

# Minutes of the Ordinary Meeting of Council

Held at the Council Chambers, 86 Market Street, Mudgee  
on 17 February 2021, commencing at 6.06pm and concluding at 6.52pm.

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

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

## **Item 1: Apologies.**

There were no apologies.

## **Item 2: Disclosure of Interest**

General Manager Brad Cam declared a non-pecuniary conflict of interest in item 8.1, item 8.2 and item 8.3 as he is a member of the Housing Plus Board.

## **Item 3: Confirmation of Minutes**

**01/21 MOTION: Holden / Cavalier**

**That the Minutes of the Ordinary Meeting held on 9 December 2020 be taken as read and confirmed with the following amendment:**

- **Cr Shelley be removed from the attendees list as he was an apology.**

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

## **Item 4: Matters in Progress**

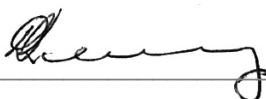
Nil.


## **Item 5: Mayoral Minute**

5.1 MAYORAL MINUTE: REGENT THEATRE

GOV400088, P0020011

**02/21 MOTION: Kennedy**

  
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Mayor

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

**That Council await the outcome of the auction of the Regent Theatre to be held on 26 March 2021 before addressing any potential Council interest in purchasing the building.**

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

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

## Item 6: Notices of Motion or Rescission

6.1 VANDALISM AND IRRESPONSIBLE DRIVER BEHAVIOUR ON MID-WESTERN ROADS

GOV400088,

03/21

**MOTION: Thompson / Martens**

**That Council:**

- 1. work with the Local Area Command with a view to reducing the destructive driver behaviour that is resulting in damage to roads in our region; and**
- 2. encourage the local community to work with local Police to help stop vandalism in the Local Government Area.**

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

6.2 PROPOSAL FOR LOUISA LAWSON STATUE

GOV400088, REC800021; A0100035; GOV400022

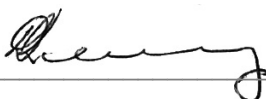
04/21


**MOTION: Paine / Thompson**

**That Council support in principle the installation of a Louisa Lawson statue acquired by Mudgee Rotary, in the Bill Cox Square**

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

6.3 COUNCIL BUILDING EXTENSIONS

  
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 Mayor

  
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 General Manager

GOV400088, GOV400088; A0100035; GOV400022; COU500028

Notice of Motion 6.3 was withdrawn by Cr Thompson.

#### 6.4 COPE ROAD ROADSIDE MAINTENANCE

GOV400088, ROA100059

Notice of Motion 6.4 was withdrawn by Cr Thompson.

#### 6.5 ADDITIONAL ENTRANCE SIGNS FOR GULGONG

GOV400088,

05/21

**MOTION: Thompson / Cavalier**

**That Council install an entrance sign to Gulgong on the Cope Road entrance to Gulgong and consider signage for other road entrances to Gulgong.**

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

#### 6.6 GULGONG WASTE FACILITY

GOV400088, 25897, WAS400013

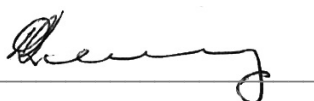
**MOTION: Thompson / Martens**

That Council conduct a review of the items accepted at all Waste Transfer Stations in the region with a view to providing a better waste service to rural residents.

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

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

The following recommendations (item 7.1 to item 7.2) 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.06/21 and concluding at Resolution No.07/21.




**Item 7: Office of the General Manager**7.1 DELEGATE TO BURRENDONG WIND FARM COMMUNITY  
CONSULTATIVE COMMITTEE

GOV400088, LAN900118

06/21 MOTION: Shelley / Cavalier

That Council:

1. receive the report by the General Manager on the Delegate to Burrendong Wind Farm Community Consultative Committee; and
2. endorse Councillor Paine as Council's delegate and Councillor Kennedy as Council's alternate delegate to the Burrendong Wind Farm Community Consultative Committee.

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

## 7.2 REVIEW OF THE WORK HEALTH AND SAFETY POLICY

GOV400088, GOV400047

07/21 MOTION: Shelley / Cavalier

That Council:

1. receive the report by the Executive Manager, Human Resources on the Review of the Work Health and Safety Policy; and
2. adopt the revised Work Health and Safety Policy.

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

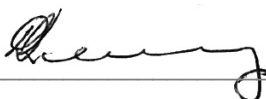
**Item 8: Development**


General Manager Brad Cam declared a non-pecuniary conflict of interest in item 8.1, item 8.2 and item 8.3 as he is a member of the Housing Plus Board. He left the chambers at 6.33pm and did not participate in discussion on these matters.

8.1 DA00111/2021 SINGLE DWELLING AND ATTACHED  
SECONDARY DWELLING AT 47 SALEYARDS LANE,  
MUDGEE (LOT 10 DP 1267151)

GOV400088, DA0111/2021

08/21 MOTION: Shelley / Holden

  
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Mayor

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

**That Council:**

- A. receive the report by the Town Planner for DA00111/2021 Single Dwelling and Attached Secondary Dwelling;
- B. approve DA00111/2021 Single Dwelling and Attached Secondary Dwelling subject to the following conditions and statement of reasons:

**APPROVED PLANS**

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

Title / Name	Plan No.	Rev	Date	Prepared by
Cover Sheet	01	C	11/11/20	Hibbards PL
Site Plan	02	C	11/11/20	Hibbards PL
Floor Plan	05	C	11/11/20	Hibbards PL
Elevations	06	C	11/11/20	Hibbards PL
Landscape Plan	08	C	11/11/20	Hibbards PL
Kitchen Elevations	12	C	11/11/20	Hibbards PL
BASIX Certificate	1137 942M	-	29 September 2020	Stellar Thermal Assessments

**GENERAL**

2. This development consent provides approval for a single dwelling and attached secondary dwelling, only.
3. The floor area of the secondary dwelling must be no greater than 50% of the floor area of the main dwelling on the property. On the date this development consent was issued, the floor area of the main dwelling was 156.46m<sup>2</sup>. Therefore, the floor area of the secondary dwelling must not exceed 78.23m<sup>2</sup>. No additions or alterations of the secondary dwelling are to be undertaken that will increase the floor area to greater than 78.23m<sup>2</sup>.
4. All earthworks, filling, building, driveways or other works, are to be designed and constructed 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. The site shall be graded so that it is free draining and runoff captured by a swale drain.

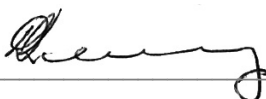
5. All stormwater runoff from roof and developed surfaces is to be controlled in such a manner so as not to flow or discharge over adjacent properties. This may require grading of the site. Methods of disposal of excess stormwater, including tank overflow, must include adequate provision for the prevention of erosion and scouring.
6. Costs associated with all development works including any necessary alteration, relocation of services, public utility mains or installations must be met by the developer. The developer is responsible for accurately locating all existing services before any development works commence to satisfy this condition.
7. Any damage caused to Council's infrastructure as a result of the proposed development must be repaired immediately to Council's satisfaction, and at no cost to Council.
8. Structures are to be located at least 1500mm away from the centreline of the sewer pipe, such that they do not encroach into any easement. The footing for the wall must be of sufficient depth to extend below the Zone of Influence, to ensure no additional loading is placed on the existing sewer pipe.
9. In accordance with Council's Development Control Plan, the following types of development are not permitted over an existing sewer main or easement for sewer/stormwater drainage:
  - Erection of permanent structures,
  - Cut or fill of land,
  - The planting of trees, or
  - Concrete structures.


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

10. Prior to the issue of a 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.
11. In accordance with the provisions of Section 7.11 of the Environmental Planning and Assessment Act 1979 and Council's Contributions Plan 2019, a contribution shall be paid to Council in accordance with this condition as detailed in the table below. The contribution shall be paid to Council prior to the issue of a Construction Certificate.

#### **Section 7.11 contribution rates – Mudgee**

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Mayor

  
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General Manager

	1 X New Secondary Dwelling
Transport facilities	\$2,609.00
Recreation and open space	\$1,309.00
Community facilities	\$381.00
Stormwater management	\$275.00
Plan administration	\$597.00
<b>Total</b>	<b>\$5,171.00</b>

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

**Note – Council’s 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](http://www.midwestern.nsw.gov.au) under Council Documents/Strategies and Plans.**

- 12. The developer shall obtain a Certificate of Compliance under the Water Management Act 2000, from Council.**

**Note - Refer to Advisory Notes in relation to payment of contributions to obtain a Certificate of Compliance.**

#### **PRIOR TO COMMENCEMENT OF WORKS**

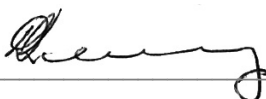
- 13. No work shall commence until a Construction Certificate has been issued and the applicant has notified Council of:**
- a) the appointment of a Principal Certifying Authority and**
  - b) the date on which work will commence.**


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

- 14. The site shall be provided with a waste 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**

- 15. A sign must be erected in a prominent position on any work site on which the erection or demolition of a building is carried out:**
- a) stating that unauthorised entry to the work site is**

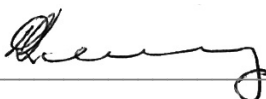
  
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 Mayor


  
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 General Manager

- prohibited;
  - b) showing the name of the person in charge of the work site and a telephone number at which that person may be contacted outside working hours;
  - c) the name, address and telephone number of the principal certifying authority for the work; and
  - d) the sign shall be removed when the erection or demolition of the building has been completed.
16. With the exception of work where there is in force an exemption under clause 187 and 188 of the Environmental Planning and Assessment Regulations 2000 all building work that involves residential building work for which the Home Building Act requires there to be a contract of insurance in force in accordance with Part 6 of that Act, such a contract of insurance is to be in force.
17. If the work involved in the erection/demolition of the building;
- a) is likely to cause pedestrian or vehicular traffic in a public place to be obstructed or rendered inconvenient;
  - or
  - b) building involves the enclosure of a public place.
- A hoarding or fence must be erected between the work site and the public place. If necessary, an awning is to be erected, sufficient to prevent any substance from, or in connection with, the work falling into the public place. Any such hoarding, fence or awning is to be removed when the work has been completed.
18. 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**

19. All building work must be carried out in accordance with the provisions of the National Construction Code, the Environmental Planning & Assessment Act 1979,

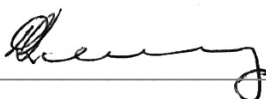
  
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Mayor


  
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General Manager



**Environmental Planning & Assessment Regulations 2000 and all relevant Australian Standards.**

20. All plumbing and drainage work must be carried out by a licensed plumber and drainer and must comply with the Plumbing Code of Australia.
21. 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.
22. 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.
23. Structural members subject to attack by subterranean termites shall be protected by one of the methods outlined in AS 3660.1 and a durable notice must be permanently fixed to the building in a prominent location, such as a meter box or the like, indicating:
- a) the method of protection; and
  - b) the date of installation of the system; and
  - c) where a chemical barrier is used, its life expectancy as listed on the National Registration Authority label; and
  - d) the need to maintain and inspect the system on a regular basis.
24. The strength of the concrete used for the reinforced concrete floor slab must be 25Mpa.
25. The requirements of BASIX Certificate number 1137942M issued on 29 September 2020 must be installed and/or completed in accordance with the commitments contained in that certificate. Any alteration to those commitments will require the submission of an amended BASIX Certificate to the Council and/or the Principal Certifying Authority prior to the commencement of the alteration/s.
26. All stormwater is to discharge to the street with the use of non-flexible kerb adaptors.
27. Metal roof/wall cladding shall be provided in a non-reflective colour scheme such as "Colorbond" steel sheeting.

  
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Mayor

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

28. 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.

#### CUT AND FILL

29. Fill must not direct stormwater onto adjoining properties and drainage pits for overland flow paths are to be provided.
30. Where it is proposed to import fill, the material shall be free of hazardous materials and contamination and be classified as VENM or ENM under the guidelines of the NSW Environmental Protection Authority by a qualified Geotechnical Engineer. Fill placed in residential shall be compacted in accordance with AS3798-2007 Guidelines on Earthworks for Commercial and Residential Developments.
31. Any soil / water retention structures are to be constructed prior to the bulk stripping of topsoil to ensure sediment from the whole site is captured.

#### 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 the issue of an Occupation Certificate, the Developer must construct sealed driveway crossovers in accordance with the conditions detailed in separate approval issued under the provisions of Section 138 of the Roads Act 1993 and Council's Access to Properties Policy.
34. Outdoor drying facilities and letterboxes are to be provided for each unit prior to occupation of each building.
35. The developer shall contact Council to ensure that the Street Addressing for each dwelling is correctly allocated in accordance with AS4819.

#### FENCING CONDITIONS

36. A 1.8 metre high screen fence is to be provided to all side and rear boundaries behind the building line prior to occupation of the development. All fencing is to be provided at full cost to the developer.

37. Boundary fencing forward of the building line shall be a maximum height of 1m.
38. Front and side fencing forward of the building line must be constructed of visually permeable material. At least 50% of the fence structure should be visually permeable material.
39. Continuous landscaping must be provided on the street side of the fence where it comprises of solid sheet steel material and the fence is adjacent to, or visible from, the public domain.
40. Fencing is to be consistent in design and style with the dwelling in terms of style, colour, materials, textures, openings and finishes.

#### ADVISORY NOTES

1. This development consent requires a Certificate of Compliance under the Water Management Act 2000 to be obtained prior to the issue of a Construction Certificate.  
A person may apply to Mid-Western Regional Council, as the water supply authority, for a Certificate of Compliance pursuant to section 305 of the Water Management Act 2000. Please be advised that as a precondition to the granting of a Compliance Certificate a monetary contribution in accordance with the following Schedule of Contributions must be paid in full (including indexation, where applicable).

Section 64 Contributions		
1 Secondary Dwelling (One credit for existing Lot)	ET/Unit	Value
Water Headworks	0.5	\$2,893.44
Sewer Headworks	0.5	\$1,983.50
<b>Total Headworks</b>		<b>\$4,876.94</b>

**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.**

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

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

4. Division 8.2 of the Environmental Planning and Assessment Act 1979 (EP&A Act) gives you the ability to seek a review of the determination. This request is made to Council and must be made within 6 months after the date on which you receive this notice. The request must be made in writing and lodged with the required fee; please contact Council's Development Department for more information or advice.
5. If you are dissatisfied with this decision section 8. 7 of the EP&A Act gives you the right to appeal to the Land and Environment Court within 6 months after the date on which you receive this notice.
6. To ascertain the extent to which the consent is liable to lapse, refer to Section 4.53 of the EP&A Act.
7. It is recommended that all stormwater runoff from new roof surfaces be directed to a rainwater tank of sufficient capacity to provide for detention storage requirements no less than 1,500 litres, i.e., tank capacity 3,000 litres with restricted orifice for discharge set at 1,500 litres. Runoff should be discharged from the tank through a restricted outlet of no greater than 25 mm. Runoff from the restricted orifice and tank overflow should be directed to the existing point of discharge.
8. Clause 24 of State Environmental Planning Policy (Affordable Rental Housing) 2009 states that: A consent authority must not consent to a development application that would result in any subdivision of a lot on which a development for the purposes of a secondary dwelling has been carried out under this division.

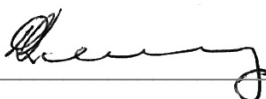
**STATEMENT OF REASONS**


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; and
2. The proposed development is considered to be satisfactory in terms of the matters identified in Section 4.15 of the Environmental Planning & Assessment Act 1979.

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

Councillors	Ayes	Nayes
Cr Kennedy	✓	

  
 \_\_\_\_\_  
 Mayor

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

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

8.2 DA0112/2021 SINGLE DWELLING AND ATTACHED  
SECONDARY DWELLING AT 3 CROAKE WAY, MUDGEE  
(LOT 2 DP 1267151)

GOV400088, DA0112/2021

09/21

**MOTION: Shelley / Holden**

**That Council:**

- A. receive the report by the Town Planner for DA0112/2021 Single Dwelling and Attached Secondary Dwelling;**
- B. approve DA0112/2021 Single Dwelling and Attached Secondary Dwelling subject to the following conditions and statement of reasons:**

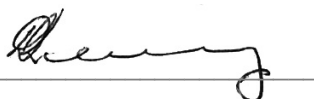
**APPROVED PLANS**

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

Title / Name	Plan No.	Rev	Date	Prepared by
Cover Sheet	01	D	11/11/20	Hibbards PL
Site Plan	02	D	11/11/20	Hibbards PL
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Landscape Plan	08	D	11/11/20	Hibbards PL
Kitchen Elevations	12	D	11/11/20	Hibbards PL
BASIX Certificate	1137 932M	-	28 September 2020	Stellar Thermal Assessments

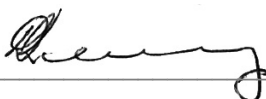
**GENERAL**


2. This development consent provides approval for a single




dwelling and attached secondary dwelling, only.

3. The floor area of the secondary dwelling must be no greater than 50% of the floor area of the main dwelling on the property. On the date this development consent was issued, the floor area of the main dwelling was 156.46m<sup>2</sup>. Therefore, the floor area of the secondary dwelling must not exceed 78.23m<sup>2</sup>. No additions or alterations of the secondary dwelling are to be undertaken that will increase the floor area to greater than 78.23m<sup>2</sup>.
4. All earthworks, filling, building, driveways or other works, are to be designed and constructed 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. The site shall be graded so that it is free draining and runoff captured by a swale drain.
5. All stormwater runoff from roof and developed surfaces is to be controlled in such a manner so as not to flow or discharge over adjacent properties. This may require grading of the site. Methods of disposal of excess stormwater, including tank overflow, must include adequate provision for the prevention of erosion and scouring.
6. Costs associated with all development works including any necessary alteration, relocation of services, public utility mains or installations must be met by the developer. The developer is responsible for accurately locating all existing services before any development works commence to satisfy this condition.
7. Any damage caused to Council's infrastructure as a result of the proposed development must be repaired immediately to Council's satisfaction, and at no cost to Council.
8. Structures are to be located at least 1500mm away from the centreline of the sewer pipe, such that they do not encroach into any easement. The footing for the wall must be of sufficient depth to extend below the Zone of Influence, to ensure no additional loading is placed on the existing sewer pipe.
9. In accordance with Council's Development Control Plan, the following types of development are not permitted over an existing sewer main or easement for sewer/stormwater drainage:
  - Erection of permanent structures,
  - Cut or fill of land,

  
\_\_\_\_\_  
Mayor

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

- The planting of trees, or
- Concrete structures.

#### PRIOR TO ISSUE OF THE CONSTRUCTION CERTIFICATE

10. Prior to the issue of a 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.

11. In accordance with the provisions of Section 7.11 of the Environmental Planning and Assessment Act 1979 and Council's Contributions Plan 2019, a contribution shall be paid to Council in accordance with this condition as detailed in the table below. The contribution shall be paid to Council prior to the issue of a Construction Certificate.

#### Section 7.11 contribution rates – Mudgee

	1 X New Secondary Dwelling
Transport facilities	\$2,609.00
Recreation and open space	\$1,309.00
Community facilities	\$381.00
Stormwater management	\$275.00
Plan administration	\$597.00
<b>Total</b>	<b>\$5,171.00</b>

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

Note – Council's 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](http://www.midwestern.nsw.gov.au) under Council Documents/Strategies and Plans.

12. The developer shall obtain a Certificate of Compliance under the Water Management Act 2000, from Council.

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

#### PRIOR TO COMMENCEMENT OF WORKS

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

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

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

14. The site shall be provided with a waste 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**

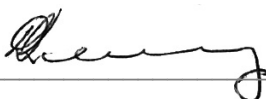
15. A sign must be erected in a prominent position on any work site on which involved in the erection or demolition of a building is carried out:


- a) stating that unauthorised entry to the work site is prohibited;
- b) showing the name of the person in charge of the work site and a telephone number at which that person may be contacted outside working hours;
- c) the name, address and telephone number of the principal certifying authority for the work; and
- d) the sign shall be removed when the erection or demolition of the building has been completed.

16. With the exception of work where there is in force an exemption under clause 187 and 188 of the Environmental Planning and Assessment Regulations 2000 all building work that involves residential building work for which the Home Building Act requires there to be a contract of insurance in force in accordance with Part 6 of that Act, such a contract of insurance is to be in force.

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

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

  
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Mayor

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



- 18. 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**

- 19. All building work must be carried out in accordance with the provisions of the National Construction Code, the Environmental Planning & Assessment Act 1979, Environmental Planning & Assessment Regulations 2000 and all relevant Australian Standards.**
- 20. All plumbing and drainage work must be carried out by a licensed plumber and drainer and must comply with the Plumbing Code of Australia.**
- 21. 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.**
- 22. 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.**
- 23. Structural members subject to attack by subterranean termites shall be protected by one of the methods outlined in AS 3660.1 and a durable notice must be permanently fixed to the building in a prominent location, such as a meter box or the like, indicating:**
- a) the method of protection; and**
  - b) the date of installation of the system; and**
  - c) where a chemical barrier is used, its life expectancy as listed on the National Registration Authority label; and**
  - d) the need to maintain and inspect the system on a**

regular basis.

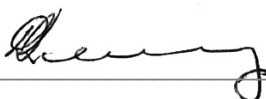
24. The strength of the concrete used for the reinforced concrete floor slab must be 25Mpa.
25. The requirements of BASIX Certificate number 1137932M issued on 28 September 2020 must be installed and/or completed in accordance with the commitments contained in that certificate. Any alteration to those commitments will require the submission of an amended BASIX Certificate to the Council and/or the Principal Certifying Authority prior to the commencement of the alteration/s.
26. All stormwater is to discharge to the street with the use of non-flexible kerb adaptors.
27. Metal roof/wall cladding shall be provided in a non-reflective colour scheme such as "Colorbond" steel sheeting.
28. 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.


#### CUT AND FILL

29. Fill must not direct stormwater onto adjoining properties and drainage pits for overland flow paths are to be provided.
30. Where it is proposed to import fill, the material shall be free of hazardous materials and contamination and be classified as VENM or ENM under the guidelines of the NSW Environmental Protection Authority by a qualified Geotechnical Engineer. Fill placed in residential shall be compacted in accordance with AS3798-2007 Guidelines on Earthworks for Commercial and Residential Developments.
31. Any soil / water retention structures are to be constructed prior to the bulk stripping of topsoil to ensure sediment from the whole site is captured.

#### 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.

  
\_\_\_\_\_  
Mayor

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

- 33. Prior to the issue of an Occupation Certificate, the Developer must construct sealed driveway crossovers in accordance with the conditions detailed in separate approval issued under the provisions of Section 138 of the Roads Act 1993 and Council's Access to Properties Policy.
- 34. Outdoor drying facilities and letterboxes are to be provided for each unit prior to occupation of each building.
- 35. The developer shall contact Council to ensure that the Street Addressing for each dwelling is correctly allocated in accordance with AS4819.

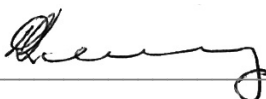
**FENCING CONDITIONS**


- 36. A 1.8 metre high screen fence is to be provided to all side and rear boundaries behind the building line prior to occupation of the development. All fencing is to be provided at full cost to the developer.
- 37. Boundary fencing forward of the building line shall be a maximum height of 1m.
- 38. Front and side fencing forward of the building line must be constructed of visually permeable material. At least 50% of the fence structure should be visually permeable material.
- 39. Continuous landscaping must be provided on the street side of the fence where it comprises of solid sheet steel material and the fence is adjacent to, or visible from, the public domain.
- 40. Fencing is to be consistent in design and style with the dwelling in terms of style, colour, materials, textures, openings and finishes.

**ADVISORY NOTES**

- 1. This development consent requires a Certificate of Compliance under the Water Management Act 2000 to be obtained prior to the issue of a Construction Certificate.  
A person may apply to Mid-Western Regional Council, as the water supply authority, for a Certificate of Compliance pursuant to section 305 of the Water Management Act 2000. Please be advised that as a precondition to the granting of a Compliance Certificate a monetary contribution in accordance with the following Schedule of Contributions must be paid in full (including indexation, where applicable).

Section 64 Contributions		
1 Secondary Dwelling (One credit for existing Lot)	ET/Unit	Value
Water Headworks	0.333	\$2,893.44

  
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 Mayor

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

<b>Sewer Headworks</b>	<b>0.5</b>	<b>\$1,983.50</b>
<b>Total Headworks</b>		<b>\$4,876.94</b>

**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.**

- 2. The removal of trees within any road reserve requires the separate approval of Council in accordance with the policy "Tree Removal and Pruning - Public Places".**
- 3. The land upon which the subject building is to be constructed may be affected by restrictive covenants. This approval is issued without enquiry by Council as to whether any restrictive covenant affecting the land would be breached by the construction of the building, the subject of this approval. Persons to whom this approval is issued must rely on their own enquiries as to whether or not the building breaches any such covenant.**
- 4. Division 8.2 of the Environmental Planning and Assessment Act (EP&A Act) gives you the ability to seek a review of the determination. This request is made to Council and must be made within 6 months after the date on which you receive this notice. The request must be made in writing and lodged with the required fee; please contact Council's Development Department for more information or advice.**
- 5. If you are dissatisfied with this decision section 8.7 of the EP&A Act gives you the right to appeal to the Land and Environment Court within 6 months after the date on which you receive this notice.**
- 6. To ascertain the extent to which the consent is liable to lapse, refer to Section 4.53 of the EP&A Act.**
- 7. It is recommended that all stormwater runoff from new roof surfaces be directed to a rainwater tank of sufficient capacity to provide for detention storage requirements no less than 1,500 litres, i.e., tank capacity 3,000 litres with restricted orifice for discharge set at 1,500 litres. Runoff should be discharged from the tank through a restricted outlet of no greater than 25 mm. Runoff from the restricted orifice and tank overflow should be directed to the existing point of discharge.**
- 8. Clause 24 of State Environmental Planning Policy (Affordable Rental Housing) 2009 states that: A consent authority must not consent to a development application that would result in any subdivision of a lot on which a development for the purposes of a secondary dwelling has been carried out under this division.**

**STATEMENT OF REASONS**

The determination decision was reached for the following reasons:

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

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

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

8.3 DA0109/2021 SINGLE DWELLING AND ATTACHED SECONDARY DWELLING AT 49 SALEYARDS LANE, MUDGEE (LOT 9 DP 1267151)

GOV400088, DA0109/2021

10/21

**MOTION:** Shelley / Holden

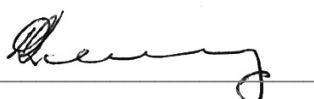
**That Council:**

- A. receive the report by the Town Planner for DA0109/2021 Single Dwelling and Attached Secondary Dwelling;
- B. approve DA0109/2021 Single Dwelling and Attached Secondary Dwelling subject to the following conditions and statement of reasons:

**APPROVED PLANS**

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

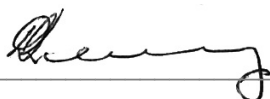

Title / Name	Plan No.	Rev	Date	Prepared by
Cover Sheet	01	B	11/11/20	Hibbards PL




Site Plan	02	B	11/11/20	Hibbards PL
Floor Plan	05	B	11/11/20	Hibbards PL
Elevations	06	B	11/11/20	Hibbards PL
Landscape Plan	08	B	11/11/20	Hibbards PL
Kitchen Elevations	12	B	11/11/20	Hibbards PL
BASIX Certificate	1137 940M	-	29 September 2020	Stellar Thermal Assessments

## GENERAL

2. This development consent provides approval for a single dwelling and attached secondary dwelling, only.
3. The floor area of the secondary dwelling must be no greater than 50% of the floor area of the main dwelling on the property. On the date this development consent was issued, the floor area of the main dwelling was 156.46m<sup>2</sup>. Therefore, the floor area of the secondary dwelling must not exceed 78.23m<sup>2</sup>. No additions or alterations of the secondary dwelling are to be undertaken that will increase the floor area to greater than 78.23m<sup>2</sup>.
4. All earthworks, filling, building, driveways or other works, are to be designed and constructed 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. The site shall be graded so that it is free draining and runoff captured by a swale drain.
5. All stormwater runoff from roof and developed surfaces is to be controlled in such a manner so as not to flow or discharge over adjacent properties. This may require grading of the site. Methods of disposal of excess stormwater, including tank overflow, must include adequate provision for the prevention of erosion and scouring.
6. Costs associated with all development works including any necessary alteration, relocation of services, public utility mains or installations must be met by the developer. The developer is responsible for accurately locating all existing services before any development works commence to satisfy this condition.
7. Any damage caused to Council's infrastructure as a result of the proposed development must be repaired immediately to Council's satisfaction, and at no cost to Council.

8. Structures are to be located at least 1500mm away from the centreline of the sewer pipe, such that they do not encroach into any easement. The footing for the wall must be of sufficient depth to extend below the Zone of Influence, to ensure no additional loading is placed on the existing sewer pipe.
9. In accordance with Council's Development Control Plan, the following types of development are not permitted over an existing sewer main or easement for sewer/stormwater drainage:
  - Erection of permanent structures,
  - Cut or fill of land,
  - The planting of trees, or
  - Concrete structures.

#### PRIOR TO ISSUE OF THE CONSTRUCTION CERTIFICATE

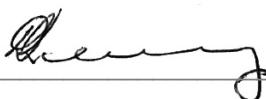
10. Prior to the issue of a Construction Certificate, approval pursuant to Section 68 of the Local Government Act 1993 to carry out water supply, stormwater and sewerage works is to be obtained from Mid-Western Regional Council.
11. In accordance with the provisions of Section 7.11 of the Environmental Planning and Assessment Act 1979 and Council's Contributions Plan 2019, a contribution shall be paid to Council in accordance with this condition as detailed in the table below. The contribution shall be paid to Council prior to the issue of a Construction Certificate.


#### Section 7.11 contribution rates – Mudgee

	1 X New Secondary Dwelling
Transport facilities	\$2,609.00
Recreation and open space	\$1,309.00
Community facilities	\$381.00
Stormwater management	\$275.00
Plan administration	\$597.00
<b>Total</b>	<b>\$5,171.00</b>

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

Note – Council's Contributions Plan 2019 is available for perusal at Council's Administration Centre at 86 Market Street,

  
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 Mayor

  
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 General Manager

**Mudgee or on Council's website [www.midwestern.nsw.gov.au](http://www.midwestern.nsw.gov.au) under Council Documents/Strategies and Plans.**

- 12. The developer shall obtain a Certificate of Compliance under the Water Management Act 2000, from Council.**

**Note - Refer to Advisory Notes in relation to payment of contributions to obtain a Certificate of Compliance.**

#### **PRIOR TO COMMENCEMENT OF WORKS**

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

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

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

- 14. The site shall be provided with a waste 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**

- 15. A sign must be erected in a prominent position on any work site on which the erection or demolition of a building is carried out:**

- a) stating that unauthorised entry to the work site is prohibited;**
- b) showing the name of the person in charge of the work site and a telephone number at which that person may be contacted outside working hours;**
- c) the name, address and telephone number of the principal certifying authority for the work; and**
- d) the sign shall be removed when the erection or demolition of the building has been completed.**

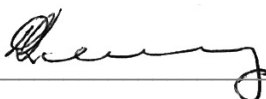
- 16. With the exception of work where there is in force an exemption under clause 187 and 188 of the Environmental Planning and Assessment Regulations 2000 all building work that involves residential building work for which the Home Building Act requires there to be a contract of insurance in force in accordance with Part 6 of that Act, such a contract of insurance is to be in force.**




17. If the work involved in the erection/demolition of the building;
- a) is likely to cause pedestrian or vehicular traffic in a public place to be obstructed or rendered inconvenient; or
  - b) building involves the enclosure of a public place.
- A hoarding or fence must be erected between the work site and the public place. If necessary, an awning is to be erected, sufficient to prevent any substance from, or in connection with, the work falling into the public place. Any such hoarding, fence or awning is to be removed when the work has been completed.
18. 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**

19. All building work must be carried out in accordance with the provisions of the National Construction Code, the Environmental Planning & Assessment Act 1979, Environmental Planning & Assessment Regulations 2000 and all relevant Australian Standards.
20. All plumbing and drainage work must be carried out by a licensed plumber and drainer and must comply with the Plumbing Code of Australia.
21. 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.
22. 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.

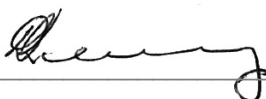
  
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Mayor


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

23. Structural members subject to attack by subterranean termites shall be protected by one of the methods outlined in AS 3660.1 and a durable notice must be permanently fixed to the building in a prominent location, such as a meter box or the like, indicating:
- a) the method of protection; and
  - b) the date of installation of the system; and
  - c) where a chemical barrier is used, its life expectancy as listed on the National Registration Authority label; and
  - d) the need to maintain and inspect the system on a regular basis.
24. The strength of the concrete used for the reinforced concrete floor slab must be 25Mpa.
25. The requirements of BASIX Certificate number 1137940M issued on 29 September 2020 must be installed and/or completed in accordance with the commitments contained in that certificate. Any alteration to those commitments will require the submission of an amended BASIX Certificate to the Council and/or the Principal Certifying Authority prior to the commencement of the alteration/s.
26. All stormwater is to discharge to the street with the use of non-flexible kerb adaptors.
27. Metal roof/wall cladding shall be provided in a non-reflective colour scheme such as "Colorbond" steel sheeting.
28. 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.

#### CUT AND FILL

29. Fill must not direct stormwater onto adjoining properties and drainage pits for overland flow paths are to be provided.
30. Where it is proposed to import fill, the material shall be free of hazardous materials and contamination and be classified as VENM or ENM under the guidelines of the NSW Environmental Protection Authority by a qualified Geotechnical Engineer. Fill placed in residential shall be compacted in accordance with AS3798-2007 Guidelines on Earthworks for Commercial and Residential Developments.

  
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Mayor

  
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General Manager

31. Any soil / water retention structures are to be constructed prior to the bulk stripping of topsoil to ensure sediment from the whole site is captured.

#### **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 the issue of an Occupation Certificate, the Developer must construct sealed driveway crossovers in accordance with the conditions detailed in separate approval issued under the provisions of Section 138 of the Roads Act 1993 and Council's Access to Properties Policy.
34. Outdoor drying facilities and letterboxes are to be provided for each unit prior to occupation of each building.
35. The developer shall contact Council to ensure that the Street Addressing for each dwelling is correctly allocated in accordance with AS4819.

#### **FENCING CONDITIONS**

36. A 1.8 metre high screen fence is to be provided to all side and rear boundaries behind the building line prior to occupation of the development. All fencing is to be provided at full cost to the developer.
37. Boundary fencing forward of the building line shall be a maximum height of 1m.
38. Front and side fencing forward of the building line must be constructed of visually permeable material. At least 50% of the fence structure should be visually permeable material.
39. Continuous landscaping must be provided on the street side of the fence where it comprises of solid sheet steel material and the fence is adjacent to, or visible from, the public domain.
40. Fencing is to be consistent in design and style with the dwelling in terms of style, colour, materials, textures, openings and finishes.

#### **ADVISORY NOTES**

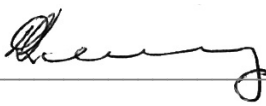
1. This development consent requires a Certificate of Compliance under the Water Management Act 2000 to be obtained prior to the issue of a Construction Certificate.  
A person may apply to Mid-Western Regional Council, as the water supply authority, for a Certificate of Compliance pursuant to section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


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

Section 64 Contributions		
1 Secondary Dwelling (One credit for existing Lot)		
	ET/Unit	Value
Water Headworks	0.333	\$2,893.44
Sewer Headworks	0.5	\$1,983.50
<b>Total Headworks</b>		<b>\$4,876.94</b>

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.

2. The removal of trees within any road reserve requires the separate approval of Council in accordance with the policy "Tree Removal and Pruning - Public Places".
3. The land upon which the subject building is to be constructed may be affected by restrictive covenants. This approval is issued without enquiry by Council as to whether any restrictive covenant affecting the land would be breached by the construction of the building, the subject of this approval. Persons to whom this approval is issued must rely on their own enquiries as to whether or not the building breaches any such covenant.
4. Division 8.2 of the Environmental Planning and Assessment Act (EP&A Act) gives you the ability to seek a review of the determination. This request is made to Council and must be made within 6 months after the date on which you receive this notice. The request must be made in writing and lodged with the required fee; please contact Council's Development Department for more information or advice.
5. If you are dissatisfied with this decision section 8. 7 of the EP&A Act gives you the right to appeal to the Land and Environment Court within 6 months after the date on which you receive this notice.
6. To ascertain the extent to which the consent is liable to lapse, refer to Section 4.53 of the EP&A Act.
7. It is recommended that all stormwater runoff from new roof surfaces be directed to a rainwater tank of sufficient capacity to provide for detention storage requirements no less than 1,500 litres, i.e., tank capacity 3,000 litres with restricted orifice for discharge set at 1,500 litres. Runoff should be discharged from the tank through a restricted outlet of no greater than 25

  
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 Mayor

  
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 General Manager

mm. Runoff from the restricted orifice and tank overflow should be directed to the existing point of discharge.

- 8. Clause 24 of State Environmental Planning Policy (Affordable Rental Housing) 2009 states that: A consent authority must not consent to a development application that would result in any subdivision of a lot on which a development for the purposes of a secondary dwelling has been carried out under this division.

**STATEMENT OF REASONS**

The determination decision was reached for the following reasons:

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

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

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

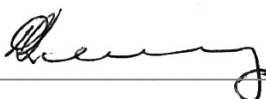
General Manager, Brad Cam, returned to the Chamber at 6.35pm.


8.4 MA0027/2021 PROPOSED ALDI FOOD STORE - EXTENSION OF DELIVERY HOURS - 24 HOURS PER DAY  
 GOV400088, MA0027/2021

11/21 MOTION: Shelley / Martens

That Council:

- A. receive the report by the Town Planner for MA0027/2021 Proposed Aldi Food Store - Extension of Delivery Hours - 24 Hours Per Day;
- B. approve MA0027/2021 Proposed Aldi Food Store - Extension of Delivery Hours - 24 Hours Per Day subject to the following conditions and statement of reasons:

  
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 Mayor

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

**Conditions of Consent (AMENDMENTS IN BLUE)****APPROVED PLANS**

1. Development is to be carried out generally in accordance with the approved plans (Drawing No. A1-010, A1-040, A1-090, A1-091, A1-100, G-A3-850) by Suters Architects, Fence detail by Donaldson Worrad (Drawing No. SK-001 dated June 2008) and Statement of Environmental Effects by Hassell Pty Ltd. except as varied by any conditions listed herein.

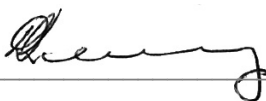
**AMENDMENTS**


2. The Church Street frontage of the development is to be provided with a fence constructed of masonry and metal with a maximum height of 1200mm. Details of the fence are to be submitted to Council's Group Manager Planning and Development for approval prior to the issue of a Construction Certificate.
3. Signage is to be provided in accordance with the following approved plans:
  - Entrance sign attached to front fence – Drawing No. A3-849, Revision B, dated 11/04/2006
  - ALDI roof sign – Drawing No. A1-092, Revision H, dated 25/10/2006.
  - ALDI wall sign – South elevation – Drawing No. A1-090, Revision A, dated 25/10/2006
  - ALDI wall sign – North elevation – Drawing No. A1-091, Revision A, dated 25/10/2006.

**PRIOR TO THE ISSUE OF THE CONSTRUCTION CERTIFICATE**

The following conditions must be complied with prior to the issue of a Construction Certificate by Council or Private Certifier.

4. A security deposit of \$2,000 shall be lodged with Council prior to the issue of the construction certificate. This will be refunded after the completion of the building providing there has been no damage to Council's footpath/ kerb and gutter or that any damages have been restored at full cost to the developer.
5. Prior to the issue of the Construction Certificate, the Principal Certifying Authority (PCA) is to be supplied with certificates from Telstra and Country Energy stating that suitable arrangements have been made for provision of underground telephone and electricity supplies for the proposed development.
6. The Principal Certifying Authority (PCA) is to be provided with

  
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Mayor

  
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General Manager

details regarding the provision of essential fire safety services in accordance with the BCA and relevant Australian Standards.

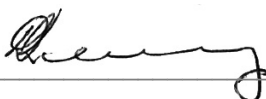
7. In accordance with the provisions of section 94(1)(b) of the Environmental Planning and Assessment Act 1979 and the Mid-Western Regional Council Section 94 Contribution Plan, a contribution shall be paid to Council in accordance with this condition for the purpose of:


<b>TOTAL PAYABLE</b>	<b>\$ 126,658.00</b>
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8. If the Construction Certificate is not issued, for any reason whatsoever, within twelve (12) months of the date of determination, then the charges and contributions contained in this consent, may be increased to the current rate at the time of payment.
9. A site supervisor is to be nominated by the applicant prior to issue of the Construction Certificate.
10. A Traffic Control Plan (TCP) completed by a "Certified Person" for implementation during works is to be submitted to Mid-Western Regional Council prior to any work commencing. Contractor's insurance cover for a minimum of \$10,000,000 (Ten million dollars) is to be sighted and to be shown to Mid-Western Regional Council as an interested party.
11. The applicant is to submit a Drainage Report prepared in accordance with the Institution of Engineers publication Australian Rainfall and Run-off to Council for approval prior to the release of the Construction Certificate. The report must demonstrate that stormwater run off from the site is not increased beyond the existing undeveloped state up to and including a 100-year ARI. The increased flow due to the development is to be retained onsite. All storm water detention details including analysis shall be included in the drainage report.
12. Existing and proposed contours are to be provided on detailed engineering plans.
13. The applicant shall provide details of compliance with Part J (Energy Efficiency) of the BCA with the application for Construction Certificate.
14. A Stage 2 Environmental Site Assessment and any remediation required as a result of the assessment shall be carried out prior to the issue of a Construction Certificate.

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

These conditions are provided to ensure that the construction site is maintained in a suitable manner and in the accordance with the

  
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Mayor

  
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General Manager


**relevant requirements.**

15. Prior to work commencing a Construction Certificate must be issued by Council or an Accredited Private Certifier.
16. Building materials shall not be placed on Council's footpaths or grass verges and a suitable sign to this effect shall be erected adjacent to the street alignment.
17. When foundations are excavated, if filled ground is found, footings shall be designed by a Structural Engineer and Council must be notified in writing.
18. Prior to the commencement of works on site, the applicant shall advise Council's Technical Services Department, in writing, of any existing damage to Council property.
19. No trees on public property (footpaths, roads, reserves etc.) shall be removed or damaged during construction of the building - including the erection of any fences or hoardings. Details of their protection during the construction phase of the development shall be included in the landscape information provided as a consequence of Condition 10.
20. Soil erosion prevention measures in accordance with the approved Erosion and Sediment Control Plan are to be erected prior to the commencement of site works and maintained until vegetation cover is established on the disturbed areas.
21. A builder's toilet shall be provided on site prior to the commencement of any building work, a WC pan fitted and a suitable shed enclosure provided.
22. The site shall be provided with a waste enclosure that has a lid or secure covering for the duration of the construction works to ensure that all waste is contained on the site. The receptacle is to be emptied to reduce the potential for rubbish to become a nuisance. Council encourages the separation and recycling of suitable materials wherever possible.
23. A construction management plan is to be prepared for the development that has considered the impact of the construction phase of the project on adjoining properties. The plan shall include but not be limited to disturbances to adjoining properties from vibration.
24. An historic and photographic record of the buildings located on site is to be prepared and submitted to Council in accordance with NSW Heritage Office guidelines prior to the commencement of demolition works.

**DEMOLITION WORKS**

25. Any demolition works involving asbestos cement are to be carried out in accordance with the Work Cover NSW

  
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General Manager



**“Guidelines for Practises Involving Asbestos Cement in Buildings”.**

26. Prior to demolition works commencing, the applicant shall provide Council with a Waste Management Plan that details:
- Type of demolition waste
  - Location of disposal
  - Estimated quantities
27. The demolition is to occur in such a manner so as to encourage the recycling and reuse of salvageable materials.
28. All redundant services such as water, sewer, electricity and telecommunications are to be capped.

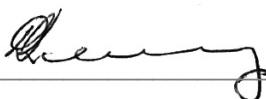
**BUILDING CONSTRUCTION**


The following conditions are provided to ensure compliance with the Building Code of Australia and the relevant Australian Standards.

29. Compliance with the provisions of the Environmental Planning and Assessment Act 1979, Regulations and the Building Code of Australia.
30. Compliance with the relevant codes of the Standards Association of Australia adopted by the Building Code of Australia and subject to any limitations made by the Building Code of Australia.
31. Construction work noise that is audible at other premises is to be restricted to the following times:
- Monday to Friday 7.00am to 6.00pm
  - Saturday 8.00am to 1.00pm
- No construction work that is audible shall be undertaken on Sundays or public holidays.
32. Plumbing and drainage shall be carried out by a Licensed Plumber and Drainer and be in accordance with the National Plumbing and Drainage Code.

**ENGINEERING CONSTRUCTION**

33. Car parking within the development is to comply with the following:
- a) Each parking space is to have minimum dimensions of 5.5m x 2.6m;
  - b) Each disabled car parking space is to be in accordance with the provisions of Clause D3.5 of the Building Code of Australia and Australian Standard as 2890.1 – 1993;
  - c) All car parking spaces are to be line-marked and sealed with a hard standing, all weather material and must be maintained in a satisfactory condition at all times;
  - d) Off street parking is to be encouraged by the placement

  
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General Manager

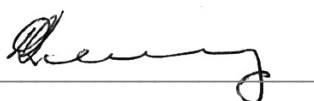
of prominent signs indicating the available of parking.

34. The aisle widths, internal circulation, ramp widths and grades of the car park are to generally conform to the Roads and Traffic Authority guidelines and Australian Standard AS2980.1 – 1993. Details of compliance are to be shown on the relevant plans and specifications.
35. The vehicular entry and exits are to have a minimum width of 8 metres (at the kerb line). Vehicular entrances comprising kerb laybacks (where roll kerb and gutter does not exist) and concrete footway crossings are to be provided to the development site. The entrance shall be constructed in accordance with Aus-Spec #1 and Council standard drawings including M526-Industrial Access, M594-Kerb & Gutter Layback.  
  
**Note: Concrete must not be poured until the excavation, formwork and reinforcing has been inspected by Council. The contractor/owner must arrange an inspection by contacting Council's Asset Department between 8.00am and 4.30pm Monday to Friday, giving at least twenty four (24) hours notice. Failure to have the work inspected may result in the access being removed and reconstructed at the contractors/owners expense.**
36. All existing vehicular crossings not utilised by the development shall be removed and the area restored to match the adjoining section of kerb and footpath prior to occupation of the development.
37. A minimum 25mm water service is to be provided to the development in accordance with the requirements of AS/NZS 3500 and New South Wales Code of Practice, Plumbing and Drainage. All works are to be at the full cost of the developer.
38. Storm water runoff from all impervious areas on the site are to be collected and conveyed to an approved drainage location in a manner consistent with Aus-Spec #1, Australian Standard 3500 and the approved drainage report.
39. All earthworks, filling, building, driveways or other works, are to be designed and constructed so that at no time will any ponding of stormwater occur on adjoining land as a result of this development.

#### OCCUPATION CERTIFICATE

The following conditions are to be completed prior to occupation of the building.

40. On completion of the building work, the owner of the building shall cause the Council to be furnished with a certificate from a



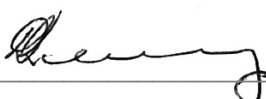
competent person with respect to each essential fire safety measure nominated in the Fire Safety Schedule. The certificate shall be in accordance with the relevant provisions of the Building Code of Australia and Part 9 of the Environmental Planning and Assessment Regulation 2000.

41. At least once in each period of 12 months after an annual fire safety statement is required to have been furnished to Council, the owner of the building shall cause the Council to be furnished with a further certificate with respect to each essential service nominated in the attached fire safety schedule.
42. The applicant shall repair in accordance with Aus-Spec # 1 and Council Standard Drawings any part of Council's property damaged during the course of this development.
43. Three metre wide easements, including associated Section 88 instruments, are to be created in favour of Council over any existing or newly constructed inter-allotment drainage, water, or sewerage reticulation components located within the subject property, or extended through adjoining private properties as a result of the development.
44. All vehicle parking and manoeuvring areas are to be sealed and graded towards an approved drainage location in accordance with AS 2890.1 and 2, prior to occupation or use of the development.
45. All disturbed areas are to be stabilised through the saving of topsoil during disturbance and its later respreading and establishment of vegetative cover.
46. The land is to be consolidated and/or subdivided such that the development will be located on one allotment of land.

#### GENERAL CONDITIONS

The following conditions have been applied to ensure that the use of the land and/or building is carried out in a manner that is consistent with the aims and objectives of the environmental planning instrument affecting the land.

47. No goods are to be stored or displayed between the building line and the public road frontage.
48. All vehicles are to enter and exit the site in a forward direction at all times.
49. The approved hours of operation for use of the premises are:
  - Monday to Sunday                      7.00 am to 10.00 pm



50. All vehicles waiting loading or unloading shall be parked on site and not on adjacent or nearby public roads.
51. All loading and unloading in connection with the premises shall be carried out wholly within the site.
52. 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".
53. All air conditioning plant and ducting shall be located on the complex in such a manner as to ensure it would not be visible from any public place.
54. The side and rear boundaries of the property are to be provided with a 1.8m high fence at full cost to the developer.
55. The operation of the proposed ALDI food store is to be restricted to a maximum of three (3) deliveries per day and ~~must~~ may be carried out 24 hours per day, 7 days per week within the following hours;
- ~~Monday to Saturday 7.00 am to 10.00 pm~~
  - ~~Sunday 8.00 am to 6.00 pm~~

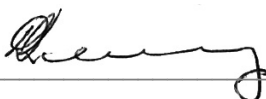
(MODIFIED BY MA0027/2021)


56. The operation of the fixed mechanical plant and equipment shall comply with the assumed Sound Power Levels and the implementation of specific noise mitigation measures and operational procedures recommended within the Acoustic Report prepared by Wilkinson Murray Pty Limited.
57. The proponent shall ensure that the noise generated from the deliveries does not exceed the criteria in the following Table at any residence or hotel/motel on privately owned land. The receivers are identified in the Noise Assessment submitted with the application (Document ID MAC201214-01RP1 dated 23 November 2020).

Table – Maximum Noise Levels (Night)

Receiver	Time of Day <sup>1</sup>	Noise Levels at Sensitive Receptors dB LA <sub>max</sub>	dB LAeq (15 minutes)
R1-R6	Night	52	39
H1	Night	52	48

<sup>1</sup> Night = 10:00pm – 7:00am

  
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 Mayor

  
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 General Manager

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.

(ADDED BY MA0027/2021)

58. In accordance with the recommendations made in Part 5.2 – Noise Attenuation Controls and Recommendations of the Noise Assessment Report submitted with the Modification of Consent Application (Document No. MAC201214-01RP1, prepared by Muller Acoustic Consulting, and dated 23 November 2020), the following noise mitigation measures are to be installed and undertaken, prior to deliveries occurring between 10pm and 7am:

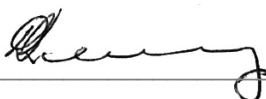
- a) The fence along the whole of the northern property boundary is to be extended to 2.1m high. The fence is to be constructed to acoustic fencing standards, with no gaps in the fence.
- b) The fence along that part of the eastern boundary between the north-east corner of the property and the Aldi building is to be extended to 2.1m high. The fence is to be constructed to acoustic fencing standards, with no gaps in the fence.
- c) The refrigeration units of trucks are to be switched off before entering the site.
- d) The loading area and compactus are to be lined with perforated corrugated steel sheeting over absorptive material such as Rockwool or alternatively lined with Soundblock Whispercell or equivalent. More specifically, the acoustic treatment shall be applied in the following locations:
  - (i) the southern and western sides of the compactus unit; and
  - (ii) the northern wall of the Aldi building adjacent to the loading area ramp; and
  - (iii) the west facing wall around the loading dock loading door.
- e) All other existing boundary fences are to be maintained.

(ADDED BY MA0027/2021)

59. 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.

(ADDED BY MA0027/2021)

#### ADVISORY NOTES

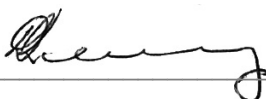



1. The removal of trees within any road reserve requires the separate approval of Council in accordance with the policy "Tree Removal and Pruning - Public Places".
2. The land upon which the subject building is to be constructed may be affected by restrictive covenants. This approval is issued without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

#### STATEMENT OF REASONS

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 4.55(1A) of the Environmental Planning and Assessment Act 1979.
3. The proposed development is considered satisfactory in terms of the matters identified in Section 4.15 of the Environmental Planning and Assessment Act 1979.
4. The issues raised in submissions received in response to public notification of the development have been sufficiently addressed as follow:
  - a) Conditions relating to noise mitigation, and impacts to the amenity of the area; and
  - b) Conditions have been imposed to regulate the operational management of the site.

**(ADDED BY MA0027/2021)**

  
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Mayor

  
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General Manager

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

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

8.5 MA0015/2021 MODIFICATION TO DA046/2019 - 16 LOT  
SUBDIVISION - 2-26 SALEYARDS LANE, MUDGEE  
GOV400088, DA0046/2019

12/21

**MOTION: Shelley / Paine**

**That Council:**

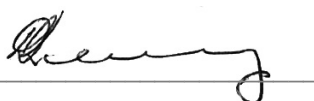

- A. receive the report by the Senior Town Planner for MA0015/2021 – Modification to DA0046/2019 – Modification to 16 Lot Subdivision – 2-26 Saleyards Lane, Mudgee;
- B. approve MA0015/2021 – Modification to DA0046/2019 – Modification to 16 Lot Subdivision – 2-26 Saleyards Lane, Mudgee and add 8 Bell Street, Mudgee (Lot 22 DP585777) into the approval; and
- C. approve MA0015/2021 – Modification to DA0046/2019 – Modification to 16 Lot Subdivision – 2-26 Saleyards Lane, Mudgee subject to the following conditions and Statement of Reasons (with amendments shown in blue):

**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. Approved documentation may include any Planning or Engineering reports submitted with and in support of the application as detailed below.

Title/Name	Drawing No/ Document Ref	Revision /Issue	Dated	Prepared by
Proposed Lot Plan	29701-CD02	C	18.05.20	Barnson
Proposed	29701-CD03	C	28.05.20	Barnson

<b>Services Plan</b>				
<b>Proposed Stormwater Plan</b>	<b>29701-CD04</b>	<b>C</b>	<b>11.03.20</b>	<b>Barnson</b>

**MODIFIED BY MA0015/2021**

2. This consent does not permit commencement of any site works. Works are not to commence until such time as a Construction Certificate has been obtained and the appointment of a Principal Certifier.

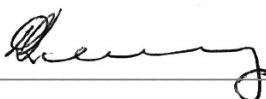
**GENERAL**


**Amended Plan Requirements**

3. An amended plan of subdivision must be submitted to create a four (4) metre by four (4) metre corner cutoff/splay at the corner of Bell Street and Saleyards Lane for road widening purposes.
4. Either of the following two (2) options may be adopted for stormwater management for the proposed subdivision (subject to approval of the stormwater drainage design by Council):
- a) Detention Basin - the plan of proposed subdivision must be amended to provide a sufficient area of land as a Drainage Reserve for construction of a stormwater detention basin to provide for stormwater quality improvements generally in accordance with the Water Sensitive Urban Design (WSUD) guidelines.
  - b) Swales – the use of swales will require registration on titles of appropriately worded Encumbrances, Restrictions as to User or other instruments deemed necessary to ensure the ongoing maintenance and function of the infrastructure to prevent restriction of flows and potential inundation of adjacent land. Additional requirements may also include provision for, and ongoing maintenance of, open type wire mesh fencing on each boundary crossing the swale for the width of the swale.

**Other**

5. Notwithstanding approved plans, no structures or earthworks are permitted to encroach within any easements for the purposes of utility infrastructure as specified in Mid-Western Development Control Plan 2013.
6. All road crossings for services and utilities are to cross perpendicular to the road alignment and must be installed prior to the commencement of construction of base course and kerb and channel.

  
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 Mayor

  
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 General Manager



7. Dual sets of water services, sewer junctions, and stormwater connections are to be provided to each lot nominated as a dual occupancy lot within the subdivision.
8. The developer is to ensure that any defects in the works that become apparent within the 24 months following the issue of a Subdivision Certificate, are remedied to Council's satisfaction. If these defects are not satisfactorily remedied, Council may use bond money to carry out rectification works.

Any unspent bond money will be returned to the developer at the end of the 24 month period, less the cost of any rectification works carried out by Council.


9. Street trees of an approved species are to be provided at a rate of one tree per allotment.
10. 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.
11. Costs associated with all development works including any necessary alteration, relocation of services, public utility mains or installations must be met by the developer. The developer is responsible to accurately locate all existing services before any development works commence to satisfy this condition.
- 11A The endorsed plan indicates creation of an easement over adjacent land identified as Lot 22 DP585777. All costs associated with the creation of the required easement are to be borne by the developer and compensation for the restriction of use of land within the easement must also be paid.

**ADDED BY MA0015/2021**

#### **Stormwater**

12. The developer must provide for the design and construction of all stormwater drainage infrastructure to service the development.
13. A fully detailed Stormwater Drainage Plan must be submitted to and approved by Council that provides for control and treatment of stormwater runoff generated by future development of the land. Recommended stormwater drainage design requires the use of an inter-allotment drainage system discharging into a detention basin situated in a drainage reserve prior to discharge by an approved method into the intermittent watercourse located on adjoining land.

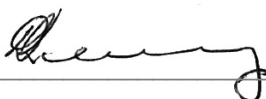
  
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Mayor


  
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General Manager

14. Drainage design must ensure that no stormwater runoff is permitted to discharge over adjoining properties. Discharge of runoff onto adjoining properties and any works associated with the control of stormwater discharge over any adjoining property must not occur without the consent of the owner of any affected property.
15. Inter-allotment drainage is to be provided to remove stormwater from any lots that cannot discharge to the street in accordance with Aus Spec #1.

#### Water and Sewer Services

16. The applicant is to provide separate water and sewer reticulation services to each allotment within the subdivision.
17. Council does not permit other bodies to insert new junctions into “live” Sewer and water mains. Please contact Council’s Operations Water and Waste Department by calling 02 6378 2850 or by emailing [council@midwestern.nsw.gov.au](mailto:council@midwestern.nsw.gov.au) to obtain a quote for the connection of the new sewer extension and water service (Private Works Order).
18. The developer is to extend and meet the full cost of water reticulation to service the development plus the cost of connecting to existing services. All water supply work is required to be carried out in accordance with the requirements of Mid-Western Regional Council (as the Water Supply Authority under the Local Government Act 1993) and in accordance with the National Specification – Water Supply Code of Australia.
19. The developer is to extend and meet the full cost of sewer reticulation to service the development plus the cost of connecting to existing services. All sewerage work is required to be carried out in accordance with the requirements of Mid-Western Regional Council (as the Water Supply Authority under the Local Government Act 1993) and in accordance with the National Specification – Sewerage Code of Australia.
20. The developer is to provide a water service and meter for each lot in the subdivision. This can be achieved by making a payment to Council of \$1,844 per lot to cover the cost of installing both the service and a 20mm meter on the water main.  
  
Note: Council does not permit other bodies to insert new connections into ‘live’ water mains.
21. In the case of any lots that will be serviced by a water main constructed by the developer, a full water service is not required and the developer can elect to pay for a meter

  
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Mayor

  
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General Manager

assembly only at a cost of \$390 for a 20 mm water meter.

22. In the case of any lots that will be serviced by a sewer main constructed by the developer the sewer junctions required to service the proposed lots must be installed by the developer.

**Telecommunications and electricity supply**

23. Underground electricity, street lighting and telecommunications are to be supplied to the Subdivision in accordance with the relevant authority's standards. Each allotment is to be provided with a service point / connection to an underground electricity supply.

**PRIOR TO ISSUE OF THE CONSTRUCTION CERTIFICATE (CIVIL WORKS)**

The following conditions must be complied with prior to Council issuing a Construction Certificate for the civil works required for the proposed subdivision.

24. A Construction Certificate is required for but not limited to the following civil works:
- a) Water and sewer main extensions;
  - b) Stormwater drainage such as inter-allotment drainage, detention basins;
  - c) Footpath; and
  - d) Landscaping of public reserves.

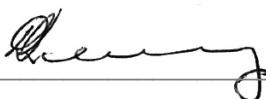
No works can commence prior to the issue of the Construction Certificate.


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

- 24A** Prior to commencement of any additional works, application must be made and approval given to modify Construction Certificate Approval CCC0079/2019. Amended stormwater drainage drawings must be provided for approval that shows appropriate dispersal arrangements at the outfall into the mapped watercourse that provides for both control of the rate of discharge and prevention of erosion and scouring.

**ADDED BY MA0015/2021**

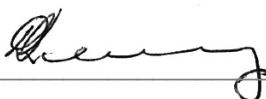
- 24B** Prior to commencement of any additional works within the riparian zone, a separate Controlled Activity Approval for those works must be obtained from the Natural Resources Access Regulator (NRAR).


  
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Mayor

  
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General Manager

**ADDED BY MA0015/2021**

25. Prior to the issue of a Construction Certificate a detailed engineering design, specifications, supporting documentation / reports and calculations, and schedules are to be submitted to and approved by Council. The engineering design is to comply with the technical and performance requirements of Council's Development Control Plan and the Standards referenced within Appendix B and D of that document. Detailed documentation including, but not limited to the following matters, must be submitted with the detailed design. These documents include:
- a) Runoff calculations.
26. A Drainage Report submitted in support of detailed drainage design must be prepared in accordance with the Institution of Engineers publication Australian Rainfall and Run-off to the Principal Certifying Authority for approval prior to the issue of a Construction Certificate. The report must demonstrate that stormwater runoff from the site is not increased beyond the existing undeveloped state up to and including a 20 year ARI event. All stormwater detention details including analysis shall be included with the drainage report.
27. Prior to the issue of a Construction Certificate a Traffic Control Plan (TCP) completed by a "Certified Person" for implementation during works is to be submitted to Mid-Western Regional Council. All requirements of the Traffic Control Plan must be put in place and implemented prior to any work commencing.
28. The detailed design plans submitted for the issue of a Construction Certificate must show all finished surface levels. Where it is proposed to import fill, the material shall be certified as free of hazardous materials and contamination by a suitably qualified geotechnical engineer. Fill placed in residential or commercial lots shall be compacted in accordance with AS3798-2007 Guidelines on Earthworks for Commercial and Residential Developments.
29. 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.

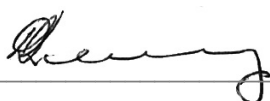
  
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Mayor

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

30. An Erosion and Sediment Control Plan for the development is to be prepared and implemented in accordance with the LANDCOM guidelines and requirements as outlined in the latest edition of "Soils and Construction – Managing Urban Stormwater". Points to be considered include, but are not limited to:
- a) Saving available topsoil for reuse in the revegetation phase of the development;
  - b) Using erosion control measures to prevent on-site damage;
  - c) Rehabilitating disturbed areas quickly; and
  - d) Maintenance of erosion and sediment control structures.
31. Prior to the issue of a Construction Certificate for civil works, the developer is to nominate which lots within the proposed subdivision are likely to be developed for dual occupancy development in the future and provide written notice to Mid-Western Regional Council of the nominated dual occupancy lots.
32. Prior to the issue of the Construction Certificate, Council is to be provided with the certified copies of the Electrical and Telecommunications distribution network design for the subdivision.

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

33. 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.
34. Any necessary alterations to, or relocations of, public utility services to be carried out at no cost to Council and in accordance with the requirements of the relevant authority including the provision of easements over existing and proposed public infrastructure.
35. Prior to the commencement of any works within 40 metres of a prescribed waterway or creek (as defined in the Water Management Act 2000), the proponent shall obtain a Section 91 Activity Approval under the Water Management Act 2000 to



carry out those works.

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

36. Prior to the commencement of subdivision works, the following actions are to be carried out:
- a) A site supervisor is to be nominated by the applicant;
  - b) Council is to be provided with two (2) days notice of works commencing; and
  - c) Council is to be notified in writing of any existing damage to Council's infrastructure.

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

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. Prior to the commencement of works on site, the applicant shall advise Council's Operations Directorate, in writing, of any existing damage to Council property.
39. If the work involved in the erection/demolition of the building:
- a) Is likely to cause pedestrian or vehicular traffic in a public place to be obstructed or rendered inconvenient, or
  - b) Building involves the enclosure of a public place.

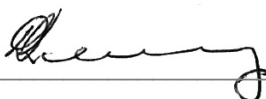
A hoarding or fence must be erected between the work site and the public place. If necessary, an awning is to be erected, sufficient to prevent any substance from, or in connection with, the work falling into the public place. Any such hoarding, fence or awning is to be removed when the work has been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


40. Prior to the commencement of any works a copy of the Contractor's public liability insurance cover for a minimum of \$20,000,000 (twenty million dollars) is to be provided to Mid-

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

#### **DURING CONSTRUCTION**

41. The subdivision works are to be inspected by a Certifier (i.e. Council or a private certifier) to monitor compliance with the consent and the relevant standards of construction, encompassing the following stages of construction:
  - a) Installation of sediment and erosion control measures;
  - b) Water and sewer line installation prior to backfilling;
  - c) Stormwater drainage pipe installation prior to backfilling; and
  - d) Practical Completion.
42. The footpath and driveway levels are not to be altered outside the property boundary without Council's permission.
43. The applicants shall, at their own expense, engage a registered surveyor to relocate any survey mark that may be disturbed by the development or any associated work. Any information regarding relocation should be supplied to NSW Land Registry Services.
44. All works are to be constructed at the full cost of the developer, in a manner consistent with Aus-Spec #1 and Council's standard drawings.
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. 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.
47. Where it is proposed to import fill, the material shall be certified as free of hazardous materials and contamination and be classified as VENM or ENM under the guidelines of the NSW Environmental Protection Authority by a qualified Geotechnical Engineer. Fill placed in residential or commercial lots shall be compacted in accordance with AS3798-2007 Guidelines on Earthworks for Commercial and Residential Developments.
48. Any necessary alterations to, or relocations of, public utility services to be carried out at no cost to council and in accordance with the requirements of the relevant authority

  
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Mayor

  
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General Manager

including the provision of easements over existing and proposed public infrastructure.

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

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

Under the Environmental Planning & Assessment Act 1979, a Subdivision Certificate is required before the linen plan of subdivision can be authorised for registration with NSW Land Registry Services.

50. Under the Environmental Planning & Assessment Act 1979, a Subdivision Certificate is required before the linen plan of subdivision can be registered with NSW Land Registry Services.

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

51. The final inspection report shall be submitted to Council with the Subdivision Certificate application.
52. A linen plan and two (2) copies are to be submitted to Council for approval and endorsement by the General Manager (or their delegate).
53. Prior to the issue of a Subdivision Certificate, a survey drawing is to be submitted to Council, demonstrating that all private water services, sewer services and water meters are located wholly within the lot that they serve.

Where lots are nominated to be developed in the future for dual occupancy development, dual services for water, sewer and stormwater are to be provided for the nominated lots.

54. Following completion of the subdivision works, work-as-executed plans (WAE) are to be provided to Council in the following formats:
- a) PDF; and
  - b) Dwg format or "Autocad compatible".

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

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



56. The developer must provide Council and land purchasers with a site classification for each vacant lot within the subdivision. The classification is to be carried out at a suitable building site on each lot and is to be carried out by a NATA registered laboratory using method (a) of Clause 2.2.3 of Australian Standard AS 2870 – 2011: Residential Slabs and Footings. Results are to be submitted to Council prior to issue of the Subdivision Certificate.
57. The finished surface of all nature strips and verges must be graded to fall toward the kerb and channel and formed with a minimum 100 mm thick layer of clean topsoil free of stones and other impurities. Nature strips and verges are to be seeded or hydro-mulched with an approved grass prior to the issue of a Subdivision Certificate.

#### Defects Liability Bond

58. Prior to the release of the Subdivision Certificate, a defects liability bond of 5% of the construction costs for all civil engineering work (not carried out by Council), shall be lodged with Council. The defects liability bond will be held by Council for a period of 24 months, to ensure that any defects that become apparent during that time are remedied by the developer.

#### Developer Contributions

59. In accordance with the provisions of section 7.11 of the Environmental Planning and Assessment Act 1979 and the Mid-Western Regional Council Section 94 Development Contributions Plan 2005-2021, either of the following is to occur prior to the issue of a Subdivision Certificate:
- a) A monetary contribution in accordance with the following Schedule of Contributions must be paid in full (including indexation, where applicable); or
  - b) A Bank Guarantee for the contributions identified in the following schedule (subject to indexation, where applicable) is to be given to Council, on the following terms:
    - (i) A Bank Guarantee is to be prepared to the value of contributions payable as agreed to by Council (this is to include indexation, where applicable).
    - (ii) The Bank Guarantee is to be made in favour of Council.
    - (iii) Council is to be the custodian of the original Bank Guarantee.
    - (iv) The maximum time frame granted for deferment is six (6) months. Should the contribution not be paid by this time, Council will exercise its right under the

- agreement to call in the Bank Guarantee without notice.
- (v) Should the deferment overlap into the following financial year, then the contributions payable will be subject to indexation.

<b>Schedule of Section 94 Contributions</b>		
<b>16 additional lots (minus credit for existing)</b>		
<b>Mudgee (Catchment 2)</b>	<b>Per Lot</b>	<b>15 Lots</b>
<b>Public Amenity or Service</b>		
<b>Transport Management</b>		
<b>Traffic Management</b>	<b>\$1,282.00</b>	<b>\$19,230</b>
<b>Open Space</b>		
<b>Local Open Space</b>	<b>\$2,013.00</b>	<b>\$30,195.00</b>
<b>District Open Space</b>	<b>\$2,732.00</b>	<b>\$40,980.00</b>
<b>Community Facilities</b>		
<b>Library Buildings</b>	<b>\$263.00</b>	<b>\$3,945.00</b>
<b>Library Resources</b>	<b>\$316.00</b>	<b>\$4,740.00</b>
<b>Drainage</b>		
<b>Drainage Works</b>	<b>\$0.00</b>	<b>\$0.00</b>
<b>Administration</b>		
<b>Plan Administration</b>	<b>\$614.00</b>	<b>\$9,210.00</b>
<b>Total</b>	<b>\$7,220.00</b>	<b>\$108,300.00</b>

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

**Note:** Council's Section 94 Development Contributions Plan 2005-2021 is available for perusal at Council's Administration Centre at 86 Market Street, Mudgee or on Council's website [www.midwestern.nsw.gov.au](http://www.midwestern.nsw.gov.au) under Council Documents/Strategies and Plans.

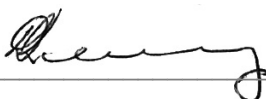
#### **Certificate of Compliance**


60. The developer shall obtain a Certificate of Compliance under the Water Management Act 2000, from Council.

**Note 1 – Refer to Advisory Notes in relation to payment of contributions to obtain a Certificate of Compliance.**

#### **Restrictions on Title**

61. Four metre wide easements, including associated Section 88B

  
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 Mayor

  
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 General Manager

instruments, are to be created in favour of Council over any existing or newly constructed dual stormwater and sewerage reticulation components located within the subject property, or extended through adjoining private properties as a result of this subdivision.

The stormwater and sewerage lines are to be located 1.5m from the property boundary and internal edge of the easement. Services are to be located approximately 1.0m apart within the centre of the easement.

62. Three metre wide easements, including associated Section 88B instruments, are to be created in favour of Council over any existing or newly constructed water reticulation components located within the subject property, or extended through adjoining private properties as a result of this subdivision, where necessary.
63. Where the stormwater drainage arrangements for the subdivision result in an on-site detention system within proposed Lot 16, as identified in the approved plans, a drainage reserve with an access handle to Saleyards Lane is to be created over the on-site detention basin. The terms of the easement or restriction are to provide Council with maintenance access to the drainage reserve.
64. Where the stormwater drainage design involves a drainage swale, appropriately worded encumbrances, restriction as to user or other instruments are to provide for the ongoing maintenance and function of the infrastructure to prevent restriction of flows and potential inundation of adjacent land. Additional requirements may also include provision for, and ongoing maintenance of, open type wire mesh fencing on each boundary crossing of the swale for the width of the swale.
65. Suitably worded restrictions, covenants or other similar instruments are to be provided for proposed Lots 15 and 16 (as required) identified on the approved plans, to ensure any future buildings on the land are constructed with a finished floor level (FFL) that is at least 0.5m above the 1 in 100 (i.e. 1% Annual Exceedance Probability flood event) flood level.

Prior to the preparation of the covenant/restriction, the developer shall obtain written notification from Council of:

- a) the flood level and required FFL to be incorporated into the covenant/restriction; and
  - b) the lots that are flood affected in the subdivision.
66. Suitably worded restrictions, covenants or other similar instruments are to be provided for proposed Lots 15 and 16 identified on the approved plans, to ensure any fencing allows for the free passage of flood waters, within the 1 in 100 (i.e. 1%

**Annual Exceedance Probability) flood level.**

Prior to the preparation of the covenant/restriction, the developer shall obtain written notification from Council of:

- a) The flood level and required FFL to be incorporated into the covenant/restriction; and
- b) The lots that are flood affected in the subdivision.

**Electricity and Telecommunication Certificates**

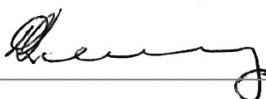
67. Prior to issue of the Subdivision Certificate, Council is to be supplied with:


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

68. Underground electricity and telecommunications are to be supplied to the Subdivision in accordance with the relevant authority's standards.

**STATEMENT OF REASONS**

1. The proposed development complies with the requirements of the applicable environmental planning instruments and Mid-Western Regional Development Control Plan 2013.
2. The proposed development is considered satisfactory in terms of the matters identified in Section 4.15 of the Environmental Planning and Assessment Act 1979.
3. The proposed development satisfactorily addresses the issues raised in submissions received in response to public notification of the development, as follows:
  - a) A condition requiring a corner truncation has been applied to assist in vehicles being able to see around the corner of the Saleyards Lane and Bell Street intersection.

  
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Mayor

  
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General Manager

- b) A condition has been applied requiring a Notice of Arrangement to be obtained from the electricity supplier.
4. The proposed modification is considered to result in minimal environmental impact and is substantially the same development as the originally approved development – thereby satisfying the requirements of Section 4.55(1A)(a) and (b) of the Environmental Planning and Assessment Act 1979.  
ADDED BY MA0015/2021
5. The proposed modification complies with the requirements of the applicable environmental planning instruments and Mid-Western Regional Development Control Plan 2013.  
ADDED BY MA0015/2021
6. The proposed modification is considered satisfactory in terms of the matters identified in Section 4.15 of the Environmental Planning and Assessment Act 1979.  
ADDED BY MA0015/2021

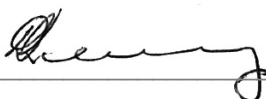
#### OTHER APPROVALS


##### General Terms of Approval

A copy of the NSW Natural Resources Access Regulator's General Terms of Approval are attached.

#### ADVISORY NOTES

- 1 The removal of trees within any road reserve requires the separate approval of Council in accordance with the policy "Tree Removal and Pruning – Public Places".
- 2 The land upon which the subject building is to be constructed may be affected by restrictive covenants. This approval is issued without enquiry by Council as to whether any restrictive covenant affecting the land would be breached by the construction of the building, the subject of this approval. Persons to whom this approval is issued must rely on their own enquiries as to whether or not the building breaches any such covenant.
- 3 Sections 8.2, 8.3, 8.4 and 8.5 of the Environmental Planning and Assessment Act 1979 gives you the ability to seek a review of the determination. This request is made to Council and must be made within 6 months after the date on which you receive this notice. The request must be made in writing and lodged with the required fee; please contact Council's Development Department for more information or advice.
- 4 If you are dissatisfied with this decision Sections 8.7 and 8.10 of the Environmental Planning and Assessment Act 1979 gives

  
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Mayor

  
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General Manager

you the right to appeal to the Land and Environment Court within 6 months after the date on which you receive this notice.

- 5 To ascertain the date upon which the consent becomes effective, refer to Sections 4.20 and 8.13 of the Environmental Planning and Assessment Act 1979.
- 6 To ascertain the extent to which the consent is liable to lapse, refer to Section 4.53 of the Environmental Planning and Assessment Act 1979.
- 7 The attached General Terms of Approval issued by NSW's Water Authority do not constitute an approval under the Water Management Act 2000. The development consent holder must apply to NSW's Water Authority for a Controlled Activity approval after consent has been issued by Council and before the commencement of any work or activity.

A completed application form must be submitted to NSW's Water Authority together with any required plans, documents, application fee, security deposit or bank guarantee (if required) and proof of Council's Development Consent. Finalisation of an approval can take up to eight (8) weeks from the date the application and all required supporting documentation is received.

Application forms are available from the NSW's Water Authority website at:

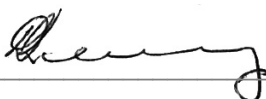
[www.water.nsw.gov.au](http://www.water.nsw.gov.au) > Water Licensing > Approvals.


- 8 This development consent requires a Certificate of Compliance under the Water Management Act 2000 to be obtained prior to the issue of a Subdivision 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, either of the following is to occur:

- a) A monetary contribution in accordance with the following Schedule of Contributions must be paid in full (including indexation, where applicable); or
- b) A Bank Guarantee for the contributions is to be given to Council, on the following terms:
  - The Bank Guarantee is to be prepared to the value of contributions payable as agreed to by Council (this is to include indexation where applicable).
  - The Bank Guarantee is to be made in favour of Council.

  
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Mayor

  
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General Manager

- Council is to be the custodian of the original Bank Guarantee.
- The maximum time frame granted for deferment is six (6) months. Should the contribution not be paid by this time, Council will exercise its right under the agreement to call in the Bank Guarantee without notice.
- Should the deferment overlap into the following financial year, then the contributions payable will be subject to indexation.

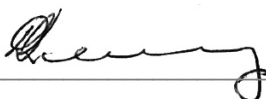
<b>Schedule of Contributions</b>				
<b>Development Consent DA0046/2019</b>				
<b>Public Service</b>	<b>No. of Equivalent Tenements (ET)</b>	<b>Contribution Rate (Amount per ET)</b>	<b>Contribution Levied</b>	<b>Date until which contribution rate is applicable</b>
<b>Water</b>	<b>15.0</b>	<b>\$8,407</b>	<b>\$126,105.00</b>	<b>30 June 2019</b>
<b>Sewer</b>	<b>15.0</b>	<b>\$3,838</b>	<b>\$57,570.00</b>	<b>30 June 2019</b>
		<b>TOTAL</b>	<b>\$183,675.00</b>	


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

**Note: Council's Development Servicing Plan for Mid Western Regional Council Water Supply and Development Servicing Plan for Mid Western Regional Council Sewerage are available for perusal at Council's Administration Centre at 86 Market Street, Mudgee or on Council's website [www.midwestern.nsw.gov.au](http://www.midwestern.nsw.gov.au) under Council Documents/Strategies and Plans.**

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

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

  
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 Mayor

  
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 General Manager

8.6 MA0031/2021 NEW GRANDSTAND - COMMUNITY FACILITY  
AT MUDGEES SHOWGROUND 11 NICHOLSON STREET,  
MUDGEES - LOT 1 SEC 66 DP 758721

GOV400088, MA0031/2021

13/21

**MOTION: Shelley / Cavalier**

**That Council:**

- A. receive the report by the Town Planner for MA0031/2021 New Grandstand - Community Facility;**
- B. approve MA0031/2021 New Grandstand - Community Facility subject to the following conditions and statement of reasons:**

**Conditions**

**APPROVED PLANS CONDITIONS**

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

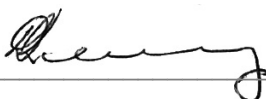
Title / Name	Plan No.	Rev	Date	Prepared by
Floor Plan	1	B D	28-5-20 18-12-20	Kate Foody
Elevations	2	B D	28-5-20 18-12-20	Applicant Kate Foody
Site Plan	2 3	B D	28-5-20 18-12-20	Applicant
Mudgee Showground Draft Masterplan	-	1	23/04/2020	Mid-Western Regional Council


**(MODIFIED BY MA0031/2021)**

**GENERAL**

2. This development consent provides approval for a new grandstand – recreation facility (outdoor), only.
3. This approval does not provide any indemnity to the owner or applicant under the Disability Discrimination Act 1992 with respect to the provision of access and facilities for people with disabilities.

**PRIOR TO COMMENCEMENT OF WORKS**

  
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Mayor

  
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General Manager



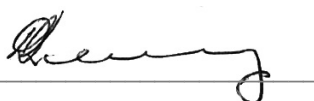
4. No work shall commence until a Construction Certificate has been issued and the applicant has notified Council of:
- a) the appointment of a Principal Certifying Authority; and
  - b) the date on which work will commence.

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

5. 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**

6. A sign must be erected in a prominent position on any work site in 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.
7. If the work involved in the erection/demolition of the building;
- a) is likely to cause pedestrian or vehicular traffic in a public place to be obstructed or rendered inconvenient; or
  - b) building involves the enclosure of a public place.
- A hoarding or fence must be erected between the work site and the public place. If necessary, an awning is to be erected, sufficient to prevent any substance from, or in connection with, the work falling into the public place. Any such hoarding, fence or awning is to be removed when the work has been completed.
8. 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**

9. 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.

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

11. 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

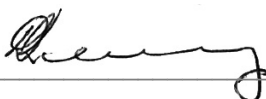
No construction work noise is permitted on Sundays or Public Holidays.


12. 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.

13. 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.

14. All building work is to comply with the requirements of the Access to Premises Standard.

15. 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.

  
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Mayor

  
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General Manager

**PRIOR TO ISSUE OF AN OCCUPATION CERTIFICATE**

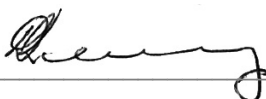
16. Prior to the occupation of a new building, or occupation or use of an altered portion of, or an extension to an existing building, an Occupation Certificate is to be obtained from the Principal Certifying Authority appointed for the erection of the building.
17. Prior to occupation or the issue of 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**

18. 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.
19. Where any essential services are installed in the building a copy of the final Fire Safety Certificate (together with a copy of the current fire safety schedule) is to be given to the Commissioner of NSW Fire Brigades and Council. A further copy of the Certificate (together with a copy of the current fire safety schedule) is to be prominently displayed in the building.

**ADVISORY NOTES**

1. The removal of trees within any road reserve requires the separate approval of Council in accordance with the policy "Tree Removal and Pruning - Public Places".
2. The land upon which the subject building is to be constructed may be affected by restrictive covenants. This approval is issued without enquiry by Council as to whether any restrictive covenant affecting the land would be breached by the construction of the building, the subject of this approval. Persons to whom this approval is issued must rely on their own enquiries as to whether or not the building breaches any such covenant.
3. Division 8.2 of the Environmental Planning and Assessment Act 1979 (EP&A Act) gives you the ability to seek a review of the determination. This request is made to Council and must be

  
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Mayor

  
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General Manager

made within 6 months after the date on which you receive this notice. The request must be made in writing and lodged with the required fee; please contact Council's Development Department for more information or advice.

4. If you are dissatisfied with this decision section 8.7 of the EP&A Act gives you the right to appeal to the Land and Environment Court within 6 months after the date on which you receive this notice.
5. To ascertain the extent to which the consent is liable to lapse, refer to Section 4.53 of the EP&A Act.

#### STATEMENT OF REASONS

The determination decision was reached for the following reasons:

1. The proposed development complies with the requirements of the applicable environmental planning instruments and Mid-Western Regional Development Control Plan 2013.
2. The proposed development is considered satisfactory in terms of the matters identified in Section 4.55(1A) of the Environmental Planning and Assessment Act 1979.

(ADDED BY MA0031/2021)

3. The proposed development is considered satisfactory in terms of the matters identified in Section 4.15 of the Environmental Planning and Assessment Act 1979.

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

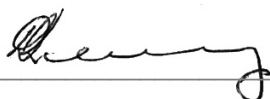

Councillors	Ayes	Nayes
Cr Kennedy	✓	
Cr Paine	✓	
Cr Cavalier	✓	
Cr Holden	✓	
Cr Karavas	✓	
Cr Martens	✓	
Cr O'Neill	✓	
Cr Shelley	✓	
Cr Thompson	✓	

8.7 MA0020/2021 TORRENS TITLE (2 INTO 50 LOTS) AT 17  
FAIRYDALE LANE, MUDGEE (LOTS 1 AND 2 DP 1264511)  
GOV400088, DA0249/2014

14/21

**MOTION:** Shelley / Paine

**That Council:**

- A. receive the report by the Town Planner on the MA0020/2021 Torrens Title (2 into 50 Lots) at 17 Fairydale Lane, Mudgee (Lots 1 and 2 DP 1264511);
- B. approve MA0020/2021 Torrens Title (2 into 50 Lots) at 17 Fairydale Lane, Mudgee (Lots 1 and 2 DP 1264511) subject to the following conditions and statement of reasons:

Conditions of Consent (AMENDMENTS IN BLUE)

Approved plans

1. Development is to be carried out generally in accordance with stamped plans ~~MX-10268-00 – C8-0 Rev B & MX-10268-00 – C8.1 Rev B dated 29<sup>th</sup> November 2016 and BK083 CONCEPT.dwg dated 8 April 2014 sheet 1 of 2 and the Application received by Council on 21 January 2014 and Modification Application received by Council on 5 June 2019~~ 'Plan of Proposed Subdivision of Lots 1 & 2 in DP1264511' Revision A, Dwg No. DA-MOD V2 Job No. 20-535 prepared by O'Ryan Geospatial Pty Ltd as submitted with the current Modification Application, except as varied by the conditions listed herein. Any minor modification to the approved plans will require the lodgement and consideration by Council of amended plans. Major modifications will require the lodgement of a new development application.

(AMENDED BY MA0020/2021)

PRIOR TO THE ISSUE OF THE SUBDIVISION CERTIFICATE –  
RELEASE NO. 1

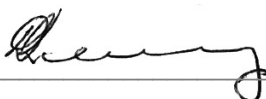
- 1a. Under the Environmental Planning & Assessment Act 1979, a Subdivision Certificate is required before the linen plan of subdivision can be registered with the Land Titles Office.  
Note: The fee to issue a Subdivision Certificate is set out in Council's Fees and Charges.


(ADDED BY MA0049/2019)

- 1b. A linen plan and two (2) copies are to be submitted to Council for approval and endorsement by the General Manager.

(ADDED BY MA0049/2019)

- 1c. If the Subdivision Certificate is not issued, for any reason whatsoever, by the end of the financial year immediately following the date of determination, then the charges and contributions contained in this consent, may be increased to the current rate at the time of payment.

  
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Mayor

  
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General Manager

(ADDED BY MA0049/2019)

- 1d. Prior to the issue of a Subdivision Certificate for Release No. 1, a “Right of Carriageway” is to be created over proposed Lot 2 through the registration of the appropriate survey plan and associated 88B instrument to provide legal access to existing rear dwelling on Proposed Lot 1.

(ADDED BY MA0049/2019)

- 1e. In accordance with the provisions of Section 94 of the Environmental Planning and Assessment Act 1979 and the Mid-Western Regional Council Section 94 Developer Contributions Plan, a contribution shall be paid to Council in accordance with this condition for the purpose of: **SUBJECT TO CPI INCREASE**

Release of Proposed Lots 1 & 2 as per plan MX-10268.00-C8.0 Rev B

*1 new lot – Lot 2	
Transport Management	
Traffic Management	1,282
Open Space	
Local Open Space	2,013
District Open Space	2,732
Community Facilities	
Library Buildings	263
Library Resources	316
Administration	
Plan Administration	614
Drainage	
Drainage Works	5,508
	\$12,728
<b>TOTAL</b>	<b>8</b>

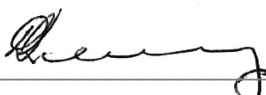
Note: The two existing dwellings are exempt from paying S94 contributions


(ADDED BY MA0049/2019)

- 1f. Prior to the issue of Release No. 1, the developer shall obtain a Certificate of Compliance under the Water Management Act. This will require:
  - (a) Payment of a contribution for water and sewerage headworks at the following rate:

Release of Proposed Lots 1 & 2 as per plan MX-10268.00-C8.0 Rev B

Water Headworks (1 new lot)	\$ 12,610.50
Sewerage Headworks (2 new lots)	\$ 8,059.80

  
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 Mayor

  
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 General Manager

**Total Payable** **\$ 20,670.30**

(ADDED BY MA0049/2019)

- 1g. The developer is to provide a water service and meter for each lot in the subdivision. This can be achieved by making a payment to Council of \$1,844 per lot to cover the cost of installing both the service and a 20mm meter on the water main.

Release of Proposed Lots 1 & 2 as per plan MX-10268.00-C8.0 Rev B

Full Water Service 1            x    \$1,844    =    \$1,844  
(Lot 2)

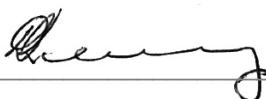
Note: Council does not permit other bodies to connect into 'live' water mains.


(ADDED BY MA0049/2019)

#### GENERAL

The following conditions have been applied to ensure that the use of the land and/or building is carried out in a manner that is consistent with the aims and objectives of the environmental planning instrument affecting the land.

2. A new Restriction as to User be placed upon proposed lots ~~4–7 and 27–33~~ **93-109** as per plan ~~BK083 CONCEPT.dwg~~ **'Plan of Proposed Subdivision of Lots 1 & 2 in DP1264511' Revision A, Dwg No. DA-MOD V2 Job No. 20-535** requiring all dwellings to be constructed in accordance with Category 2 Acoustic Treatment of Residences, Appendix C of the Department of Planning's publication, Development near Rail Corridors and Busy Roads – Interim Guidelines as follows;
- Windows/ Sliding doors – Openable 6mm monolithic glass and full perimeter acoustic seals;
  - Timber frame or Cladding Construction – 6mm fibre cement sheeting or weatherboards or plank cladding externally, 90mm deep timber stud or 92mm metal stud, 13mm standard plasterboard internally with R2 insulation in wall cavity;
  - Brick veneer Construction – 110mm brick, 90mm deep timber stud or 92mm metal stud, minimum 50mm clearance between masonry and stud frame, 10mm standard plasterboard internally;
  - Double brick cavity Construction – 2 leaves of 110mm brickwork separated by 50mm gap;
  - Roof – Pitched concrete or terracotta tile or metal sheet

  
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Mayor

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

- roof with sarking, 10mm plasterboard ceiling fixed to ceiling joists, R2 insulation batts in roof cavity;
- Entry door – 40mm solid core timber door fitted with full perimeter acoustic seals;
- Floor – 1 layer of 19mm structural floor boards, timber joists on piers, or concrete slab on ground;
- Ducted air conditioning and/or ventilation is to be provided to all living rooms and bed rooms.

(AMENDED BY MA0020/2021)

3. A Restriction as to User be placed upon proposed lots ~~3—7 and 27—33~~ **93-107** as per plan ~~BK083-CONCEPT.dwg~~ **'Plan of Proposed Subdivision of Lots 1 & 2 in DP1264511' Revision A, Dwg No. DA-MOD V2 Job No. 20-535** stating no habitable buildings are to be located on the allotments within the area twenty five metres from the rail line without a full noise assessment being undertaken by an acoustic consultant and a report detailing findings and recommendations.

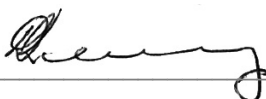
(AMENDED BY MA0020/2021)


4. A Restriction as to User be placed upon proposed lot ~~48~~ **75** as per plan ~~BK083-CONCEPT.dwg~~ **'Plan of Proposed Subdivision of Lots 1 & 2 in DP1264511' Revision A, Dwg No. DA-MOD V2 Job No. 20-535** stating that multi dwelling housing is not permitted on the allotment due to non-compliance with Council's DCP.

(AMENDED BY MA0020/2021)

#### PRIOR TO ISSUE OF CONSTRUCTION CERTIFICATE

5. Prior to development the applicant shall advise Council's Development and Community Services Department, in writing, of any existing damage to Council property before commencement of works. The applicant shall repair (at their own expense) any part of Council's property damaged during the course of this development in accordance with AUS-Spec #1/2 (as modified by Mid-Western Regional Council) and any relevant Australian Standards.
6. A Traffic Control Plan (TCP) completed by a "Certified Person" for implementation during works is to be submitted to Mid Western Regional Council prior to any work commencing.
7. A copy of the Contractor's public liability insurance cover for a minimum of \$20,000,000 is to be provided to Mid-Western Regional Council. All work is to be at no cost to Council.
8. A detailed engineering design (including but not limited to sediment and erosion control, sewer/water main extensions,

  
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 Mayor

  
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 General Manager

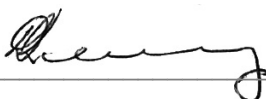



drainage networks and road works) supported by plans, and an “Autocad compatible” Plan, (in dwg format including pen-map), material samples, test reports and specifications are to be prepared in accordance with AUS-SPEC #1 (as modified by Mid Western Regional Council) and the conditions of this development consent. The engineering design is to be submitted to and approved by Council prior to the issue of a Construction Certificate.

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

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

9. The applicants shall, at their own expense, engage a registered surveyor to relocate any survey mark that may be disturbed by the development or any associated work. Any information regarding relocation should be supplied to the Land Titles Office and Council.
10. All works are to be constructed at the full cost of the developer, in a manner consistent with Aus-Spec #1 and Council’s standard drawings.
11. Prior to commencement of works, the submission of three possible street/road names in order of preference, for the proposed two (2) new roads within the subdivision, are to be submitted to Council for approval.
12. All finished surface levels shall be shown on the plans submitted for the Construction Certificate. Where it is proposed to import fill, the material shall be certified as free of hazardous materials and contamination by a suitably qualified geotechnical engineer. Fill placed in residential or commercial lots shall be compacted in accordance with AS3798-2007 Guidelines on Earthworks for Commercial and Residential Developments.
13. The developer is to grant Council (or an Accredited Certifier on behalf of Council) unrestricted access to the site at all times to enable inspections or testing of the subdivision works.
  - The subdivision works are to be inspected by the Council (or Accredited Certifier on behalf of Council) to monitor compliance with the consent and the relevant standards of construction encompassing the following stages of construction:
    - Installation of sediment and erosion control measures
    - Water and sewer line installation prior to backfilling
    - Establishment of line and level for kerb and

  
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Mayor

  
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General Manager

**gutter placement**

- Road and driveway pavement construction (including excavation, formwork and reinforcement)
- Road pavement surfacing
- Practical completion

The contractor/owner must arrange an inspection by contacting Council's Development and Community Services Department between 8.00am and 4.30pm Monday to Friday, giving at least twenty four (24) hours notice. Failure to have the work inspected may result in the access being removed and reconstructed at the contractors/owners expense.

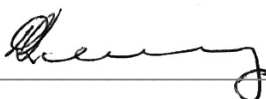
14. The applicant is to submit a Drainage Report prepared in accordance with the Institution of Engineers publication Australian Rainfall and Run-off to the Principal Certifying Authority for approval prior to the release of the Construction Certificate. The report must demonstrate that stormwater runoff from the site is not increased beyond the existing undeveloped state up to and including a 1.5yr ARI. All storm water detention details including analysis shall be included with the drainage report.


**STORMWATER DRAINAGE**

15. A minimum of two (2) roof-water outlets per allotment are to be provided in the kerb and gutter at the time of installation of kerb and gutter. Such outlets shall be located near the projected line of allotment side boundaries.
16. All earthworks, filling, building, driveways or other works, are to be designed and constructed (including stormwater drainage if necessary) so that at no time will any ponding of stormwater occur on adjoining land as a result of this development.
17. Interallotment drainage is to be provided to remove stormwater from any lots that cannot discharge to the street in accordance with Aus Spec #1. Easements not less than 1m wide shall be created over interallotment drainage in favour of upstream allotments.

**ROADS, KERBS AND VEHICULAR ACCESS**

18. Street signs necessitated by the subdivision are to be installed in accordance with Aus-Spec #1 and Council standards.
19. All accesses must comply with Council's Access Policy, AUSTRROADS Part 4A and any other relevant RMS supplements.
20. The developer is to upgrade Fairydale Lane for the full frontage of the proposed subdivision, such that it has the following

  
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Mayor

  
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General Manager

**characteristics:**

Item	Requirement
Half Road Pavement Width	5 m @ 3% crossfall
Nature Strip (x1)	4.5 m
Concrete Footpath (x1)	2.5m wide
Seal	Two-coat flush seal -14/7 mm (Double/Double) as required
Kerb & Gutter	Roll back concrete kerb & gutter
Subsoil Drainage	Behind kerb if required
Underground Drainage	Where gutter flow exceeds 2.5m during minor events or adjacent to intersections.

21. The new roads in the subdivision are to be constructed in accordance with the following:

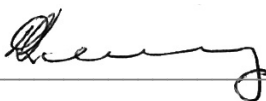
Item	Requirement
Road Reserve Width	18 m
Pavement Width	9 m @ 3% crossfall
Nature Strip (x2)	4.5 m
Concrete Footpaths (x1)	1.2m wide
Seal	Two-coat flush seal -14/7 mm (Double/Double) as required
Kerb & Gutter	Roll back concrete kerb & gutter
Subsoil Drainage	Behind kerb if required
Underground Drainage	Where gutter flow exceeds 2.5m during minor events or adjacent to intersections.


**EARTHWORKS**

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

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

23. Runoff and erosion controls shall be installed prior to clearing and incorporate:-
- diversion of uncontaminated upslope runoff around cleared and/or disturbed areas and areas to be cleared and/or disturbed;

  
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 Mayor

  
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 General Manager

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

## WATER AND SEWER

24. The developer is to extend and meet the full cost of water and sewerage reticulations to service the development plus the cost of connecting to existing services. **Extension of the water main is required from:**

- Gladstone Street, near the intersection of Fairydale Lane to Council's existing main near the hydrant adjacent to 63 Fairydale Lane (Lot 254 DP1175650).
- The existing 50mm pipe fronting the site is to be upgraded to a minimum 100mm supply line to service the development.

The Developer will be responsible for obtaining all consents and approvals that may be required by the relevant Rail Authority to service the development.

All water and sewerage work is required to be carried out in accordance with the requirements of Mid-Western Regional Council (as the Water Supply Authority under the Local Government Act, 1993) and in accordance with the National Specification – Water & Sewerage Codes of Australia.

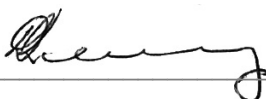
**(AMENDED BY MA0020/2021)**


25. The applicant is to provide separate water and sewer reticulation services to each lot.
26. Three metre wide easements, including associated Section 88B of the Conveyancing Act 1919 instruments, are to be created in favour of Council over any existing or newly constructed water or sewerage reticulation components located within the subject property, or extended through adjoining private properties as a result of this subdivision.

## PRIOR TO THE ISSUE OF THE SUBDIVISION CERTIFICATE – RELEASE 2

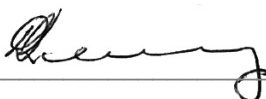
26a. Prior to the release of Lots ~~39, 40, 42 and 45~~ 60, 63, 65 and 66 the ROW providing legal access to the rear dwelling on proposed Lot 2 is to be released.


**(AMENDED BY MA0020/2021)**

  
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Mayor

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

27. Under the Environmental Planning & Assessment Act, 1979, a Subdivision Certificate is required before the linen plan of subdivision can be registered with the Land Titles Office.  
Note: The fee to issue a Subdivision Certificate is set out in Council's Fees and Charges
28. A linen plan and two (2) copies are to be submitted to Council for approval and endorsement by the General Manager.
29. If the Subdivision Certificate is not issued, for any reason whatsoever, by the end of the financial year immediately following the date of determination, then the charges and contributions contained in this consent, may be increased to the current rate at the time of payment.
30. Underground electricity, street lighting and telecommunications are to be supplied to the subdivision.
31. Prior to issue of the Subdivision Certificate, Council is to be supplied with:
- A certificate from the appropriate power authority indicating that satisfactory arrangements have been made for provision of electricity supply to the subdivision.
  - A certificate from the appropriate telecommunications authorities indicating that satisfactory arrangements have been made for provision of telephone services to the subdivision.
  - all contributions must be paid to Council and all works required by the consent be completed in accordance with the consent, or
  - an agreement be made between the developer and Council;
  - as to the security to be given to Council that the works will be completed or the contribution paid, and
  - as to when the work will be completed or the contribution paid.
32. Following completion of the subdivision works, one full set of work-as-executed plans, on transparent film suitable for reproduction, and an "Autocad compatible" work-as-executed Plan, (in dwg format including pen-map), is to be submitted to Council. All work-as-executed plans shall bear the Consulting Engineer's or Consulting Surveyor's certification stating that all information shown on the plans is accurate.
33. The developer must provide Council and land purchasers with a site classification for each lot within the subdivision. The classification is to be carried out at a suitable building site on each lot and is to be carried out by a NATA registered laboratory using method (a) of Clause of AS2870 - 2011. Results are to be submitted to Council prior to issue of the Subdivision Certificate.

  
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Mayor

  
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General Manager

33A. Street trees are required at a rate of two (2) trees per lot and are to be planted prior to the issue of the Subdivision Certificate. The trees are to be semi-mature and barricaded for protection. (ADDED MA0020/2021)

34. In accordance with the provisions of section 94 of the Environmental Planning and Assessment Act 1979 and the Mid-Western Regional Council Section 94 Developer Contributions Plan, a contribution shall be paid to Council in accordance with this condition for the purpose of: **SUBJECT TO CPI INCREASE**

Rate per lot created, as per plan ~~BK083-CONCEPT.dwg~~ 'Plan of Proposed Subdivision of Lots 1 & 2 in DP1264511' Revision A, Dwg No. DA-MOD V2 Job No. 20-535 prepared by O’Ryan Geospatial Pty Ltd.

Transport Management	
Traffic Management	1,282
Open Space	
Local Open Space	2,013
District Open Space	2,732
Community Facilities	
Library Buildings	263
Library Resources	316
Administration	
Plan Administration	614
Drainage	
Drainage Works	5,508
<b>TOTAL</b>	<b>\$12,728</b>

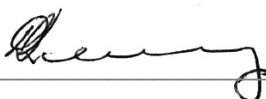
Note: The two existing dwellings are exempt from paying developer contributions


(AMENDED BY MA0020/2021)

35. The developer shall obtain a Certificate of Compliance under the Water Management Act. This will require:  
 (a) Payment of a contribution(subject to CPI increase) for water and sewerage headworks at the following rate:

Rate per lot created, as per plan ~~BK083-CONCEPT.dwg~~ Plan of Proposed Subdivision of Lots 1 & 2 in DP1264511' Revision A, Dwg No. DA-MOD V2 Job No. 20-535:

Price per small lot, 650m <sup>2</sup>	
Water Headworks	\$ 6,305
	\$6,516.75
Sewerage Headworks	\$ 2,879
	\$2,975.25
Total Payable	\$ 9,184

  
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 Mayor

  
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 General Manager

\$9,492.00

Price per medium lot, 650m <sup>2</sup> 1200m <sup>2</sup>	
Water Headworks	<del>\$ 8,407</del>
	\$8,689.00
Sewerage Headworks	<del>\$ 3,838</del>
	\$3,967.00
Total Payable	<del>\$ 12,245</del>
	\$12,656.00

Price per large lot, >1200m <sup>2</sup>	
Water Headworks	<del>\$ 12,611</del>
	\$13,033.50
Sewerage Headworks	<del>\$ 4,030</del>
	\$4,165.35
Total Payable	<del>\$ 16,641</del>
	\$17,198.85

**Note: The two existing dwellings are exempt from paying Water Headworks within this release**

**Note: One of the existing dwellings is exempt from paying Sewer Headworks within this release**

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

**(AMENDED BY MA0020/2021)**

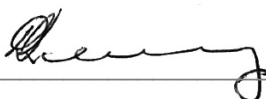
- 36. The developer is to provide a water service and meter for each lot in the subdivision. This can be achieved by making a payment to Council of ~~\$1,844~~ \$2,193.00 per lot to cover the cost of installing both the service and a 20mm meter on the water main.**


<b>TOTAL PAYABLE</b>	<b>—44</b>	<b>x</b>	<b>\$1650</b>	<b>=</b>	<b>\$72,600</b>
	<b>48</b>		<b>2,193.0</b>		<b>\$105,264.00</b>
			<b>0</b>		

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

**(AMENDED BY MA0020/2021)**

- 37. Where the water service has been provided by the developer. The developer is to provide a water meter for each lot in the subdivision. This can be achieved through providing a water service ending with a lockable ball valve to each lot and make a**

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 Mayor

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 General Manager

payment to Council of ~~\$390~~ **\$668.00** per lot to cover the cost of a 20mm meter and installation.

TOTAL PAYABLE	—44	x	\$370	=	\$16,280
			\$668.0		\$32,064.00
	48		0		

Release of proposed lots as per plan ~~BK083-CONCEPT.dwg~~  
 Plan of Proposed Subdivision of Lots 1 & 2 in DP1264511'  
 Revision A, Dwg No. DA-MOD V2 Job No. 20-535

Water meter only	43	x	\$390	=	\$16,770
	47		\$680.0		\$31,960.00
			0		Less \$1,844 paid for proposed Lot 2 in Release No. 1

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

Note: The water meters for the two existing dwellings will be replaced with smart meters by Council.

(AMENDED BY MA0020/2021)

- 38. The developer is to provide a sewer junction for each lot in the subdivision. This can be achieved by making a payment to Council of ~~\$1,700~~ **\$1,803.00** per new junction to cover the cost of Council installing a junction in an existing main.

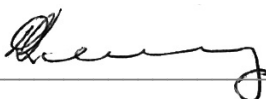
Note: Council does not permit other bodies to connect into 'live' water mains.


(AMENDED BY MA0020/2021)

- 39. (ADDED TO CONDITIONS 1E AND 30 BY MA0049/2019)

**ADVISORY NOTES**

- 2.
  - 1. The removal of trees within any road reserve requires the separate approval of Council in accordance with the policy "Tree Removal and Pruning - Public Places".
  - 2. The land upon which the subject building is to be constructed may be affected by restrictive covenants. This approval is issued without enquiry by Council as to whether any restrictive covenant affecting the land would be breached by the construction of the building, the subject of this approval. Persons to whom this approval is issued must rely on their own enquiries as to whether or not the building breaches any such covenant.
  - 3. Division 8.2 of the Environmental Planning and Assessment

  
 \_\_\_\_\_  
 Mayor

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



Act (EP&A Act) gives you the ability to seek a review of the determination. This request is made to Council and must be made within 6 months after the date on which you receive this notice. The request must be made in writing and lodged with the required fee; please contact Council's Development Department for more information or advice.

4. If you are dissatisfied with this decision section 8. 7 of the EP&A Act gives you the right to appeal to the Land and Environment Court within 6 months after the date on which you receive this notice.
5. To ascertain the extent to which the consent is liable to lapse, refer to Section 4.53 of the EP&A Act.

#### STATEMENT OF REASONS

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 4.55(1A) of the Environmental Planning and Assessment Act 1979.

(ADDED BY MA0020/2021)

3. The proposed development is considered satisfactory in terms of the matters identified in Section 4.15 of the Environmental Planning and Assessment Act 1979.

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

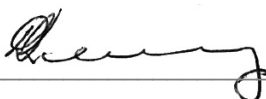
Councillors	Ayes	Nayes
Cr Kennedy	✓	
Cr Paine	✓	
Cr Cavalier	✓	
Cr Holden	✓	
Cr Karavas	✓	
Cr Martens	✓	
Cr O'Neill	✓	
Cr Shelley	✓	
Cr Thompson	✓	


8.8 PLANNING PROPOSAL LOT 1 DP130555, LOTS 93, 94, 97 AND 98 DP755426 AND LOT 1 DP712926, 37, 39, 139 AND 141 CALDERWOOD ROAD, RYLSTONE

GOV400088, LAN900120

15/21

**MOTION: Shelley / Paine**

  
 \_\_\_\_\_  
 Mayor

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

**That Council:**

1. receive the report by the Manager, Strategic Planning on the Planning Proposal Lot 1 DP130555, Lots 93, 94, 97 and 98 DP755426 and Lot 1 DP712926, 37, 39, 139 and 141 Calderwood Road, Rylstone;
2. provide initial support for the rezoning and change to minimum lot size of Lot 1 DP130555, Lots 93, 94, 97 and 98 DP755426 and Lot 1 DP712926, 37, 39, 139 and 141 Calderwood Road, Rylstone;
3. forward the Planning Proposal to amend the Mid-Western Regional Local Environmental Plan 2012 to the NSW Department of Planning Industry and Environment seeking a Gateway Determination, in accordance with Section 3.34 of the Environmental Planning and Assessment Act 1979; and
4. undertake community consultation as outlined within any approved Gateway Determination.

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

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

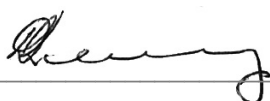
8.9 PLANNING PROPOSAL 313 MAGPIE LANE, GALAMBINE LOT 1 DP 174385 AND LOT 1 DP 1003242, REZONE TO R5 LARGE LOT RESIDENTIAL AND CHANGE THE MINIMUM LOT SIZE TO 2 HECTARES

GOV400088, LAN900117

MOTION: Thompson / Martens

**That Council:**

1. receive the report by the Manager, Strategic Planning on the Planning Proposal 313 Magpie Lane, Galambine Lot 1 DP 174385 and Lot 1 DP 1003242, rezone to R5 Large Lot Residential and change the minimum lot size to 2 hectares; and




2. provide initial support for the rezoning 313 Magpie Lane, Galambine Lot 1 DP 174385 and Lot 1 DP 1003242, to R5 Large Lot Residential and change the minimum lot size to 2 hectares;
3. forward the Planning Proposal to amend the Mid-Western Regional Local Environmental Plan 2012 to the NSW Department of Planning Industry and Environment seeking a Gateway Determination, in accordance with Section 3.34 of the Environmental Planning and Assessment Act 1979; and
4. undertake community consultation as outlined within any approved Gateway Determination.

16/21

**AMENDMENT: Paine / Shelley****That Council:**

1. **receive the report by the Manager, Strategic Planning on the Planning Proposal 313 Magpie Lane, Galambine Lot 1 DP 174385 and Lot 1 DP 1003242, rezone to R5 Large Lot Residential and change the minimum lot size to 2 hectares; and**
2. **not support the Planning Proposal as Council has a sufficient supply of land currently zoned and further land identified for R5 Large Lot Residential with a minimum area of 2 hectares zoned lots.**

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

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

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

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

Cr O'Neill	✓	
Cr Shelley	✓	
Cr Thompson		✓

The following recommendations (item 8.10 to item 9.10) 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.17/21 and concluding at Resolution No.34/21.

#### 8.10 MUDGEE HEALTH PRECINCT MASTER PLAN

GOV400088, PUB600024

**17/21 MOTION: Shelley / Paine**

**That Council:**

1. receive the report by the Senior Planner on the Mudgee Health Precinct Master Plan;
2. consider the submission received from the Mudgee Health Council; and
3. adopt the Mudgee Health Precinct Master Plan as exhibited.

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

#### 8.11 ACCEPTANCE OF GRANT FUNDING FROM NSW GOVERNMENT - THE FESTIVAL OF PLACE - SUMMER FUND

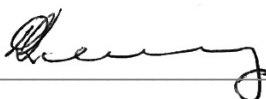
GOV400088, GRA600002


**18/21 MOTION: Shelley / Paine**

**That Council:**

1. receive the report by the Manager of Economic Development on the Acceptance of Grant Funding from NSW Government - The Festival of Place - Summer Fund;
2. accept \$10,000 in grant funding from the NSW Government, The Festival of Place – Summer Fund;
3. amend the 2020/21 Budget for the Fermenta event to include additional grant funding received of \$10,000 and increase expenditure by \$10,000; and
4. authorise the General Manager to finalise and sign the funding agreement with the NSW Government.

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

  
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 Mayor

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

8.12 ACCEPTANCE OF GRANT FUNDING FROM NSW  
GOVERNMENT - LOCAL SPORT DEFIBRILLATOR PROGRAM  
GOV400088, GRA60002

19/21 MOTION: Shelley / Paine

That Council:

1. receive the report by the Manager Economic Development on the Acceptance of Grant Funding from NSW Government - Local Sport Defibrillator Program;
2. accept \$2,600 in grant funding from the NSW Government, Local Sport Defibrillator Program;
3. amend the 2020/21 Active Parks Budget to set a expenditure budget of \$6,000, including grant funding of \$2,600, and Council funding from unrestricted cash of \$3,400; and
4. authorise the General Manager to finalise and sign the funding agreement with the NSW Government.

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

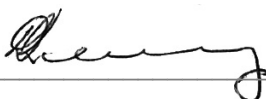
8.13 ACCEPTANCE OF GRANT FUNDING FOR NSW  
GOVERNMENT BUSHFIRE LOCAL ECONOMIC RECOVERY  
FUND


GOV400088, GRA600044

20/21 MOTION: Shelley / Paine

That Council:

1. receive the report by the Manager Economic Development on the Acceptance of Grant Funding for NSW Government Bushfire Local Economic Recovery Fund;
2. accept \$859,700 in grant funding from the Bushfire Local Economic Recovery Fund for the following projects, if successful:
  - \$247,000 towards shared pathways extending into and around Glen Willow and the Putta Bucca Wetlands area;
  - \$612,700 towards Putta Bucca Wetlands Infrastructure;
3. amend the 2020/21 Budget and 2017/21 Delivery Program

  
\_\_\_\_\_  
Mayor

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

as follows:

- in 2020/21 for shared pathways extending into and around Glen Willow and the Putta Bucca Wetlands area, increase expenditure budget by \$247,000 to be fully funded by grant funding;
  - in 2021/22 for Putta Bucca Wetlands Infrastructure, set an expenditure budget of \$612,700 to be fully funded by grant funding; and
4. authorise the Mayor or General Manager to finalise and sign the funding agreement with the NSW Government for NSW Bushfire Local Economic Recovery Fund if, the funding application is successful.

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

8.14 DELIVERY PROGRAM 2017/21 SIX MONTHLY PROGRESS REPORT

GOV400088, COR400116

**21/21 MOTION: Shelley / Paine**

**That Council receive the report by the Manager Financial Planning on the Delivery Program 2017/21 Six Monthly Progress Report.**

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

8.15 LAND & HOUSING SUPPLY MONITOR 1 JULY 2020 - 31 DECEMBER 2020

GOV400088, LAN900042

**22/21 MOTION: Shelley / Paine**

**That Council receive the report by the Manager, Strategic Planning on the Land & Housing Supply Monitor 1 July 2020 - 31 December 2020.**

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

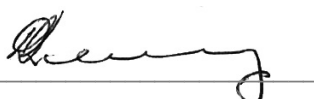
8.16 MONTHLY DEVELOPMENT APPLICATIONS PROCESSING AND DETERMINED

GOV400088, A0420109

**23/21 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.*



8.17 ACCEPTANCE OF GRANT FUNDING FROM  
COMMONWEALTH GOVERNMENT LOCAL ROADS AND  
COMMUNITY INFRASTRUCTURE PROGRAM - PHASE 2.  
GOV400088, GRA600044

**24/21 MOTION: Shelley / Paine**

**That Council:**

1. receive the report by the Manager Economic Development on the Acceptance of Grant Funding from Commonwealth Government Local Roads and Community Infrastructure Program - Phase 2;
2. accept \$1,681,057 in grant funding from the Local Roads and Community Infrastructure Program – Phase 2;
3. amend the 2020/21 budget to allocate expenditure of \$840,500 on the road extensions between Putta Bucca and Glen Willow, funded from federal grant funding;
4. amend the 2021/22 budget to allocate expenditure of \$840,557 on the road extensions between Putta Bucca and Glen Willow, funded from federal grant funding; and
5. authorise the Mayor or General Manager to finalise and sign the funding agreement with the Commonwealth Government for the Local Roads and Community Infrastructure Fund.

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

**Item 9: Finance**

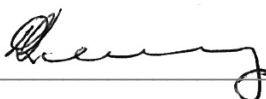
9.1 QUARTERLY BUDGET REVIEW STATEMENT DECEMBER  
2020


GOV400088, FIN300240

**25/21 MOTION: Shelley / Paine**

**That Council:**

1. receive the report by the Manager Financial Planning on the Quarterly Budget Review Statement December 2020;
2. amend the 2020/21 Budget in accordance with the proposed variations as listed in the Quarterly Budget Review Statement attachment to this report; and
3. note the opinion of the Responsible Accounting Officer

  
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Mayor

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

**regarding the satisfactory financial position of Council, based upon the revised estimates of income and expenditure.**

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

9.2 CLASSIFICATION OF LAND - LOT 1 DP739918 AT 70 - 76  
COURT STREET MUDGEE

GOV400088, P1122711

**26/21 MOTION: Shelley / Paine**

**That Council:**

1. **receive the report by the Property Officer on the Classification of Land - Lot 1 DP739918 at 70 - 76 Court Street Mudgee; and**
2. **classify Allotment 1 DP739918 at 70 - 76 Court Street Mudgee as Operational Land in accordance with Chapter 6 Part 2 Division 1 Local Government Act 1993.**

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

9.3 NAMING OF NEW STREETS IN A SUBDIVISION OFF  
FAIRYDALE LANE MUDGEE

GOV400088, R0790141 P20790 P20791 P25906

**27/21 MOTION: Shelley / Paine**

**That Council:**

1. **receive the report by the Property Support Officer on the naming of new streets in a subdivision off Fairydale Lane; and**
2. **name street 1 Dunnachie Street, name street 2 Goodlet Lane and name street 3 McEwan Street.**

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

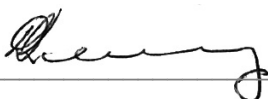
9.4 NAMING OF A PARK AT 6 JOSEPH PLACE BOMBIRA

GOV400088, PAR300020 P26088

**28/21 MOTION: Shelley / Paine**

**That Council:**

1. **receive the report by the Property Support Officer on the naming of a park at 6 Joseph Place Bombira; and**





**2. support the name of Bucholtz Park.**

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

**9.5 CLASSIFICATION OF LAND - LOT 1 DP1252505 AND LOT 2 DP1252505 AT 58 PITTS LANE, PUTTA BUCCA FOR PEDESTRIAN ACCESS AND FUTURE DEVELOPMENT.**

GOV400088, P0309411, F0650099

**29/21 MOTION: Shelley / Paine****That Council:**

- 1. receive the report by the Property Officer on the Classification of Land - Lot 1 DP1252505 and Lot 2 DP1252505 at 58 Pitts lane, PUTTA BUCCA ; and**
- 2. classify Allotment 1 DP1252505 and Allotment 2 DP1252505 at 58 Pitts lane, PUTTA BUCCA as Operational Land in accordance with Chapter 6 Part 2 Division 1 Local Government Act 1993.**

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

**9.6 MONTHLY STATEMENT OF INVESTMENTS AS AT 31 DECEMBER 2020**

GOV400088, FIN300053

**30/21 MOTION: Shelley / Paine****That Council:**

- 1. receive the report by the on the Monthly Statement of Investments as at 31 December 2020; and**
- 2. note the certification of the Responsible Accounting Officer.**

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

**9.7 MONTHLY STATEMENT OF INVESTMENTS AS AT 31 JANUARY 2021**

GOV400088, FIN300053

**31/21 MOTION: Shelley / Paine****That Council:**

- 1. receive the report by the on the Monthly Statement of**

**Investments as at 31 January 2021; and**

- 2. note the certification of the Responsible Accounting Officer.**

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

**9.8 POLICY REVIEW - COMMUNITY GRANTS PROGRAM**

GOV400088, GRA600009

**32/21****MOTION: Shelley / Paine****That Council:**

- 1. receive the report by the Manager Financial Planning on the Policy Review - Community Grants Program;**
- 2. place the revised Community Grants Program Policy on public exhibition for 28 days; and**
- 3. adopt the revised Community Grants Program Policy if no submissions are received.**

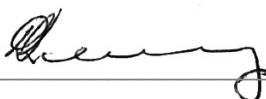

*The motion was carried with the Councillors voting unanimously.*

**9.9 WILPINJONG COAL PTY LTD/PEABODY APPLICATION TO CLOSE & PURCHASE CERTAIN COUNCIL ROADS**

GOV400088, GOV400087, ROA00007

**33/21****MOTION: Shelley / Paine****That Council:**

- 1. receive the report by the on the Wilpinjong Coal Pty Ltd/Peabody Application to Close & Purchase Certain Council Roads;**
- 2. agree in principle to the closure and, once closed, sale of the closed Roads to Wilpinjong Pty Ltd/Peabody as outlined in Attachment 1 to this Report;**
- 3. propose the closure, pursuant to Part 4 Division 3 Roads Act 1993, of the Council Public roads as outlined in Attachment 1 appended to this Report;**
- 4. Give notice, pursuant to s38B Roads Act 1993, of the proposal to close the Council Public roads as outlined in Attachment 1 appended to this Report;**
- 5. receive a further report after the notice period pursuant to**

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

- s38B Roads Act 1993 has ended to consider any submissions received and then, pursuant to s38D Roads Act 1993 determine whether the Council Public Roads as outlined in Attachment 1 appended to this Report, are to be closed;
6. obtain valuations in accordance with the Land Acquisition and Disposal Policy for the Council Public Roads as outlined in Attachment 1 appended to this Report;
  7. authorise the General Manager to negotiate a sale price for the transfer of ownership of the Council Public Roads as outlined in Attachment 1 appended to this Report, and present the proposal in a further report to Council;
  8. authorise the General Manager to sign all documentation, where necessary, in relation to the proposed closure and subsequent sale of the Council Public Roads as outlined in Attachment 1 appended to this report;
  9. authorise the Mayor to sign any documentation, where additionally required to do so, in relation to the proposed closure and subsequent sale of the Council Public Roads as outlined in Attachment 1 appended to this report;
  10. authorise the Common Seal of Council be affixed to all documentation, where necessary, in relation to the proposed closure and subsequent sale of the Council Public Roads as outlined in Attachment 1 appended to this report; and
  11. require Wilpinjong Coal Pty Ltd/Peabody be responsible for all costs, including Council's reasonable legal costs and the cost of the relevant valuation reports obtained by Council associated with the proposed closure and subsequent sale in relation to the proposed closure and subsequent sale of the Council Public Roads as outlined in Attachment 1 appended to this report.

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

#### 9.10 MONTHLY BUDGET REVIEW - JANUARY 2021

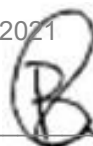
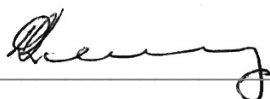
GOV400088, FIN300240

**34/21 MOTION: Shelley / Paine**

**That Council receive the report by the on the Monthly Budget Review - January 2021.**

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

#### 9.11 COMMUNITY GRANTS PROGRAM - FEBRUARY 2021



GOV400088, FIN3000159

**35/21 MOTION: Shelley / Cavalier****That Council:**

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

<b>Rylstone District Historical Society</b>	<b>\$188</b>
<b>CWA - Kandos Branch</b>	<b>\$10,000</b>

3. confirm grant funding approved for Bullarama for April 2021.

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

#### 9.12 MUDGEE AIRPORT DEVELOPMENT

GOV400088, DA0218/2019, F0470025

**36/21 MOTION: Paine / Karavas****That Council:**

1. receive the report by the Chief Financial Officer on the Mudgee Airport Development;
2. note the previous Resolution Minute 218/20 to lease Allotments 1-14 of the proposed subdivision plan appended as Attachment 1 to this Report for a period of 25 years, in line with the Airport Masterplan 2015;
3. request two further business cases be developed, for consideration:
  - 3.1 sale of some, or all, of the allotments by Private Treaty; and
  - 3.2 offering a lease option for some, or all, allotments for a period of 99 years;
4. note the valuation of developed allotments at current market value appended to this report as confidential attachment 3; and

5. **request a further report be brought back to Council with the outcome of the business case reviews, and a summary of costs and progress on the subdivision to date.**

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

**Item 10: Operations**

Nil

**Item 11: Community**

The following recommendations (item 11.1 to item 12.8) 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.37/21 and concluding at Resolution No.47/21.

11.1 ACCEPTANCE OF GRANT FUNDING FOR THE RYLSTONE GUIDE HALL

GOV400088, GRA600044, COR400388

**37/21 MOTION: Shelley / Cavalier**

**That Council:**

1. **receive the report by the Building Services Coordinator on the Acceptance of Grant Funding for the Rylstone Guide Hall;**
2. **accept \$20,000 in grant funding from NSW Government 2020 Community Building Partnership Program;**
3. **amend the 2020/21 Budget to allocate \$20,000 grant funding, and reduce the transfer from Asset Replacement Reserve by \$20,000; and**
4. **authorise the General Manager to finalise and sign the funding agreement with NSW Government.**

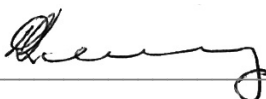
*The motion was carried with the Councillors voting unanimously.*


11.2 GLEN WILLOW STAGE 2 PROJECT UPDATE

GOV400088, COR400303, COR400277, COR400332, PAR300584, COR400273

**38/21 MOTION: Shelley / Cavalier**

**That Council receive the report by the on the Glen Willow Stage 2 Project Update.**

  
\_\_\_\_\_  
Mayor

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

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

11.3 MUDGEE REGIONAL ART GALLERY PROJECT UPDATE  
GOV400088, COR400301, REC800038

**39/21 MOTION: Shelley / Cavalier**

**That Council receive the report by the on the Mudgee Regional Art Gallery Project Update.**

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

**Item 12: Reports from Committees**

12.1 MID-WESTERN REGIONAL COUNCIL ACCESS COMMITTEE  
GOV400088, COS300797

**40/21 MOTION: Shelley / Cavalier**

**That Council:**

- 1. receive the report by the Manager, Community Services on the Mid-Western Regional Council Access Committee; and**
- 2. note the minutes of the Mid-Western Regional Council Access Committee meetings convened on 3 November and 1 December 2020.**

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

12.2 CULTURAL DEVELOPMENT COMMITTEE  
GOV400088, REC800019

**41/21 MOTION: Shelley / Cavalier**

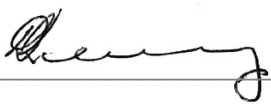
**That Council:**


- 1. receive the report by the Manager, Community Services on the Cultural Development Committee; and**
- 2. note the minutes of the Cultural Development Committee meeting convened on 25 November 2020.**

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

12.3 MID-WESTERN REGIONAL YOUTH COUNCIL  
GOV400088, COS300610

**42/21 MOTION: Shelley / Cavalier**

  
\_\_\_\_\_  
Mayor

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

**That Council:**

1. receive the report by the Manager, Community Services on the Mid-Western Regional Youth Council;
2. note the minutes of the Mid-Western Regional Youth Council meetings convened on 13 October and 8 December 2020; and
3. endorse Imogen Barrett as a Youth Councillor.

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

12.4 GULGONG MEMORIAL HALL COMMITTEE 10 OCTOBER  
2020

GOV400088, A0100024

43/21

**MOTION:** Shelley / Cavalier

**That Council:**

1. receive the report by the Manager, Customer Services on the Gulgong Memorial Hall Committee; and
2. note the minutes from the Gulgong Memorial Hall Committee meeting held 10 November 2020.

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

12.5 RED HILL COMMITTEE MEETING 4 NOVEMBER 2020

GOV400088, A0190002

44/21

**MOTION:** Shelley / Cavalier

**That Council:**

1. receive the report by the Manager, Customer Services on the Red Hill Committee Meeting 4 November 2020; and
2. note the minutes of the Red Hill Committee meeting held on 4 November 2020.

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

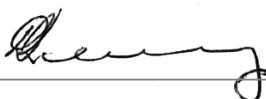
12.6 LOCAL TRAFFIC COMMITTEE - DECEMBER 2020 MEETING


GOV400088, A0100009

45/21

**MOTION:** Shelley / Cavalier

**That Council:**

  
\_\_\_\_\_  
Mayor

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

1. **receive the report by the Administration Officer, Operations on the Local Traffic Committee - December 2020 Meeting; and**
2. **accept the General Business items and comments accordingly.**

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

12.7 MUDGEE SPORTS COUNCIL MEETING MINUTES 23  
NOVEMBER 2020

GOV400088, A0360013

**46/21 MOTION: Shelley / Cavalier**

**That Council:**

1. **receive the report by the Manager - Recreation Services on the Mudgee Sports Council Meeting Minutes 23 November 2020; and**
2. **note the minutes for the Mudgee Sports Council Meeting held on 23 November 2020.**

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

12.8 GULGONG SPORTS COUNCIL MEETING MINUTES & AGM  
MINUTES 10 NOVEMBER 2020

GOV400088, A0360003

**47/21 MOTION: Shelley / Cavalier**

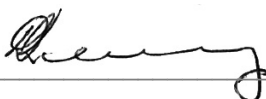
**That Council:**


1. **receive the report by the on the Gulgong Sports Council Meeting Minutes & AGM Minutes 10 November 2020; and**
2. **note the minutes of the Gulgong Sports Council meeting & Annual General Meeting held 10 November 2020.**

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

**Item 13: Urgent Business Without Notice**

Nil

  
\_\_\_\_\_  
Mayor

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



**Item 14: Confidential Session**

Nil

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


Nil

**Item 16: Open Council**

**Item 17: Closure**

There being no further business the meeting concluded at 6.52pm.

  
\_\_\_\_\_  
Mayor

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