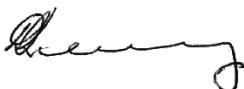
PRIOR TO ISSUE OF THE OCCUPATION CERTIFICATE

32. 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.
33. Prior to occupation or the issue of the Occupation Certificate the owner of the building must cause the Principal Certifying Authority to be given a fire safety certificate in accordance with Clause 153 of the *Environmental Planning and Assessment Regulation 2000* for each measure listed in the schedule. The certificate must only be in the form specified by Clause 174 of the Regulation. A copy of the certificate is to be given to the Commissioner of the New South Wales Fire Brigade and a copy is to be prominently displayed in the building.

ONGOING / OPERATIONAL



- 34. Functions carried out in the proposed Lodge must operate in accordance with the following:**
- a. Be for a maximum of 50 people,
 - b. Not have any amplified music at any time.
 - c. The approved hours of operation are:
8am – 7pm Monday – Sunday
- 35. Guests shall utilise the nominated driveway entry/exit point only. The Right of Carriageway traversing the site is only to be used by guests in emergency situations.**
- 36. All food that is served ancillary to a function, in accordance with Condition 13, is to be either:**
- a) prepared off site by a registered food premises, transported and stored onsite in accordance with the NSW Food Act 2003 and the Food Standards Code, or
 - b) prepared and stored onsite in a temporary food stall or mobile food vending vehicle, in accordance with NSW Food Authorities '*Guidelines for Mobile Food Vending Vehicles and Food Businesses at Temporary Events*'
- There shall be no preparation or storage of food within the proposed building unless separate consent is granted for such activities.
- 37. 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*".**
- 38. All waste generated by the development is to be disposed of to an appropriately licenced waste facility. All fees and charges for disposal are to be borne by the developer.**
- 39. The development is to be maintained in a clean and tidy manner, at all times.**
- 40. Landscaping is to be maintained in perpetuity, in accordance with the approved landscape plan.**
- 41. 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.**



42. All loading and unloading in connection with the premises shall be carried out wholly within the site.
43. All vehicles are required to enter and leave the site in a forward direction at all times. Signage to this effect is to be appropriately located within the site.

Signage

44. The sign is to be erected and sited in accordance with the plans submitted with the application, and in accordance with the following requirements:

Pylon Sign Display Area

Maximum length/width	2m
Maximum height	1.1m

Pylon Sign Overall

Maximum Height	2.2m
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45. The approved Business Identification Sign is to only display the name of the business carried out at the premises or the nature of the business carried out at the premises. The signage may include the address of the premises and/or a business logo.
46. The sign must not be illuminated at any time, and shall not include the use of bright or fluorescent colours, or highly reflective materials.
47. The approved signage and related components are to be maintained in a clean, tidy and structurally sound manner, at all times.
48. Any graffiti attacks on the approved signage and related components are to be removed and cleaned as soon as practicable, in order to deter future attacks.

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 issues raised in submissions received in response to public notification of the development have been sufficiently addressed as follows:

- **Conditions 6-12, 37-40, 43, 45-47, have been imposed in relation to noise management, hours of operation and impacts to the amenity of the area;**
- **Conditions 32-34, 41, 48, 49 have been imposed in relation to traffic and access;**
- **Conditions 3, 11, 37-49 have been imposed to regulate the operational management of the site.**

ADVISORY NOTE

- **The development is to operate so as to not emit offensive noise, as defined in the *Protection of the Environment Operations Act 1997*.**

FURTHER APPROVALS REQUIRED

- **Section 138 Driveway Crossover for work in Road Reserve**

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

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

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

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

Councillor Kennedy returned to the Chambers at 6:55pm.




8.2 DA0102/2020 - ART GALLERY AND TOURIST INFORMATION CENTRE - 90 MARKET STREET, MUDGEE
GOV400067, DA0102/2020

388/19

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

- A. receive the report by the Senior Town Planner on DA0102/2020 - Art Gallery and Tourist Information Centre - 90 Market Street, Mudgee;
- B. approve DA0102/2020 - Art Gallery and Tourist Information Centre - 90 Market Street, Mudgee subject to the following conditions:

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
Architectural Plans				
Site Plan	A010	-	3/10/19	BKA Architecture
Ground Floor Demolition Plan	A50	-	3/10/19	BKA Architecture
Level 01 Floor Demolition Plan	A51	-	3/10/19	BKA Architecture
Ground Floor Plan	A100	B	4/11/19	BKA Architecture
Level 01 Floor Plan	A101	B	4/11/19	BKA Architecture
Ground Floor Plan 1:100	A102	B	4/11/19	BKA Architecture
Elevation Sheet 01	A200	B	4/11/19	BKA Architecture




Elevations Sheet 02	A201	B	4/11/19	BKA Architecture
Elevations Sheet 03	A202	B	4/11/19	BKA Architecture
Sections	A300	-	3/10/19	BKA Architecture
Mood Board	A701	-	3/10/19	BKA Architecture
Landscape Plans				
Design Report and Landscape Design Strategy	02	B	02/10/19	MARA Consulting Pty Ltd
Drawing and Plant Schedule	03	B	02/10/19	MARA Consulting Pty Ltd
Landscape Plan	04	B	02/10/19	MARA Consulting Pty Ltd
Landscape Plan	05	B	02/10/19	MARA Consulting Pty Ltd
Landscape Elevations	06	B	02/10/19	MARA Consulting Pty Ltd
Planting Palette	07	B	02/10/19	MARA Consulting Pty Ltd
Stormwater Plans				
General Arrangement Plan	C-0010	B	09/10/19	BG&E
Stormwater Catchment Plan	C-0300	B	09/10/19	BG&E
Raingarden/Retention Basin Plan, Details and Sections	C-0350	B	09/10/19	BG&E
Erosion & Sediment Control Plan	C-0700	B	09/10/19	BG&E

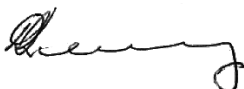
2. This approval does not provide any indemnity to the owner or applicant under the Disability Discrimination Act 1992 with




- 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.
 4. This development consent includes approval for:
 - a) The erection of a building and re-use an of an existing building to be used as an information and education facility.
 - b) The construction of 11 on-site car parking spaces.
 - c) The construction of a 6m wide ingress/egress driveway.
 - d) Connection of water, sewer and stormwater services to the development.

GENERAL

5. All building works, earthworks and pavement works must be carried out in accordance with the provisions of the National Construction Code, the Environmental Planning and Assessment Act 1979 and Regulations and all relevant Australian Standards.
6. The three peppercorn trees located along the Market Street frontage of the property are to be retained.
7. All demolition works are to be carried out in accordance with AS 2601-2001 "Demolition of structures", with all waste being removed from the site. Hazardous waste such as asbestos cement sheeting etc, should be handled, conveyed and disposed of in accordance with guidelines and requirements from SafeWork NSW. Disposal of asbestos material at Council's Waste Depot requires prior arrangement for immediate landfilling.
8. 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.
9. Costs associated with all development works including any necessary alterations, relocations of services, public utility mains or installations must be met by the developer. The developer is responsible to accurately locate all existing services before any development works commence to satisfy this condition.
10. A sign must be displayed in a prominent position in the building stating the maximum number of persons, as specified in the development consent, that are permitted in the building for the use of the building as a function centre.



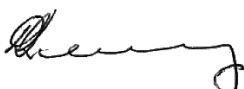
11. If the development involves an excavation that extends below the level of the base of the footings of a building, structure or work (including any structure or work within a road or rail corridor) on adjoining land, the person having the benefit of the development consent must, at the person's own expense:
- a) protect and support the building, structure or work from possible damage from the excavation, and
 - b) where necessary, underpin the building, structure or work to prevent any such damage.

Note - Prescribed condition pursuant to clause 98E of the Environmental Planning and Assessment Regulation 2000 and Council requirement to preserve the stability of adjoining roads/public places.

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.
13. All trafficable pavements are to be constructed and sealed with an impervious surface, either bitumen or concrete, and maintained to the satisfaction of Council at all times.
14. A total of 11 car parking spaces are to be provided within the site of the development and comply with AS 2890.1: 2004 – Parking facilities – Part 1: Off-street car parking and the following requirements:
- a) Each parking space is to have minimum dimensions of 5.5m x 2.4m; and
 - b) All car parking spaces are to be line-marked and provided with a sealed concrete or bitumen surface and must be maintained in a satisfactory condition at all times.

Earthworks

15. Fill placed in residential or commercial lots shall be compacted in accordance with AS3798-2007 Guidelines on Earthworks for Commercial and Residential Developments.
16. The only waste derived fill material that may be received at the development site must be:
- a) Virgin excavated natural material, within the meaning of the Protection of the Environment Operations Act 1997; and
 - b) Any other waste-derived material the subject of a resource recovery exemption under cl.91 of the



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

- 17. 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.**
- 18. Site works and landscaping must be designed and constructed in such a manner as to have no negative effect on the cross sectional area at any point of the adjacent waterway/drainage feature.**

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.

Building

- 19. 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.**
- 20. Pursuant to clause 94 of the Environmental Planning and Assessment Regulation 2000, the existing building is to be brought into conformity with the following Performance Requirements of the Building Code of Australia – Volume 1:
 - a) DP2 – So that people can move safely to and within the building, it must have stairways with slip resistant walking surfaces and suitable handrails where necessary to assist and provide stability to people using the stairway.**
 - b) EP4.1 – To facilitate safe evacuation in an emergency, the building must be provided with a system that ensures a level of visibility sufficient to enable exits, paths of travel to exits and any obstacles along a path of travel to an exit to be identified; and activates instantaneously upon the failure of an artificial lighting system, to the degree necessary, appropriate to the function or use of the building; and the floor area of the building; and the distance of travel to an exit.****



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

21. All building work is to comply with the requirements of the Disability (Access to Premises – Buildings) Standards 2010. Details demonstrating full compliance with the Standards, including continuous path of travel from the entrance to the property, are to be submitted and approved as part of any Construction Certificate.
22. The design, construction and fitout of any proposed kitchen, coolroom/s and associated structures must be constructed in accordance with the relevant requirements of:
 - a) Food Act 2003;
 - b) Food Regulation 2015;
 - c) Food Standards Australia and New Zealand – Food Standards Code 2003;
 - d) AS 4674-2004 for Design, Construction and Fit out of Food Premises;
 - e) AS 1668.2-2012 – the use of ventilation and air conditioning in buildings; and
 - f) The Building Code of Australia.

Full details are to be submitted for approval to the Certifier (ie Council or a private Certifier) prior to the issue of a Construction Certificate.

The information that will need to be submitted, includes, but is not limited to, the location of hand-basins, wash-up sinks, any exhaust hoods, floor finishes, wall finishes and ceiling finishes.

Heritage

23. A board with detailed samples of proposed colours and finishes is to be submitted to and approved by Council prior to the issue of a Construction Certificate.
24. A photographic archival record of the heritage item, prepared in accordance with the Heritage Council publication Photographic Recording of Heritage Items using Film or Digital Capture, including one bound copy, is to be submitted to and approved by Council prior to the issue of a Construction Certificate.
25. An interpretation plan for the item is to be prepared by a suitably qualified heritage consultant. The plan is to set out recommendations for introduced material and presentation of the fabric which will help to convey the heritage significance of the item to users and visitors. The plan is to be submitted to



and approved by Council prior to the issue of a Construction Certificate.

26. Prior to the issue of a Construction Certificate, details of the installation of the internal lift are to be submitted to and approved by Council. The details of the installation of the lift shall include the following matters:
- a) Details of footings and connection to the existing ground level floor structure;
 - b) Details of the connection to the upper level floor structure, following the creation of the hole through which the lift will be inserted;
 - c) The lift overrun shall not penetrate the ceiling of the upper level; and
 - d) The design and installation of the lift shall be carried out to minimise the removal of existing building fabric.

Note – structural engineer’s certification will be required to support the application for a Construction Certificate.

Engineering

27. Prior to the issue of a Construction Certificate, plans showing the levels and details of the car park and any footpath adjustments must be submitted to Council. These plans are to include details of proposed footpath regrading.
28. Prior to the issue of a Construction Certificate, detailed drainage design supported by full and detailed calculations and generally in accordance with the details and layout as provided with the application must be submitted to and approved by Council’s Manager Development Engineering.
29. 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.
30. Details of the internal driveway and car parking spaces are to be submitted to and approved by the Certifier (ie. Council or a private Certifier), prior to the issue of a Construction Certificate. These details shall comply with the requirements of AS/NZS 2890.1:2004 – Parking Facilities – Part 1: Off-street Car Parking and the relevant conditions of this development consent.

Contributions and Levies

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



Note - The amount payable is currently based on 0.35% of the cost of work. This is a State Government Levy and is subject to change.

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

- 32. Prior to the issue of a Construction Certificate, the developer shall obtain a Certificate of Compliance under the Water Management Act 2000, from Council.**

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

Trade Waste

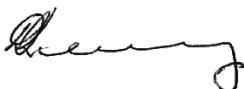
- 33. A Construction Certificate for the approved use is not to be issued until any necessary approvals under Section 68 of the Local Government Act 1993 to dispose of waste into a sewer of the council (eg liquid trade waste) have been obtained.**

PRIOR TO THE COMMENCEMENT OF WORKS

- 34. 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.

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

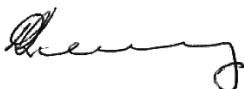


36. **Sediment erosion controls shall be installed within the development site, to the satisfaction of the Certifier (ie Council or the Principal Certifier), prior to the commencement of works.**
37. **A sign must be erected in a prominent position on any work site on which the erection or demolition 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.**
38. **If the work involved in the erection/demolition of the building:**
- a) **Is likely to cause pedestrian or vehicular traffic in a public place to be obstructed or rendered inconvenient; or**
 - b) **Building involves the enclosure of a public place; then**

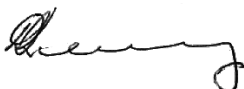
A hoarding or fence must be erected between the work site and the public place. If necessary, an awning is to be erected, sufficient to prevent any substance from, or in connection with, the work falling into the public place. Any such hoarding, fence or awning is to be removed when the work has been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

DURING CONSTRUCTION

39. **All plumbing and drainage work must be carried out by a licensed plumber and drainer and must comply with the Plumbing Code of Australia.**
40. **All mandatory inspections required by the Environmental Planning and Assessment Act 1979 and any other inspections deemed necessary by the Principal Certifying Authority are to be notified by the developer (providing no less than 24 hours notice) and carried out during the relevant stage of construction.**
41. **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**



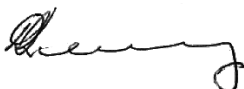
- b) **No construction work noise is permitted on Sundays or Public Holidays.**
42. **The strength of the concrete used for the reinforced concrete floor slab must be a minimum 25Mpa.**
43. **The list of measures contained in the schedule attached to the Construction Certificate are required to be installed 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.**
44. **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.**
45. **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.**
46. **A temporary construction fence is to be provided 2m off the drainage channel, for the duration of the construction phase of the main building. The fencing may be removed when the building is nearing completion to permit landscaping work and construction of the rain garden which is to be located adjacent to the stormwater channel.**
47. **In the event of any Aboriginal archaeological material being discovered during earthmoving/construction works, all work in that area shall cease immediately and the Office of Environment and Heritage (OEH) notified of the discovery as soon as practicable. Work shall only recommence upon the authorisation of the OEH.**
48. **If historical archaeological remains are found during works, works should immediately cease and the Heritage Branch of the Office of Environment and Heritage should be contacted for further advice, as required under Section 139 of the Heritage Act 1977.**



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.

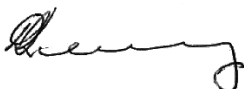
49. Prior to the occupation of a new building, or occupation or use of an altered portion of, or an extension to an existing building, an Occupation Certificate is to be obtained from the Principal Certifying Authority appointed for the erection of the building.
50. Prior to the issue of an Occupation Certificate, the following works in relation to access, car parking and associated manoeuvring areas are to be completed:
 - a) Internal car parking spaces and associated manoeuvring areas are to be provided with an all-weather sealed surface.
 - b) The car parking area must be set out and clearly delineated in accordance with the requirements of AS 2890.1:2004 Parking Facilities Part 1: Off-street Car Parking.
 - c) Physical measures, such as wheel stops, shall be provided to ensure parked vehicles do not overhang and obstruct internal footpaths.
51. Prior to the commencement of use or issue of an Occupation Certificate, the developer must install signage (external and internal) to indicate direction of traffic flow and the entry and exit points. Signage must be provided in accordance with the standards and requirements set out in AS 1742.1 – 2014 Manual of uniform traffic control devices Part 1: General introduction and index of signs.
52. Prior to the commencement of use or the issue of an Occupation Certificate, the developer must construct all stormwater drainage and the proposed detention tank in accordance with the details as shown on the approved drainage plans, showing detention of stormwater runoff.
53. Prior to occupation or the issue of the Occupation Certificate the owner of the building must cause the Principal Certifying Authority to be given a fire safety certificate in accordance with Clause 153 of the Environmental Planning and Assessment Regulation 2000 for each measure listed in the schedule. The certificate must only be in the form specified by Clause 174 of the Regulation. A copy of the certificate is to be given to the Commissioner of the Fire and Rescue NSW and a copy is to be prominently displayed in the building.



54. **Prior to the issue of an Occupation Certificate, the external finishes of the development must be completed and matching to the approved sample board of colours and finishes.**
55. **The approved heritage interpretation plan is to be implemented to the satisfaction of Council's Heritage Advisor, prior to the issue of an Occupation Certificate.**
56. **The work listed in the Heritage Asset Conservation Plan, prepared by Urbis Pty Ltd, dated October 2013, Part 4: Capital Works, Table 2, is to be completed to the satisfaction of the Principal Certifying Authority prior to the issue of an Occupation Certificate.**
57. **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.**
58. **All plants shown on the approved landscape plan/s are to be planted and all hard landscaping (eg rocks, retaining walls, solid garden bed edging) is to be installed prior to occupation of the development and/or commencement of the use.**
59. **Rainwater tanks with a minimum combined capacity of 10 kL, or as otherwise approved by the detailed stormwater management plan required by a condition of this consent, are to be installed prior to the issue of an Occupation Certificate.**
60. **Prior to use of the development and/or issue of an Occupation Certificate, all works included in any Trade Waste Approval are to be completed.**

OPERATIONAL/ ONGOING CONDITIONS

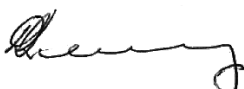
61. **For every 12 month period after the issue of the Final Fire Safety Certificate the owner/agent of the building must provide the Council and the Commissioner of NSW Fire Brigades with a copy of an Annual Fire Safety Statement certifying that each specified fire safety measure is capable of performing to its specification.**
62. **Where any essential services are installed in the building a copy of the final Fire Safety Certificate (together with a copy of the current fire safety schedule) is to be given to the Commissioner of Fire and Rescue NSW. A further copy of the Certificate (together with a copy of the current fire safety schedule) is to be prominently displayed in the building.**
63. **The hours of operation of the development are limited to 8am to 10pm, 7 days per week.**



64. All vehicles are required to enter and leave the site in a forward direction at all times.
65. All line-marking for the on-site car parking spaces and footpath areas are to be maintained in a visible condition, at all times.
66. All loading and unloading in connection with the premises shall be carried out wholly within the site and at the approved loading dock.
67. All car parking spaces, loading and unloading areas, vehicle manoeuvring and driveway areas must not be used for the storage of any goods or materials and must be available for their intended use at all times.
68. 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".
69. Garbage storage areas are to be adequately screened from public view.
70. No display or sale of goods is to take place from public areas or footpaths fronting the premises.
71. The development is to be maintained in a clean and tidy manner, at all times.
72. The café is to be registered with Council as a Class 3 - Food Premises. The premises will be subject to inspections by Council for which a fee will be payable. The application form (Food Registration Form) and further information is available on Council's website www.midwestern.nsw.gov.au.
73. 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.

REASONS FOR DECISION

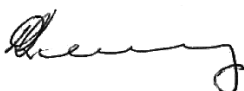
1. The proposed development complies with the requirements of the applicable environmental planning instruments and Mid-Western Regional Development Control Plan 2013.
2. The proposed development is considered satisfactory in terms of the matters identified in Section 4.15 of the Environmental Planning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



3. **There is sufficient justification for the proposal's variation from the maximum height limit requirement contained in Mid-Western Regional Local Environmental Plan 2012.**
4. **The proposed development satisfactorily addresses the issues raised in objections received in response to public notification of the development, as follows:**
 - a) **The proposed development will not have an adverse impact on heritage character or aesthetic impact, subject to conditions.**
 - b) **The loss of some large trees within the grounds will not have a significant impact on the streetscape and the heritage conservation area.**

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 (EP&A Act) gives you the ability to seek a review of the determination. This request is made to Council and must be made within 6 months after the date on which you receive this notice. The request must be made in writing and lodged with the required fee; please contact Council's 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 EP&A 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 EP&A Act.**
- 6 **To ascertain the extent to which the consent is liable to lapse, refer to Section 4.53 of the EP&A Act.**



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

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

Please be advised that as a precondition to the granting of a Compliance Certificate:

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

Section 64 Contributions			
The rates shown below are current up to 30 June 2020			
12 Additional Lots (3 credits for existing lots)			
	ET/Unit	Value	Total
Water Headworks	0.716	\$8,548.00	\$6,120.37
Sewer Headworks	0.716	\$3,903.00	\$2,794.55
Total Headworks			\$8,914.92

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

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

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

The following recommendations (item 8.3 to item 9.1) 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 separate resolution numbers commencing at Resolution No. 388/19 and concluding at Resolution No. 390/19.




8.3 LEP HEALTH CHECK

GOV400067, LAN900013

389/19 MOTION: Shelley / Paine

That Council:

- 1. receive the report by the Manager, Strategic Planning on the LEP Health Check; and**
- 2. endorse the LEP Health Check and send to the Department of Planning Industry and Environment for consideration.**

The motion was carried with the Councillors voting unanimously.

8.4 MONTHLY DEVELOPMENT APPLICATIONS PROCESSING AND DETERMINED

GOV400067, A100055, A100056

390/19 MOTION: Shelley / Paine

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 LONG TERM FINANCIAL PLAN 2019/2029 - POST EXHIBITION REPORT

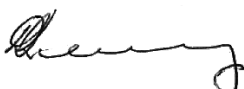
GOV400067, FIN300201

391/19 MOTION: Shelley / Paine

That Council:

- 1. receive the report by the Chief Financial Officer on the Long Term Financial Plan 2019/2029 - Post Exhibition Report; and**
- 2. adopt the draft Long Term Financial Plan 2019/2029.**

The motion was carried with the Councillors voting unanimously.



9.2 NAMING OF JOHN HAWKINS BRIDGE OVER CUDGEGONG RIVER ON BYLONG VALLEY WAY/LOUEE STREET, RYLSTONE

GOV400067, ROA100071

392/19 MOTION: Shelley / Karavas

That Council:

- 1. receive the report by the Property Support Officer on the naming of John Hawkins Bridge over Cudgegong River on Bylong Valley Way/Louee Street, Rylstone**
- 2. formally approve the name of John Hawkins Bridge for this bridge; and**
- 3. recommend commencing the naming process to name the public reserve located on Lot 7300 DP 1140929 or the public reserve located on Lots 7013 7014 DP 1023898 Lots 9 & 10 DP 758891 in honour of Bill Staff.**

The motion was carried with the Councillors voting unanimously.

The following recommendations (item 9.3 to item 9.4) were adopted as a whole, being moved by Cr Holden, seconded by Cr Paine and carried with Councillors voting unanimously. Each recommendation is recorded with separate resolution numbers commencing at Resolution No. 393/19 and concluding at Resolution No. 394/19.

9.3 POLICY REVIEW - DEBT RECOVERY

GOV400067, A0340005

393/19 MOTION: Holden / Paine

That Council:

- 1. receive the report by the Revenue and Property Manager on the Policy Review - Debt Recovery;**
- 2. place the revised Debt Management and Recovery Policy on public exhibition for 28 days; and**
- 3. adopt the revised Debt Management and Recovery Policy if no submissions are received.**

The motion was carried with the Councillors voting unanimously.



9.4 MONTHLY STATEMENT OF INVESTMENT AND BANK
BALANCES AS AT 30 NOVEMBER 2019

GOV400067, FIN300053

394/19

MOTION: Holden / Paine

That Council:

1. **receive the report by the Manager Financial Planning on the Monthly Statement of Investment and Bank Balances as at 30 November 2019;**
2. **note the certification of the Responsible Accounting Officer.**

The motion was carried with the Councillors voting unanimously.

9.5 COMMUNITY GRANTS PROGRAM - DECEMBER 2019

GOV400067, FIN300159

395/19

**MOTION: Holden / Shelley
Holden/**

That Council:

1. **receive the report by the Manager Financial Planning on the Community Grants Program - December 2019;**
2. **provide financial assistance to the following applications in accordance with the criteria and guidelines of the**

Gulgong Chamber of Commerce	\$4,000
Mudgee Historical Society	\$1,600
Back to Gulgong Weekend Incorporated	\$5,000
Mudgee Triathlon Club	\$1,113
Mudgee Bushwalking and Bike Riding Club Inc.	\$948
Kandos Returned Services Community Club Ltd	\$2,500

The motion was carried with the Councillors voting unanimously.

9.6 MONTHLY BUDGET REVIEW - NOVEMBER 2019

GOV400067, FIN300201




396/19 MOTION: Holden / Shelley

That Council:

- 1. receive the report by the Manager Financial Planning on the Monthly Budget Review - November 2019;**
- 2. amend the 2019/20 Budget in accordance with the variations as listed in the Monthly Budget Review attachment to this report.**
- 3. amend the 2019/20 budget to allocate a total expenditure budget of \$250,000 for Avdata filling stations, funded from Water Fund cash.**

The motion was carried with the Councillors voting unanimously.

9.7 MUDGEE AIRPORT AMBULANCE TRANSFER BAY

GOV400067, GRA600041

397/19 MOTION: Thompson / Cavalier

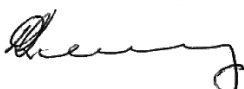
That Council:

- 1. receive the report by the Manager Economic Development on the Mudgee Airport Ambulance Bay;**
- 2. accept grant funding of \$39,500 from NSW Government Infrastructure Grants program to fund a Ambulance Transfer Bay at Mudgee Airport;**
- 3. authorise the Mayor or General Manager to finalise and sign the funding agreement with NSW State Government; and**
- 4. amend the 2019/20 Budget as follows:**
 - in 2019/20 allocate a project expenditure budget of \$79,000 to construct an Ambulance Transfer Bay at Mudgee Airport including \$39,500 from NSW Infrastructure Grants, and \$39,500 from Capital Reserves.**

The motion was carried with the Councillors voting unanimously.

Late item 9.8 was considered after item 10.2.

The following recommendations (item 10.1 to item 10.2) were adopted as a whole, being moved by Cr Paine, seconded by Cr O'Neill and carried with Councillors voting unanimously. Each



recommendation is recorded with separate resolution numbers commencing at Resolution No. 398/19 and concluding at Resolution No. 399/19.

Item 10: Operations

10.1 RFT2018/35 LAWSON CREEK PEDESTRIAN BRIDGE - CEASE NEGOTIATIONS

GOV400067, COR400208, RFT2018/35

398/19 MOTION: Paine / O'Neill

That Council:

- 1. receive the report by the Manager Works on the RFT2018/35 Lawson Creek Pedestrian Bridge - Cease Negotiations;**
- 2. authorise the General Manager to cease negotiations with Timber Restorations Systems Pty Ltd; and**
- 3. authorise the Director Operations to procure individual components to construct the Lawson Creek Bridge.**

The motion was carried with the Councillors voting unanimously.

10.2 RFT 2019/33 - WET AND DRY PLANT HIRE TENDER

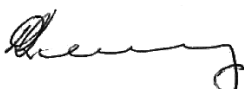
GOV400067, COR400248

399/19 MOTION: Paine / O'Neill

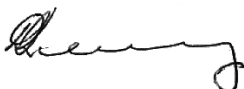
That Council:

- 1. receive the report by the Manager Works on the RFT 2019/33 Wet and Dry Plant Hire Tender;**
- 2. accept the list below of preferred contractors for Tender 2019/33 for the provision of Wet and Dry Plant Hire for 12 months ending 31st December 2020, with an option to extend an additional 12 months to December 2021, in accordance with Clause 178 of the Local Government (General) Regulation 2005:**

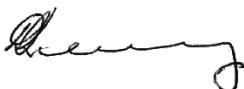
- A1 Earthworx Mining & Civil Pty Ltd**
- Accurate Asphalt & Road Repairs Pty Ltd t/a Accurate Stabilisin**
- Adrian Ingram Plant Hire**
- Advance Sweepers Pty Ltd**



- **Agile Arbor Pty Ltd**
- **Andrew Turner Excavations**
- **Bennetts Towing**
- **Brooks Hire Service Pty LTD**
- **C & M Box Constructions Pty Ltd**
- **Coates Hire Operations Pty Ltd**
- **Comer Plant Hire**
- **Complete Crushing Services Pty Ltd**
- **Conplant Pty Ltd**
- **Corey's Clean Up and Removals**
- **Cutting Edge Earthmoving & Excavations**
- **Ezyquip Hire Pty Ltd**
- **Hyroll Hire Pty Ltd**
- **ICE Earthmoving**
- **Inland Civil and Rail**
- **JH & C Evans**
- **JR Richards and Sons Pty Ltd**
- **Keegan Civil Pty Ltd**
- **Kennards Hire Pty Ltd**
- **Miskles Earthmoving Pty Ltd**
- **MK Civil & Consultancy Pty Ltd**
- **Mudgee Cranes**
- **Mudgee Dolomite & Lime Pty Ltd**
- **Murkins Earthmoving Pty Ltd**



- **North West Services Pty Ltd**
- **Orange Equipment Pty Ltd T/a Orange Hire**
- **P&J Andrews Engineering Bobcat and Tipper Hire**
- **Pipe Management Australia Pty Ltd**
- **PJL Constructions Complete Mine Services and Solutions**
- **Porter Plant**
- **PremiAir Hire**
- **Pumps United Pty Ltd**
- **Rambo Earthworks Pty Ltd**
- **Rollers Australia Pty Ltd**
- **Rosmech Sales and Service Pty Ltd**
- **Solar Hire Pty Ltd**
- **Solo Resource Recovery**
- **Stabilcorp Pty Ltd**
- **Strait Up Cranes and Rigging**
- **Terros Transport Pty Ltd**
- **Think Civil Pty Ltd**
- **TKR Heavy Equipment**
- **Total Drain Cleaning Service Pty Ltd**
- **Troy Kurtz Earthworks**
- **Ulan Water Pty Ltd**
- **Vacsafe**
- **Vibe Plant Hire**
- **Williams Liquid Waste Services**



The motion was carried with the Councillors voting unanimously.

Councillors Cavalier and Holden declared a significant conflict of interest in item 9.8 as they are Councillor representatives on the Joint Regional Planning Panel that will be the determining body for the solar array, and Councillor Paine declared a significant conflict of interest in item 9.8 as he is the alternate Councillor representative on the Joint Regional Planning Panel.

Councillors Cavalier, Holden and Paine left the Chambers at 7:07pm and did not participate in discussion or vote in relation to this matter.

9.8 EXEMPTION FROM TENDER - MANAGING CONTRACTOR SOLAR ARRAY

GOV400067, ENE100032

400/19

MOTION: Shelley / O'Neill

That Council:

- 1. receive the report by the Chief Financial Officer on the Exemption from Tender - Managing Contractor Solar Array;**
- 2. approve an exemption from tender, in accordance with Section 55(3)(i) of the Local Government Act 1993, for the managing contractor of the proposed Solar Array project;**
- 3. approve procurement of Engie Electrical and Communications Pty Ltd as the managing contractor of the Solar Array project, should the project continue to be endorsed through Council;**
- 4. notes the reason for exemption is the involvement of Engie Electrical and Communications Pty Ltd in the pre-project and feasibility phase, which will result in significant cost savings by reducing rework and project familiarisation.**

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

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

Councillors Cavalier, Holden and Paine returned to the Chambers at 7:09pm.




10.3 SEALING OF BURRUNDULLA ROAD

GOV400067, R0030001

401/19 MOTION: Holden / Shelley**That Council:**

1. receive the report by the Senior Works Engineer on the Sealing of Burrundulla Road;
2. approve the sealing of 460m of Burrundulla Road with a contribution from the applicants for the cost of the seal and a condition that payment is received prior to any works commencing; and
3. amend the 2019/20 Operational Plan to include the sealing of Burrundulla Road for \$56,722, funded from \$21,440 (ex gst) contribution from the applicant, and an additional \$35,282 from Unrestricted cash

The motion was carried with the Councillors voting unanimously.

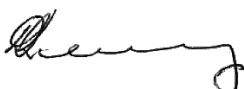
The following recommendations (item 10.4 to item 12.3, not including item 11.3) were adopted as a whole, being moved by Cr Shelley, seconded by Cr Cavalier and carried with Councillors voting unanimously. Each recommendation is recorded with separate resolution numbers commencing at Resolution No. 402/19 and concluding at Resolution No. 408/19.

10.4 ULAN-WOLLAR ROAD AND MOORLAR BEN COAL OPERATIONS INTERSECTION UPGRADE

GOV400067, R4022001

402/19 MOTION: Shelley / Cavalier**That Council:**

1. receive the report by the Director Operations on the Ulan-Wollar Road and Moolarben Coal Operations Intersection Upgrade;
2. accept funding of \$340,000, if agreed, from Moolarben Coal Operations for the construction of the intersection upgrade;
3. amend the 2019/20 Operational Plan to include a budget of \$340,000 for Ulan-Wollar and Moolarben Coal Operations Intersection Upgrade; and



- 4. **authorise the General Manager to negotiate final terms and sign all necessary documentation to formally accept the funds from Moolarben Coal Operations.**

The motion was carried with the Councillors voting unanimously.

Item 11: Community

11.1 GLEN WILLOW STAGE 2 UPDATE

GOV400067, PAR300584

403/19 MOTION: Shelley / Cavalier

That Council receive and note the report by the Director Community on the Glen Willow Stage 2 Update.

The motion was carried with the Councillors voting unanimously.

11.2 PARKS USAGE POLICY

GOV400067, GOV400047

404/19 MOTION: Shelley / Cavalier

That Council:

1. **receive the report by the Manager Recreation Services on the review of the Parks Usage Policy;**
2. **place the revised Parks Usage Policy on public exhibition for 28 days; and**
3. **adopt the revised Parks Usage Policy if no submissions are received.**

The motion was carried with the Councillors voting unanimously.

Item 11.3 was considered after item 12.3.

11.4 MEMORANDUM OF UNDERSTANDING WITH MUDGEES FINE FOODS INC. - ROBERTSON PARK FARMERS MARKETS

GOV400067, F0650002

405/19 MOTION: Shelley / Cavalier

That Council:



1. receive the report by the Director Community on the Memorandum of Understanding with Mudgee Fine Foods Inc. - Robertson Park Farmers Markets; and
2. continue the Memorandum of Understanding with Mudgee Fine Foods Inc. for the operation of markets at Robertson Park Mudgee following the end of the trial period in January 2020.

The motion was carried with the Councillors voting unanimously.

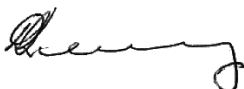
Item 12: Reports from Committees

12.1 LOCAL TRAFFIC COMMITTEE - NOVEMBER MEETING 2019 GOV400067, A0100009

406/19 MOTION: Shelley / Cavalier

That Council:

1. receive the report by the EA to Director, Operations on the Local Traffic Committee - November Meeting 2019;
2. install edge line marking and centre line marking (allowing for parking lane on both sides) on Oporto Road between Madeira and Lisbon Roads;
3. develop a design plan to be presented to the committee for endorsement prior to line marking being undertaken.
4. consult with residents advising proposed changes to the parking arrangements at Lochiel Lane;
5. approve 'no stopping' signs be installed along eastern side of Lochiel Lane;
6. monitor adherence to 'no stopping signs' to be undertaken for three months, if it appears ineffective Council to consider implementing one way;
7. develop a design plan to be presented to the committee for signage placement of Lochiel Lane for endorsement prior to installation being undertaken;
8. formalise line marking on Market and Mortimer Streets, between Church and Lewis Streets;



9. **develop a design plan of CBD line marking to be presented to the committee for endorsement prior to installation being undertaken;**
10. **confirm with parking study consultant about whether Mudgee Preschool P15 zone is warranted and prepare report for committee with outcome;**
11. **note the outstanding action item list; and**
12. **note the correspondence and general business items discussed.**

The motion was carried with the Councillors voting unanimously.

12.2 MUDGEE SPORTS COUNCIL AGM MINUTES 29 OCTOBER
2019 & MUDGEE SPORTS COUNCIL MEETING MINUTES 29
OCTOBER 2019

GOV400067, A360013

407/19

MOTION: Shelley / Cavalier

That Council:

1. **receive the report by the Manager Recreation Services on the Mudgee Sports Council AGM minutes 29 October 2019 & Mudgee Sports Council Meeting minutes 29 October 2019;**
2. **note the minutes of the Mudgee Sports Council AGM and Mudgee Sports Council Meeting held on 29 October 2019; and**
3. **endorse the recommended changes to the Terms of Reference for the Mudgee Sports Council.**

The motion was carried with the Councillors voting unanimously.

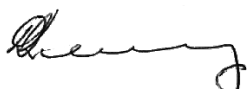
12.3 AUDIT RISK AND IMPROVEMENT COMMITTEE MEETING 8
NOVEMBER 2019

GOV400067, COR400236

408/19

MOTION: Shelley / Cavalier

That Council:



1. receive the report by the Executive Manager, Human Resources on the Audit Risk and Improvement Committee Meeting 8 November 2019; and
2. note the minutes for the Audit Risk and Improvement Committee meeting 8 November 2019.

The motion was carried with the Councillors voting unanimously.

Councillor Cavalier declare a pecuniary conflict of interest in item 11.3 as he has an existing business relationship with the requestor. He left the room at 7.12pm and did not participate in discussion or vote in relation to this matter.

11.3 MUDGEE DRAGON BOATS SHED

GOV400067, F0650039

409/19

MOTION: Kennedy / Karavas

That Council:

1. receive the report by the Director Community on the Mudgee Dragon Boats Shed; and
2. approve the request from the Mudgee Region MudDragons Dragonboat Club for a shed to be constructed at the Mudgee Pool complex.

AMENDMENT: Holden / no seconder

That Council:

1. receive the report by the Director Community on the Mudgee Dragon Boats Shed; and
2. decline the request from the Mudgee Region MudDragons Dragonboat Club for a shed to be constructed at the Mudgee Pool complex.

The amendment was lost for want of a seconder.

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

Councillors	Ayes	Nays
Cr Shelley	✓	
Cr Kennedy	✓	
Cr Martens	✓	
Cr Thompson	✓	
Cr Paine	✓	
Cr Karavas	✓	




Cr O'Neill	✓
Cr Holden	✓

Cr Cavalier returned to the Chambers at 7:16pm.

Item 13: Urgent Business Without Notice

Item 14: Confidential Session

410/19 MOTION: Shelley / Holden

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 Commercial Property Purchase Update

The reason for dealing with this report confidentially is that it relates to commercial information of a confidential nature that would, if disclosed prejudice the commercial position of the person who supplied it and information that would, if disclosed, confer a commercial advantage on a competitor of the council in accordance with Section 10A(2)(d)(i) and (d)(ii) of the Local Government Act, 1993.

Discussion of this matter in an open meeting would be, on balance, contrary to the public interest as it involves discussion of a commercial property opportunity being considered by Council.

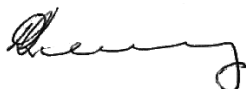
14.2 Sale of Land to Recover Overdue Rates and Charges - Chapter 17, Part 2, Division 5, Section 713 Local Government Act 1993

The reason for dealing with this report confidentially is that it relates to discussion in relation to the personal hardship of a resident or ratepayer in accordance with Section 10A(2)(b) 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 (b) discussion in relation to the personal hardship of a resident or ratepayer.

14.3 Former TAFE Site

The reason for dealing with this report confidentially is that it relates to information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business, commercial information of a confidential nature that would, if disclosed prejudice the commercial position of the person who supplied it and information that would, if disclosed, confer a commercial advantage on a



competitor of the council in accordance with Section 10A(2)(c); (d)(i) and (d)(ii) 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 financial information..

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

14.1 COMMERCIAL PROPERTY PURCHASE UPDATE
GOV400067, COM100008

411/19 MOTION: Paine / Holden

That Council:

- 1. receive the report by the Chief Financial Officer and General Manager on the Commercial Property Purchase Update;**
- 2. approve the upgrade works at Mudgee Valley Caravan Park, as detailed in the report; and**
- 3. amend the 2019/20 budget to allocate \$850,000 towards Mudgee Valley Park Upgrades, \$225,000 funded from grant funding and \$625,000 funded from unrestricted cash.**

The motion was carried with the Councillors voting unanimously.

14.2 SALE OF LAND TO RECOVER OVERDUE RATES AND CHARGES - CHAPTER 17, PART 2, DIVISION 5, SECTION 713 LOCAL GOVERNMENT ACT 1993
GOV400067, A0340011, RAT700043

412/19 MOTION: Cavalier / O'Neill

That Council:

- 1. receive the report by the Revenue and Property Manager and Assistant Manager Revenue and Property on the Sale of Land to Recover Overdue Rates and Charges - Chapter 17, Part 2, Division 5, Section 713 Local Government Act 1993;**
- 2. agree to sell under Chapter 17, Part 2, Division 5, Section 713 of the Local Government Act 1993, the lands held under the following Property Numbers: 2774, 20961, 13747 and**



- 7396 and note that the General Manager has signed the General Manager's Certificates for each of the properties;
3. approve Friday 24 April 2020, as the date for the Auction;
 4. authorise the General Manager to appoint an Auctioneer and determine the time and venue for the Auction on 24 April 2020;
 5. authorise the General Manager to arrange the publication of the mandatory advertisement in accordance with Section 715(1) Local Government Act 1993;
 6. authorise the General Manager to exercise delegated authority to deal with matters arising out of the sale process so as to ensure continuous and smooth running of the Sale process;
 7. authorise the General Manager to determine any reserve prices;
 8. authorise the General Manager to negotiate the sale of any property, by private treaty in accordance with Section 716(2) Local Government Act 1993, that fails to sell at the Auction on 24 April 2020; and
 9. authorise the General Manager to consider arrangements for payment of rates and charges and to withdraw properties from the Auction where satisfactory arrangements have been accepted or where a property no longer meets the requirements under Chapter 17, Part 2, Division 5, Sections 713-726 of the Local Government Act 1993;
 10. authorise the General Manager to execute the contract documents on behalf of Council in relation to all properties that are sold at the Auction on 24 April 2020 and; to execute the contract documents on behalf of Council in relation any properties that fail to sell at the Auction, but are subsequently sold by private treaty, as negotiated by the General Manager at Recommendation 8;
 11. authorise the General Manager to take such action (including court proceedings if necessary) as may reasonably be required to give vacant possession of any properties sold at the Auction on 24 April 2020 and; to take such action (including court proceedings if necessary) as may reasonably be required to give vacant possession to any properties that fail to sell at the Auction, but are subsequently sold by private treaty, as negotiated by the General Manager at Recommendation 8;



- 12. authorise the General Manager and Mayor to sign all documentation necessary to facilitate the processes under Chapter 17, Part 2, Division 5, Sections 713-726 of the Local Government Act 1993 and; to all documentation relating to any properties that fail to sell at the Auction, but are subsequently sold by private treaty, as negotiated by the General Manager at Recommendation 8;
- 13. authorise the Common Seal of Council be affixed to all documentation necessary to facilitate the processes under Chapter 17, Part 2, Division 5, Sections 713-726 of the Local Government Act 1993 and; to all documentation relating to any properties that fail to sell at the Auction, but are subsequently sold by private treaty, as negotiated by the General Manager at Recommendation 8; and
- 14. appoint Mr Stephen Flynn of Flynn's Solicitors, as Council's legal representative in this matter.

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

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

14.3 FORMER TAFE SITE

GOV400067, P1122711

413/19

MOTION: Paine / Karavas

That Council:

- 1. receive the report by the Director Community on the Former TAFE Site;
- 2. delegate the General Manager to negotiate with the relevant State government agencies a purchase price as detailed in the report for the former TAFE Site;
- 3. request a further report be brought back to Council:
 - 3.1 with detail on the short and long term opportunities for the site for Council and community groups;




- 3.2 to seek a decision on whether to purchase the property after negotiations have occurred;
- 3.3 to provide the necessary delegated authority to the General Manager and Mayor to enact the purchase; and
- 3.4 allocate a budget to purchase the property.

The motion was carried with the Councillors voting unanimously.

Item 15: Urgent Confidential Business Without Notice

Nil

Item 16: Open Council

414/19 MOTION: Paine / O'Neill

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 7:26pm.

