

MINUTES OF THE ORDINARY MEETING OF COUNCIL HELD AT THE COUNCIL CHAMBERS, 86 MARKET STREET, MUDGEE ON WEDNESDAY 17 AUGUST 2011, COMMENCING AT 6.10 PM AND CONCLUDING AT 6.58 PM.

Present: Cr D Kennedy (Mayor), Cr R Holden, Cr E Lang, Cr EE Martens (AM), Cr PA Shelley, Cr JP Thompson, Cr MB Walker, Cr JK Weatherley, Cr JR Webb.

In Attendance: General Manager (W L Bennett), Group Manager Mid-Western Operations (B Cam), Group Manager Development and Community Services (C Van Laeren), Group Manager Finance and Administration (C Phelan), Team Leader Strategic Planning (E Densley), Manager Governance (I Roberts).

Media Representatives: Mudgee Guardian / The Weekly (R Murray), Radio 2MG (M Rock).

ITEM 1: APOLOGIES

There were no apologies.

ITEM 2: CONFIRMATION OF MINUTES

181/11 **MOTION: Holden / Lang**

**That the Minutes of the Ordinary Meeting held on 20 July 2011 (Minute Nos. 138/11 to 180/11) be taken as read and confirmed.**

*The motion was put and carried.*

ITEM 3: DISCLOSURES OF INTEREST

Councillor Lang declared a pecuniary interest in Item 5.1 of the Planning and Development Committee as he is the owner of the property which is the subject of this application.

Councillor Holden declared a pecuniary interest in Item 5.1 of the Planning and Development Committee as he owns property above the 520 AHD line and considers that that his property could be affected by this decision.

Councillor Holden declared a non pecuniary conflict of interest in Item 5.3 of the Finance and Corporate Committee as his father was a Korean War veteran.

Councillor Martens declared a pecuniary interest in Item 6.2.3 as she owns property in the former Rylstone Shire and Council is changing the minimum subdivision area.

Councillor Kennedy declared a pecuniary interest in Item 6.2.1 as he owns a Hotel in Mudgee.

Councillor Thompson declared a pecuniary interest in Item 6.2.1 as he has an interest in a Hotel in Mudgee

ITEM 4: MAYORAL MINUTE

There was no Mayoral Minute.

ITEM 5:           REPORTS FROM COMMITTEES  
                          PLANNING AND DEVELOPMENT COMMITTEE

182/11                   **MOTION:**                   Holden / Thompson

**That the matters resolved at the Planning and Development Committee meeting held on 3 August 2011 be received and confirmed.**

*The motion was put and carried.*

5.1   DA 0304/2011 - PROPOSED TWO LOT RURAL RESIDENTIAL  
SUBDIVISION, LOT 11 DP 1007792, 6 AVISFORD COURT, MUDGE  
A0100052, P1227164

Councillor Lang declared a pecuniary interest in that he is the owner of the property which is the subject of this application, left the meeting at 6.13 pm and did not participate in discussions or vote in relation to this matter.

Councillor Holden declared a pecuniary interest in that he owns property above the 520 AHD line and considers that that his property could be affected by this decision, left the meeting at 6.13 pm and did not participate in discussions or vote in relation to this matter.

183/11                   **MOTION:**                   Walker / Weatherley

- A.   **That the Report of the Manager Statutory Planning relating to the proposed subdivision of lot 11 DP 1007792, 6 Avisford Court Mudgee be noted;**
- B.   **That Council resolve to release the 88B Instrument that provides for a “Restriction       on the use of the land” that prohibits the further subdivision of the subject allotment.**
- C.   **That Development Application No. 03034/2011 for a two lot rural residential subdivision at lot 11 DP 1007792, 6 Avisford Court Mudgee be approved in accordance with the following conditions:**

**APPROVED PLAN**

- 1.   **Development is to be carried out in accordance with stamped plan Drawing No. 9435 – L01, Revision F, dated 05/05/2011 and Statement of Environmental Effects, April 2011, both prepared by Barnson and forming part of the development application received by Council on 27.04.2011 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.**

**PRIOR TO THE ISSUE OF CONSTRUCTION CERTIFICATE**

2. Engineering plans of any mains extensions are to be submitted to and approved by Council or an *Accredited Certifier* prior to the issue of a *Construction Certificate*.
3. A detailed engineering design supported by plans, and an "Autocad compatible" Plan, (in dwg format including pen-map), material samples, test reports and specifications is to be prepared in accordance with AUS-SPEC #1 (as modified by Mid Western Regional Council) and the conditions of this development consent. The engineering design is to be submitted to and approved by Council or an *Accredited Certifier* prior to the issue of a *Construction Certificate*.
4. A Construction Environmental Management Plan (CEMP) 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". The CEMP is to at a minimum address the following points:
  - Drainage reserves are to be turfed.
  - Single strip of turf to be laid behind kerb and gutter.
  - Saving available topsoil for reuse in the revegetation phase of the subdivision;
  - Using erosion control measures to prevent on-site damage;
  - Rehabilitating disturbed areas quickly;
  - Maintenance of erosion and sediment control structures;
  - A schedule of operations is to be submitted to ensure all appropriate works are undertaken at the correct stage;
  - Details of fill including source material and compaction methods;
  - Details of construction methods relating to the prevention and mitigation of groundwater disturbance and salinity.
5. Details of the proposed private water supply system are to be provided to Council with the application for Construction Certificate. The proposed lots will not have access to an urban reticulated water supply.

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

6. No construction is to commence before a *Construction Certificate* is issued for the subdivision works. The works are to be constructed in accordance with the plans and specifications referred to in the *Construction Certificate*.
7. All relevant measures specified in the CEMP are to be in place prior to the commencement of works.

#### **ENGINEERING CONSTRUCTION**

8. 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.
9. 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.
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. 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.
12. The applicant is to provide separate sewer reticulation services to each lot.
13. The developer is to extend and meet the full cost of sewerage reticulations to service the new lots plus the cost of connecting to existing services. All water and sewerage work is required to be carried out in accordance with the requirements of Mid-Western Regional Council (as the Water Supply Authority under the Local Government Act, 1993) and in accordance with the National Specification – Water & Sewerage Codes of Australia.
14. The construction of sewer mains such that there is a separate and distinct sewer connection located wholly within the boundary of each proposed allotment, in accordance with the Local Government (Water, Sewerage and Drainage) Regulation and the WSA 02-2002 Sewerage Code of Australia at full cost to the developer.
15. Three metre wide easements, including associated Section 88B 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 this subdivision.

#### **INSPECTIONS**

16. The subdivision works are to be inspected by the Council (or an *Accredited Certifier* on behalf of Council) to monitor compliance with the consent and the relevant standards of construction, encompassing the following stages of construction:

- Installation of sediment and erosion control measures

- Water and sewer line installation prior to backfilling
- Water and sewer line testing
- Establishment of line and level for kerb and gutter placement
- Road Pavement construction
- Road Pavement surfacing
- Practical Completion

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

17. A linen plan and two (2) copies are to be submitted to Council for approval and endorsement by the General Manager.
18. 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.
19. If the *Subdivision 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.
20. Prior to the issue of a *Subdivision Certificate*:
  - (a) all contributions must be paid to Council and all works required by the consent be completed in accordance with the consent, or
  - (b) an agreement be made between the developer and Council;
    - i) as to the security to be given to Council that the works will be completed or the contribution paid, and
    - ii) as to when the work will be completed or the contribution paid.
21. Following completion of the subdivision works, one full set of work-as-executed plans, in pdf and dwg format, which is "Autocad compatible" is to be submitted on disk 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.
22. Following completion of all engineering works, a bond of 5% of the value of such works (not carried out by Council) or a minimum of \$2000, whichever is the greater, shall be lodged with Council.

The bond may be provided by way of a monetary deposit with the Council or a bank guarantee to the satisfaction of the Council. If the applicant chooses to provide a bank guarantee, the guarantee must not specify any time limitations on the operation of the guarantee.

- 23. The developer is to ensure that all defects in the works that become apparent within twelve (12) months of Council accepting the works on maintenance are remedied to Council's satisfaction. If these defects are not satisfactorily remedied, Council may use bond monies to carry out rectification.

Any unexpended bond money will be returned to the developer at the end of the twelve (12) months period, less the estimated cost of any outstanding works.

- 24. Prior to issue of the Subdivision Certificate, Council is to be supplied with:
  - a) A certificate from an Energy supplier indicating that satisfactory arrangements have been made for provision of electricity supply to the subdivision.
  - b) A certificate from Telecommunications provider indicating that satisfactory arrangements have been made for provision of telephone services to the subdivision.
- 25. 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**

Catchment 2 – 1 Additional Lot

Program	Total \$
<i>Transport Management</i>	
Traffic Management	\$1,076.00
<i>Open Space</i>	
Local Open Space	\$1,691.00
District Open Space	\$2,296.00
<i>Community Facilities</i>	
Library Buildings	\$221.00
Library Resources	\$266.00
<i>Administration</i>	
Plan Administration	\$515.00
<b>PAYABLE per lot</b>	<b>\$6,065.00</b>
<b>TOTAL PAYABLE</b>	<b>\$6,065.00</b>

- 26. 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 head works at the following rate:

Water Head works	\$11,147.00 per lot = \$11,147.00
Sewerage Head works	\$ 3,563.00 per lot = \$ 3,563.00

27. 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 \$1,081.60 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 junctions into 'live' water mains.

28. A Restriction as to user is to be placed on the title of each new allotment in accordance with the Conveyancing Act which states that no further subdivision of the proposed lots is to occur. Council is to be a benefitting authority.
29. A Restriction as to user is to be placed on the title of each new allotment in accordance with the Conveyancing Act which states that dual occupancy is not permitted on the proposed lots. Council is to be a benefitting authority.
30. A Positive covenant is to be placed on the title of each new allotment in accordance with the Conveyancing Act which states a reticulated water supply is not available to the proposed allotments unless approved by Council, and if the lots are connected to the reticulated water supply system, the level of service cannot be guaranteed. Council is to be a benefitting authority.

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

<b>Councillors</b>	<b>Ayes</b>	<b>Nayes</b>
<i>Cr Kennedy</i>	✓	
<i>Cr Martens</i>		✓
<i>Cr Thompson</i>	✓	
<i>Cr Shelley</i>	✓	
<i>Cr Walker</i>	✓	
<i>Cr Weatherley</i>	✓	
<i>Cr Webb</i>	✓	

Councillors Lang and Holden returned to the meeting at 6.14 pm.

DA 0380/2011 – PROPOSED EXTENSION TO COMMERCIAL BUILDING  
AND SUBDIVISION, 75-77 MORTIMER STREET MUDGEE  
A0100052, P0022761

MOTION: Holden / Martens

That Development Application No. 0380/2011 for the proposed extension to a commercial building and proposed subdivision at 75-77 Mortimer Street Mudgee be approved with the following conditions;

**APPROVED PLANS**

1. Development is to be carried out generally in accordance with the approved plans (Project no. 11003, Drawing No. DA0000, DA1000, DA1200, DA1400, DA1500, DA8000, dated 17 June 2011) by Gardner Wetherill & Associates and Statement of Environmental Effects by Mid-Western Regional Council except as varied by any conditions listed herein.

**1a. AMENDMENTS**

The façade be amended to increase the depth of the engaged piers by 200-300 mm with a corresponding increase in the depth of the capping to match.

**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.

1. 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.
2. The Principal Certifying Authority (PCA) is to be provided with details regarding the provision of essential fire safety services in accordance with the BCA and relevant Australian Standards.
3. 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:

**CIVIC IMPROVEMENTS**

Civic Improvements \$61,008.00

**ADMINISTRATION**



Plan Administration	\$3,280.00
TOTAL PAYABLE	\$64,288.00

4. 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 lieu of car parking of:

TOTAL PAYABLE	\$ 340, 377.00
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5. 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.
6. A site supervisor is to be nominated by the applicant prior to issue of the *Construction Certificate*.
7. 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.
8. The applicant shall provide details of compliance with Part J (Energy Efficiency) of the BCA with the application for 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 relevant requirements

9. 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.
10. 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.
11. 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.
12. 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.

13. A sign shall be erected in a prominent position on the premises on which the erection or demolition of a building is being carried out showing:
  - (a) the name, address and telephone number of the principal certifying authority for the work, and
  - (b) stating that unauthorised entry to the premises is prohibited, and
  - (c) showing the name of the builder or other person in control of the premises and a telephone number at which the builder or other person may be contacted outside working hours. The sign shall be removed when the erection or demolition of the building has been completed.
  
14. Prior to the commencement of any construction works, the following provisions of the Environmental Planning and Assessment Act 1979 (the Act) are to be complied with:
  - a. A Construction Certificate is to be obtained in accordance with Section 81A(2)(a) of the Act.
  - b. A Principal Certifying Authority is to be appointed and Council is to be notified of the appointment in accordance with Section 81A(2)(b) of the Act.
  - c. Council is to be given at least 2 days notice of the date intended for commencement of building works, in accordance with Section 81A(2)(c) of the Act.
  
15. A Registered Surveyors Certificate showing the boundaries of the site and the proposed development plotted thereon being submitted to the Principal Certifying Authority prior to commencement of construction.

#### DEMOLITION WORKS

16. Any demolition works involving asbestos cement are to be carried out in accordance with the Work Cover NSW "Guidelines for Practises Involving asbestos Cement in Buildings".
  
17. 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
  
18. The demolition is to occur in such a manner so as to encourage the recycling and reuse of salvageable materials.

#### BUILDING CONSTRUCTION

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

19. All building work must comply with the requirements of the National Construction Code 2011, Volume One, together with the relevant Australian Standards and also the Environmental Planning and Assessment Act, 1979, as amended, and Regulations. Full details must be provided with the Construction Certificate application.
20. 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.
21. All plumbing and drainage work must be carried out by a licensed plumber and drainer and must comply with the requirements of AS 3500 (National Plumbing & Drainage Code) and the NSW Code of Practice – Plumbing & Drainage. The selected plumber/drainer must provide Council with a drainage diagram detailing the location of the drainage system and the relevant connections.  
All plumbing and drainage inspections must be carried out by Council prior to the covering of any trenches or wall/ceiling linings.
22. The strength of the concrete used for the reinforced concrete floor slab must be 25MPa (N25).
23. All mandatory inspections required by the Environmental Planning and Assessment Act and any other inspections deemed necessary by the Principal Certifying Authority being carried out during the relevant stages of construction.
24. Any liquid wastes from the premises, being discharged to the sewers under control of Mid-Western Regional Council is done so in accordance with Council's requirements.
25. The site must be provided with a waste enclosure (minimum 1800mm x 1800mm x 1200mm high) that has a lid or secure covering for the duration of the construction works to ensure that all wastes are contained on site. The enclosure is to be emptied periodically to reduce the potential for rubbish to be blown from the site. The Council encourages the separation and recycling of suitable materials.
26. Guttering and down piping shall be provided and roof water discharged in a manner that does not affect adjoining properties.
27. Runoff and erosion controls must be installed prior to clearing the site and incorporate:

- a. diversion of uncontaminated upslope runoff around cleared and/or disturbed areas and areas to be cleared and/or disturbed.
  - b. sediment control fences at the downslope perimeter of the cleared and/or disturbed area to prevent sediment and other debris escaping from the land to pollute any stream or body of water.
  - c. maintenance of all erosion control measures at maximum operational capacity until the land is effectively rehabilitated and stabilised beyond the completion of the development or particular stage of the development.
28. The placing of building materials or the carrying out of building operations upon or from Council's footway or roadway is prohibited unless prior consent in writing is obtained from Council.

#### ENGINEERING CONSTRUCTION

29. 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.
30. 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.
31. 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.

32. The building shall not be used or occupied until either an occupation certificate or an interim occupation certificate has been issued by the principal certifying authority.
33. For every 12 month period after the issue of the Final Fire Safety Certificate the owner/agent of the building must provide the Council with a copy of an Annual Fire Safety Statement certifying that specified fire safety measure is capable of performing to its specification.

#### 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.

34. All service vehicles are to enter and exit the public car park in a forward direction at all times.
35. The approved hours of operation for use of the premises are:  

Monday to Sunday                      8.30 am to 6.00 pm
36. All vehicles waiting loading or unloading shall be parked on site and not on adjacent or nearby public roads.
37. All loading and unloading in connection with the premises shall be carried out wholly within the site.
38. 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".
39. 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.

**PRIOR TO ISSUE OF SUBDIVISION CERTIFICATE**

These conditions have been imposed to ensure that the proposed subdivision complies with the requirements of the Environmental Planning and Assessment Act, 1979, Council policy and the relevant standards.

40. 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: Council's fee to issue a Subdivision Certificate is set out in Council's fees and charges and for this development, at the date of determination, is \$70).

41. A linen plan and two (2) copies are to be submitted to Council for approval and endorsement by the General Manager.
42. 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.
43. Any services affected by the proposed subdivision shall be relocated or new services provided so as to ensure that each allotment has the necessary services required to service the proposed development.

- 44. The applicants shall, at their own expense, engage a registered surveyor to relocate any survey mark that may be disturbed by the development or any associated work. Any information regarding relocation should be supplied to the Land Titles Office and Council.

184/11

**AMENDMENT: Walker / Thompson**

**That Development Application No. 0380/2011 for the proposed extension to a commercial building and proposed subdivision at 75-77 Mortimer Street Mudgee be approved with the following conditions;**

**APPROVED PLANS**

- 2. Development is to be carried out generally in accordance with the approved plans (Project no. 11003, Drawing No. DA0000, DA1000, DA1200, DA1400, DA1500, DA8000, dated 17 June 2011) by Gardner Wetherill & Associates and Statement of Environmental Effects by Mid-Western Regional Council except as varied by any conditions listed herein.

**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.

- 1. 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.
- 2. The Principal Certifying Authority (PCA) is to be provided with details regarding the provision of essential fire safety services in accordance with the BCA and relevant Australian Standards.
- 3. 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>CIVIC IMPROVEMENTS</b>	
Civic Improvements	<b>\$61,008.00</b>
<b>ADMINISTRATION</b>	
Plan Administration	<b>\$3,280.00</b>
<b>TOTAL PAYABLE</b>	<b>\$64,288.00</b>

4. 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 lieu of car parking of:

TOTAL PAYABLE	\$ 340, 377.00
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5. 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.
6. A site supervisor is to be nominated by the applicant prior to issue of the *Construction Certificate*.
7. 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.
8. The applicant shall provide details of compliance with Part J (Energy Efficiency) of the BCA with the application for 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 relevant requirements

9. 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.
10. 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.
11. 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.
12. 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.

13. A sign shall be erected in a prominent position on the premises on which the erection or demolition of a building is being carried out showing:

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

14. Prior to the commencement of any construction works, the following provisions of the Environmental Planning and Assessment Act 1979 (the Act) are to be complied with:

- d. A Construction Certificate is to be obtained in accordance with Section 81A(2)(a) of the Act.
- e. A Principal Certifying Authority is to be appointed and Council is to be notified of the appointment in accordance with Section 81A(2)(b) of the Act.
- f. Council is to be given at least 2 days notice of the date intended for commencement of building works, in accordance with Section 81A(2)(c) of the Act.

15. A Registered Surveyors Certificate showing the boundaries of the site and the proposed development plotted thereon being submitted to the Principal Certifying Authority prior to commencement of construction.

#### **DEMOLITION WORKS**

16. Any demolition works involving asbestos cement are to be carried out in accordance with the Work Cover NSW "Guidelines for Practises Involving asbestos Cement in Buildings".

17. 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

18. The demolition is to occur in such a manner so as to encourage the recycling and reuse of salvageable materials.

#### **BUILDING CONSTRUCTION**



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

19. All building work must comply with the requirements of the National Construction Code 2011, Volume One, together with the relevant Australian Standards and also the Environmental Planning and Assessment Act, 1979, as amended, and Regulations. Full details must be provided with the Construction Certificate application.
20. 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.
21. All plumbing and drainage work must be carried out by a licensed plumber and drainer and must comply with the requirements of AS 3500 (National Plumbing & Drainage Code) and the NSW Code of Practice - Plumbing & Drainage. The selected plumber/drainer must provide Council with a drainage diagram detailing the location of the drainage system and the relevant connections. All plumbing and drainage inspections must be carried out by Council prior to the covering of any trenches or wall/ceiling linings.
22. The strength of the concrete used for the reinforced concrete floor slab must be 25MPa (N25).
23. All mandatory inspections required by the Environmental Planning and Assessment Act and any other inspections deemed necessary by the Principal Certifying Authority being carried out during the relevant stages of construction.
24. Any liquid wastes from the premises, being discharged to the sewers under control of Mid-Western Regional Council is done so in accordance with Council's requirements.
25. The site must be provided with a waste enclosure (minimum 1800mm x 1800mm x 1200mm high) that has a lid or secure covering for the duration of the construction works to ensure that all wastes are contained on site. The enclosure is to be emptied periodically to reduce the potential for rubbish to be blown from the site. The Council encourages the separation and recycling of suitable materials.
26. Guttering and down piping shall be provided and roof water discharged in a manner that does not affect adjoining properties.

**27. Runoff and erosion controls must be installed prior to clearing the site and incorporate:**

- d. diversion of uncontaminated upslope runoff around cleared and/or disturbed areas and areas to be cleared and/or disturbed.**
- e. 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.**
- f. maintenance of all erosion control measures at maximum operational capacity until the land is effectively rehabilitated and stabilised beyond the completion of the development or particular stage of the development.**

**28. The placing of building materials or the carrying out of building operations upon or from Council's footway or roadway is prohibited unless prior consent in writing is obtained from Council.**

#### **ENGINEERING CONSTRUCTION**

**29.. 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.**

**30. 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.**

**31. 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.**

**32. The building shall not be used or occupied until either an occupation certificate or an interim occupation certificate has been issued by the principal certifying authority.**

**33. For every 12 month period after the issue of the Final Fire Safety Certificate the owner/agent of the building must provide the Council with a copy of an Annual Fire Safety Statement certifying**

that specified fire safety measure is capable of performing to its specification.

**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.

- 34. All service vehicles are to enter and exit the public car park in a forward direction at all times.
- 35. The approved hours of operation for use of the premises are:  

Monday to Sunday                      8.30 am to 6.00 pm
- 36. All vehicles waiting loading or unloading shall be parked on site and not on adjacent or nearby public roads.
- 37. All loading and unloading in connection with the premises shall be carried out wholly within the site.
- 38. 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".
- 39. 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.

**PRIOR TO ISSUE OF SUBDIVISION CERTIFICATE**

These conditions have been imposed to ensure that the proposed subdivision complies with the requirements of the Environmental Planning and Assessment Act, 1979, Council policy and the relevant standards.

- 40. 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: Council's fee to issue a Subdivision Certificate is set out in Council's fees and charges and for this development, at the date of determination, is \$70).

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

- 42. 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.
- 43. Any services affected by the proposed subdivision shall be relocated or new services provided so as to ensure that each allotment has the necessary services required to service the proposed development.
- 44. The applicants shall, at their own expense, engage a registered surveyor to relocate any survey mark that may be disturbed by the development or any associated work. Any information regarding relocation should be supplied to the Land Titles Office and Council.

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

<b>Councillors</b>	<b>Ayes</b>	<b>Nayes</b>
Cr Holden		✓
Cr Kennedy		✓
Cr Lang		✓
Cr Martens		✓
Cr Shelley	✓	
Cr Thompson	✓	
Cr Walker	✓	
Cr Weatherley	✓	
Cr Webb	✓	

ASSETS COMMITTEE

185/11

**MOTION:** Thompson / Webb

**That:**

- 1. the matters resolved at the Assets Committee meeting held on 3 August 2011 be received and confirmed.
- 2. the recommendations from the Assets Committee meeting held on 3 August 2011 in respect of the following items be adopted.
  - Rural Waste Transfer Stations – Bulk Storage

The motion was put and carried.

CULTURAL AND COMMUNITY SERVICES COMMITTEE

186/11                    **MOTION:**                    Lang / Webb

**That the matters resolved at the Cultural and Community Services Committee meeting held on 3 August 2011 be received and confirmed.**

*The motion was put and carried.*

FINANCE AND CORPORATE COMMITTEE

187/11                    **MOTION:**                    Walker / Martens

**That:**

1.    the matters resolved at the Finance and Corporate Committee meeting held on 3 August 2011 be received and confirmed with the exception of Item 5.3.
2.    the recommendations from the Finance and Corporate Committee meeting held on 3 August 2011 in respect of the following items be adopted.
  - Financial Assistance – Tier 1 Applications
  - Financial Assistance – Tier 2 Applications

*The motion was put and carried.*

5.3    REQUEST FOR PLAQUES TO BE ERECTED IN MEMORY OF THE KOREAN WAR – MUDGEES RSL SUB BRANCH

A0100052, A0310010, F0650101

Councillor Holden declared a non pecuniary conflict of interest as his father was a Korean War veteran, left the meeting at 6.25 pm and did not participate in discussions or vote in relation to this matter.

188/11                    **MOTION:**                    Thompson / Webb

**That:**

1.    the report by the General Manager on the request for plaques to be erected in memory of the Korean War be received;
2.    Council support the Mudgee RSL sub branch's request for the plaques to be erected on one of the boulders that surround the cenotaph.

*The motion was put and carried.*

Councillor Holden returned to the meeting at 6.26 pm.

ITEM 6: GENERAL BUSINESS

6.1 NOTICES OF MOTION

6.1.1 MEETINGS WITH MINISTERS

A0100035, A0100052, A0310010

This matter was withdrawn.

6.1.2 GLEN WILLOW

A0100035, A0100052, F0650099, F0650108

MOTION: Thompson / Martens

That Council immediately approach the relevant authorities to have a levy bank constructed at Glen Willow to protect our multi million dollar Sports complex from flooding.

189/11

AMENDMENT: Holden / Shelley

**That no action be taken to extend the levy banks at Glen Willow other than the completion of the levy bank around the main field.**

*The amendment was put and carried and on being put as the motion was again carried.*

6.1.3 REDBANK CREEK DAM

A0100035, A0100052, F0710004, F0710006

190/11

MOTION: Holden / Shelley

**That Council takes no further action in regard to any aspects of the Redbank Dam Wall until the ownership issues that Council is disputing are determined by the State Government or the Courts.**

AMENDMENT: Thompson / Martens

That Council immediately contact the Dam Safety Committee explaining the damage done by the hole in the Redbank wall and future worse damage, and that it is their responsibility to rectify the problems their directions have caused.

*The amendment was put and lost. The motion was put and carried.*

6.2 REPORTS TO COUNCIL

6.2.1 SECTION 96 APPLICATION (MI0045/2011) – TEMPORARY ACCOMODATION AT THE PARAGON HOTEL, LOTS 1 AND 2 DP 730123, 38 PERRY STREET, MUDGEE

A0100052, P0217561

Councillor Kennedy declared a pecuniary interest as he owns a Hotel in Mudgee left the meeting at 6.39 pm and did not participate in discussions or vote in relation to this matter. In his absence, Councillor Walker assumed the Chair.

Councillor Thompson declared a pecuniary interest as he has an interest in a Hotel in Mudgee, left the meeting at 6.39 pm and did not participate in discussions or vote in relation to this matter.

191/11                    **MOTION:**                    **Lang / Shelley**

**That consideration of this matter be deferred for an on-site inspection with Council staff and Councillors..**

*The motion was put and carried.*

Councillors Kennedy and Thompson returned to the meeting at 6.40 and Councillor Kennedy resumed the Chair.

6.2.2 MODIFICATION TO ULAN CONTINUED OPERATIONS PROJECT  
– SUBMISSION TO ENVIRONMENTAL ASSESSMENT – PROJECT  
APPROVAL 08\_0184

A0100052, A0420176

192/11                    **MOTION:**                    **Weatherley / Webb**

**That:**

1. **the report from the Manager Statutory Planning regarding the proposed amendment to Project Approval 08\_0184 – Ulan Continued Operations be received;**
2. **Council make a submission stating that Council has no issues to raise regarding the proposed amendment.**

*The motion was put and carried.*

6.2.3 DRAFT MID-WESTERN LOCAL ENVIRONMENTAL PLAN 2011  
SECTION 65 CERTIFICATE AND CONFIRMATION OF THE LAND  
USE STRATEGY

A0100052, A0420220

Councillor Martens declared a pecuniary interest as she owns property in the former Rylstone Shire and Council is changing the minimum subdivision area, left the meeting at 6.43 pm and did not participate in discussions or vote in relation to this matter.

193/11                    **MOTION:**                    **Weatherley / Shelley**

**That:**

1. **the report by Group Manager Development and Community Services on the conditional Section 65 Certificate for the Draft Mid-Western Local Environmental Plan 2011 and the confirmation of the Land Use Strategy, and the supplementary report on the review of the Land Use Tables and Matrix for the Draft Mid-Western Local Environmental Plan 2011 be received;**

2. Council accept the amendment of the Comprehensive Land Use Strategy as outlined in the letter from the Department of Planning and Infrastructure dated 1 August 2011 and adopt the amended strategy;
3. subject to no material changes and upon approval from the Department of Planning and Infrastructure, Council commence exhibition of the Draft Mid-Western Local Environmental Plan 2011 dated 17 August 2011 for 28 days in accordance with the requirements of the Environmental Planning and Assessment Act 1979 and conditions outlined in the Section 65 Certificate;
4. that upon completion of the exhibition the outcomes of the exhibition and Draft Mid-Western Local Environmental Plan be reported back to Council.

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

<b>Councillors</b>	<b>Ayes</b>	<b>Nayes</b>
Cr Holden	✓	
Cr Kennedy	✓	
Cr Lang	✓	
Cr Shelley	✓	
Cr Thompson		✓
Cr Walker	✓	
Cr Weatherley	✓	
Cr Webb	✓	

Councillor Martens returned to the meeting at 6.44 pm.

**6.2.4 FOOD REGULATION ACTIVITY**

A0100052, a0130004, a0130009

194/11 **MOTION:** Holden / Shelley

**That the report by Technical Assistant – Health & Building on Food Regulation Activity be received.**

The motion was put and carried.

**6.2.5 BEECHWORTH ROAD**

A0100052, R0790022, R4241001

195/11 **MOTION:** Walker / Shelley

**That:**

1. the report by the Manager Governance on Beechworth Road be received;
2. Council confirm that it will not extend Beechworth Road



3. Council will seek to dedicate as a Council road only that part of the road known as Beechworth Road and shown coloured red on the attached plan;
4. Council continue discussions with the Land & Property Management Authority to formalise the location of Beechworth Road.
5. Council advises the property owners in the area that it sees the issue of access to those properties not adjacent to Beechworth Road as a private matter and not Council responsibility.

*The motion was put and carried.*

6.2.6 ROAD NAMING POLICY

A0100052, A0100021, R0790141, R0790041

196/11

**MOTION:** Holden / Lang

**That:**

1. the report by the Manager Governance on the implementation of a policy on road naming be received; and
2. Council adopt the attached Road Naming Policy.

*The motion was put and carried.*

6.2.7 MUDGEE AND GULGONG ACCESS COMMITTEE – JULY 2011

A0100052, A0060008

197/11

**MOTION:** Walker / Webb

**That:**

1. the report by Customer Service Manager on the Mudgee and Gulgong Access Committee be received;
2. Council note the minutes of the Mudgee and Gulgong Access Committee Meeting held on 6 July 2011.

*The motion was put and carried.*

6.2.8 REQUEST BY HENBURY SPORT AND RECREATION CLUB INC.  
FOR FINANCIAL ASSISTANCE

A0100052,

198/11

**MOTION:** Shelley / Holden

**That:**

1. the report by the Manager Governance on the request from the Henbury Sport & Recreation Club Inc for financial assistance be received;
2. Council provide funding in the amount of \$2,000 to the Henbury Sport & Recreation Club Limited to assist with beautification of the frontage of the golf course along Bylong Valley Way in accordance with the guidelines of the Financial Assistance Policy - Tier 1, with funding from the general financial assistance vote.
3. Council review the funding available in the financial assistance vote during consideration of the next Quarterley Review.

*The motion was put and carried.*

6.2.9 ROADS BUDGET 2011/2012

A0100052,

199/11

**MOTION:** Weatherley / Walker

**That:**

1. the report by Business Manager Works on the Roads Budget 2011/2012 be received;
2. Council approve that \$82,880 be reallocated from Urban Local Sealed Reseals to Local Sealed Reseals.
3. Council approve that \$65,000 be reallocated from Regional Seal Extension to Regional Rehab - Cope Rd.
4. Council approve the proposed allocation of funds, as set out below:

Mid Western Regional Council Operations				
Roads Programme - Capital Projects 2011/2012				
	Job No.	DESCRIPTION	PROPOSED BUDGET	PROJECT BUDGET ESTIMATES
<b>STORM WATER DRAINAGE</b>			<b>130,270</b>	
	35612	CULVERT INSTALLATIONS	70,270	70,270
	35613	CAUSEWAY IMPROVEMENTS	60,000	
	NEW	<i>Buckaroo Lane</i>		30,000
	NEW	<i>Ulan Wollar Road (2nd Rail Crossing)</i>		30,000
<b>URBAN RDS -LOCAL</b>			<b>628,500</b>	
	60200/60299	URBAN RESEALS / REHABS - BUDGET ONLY	628,500	
		<b>RESEALS</b>		
	60253	<i>Inglis Street Reseal (Church to Lawson)</i>		28,000
	60257	<i>Denison Street Reseal (Gawthorne to Rayner)</i>		21,000
	60260	<i>Gawthorne Place Reseal (Denison to end)</i>		12,300
	60262	<i>Smith Street Reseal (Denison to Cox)</i>		15,000
	60254	<i>Lewis Street Reseal (Mears to Railway)</i>		17,500
	60258	<i>Court Street (Short to Market)</i>		10,500
	60259	<i>Spring Road (Oporto to Robertson)</i>		38,700
	60271	<i>Loftus Street Reseal (Full Length)</i>		11,600
	NEW	<i>Herbert (Robinson to Queen)</i>		14,000
	NEW	<i>Memorial Hall Car Park (Gulgong)</i>		3,500
	NEW	<i>Prince of Wales Car Park (Gulgong)</i>		4,000
	60267	<i>Dawson Street (Mudgee to End)</i>		9,900
	60269	<i>Mellon Street (Louee to Carwell)</i>		8,500

	60319	<i>Lewis Horatio Intersection Rehab</i>		155,500
	60251	<i>Market Street Rehab (Perry to Douro)</i>		250,000
	60316	<i>Mayne Street Rehab (Medley to 100m west)</i>		28,500
	60315	<i>Rehab - Depot Rd</i>		
<b>SEALED RURAL RDS -LOCAL</b>			<b>1,704,300</b>	
	61013	<b>RURAL RD MTCE - CHARBON AREA</b>	<b>50,000</b>	
		<i>Shoulder widening Cooper Drive (Rail Crossing to BVW)</i>		50,000
	61100/61200	<b>RURAL SEALED ROADS RESEALS / REHABS - BUDGET ONLY</b>	<b>1,654,300</b>	
		<b>RESEALS</b>		
	61219	<i>Lue Road Havilah North Reseal</i>		30,000
	61220	<i>Henry Lawson Drive Reseal</i>		60,000
	61152	<i>Lue Road Rocky Waterhole Road Intersection Reseal</i>		9,200
	61154	<i>Kains Flat Road Reseal</i>		60,000
	61155	<i>Lue Road Reseal (Hayes Gap Rd 1.2km West)</i>		62,200
	61157	<i>Mt Vincent Rd Reseal</i>		57,500
	61158	<i>Yarrawonga Road Reseal (Mt View Road)</i>		41,000
	61159	<i>Windeyer Road Reseal</i>		55,300
	61160	<i>Yarrabin Road Reseal</i>		37,000
	61161	<i>Spring Ridge Road Reseal</i>		18,200
	61166	<i>Narrango Road Reseal (Segment 30)</i>		45,000
	61168	<i>Narrango Road Reseal (Segment 40-50)</i>		25,000
	61167	<i>Old Mill Road Reseal (Shepherds Lane To Caladonia Street)</i>		25,500
	NEW	<i>Canary Rail Crossing Seal</i>		10,000
	NEW	<i>Beryl Rd Reseal</i>		42,000
	NEW	<i>Botobolar Rd Reseal</i>		40,880
		<b>REHABILITATION</b>		
	NEW	<i>Lue Road Havilar Missing Link</i>		685,520
	NEW	<i>Henry Lawson Drive 'S' Bends - North HL Bridge</i>		200,000
	NEW	<i>Cudgegong Road Guardrail Replacement</i>		150,000
<b>SEALED RURAL RDS - REGIONAL</b>			<b>2,412,546</b>	
	61502	<b>RURAL SEALED REGIONAL ROAD RESEALS /REHABS - BUDGET ONLY</b>	<b>650,826</b>	
	61620	<i>Gollan Road Reseal</i>		90,000
	61621	<i>Ulan Road Reseal (Cope to Toole)</i>		55,000
	62800	<i>Hill End Road Reseal</i>		55,000
	NEW	<i>Bylong Valley Way Rehab (Dabee to Bridge)</i>		60,000
	NEW	<i>Farrelly Street (BVW) reseal at Rylstone</i>		65,000
	NEW	<i>Bylong Valley Way Heavy Patching Program</i>		150,000
	61810	<i>Cope Road Rehab (West Sportsmans Hollow)</i>	<b>70,000</b>	245,826
	61600	<b>RURAL SEALED REGIONAL ROAD REPAIR PROGRAM - BUDGET ONLY</b>	<b>800,000</b>	
		<i>Ulan Road - REPAIR</i>		400,000
		<i>Gollan Road - REPAIR</i>		400,000
	61800	<i>Pitts Lane / Ulan Road Intersection</i>	<b>891,720</b>	891,720

<b>UNSEALED RURAL RDS - REGIONAL</b>		<b>225,000</b>	
	RURAL UNSEALED REGIONAL ROAD SEAL EXTENSION	<b>225,000</b>	
62800	<i>Seal Extension - Hill End Road</i>		225,000
<b>BRIDGES SEALED RURAL RDS - LOCAL</b>		<b>850,000</b>	
63601	<i>Carwell Creek Bridge</i>	<b>850,000</b>	850,000
<b>FOOTPATHS</b>		<b>205,000</b>	
65100	FOOTPATHS CAPITAL - BUDGET ONLY	<b>65,000</b>	65,000
65106	PEDESTRIAN - KANDOS TO CLANDULLA	<b>40,000</b>	40,000
65107	<i>Charbon Pedstrian Bridge</i>	<b>100,000</b>	100,000
<b>PARKING AREAS</b>		<b>700,000</b>	
66107	CARPARKING CAPITAL - MORTIMER ST	<b>700,000</b>	700,000
<b>TOTAL</b>			<b>6,855,616</b>

The motion was put and carried.

**6.2.10 MONTHLY STATEMENT OF MID-WESTERN REGIONAL COUNCIL  
BANK BALANCES AND INVESTMENTS AS AT 31 JULY 2011**

A0100052, A0140304

200/11

**MOTION: Holden / Martens**

That the Investment Report as at 31 July 2011 by the Management Accountant be received and the certification by the Responsible Accounting Officer noted.

The motion was put and carried.

**6.2.11 2010/11 DRAFT FINANCIAL STATEMENTS**

A0100052, a0149932

201/11

**MOTION: Weatherley / Holden**

**That:**

1. the report by the Group Manager Finance and Administration on the 2010/11 draft financial statements be received;
2. the 2010/11 Draft General Purpose Financial Reports and Special Purpose Financial Reports be referred for audit;
3. the Mayor, the Deputy Mayor, the General Manager and the Responsible Accounting Officer be authorised to sign the "Statement by Councillors and Management" on its opinion of the General Purpose Financial Reports and Special Purpose Financial Reports;
4. the General Manager be authorised to issue the 2010/11 Financial Reports immediately upon receipt of the Auditors Report, subject to there being no material audit adjustments or audit issues; and

5. **the General Manager be authorised to finalise the date at which the Auditors Report and Financial Reports for 2010/11 are to be presented to the public.**

*The motion was put and carried.*

6.2. 12 REVOTES FROM 2010/11 MANAGEMENT PLAN TO 2011/12 MANAGEMENT PLAN A0100052,

A0100052, A0149934, A0149935

202/11

**MOTION: Shelley / Walker**

**That:**

1. **the report by the Management Accountant on the revotes from the 2010/11 Management Plan to the 2011/12 Management plan be received; and**
2. **the 2011/12 Management Plan be amended to reflect the revote of budgets from 2010/11, as follows:**
  - **\$270,327 from General Fund Revenue**
  - **\$2,006,006 from General Fund Reserves**
  - **\$528,658 from Unspent Grants – General Fund**
  - **\$58,000 from VPA contributions**
  - **\$173,500 to be received from Grant funding in 2011/12**
  - **\$191,179 from Sewer Fund Reserves**
  - **\$205,694 from Water Fund Reserves**
  - **\$173,481 from Waste Fund Reserves**
  - **\$66,414 from Unspent Contributions – Waste Fund**

*The motion was put and carried.*

6.2. 13 JUNE 2011 QUARTERLY BUDGET REVIEW – 2010/11 MANAGEMENT PLAN

A0100052, a0149934

203/11

**MOTION: Lang / Holden**

**That:**

1. **the report by the Group Manager Finance and Administration on the June 2011 Quarterly Budget Review – 2010/11 Management Plan be received; and**
2. **the opinion by the Responsible Accounting Officer regarding the satisfactory financial position of Council, based upon revised estimates of income and expenditure, be noted.**

*The motion was put and carried.*

6.2. 14 MUDGEE REGION TOURISM INC QUARTERLY REPORT – JUNE 2011

A0100052, f0770077

204/11

**MOTION:**                      **Holden / Weatherley**

**That the report by the General Manager on the Mudgee Region Tourism Inc Quarterly Report for June 2011 be received.**

*The motion was put and carried.*

6.2.15 ROADS TO RECOVERY PROGRAM

A0100052, R0790005, A0040005, A0180012

205/11

**MOTION:**                      **Shellley / Webb**

**That:**

1.     **the report by the General Manager on the Roads to Recovery Program be received;**
2.     **Council calls on the Federal Government to:**
  - **recognise the successful delivery of the Roads to Recovery Program by local government since 2000;**
  - **continue the Roads to Recovery Program on a permanent basis to assist local government meet its responsibilities of providing access for its communities;**
  - **continue the Roads to Recovery Program with the current administrative arrangements; and**
  - **provide an increased level of funding under a future Roads to Recovery Program that recognises the shortfall of funding on local roads of \$1.2 billion annually.**

*The motion was put and carried.*

6.2.16 ECONOMIC AND SOCIAL DEVELOPMENT IN CENTRAL WESTERN NSW

A0100052, A0820020

206/11

**MOTION:**                      **Holden / Weatherley**

**That:**

1.     **the report by the General Manager on the Economic and Social Development in Central Western NSW be received;**
2.     **Council endorses the submission to the State Development Standing Committee incorporating the suggested amendments with the General Manager authorised to finalise and lodge the submission.**

*The motion was put and carried.*

ITEM 7: URGENT BUSINESS WITHOUT NOTICE

7.1 SALE OF LOTS IN THE MUDGEE AIRPORT SUBDIVISION

A0100052, P2033711, F0470025

207/11 **MOTION:** Shelley / Walker

**That this matter be dealt with as Urgent Business Without Notice.**

*The Mayor having ruled the matter to be of great urgency, the motion was put and carried.*

208/11 **MOTION:** Walker / Shelley

**That:**

1. the report by the Manager Governance on the sale of Lots 3, 4, 5, 6 & 7, DP 1167326 within the Mudgee Airport Subdivision be received;
2. all necessary documentation associated with the sale of Lots 3, 4, 5, 6 & 7, DP 1167326 be executed under Common Seal.

*The motion was put and carried.*

ITEM 8: CONFIDENTIAL SESSION

209/11 **MOTION:** Weatherley / Walker

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

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

**Subject:** Subject: Performance Agreement for General Manager

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

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

*The motion was put and carried.*



8.1 PERFORMANCE AGREEMENT FOR GENERAL MANAGER

A0100052, A0381421

210/11

**MOTION:** Walker / Lang

**That**

1. in accordance with the adopted performance agreement, the report on the General Manager's performance for the second four months of the 2010/11 financial year be received and noted;
2. Council assess the performance of the General Manager as being performance that exceeds requirements at times – high standards have been set and achieved in accordance with the agreed performance agreement;
3. Council authorises the bonus payment of \$20,000 in accordance with the Contract of Employment and the assessment of the General Manager's Performance in accordance with the agreed Performance Agreement;
4. Council sets the total remuneration of the General Manager for the new employment contract commencing the 21<sup>st</sup> August 2011 at the same amount including the at risk bonus of the expiring contract being \$251,499.

**AMENDMENT:** Holden / Martens

1. in accordance with the adopted performance agreement, the report on the General Manager's performance for the second four months of the 2010/11 financial year be received and noted;
2. Council assess the performance of the General Manager as being performance that exceeds requirements at times – high standards have been set and achieved in accordance with the agreed performance agreement;
3. Council sets the total remuneration of the General Manager for the new employment contract commencing the 21<sup>st</sup> August 2011 at the same amount including the at risk bonus of the expiring contract being \$251,499.

*The amendment was put and lost. The motion was put and carried.*

**ITEM 9: OPEN COUNCIL**

The Manager Governance announced the decision taken in Confidential Session.

**CLOSURE**

There being no further business the meeting concluded at 6.58 pm.